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| <b>Council</b>         |  |
| <b>Meeting Date</b>    | 10 <sup>th</sup> December 2025   |
| <b>Report Title</b>    | Draft Statement of Licensing Policy under the Licensing Act 2003   |
| <b>EMT Lead</b>        | Emma Wiggins, Director of Regeneration and Neighbourhoods  |
| <b>Head of Service</b> | Charlotte Hudson, Head of Housing and Community Services   |
| <b>Lead Officer</b>    | Johanna Thomas, Licensing Team Leader  |
| <b>Key Decision</b>    | No   |
| <b>Classification</b>  | <b>Open</b>  |
| <b>Recommendations</b> | 1. Council is asked, following a recent consultation and consideration by the Licensing Committee & the Policy and Resources Committee, to adopt the revised Statement of Licensing Policy under the Licensing Act 2003 in order that it can be published and come into effect from 12 <sup>th</sup> December 2025 |

## 1 Purpose of Report and Executive Summary

- 1.1 To apprise Members of the steps taken in reviewing the Statement of Licensing Policy under the Licensing Act 2003.
- 1.2 Council is requested to approve the revised Swale Statement of Licensing Policy under the Licensing Act 2003 attached as **Appendix I**.

## 2 Background

- 2.1 Section 5 of the Licensing Act 2003 (2003 Act) requires licensing authorities to prepare and publish a statement of its licensing policy every five years. current Statement of Licensing Policy was approved by Full Council on 31<sup>st</sup> March 2021, and will expire on 31<sup>st</sup> March 2026.
- 2.2 A new policy will need to be adopted before 31st March 2026, the Committee schedule has made it necessary to bring forward the policy for the period 12 December 2025 to 11 December 2030, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.
- 2.3 A review of the existing Statement of Licensing Policy was undertaken and a draft policy was presented to the Licensing Act 2003 Committee on 14th July 2025 for approval to be put out to public consultation.

- 2.4 Following the public consultation, the final draft policy was then presented to the Licensing Act 2003 Committee on 16th October where it was endorsed by Members.
- 2.5 On 5<sup>th</sup> November 2025 the draft policy was presented to the Policy and Resources Committee and received members recommendation to full Council.
- 2.6 It is now requested that Council formally adopt the Statement of Licensing Policy as required under the provisions of the Licensing Act 2003.

### **3 Proposals**

- 3.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix I** based on a review of our existing policy statement and taking into account the Statutory Guidance issued under Section 182 of the 2003 Act.
- 3.2 The changes to the Statement of Licensing Policy were of a minor or administrative nature; updating statistics, removal of out of date information and updates to contact information.

### **4 Alternative Options Considered and Rejected**

- 4.1 There are no alternative options, the Licensing Act 2003 requires that a local authority must have an adopted policy before discharging its functions under the Act.

### **5 Consultation Undertaken or Proposed**

- 5.1 The 2003 Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 25<sup>th</sup> July 2025 and ran for eight (8) weeks until 19<sup>th</sup> September 2025.
- 5.2 Consultees and consultation mechanisms were outlined to and agreed by Licensing Committee on 14<sup>th</sup> July 2025.
- 5.3 Despite the wide ranging consultation no responses were received. This may be because of the minor nature of the changes and that no consultee had anything they wished to comment on or propose changes.

## 6 Implications

| Issue  | Implications   |
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| Corporate Plan                               | <p>The service is an important regulatory function undertaken to ensure compliance with the 2003 Act and to promote the licensing objectives.</p> <p>There are links to:</p> <p>Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.</p> <p>Economy - Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.</p> <p>Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p> |
| Financial, Resource and Property             | <p>The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Licensing Act 2003 will not place and new financial resource implications on the Council</p>  |
| Legal ,Statutory and Procurement             | <p>Section 5 of the Licensing Act 2003 (as amended) requires a licensing authority to prepare and publish a statement of its policy every five years. During the five-year period, the policy must be kept under review</p>  |
| Crime and Disorder                           | <p>Fulfilling powers and duties under the Licensing Act 2003 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Licensing Act 2003 are:</p> <ul style="list-style-type: none"> <li>a) The prevention of crime and disorder;</li> <li>b) The protection of public safety;</li> <li>c) The prevention of public nuisance; and</li> </ul> <p>The protection of children from harm</p>  |
| Environment and Climate/Ecological Emergency | <p>No implications.</p>  |
| Health and Wellbeing                         | <p>Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents</p>  |
| Safeguarding of Children, Young              | <p>The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications.</p>  |

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| People and Vulnerable Adults          |   |
| Risk Management and Health and Safety | The publication of a Statement of Licensing Policy under the Licensing Act 2003 is a statutory requirement and failure to do so by the expiration of the current policy as required may lead to negative publicity and criticism from central government. Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent |
| Equality and Diversity                | This policy includes provisions for licence holders to meet requirements contained in the Equality Act 2010   |
| Privacy and Data Protection           | All applications processes will be in line with privacy and data protection regulations   |

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Draft Statement of Licensing Policy 2025 – 2030

## 8 Background Papers

None