

FULL COUNCIL – 9TH NOVEMBER 2010

LICENSING – DRAFT STATEMENT OF LICENSING POLICY

Report of the: **Director of Community and Planning Services**

Also considered by: Licensing Committee (13th October 2010)

Status: For Decision

Executive Summary:

The Licensing Act 2003 requires that the Council publish a ‘Statement of Licensing Policy’ that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

This Policy Statement will be presented to Full Council on the 9th November 2010, and will take effect from 7th January 2011 remaining in force for a period of 3 years. It can be subject to regular review by the Council. There will be further consultation prior to the tri-annual renewal of the policy.

The Statement of Licensing Policy is published every three years.

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

Portfolio Holder Cllr Mrs. Bracken

Head of Service Head of Environmental and Operational Services – Mr. Richard Wilson

Recommendation: Members are asked to recommend approval of the Statement of Licensing Policy including amendments identified in Appendix B for adoption by full Council.

Background

- 1 This ‘Statement of Licensing Policy’ has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities throughout the County.
- 2 The current ‘Statement of Licensing Policy’, which came into force on 7th January 2008 is in place until 6th January 2011.

Introduction

- 3 Sevenoaks District Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 4 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5 The draft 'Statement of Licensing Policy' is detailed in full in Appendix A

Key Implications

Financial

- 6 The failure of the Authority to review, consult and publish the Statement of Licensing Policy on a tri-annual basis may result in a Judicial review being brought against the Council.

Legal, Human Rights etc.

- 7 Should parts of the industry believe the authority's 'Statement of Licensing Policy' is not sound it would be open to them to undertake judicial review proceedings.
- 8 This policy has been written in consultation with legal services to ensure we are compliant with the Licensing Act 2003.

Conclusions

- 9 Sevenoaks District Council as the licensing authority must use this 'Statement of Licensing Policy' in the day-to-day operation of processing and granting of all licences and notices under the Licensing Act 2003.
- 10 Any changes or amendments between 7th January 2011 and 6th January 2014 will be subject to further consultation and approval by Full Council.

Sources of Information: <http://www.culture.gov.uk>

Licensing Act 2003

Guidance issued under section 182 of the
Licensing Act 2003

<http://www.lacors.gov.uk>

Local Authorities Coordinators of Regulatory
Services

Judicial review result from Canterbury City Council

Current 'Statement of Licensing Policy'

Draft 'Statement of Licensing Policy' (Appendix A)

Contact Officer(s):

Claire Perry Ext. 7325.

Anthony Garnett Ext. 7339

**KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES
DIRECTOR**

RISK ASSESSMENT STATEMENT

- 9** Should parts of industry believe the authority's 'Statement of Licensing Policy' is not sound it would be open to them to undertake judicial review proceedings.
- 10** This policy has been scrutinised by legal to ensure we are compliant with the Licensing Act 2003 This is repeated above