

## LICENSING – DRAFT STATEMENT OF LICENSING ACT 2003 POLICY

### Council – 17 February

Report of	Chief Officer Environmental & Operational Services – Mr Richard Wilson
Status:	For Decision
Also considered by:	Licensing Committee – 2 February 2015
Key Decision:	No

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### 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.

The Council’s current Policy Statement took effect from 7 January 2011 and at that time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to every 5 years.

This Policy Statement will be presented to Full Council on the 17 February 2015, and will take effect from 18 February 2015 remaining in force for a period of five years. It can be subject to regular review by the Council.

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### This report supports the Key Aim of Safer Communities

**Portfolio Holder** Cllr. Mrs Lowe (Housing and Community Safety)

**Contact Officer(s)** Leeann Leeds Ext.7270

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

**Recommendation to Council:** that subject to the comments of the Licensing Committee, the Statement of Licensing Policy be approved.

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### Reason for recommendation:

To enable the Council to make decisions for licensing premises applications with an up to date Statement of Licensing Policy.

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## **Introduction and Background**

1. 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.
2. 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.
3. 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.
4. The current 'Statement of Licensing Policy', which came into force on 7 January 2011 has been reviewed early due to a range of legislative changes within the Act.
5. The draft 'Statement of Licensing Policy' is detailed in full in Appendix A.

## **Responses to the consultation**

6. The draft 'Statement of Licensing Policy' was sent to various recipients including breweries, responsible authorities, parish councils and District Councillors. Four responses to the draft 'Statement of Licensing Policy' have been received these are detailed in full in Appendix B

## **Key Implications**

### Financial

7. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years may result in a judicial review being brought against the Council.

### Legal Implications and Risk Assessment Statement.

8. 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.

9. This policy has been written in consultation with legal services to ensure we are compliant with the Licensing Act 2003
10. 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.

#### Equality Assessment

11. The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### **Conclusions**

12. 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.
13. Any changes or amendments between 18 February 2015 and 17 February 2020 will be subject to further consultation and approval by Full Council.

**Appendices** Appendix A – Draft 'Statement of Licensing Policy'

Appendix B – Feedback from Draft 'Statement of Licensing Policy' consultation

**Background** Section 182 Guidance -

**Papers:** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209526/1167-A\\_Licensing\\_Act\\_2003\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf).

**Mr Richard Wilson**  
**Chief Officer Environmental & Operational Services**