

## LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

### Licensing Committee - 18 March 2019

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| Report of    | Chief Officer, Environmental and Operational Services |
| Status       | For Decision  |
| Key Decision | No  |

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**Executive Summary:** This report invites Members to consider a minor review of the current Council's Statement of Licensing Policy for the five-year period 1 April 2015 to 31 March 2020 so as to include a policy for outdoor events.

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**This report supports the Key Aim of sustainable economy**

**Portfolio Holder** Cllr. Firth (Legal and Democratic Services)

**Contact Officers** Richard Wilson Ext. 7067

Sharon Bamborough Ext. 7325 / 07970 731616

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**Recommendation to Licensing Committee:** That the amendments to the Statement of Licensing Policy as set out in **Appendix A** be approved for public consultation

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**Reason for recommendation:** The Licensing Authority's current policy does not have any specific or additional considerations for outdoor events. This reports sets out the proposed changes which will set out the Council's expectations.

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### Introduction and background

- 1 The Licensing Act 2003 (the Act) requires the Council, in its role as a licensing authority, to prepare and publish a statement of licensing policy with respect to the exercise of its functions under the Act.
- 2 The Council's current Policy is in force until 31 March 2020. Once in place this Policy must be kept under review at least every five years. The usual full review of this policy is scheduled to take place in 2019.
- 3 In accordance with this requirement the Committee is asked to agree, for consultation purposes, a minor addition to the Council's Statement of Licensing Policy for the remainder of the current five year period, which commenced on 1 April 2015 and ends on 31 March 2020.

- 4 Any feedback from the consultation exercise will be presented to the Committee when they next meet in March, together with a request that they agree to refer the proposed Policy to full Council for approval when it next meets should they decide to amend the policy following feedback.
- 5 The proposed Policy has been revised so as to add a new section regarding outdoor events, in **section 20**, attached at **Appendix A** to the report.
- 6 Many authorities have seen an increased demand for outdoor events and festivals in recent years. The Licensing Authority's current policy does not have any specific or additional considerations for outdoor events as opposed to the regular licensing activity which takes places mostly within buildings. In light of the evidence of an increased demand for outdoor events and festivals from other authorities, it is anticipated that there may be a national trend for an increase in such events and that Sevenoaks can expect an increase in such demand over the five-year period 1 April 2015 to 31 March 2020.
- 7 The proposed section includes:
  - A suggested terminal hour for all licensable activities of 23:00 at outdoor events;
  - Setting out expectations that organisers will demonstrate that they have the required permissions in place to use the land;
  - Setting out expectations that organisers will demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be checked); and
  - Setting out expectations that organisers will demonstrate that they have notified and where necessary sought authorisation / advice from the Council's Safety Advisory Group for the event.
- 8 Any amendments the Committee require to the proposed Policy will be done ahead of it going out for consultation.

#### **Available options**

- 9 To approve the proposed amendment and direct the Licensing Service to carry out consultation.
- 10 To amend the proposed new section and direct the Licensing Service to carry out consultation.
- 11 Reject the proposed amendment and leave the policy as it currently is.

## Preferred option and reasons for recommendations

- 12 The Licensing Service recommends the first option in order to keep the wording in line with similar proposals for all the statements of licensing policy across the Licensing Partnership.

## Consultation

- 13 Prior to determining (or amending) its Statement of Licensing Policy the Council must consult with those parties identified in section 5(3) of the Licensing Act 2003, who are:
- the chief officer of police for the licensing authority's area;
  - the fire and rescue authority for that area;
  - each Local Health Board for an area any part of which is in the licensing authority's area
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
  - such other persons as the licensing authority considers to be representative of business and residents in its area.
- 14 It is recommended that the following parties be directly consulted on the proposed Policy:
- Members of the Council;
  - Neighbouring Authorities;
  - Responsible Authorities;
  - holders of Premises Licences and Club Premises Certificates\*;
  - person/ bodies representative of the holders of Premises Licences and Club Premises Certificates; \*
  - Town Centre Forums, BIDs, Partnerships and Managers;
  - person/ bodies representative of local business;
  - person/ bodies representative of local residents;
  - representatives of local transport providers; and
  - representatives of local health care providers.

*\* Note: The requirement to consult with 'such persons the Council considers being representative of holders of personal licences' will be achieved by consulting the holders of Premises Licences as a percentage of this group also hold a Personal Licence.*

- 15 It is also recommended that details of the proposed amended Policy, together with an invitation to submit comments, be posted on the Council’s website. In addition relevant officers of the Council, such as the Council’s Head of Legal Services, will be consulted on the Policy.
- 16 During the 6 week consultation period it is open to any person to make comments on the proposed Policy. This allows for comments both on the proposed Policy together with the submission of any evidence that specifically relates to ‘outdoor events’.
- 17 The Committee will consider any comments or evidence submitted following the consultation when it next meets in 2019. At this meeting the Committee will decide if, having had regard to the feedback, the proposed Policy should be amended and agree a final draft of the Policy for submission to full Council in 2019.

### **Timetable**

- 18 The timetable in respect of the preparation and consultation for the proposed Policy is as follows:

|               |   |
|---------------|---|
| 18 March 2019 | Licensing committee (to agree to consult)                                       |
| June 2019     | Licensing Committee (to consider consultation feedback and agree final version) |
| July 2019     | Full Council (Adoption)   |

### **Decision**

- 19 Should the Committee be minded to agree the proposed amendment to policy, the Licensing Service will commence a six week consultation and the results will be fed back to a future meeting of the Licensing Committee.
- 20 Should the Licensing Committee proceed to amend the policy following consultation it would then be referred to a meeting of the full council for adoption.

### **Key Implications**

#### Financial

There are no specific financial implications resulting from the matters considered in this report, as the minimal cost of consultation and publication in respect of the proposed Council’s Statement of Gambling Policy will be met from the running costs of the Licensing Team and Licensing Partnership.

## Legal Implications and Risk Assessment Statement

The Council's Statement of Licensing Policy is an important factor when determining certain applications under the Licensing Act 2003. If the Policy is silent on a matter then the Council will have less opportunity to guide and control applications.

Ensuring that the Policy is up to date and covers relevant areas assist the Council is ensuring a consistency of approach.

## Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

## **Appendices**

Appendix A - Extract of the Statement of Licensing Policy amended to show new wording.

## **Background Papers**

[Statement of Licensing Policy](#) (1 April 2015)

**Richard Wilson**

**Chief Officer Environmental and Operational Services**