

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Council - 23 July 2019

Report of Chief Officer Environmental and Operational

Status For decision

Also considered by Licensing Committee - 20 June 2019

Key Decision: No

Executive Summary: This report seeks a decision from the Committee on the options for reviewing the 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.

Following a consultation held between 12 April 2019 and 26 May 2019 (six weeks), the Committee is asked to assess the feedback received and decide upon the proposed amendments as set out in section 8 below, before recommendation to Council.

This report supports the Key Aim of sustainable economy.

Portfolio Holder Cllr Margot McArthur

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Recommendation to Licensing Committee: That, subject to the Committee's views on those comments received, it is recommended to Council that the revised Statement of Licensing Policy be adopted as from 24 July 2019

Recommendation to Council: That, subject to any Licensing Committee's comments, the revised Statement of Licensing Policy be adopted as from 24 July 2019.

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.

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 later in 2019.
- 3 Feedback from the consultation exercise was received from one town council (Westerham Town Council) and two parish councils (Leigh Parish Council and Chiddingstone Parish Council). All in support of the proposed change with no suggested amendments. The feedback can be found at **Appendix A**.
- 5 The proposed Policy has been revised so as to add a new section regarding outdoor events, at section 20, set out in paragraph 8 below.
- 7 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.
- 8 The proposed new section is as follows:

20 OUTDOOR EVENTS

- 20.1 The general terminal hour for all licensable activities shall be 23:00 at outdoor events;
- 20.2 Organisers/applicants shall demonstrate that they have the required permissions in place to use the land (whether private land or on Council owned land);
- 20.3 Organisers/applicants shall 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 safety checked); and
- 20.4 Organisers / applicants using Council owned land will demonstrate that they have notified and where necessary sought authorisation / advice from the relevant Council departments (for example, the Parks and Open Spaces, Highways etc.).

The current full policy can be accessed here:

https://www.sevenoaks.gov.uk/downloads/file/187/licensing_policy_statement

Options for review or change

- 9 It is suggested that three options are available:
- (i) To amend the current policy so as to include the new section on outdoor events. It will then be referred to full council on 23 July 2019 for adoption to come into effect from 24 July 2019

or

 - (ii) Having considered the feedback, the Committee may, however, wish to make further changes to policy (which may require further public consultation if substantial) and direct the Licensing Service to re-draft the policy in line with any such amendments

or

 - (iii) To decide not to amend the current policy

Preferred option and reasons for recommendations

- 10 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.

Timetable

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

18 March 2019	Licensing committee (agreed to consult)
12 April - 26 May 2019	Consultation took place
20 June 2019	Licensing Committee (to consider consultation feedback and agree final version)
23 July 2019	Full Council (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.

Background Papers: [Licensing Policy Statement](#)

Mr. Richard Wilson
Chief Officer Environmental and Operational Services