

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Licensing Committee - 19 September 2019

Report of	Chief Officer Planning & Regulatory Services
Status	For approval
Key Decision	No

Executive Summary This report presents and seeks the approval from the Committee to consult on the Council's Statement of Licensing Policy which will be enforced to cover a five-year period 1 April 2020 to 31 March 2023.

The consultation period will run for 8 consecutive weeks until December 2019. Representations received during the consultation period will be reported to the Committee in January 2020.

This report supports the Key Aim of sustainable economy.

Portfolio Holder Cllr. Margot McArthur

Contact Officer Michael Moss, Ext.7364

Recommendation to Licensing Committee: The Committee approves the proposed 8 week consultation period to allow the Licensing Department to meet their statutory obligation under Section 5 of the Licensing Act 2003 (Statement of Licensing Policy).

Reason for recommendation: Under Section 5 of the Licensing Act 2003 the Licensing Authority must have a Statement of Licensing Policy. The last Policy was reviewed in 2015 and will expire on 31 March 2020.

It is important for the Licensing Department to obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the existing Policy which will be brought before the Committee in January 2020.

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.

- 3 Should a new Statement of Licensing Policy not be in place by 31 March 2020, then under the legislation, Sevenoaks District Council will not be able to process any applications covered by the Licensing Act 2003 until the Policy is in place.

Proposed changes

- 4 There are no changes to the intent or direction of the policy, which sets out how the Council seeks to process applications made under the Licensing Act 2003 and provides a framework for consistent decision making.
- 5 The draft policy contains a minimum of changes to the previous version. The policy has been updated with:
 - Details of the deregulation regarding regulated entertainment
 - Pre-application advice (should this be agreed by the Licensing Committee)
 - Annual fee suspensions expanded
 - Minor tweaks to the main body of the Policy

Consultation

- 6 Consultation is critical to ensure any changes to the Policy are clear and transparent for businesses, responsible authorities and the public.
- 7 If the committee approves the proposed policy, the Licensing Department shall commence with an 8 week consultation period.
- 8 Consultation standards shall be delivered by:
 - Writing to the chief office of police and other responsible authorities
 - Writing to Licence Holders and trade representatives
 - Notifying Ward Members
 - Publicising the consultation on the Council's website
 - Using any social media available to inform the public of the consultation and direct them to the website.
- 9 Following consultation the Licensing Department shall analyse the comments, prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee in January 2020.

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.

Conclusion

It is a legal requirement to review the Statement of Licensing Policy every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.

There are only a minor number of amendments to the current policy, reflecting the Councils updated Corporate Strategy.

Following consultation, a further report will be presented to the Licensing Committee requesting adoption of the Policy.

Appendices

Appendix A -Statement of Licensing Policy - Draft (for consultation) with the changes from the 2015 Policy highlighted.

Background Papers:

Licensing Act 2003

Mr. Richard Morris

Chief Officer Planning and Regulatory Services