

**TO:** LICENSING COMMITTEE

**DATE:** 28<sup>TH</sup> SEPTEMBER 2006

**SUBJECT:** LICENSING ACT 2003

**BY:** SENIOR SOLICITOR

**Classification:** Unrestricted

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**Summary:** This report details the requirement and recommendations for members to approve the draft of the Licensing Policy following consultation and prior to being taken before Full Council.

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**Implications:** Human Resources Implications, Minimal

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Finance Implications, Minimal

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Legal Implications, statutory requirement

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Crime & Disorder Implications, None

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Sustainability Implications, None

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Risk Implications, None

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**Decision Required:** **To approve the revised policy, following consultation.**

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### Introduction/Background

The policy has been revised to comply with the High Court decision in the Canterbury City Council case. Consultation on the revised policy (as approved by this committee in May) has been carried out. The organisations/persons consulted with are as follows: All Swale Councillors, Kent Police, Swale Fire Safety, Swale Borough Council Planning and Environmental Pollution Departments, Child Protection Agency, Trading Standards, Shepherd Neame, Enterprise Inns, The LVA, British Beer and Pub Association, The Portman Group, Lacors, and The British Institute of Inkeeping.

In addition the draft policy was available for viewing in all Council Offices and Public Libraries for the requested 12 weeks.

No representations have been received, however one amendment has been made to Appendix A, the agreed delegations. An additional delegation has been added to allow the Licensing Officer to instruct Legal to prosecute any person for non-compliance.

### Issue for decision

Approval of the revised policy.

### Options (where appropriate) and why they are not recommended

None.

### Recommendation

I recommend that Members agree that the revised Licensing Policy so that it can be taken to Full Council in November for final resolution.

### Reasons for the Recommendation

To correct existing Policy in line with the High Court ruling in the Canterbury City Council case.

Author: Mike Hawkins - Ext. 7325

Date: 1st September 2006

List of background documents –

Licensing Act 2003 and guidance issued by DCMS  
Canterbury City Council case judgement.