

## Statement of Licensing Policy: Summary of Changes.

KEY	MEANING
<b>BLACK</b>	Changes in the revised policy from the existing policy
<b>BLUE</b>	Changes in the final draft from the pre-consultation draft
<b>RED</b>	Important changes in the revised policy

- **New Corporate Style:**  
To be produced in the new corporate style, the revised policy is easier to navigate and is written in 'Plain English' where possible.
- **Revised Policy is also a comprehensive guide for customers:**  
Additional information provided (as explained below) taken from leading Authorities such as Ashford Borough Council, Canterbury City Council, London Borough of Camden, Maidstone Borough Council and Westminster City Council.
- **Contents Page:**  
A 'contents page' has been included to ease navigation through the Statement of Licensing Policy.
- **Vision Statement and Foreword:**  
To be agreed by the portfolio holder – possible introduction of Policy by Council leader, Chief Executive etc
- **Existing Section: “DUTY” has been re-worded as Introduction:**  
Although it is the Council's duty to produce the Policy, the previous sub-heading was not incorrect; it was re-worded to Introduction as it is the start of the document and outlines why it has been produced.
- **Section 1.1 Introduction included 'aims':**  
In the current Licensing Policy, there is a section under 'Duty' that explains the aims of the Council in exercising its functions under the policy. These aims were not on the original draft, but have been included in the final draft.
- **Description of Borough:**  
The description has been amended as per the revised Local Plan – It also includes a section on Leysdown as per Cllr Sandle's request at Full Council on 2 December 2009.
- **Swapped 1.1.2 and 1.1.3 around:**  
It seemed to flow better when we discussed the relationship with Planning, then moved onto partnership working (wording remained the same)
- **Section 1.1.2: Relationship with Planning:**  
New section has been included to provide the distinction between Licensing and Planning, and how these two regimes may overlap – Best practice taken from Ashford Borough Council, Canterbury City Council, Maidstone Borough Council and Westminster City Council.

- **Section 1.1.3: Partnership Working:**  
New Section included explaining how the Licensing Authority will work together and share information to promote the licensing objectives – Best practice taken from Ashford Borough Council, Canterbury City Council, Maidstone Borough Council and Westminster City Council.
- **Section 1.2 Related Strategies and Initiatives:**  
New Section included providing customers with information relevant to licensed premises; such as Designated Public Place Orders and Swale Safe Scheme. Best practice taken from London Borough of Camden, Mansfield District Council.
- **Section 1.3 Relevant Legislation:**  
New Section included providing customers with information on regulations directly relating to the operation of licensed premises; such as Performing Rights Society, Motion Picture Licensing Company and Health and Safety Legislations relating to smoke-free – Best practice taken from Westminster City Council.
- **Section 1.3 Relevant Legislation wording:**  
Some of the wording (2<sup>nd</sup> and 3<sup>rd</sup> paragraph) has been amended, using plain English.
- **Section 1.3.1 Performing Rights Society to Live/ Recorded Music Licence – New sub heading:**  
As Live/Recorded Music Licences are not just obtained from the PRS, but also the PPL it seemed right to amend the sub-heading.
- **Section 1.3.1 Live Recorded Music Licence Information:**  
The wording in this section has been made shorter and clearer.
- **Section 1.3.3 Smoke-free legislation wording:**  
Following advice from our Commercial Team, the previous draft gave too much information that implied that the Policy could enforce the Smoke-free legislation. Instead the description was shortened and the smoke-free website provided for reference.
- **Revised Policy section (Part Two of Revised Policy):**  
Providing similar guidance as before but including Criteria, Considerations, reason for policy and potential conditions – Best practice taken from Westminster City Council.
- **Part Two: The Policies:**  
A detailed description of the criteria set, considerations to be made, “Reason for Policy” and potential conditions have all been moved to Appendix two.

- **Section 3.2 Risk Assessment and Operating Schedule:**  
Additional information relating to Risk Assessments and Operating Schedule included –  
Best practice taken from Ashford Borough Council, London Borough of Camden, Mansfield District Council and Westminster City Council.
- **Section 3.3.3 Provisional Statement:**  
Additional information relating to Provisional Statements –  
Best practice taken from Canterbury City Council, Maidstone Borough Council and Westminster City Council.
- **Section 3.3.4 Personal Licence:**  
Additional information relating to Personal Licences –  
Best practice taken from Ashford Borough Council, Canterbury City Council, Maidstone Borough Council, Mansfield District Council and Westminster City Council.
- **Section 3.3.5 Designated Premises Supervisor:**  
Additional information relating to Designated Premises Supervisor –  
Best Practice taken from Ashford Borough Council and Westminster City Council.
- **Section 3.3.6 Temporary Event Notice:**  
Additional information relating to Temporary Events Notices –  
Best practice taken from Ashford Borough Council, Canterbury City Council, Maidstone Borough Council, Mansfield District Council and Westminster City Council.
- **Section 3.3.7 Large Scale Events:**  
Additional information relating to large scale events has been added to the Policy/ Guidance since the formation of the Swale Safety Advisory Group (SAG).
- **Part Four Representations, Conditions and Complaints:**  
New Section included providing information on:
  - what is a relevant complaint under the Act,
  - how conditions will be used,
  - the Council's enforcement procedure (please note enforcement was part of the existing policy) and
  - the appeals system under Licensing –
 Best practice taken from Ashford Borough Council, Canterbury City Council, Maidstone Borough Council and Westminster City Council.
- **Part Five - Change in legislation and case law:**  
New Section included as there have been some amendments to the Licensing Act in 2009 and 2010; these changes have been detailed in this section.
- **Section 5.1 Changes in legislation wording:**  
The opening paragraph has been changed since the last draft. The information was added at the last minute before consultation and the

opening paragraph was not considered to be of a professional standard.

- **Section 5.1.1 Minor Variation wording:**  
Additional paragraph included to say there are no hearings under Minor Variations.
- **Section 5.1.3 Elected Members Involvement:**  
There is soon to be a change in the Policing and Crime Bill that will allow Councillors to make representations / reviews on licensed premises, from 29 January 2010. Please note that a Draft Protocol shall be prepared for the next Licensing Committee on how these new powers may be used.
- **Glossary:**  
A glossary has been included into the revised policy under Part six, which provides an explanation of licensing terms – Best practice taken from Westminster City Council.
- **Glossary - removed item:**  
“Adult Entertainment” was removed as it was considered that it should not be defined, also a change to the Licensing Act moves some acts (such as Pole Dancing etc) under the remit of the Local Government (Miscellaneous Provisions) Act 1982.
- **Glossary - removed item:**  
“Public Entertainment Licence” was removed as this is under the old Licensing regime and no longer relevant.
- **Glossary - removed item:**  
“Restaurant” was removed as it was considered that this was self explanatory.

## APPENDICES

- **Appendix One - Consultation:**  
Provides information on how the consultation process was conducted.
- **Appendix Three - Application and Variation:**  
Additional information about these processes – Best practice taken from Westminster City Council.
- **Appendix Five - Reviews of Premises Licence:**  
Additional information about this process – Best practice taken from Westminster City Council.
- **Appendix Six - Swale Borough Strategies:**  
Strategies or Policies produced by Swale Borough Council that may be of interest or worth considering when making an application – Best practice taken from Westminster City Council.

- **Appendix Six - Swale Borough Strategies:**  
Short paragraph for each of the Swale Policies/ Strategies has been included to provide customers with a basic understand of their aims.
- **Appendix Seven - Other relevant legislation:**  
Useful legislation including Equality and Diversity –  
Best practice taken from Canterbury City Council, Maidstone Borough Council and Westminster City Council
- **Appendix Seven - Other Relevant legislation:**  
Short paragraph included to provide information on other legislation that may be relevant to licensees. These include:
  1. Human Rights Act
  2. Disability Discrimination Act
  3. Environmental Protection Act
  4. Sex Establishments
  5. Crime and Disorder Act
  6. Control of Noise at Work Regulations
- **Appendix Eight - Designated Public Place orders:**  
Since the existing Statement of Licensing Policy was adopted, the CDRP (Crime and Disorder Reduction Partnership) implemented four Designated Public Place Orders (Alcohol Control Zones) in Swale; this provides further information including maps (although the maps are not shown in the draft).
- **Appendix Eight - Designated Public Place Orders wording:**  
Opening paragraph has been amended to provide accurate and clear information about DPPOs – Plans of the areas to be included at printing stage.
- **Appendix Nine - Guidance on Noise:**  
A comprehensive guide on noise, steps to be taken to prevent noise from causing a nuisance and how this relates to the licensing objectives –  
Best practice taken from Westminster City Council.
- **Appendix Ten – Prevention of crime and disorder:**  
A comprehensive guide and checklist, on how to prevent crime and disorder and how this relates to the licensing objectives –  
Best practice taken from Westminster City Council.
- **Extended Contacts List:**  
Additional Contacts included into the list.
- **Contact List – Additional Contact:**  
Swale Borough Councils Commercial Team was missed off of the original draft, they have now been included.

- **Results from the Questionnaires:**

The information obtained from the questionnaires is outlined below:

- 1. Section Two: The Policy.**

Responses made under this section have been calculated and included in the revised draft policy. Comments made have been recorded on the 'Responses' table (attached to the report).

- 2. Section Three: Night-time Economy.**

A report will be passed to the Crime and Disorder Reduction Partnership (CDRP) to assess what action can be taken throughout 2010/11 to help reduce crime and disorder in Swale.

- 3. Section Four: Licensing Departments Service Standards & Section Five: Application and Information**

This information will provide our Head of Service (and Licensing Committee) information on how well the Licensing Department is carrying out its functions and how good our customer service is.

- 4. Equalities Impact Assessment.**

The results from this questionnaire will help the Licensing Department identify any gaps in their service. We can assess the rate of responses and consider what action should be taken, for example:

- Additional information required
- Information provided in other languages
- Forum discussions for specific groups

We will produce an Equalities Impact Assessment in conjunction with this policy, which will go through the 'Equalities Steering Group' and any recommendations reported to Full Council.