

Reference	PROPOSALS	Officers comments
<p>Introduction Covid-19 – Page 6</p>	<p>The impact of Covid-19 has been unprecedented across many areas of work, with licensed premises specifically impacted by a long period of Central Government led lockdown. As a Licensing Authority, we have had to respond to the pandemic and have implemented changes such as virtual licensing hearings, implementing short term changes to procedures to enable social distancing and considering the policy implications for Swale Borough Council. At the time of reviewing this policy the country is in a third 'lockdown' and there may be more lockdowns to come. We are committed to supporting local licensed premises to operate within whatever regulations are imposed by Central Government at any one time. Licensed premises/holders will be required to comply fully with any new regulations or requirements placed upon them at a national level. We encourage all licensed premises to talk to the Licensing Authority, Police, and other relevant Responsible Authorities at the earliest opportunity if they are uncertain regarding any compliance with any condition or they wish to seek a temporary and/or informal relaxation of conditions. We recognise that policy frameworks change, new or emerging issues arise at both a local and national level which may need to be taken into account when applying this Licensing Policy. We will make new applicants and existing licence holders aware of any changes so that they can ensure they meet any future challenges.</p>	<p>Inserted to reflect the current working environment</p>
<p>3. Licensing Authority General Policy Considerations - Page 10</p>	<p>3.6.4 - expanded</p> <p>The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping is not delivered to minors to prevent a risk of underage consumption. Therefore, the authority requests as part of an application that the Operating Schedule should include the procedures the applicant is intending to operate to ensure the following:</p> <ul style="list-style-type: none"> • The person they are selling to is over the age of 18 	<p>Expanded to provide greater clarity in relation to under age sales</p>

	<ul style="list-style-type: none"> • That alcohol is only delivered to a person over the age of 18 • That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer • The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol 	
5. Exchange of Information	5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 the General Data Protection Regulation (GDPR) the Data Protection Act 2018 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.	Inserted to reflect current legislation
6. Human Rights and Enforcement	<p>6.4 Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government’s overall objectives for public services.</p> <p>6.5 Immigration Act 2016 and Modern Slavery Act 2015. The Licensing Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work related to the carrying out of a licensable activity.</p>	Updated to reflect the authorities responsibilities in relation to the prevention of illegal working in licensed premises and current legislation

	<p>These provisions apply to licensed premises for alcohol and late night refreshment, (but not entertainment only premises) and personal licences. Other types of authorisation under the Licensing Act 2003 (Club premises certificates and temporary events notices (TEN's)) are not covered. This is due to there being little evidence of immigration abuse in respect of premises authorised under a club premises certificate and it would have been disproportionate to apply the requirements to a TEN.</p>	
<p>17. Conditions to promote the Prevention of Crime and Disorder</p>	<p>17.10 Wholesale of alcohol. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers they buy from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face a criminal prosecution and their alcohol stock seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.</p> <p>17.11 Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC.</p>	<p>Inserted to reflect current legislation</p>