

<b>Licensing Committee Meeting</b>	
<b>Meeting Date</b>	14 <sup>th</sup> July 2025
<b>Report Title</b>	Draft Statement of Licensing Policy under the Licensing Act 2003
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Charlotte Hudson, Head of Housing and Community Services
<b>Lead Officer</b>	Johanna Thomas, Licensing Team Leader
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Members to consider the draft Licensing Act 2003 policy and advise on any relevant amendments</li> <li>2. Members to note the consultation process as outlined and advise officers to proceed with the same</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report provides Members with information and guidance on the revised draft Statement of Licensing Policy under the Licensing Act 2003, which requires Members comments and approval prior to formal public consultation.

## **2 Background**

- 2.1 Section 5 of the Licensing Act 2003 (2003 Act) requires licensing authorities to prepare and publish a statement of its licensing policy every five years. The policy must be published before the licensing authority carries out any licensing functions under the 2003 Act
- 2.2 The current Statement of Licensing Policy was approved by Full Council on 31<sup>st</sup> March 2021, came into effect on 1st April 2021 and will expire on 31<sup>st</sup> March 2026.
- 2.3 The policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Steering Group and in accordance with the guidance issued under Section 182 of the 2003 Act and to which licensing authorities must have regard
- 2.4 The aim of the county wide approach was two-fold. Firstly, to promote consistency to the benefit of licensees, businesses, residents and to regulatory

services having a Kent-wide remit. Secondly to minimise risk of judicial review of individual policies.

- 2.5 The current policy has provided a stable but flexible background to the council's consideration of licensing applications and works well in promotion of the four licensing objectives:-

- Prevention of crime and disorder
- Protection of public safety
- Prevention of public nuisance
- Protection of children from harm

This is illustrated by the fact that the policy has not been legally challenged.

### **3 Proposals**

- 3.1 In drafting the revised Statement of Licensing policy, due regard has been taken to the current Section 182 Guidance. The draft policy is shown as **APPENDIX I**
- 3.2 The proposed changes made to the revised Statement of Licensing Policy, as shown in **APPENDIX II**, are all minor administrative changes to update statistics, remove out of date information and update contact information.
- 3.3 It is proposed that the revised policy will come into effect on 12 December 2025 and remain valid for a period of five years, until 11 December 2030 unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances.

### **4 Alternative Options**

- 4.1 There are no alternative options, the Licensing Act 2003 requires that a local authority must have an adopted policy before discharging its functions under the Act and specifies that consultation must be undertaken.

### **5 Consultation Undertaken or Proposed**

- 5.1 The Act and the Guidance require a consultation process prior to determining the Statement of Licensing Policy. The persons who must be consulted are:
- The chief officer of police for the area;
  - The fire and rescue authority for the area;

- Each local authority's Director of Public Health in England (DPH) of Local Health Board in Wales for an area any part of which is in the licensing authority's area;
  - Persons/bodies representative of local premises licence holders;
  - Persons/bodies representative of local club premises certificate holders;
  - Persons/bodies representative of local personal licence holders; and
  - Persons/bodies representative of businesses in its area
- 5.2 A consultation period of 8 weeks is proposed to run between 25 July 2025 and 19 September 2025. Methods of consultation will be by advertising on the Council's website and notice boards, in local newspapers and by direct email and mail shots. The results of the consultation will then be presented to a future meeting of the Licensing Committee.
- 5.3 All incoming responses will be entered onto a grid for consideration. The Policy & Communities Manager, together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement and, if so, to what extent.
- 5.4 The grid and recommendations will be put before a meeting of the Licensing Committee on 16 October 2025 for consideration and inclusion of any amendments within the policy prior to formal adoption by full Council on 12 December 2025.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure compliance with the 2003 Act and to promote the licensing objectives.</p> <p>There are links to:</p> <p>Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.</p> <p>Economy - Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.</p> <p>Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p>
Financial, Resource and Property	<p>The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Licensing Act 2003 will not place and new financial resource implications on the Council</p>

Legal, Statutory and Procurement	Section 5 of the Licensing Act 2003 (as amended) requires a licensing authority to prepare and publish a statement of its policy every five years. During the five-year period, the policy must be kept under review
Crime and Disorder	Fulfilling powers and duties under the Licensing Act 2003 is of direct relevance to the Council's obligations under Section 17 of the Crime and Disorder Act 1998 in that the objectives of the Licensing Act 2003 are: a) The prevention of crime and disorder; b) The protection of public safety; c) The prevention of public nuisance; and The protection of children from harm
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents
Safeguarding of Children, Young People and Vulnerable Adults	The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications.
Risk Management and Health and Safety	The publication of a Statement of Licensing Policy under the Licensing Act 2003 is a statutory requirement and failure to do so by the expiration of the current policy as required may lead to negative publicity and criticism from central government. Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close co-operation with the other licensing authorities within Kent
Equality and Diversity	This policy includes provisions for licence holders to meet requirements contained in the Equality Act 2010
Privacy and Data Protection	All applications processes will be in line with privacy and data protection regulations

## 7 Appendices

- 7.1 Appendix I – Draft Statement of Licensing Policy 2026 – 2031  
Appendix II – Proposed Amendments to Licensing Policy

## 8 Background Papers

None