

General Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Kent & Medway Compliance and Enforcement Protocol
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience & Licensing Manager
Key Decision	No
Classification	Open
Recommendations	1. That the General Licensing Committee agree to adopt the Kent & Medway Licensing Compliance and Enforcement Protocol attached as Appendix I as much as it applies to the activities carried out by the Licensing Team of Swale Borough Council in respect of only the relevant legislation and licences covered at any given time by this section of the Council.

1 Purpose of Report and Executive Summary

- 1.1 The Kent and Medway Licensing Compliance and Enforcement Protocol has been produced for use by all agencies involved with compliance and enforcement in respect of licensed premises. This report seeks approval for this Protocol to be adopted by Swale Borough to ensure that the Council operates with its partner agencies to seek an agreed and consistent approach to compliance and enforcement of licensed premises within the Borough.

2 Background

- 2.1 The Council's Licensing Team works closely in partnership with other agencies, local authorities and other departments of Swale Borough Council to deliver the statutory requirements of the Licensing Act 2003, Gambling Act 2005 and other areas of licensing legislation.
- 2.2 The Council has established protocols with officers they work in partnership with on licensing compliance and enforcement issues. The Kent & Medway Regulatory Licensing Steering Group, of which Swale is a member, have formalised these protocols including liaison agreements and effective practice by way of an agreement between all relevant parties.

3 Proposals

- 3.1 The Kent and Medway Licensing Compliance and Enforcement Protocol covers a wide range of licensable areas, some of which are not within this Council's Licensing Teams remit.
- 3.2 This report is seeking approval only for the range that is within the licensing teams remit:
- For alcohol, regulated entertainment and late night refreshment
 - For gambling
 - For sex establishments and sexual entertainment venues
 - For scrap metal dealers and motor salvage operators
 - For taxi licensing
 - For street collections
 - For house to house collections
 - For street trading
 - For pleasure boats
- 3.3 A copy of the Kent and Medway Licensing Compliance and Enforcement Protocol is attached as Appendix I for Members' consideration.

4 Alternative Options

- 4.1 The Council could choose not to adopt the Kent & Medway Compliance and Enforcement Protocol.
- 4.2 If the Licensing Committee were minded not to approve adoption of this protocol we could be seen to be in breach of the Regulators' Code of 2014 which is in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 which states that regulators must have regard to the Code.
- 4.3 The Regulator's Code is designed to promote proportionate, consistent and targeted regulatory activity so the regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to make challenge if these are not being fulfilled.

5 Implications

Issue	Implications
Corporate Plan	Having an adopted Licensing Compliance and Enforcement Protocol satisfies the corporate objective of: A Council to be proud of
Financial, Resource and Property	None
Legal and Statutory	The Council has produced its Statements of Policy as required by the Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. This Protocol sets out how each business will be treated in a fair manner in line with the Regulators' Code 2014.
Crime and Disorder	No particular implications although the licensing regime supports the night time economy.
Environmental Sustainability	None
Health and Wellbeing	None
Risk Management and Health and Safety	This process provides clarity on the local authority approach to enforcement and assists consistency of the same. Each case will be dealt with on its own merits and in accordance with Swale's overarching common Enforcement Policy
Equality and Diversity	This Protocol will be applied to all businesses equally
Privacy and Data Protection	No

6 Appendices

6.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Kent and Medway Compliance and Enforcement Protocol

7 Background Papers

None