

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

12 November 2007

### Report of Chief Solicitor

#### Part 1- Public

#### Matters for Recommendation to Council

### **1 LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY**

#### **1.1 Introduction**

1.1.1 On 20 August 2007, I reported to this committee that the licensing authority has to prepare and publish a statement of its licensing policy every three years. The Council's first statement was adopted on 14 December 2004 and so the revised draft is required to be adopted by the end of December 2007. A revised draft statement was considered by Members and Council was recommended to adopt this draft for consultation.

1.1.2 During the consultation period, one representation was received from Environmental Services of this Council in the following terms: a recommendation that the following additional paragraph be included "Publications which may assist applicants in respect of outdoor and large events are:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowd Safety (HSE 2000) ISBN 0 7176 1834 X"

1.1.3 I advise that the amendments proposed by the consultation response should be accepted on the grounds of promotion of public safety.

1.1.4 This has required a redraft to paragraph 18.3 of the draft document, a revised version of which is set out at Annex 1.

#### **1.2 Legal Implications**

1.2.1 This adoption and review of the statement of licensing policy under the Act is mandatory for this Council.

#### **1.3 Financial and Value for Money Considerations**

1.3.1 None.

## **1.4 Risk Assessment**

1.4.1 This Council is required to implement this legislation.

## **1.5 Recommendations**

1.5.1 Members are recommended to adopt the revised statement of licensing policy as amended following the consultation exercise.

Background papers:

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Licensing Act 2003 and Statutory Guidance

Kent Model Statement of Licensing Policy

Judgement of Mr Justice Richards in Regina (British Beer and Pub Association and Ors) v Canterbury City Council Case reference: [2005] EWHC 1318 (Admin)

Duncan Robinson

Chief Solicitor