

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

23 July 2013

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 STATEMENT OF LICENSING POLICY 2014-19 CONSULTATION

1.1 Introduction

- 1.1.1 Tonbridge and Malling Borough Council is the Licensing Authority under the Licensing Act 2003. It is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences within the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.1.2 Section 5 of the Licensing Act 2003 requires the Council as Licensing Authority to prepare and publish a Statement of Licensing Policy every five years. This is the Licensing Authority's third statement of licensing policy. It will remain in force for a period of five years from January 2014 – January 2019. During the five year period, the policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate.
- 1.1.3 Tonbridge and Malling Borough Council currently has 362 premises made up of 330 premises licenses and 32 club premises certificates.
- 1.1.4 This Policy Statement seeks to formulate reasonable controls and appropriate guidance to encourage efforts that are being made by the Council and its partners working together with the licensed trade to help deal with issues that arise from licensable activities.
- 1.1.5 The proposed timetable for achieving a review of the policy is as follows

Draft consultation agreed at the Licensing Committee	23 July 2013
Public Consultation	26 July 2013 until 31 August 2013
Licensing Committee agrees the policy and recommends to Full Council for adoption	17 September 2013

Full Council adopt policy

5 November 2013

New Policy comes into force

7 January 2014

1.2 Legal Implications

1.2.1 The Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and having regard to the Guidance issued under Section 182 of the Act (as revised).

1.2.2 Before determining its Policy for each 5 year period, the Council is required to consult certain persons/bodies specified in the Act e.g. the chief officer of Police, such persons as the Council considers to be representative of existing premises licence holders. Beyond these statutory requirements, it is for each licensing authority to determine the extent of its consultation.

1.3 Financial and Value for Money Considerations

1.3.1 None arising from the operation of the proposed Policy.

1.4 Risk Assessment

1.4.1 Should any affected person or body believe the authority's 'Statement of Licensing Policy' is not lawful it would be open to them to commence judicial review proceedings.

1.5 Recommendations

1.5.1 That the draft Statement of consultation, attached as **Appendix A**, be approved and sent out for consultation.

Background papers:

contact: Anthony Garnett

Licensing Act 2003

Home Office web site

Guidance issued under section 182 of the Licensing Act 2003 (revised)

Current Statement of Licensing Policy

Adrian Stanfield

Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The Licensing Act 2003 Statement of Licensing Policy is the point of reference for all different groups in the community to apply for a licence and once granted, to carry out licensable activities, providing they can satisfy the criteria laid down by legislation..
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	This policy covers all residents within the Borough and enables all to become engaged subject to age and statutory provisions.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.