

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

12 March 2019

### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Delegated

### **1 STATEMENT OF LICENSING POLICY 2019 - 2024 CONSULTATION**

#### **1.1 Introduction**

- 1.1.1 Tonbridge and Malling Borough Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences within the Authority's area 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 Licensing Authority to prepare and publish a Statement of Licensing Policy every five years from January 2014. This is the Licensing Authority's forth statement of licensing policy. It will remain in force for a period of five years from 2019 - 2024. 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 386 premises made up of 356 premises licenses and 30 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 On the 24 January 2019 the Licensing and Appeals Committee made a decision to go out on consultation for the Statement of Licensing Policy. The consultation period ran from the 25 January 2019 until 1 March 2019.
- 1.1.6 A copy of the proposed Statement of Licensing Policy is shown at **Annex 1**
- 1.1.7 As a result of the Consultation there were no responses received.

## 1.2 Consultation

1.2.1 The following process steps enabled development of this policy

<b>Draft consultation agreed at the Licensing Committee</b>	24 January 2019
<b>Public Consultation</b>	25 January 2019 until 1 March 2019
<b>Licensing Committee agrees the policy and recommends to Full Council for adoption</b>	12 March 2019
<b>Full Council adopt policy</b>	9 April 2019
<b>New Policy comes into force</b>	15 April 2019

1.2.2 Subject to the Licensing & Appeals Committee agreeing the format and content of the Statement of Licensing Policy it will be recommended to Full Council for adoption.

## 1.3 Legal Implications

1.3.1 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).

## 1.4 Financial and Value for Money Considerations

1.4.1 The Licensing Income budget for 2017 – 2018 is £320,400

## 1.5 Risk Assessment

1.5.1 Should parts of the Industry believe the authority's 'statement of licensing policy' is not sound it would be open to them to undertake judicial review proceedings.

## 1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.7 Recommendations

1.7.1 That the draft Statement of Licensing Policy be approved.

Background papers:

Licensing Act 2003

Home Office web site

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

Current Statement of Licensing Policy

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