

This report will be made  
public on 18 October 2016

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report **A/16/18**

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**To:** Council  
**Date:** 26 October 2016  
**Head of Service:** Sarah Robson, Head of Communities

**Subject:** Licensing Act 2003 – Licensing Policy Statement Revision

**Summary:** This report sets out the proposed revisions made to our Licensing Policy Statement. This Policy will cover the period 2016 to 2021.

**Recommendations:**

In accordance with the requirements of the Licensing Act 2003 the Licensing Authority is required to publish a statement of policy every successive five year period. Council is therefore asked to approve the following recommendations:

- 1. To receive and note Report A/16/18.**
- 2. To approve the revised Licensing Policy Statement for the period 2016 to 2021 and agree to it being published. (Appendix 1).**

## **1. Background**

- 1.1 The Licensing Act 2003 requires that the Council, in its role as a licensing authority, determines its Licensing Policy Statement with respect to the exercise of its licensing functions every five years.
- 1.2 The current Policy has been in force since 2005 when the Council took on its role as the licensing authority for the Licensing Act 2003.
- 1.3 The Policy was reviewed in 2011 and no amendments were made to it following a period of consultation.
- 1.4 In accordance with the requirement to keep the Policy under review the Policy has now been updated for the five year period 2016 to 2021.
- 1.5 The revised Policy contains additional supportive information, and is in accordance with Section 13 of the Revised Guidance issued under section 182 of the Licensing Act 2003. It also contains the updates to the Licensing Act 2003 issued by the Home Office since 2011 and includes the relevant updates brought in by the Deregulation Act 2015.

## **2. Consultation**

- 1.1 Consultations on the draft Policy have taken place over a 10 week period following CMT & Licensing Committee approval. The Licensing Team consulted with Responsible Authorities, Parish and Town Councils and local businesses.
- 1.2 The draft Licensing Policy Statement was also displayed on the council's website throughout the consultation period. This was accompanied by an invitation to submit relevant comments.
- 1.3 No recommendations for amendment were received during this consultation period. It is therefore proposed that the draft policy statement be adopted and published.

## **2. Implications**

### **1.1 Legal Officer's Comments (DK)**

Legal Services confirm that under section 4 of the Licensing Act 2003 the Council (as a licensing authority) must carry out its functions with a view to promoting the following licensing objectives:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The prevention of children from harm

The Council must ensure that its policy is based on these objectives and in accordance with section 5 of the Licensing Act, for each five year period, the Council must (a) determine its policy with respect to the exercise of its licensing functions,

and (b) publish a statement of that policy before the beginning of each five year period. The policy must be kept under constant review by the Council.

### **1.1 Finance Officer's Comments (DB)**

There are no financial implications arising from this report.

### **1.2 Diversities and Equalities Implications (ST)**

There are no diversity or equalities implications arising from this report.

## **3. Contact Officers and Background Documents**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

### **Dr Sarah Robson – Head of Communities**

Telephone: 01303 853426

Email: [sarah.robson@shepway.gov.uk](mailto:sarah.robson@shepway.gov.uk)

Briony Williamson - Licensing Officer

Email: [briony.williamson@shepway.gov.uk](mailto:briony.williamson@shepway.gov.uk)

The following published documents have been relied upon in the preparation of the report:

Licensing Act 2003

Revised Guidance issued under section 182 of the Licensing Act 2003 – March 2015

Deregulation Act 2015 – March 2015

Appendices:

Appendix 1 – Shepway District Council - Licensing Policy Statement 2016-2021