

This Report will be made public on 22 March 2021



Report Number **OS/20/15**

**To:** Overview and Scrutiny Committee  
**Date:** 30 March 2021  
**Status:** Non Key  
**Responsible Officer:** Ewan Green, Director of Place  
**Cabinet Member:** Cllr David Monk, Leader of the Council

**SUBJECT:** LICENSING POLICY REVIEW

**SUMMARY:** This reports presents an outline of the review of the Council's Statement of Licensing Policy. The report sets out the context for this, the timetable for review and consultation and an overview of the key issues that will be considered in the review.

**RECOMMENDATIONS:**

1. To receive and note report C/20/15.
2. Overview and Scrutiny Committee are invited to comment on the report and to provide initial feedback on key issues outlined in order to inform the review of the licensing policy.

## 1. BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 places a statutory duty on the Council, as Licensing Authority, to produce a Statement of Licensing Policy and that this should be reviewed every 5 years
- 1.2 The Statement of Licensing Policy (hereafter the 'policy') sets out the Licensing Authority's policy, which guides the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing.
- 1.3 The current policy was adopted in 2016 and therefore requires to be reviewed in 2021. A copy of the current policy is attached as the Appendix.
- 1.4 The new Corporate Plan 2021-30: *Creating Together Tomorrow* is based on 4 key 'place shaping' principles:
  - Positive Community Leadership
  - A Thriving Environment
  - A Vibrant Economy
  - Quality Homes and Infrastructure

The updated Licensing Policy will be an enabler to support the Council achieve the ambitions set within the plan.

- 1.5 The Council is working with partners and stakeholders to develop a Folkestone Town Centre Place Plan which will set out a vision and direction for Folkestone town centre including necessary infrastructure investment required to achieve sustainable change. Alongside physical interventions the plan will also consider future management and animation of the town centre. The work to develop the Place Plan will include consideration of the way in future licensing policy can be shaped to support a vibrant and sustainable future for the town centre.

## 2. REVIEW TIMETABLE AND PROCESS

- 2.1 The updated policy will be required to be considered by Full Council following a series of reviews and a period of statutory public consultation.

The timetable for this is set-out below:

March	Overview & Scrutiny Committee
April	Draft Policy Prepared
May	Draft Policy considered by Planning & Licensing Committee and Overview & Scrutiny Committee
June / July	Public and Statutory Partners Consultation
August	Review and Development of Final Draft Policy
September	Planning & Licensing Committee
October	Full Council

- 2.2 Committee is asked to note the review timetable and process.

### **3. KEY ISSUES**

- 3.1 The review will include consideration of a number of key issues including:
  - 3.1.1 how the policy meets the four main statutory Licensing Objectives (Prevention of Crime and Disorder, Public Safety, Prevention of Nuisance and Protection of Children from Harm).
  - 3.1.2 the way in which license applications are determined, the guidelines used and how representations are considered.
  - 3.1.3 reviewing how the policy can support the council's ambitions in the Corporate Plan and Place Plan for Folkestone Town Centre.
  - 3.1.4 updating the policy in line with the latest national guidance.
  - 3.1.5 how the policy is presented so that it is clear and consistent.
- 3.2 Committee is asked to comment on the above and to identify any other issues that should be included in the review.

### **4. RISK MANAGEMENT ISSUES**

- 4.1 There is a requirement for the Council to review its policy every 5 years. The timetable outlined in this report has been developed to ensure that this requirement is met.

### **5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

#### **5.1 Legal Officer's Comments**

There are no legal implications in this report.

#### **5.2 Finance Officer's Comments**

There are no financial implications in this report.

#### **5.3 Diversities and Equalities Implications**

The Statement of Licensing Policy will consider the needs of all residents regardless of whether or not they have a protected characteristic. The differing needs of people, including those with different protected characteristics, will be considered during the review as it progresses.

The final draft Policy will be the subject of an Equalities Impact Assessment Screening.

## **6 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Ewan Green, Director of Place

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

***(Note: only documents that have not been published are to be listed here)***

**Appendix: Statement of Licensing Policy (2016)**