

# Licensing Committee

5 March 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

|                             |  |
|-----------------------------|--|
| <b>Final Decision-Maker</b> | Licensing Committee                                      |
| <b>Portfolio Holder(s)</b>  | Councillor Dr Ronen Basu – Portfolio Holder              |
| <b>Lead Director</b>        | Paul Taylor - Director of Change and Communities         |
| <b>Head of Service</b>      | Gary Stevenson - Head of Housing, Health and Environment |
| <b>Lead Officer/Author</b>  | Sharon Bamborough – Head of Licensing Partnership        |
| <b>Classification</b>       | Non-exempt (Public)                                      |
| <b>Wards affected</b>       | All  |

### This report makes the following recommendations to the final decision-maker:

1. Agree for consultation purposes the proposed amendment to the Statement of Licensing Policy (which will expire 6 January 2021) to include a new section on outdoor events

### Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- A Prosperous Borough
- A Green Borough
- A Confident Borough
- To ensure effective partnership working

### Timetable

| <b>Meeting</b>  | <b>Date</b>  |
|---|--------------|
| Licensing committee (to agree to consult)                                       | 5 March 2019 |
| Licensing Committee (to consider consultation feedback and agree final version) | 11 June 2019 |
| Full Council (Adoption)   | 17 July 2019 |

# LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report invites Members to consider a minor review of the current Council's Statement of Licensing Policy for the five-year period 7 January 2016 to 6 January 2021 so as to include a policy for outdoor events.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Licensing Act 2003 (the Act) requires the Council, in its role as a licensing authority, to prepare and publish a statement of licensing policy with respect to the exercise of its functions under the Act.
- 2.2 The Council's current Policy is in force until 6 January 2021. Once in place this Policy must be kept under review at least every five years. The usual full review of this policy is scheduled to take place in 2020.
- 2.3 In accordance with this requirement the Committee is asked to agree, for consultation purposes, a minor addition to the Council's Statement of Licensing Policy for the remainder of the current five year period, which commenced on 7 January 2016 and ends on 6 January 2021.
- 2.4 Any feedback from the consultation exercise will be presented to the Committee when they next meet in March, together with a request that they agree to refer the proposed Policy to full Council for approval when it next meets should they decide to amend the policy following feedback.
- 2.5 A copy of the proposed Statement of Licensing Policy for the five-year period expiring 6 January 2021 is attached at Appendix A to the report.
- 2.6 The proposed Policy has been revised so as to add a new section regarding outdoor events, in section 20, highlighted in yellow.
- 2.7 Many authorities have seen an increased demand for outdoor events and festivals in recent years. The Licensing Authority's current policy does not have any specific or additional considerations for outdoor events as opposed to the regular licensing activity which takes places mostly within buildings. In light of the evidence of an increased demand for outdoor events and festivals from other authorities, it is anticipated that there may be a national trend for an increase in such events and that Tunbridge Wells can expect an increase in such demand over the five-year period 7 January 2016 to 6 January 2021.

The proposed section includes:

- A suggested terminal hour for all licensable activities of 23:00 at outdoor events;
- Setting out expectations that organisers will demonstrate that they have the required permissions in place to use the land;
- Setting out expectations that organisers will demonstrate that they have arrangements in place to ensure the site is properly checked and certified (for example, if water supplies or electrics need to be checked); and
- Setting out expectations that organisers will demonstrate that they have notified and where necessary sought authorisation / advice from the Council's Safety Advisory Group for the event.

Any amendments the Committee require to the proposed Policy will be done ahead of it going out for consultation.

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### **3. AVAILABLE OPTIONS**

- 3.1 To approve the proposed amendment and direct the Licensing Service to carry out consultation.
- 3.2 To amend the proposed new section and direct the Licensing Service to carry out consultation
- 3.3 Reject the proposed amendment and leave the police as it currently is.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Licensing Service recommends the first option in order to keep the wording in line with similar proposals for all the statements of licensing policy across the Licensing Partnership .

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### **5. CONSULTATION**

- 5.1 Prior to determining (or amending) its Statement of Licensing Policy the Council must consult with those parties identified in section 5(3) of the Licensing Act 2003, who are:
  - the chief officer of police for the licensing authority's area;
  - the fire and rescue authority for that area;
  - each Local Health Board for an area any part of which is in the licensing authority's area
  - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area

- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
- such other persons as the licensing authority considers to be representative of business and residents in its area.

5.2 It is recommended that the following parties be directly consulted on the proposed Policy:

- Members of the Council;
- Neighbouring Authorities;
- Responsible Authorities;
- holders of Premises Licences and Club Premises Certificates\*;
- person/ bodies representative of the holders of Premises Licences and Club Premises Certificates; \*
- Town Centre Forums, BIDs, Partnerships and Managers;
- person/ bodies representative of local business;
- person/ bodies representative of local residents;
- representatives of local transport providers; and
- representatives of local health care providers.

\* Note: The requirement to consult with 'such persons the Council considers being representative of holders of personal licences' will be achieved by consulting the holders of Premises Licences as a percentage of this group also hold a Personal Licence.

5.3 It is also recommended that details of the proposed amended Policy, together with an invitation to submit comments, be posted on the Council's website. In addition relevant officers of the Council, such as the Council's Head of Legal Services, will be consulted on the Policy.

5.4 During the 6 week consultation period it is open to any person to make comments on the proposed Policy. This allows for comments both on the proposed Policy together with the submission of any evidence that specifically relates to 'outdoor events'.

5.5 The Committee will consider any comments or evidence submitted following the consultation when it next meets in 2019. At this meeting the Committee will decide if, having had regard to the feedback, the proposed Policy should be amended and agree a final draft of the Policy for submission to full Council in 2019.

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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Should the Committee be minded to agree the proposed amendment to policy, the Licensing Service will commence a six week consultation and the results will be fed back to a future meeting of the Licensing Committee.
- 6.2 Should the Licensing Committee proceed to amend the policy following consultation it would then be referred to a meeting of the full council for adoption.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| <b>Issue</b>                            | <b>Implications</b>  | <b>Sign-off</b>  |
|---|--|--|
| <b>Legal</b> including Human Rights Act |  | Robin Harris<br>Senior Lawyer – Contentious, Mid-Kent<br>25.2.19 |
| <b>Finance</b> and other resources      | <i>There are no financial implications</i>   | Sharon Bamborough<br>Head of Licensing Partnership<br>25.2.19    |
| <b>Staffing establishment</b>           | No impact on Tunbridge Wells Borough Council   | Sharon Bamborough<br>Head of Licensing Partnership<br>25.2.19    |
| <b>Risk Management</b>                  | A risk assessment is undertaken on an annual basis regarding the service objectives and reviewed regularly | Sharon Bamborough<br>Head of Licensing Partnership<br>25.2.19    |
| <b>Data Protection</b>                  | No impact.   | Sharon Bamborough<br>Head of Licensing Partnership<br>25.2.19    |
| <b>Environment and Sustainability</b>   | No impact.   | Sharon Bamborough  |

|                                 |            |  |
|---------------------------------|------------|--|
|                                 |            | Head of<br>Licensing<br>Partnership<br>25.2.19                         |
| <b>Community<br/>Safety</b>     | No impact. | Sharon<br>Bamborough<br>Head of<br>Licensing<br>Partnership<br>25.2.19 |
| <b>Health and<br/>Safety</b>    | No impact. | Sharon<br>Bamborough<br>Head of<br>Licensing<br>Partnership<br>25.2.19 |
| <b>Health and<br/>Wellbeing</b> | No impact. | Sharon<br>Bamborough<br>Head of<br>Licensing<br>Partnership<br>25.2.19 |
| <b>Equalities</b>               | No impact. | Sharon<br>Bamborough<br>Head of<br>Licensing<br>Partnership<br>25.2.19 |

## 8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: [Statement of licensing policy amended to show new wording]

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## 9. BACKGROUND PAPERS

none