



Licensing Committee

Members of the **Licensing Committee** of **Gravesham Borough Council** are summoned to attend a meeting to be held at the Civic Centre, Windmill Street, Gravesend, Kent on **Wednesday, 4 March 2015 at 7.30pm** when the business specified in the following agenda is proposed to be transacted.

S Kilkie
Assistant Director (Communities)

Agenda

Part A

Items likely to be considered in Public

1. Apologies for absence
2. To sign the minutes of the previous meeting (Pages 1 - 4)
3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.
4. To consider whether any items in Part A of the agenda should be considered in private or the items in Part B in public.
5. Local Alcohol Action Area Project - report herewith. (Pages 5 - 14)
6. Annual Police Report - oral report from Chief Inspector Simon Alland.
7. Further changes to the licensing requirements of regulated entertainment and other matters under the Licensing Act 2003 - report herewith. (Pages 15 - 20)
8. Personal Licence renewals under the Licensing Act 2003 - report herewith. (Pages 21 - 24)
9. Minutes of Licensing Panel
 - a) Minutes of meeting Monday, 21 July 2014 of Licensing Panel (Pages 25 - 28)
 - b) Minutes of meeting Thursday, 28 August 2014 of Licensing Panel (Pages 29 - 30)

10. Any Other Business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency.

11. Exclusion of the Public

To move, if required, that pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded from any items included in Part B of the agenda because it is likely in view of the nature of business to be transacted that if members of the public are present during those items, there would be disclosure to them of exempt information as defined in Part 1 of Schedule 12A of the Act.

Part B
Items likely to be considered in Private

None.

Members

CLlr John Loughlin (Chair)

CLlr Richard Smith (Vice-Chair)

Councillors: Valerie Ashenden
Jean Averibou
Gurdip Ram Bungar
Julia Burgoyne
Harold Craske
Jane Cribbon
Greta Goatley
Leslie Hills
William Lambert
Lyn Milner
Leslie Pearton
Derek Sales
Makhan Singh

Substitutes: Colin Caller
John Caller
John Cubitt
Peter Rayner
Derek Shelbrooke
Michael Wenban

Licensing Committee**Wednesday, 5 March 2014****7.30pm****Present:**

Cllr John Loughlin (Chair)

Cllrs: Valerie Ashenden
Jean Averibou
Gurdip Ram Bungar
John Caller
Harold Craske
Jane Cribbon
Leslie Hills
William Lambert
Lyn Milner
Leslie Pearton

Sarah Kilkie	Assistant Director (Communities)
Christina Hills	Senior Licensing Officer
Ravy Sarin Busbridge	Committee & Scrutiny Assistant

9. Apologies

Apologies were received from Cllr Makhan Singh with Cllr John Caller as substitute. Cllrs Greta Goatley, Bryan Sweetland and Richard Smith also submitted their apologies.

10. Minutes

The Minutes of the last meeting held on Tuesday, 17 September 2013 were signed by the Chair.

11. Declarations of Interest

Cllr Harold Craske declared a personal but non-prejudicial interest in that his son is an employee of the Association of British Bookmakers mentioned in item 5 of the report.

12. Presentation by Christina Hills: Fixed Odd Betting Terminals

The Senior Licensing Officer presented to the Committee a presentation on the Fixed Odds Betting Terminals for information and consideration.

The Fixed Odd Betting Terminals (FOBT's) are touch screen electronic gaming machines offering a variety of games such as roulette and black jack, slot games and virtual racing. The odds per spin are fixed and only adjustable by the manufacturer. These machines have recently seen an increase in the betting shops with a maximum limit of four in each shop. With a 'house edge', where the profits generated from these machines go to the host, of

between 2.5 – 5 per cent, the machines are lucrative income for the shops with more than half of profits, currently at a national level, derived from FOBT's.

Currently, Local Authorities have no legal powers to impose conditions on the FOBT's. Local Authorities can choose to lobby and campaign to Parliament. The issues were debated at Parliament in September 2013 however the amendments were rejected and the debate continues. Only a code of conduct for responsible gambling and player protection, published by the Association of British Bookmakers, has been issued to minimise harm, however the strategy is based around self-acknowledgement and awareness proving meaningless to the large majority that have an addiction to gambling.

The Committee considered the presentation and discussed issues such as the social implications and the detrimental effects on the individual. The Chair and the Committee thanked the Senior Licensing Officer for an interesting and knowledgeable presentation.

The Senior Licensing Officer agreed to circulate the Model of Motion to Members for information.

Members noted the presentation, a copy of which is attached as Appendix 1 of the Minutes.

Appendix 1 - Presentation by Christina Hills of Fixed Odds Betting Terminals

13. Review of statement of licensing policy under the Licensing Act 2003

Members considered the report on the feedback on the public consultation of the draft review of Statement of Licensing Policy under the Licensing Act 2003 presented by the Senior Licensing Officer.

With consideration of the changes in the legislation and guidance of the Licensing Act 2003 in recent years and the current Policy expiring in January 2016 it was felt that a review of the current Policy be undertaken at this stage thus producing the revised policy.

At the Committee meeting of 17 September 2013, Members approved the draft review and the consultation commenced in September 2013 and was completed in December 2013. No responses were received from the consultation, however the Senior Licensing Officer advised that this is no cause for concern as the Policy itself is established and similar response numbers were seen across Kent. The draft review therefore remains unchanged to the proposed draft review presented at the last Committee meeting.

Resolved that Members endorsed the draft Statement of Licensing Policy under the Licensing Act 2003 to be put before Council for approval on 15 April 2014.

14. Review of Statement of Licensing Policy for Sex Establishments and Sexual Entertainment Venues

The Senior Licensing Officer presented to the Committee the proposed draft revised Statement of Licensing Policy for Sex Establishment and Sexual Entertainment Venues.

In 1982 the Council adopted the provisions to regulate sex establishments as part of Schedule 3, of the Local Government (Miscellaneous Provisions) Act 1982. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishments called 'sexual entertainment venues'. To implement the change, the Council adopted the provision

and became effective from April 2011. There is no legal requirement to have a licensing policy for Sex Establishments and Sexual Entertainment venues, however the Authority have considered it best practice and it provides a consistent approach when considering applications. The commitment contained within the policy states that it be reviewed every three years to remain current and up to date.

Following the review by Officers, the proposed draft policy remains unchanged with the exception of the removal of the Transitional Arrangements, therefore was not subject to public consultation.

Resolved that Members approved the draft Gravesham Borough Council Statement of Licensing Policy for Sex Establishment and Sexual Entertainment Venues so that it can be effective from April 2014.

15. Fee setting for 2014/15 in respect of the Licensing of Sex Establishments and Sexual Entertainment Venues

The Assistant Director (Communities) presented to the Committee the Fee setting for 2014/15 in respect of the Licensing of Sex Establishment and Sexual Entertainment Venues report for information and consideration.

Following the report presented to the Licensing Committee in September 2013 of the setting of Licensing fees and the judicial review case, Hemming v Westminster City Council, the proposed fees and charging was set by Assistant Director (Communities) and the Assistant Director (Finance) under delegated authority, as approved by the Committee in September 2013, and reported to Cabinet on 3 February 2014.

The proposed fees set in respect of the Licensing of Sex Establishments and Sexual Entertainment Venues are:-

£2,573 – For initial application/grant;
£1,353 – For renewal/transfer and variation applications.

A 'toolkit' recommended by LACORS was used to calculate the fees producing an average cost of an application and incorporating an officer hourly rate and 220 chargeable days a year. The proposed fees reflect the true cost of administering applications and are in line with inflation and would be reviewed annually.

Resolved that Members noted the contents of the report and the fees set by the Officer under delegated powers in respect of Sex Establishment Licenses for 2014/15.

16. Minutes of Licensing Panel

The Minutes of the Licensing Panel held on 1 November 2013 were noted by the Committee. The Minutes of 5 December 2011 were disregarded as were incorrectly added to the agenda in error.

Close of meeting

The meeting ended at 8.40 pm.

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Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee
Date: 4 March 2015
Reporting officer: Sarah Kilkie, Assistant Director
Subject: Local Alcohol Action Area Project

Purpose and summary of report:

To inform Members of the purpose of the multi-agency Gravesham Local Alcohol Action Area (LAAA) project and of the progress that has been made in the delivery of the same.

Recommendations:

Members are asked to note the contents of the report

1. Introduction

- 1.1 In October 2013 the Home Office wrote to Local Authority Chief Executives to invite expressions of interest in taking part in a Local Alcohol Action Area (LAAA) project which aimed to offer up to 20 boroughs nationwide assistance with combating drink-fuelled crime and disorder and the damage caused to people's health. Work in the LAAA's was also to focus on promoting diverse night time economies.
- 1.2 In February 2014 the Home Office announced that Gravesham BC had been successful in achieving a place in this pilot project and the winning bid is attached as Appendix 2 to this report.
- 1.3 The project finishes at the end of March and the Home Office intend to report on the work and successes achieved by all the boroughs in the summer of 2015.
- 1.4 A multi- agency LAAA Group was established that meets on a monthly basis. The Group developed and agreed a Delivery Plan that included a range of activities aimed at:
 - Reducing alcohol-related crime and disorder; and
 - Promoting growth by establishing a diverse and vibrant night-time economy

- 1.5 The LAAA Group includes representatives from key partner agencies and Council officers with responsibilities that are linked to town centre day-time, evening and night-time economies, licensing and public safety. Meetings are also attended by an allocated Home Office Support Worker who has been able to assist us by sharing good practice from other LAAA areas and to secure specialist advice on Communications (to improve public perceptions of the town centre and what it has to offer) and Diversification (to increase the choice of activities and venues available during the evening that are attractive to and will cater for a broader range of people wishing to socialise and spend their leisure time in Gravesend).

2. A staged approach

- 2.1 The LAAA's Delivery Plan has taken a holistic approach and recognised that whilst a fundamental part of the project has been to address alcohol-related crime and anti-social behaviour (ASB), there are a number of other factors that contribute to both improving community safety more generally as well as how safe people feel. The Delivery Plan was formulated to ensure that as many of these factors were addressed as possible and took a staged and structured approach by concentrating efforts within 5 areas of focus:

- Prevention (through education, awareness-raising, the promotion of responsible selling of alcohol and initiatives to reduce opportunities for alcohol-related crime and ASB to occur);
- Control (using a range of enforcement tools to take firm action against those engaging in alcohol-related crime and ASB);
- Treatment (promoting services available to those with alcohol and other substance misuse dependency problems and improving access to services);
- Public Perception and Diversification (carrying out a range of activities to improve public perceptions of Gravesend Town Centre by enhancing the physical environment, and working to provide a diverse range of facilities and entertainment to meet the needs of our equally diverse population);
- Communication (to extend the ways in which we communicate and consult with local people to improve our understanding of what forms public opinion about the town centre and any barriers that exist that prevent people from visiting town centre venues/premises or businesses from investing in the area).

- 2.2 During the life of the project considerable progress has already been made in respect of each of the Plan's key objectives. The formation of the Delivery Group brought together all the main stakeholders and the structured approach that was adopted has provided clear direction.

3. Actions

3.1 Prevention

- Reducing the Strength Campaign - led by Gravesham BC's licensing team together with Kent Police licensing officers, a "Reducing the Strength Campaign" was formally launched on 24 July. The aim of such a campaign is

for partner agencies and stakeholders to work together to reduce alcohol related harm and anti-social behaviour particularly that associated with street drinking and to improve all people's health by working with businesses to promote and support responsible retaining from 'off-licences'. This is achieved by a voluntary agreement for beer, cider and lager with an alcoholic volume of 6.5% and above (with the exception of premium products) to be removed from sale. Prior to the launch, questionnaires were sent to all off-licences to assess what products were being sold and to invite licensees to participate. The scheme was also publicised on the Council website and in a licensing newsletter sent out by Gravesham BC's licensing team. Joint licensing visits were also made to premises to carry out inspections and simultaneously used as an opportunity to promote the campaign. The lead Member for Business and the Community and the Chair of Licensing Committee also visited premises to throw their support behind the campaign. Unfortunately voluntary take up has been minimal (only two premises) but continues to be promoted as a means of reducing the ready availability of higher strength alcohol to street drinkers in the town.

- Promotion of the G-Safe Safer Socialising Award – the Award has already been issued to The Grapes, T.J.'s, The Robert Pocock, The Goose and The King's Head. During the time that the LAAA project has been in operation, AMF Bowling, McDonald's and Blake's have expressed an interest and are working towards meeting the necessary criteria.
- Responsible Retailing training opportunity – GBC Licensing were contacted by SAB Miller a brewery company who offered training for staff of licensed premises in Gravesham, including off-licences. 60 free places were offered (the usual cost is £180 per person) of which 50 were taken up and the attendees achieved a BIIAB Level 1 Award in Responsible Alcohol Retailing accredited by the British Institute of Innkeeping.

Seasonal work – particular multi-agency work to reduce the risks of alcohol-related crime and ASB takes place each year and this year focussed on the town centre to contribute to the LAAA's work programme. This included campaigns to raise awareness of the dangers of drink-driving, promoting responsible drinking, the use of taxi marshalls on key dates over the Christmas and New Year period (following consultation with Kent Police and local taxi drivers), the trialling of 'taxi hailing points' at various locations throughout the town in addition to the taxi rank to help disperse members of the public more quickly at the end of the evening and working with Gravesend Street Pastors to provide support and assistance to potentially vulnerable people.

3.2 Control

- Enforcement Operation - A two-week Police-led Operation was delivered specifically to address street drinking and alcohol-related ASB taking place during the mid-summer months. Officers and Council staff (including the Community Safety Unit's Safer Place Officer) reinforced the message of responsible drinking and enforced powers granted within the terms of the Alcohol Control Zone where appropriate. Officers engaged with 110 people for alcohol-related reasons and 88 alcohol seizures were carried out. Key locations where street drinking takes place were confirmed and several persistent street drinkers were identified, enabling resources to be effectively targeted. Whilst successful in causing the street drinkers to move away from

the area, there has been some displacement (particularly to the corner junction of Darnley Road and Pelham Road). Efforts will continue to be made to engage with these individuals alongside taking appropriate enforcement action whilst longer-term solutions are explored.

- Review of Alcohol Control Zone signage – a review has been completed and additional signage installed in locations where street drinking has been identified as being more prevalent.
- Use of G-Safe (Town Centre Crime Reduction Initiative) Exclusions – there is a close working relationship between G-Safe, the Council and Kent Police with the sharing of intelligence taking place on a daily basis. Joint work has included the use of G-Safe Exclusions taken against those involved in alcohol-related crime and ASB.

3.3 Treatment

- Joint work with Crime Reduction Initiatives (CRI) – CRI is the West Kent Treatment and Recovery Service, the commissioned provider of services for those with alcohol and drug dependency problems. CRI are an active member of our LAAA Project Group and have taken the lead on several initiatives. With a financial contribution provided by the Community Safety Unit (CSU), 4 CRI clients with alcohol dependency issues and who have in the past or may be at risk of engaging in domestic abuse, are being supported through the Community Domestic Abuse Programme (CDAP) alongside their recovery plan. They will be able to complete the 22-week programme in Gravesend (CRI will be hosting the sessions) and support will also be provided to their partner/families. This is the first time that this kind of collaborative approach has been taken locally. CDAP has an excellent track record in changing behaviour of those undertaking their programme; progress will be monitored and reported through the LAAA meetings.
- Dealing with complex alcohol misuse clients – CRI have also taken the lead in coordinating a multi-agency approach to better meet the varied needs of those with complex alcohol misuse problems. Meetings bring together all those agencies that may be able to offer some kind of tailored support to deal with specific issues such as accommodation, access to training and employment opportunities etc. The approach is similar to that that has been adopted by the Community Safety Partnership's Reducing Re-offending Sub-Group that has been proactively addressing the issues that manifest themselves as pathways to offending behaviour. The intention is to clearly identify what kinds of intervention different agencies are able to provide to the individuals and that interventions are then delivered in a 'joined-up' fashion.

3.4 Public Perception and Diversification

- 3.4.1 Public perceptions about levels of crime, ASB and personal safety are strongly affected by environmental issues such as street cleanliness, inadequate street lighting, criminal damage caused by vandalism and graffiti. It is also widely acknowledged that if such issues are left unattended they tend to increase and attract further problems. In efforts to improve public perceptions of Gravesend town centre and to create an environment in which people will want to spend their spare time and in which businesses will want

to invest, considerable work has already taken place that is contributing not only to the LAAA Project Group's objectives but also towards the Council's Corporate Plan.

3.4.2 Enhancing the physical environment

- Street lighting – following consultation with Kent County Council (KCC) in May, the County Council agreed to clean and repair street lighting in key roads in the town centre (High Street, Queen Street and King Street) to improve their functionality.
- Gravesham in Bloom - the extension of Gravesham in Bloom to the peripheral areas of the town saw flower planters and baskets installed through the town centre with many businesses participating. Gravesham Urban Knitters used knitted flowers and bunting to make areas of the town brighter and 'camouflage' vacant shop fronts and community planting and volunteering days took place with Council staff, local residents and school pupils all taking part. KCC Councillors used individual contributions from their Members' Grants to buy planters and baskets for the Old Town Hall, Library and Adult Education Centre areas. Gravesham succeeded in reaching the standards to achieve the Gold award.
- Repairing damage – broken down hoardings in Horn Yard have been replaced and redundant/dilapidated furniture around the one way system has been cleared and replaced. Bins, handrails and benches were repainted as part of the Community Volunteering Days during Gravesham in Bloom.
- Improving cleanliness – Large-scale, highly visible graffiti on the access to the town centre from Gravesend railway station and the exterior walls on the multi-storey car park has been removed. Street sweeping duties had previously ended at 17:00hrs; the extension of these hours has been agreed to improve the appearance of the town centre to counter otherwise negative impressions of the town to visitors in the early evening/night-time. As part of the environmental campaign for the town centre, 2 full-time Town Centre Maintenance Operatives have been employed to be dedicated to working in the town.

3.4.3 Diversification – developing the evening and night-time economy

- Paul Greengrass Cinema – The Woodville screens current films to provide local people with an affordable local alternative to visiting cinemas outside of the Borough. Consideration is being given to offering ticket plus meal packages to attract greater footfall.
- Food trails – The Group is exploring how food trails may be used to promote positive experiences for new visitors to the town using good food ratings to promote local restaurants and raise public awareness of the wide variety of venues available.
- Promotion/marketing of evening and night-time venues – a short film has been made that will be used to advertise Gravesend's night-time economy and to promote reputable restaurants, licensed premises and other venues. The intention is that this will be shown before first film screenings to

encourage cinemagoers new/unfamiliar with the town to also visit these premises. The film will also be able to be viewed on the Council's website.

- Encouraging business investment – it is hoped that some of the work co-ordinated through the LAAA Project will also mean that as perceptions of the town improve, more people looking to relocate or start up a business will find the town attractive. The Group monitors new businesses opening/planning to open in the town centre at its meetings to ensure that if there are opportunities to engage and work with them, these are not missed e.g. they may want to join the G-Safe Scheme, try to secure a Safer Socialising Award or be keen to take part in the food trail project.
- Night-time economy meetings – there is already very good communication between retailers and businesses that operate during the day-time, particularly assisted by their membership in the G-Safe Scheme and their radio contact with each other and with the CCTV Control Room. Consultation has been taking place between Licensing Officers, Town Centre staff and night-time economy premises with a view to establishing regular meetings for representatives from night-time venues as a means of sharing good practice, sharing information and intelligence and encouraging collaborative work to promote the town.
- Christmas events – Living Advent – The Town Centre Manager and Senior Licensing Officer worked with local businesses to ensure that 24 different live events took place in different venues in the run up to Christmas. The events took place between 5.00pm-8.00pm to provide some entertainment in the early evening to take people into the night-time economy hours and encourage them to stay in the town centre later.

3.5 Communication

- The Home Office commissioned marketing experts, Munroe and Fraser, to work with the 5 Local Authority areas delivering the LAAA initiative and who have expressed an interest in having support in developing a positive reputation as places to visit and in which to socialise. Good practice from other areas has been shared with Gravesham's Communications Team that took the lead on this aspect of the project.

4. Additional activity to address ASB in key locations in the Town Centre

- 4.1 The Clock Tower is a key historical landmark in the town centre but in the past it has been a regular meeting place for street drinkers and more recently become a gathering point for (according to reports received by Kent Police and the CSU) sometimes large groups of young people who are believed to have been involved in ASB. This is reputed to have included verbal abuse, the intimidation of staff of neighbouring businesses and their visitors and the causing of criminal damage to both Clock Tower itself and property nearby.
- 4.2 Specific work to address the problems relating to young people gathering and ASB that took place included:
- Officers, together with Kent Police, have considered new powers coming into effect on 20 October through the Anti-Social Behaviour and Crime Act

2014 to identify any new approaches that could be used. In particular they are looking into the feasibility of using a new Public Space Protection Order (PSPO) in the Clock Tower area. Home Office colleagues working with us on the LAAA Project have suggested that we consider this new Order as an option. The Order is quite different to the Dispersal Orders that have previously been used and is intended to be broader and less bureaucratic. Councils will take the lead in making the Order and will be expected to consult with the Police, the Police and Crime Commissioner and other relevant agencies. It is specifically intended to focus on the impact that ASB is having on victims and communities and their quality of life and has the advantage of being enforceable by Police Officers, PCSOs and Council Officers.

- KCC Youth Services Outreach Team visited the area, attempting to engage with the young people several times a week. The Senior Youth Worker leading this has had considerable past experience of working with young people in Gravesend and some of the individuals gathering at the Clock Tower are known to him. They have expressed an interest to him in having a youth club that they could attend in the town. The Youth Worker is now in the process of speaking to both the Methodist Church and the Emmanuel Baptist Church, at Milton Road and Windmill Street respectively, about the possibility of running sessions from each of these venues. The Youth Worker is 'negotiating' with the young people that he is willing to try to put in place some sessions for them but that this is also dependant on a marked improvement in their behaviour.
- There is one permanent CCTV camera directly in this area. The CSU arranged a site meeting between CCTV Engineers, the Town Centre Manager and local Police to assess the scope for the installation of 2 of our mobile CCTV mobile units. This is to ensure that we have good coverage of the Clock Tower in order to establish the extent to which young people are gathering there; obtain evidence of any wrongdoing and to gather footage that could be useful in supporting any decision taken to utilise powers to put a Public Space Protection Order in place. Secure and suitable lighting columns was identified and the installation of the mobile cameras is in place.
- The CSU Safer Place Officer visited the area daily and engaged with members of the public at the Clock Tower (of all ages) and particularly to advise in respect of the responsible disposal of litter. As from February 2015 the Kingdom team will be in operation in the town centre to take Fixed Penalty Notice action against those dripping litter. They will be briefed as regards the Clock Tower hotspot.
- Kent Police have confirmed that the Community Policing Team will continue to prioritise the Clock Tower for the foreseeable future ensuring their patrols visit the area regularly with particular attention being given in the evenings. The area is also a daily tasking for the Police ASB Patrol Car (Operation Army) whose reports are fed back into the CSU Daily Briefing meetings.

5. Home Office Input

- 5.1 LAAA meetings occurred on a monthly basis with a dedicated support worker from the Home Office in attendance to offer advice and to signpost good practice in other authorities.
- 5.2 The Director General, Crime and Policing selected Gravesham BC as an area to visit in July 2014 and was very complimentary of the approach being taken by the borough and all of its partner agencies.
- 5.3 Numerous workshops and seminars have taken place addressing the core themes of the LAAA project. Apart from the information disseminated at these meetings they have provided an ideal opportunity for networking, not only with the other participating authorities but also with many trade bodies and associations involved in the sale of alcohol and effects on communities. The last of these seminars will deal with sustainability after the project has ceased.
- 5.4 The Home Office intends to collate a report of good practice and learning points that have been gleaned from all participants in the LAAA project nationwide and this will be published in the summer of 2015.

6. BACKGROUND PAPERS

6.1

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS		APPENDIX 1	
Legal	<p>The Crime and Disorder Act 1998 places a statutory responsibility on a local authority to work in partnership with key agencies with the aim of addressing identified priorities to reduce crime and ASB.</p> <p>The LAAA project has given the opportunity to look closely at best use of powers available to the council and its partners in tackling these issues -including the new Anti-Social Behaviour Crime and Policing Act 2014.</p>		
Finance and Value for Money	<p>Whilst no grant funding was attached to the LAAA status; the support and networking opportunities provided by the Home Office, its experts, partner authorities and trade contacts have been invaluable in driving the project forward and helping to achieve positive outcomes.</p>		
Risk Assessment	<p>There are no immediate risks to the completion of multi-agency activity in relation to the LAAA project and its continuation once the formal phase of the project draws to a close.</p>		
Equality Impact Assessment	Screening for Equality Impacts		
	Question	Answer	Explanation
	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	Reducing crime and ASB as well as alcohol-related health harms will have only positive impacts on all local people and communities
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The work of the LAAA delivery group will contribute to promoting equality by assisting and encouraging local people (who may be part of harder to reach groups or who may be more susceptible/vulnerable to certain types of crime and ASB) to access services that may be able to offer them positive support and assistance
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A
<p><i>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</i></p>			

<p>Corporate Business Plan</p>	<p>There are direct links to Strategic Objective 1 – Community Wellbeing and Strategic Objective 4 – Economic Development and Regeneration</p>
<p>Crime and Disorder</p>	<p>Fulfilling powers and duties under section 17 of the Crime and Disorder Act 199 is of direct relevance to the Council’s obligations as well as addressing the objectives of the Licensing Act 2003 which are:</p> <ul style="list-style-type: none"> a) The prevention of crime and disorder b) Public safety c) The prevention of public nuisance; and d)The protection of children from harm

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 4 March 2015

Reporting officer: Sarah Kilkie, Assistant Director (Communities)

Subject: Further changes to the licensing requirements of regulated entertainment and other matters under the Licensing Act 2003

Purpose and summary of report:

To provide and update on the legislative changes to the Licensing Act 2003 made by the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Bill.

Recommendations:

That Members note the upcoming changes to the Licensing Act 2003.

1. Background

- In “The Plan for Growth” published alongside the Budget in 2011, the Government announced that it intended to reduce the licensing burden for live music performance and bring forward proposals to reduce licensing burdens imposed on other forms of entertainment regulated by the Licensing Act 2003.
- The DCMS has been implementing these deregulatory measures through changes in legislation in four phases:
 - The Live Music Act 2012 conditionally deregulated live music in certain venues and circumstances and came into effect on 1 October 2012.
 - The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 partially deregulated plays, dance and indoor sporting events, and came into force on 27 June 2013.
 - Clause 58 of the Deregulation Bill currently before Parliament seeks to deregulate the exhibition of film in community premises.
 - The Legislative Reform (Entertainment Licensing) Order 2014 comes into force on 6 April 2015 and will deregulate certain types of regulated entertainment in defined circumstances.

2. Forthcoming amendments

- The forthcoming changes are summarised below:
 - Cross – activity exemption – The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08:00 – 23:00 on the same day, with no audience limit.
 - Live music in relevant alcohol licensed premises and workplaces – The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08:00 and 23:00 on the same day will be raised from 200 to 500.
 - Recorded music in relevant alcohol licensed premises – Any playing of recorded music in relevant alcohol licensed premises will be deregulated when it takes place between 08:00 – 23:00 on the same day for audiences up to 500. Recorded music will remain licensable where the playing of recorded music takes place at a time when the premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises.

Live and recorded music exemptions – Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00 – 23:00 on the same day

Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00 – 23:00 on the same day for audiences of up to 500.

- Travelling circuses – Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00 – 23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling – Greco-Roman and freestyle wrestling will be deregulated between 08:00 – 23:00 for audiences up to 1000 people.
- Incidental film – An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.

3. Deregulation Bill

- The Deregulation Bill is currently progressing through Parliament. The Commencement Date is not yet known but will not be before Spring 2015. A number of proposals will have an impact on licensing. These are summarised below:
 - Community and Ancillary Sellers Notices (CAN) – the CAN is proposed to be a new light touch authorisation under the Licensing Act 2003 that will

benefit specific small businesses and community groups who wish to sell or give away alcohol. The table below provides details of the CAN

For all CAN users	<ul style="list-style-type: none"> • The CAN will be authorised for 36 months • Alcohol may be sold between 07:00 and 23:00 • Notice will be given to the licensing authority • The prescribed fee will be paid • Police, Environmental Health and licensing authority can object, with the result being that the CAN may be revoked • Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions • No right to a hearing or appeal if a CAN is revoked
Ancillary sellers	<ul style="list-style-type: none"> • Sale of alcohol must be ancillary to provision of goods or services by the business • Sale of alcohol from single named premises • Alcohol for consumption on the named premises
Community groups	<ul style="list-style-type: none"> • Sale of alcohol must be made by or on behalf of a community group that does not trade for profit • Sale of alcohol must be ancillary to an organised community event • Sales of alcohol may be made from up to three named premises • Sales of alcohol for consumption at organised events of up to 300 people

Details are still awaited on the following elements of the CAN:

- Exact limits on the amount of alcohol that can be served
- Eligible business types (including the maximum size)
- The definition of qualifying community groups
- The type and frequency of permitted events
- Details on the fee
- Temporary Event Notices (TEN's) – It is proposed to increase the number of TEN's a premises can hold annually from 12 to 15.
- Personal Licences – It is proposed to remove the requirement to renew personal licences
- Liqueur confectionary – It is currently an offence under section 148 of the Licensing Act to sell liqueur confectionary to children under 16 years old. It is proposed to repeal this section of the Act.
- Late Night Refreshment – Late night refreshment is the supply of hot food or drink to the public between 23:00 and 05:00. The proposal would enable

licensing authorities to make certain exemptions from the requirement to hold a licence based on the type of business and location.

- Reporting loss or theft of licence – It is proposed to remove the requirement to report the loss or theft of a number of licences to the Police before a copy of the document can be issued. This includes premises, club premises certificates, temporary event notices and personal licences.
- Exhibition of films – proposal to deregulate film exhibitions at ‘community premises’ subject to the following conditions:
 - Prior written consent for the entertainment to take at the community premises has been obtained by or on behalf of a person concerned in the organisation or management of the entertainment
 - The entertainment is not provided with a view to profit
 - The audience consist of no more than 500 persons
 - The entertainment takes place between 08:00 and 23:00 on the same day; and
 - A recommendation concerning the admission of children to the exhibition of the film has been made by the film classification body or relevant licensing authority, and the admission of children to that exhibition of the film is subject to such restrictions (if any) as are necessary to comply with that recommendation.

The term “community premises” is defined in section 193 of the 2003 Act as meaning premises that are (or form part of) a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building

4. BACKGROUND PAPERS

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS		APPENDIX 1	
Legal	The Council must act in accordance with relevant legislation		
Finance and Value for Money	<p>There will be no financial loss from the 4 premises that are licensed purely for regulated entertainment as they are already exempt from paying fees.</p> <p>There could be an increase in the income raised from Temporary Events Notices if licensees take advantage of being able to 3 extra per premises.</p> <p>Only 20 premises are licensed purely for late night refreshment and most of these are located within the town centre and therefore unlikely to fall within the criteria for exemption from licensing.</p>		
Risk Assessment	There is the threat of an increase in noise nuisance complaints being received by the environmental protection team of the Council who will not be able to rely on conditions imposed on Premises Licences issued under the Licensing Act 2003 as a means of controlling noise pollution.		
Equality Impact Assessment	Screening for Equality Impacts		
	Question	Answer	Explanation
	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	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>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</i>			

Corporate Business Plan	There are links to Strategic Objective 1 – Community Wellbeing
Crime and Disorder	Licensing regulation provides the Council with a means of reducing crime and disorder as well as an ability to protect vulnerable persons

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 4 March 2015

Reporting officer: Assistant Director (Communities)

Subject: Personal Licence renewals under the Licensing Act 2003

Purpose and summary of report:

To inform Members of the procedure to be followed to renew Personal Licences issued under the Licensing Act 2003

Recommendations:

Members to note the contents of the report

1. Background

- 1.1 The scheme established by the Licensing Act 2003 for the regulation of the supply of alcohol includes a regime for the granting of personal licence to individuals to supply, or to authorise the supply of alcohol. A personal licence is separate from a premises licence.
- 1.2 The licensing of individuals separately from the licence of premises allows for the movement of personal licence holders from one premises to another, thus providing greater flexibility. The Act also provides the police and licensing authority with powers to deal with errant personal licence holders.
- 1.3 A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a premises licence.
- 1.4 To obtain a personal licence, applicants must pass an accredited licensing qualification and provide a basic disclosure and barring service criminal check in addition to completing an application form, provide two photographs that will be used to make an identity badge and pay the requisite fee of £37.00.
- 1.5 When the Licensing Act 2003 was in its transition phase between February and August 2005 individuals who held a licence to sell alcohol under the provisions of the Licensing Act 1964 were able to obtain a personal licence under the new regime under 'grandfather rights' that negated the need for a licensing qualification to be obtained.

- 1.6 All personal licences last for a period of 10 years and the first personal licences due for renewal in Gravesham Borough occur in March 2015.

2. Proposed changes

- 2.1 The Government is working to remove the requirement for personal licence holders to renew their licence every 10 years through the Deregulation Bill, which is currently before Parliament. However, the Deregulation Bill will not receive Royal Assent before the Spring 2015. When it becomes law anyone with a personal licence will hold it for their lifetime subject to it not being forfeited or surrendered.
- 2.2 To ensure that personal licence holders whose licences will expire before the enactment of the Bill the Government has introduced new arrangements and guidance to ensure they are not disadvantaged by the changes. This has been accompanied by guidance to local authorities on how this is to be managed.
- 2.3 For anyone affected during this interim period, they will need to complete an application form but will only need to provide basic information and either their original licence or a copy of the same. This application will need to be submitted to the authority who first issued the licence ie where the individual had their home address at the time. They will not need to provide a criminal records check, new photographs and there will be no fee. An acknowledgement will be given to the licence holder and this will be kept with their personal licence for production to authorised officers of the police or licensing authority if required.
- 2.4 Applications will need to be submitted at least one month before existing licence expire otherwise they will lapse and a new personal licence will need to be applied for. In the case of anyone who had a licence granted under 'grandfather rights' this would mean that they would have to obtain a licensing qualification.
- 2.5 In order to assist holders of Personal Licences issued about to expire, these persons have been notified of the interim arrangements by newsletter/personal letter. Further notifications will be made if the Deregulation Bill is delayed in its passage.

3. BACKGROUND PAPERS

3.1

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS		APPENDIX 1	
Legal	The Deregulation Bill contains the provision for personal licences to have no expiry date.		
Finance and Value for Money	Personal licences cost £37.00. Significant anticipated income will be lost when they do not have to be renewed every ten years (approximately £18,000 in 2015/16 and approximately £4,500 in subsequent years).		
Risk Assessment	There are no immediate risks associated with the abolition of the requirement for a ten yearly renewal of personal licences as changes of names/addresses and criminal convictions will still need to be notified to the Council.		
Equality Impact Assessment	Screening for Equality Impacts		
	Question	Answer	Explanation
	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	All new controls or deregulation applies to all licensees
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	N/A
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>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</i>			
Corporate Business Plan	There are links to Strategic Objective 1 – Community Wellbeing		
Crime and Disorder	Licensing regulation provides the council with a means of reducing crime and disorder as well as an ability to protect vulnerable persons		

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Licensing Panel**Monday, 21 July 2014****10.00am****Present:**

Cllr John Loughlin (Chair)

Cllrs: Richard Smith
Harold CraskeMartin Goodman
Christina Hills
Emily Lane-Blackwell
Carlie PlowmanCorporate Lawyer
Senior Licensing Officer
Licensing Officer
Committee Services Officer**Also in attendance:**DC Gill Angus
PC Claire Cossar
Jerry Posuniak
Dorota PosuniakKent Police
Kent Police
Applicant
Applicant**31. Declarations of Interest**

No declarations of interest were made.

32. Application GM/PRE/14/0003 - Polski Sklep, 155 Milton Road, Gravesend

The Panel considered an application, to which representations had been made, for the grant of a Premises Licence under the Licensing Act 2003 – application reference number GM/PRE/14/0003.

The application was for the sale and supply of alcohol off the premises from 09:00 until 22:00 Monday to Sunday.

Members were advised that Kent Police were not opposed to the application under the times stated but wished to see the following conditions attached to any licence granted:-

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - cameras shall encompass all ingress and egress to the premises, outside the premises, fire exits and all areas where the sale and supply of alcohol occurs;

- equipment must be maintained in good working order, be correctly time and date stamped, recording must be kept on the hard drive and kept for a period of 31 days and handed to the police on demand;
 - the premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand;
 - the recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual;
 - in the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately at: licensing.north.division@kent.pnn.police.uk
2. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises whilst the sale or supply of alcohol is undertaken at the premises.
3. The licence holder will maintain auditable refusal/incident records. These records will detail the following:-
- (a) day, date and time of refusal/incident;
 - (b) nature of refusal/incident and reason;
 - (c) details of/or description of the individual;
 - (d) each entry is to be checked and signed by the DPS on the day of the event;
 - (e) these records will be made available for inspection to any police officer, police licensing officer and officer of the local authority upon demand.
4. All persons that sell or supply alcohol to customers must have licensing training:-
- training should take place within six week of employment and any new employees will be supervised until the training has taken place. Training must include:-
 - (a) avoiding sales of alcohol or age restricted products to those under the age of 18;
 - (b) recognising customers who appear drunk and refusing sale or supply of alcohol;
 - (c) knows the licensing objectives and have read and understood licence conditions;
 - (d) can produce licences/certificates/permits relevant to the premises in the absence of the licence holder/DPS;
 - (e) refresher training should be repeated a minimum of every six months or earlier if due to changes of legislation;
 - (f) training records must be kept on the premises and shall contain the nature, content and frequency of all training;
 - (g) records must be made available for inspection by police, police licensing offices and authorised officers from the local authority on demand either electronically or hard copy.

5. No beers, lager or cider will be sold above 5.5% ABV.
6. No single can sales of beer, lager or cider will be made.

The Senior Licensing Officer advised that the Applicants' solicitors have agreed to conditions 1 to 4 but dispute conditions 5 and 6.

DC Gill Angus (Kent Police) and Jerry Posuniak (Applicant) addressed the Panel.

The Panel adjourned to consider its decision.

Determination

Having considered the information provided in the written report compiled by the Senior Licensing Officer and presented to the Licensing Panel; the representations of Kent Police and the Applicant; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State; and the licensing objectives, the Panel decided to **grant** the application subject to the following conditions:-

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - cameras shall encompass all ingress and egress to the premises, outside the premises, fire exits and all areas where the sale and supply of alcohol occurs;
 - equipment must be maintained in good working order, be correctly time and date stamped, recording must be kept on the hard drive and kept for a period of 31 days and handed to the police on demand;
 - the premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand;
 - the recording equipment and hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual;
 - in the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately at:- licensing.north.division@kent.pnn.police.uk
2. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises whilst the sale or supply of alcohol is undertaken at the premises.
3. The licence holder will maintain auditable refusal/incident records. These records will detail the following:-
 - (a) day, date and time of refusal/incident;
 - (b) nature of refusal/incident and reason;
 - (c) details of/or description of the individual;
 - (d) each entry is to be checked and signed by the DPS on the day of the event;

- (e) these records will be made available for inspection to any police officer, police licensing officer and officer of the local authority upon demand.
4. All persons that sell or supply alcohol to customers must have licensing training:-
- training should take place within six week of employment and any new employees will be supervised until the training has taken place. Training must include:-
 - (a) avoiding sales of alcohol or age restricted products to those under the age of 18;
 - (b) recognising customers who appear drunk and refusing sale or supply of alcohol;
 - (c) knows the licensing objectives and have read and understood licence conditions;
 - (d) can produce licences/certificates/permits relevant to the premises in the absence of the licence holder/DPS;
 - (e) refresher training should be repeated a minimum of every six months or earlier if due to changes of legislation;
 - (f) training records must be kept on the premises and shall contain the nature, content and frequency of all training;
 - (g) records must be made available for inspection by police, police licensing offices and authorised officers from the local authority on demand either electronically or hard copy.
5. No beers, lager or cider will be sold above 6.5% ABV.
6. No single can sales of beer, lager or cider will be made.

The Panel explained that conditions 5 and 6 (with condition 5 being slightly amended) had been imposed due to:-

- the underlying issues within the vicinity of the proposed premises; and
- the upcoming "Reducing the Strength" campaign by Gravesham Borough Council - retailers will be asked to remove all beers, lagers and ciders from their stores with an alcohol volume of 6.5% or over.

The Senior Licensing Officer informed the Applicants of their right of appeal.

Close of meeting

The meeting ended at 10.57 am.

Licensing Panel**Thursday, 28 August 2014****10.00 am****Present:**

Cllr John Loughlin (Chair)

Councillors: Richard Smith
Michael Wenban

Martin Goodman	Corporate Lawyer
Christina Hills	Senior Licensing Officer
Carlie Plowman	Committee Services Officer

Also in attendance:

PC Christopher Hill	North Kent Police
Mr Nimit Bhupendrabhai Patel	Premises Licence Holder
Mr Stewart Gibson	Representative of the Premises Licence Holder

33. Declarations of Interest

No declarations of interest were made.

34. Licence GM/PRE/10/0005 - Londis, 140-143 Milton Road, Gravesend

The Panel considered an application by North Kent Police for the review of the Premises Licence granted under the Licensing Act 2003 in respect of Londis, 140-143 Milton Road, Gravesend - Licence GM/PRE/10/0005.

The ground for applying for the review was in relation to the licensing objective of:-

- Prevention of crime and disorder.

Londis was visited in a joint operation between Kent Police Licensing and officers from HM Revenue & Customs (HMRC) on 1 July 2014. During the visit, 126.1 litres of non-duty paid alcohol was seized by HMRC.

The following remedial action was requested by North Kent Police:-

- Revocation of the premises licence.
- If the above was not the decision of the Licensing Panel, North Kent Police would request:-
 - Suspension of the premises licence for a period of 3 months to allow the venue to reset; and
 - Removal of the Designated Premises Supervisor – Mr Amandeep Singh.

The Senior Licensing Officer advised that Mr Nimit Bhupendrabhai Patel was now the Designated Premises Supervisor.

PC Christopher Hill (North Kent Police) and Mr Stewart Gibson (Representative of the Premises Licence Holder) addressed the Panel.

The Panel adjourned to consider its decision.

Determination

Having considered the information provided in the written report compiled by the Senior Licensing Officer and presented to the Licensing Panel; the representations of PC Christopher Hill and Mr Stewart Gibson; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State; and the licensing objectives, the Panel decided to the:-

1. Suspension of the premises licence for a period of 3 months, to allow the venue to reset; and
2. No beers, lager or cider to be sold above 6.5% ABV as supported by the Premises Licence Holder and in line with Gravesham Borough Council's "Reducing the Strength" campaign.

Advice

The Panel also suggested that the Premises Licence Holder:-

1. Ensures that there is adequate staffing levels to cover the opening hours of the premises, staff absence etc. as the current conditions state that there must be at least 2 members of staff working in the shop at all times whilst trading; and
2. Ensures that the refusal/incident book is kept maintained at all times and made available for inspection when required.

The Senior Licensing Officer informed the Premises Licence Holder of his right of appeal against the determination.

Close of meeting

The meeting ended at 11.29 am