

## **Gravesham Borough Council**

**Report to:** Licensing Committee  
**Date:** 21 November 2007  
**Reporting officer:** Head of Regulatory Services  
**Subject:** Review of statement of licensing policy under the Licensing Act 2003

### **Purpose and summary of report:**

To feedback to members on the responses received during the public consultation on the draft review of Gravesham Borough Council Statement of Licensing Policy  
To evaluate each of these responses and recommend how each should be dealt with in terms of policy revision

### **Recommendations:**

That the Licensing Committee endorses the recommendations made therein for these to be incorporated in the Statement of Licensing Policy to be put before the Council for approval on 11 December 2007.

## **1. Background**

- 1.1 Licensing Authorities under the Licensing Act 2003 are required to adopt and publish a statement of licensing policy.
- 1.2 Gravesham's first adopted such a statement of licensing policy at Council on 14 December 2004 in readiness for the statutory date of 7 January 2005.
- 1.3 Section 5 of the Act requires a licensing authority to prepare and publish its policy statement every three years. It is therefore necessary that we now review our statement of licensing policy and publish a revised version by no later than 7 January 2008.
- 1.4 On 12 September 2007 Licensing Committee approved the methodology to be followed in reviewing Gravesham's statement of licensing policy under Licensing Act 2003 and instructed officers to proceed with the review process.

## **2. Draft statement of licensing policy**

- 2.1 As agreed by Members a draft statement of licensing policy was drawn up based on a review of our existing policy statement and taking into account the newly revised (June 2007) guidance issued under section 182 on the Licensing Act 2003 to which licensing authorities must have regard.

- 2.2 The draft was produced in conjunction with the Kent and Medway Regulatory Licensing Steering Group and then 'tailored' for Gravesham.
- 2.3 The draft policy is attached as appendix A to this report.

### **3. Consultation**

- 3.1 The Act requires a consultation process prior to determining the statement of licensing policy. This consultation commenced on 20 September 2007 and runs until 19 November 2007.
- 3.2 Consultees and consultation mechanisms are as previously outlined to the Committee and are detailed at Appendix B to this report.

### **4. Evaluation of responses**

- 4.1 All incoming responses were entered into an evaluation grid for consideration. The format of this grid is as recommended by LACORS (Local Authorities Co-ordinators of Regulatory Services).
- 4.2 Evaluation of each response and a recommendation as to whether or not to amend the policy statement was conducted by the Senior Licensing Officer, in consultation with other officers and the Kent and Medway Regulatory Licensing Steering Group as appropriate.
- 4.3 Outcomes are now entered onto the grid which is attached as appendix C to this report.
- 4.4 The grid includes all responses received by Gravesham Borough Council by 12 November 2007. Any responses received in the final week of the consultation period will be reported to the committee as a supplementary paper on 21 November 2007.

### **5. Recommendation**

- 5.1 Members are asked to endorse the recommendations made within the evaluation grid, for inclusion in the final version of the GBC statement of licensing policy to be put before Council for approval on 11 December 2007.

### **6. Risk Assessment**

- 6.1 The publication of a Statement of Licensing Policy under the Licensing Act 2003 is a statutory requirement and failure to do so by 7 January 2008 as required may lead to negative publicity and criticism from central government.
- 6.2 Close adherence to the mandatory guidance in terms of policy development and consultation will minimise the risk of judicial review at a later date. This risk is further minimised by working in close cooperation and consistency with the other licensing authorities and responsible authorities within Kent.

### **7. Equal Opportunities**

- 7.1 The Licensing Act 2003 is fully inclusive and affects all people equally. The consultation pool for the draft statement of licensing policy was diverse and

included various faiths, racial equality groups and interested business groups as well as the general public.

## **8. Section 17 of the Crime and Disorder Act 1998**

- 8.1 Fulfilling powers and duties under the Licensing Act 2005 is of direct relevance to the Council's section 17 obligations in that the objectives of the Licensing Act 2003 are:
  - 8.1.1 the prevention of crime and disorder;
  - 8.1.2 public safety;
  - 8.1.3 the prevention of public nuisance; and
  - 8.1.4 the protection of children from harm.
- 8.2 As members of the Kent and Medway Regulatory Licensing Steering Group we are committed to a partnership approach to licensing and enforcement. This also directly reflects section 17 requirements.