

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 5 March 2014

Reporting officer: Sarah Kilkie, Assistant Director (Communities)

Subject: Review of Statement of Licensing Policy under the Licensing Act 2013

Purpose and summary of report:

To feedback to Members on the public consultation on the draft review of Gravesham Borough Council Statement of Licensing Policy under the Licensing Act 2003

Recommendations:

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

1. Background

- 1.1 Section 5 of the Licensing Act 2003 (2003 Act) requires licensing authorities to prepare and publish a statement of its licensing policy every five years (previously every three years). The policy must be published before the licensing authority carries out any licensing functions under the 2003 Act.
- 1.2 The last Statement of Licensing Policy was adopted on 7 January 2011 and the 5 year period will expire on 6 January 2016. However, as explained to Licensing committee on 17 September 2013, due to numerous changes in legislation and guidance it is felt that it is appropriate to review and update the policy now.
- 1.3 On 17 September 2013 Licensing Committee approved the methodology to be followed in reviewing Gravesham's statement of licensing policy 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 Guidance issued under section 182 of the Licensing Act 2003 to which licensing authorities must have regard and also provisions contained within the Police Reform and Social Responsibility Act 2011 and Live Music Act 2012 which have amended the Licensing Act 2003.

- 2.2 The policy was developed in close conjunction with all the other local authorities and responsible authorities (Police, Fire, Trading Standards etc) in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group. The aim of the county wide approach is twofold. Firstly, to promote consistency to the benefit of licensees, potential licensees, businesses, residents and to regulatory services having a Kent wide remit. Secondly to minimise the risk of judicial review of the individual policies.
- 2.3 The draft policy is attached as Appendix 2 to this report.

3. Consultation and responses

- 3.1 The Act requires a consultation process prior to determining the statement of licensing policy. This consultation commenced on 23 September 2013 and ran until 14 December 2013.
- 3.2 Consultees and consultation mechanisms were as previously outlined to Committee and included consulting with licence holders, local businesses and trade bodies through such means as mail shots and the council web site.
- 3.3 Despite the widespread consultation no responses were received commenting on the policy, thus the draft policy is unchanged from that put before Licensing Committee at its September 2013 meeting.

4. Recommendation

- 4.1 Members are asked to endorse the draft Gravesham BC Statement of Licensing Policy to be put before Council for approval on 15 April 2014.

5. BACKGROUND PAPERS

- 5.1 None

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	Section 5 of the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011) requires a licensing authority to prepare and publish a statement of its licensing policy every five years. During the five year period the policy must be kept under review.		
Finance and Value for Money	Here are no direct financial implications for Gravesham Borough Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.		
Risk Assessment	Failure to keep a Statement of Licensing Policy under the Licensing Act 2003 that accurately reflects current legislation could lead to negative publicity and criticism from central government. 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 co-operation and consistency with the other licensing authorities within Kent.		
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	The Licensing Act 2003 is fully inclusive and affects all people equally. The consultation pool for the draft statement is diverse and includes various faiths, racial equality groups and interested business groups as well as the general public.
	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 direct links to areas of focus: Focus area 1 – Keeping Gravesham Safe. There are indirect links to areas of focus: Focus Area 13 – driving the economic development of the borough.
Crime and Disorder	Fulfilling powers and duties under the Licensing act 2003 is of direct relevance to the Council's obligations under section 17 of the Crime and Disorder act 1998 in the objectives of the Licensing Act 2003 are: <ul style="list-style-type: none">a) The prevention of crime and disorderb) Public safetyc) The prevention of public nuisance; andd) The protection of children from harm