

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Management Team

Licensing Committee

Date: 21 August 2018

4 September 2018

Reporting officer: Mark Lees, Regulatory Services Manager

Subject: Review of Statement of Licensing Policy under the Licensing Act 2003

Purpose and summary of report:

To present Members with a draft of the revised Statement of Licensing Policy under the Licensing Act 2003 and the proposed consultation methodology

Recommendations:

1. Members to consider the draft policy for consultation and advise on any relevant amendments
2. Members to note the consultation process as outlined and instruct officers to process with the same

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 current Statement of Licensing Policy was approved by Full Council on 15 April 2014 and came in to effect on 16 April 2014. It will consequently expire on 15 January 2019.
- 1.3 The policy was developed in close conjunction with all other licensing authorities and responsible authorities in Kent via the mechanism of the Kent and Medway Regulatory Licensing Steering Group and in accordance with the guidance issued under Section 182 of the 2003 Act and to which licensing authorities must have regard.
- 1.4 The aim of the county wide approach was two-fold. Firstly, to promote consistency to the benefit of licensees, businesses, residents and to regulatory

services having a Kent-wide remit. Secondly to minimise risk of judicial review of individual policies.

1.5 The current policy has provided a stable but flexible background to the council's consideration of licensing applications and works well in promotion of the four licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

This is illustrated by the fact that the policy has not been legally challenged.

2. Proposed Revisions

2.1 In drafting the revised Gambling Policy, due regard has been taken to the current Section 182 Guidance.

2.2 The proposed changes made to the revised Statement of Licensing Policy, as shown in **Appendix 2**, are only of a minor or administrative nature to reflect changes in the wording of the statutory guidance or for the sake of greater clarity/accuracy.

3. Review of Policy

3.1 It is proposed that the revised policy will come into effect on 16 April 2019 and remain valid for a period of five years, until 15 April 2024, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.

4. Consultation

4.1 The Act and the Guidance require a consultation process prior to determining the Statement of Licensing Policy. The persons who must be consulted are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH) or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

4.2 A 6-week consultation is proposed, commencing no later than 17 September 2018. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.

4.3 All incoming responses will be collated and entered onto a grid for consideration.

4.4 The Regulatory Services Manager will conduct an evaluation of each response and give a recommendation, in consultation with other officers, as to whether or not to amend the policy statement and, if so, to what extent.

- 4.5 The grid and recommendations will be brought back to the Licensing Committee when it reconvenes on 6 November 2018 for further, post-consultation, consideration.
- 4.6 The amended version of the Gravesham Statement of Licensing Policy under the Licensing Act 2003 will then be presented to Full Council on 4 December 2018 for approval and published thereafter.

5. BACKGROUND PAPERS

- 5.1 None
- 5.2 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) requires a licensing authority to prepare and publish a statement of its policy every five years, During the five year period, the policy must be kept under review
Finance and Value for Money	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Statement of Licensing Policy under the Licensing Act 2003 will not place any new financial resource implications on the Council
Risk Assessment	The publication of a Statement of Licensing Policy under the Licensing Act 2003 is a statutory requirement and failure to do so by the expiration of the current policy as required may 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 with the other licensing authorities within Kent.
Equality Impact Assessment	Screening for Equality Impacts
	Question
	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? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No.
	<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 Plan	There are direct links to Objective 1 - Safer Gravesham
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 that the objectives of the Licensing Act 2003 are: a) The prevention of crime and disorder; b) Public safety; c) The prevention of public nuisance; and d) The protection of children from harm
Digital and website implications	Minor website updates will be required
Safeguarding children and vulnerable adults	In exercising most of their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in the Act. The 4th licensing objective is, 'Protecting of children from harm.'