

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Licensing Committee

Date: 5 December 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 feedback to members on the responses received during the public consultation on the review of the Gravesham Borough Council Statement of Licensing Policy under the Licensing Act 2003.

Recommendations:

1. That members consider the recommendations shown in Appendix 3 and recommend for these to be incorporated in the Statement of Licensing Policy to be put before the Council for approval on 18 December 2018

1. Introduction

- 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 April 2019.
- 1.3 A new policy will therefore be need to be adopted by Full Council on 18 December 2018 and published for the period 16 April 2019 to 15 April 2024, unless it becomes necessary to make further revisions beforehand following changes to legislation, statutory guidance or local circumstances, for example.

2. Draft Statement of Licensing Policy

- 2.1 A draft Statement of Licensing Policy was drawn up as shown at **Appendix 2** based on a review of our existing policy statement and taking into account the Statutory Guidance issued under Section 182 of the 2003 Act.

- 2.2 The changes made to the Statement of Licensing Policy were of a minor or administrative nature to reflect changes of wording in the statutory guidance or for the sake of greater clarity/accuracy.
- 2.3 At their meeting on 4 September 2018, the Licensing Committee considered the draft policy, advised on any relevant amendments identified, noted the proposed consultation process as outlined in the report and instructed officers to proceed with the same.

3. Consultation

- 3.1 The Act requires a consultation process prior to determining the Statement of Licensing Policy. This consultation commenced on 11 September 2018 and ran for six weeks until 23 October 2018
- 3.2 Consultees and consultation mechanisms are as previously outlined to the Committee.

4. Evaluation of responses

- 4.1 All incoming responses were entered into an evaluation grid for consideration.
- 4.2 Evaluation of each response and a recommendation as to whether or not to amend the policy statement was conducted by the Licensing Officer and Regulatory Services Manager. Recommendations have been entered onto the grid which is attached as **Appendix 3** to this report.

5. Recommendation

- 5.1 Members are asked to consider the recommendations shown in Appendix 3 and recommend for these to be incorporated in the Statement of Licensing Policy to be put before the Council for approval on 18 December 2018.

6. BACKGROUND PAPERS

- 6.1 None
- 6.2 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 requires each 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 cooperation and consistency with the other licensing authorities within Kent.
Equality Impact Assessment	Screening for Equality Impacts
	Question
	<p>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.</p> <p>No</p>
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p>No</p>
Corporate Plan	There are direct links to Corporate Objective 1 – Safer Gravesham
Crime and Disorder	<p>Fulfilling powers and duties under 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 are:</p> <p>a) The prevention of crime and disorder;</p> <p>b) Public safety;</p> <p>c) The prevention of public nuisance; and</p> <p>d) The protection of children from harm</p>
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 4 th licensing objective is, 'Protection of children from harm'.