

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Licensing Committee

**Date:** 4 September 2023

**Reporting officer:** Emily Lane-Blackwell

**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 proceed with the same.

<b>Key Implications:</b>	
<b>Item</b>	<b>Implications</b>
<b>Legal</b>	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.
<b>Finance and Value for Money</b>	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.
<b>Corporate Plan</b>	There are direct links to Corporate Objective 1 – People and the associated commitment to enforce high regulatory standards; Put customer and employee safety first by ensuring commercial businesses and licences holders are fully compliant with expected legislative standards.
<b>Climate Change</b>	N/A

## **1. Background**

- 1.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of its licensing policy every five 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 18 December 2018 and came into effect on 16 April 2019. It will consequently expire on 15 April 2024.
- 1.3 The policy was developed in accordance with the statutory guidance issued under Section 182 of the Licensing Act 2003 and to support the four licensing objectives to which licensing authorities must have regard.
- 1.4 The four licensing objectives are:
  - 1.4.1 Prevention of crime and disorder.
  - 1.4.2 Public safety.
  - 1.4.3 Prevention of public nuisance.
  - 1.4.4 Protection of children from harm.

## **2. Proposed revisions**

- 2.1 The changes being proposed to this revision of the policy are primarily administrative in nature and include:
  - 2.1.1 The removal of seven appendices containing information only (i.e., not local policies) from the policy document. These appendices will instead be published as separate documents on the licensing pages of the council's website. This will make the policy document significantly easier to read, understand and digest, be less overwhelming for prospective applicants, and enable the online documents to be easily updated when necessary.
  - 2.1.2 Associated changes to the order of the policy, to accommodate the removal of the above-mentioned appendices and further assist in making it user-friendly.
  - 2.1.3 The removal of the ward map and census information. The policy directs readers to the Community Profile, which is already available on the Council's website. This Profile contains the information we have removed from the policy and more.
  - 2.1.4 Alterations to the text, formatting and layout following accessibility checks in accordance with legislation to help ensure it can be used by as many people as possible, including those with:
    - 2.1.4.1 impaired vision
    - 2.1.4.2 motor difficulties
    - 2.1.4.3 cognitive impairments or learning disabilities
    - 2.1.4.4 deafness or impaired hearing
- 2.2 These administrative changes do not alter the council's local policies but will make its policy document more effective by making it accessible and user-friendly to all.
- 2.3 Other changes made to the draft revised policy include updated information relating to the Late Night Levy to reflect legislative changes, and a new policy intended to reduce incidents of spiking and sexual harassment, as recently recommended by the LGA.

- 2.4 The policy for 2019 to 2024 is 72 pages, due to the proposed amendments we have reduced that to 25 pages of more concise information.
- 2.5 Several draft copies of the policy with tracked changes have been produced. To make it easier to read, Appendix 1 is the last draft version of the policy without any tracked changes.
- 2.6 Appendix 2 contains a more detailed summary of the changes made to the draft policy.

### **3. Consultation process**

- 3.1 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 Health Board 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.
- 3.2 A 6-week public consultation is proposed, commencing no later than 5 September 2023. Methods of consultation will be via the council's website and notice board, and by direct email and mail shots.
- 3.3 All incoming responses will be collated and entered onto a grid for consideration.
- 3.4 The Senior Licensing Officer 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.
- 3.5 The grid and recommendations will be brought back to the Licensing Committee when it reconvenes on 15 November 2023 for further, post-consultation, consideration.
- 3.6 The amended version of the Gravesham Statement of Licensing Policy under the Licensing Act 2003 will then be presented to Full Council on 5 December 2023 for approval and published thereafter.

### **4. Appendices**

- 4.1 The following documents are to be published with the report:
  - 4.1.1 Appendix 1 – Draft Statement of Licensing Policy 2024 – 2029
  - 4.1.2 Appendix 2 – Summary of proposed changes

### **5. Background Documents**

- 5.1 There are no background documents.

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	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 statutory 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.
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a> ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a> . N/A
<b>Equality Impact Assessment</b>	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. Yes: The changes being proposed support the council's obligations under the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 and Equalities Act 2010.
	<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>
<b>Crime and Disorder</b>	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
<b>Digital and website implications</b>	We are intending on removing several appendices from the policy and having them as standalone documents on the website. If agreed, the extracted appendices and the approved new policy will need to be placed on the website.
<b>Safeguarding children and vulnerable adults</b>	In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in the Act. The 4 <sup>th</sup> licensing objective is 'Protection of children from harm'