

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Licensing Committee

**Date:** 15 November 2023

**Reporting officer:** Emily Lane-Blackwell, Assistant Licensing 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 revised draft Statement of Licensing Policy shown in Appendix 2 and recommend for it to be put before Full Council for approval on 5 December 2023.

<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 publication and implementation of the revised Statement of Licensing Policy under the Licensing Act 2003 proposed for approval will not place any new financial resource implications on the Council.
<b>Corporate Plan</b>	There are direct links to Corporate Objective: One Borough. It is a commitment of the Council to put Gravesham residents first by driving improved levels of regulatory standards across commercial businesses and licence holders.
<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 A new policy will therefore need to be adopted by Full Council in advance of the current Policy's expiration and published for the period 16 April 2024 to 15 April 2029, 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 revised draft Statement of Licensing Policy was drawn up based on a review of the existing policy statement, taking into account the Statutory Guidance issued under Section 182 of the 2003 Act and recommendations from the Local Government Association.
- 2.2 At their meeting on 4 September 2023, 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.
- 2.3 Licensing made some amendments to the draft policy, as requested by the committee, prior to the consultation beginning:
  - 2.3.1 Links to the Office of National Statistics and the Local Government Boundary Commission were added to the introduction to ensure the most up to date boundary and census information was available.
  - 2.3.2 The addition to Policy 10, Spiking and Sexual Harassment, of enforcement action being taken should a premises be found to be persistently failing to protect their customers.
- 2.4 Additionally, some formatting changes were made by the Digital Team prior to the commencement of the consultation to ensure the document met accessibility requirements.

## **3. Consultation**

- 3.1 The consultation commenced on 5 September 2023 and ran for 6 weeks until 17 October 2023 in accordance with the methodology previously outlined to the Licensing Committee.

## **4. Evaluation of responses**

- 4.1 Only one response was received during the consultation process, from the Kent Licensed Victuallers Association
  - 4.1.1 Appendix 1 shows the comments from the Kent Licensed Victuallers Association and any recommendations of change or responses from Licensing.
- 4.2 Following queries from the committee, licensing have added in website links within Policy point 10 'Spiking and Sexual Harassment' to National Pub Watch, Best Bar None, Gravesham Street Pastors and Safer Places.
- 4.3 The final draft Statement of Licensing Policy, which has been updated to include the amendments arising from the consultation response, along with those

requested by the committee and the digital formatting issues, can be found at Appendix 2.

## **5. Recommendations**

- 5.1 Members are asked to consider the draft Policy in Appendix 2 of this report and recommend for the Statement of Licensing Policy to be put before the Council for approval on 5 December 2023

## **6. Appendices**

- 6.1 The following documents are to be published with the report:
- 6.1.1 Appendix 1 – Consultation responses and officer recommendations
  - 6.1.2 Appendix 2 – Statement of Licensing Policy 2024 – 2029

## **7. Background Documents**

- 7.1 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'