

Licensing Committee

Wednesday, 15 November 2023

7.30 pm

Present:

Cllr Baljit Hayre (Chair)
Cllr Jenny Wallace (Vice-Chair)

Councillors: Derek Ashenden
Helen Ashenden
Deborah Croxton
Lee Croxton
Jo Hart
Alan Metcalf
Lyn Milner
Leslie Pearton
Peter Scollard
Ektaveen Thandi
Frank Wardle
Jordan Meade

Mark Lees
Emily Lane-Blackwell
Karen Gingles

Regulatory Services Manager
Assistant Licensing Manager
Committee Services Officer (Minutes)

6. Apologies for absence

An apology for absence was received from Cllr Gary Harding and Cllr Jordan Meade attended as his substitute. An apology for absence was also received from Cllr Gurjit Bains.

7. To sign the minutes of the previous meeting

The minutes of the meeting held on Monday 5 September 2023 were signed by the Chair.

8. Declarations of Interest

Cllr Meade declared an 'other interest' in Item 5 (Review of Statement of Licensing Policy under the Licensing Act 2003), in that he was the Chairman of the Gravesham School and Street Pastors Charity which provided support to people in the night-time economy.

Cllrs Jordan Meade, Leslie Pearton, Derek Ashenden and Helen Ashenden declared an 'other interest' in Item 5 (Review of Statement of Licensing Policy under the Licensing Act 2003) in that they were all members of Higham Village Club.

9. Review of Statement of Licensing Policy under the Licensing Act 2003

The Committee were presented with the review of Gravesham Borough Council's Statement of Licensing Policy under the Licensing Act 2003. The purpose of the report was to

feedback to Members on the responses received during the public consultation on the review.

Members were informed that Section 5 of the Licensing Act 2003 required licensing authorities to prepare and publish a statement of its licensing policy every five years. The policy must be published before the licensing authority carried out any licensing functions under the 2003 Act. The current Statement of Licensing Policy was approved by Full Council on 18 December 2018 and came into effect on 16 April 2019. It would consequently expire on 15 April 2024.

The Assistant Licensing Manager advised that the draft policy was presented to the last Licensing Committee in September where some changes were requested and had been implemented. Since then, a 6 week consultation period had been carried out in accordance with the previously agreed methodology, with the inclusion of consulting with the Kent Licensed Victuallers Association (KLVA). Members were updated that only one response was received during the consultation process, which was from KLVA. Member's attention was drawn to appendix 1 of the report which outlined their comments and the suggested amendments.

The Committee were advised their approval and recommendation was sought, for the Statement of Licensing Policy to be put before Full Council for approval on 5 December 2023.

The Committee discussed the review and the following points were highlighted:

- Members sought clarification regarding page 19, Policy 1 and the period of time that was referred to in the section. The Regulatory Services Manager explained that there was no set time period and that the decision was dependent on the nature of the offense, which was at the discretion of the panel when considering the factors. Members felt the wording should explain this fact. The Regulatory Services Manager highlighted that there was a similar element within the Hackney Carriage Licence Policy which covered timeframes, however it would not be practicable to include at the post consultation stage of the process. The Chair suggested that a comparison with the approach adopted in the Hackney Carriage Policy, be investigated at the next review. The Regulatory Services Manager agreed and appreciated the panel may require more detailed guidance in this area when making decisions.
- Concern was raised regarding the lack of a map showing the Borough ward boundaries within the introduction of the policy. The Regulatory Services Manager advised that a link to the Electoral Commission map had been incorporated, but an amendment would be made to include a picture of the map in this section also, with the caveat that it is satisfactory with the Digital Team with regards to accessibility.
- Members queried why Gravesham did not have a Late Night Levy in place already (outlined on page 27 of the report) and asked for clarity on what a Late Night Levy involved. The Regulatory Services Manager explained that Gravesham had considered a levy in the past but the area did not have a significant night time economy to warrant one. A Late Night Levy provided the Licensing Authority with the power to set time limits in selling alcohol and/or providing late night refreshment and to charge a 'levy' from the licensed premises, as a contribution towards policing the late night economy.

The Committee were interested in finding out more about the Late Night Levy and following discussion, the Regulatory Services Manager suggested officers could provide a presentation on the topic at a future Committee meeting.

- Clarity was sought regarding Cumulative Impact Assessments (CIA) and what the threshold criteria was, in order to trigger the need for an assessment. The Assistant Licensing Manager informed Members that triggers were based on the impact on an area, regarding behaviour such as criminal activity or drug use. Assessment could establish that additional licensed premises in an area may worsen the situation. It was explained that CIA were usually introduced following a Public Health investigation or Police intervention. It was noted that Gravesham had not had any such intervention at this point.
- There was some discussion regarding the wording of Policy 9 'Persistent Sales to Children' and it was felt the phrasing needed to take a tighter stance. It was highlighted however that the text used within the policy was taken from Government legislation in section 147A of the Licensing Act 2003 and therefore would need to remain.

Resolved that, subject to the above-mentioned amendment, the Committee recommended the Statement of Licensing Policy under the Licensing Act 2003 be taken to Full Council for consideration.

10. Update on Anti-Spiking Work between the CSU and Licensing

The Assistant Licensing Manager gave Members a verbal update on the Anti-Spiking Work between the Community Safety Unit (CSU) and Licensing.

The Committee were informed that guidance from the Local Government Association recommended licensing authorities incorporate anti spiking and sexual harassment within their policy. Members were advised that the licensing team were working in conjunction with the CSU to operate a campaign to prevent against and increase awareness of sexual harassment and spiking. The exercise would offer preventative tools towards protecting both staff and customers of licensed premises.

The team would be conducting their first joint night-time economy visit on Wednesday 22 November with additional dates in the future. It was explained that during the visit the CSU officer would recommend training and the licensing representative would carry out an inspection, to ensure that everything needed was in place. Each premises would receive a promotional bag containing drink covers, pens and information leaflets. It was hoped that distributing the promotional bags amongst licensed premises, would bring the issue to the attention of license holders and reinforce their responsibility to the safety of their customers.

Members were advised that the policy amendment in relation to anti spiking and sexual harassment, was for all new applicants to address, so there was a need to update all current license holders. The Assistant Licensing Manager informed the Committee that there were plans to produce a newsletter for licensed premises. The first of which would have a piece on the risks of spiking and the preventative measures. There would also be the opportunity for free bystander training with Best Bar None.

The Committee discussed the campaign and raised the following queries:

- Members queried whether the sample drink covers could be sourced through local channels and whether reusable covers would be a more sustainable option. Members were advised that the sample disposable covers were purchased through Drink Safe, although there were other options on the market. Members were advised for promotional purposes, the disposable drink covers had been the more cost-effective option, but there were reusable silicon drink covers on the market also.
- The Committee questioned the cost of the disposable drink covers for the promotional exercise. The Regulatory Services Manager informed Members that the cost had been shared between the Licensing and CSU's existing budgets and that, from memory, this amounted to approximately £800.
- Concern was raised regarding spiking via injection of needles and how more could be done to address the issue. The Regulatory Services Manager expressed that injecting someone with any substance was a police matter. The licensing authority had the power to remove a licence or enforce/impose conditions such additional door staff and searches, however the issue was Police led.
- Members queried whether drink covers could be promoted via the Gravesham website. The Regulatory Services Manager highlighted that the initial exercise was intended as a promotional piece of work to raise awareness to the night-time economy, however the project would further develop in time.

11. Verbal update on Licensing Panel hearings and decisions since the last Committee meeting

The Committee were informed there were no new updates on Licensing Panel hearings and decisions since the last Committee meeting.

Close of meeting

The meeting ended at 8:37pm