

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Full Council

Date: 5 December 2023

Reporting officer: Jamie Izzard, Director (Communities & Inclusive Growth)

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

Purpose and summary of report:

To apprise Members of the steps taken in reviewing the Statement of Licensing Policy under the Licensing Act 2003.

Recommendations:

1. That Council approve the revised Gravesham Statement of Licensing Policy under the Licensing Act 2003 (attached as Appendix 1 to this report).

Key Implications:	
Item	Implications
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 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.
Corporate Plan	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.
Climate Change	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, noted the proposed consultation process as outlined in the accompanying report and instructed officers to proceed with the same.

3. Consultation

- 3.1 The statutory consultation ran for 6 weeks commencing on 5 September 2023 in accordance with the methodology previously outlined to the Licensing Committee.
- 3.2 Despite a wide-reaching consultation, only one response was received from the Kent Licensed Victuallers Association. The Licensing Committee considered the consultation response and associated officer recommendations at their meeting of 15 November 2023 and agreed amendments to the draft policy, including the addition of a map of the borough and its ward boundaries, subject to it complying with digital accessibility requirements.
- 3.3 Confirmation was received from the Digital Team that, whilst a stand-alone image of a map embedded within the document would not in itself meet accessibility requirements, readable text giving a high-level description of the image has been added to make its inclusion acceptable. A link signposting readers to the Boundary Commission website/map is also still present in order to provide an accessible route to further boundary map information.

4. Recommendations

- 4.1 Members are asked to approve the final draft version of the Gravesham Statement of Licensing Policy under the Licensing Act 2003 attached at Appendix 1 in order that it can be published and come into effect from 16 April 2024.

5. Appendices

- 5.1 The following documents are to be published with the report:
 - 5.1.1 Appendix 1 – Statement of Licensing Policy 2024 – 2029

6. Background Documents

- 6.1 There are no background documents.

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Secondary Implications	
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 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.
Data Protection Impact Assessment	<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 personal data or special category data or criminal offence data ? 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 gdpr@medway.gov.uk . N/A
Equality Impact Assessment	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>
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	Several appendices from the current policy have already been published as standalone documents on the website. The new Policy and a further two removed appendices, if approved, will also need to be published on the website by the Digital Team.

Safeguarding children and vulnerable adults	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 th licensing objective is 'Protection of children from harm'
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