
Licensing Policy Reviews - Summary Report

Committee considering report:	Licensing Committee
Date of Committee:	19 November 2018
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	22 March 2018
Report Author:	Laura Driscoll
Forward Plan Ref:	ID3429

1. Purpose of the Report

- 1.1 To seek authority to consult on amendments to the Council's Statement of Licensing Policy and Statement of Gambling Principles in accordance with the relevant legislation.

2. Recommendation(s)

- 2.1 Officers recommend that the attached annexes are used to commence consultation exercises to properly consider a review of the two licensing policy documents.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** Both documents are required to be reviewed and re-published to comply with the relevant legislation
- 3.3 **Personnel:** None
- 3.4 **Legal:** Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under said Act, which will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy to outline the general approach of the licensing authority when making licensing decisions under said Act, which lasts for a maximum of five years and can be reviewed and revised by the authority at any time.
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 There are no alternative options, as the review of both documents is a legal requirement as outlined above.

Executive Summary

In this section please provide any necessary background information that explains why you are asking for this decision to be made and a summary of any key information that is essential for Members to enable them to make a fully informed decision i.e. background, proposals, options, key issues, conclusions. Please do not add any additional headings to this section.

5. Introduction / Background

- The current Statement of Licensing Policy was published in December 2013, so must be reviewed and republished by December 2018. Before determining the policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Licensing Act 2003: the chief officer of police for the area, the fire and rescue authority for the area, persons or bodies representative of licence holders, and persons or bodies representative of businesses and residents in the area.
- The current Statement of Gambling Principles was published in December 2015, so must be reviewed and republished by December 2018. The Statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349 of the Gambling Act 2005. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act.
- In both cases, the views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate. Details of proposed consultees can be found at Appendices C and D.

6. Proposal

- To seek authority to consult on amendments to the Council's Statement of Licensing Policy and Statement of Gambling Principles in accordance with the relevant legislation.

7. Conclusion

- The consultation exercises will be carried out and revised policy documents prepared for the relevant processes in October onwards.

8. Appendices

8.1 Appendix A – Equalities Impact Assessment

8.2 Appendix B – Supporting Information

8.3 Appendix C – List of Consultees – Review of Statement of Licensing Policy

8.4 Appendix D – List of Consultees – Review of Statement of Gambling Principles

Corporate Board's recommendation:

*(add text)

To be completed after the Corporate Board meeting.

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To seek authority to consult on amendments to the Council's Licensing and Gambling Policies in accordance with the relevant legislation.
Summary of relevant legislation:	Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under said Act, which will last for a maximum of three years and can be reviewed and revised by the authority at any time. Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a Statement of Licensing Policy to outline the general approach of the licensing authority when making licensing decisions under said Act, which lasts for a maximum of five years and can be reviewed and revised by the authority at any time.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Laura Driscoll
Date of assessment:	12 March 2018

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To consult on revisions to licensing policies
Objectives:	Consultation exercise to be carried out
Outcomes:	Appropriate revisions to licensing policies
Benefits:	No specific benefit

<p>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
<p>Further Comments relating to the item:</p>		
<p>No evident impact on any of the above</p>		

3 Result	
<p>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</p>	No
<p>Please provide an explanation for your answer:</p> <p>No evident impact on any different groups.</p>	
<p>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</p>	No
<p>Please provide an explanation for your answer:</p> <p>The policies should ensure any relevant factors are taken into consideration when determining applications to ensure no negative impact.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area.

You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Laura Driscoll

Date: 12 March 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.