



LICENSING COMMITTEE

Notice of a Meeting, to be held in the Committee Room 2 (Bad Münstereifel Room) -
Ashford Borough Council on Thursday, 20th January, 2022 at 10.00 am.

The Members of the Licensing Committee are:-

Councillor Webb (Chairman)
Councillor Krause (Vice-Chairman)

Cllrs. Buchanan, Burgess, Feacey, Ledger, Michael, Pickering, Rogers, Shorter,
Smith, Suddards and Wright

Agenda

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Licensing Committee

Minutes of a Meeting of the Licensing Committee held in Committee Room No.2, Civic Centre, Tannery Lane, Ashford on the **17th November 2021**.

Present:

Cllr. Webb (Chairman);
Cllr. Krause (Vice-Chairman);

Cllrs. Buchanan, Burgess, Ledger, Michael, Pickering, Rogers, Shorter, Wright.

Apologies:

Cllrs. Feacey, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Regulatory Lawyer, Member Services Manager.

182 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th January 2021 be approved and confirmed as a correct record.

183 Statement of Principles for Gambling

The Chairman welcomed everyone to the meeting and said that as the Committee did not meet that often, she wanted to take the opportunity to update on a few matters relating to both the Licensing and Regulatory Committees. Both Committees would next meet on the 18th January 2022. The Licensing Committee would set Gambling Act fees and consider an amendment to the Licensing Act Policy which would be highlighted later at this meeting. The Regulatory Committee meeting would set the licensing fees for taxis, scrap metal dealers and the maximum fees for hackney carriages. Going forward, it was also planned for the Committees to meet during, or prior to, October 2022. The Licensing Committee would review the Council's Film Classification Policy and the Regulatory Committee would review the Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy and review the Taxi Licensing Policy. In the shorter term, there were also a couple of potential cases to be brought before the Regulatory Sub-Committee within the next month or so, in order to consider the suitability of drivers to continue to hold licences. Details would be provided in due course and it was hoped that Members would be able to make themselves available for the Sub-Committee hearings.

With regard to the taxi fees and fares, a Member said he again encouraged the trade to take more of an active part in the consultation this year and asked Officers to re-iterate this point to them. This was their opportunity to contribute and make their

case and the previous apathy had been extremely disappointing. The Committee echoed those sentiments.

The Environmental Protection and Licensing Team Leader then introduced the report which presented the review and consultation of the Council's Statement of Principles for Gambling for 2022-25. He outlined the Council's responsibilities with regard to gambling and those that lay with the Gambling Commission and advised that the Council's Statement of Principles had to be renewed every three years.

The report was then opened up to the Committee and the following responses were given to questions/comments: -

- There was no equivalent in gambling to the legal requirement for licensed premises not to serve people who were inebriated (i.e. to not allow people to gamble when they had an issue). Some gambling companies had begun to liaise with the Samaritans and offered advice and support to those who they suspected may have an issue, but this was completely voluntary. Premises did also display posters and contact information advising how and where to get help. With regard to gambling machines in pubs and bars, there was a requirement that these were located in sight of the bar area and whilst there were no specific rules around not using them whilst intoxicated, these did come under the general duty of care of the License Holder.
- Licenses for individuals involved with Gambling were issued by the Gambling Commission. The Council licensed the premises. The Gambling Commission did undertake background checks on individuals as part of their application process.
- Rates for gambling machines were set by the Gambling Commission and these had been reduced in 2018. There was currently only one Adult Gaming Centre in the Borough which was located at the Ashford Truck Stop. Machines there had a maximum pay out of £500.

Recommended:

- (i) that the review of the existing statement of principles and consultation responses be noted.**
- (ii) that the Statement of Principles for Gambling 2022 – 2025 be republished.**

184 Licensing Act Policy 2019 – 2024 - Amendment

The Environmental Protection and Licensing Team Leader introduced the report. He advised that following increasing national concern surrounding the safety of women, and linked to the recent 'Safer Streets' grant funding from the Government, Members had also highlighted a desire to amend the Council's Licensing Act Policy to include details of the expectations of the Licensing Authority. This was particularly with reference to the safety of women and other vulnerable groups in premises where

alcohol for consumption on the premises formed a significant part of the business operation. A short consultation with statutory consultees was proposed to occur during December 2021 and the results would be collated and brought back to this Committee in January 2022.

The Committee was very much in support of the proposals and welcomed the consultation. Concern was expressed however that if the proposals were to be a success, this would rely on availability of taxis and other public transport options. Anecdotally, it was becoming increasingly difficult to obtain a taxi, particularly in the evenings and this did cause a concern as, realistically, after about 11pm, if you had had a drink, the only way home was to use a taxi. The Environmental Protection and Licensing Team Leader advised that the taxi trade was experiencing a shortage of drivers nationally and they were struggling to get people to come forward. Indeed the majority of industries involving drivers were also experiencing similar issues. This situation was being felt in Ashford. There had been some suggestions nationally about relaxing licensing requirements, but this did raise a public safety concern. The trade was encouraging people to pre-book their taxis and, ahead of Christmas, it was considered that there should be some publicity of this fact as people who did not go out regularly were likely to get caught out thinking they would just be able to find a taxi. The Committee considered strongly that licensing requirements should not be relaxed by the Council. This was all about public safety and whilst the shortage of drivers did need to be addressed, the modest application fee (which only covered costs) was unlikely to put people off and the application process was an important one in undertaking tests and checks. A Member said this gave more weight to the plea for the taxi trade to get more involved with the fees and fares consultation. If they were having issues as a trade they should come forward and ask for help.

A Member mentioned the possibility of some sort of "2dial-a-bus" system, utilising under-used vehicles, however it was acknowledged that the biggest issue was still a lack of available drivers.

Concern was expressed about the removal of funding for PCSOs in certain areas and a danger that voluntary sector groups such as the Street Pastors would become too relied upon at the expense of replacing those officers. People did still want to see a uniformed police presence. The Environmental Protection and Licensing Team Leader advised that the police would be an important part of the consultation, He knew they had put extra resources in to patrolling the night time economy in Ashford and the Chairman advised that there were also plans to increase the number of PCSOs across Kent.

As part of the consultation, the Committee encouraged Officers to target those individuals and groups who were actually dealing with these issues on a week to week basis such as: - SIA door staff; the local Police Officers and PCSOs; Street Pastors etc. Their views on the proposals would be distinct from owners/operators and be extremely valuable as well as providing an opportunity to find out all of the things they were already doing.

There was some discussion about personal responsibility. Whilst it was right for the relevant authorities to do all they could to assist people, there were certain things that were out of their control and people did have to understand the potential

consequences of their actions. Part of the report focussed on messaging and warning posters etc. and that was also important.

The Environmental Protection and Licensing Team Leader thanked the Committee for their comments. This draft was just a starting point and a small part of an extremely large programme of work across many agencies. They wanted to attack this problem from as many angles as possible.

Resolved:

That the report be received and noted and consultation take place ahead of the January 2022 meeting of the Committee.

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Agenda Item No: 4

Report To: LICENSING COMMITTEE

Date of Meeting: 20 January 2022

Report Title: PROPOSED FEE LEVELS FOR GAMBLING ACT AND LICENSING ACT APPLICATIONS- 2022/23

Report Author & Job Title: Trevor Ford
Environmental Protection and Licensing Team Leader

Portfolio Holder Cllr Peter Feacey
Portfolio Holder for: Community Safety and Wellbeing

Summary:	The report proposes fees for Gambling Act licences and notices for the financial year 2021/22.
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Key Decision: NO

Significantly Affected Wards: Not applicable

Recommendations: That the Licensing Committee :-

- I. Recommends the proposed fees for gambling applications to full council – Appendix A
- II. Notes the annual licensing summary in relation to the Licensing Act 2003 and Gambling Act 2005 – Appendix B

Policy Overview: The process of setting the fees for licences is essential to ensure that operational costs are recovered and that council budgetary objectives are met.

Financial Implications: The process of setting the fees is necessary to ensure that fees are set at a level that will enable the authority to recover relevant costs associated with the service provision.

Legal Implications The appropriate setting of fees is necessary to ensure that the Council do not act outside of current legislation and request costs which we are not entitled to recover from licensees. Failure to set fees appropriately opens the Council up to legal challenge.

Equalities Impact Assessment The setting of fees in relation to these functions is not considered to cause any discrimination. The fees are set in accordance with government guidance and each application is processed on its individual merits.

Other Material Implications: Members should note generally that some licences issued by the Council may be considered possessions and therefore

Article 1 to Protocol 1 of the Human Rights Act 1998, the peaceful enjoyment of possessions, is relevant.

**Exempt from
Publication:**

NO

**Background
Papers:**

None

Contact:

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Report Title:

PROPOSED FEE LEVELS FOR GAMBLING ACT AND LICENSING ACT APPLICATIONS - 2022/23

1. The report recommends the proposed fees for licences for the financial year 2022/23.
2. The Committee are asked to approve the following fees under the Gambling Act 2005 for recommendation to the full council (*Appendix A*), and to note the annual licensing summary (*Appendix B*).

Introduction and Background

3. The fees have been determined by examining how long is spent processing an application and who in the authority is likely to carry out the various processes.
4. The type of tasks involved in a premises application for example:
 - Assistance to the applicant (pre-application stage, including telephone advice, sending forms, etc.) and the checking of an application for completeness when received.
 - Checking all required documents have been submitted, processing the application fee, banking processes and reconciling payments.
 - Entering the information into our computer system including scanning if appropriate.
 - Contacting the applicant to clarify the application or chase missing information if required.
 - Assess representations for relevance and undertake informal mediation.
 - Carry out compliance visits and checking the operating licence once issued.
 - Determining the licence, arranging a hearing, holding a hearing and notification of the decision if required.
 - Prepare and issue the licence and update the records/register.
 - Appeal preparation and holding an appeal hearing, if necessary.

5. Licensing Related Fees

Fees set under the Licensing Act 2003 are set by Regulations, and are therefore not at the discretion of the council. Where relevant the Licensing Team will provide feedback to the relevant government departments in order to aid the setting of these fees.

6. Gambling Related Fees

The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the licensing authority. It also gives them the power to devolve to licensing authorities, in England and Wales, the

freedom to set fees for premises licence applications, subject to any constraints they may prescribe. The Government decided that for England and Wales, licensing authorities will determine their own fees for gambling premises licences and temporary use notices but that the Secretary of State will prescribe the maximum fee payable for each category of licence.

Local authorities are able to set fees for premises licences from within fee bands prescribed by Department for Culture, Media and Sport (DCMS).

There will be an initial fee to cover the cost of application and an annual "maintenance" fee.

The DCMS asked licensing authorities to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All licensing authorities must set their fees upon a cost recovery basis only (Gambling Act Section 212 (2)(d)) and are required to review their fee levels on an annual basis to ensure this.

While the licensing authority can set fees for the applications in Appendix A, permit fees are prescribed by the Government and therefore licensing authorities have no discretion to set fees on these applications.

While the council is required to set fees for casino licenses, the Secretary of State determines which districts are able to accept an application for a casino.

It is proposed that this year the fees increase broadly in line with inflation (RPI) except where fees are at their statutory maximum.

Proposal/Current Position

7. The fees as recommended by the Licensing Committee will be presented to Council on 4 March 2022.

Implications and Risk Assessment

8. As previously stated the recommendations do not represent key decisions. The consideration assessment indicates low impact in terms of human rights, legal and staffing implications.
9. The process of setting the proposed licence fees is essential to ensure that operational costs are recovered. If no decision is taken, the council budgetary objectives are unlikely to be met.
10. If trade bodies or applicants believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake judicial review proceedings. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.
11. Case law relating to fee levels in various licensing areas has agreed a general principle that licensing fees should not be used as a method of creating revenue. For example:

- *R v Manchester City Council ex parte King (The Times, 3 April 1991)* – established that local authorities may only charge reasonable fees for licences and not use them to raise revenue;

and

- *R v Westminster City Council ex parte Hutton (1985) LGR* – established the need to only take into account relevant material when setting the fees

12. Licence fees must be set at a level proportionate to the effective cost of the licensing procedure and must not be used as an economic deterrent or to raise funds. Councils must set fees that cover the costs directly associated with the licensing function. It is important therefore that council's fees are defensible and based on actual costs incurred.

Equalities Impact Assessment

13. The setting of fees in relation to these functions is not considered to cause any discrimination. The fees are set in accordance with Government guidance and each application is processed on its individual merits.

Consultation Planned or Undertaken

14. The fees that require formal consultation will be subject to public notices once the fees have been agreed by Council.

Other Options Considered

15. The need to ensure fees cover local authority costs means that whilst various changes have been considered, the process is not open to other options

Reasons for Supporting Option Recommended

16. It is worth noting, that whilst licensing fees are set/adjusted annually, the council are able to consider the actual income and expenditure across a number of years, and can adjust fees in future years to 'correct' for any unexpected income or losses. As such should the fees proposed result in any unexpected 'excess' income then it will be possible to correct for this as part of future fee setting.
17. Accordingly, the recommended option is supported to ensure effective recovery of the costs incurred in processing and regulating the aforementioned licensing regimes.

Next Steps in Process

18. The fees recommended by this committee, will go to full council on 4 March 2022, and if accepted will come into effect on 1 April 2022.

Conclusion

19. The impact of these changes on income to the council must be carefully monitored. Annual reviews of fees must be continued to ensure that relevant costs are recovered and raising excessive revenue is avoided. The fees have been increased broadly in line with inflation (RPI).
20. A licensing summary for the period 1 January 2021 to 31 December 2021 has been prepared and is set out at Appendix B.

Portfolio Holder's Views

21. "Whilst we recognise that the last year continued to be a difficult year for a large number of businesses, it is essential for the council to continue to ensure that the licensing fees are set at the correct level as to provide the resources to continue to protect public safety"

Councillor Peter Feacey

Contact and Email

22. Trevor Ford
Environmental Protection and Licensing Team Leader
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APPENDIX A: RECOMMENDED GAMBLING LICENCE FEES FOR 2022/23

**APPENDIX B: LICENSING ACT AND GAMBLING ACT ANNUAL SUMMARY
2021**

APPENDIX A: RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2022/23

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	7535 (8000)	4277 (5000)
New Large Casino	8965 (10000)	8625 (10000)
Regional Casino	14201 (15000)	13317 (15000)
Bingo Club	2580 (3500)	803 (1000)
Betting Premises (excluding Tracks)	2625 (3000)	521 (600)
Tracks	2018 (2500)	803 (1000)
Family Entertainment Centres	2000 (2000)	694 (750)
Adult Gaming Centre	2000 (2000)	809 (1000)
Temporary Use Notices	222 (500)	N/A

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
New Small Casino	3084 (4000)	1793 (1800)	1507 (1800)	7535 (8000)	2677 (3000)	25 (25)	50 (50)
New large Casino	4077 (5000)	2105 (2150)	2150 (2150)	9016 (10000)	4428 (5000)	25 (25)	50 (50)
Regional Casino	6652 (7500)	4851 (6500)	4851 (6500)	14201 (15000)	6914 (8000)	25 (25)	50 (50)
Bingo Club	1750 (1750)	981 (1200)	981 (1200)	2580 (3500)	1066 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1491 (1500)	981 (1200)	981 (1200)	2580 (3000)	1066 (1200)	25 (25)	50 (50)
Tracks	1250 (1250)	950 (950)	950 (950)	2018 (2500)	950 (950)	25 (25)	50 (50)
Family Entertainment Centres	913 (1000)	950 (950)	950 (950)	2000 (2000)	883 (950)	25 (25)	50 (50)
Adult Gaming Centre	913 (1000)	981 (1200)	981 (1200)	2000 (2000)	1063 (1200)	25 (25)	50 (50)
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25 (25)	N/A

Ashford Borough Council's Licensing Authority proposes the following fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets. Current fees are shown in the next table.

CURRENT GAMBLING RELATED LICENCE FEES (2021/22)

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	7316 (8000)	4153 (5000)
New Large Casino	8704 (10000)	8374 (10000)
Regional Casino	13787 (15000)	12929 (15000)
Bingo Club	2505 (3500)	780 (1000)
Betting Premises (excluding Tracks)	2549 (3000)	506 (600)
Tracks	1959 (2500)	780 (1000)
Family Entertainment Centres	1959 (2000)	674 (750)
Adult Gaming Centre	1959 (2000)	785 (1000)
Temporary Use Notices	216 (500)	N/A

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
New Small Casino	2995 (4000)	1741 (1800)	1463 (1800)	7316 (8000)	2599 (3000)	25 (25)	50 (50)
New large Casino	3958 (5000)	2044 (2150)	2150 (2150)	8753 (10000)	4299 (5000)	25 (25)	50 (50)
Regional Casino	6458 (7500)	4710 (6500)	4710 (6500)	13787 (15000)	6713 (8000)	25 (25)	50 (50)
Bingo Club	1715 (1750)	952 (1200)	952 (1200)	2505 (3500)	1035 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1448 (1500)	952 (1200)	952 (1200)	2505 (3000)	1035 (1200)	25 (25)	50 (50)
Tracks	1250 (1250)	950 (950)	950 (950)	1959 (2500)	950 (950)	25 (25)	50 (50)
Family Entertainment Centres	886 (1000)	950 (950)	950 (950)	1959 (2000)	857 (950)	25 (25)	50 (50)
Adult Gaming Centre	886 (1000)	952 (1200)	952 (1200)	1959 (2000)	1032 (1200)	25 (25)	50 (50)
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25 (25)	N/A

APPENDIX B:

LICENSING ACT AND GAMBLING ACT ANNUAL SUMMARY 2021

Licences/Permissions issued

Licence/Permission Type	Number Issued
Licensing Act 2003	
TENs (including late TENs)	248
Personal Licences	61
Premises Licences – New, Variations, Vary DPS, Transfers	101
Hearings	0
Gambling Act 2005	
Lotteries (new & renewal)	59
Gambling	3
TOTAL LICENCES/PERMISSIONS ISSUED	372

New Premises Licences

The Old Post Office Coffee Shop, 13 Front Road, Woodchurch, Kent, TN26 3PA.
Repton Organic Food Store, 3 Repton Avenue, Ashford, Kent, TN23 3RX.
Spice of India, Unit C, 18-20, 18 Elwick Road, Ashford, Kent, TN23 1PF.
Stubbs Restaurant, 379 Canterbury Road, Kennington, Kent, TN25 4DU.
Sky Restaurant, 38 Bank Street, Ashford, Kent, TN23 1BA.
The Coffee Corner, 24 Cedar Parade, Repton Avenue, Ashford, Kent, TN23 3TE.
Wye Farmers Market, The Green, Wye, Kent, TN25 5AJ.
SAI Convenience Store, 105 Sir John Fogge Avenue, Ashford, Kent, TN23 3TJ.
The Cosy Kettle Ltd, The Lantern Building, The Street, Hamstreet, TN26 2HE.
Hampton by Hilton Ashford Int, 2 Victoria Road, Ashford, Kent, TN23 7HJ.
Longacres Garden Centre Ltd, Cemetery Lane, Ashford, TN24 9JZ.
Singleton Fish Bar, 1 The Singleton Centre, Hoxton Close, Singleton, TN23 5GR.
Double Shot Drinks Ltd, GE05B-12, 2 Brunswick Road, Ashford, TN23 1EL.
Matches Sports Bar & Grill, Unit 3, Elwick Place, Elwick Road, Ashford, TN23 1AX.
East Stour Cider Co. Hancocks Mill, Flood Street, Mersham, TN25 6NU.
The Cottage Distillery Ltd, The Cottage, Roman Road, Aldington, Kent, TN25 7DA.
Best Kebab & Pizza, 2 Middle Street, Ashford, Kent, TN23 1AY.

Issued between 1 January 2021 and 31 December 2021.

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Agenda Item No: 5
Report To: LICENSING COMMITTEE
Date of Meeting: 20 January 2022
Report Title: Statement of Licensing Policy 2019-2024 (amendment)
Report Author & Job Title: Trevor Ford
Environmental Protection & Licensing Team Leader
Portfolio Holder Cllr. Peter Feacey
Portfolio Holder for: Community Safety and Wellbeing

Summary:

The purpose of this report is to present the results of a statutory consultation on a proposed amendment to Ashford Borough Council's Statement of Licensing Policy 2019-2024, based around the expectations of the licensing authority on the safety of women and vulnerable persons surrounding certain alcohol licensed premises.

Key Decision: NO

Significantly Affected Wards: All

Recommendations: The Committee is recommended to:-

- i. Note the statutory consultation responses, and prepared draft policy.
- ii. Recommend the amendment of the Statement of Licensing Policy 2019-24 to council.

Policy Overview: The determination of Licensing Act applications and notices is a statutory duty and covers regulated activities such as the sale of alcohol, provision of live/recorded music, late night refreshment and film.

Effective regulation, including the provision of a Statement of Licensing Policy, helps to promote; the prevention of crime and disorder, the protection of public safety, the prevention of nuisance, and, the protection of children from harm.

Our Statement of Licensing Policy guides members of the public, applicants, elected members, and officers on such matters.

Financial Implications: None

Legal Implications The revision provides greater clarity on the expectations of

the Licensing Authority and reduces potential inconsistency that could lead to legal challenge. No specific new negative implications are expected.

Equalities Impact Assessment See attached Appendix D

Other Material Implications: None

Exempt from Publication: NO

Background Papers: Statement of Licensing Policy 2019-2024 available via; <https://www.ashford.gov.uk/media/q0ijavn2/licensing-policy-2019-24.pdf>

Contact: trevor.ford@ashford.gov.uk – Tel: (01233) 330 397

Agenda Item No. 5

Report Title:

Statement of Licensing Policy 2019-2023 (amendment)

Introduction and Background

1. The purpose of this report is to present to the Licensing Committee the results of the statutory consultation on the proposal to insert a new section into the Statement of Licensing Policy 2019-2024 with specific reference to the safety of women and vulnerable persons in certain alcohol licensed premises.
2. This paper follows the initial proposal to conduct a statutory consultation on the development of this policy area as outlined to the November 2021 meeting of the Licensing Committee. This work being in direct response to increasing national concern with reference to the safety of women and other vulnerable persons.
3. The copy the current Statement of Licensing Policy 2019-2024 is referenced in the background papers associated with this report.
4. At the time of writing this report, the authority current administer;
 - 24 club premises certificates
 - 438 premises licences, of which 264 are licensed for the on-premises sale/consumption of alcohol.

Proposal/Current Position

5. Following the statutory consultation, described later in this report, four responses were received.
6. A copy of each of the responses, and brief feedback is included at Appendix A
7. In response to the feedback received, the original proposed policy (Appendix B) presented at the November 2021 meeting of the Committee has been amended. The updated proposal is shown at Appendix C.
8. The updated amendments to the original proposal presented at the November 2021 Licensing Committee, based upon the consultation responses, include;
 - Adding expectations around having phone chargers available to allow women or vulnerable persons to charge their phone sufficiently to arrange their safe transport home.
 - Clarifying that posters should be installed in relevant conspicuous locations.
 - Adding an expectation of a zero tolerance toward non-consensual touching and misconduct towards women and vulnerable persons.

- Adding the expectation that any persons refused entry and also meeting the definition of 'drunk and incapable' are reported to Kent Police and/or Ashford Borough Council's CCTV Control Room via the Pubwatch scheme.
- Adding Ashford Partnership Against Crime (Shopwatch and Pubwatch operator) into the external organisations that the council remain committed to working with.
- Amending the requirement for booking taxis to '*booking such taxis where reasonably necessary (i.e. as part of an Ask for Angela incident)*' to make expectation clear that it is not a 'routine service' but applicable to where the circumstances make this a reasonable course of action.
- Removal of the 'suitably accompanied' expectation for intoxicated persons, as too vague. The point being covered by the addition of the 'drunk and incapable' expectation and the above taxi booking amendment.

Implications and Risk Assessment

9. The update to this policy is not anticipated to have any significant implications, other than the positive impacts associated with ensuring that the expectations of the Licensing Authority are clearly set out and published.
10. Judicial Review is a risk if the policy strays beyond the requirements of the Act, or restricts legal activities without due and appropriate cause

Equalities Impact Assessment

11. The policy will affect all persons involved in or affected by the relevant licensable activity in the borough, who may at times be considered potentially vulnerable due to gender, disability of other impairment.
12. Recipients of the policy include holders of licences, members of licensing sub-committee, authorities e.g. Kent Police, Kent Fire & Rescue Service, etc. and all of the borough's businesses, residents of the borough and those who visit and use local licensed premises.
13. An updated equalities impact assessment is attached as *Appendix D*

Consultation Undertaken

14. Consultation on amendments to the Statement of Licensing Policy is a statutory requirement.
15. The consultation ran from throughout December 2021.
16. Statutory consultees contacted with reference to this consultation include;
 - Kent Police
 - Kent Fire Rescue Service
 - Kent County Council Public Health

- Kent County Council Children’s Social Services
- NHS Clinical Commissioning Group
- Designated Premises Supervisors for premises within the borough (where an email was held on record)
- Premises licensees for premises within the borough (where an email address was held on record)
- Ashford Partnership Against Crime (Pubwatch operators)
- The Street Pastors
- Known SIA security providers with the local area
- Community Safety Unit/Partnership

17. In addition the consultation was published on the council’s public consultation and licensing webpages, and released on the council’s social media streams.

Other Options Considered

18. As a statutory requirement under the Licensing Act 2003, the Licensing Authority must publish a Statement of Licensing Policy.

19. Whilst the Statement of Licensing Policy must contain certain information as defined, the expectations of the Council are to an extent open to allow local considerations to be taken into account. It is therefore open to the authority to consider any alternate options with reference to this topic, so long as they are within the scope of the Licensing Act 2003, or alternatively not to develop a policy on this specific topic.

Reasons for Supporting Option Recommended

20. The adoption of this policy area is considered to be a logical approach to the nationally increasing awareness of the safety of women and ensures that the Licensing Authorities expectations are clear, concise, and understandable to all interested parties.

21. Whilst clearly the safety of women and vulnerable persons is more complex than the proposal before the Committee it is hoped that these expectations help to promote additional consideration by relevant premises, and hope to ensure that residents and visitors can continue to confidently enjoy the licensed offerings within the borough.

Next Steps in Process

22. Following adoption by Full Council the updated draft Statement of Licensing Policy will be published on the council’s website, and available at the Civic Centre.

23. The Statement of Licensing Policy will be subject to statutory review in 2024, along with any periodic review brought about by changes in the council’s approach, or change to relevant legislation

Conclusion

24. The amendment of this document is based on the need to protect women and vulnerable persons from the potential harms that can be associated with alcohol licensed venues.
25. It is recommended that the Licensing Committee recommend to Full Council that the proposed policy area is inserted into the Statement of Licensing Policy 2019-2024.

Portfolio Holder's Views

26. "I fully support the development of this policy area, which interacts with other positive measures being taken by the council and its Community Safety Partners, especially surrounding the Safer Streets grant funding awarded to Ashford Borough Council.

The council support a vibrant evening and night time economy across the borough, and continue to recognise the input everyone can make to ensuring that visitors and residents alike can continue to socialise in a safe and responsible manner"

Councillor Peter Feacey

Contact and Email

27. Trevor Ford
Environmental Protection and Licensing Team Leader
(01233) 330 397
trevor.ford@ashford.gov.uk

Appendix A: Consultation responses

Appendix B: Original draft policy (presented to Licensing Committee Nov 21)

Appendix C: Updated draft policy (post consultation)

Appendix D: Equalities Impact Assessment

Appendix A: Consultation responses

Response 1

From: [unknown]

Sent: 29 November 2021 21:31

To: Licensing <Licensing@ashford.gov.uk>

Subject: Licensing Act 2003 Policy - Safety of Women and Other Vulnerable Persons

Good Evening,

Firstly, I would like to thank the council for taking steps to improve the safety of women through the review of the Licensing Act 2003.

I have reviewed the policy amendment and remain concerned that it places a heavy responsibility on vulnerable people to come forward for help. The heavy promotion of "Ask Angela" is good but surely can't be the only means of keeping women safe. For example, I have been in the town and bouncers have refused entry to young women who already appeared to be worse for wear and have left them to wander off down the high street alone. My concern is that these requirements in your policy apply to those on the premises already and really we need staff to take responsibility for patrons inside AND seeking to gain entry.

Where is the zero tolerance to non-consensual touching and misconduct towards women and vulnerable people? We are essentially leaving too much of the decision making to the staff to "discourage" certain behaviours. The directives are not clear enough. Remember, bouncers are predominantly male and have also been known to touch up women too?! Their definition of what is acceptable behaviour and what isn't is subjective to their own personal preference. So what "active bystander" training is being advocated here? Or are we just leaving the manager to give the staff a few tips and that is considered "training"?

"Displaying posters" on site is open to wide interpretation. What posters in particular? Is 1 poster in a remote corner of the pub enough? Because the chances of a guy reading a poster in a bar is pretty slim. If he has predator behaviours, he is only looking at the women, not the posters. So what is being displayed in men's toilets? We need LOUD and CLEAR messages about what open, verbal consent looks like because many men either don't know or don't care.

Also, what are the sanctions for non-compliance? Who checks the incident book is being maintained? What purpose is the incident book if it is just a log of misconduct - where is the directive as to what they should do with the incident book?? How many incidents are not acceptable and someone in charge of the premises is fined? How is this information shared across pubs in the local area? For example, if a guy shows up on 3 incident books but no one is sharing the information he gets to move freely without anyone keeping an eye on him? Let's not increase the bureaucratic burden on staff trying to work,

just for the sake of keeping a log. We need to DO something with the log or it's pointless.

Why can't we make premises with more than 5 members of staff (or whatever level you feel appropriate) have a designated "welfare" member of staff who responds to issues / concerns at the premises? Because at the moment, if it is a large pub / club and a member of staff has a word with a guy at the back of the pub and then another member of staff has a word with the same guy out the front in the smoking area....neither know that this guy has been warned once already about his behaviour. Whereas, a designated welfare lead would be called to speak to him on both occasions and can join up the dots! Appropriate and timely action can then be taken. Also, a designated lead in the welfare of women and vulnerable people would be solely focused on just that and they wouldn't be distracted by other duties.

Does anyone have any thoughts about women only zones in large premises? Safe zones for women who have: lost their friends, need to charge their phone, just escape from someone making them feel uncomfortable, rest a while somewhere safe without being on their guard all the time etc?

What about social media restrictions? Any ideas on whether images being posted to social media should / could be delayed by 24 hours to give women a chance to get home safely? (Thinking about stalking or women who suffer controlling behaviour by their partners).

Sorry if my ideas are all a little rubbish! I hope there is something in there which is useful to you?

With every good wish,

Licensing Team Comments

Premises taking responsibility for persons refused entry - Although the principle of this idea is positive, it is not anticipated to be practical or within the scope of the Licensing Act for the premises to take responsibility for persons who may have been drinking and who are refused entry. It is however reasonable to expect that should any person be considered to meet the definition of drunk and incapable, then this should be reported to the Police and/or CCTV through the Pubwatch system. This expectation has been included in the updated policy draft,

Zero-Tolerance - The comments with regard premises adopting a zero tolerance approach to non-consensual touching and misconduct towards women and vulnerable people are noted, and have been included in the final policy draft.

Active Bystander training - Whilst this training is being offered through the Safer Streets grant funding awarded to Ashford Borough Council, longer term this training may need to be delivered in house by premises management. It is not possible, at this time, to specify an exact training package for premises.

Posters - As this policy has ongoing implications and may span varying initiatives, it would not be appropriate to specify the exact posters that should be applied, or the most appropriate place for these within the premises as this would be dependent on

the intended audience for any particular public safety campaign and the individual layout of the premises in question.

Non-compliance - The measures set out in policy are expectations, and cannot be automatically applied to premises licences. They may however be offered as conditions by a new premises applicant, or in negotiation with Kent Police. In addition these expectations may be cited in the event that Kent Police call for a premises review on related grounds. By having these expectations published, they can guide Committee Members as to the measures that they should be expecting premises to apply.

Designated welfare staff - This suggestion is not considered practical from an operational perspective. Security staff for large premises such as nightclubs, already operate radio systems and such concerns surrounding 'routine' disorder issues are not commonly found in the experience of the Licensing team.

Women only zones within premises - An expectation that a premises sub-divide a premises to include a women only zone is not considered practical or reasonable.

Social media restrictions - It is noted that posting of photographs etc. may be undertaken by any customer, entertainment provider (bands etc.) as well as the business itself, and for this purpose any such expectation would not be considered practical or enforceable.

Response 2

From: [A premises licence holder within the borough]
Sent: 30 November 2021 14:54
To: Licensing <Licensing@ashford.gov.uk>
Subject: RE: Licensing Act 2003 Policy - Ashford Borough Council

Thank you for the email below,

We would not have any negative input to the amendments suggested, we would fully support the inspiration and the changes.

I hope these comments help.

Licensing Team Comments

Feedback noted.

Response 3

From: [A premises licence holder within the borough]
Sent: 10 December 2021 13:07
To: Licensing <Licensing@ashford.gov.uk>
Subject: Reply email regarding Licensing act 2003

Hi licensing team

As your email dated 24-11-2021 licensing act 2003 policy,,

I would just like to make one or two suggestions.. although 9 out of 10 of these remarks I total believe in and that all license premises should be doing it anyway, I am just a little bit concerned regarding lots of posters.

I can see that if you wanted me to put up posters in prominent areas I would have five maybe six just in the female toilets alone... I think most licensed premises lack advertising space in toilets amongst other things that are being advertised as well and obviously including our own promotions.

These are some of the awareness notices you would be asking for , some we already do...

Pubwatch scheme "Don't Get Barred "
Challenge 21
Drug awareness
Ask Angela scheme
License taxis advice
CCTV awareness notices
Availability for Free tapwater / soft drink
Availability for drinking spiking devices / drink testing strips

I would like to suggest maybe condensing some of these points into generic A1 posters maybe simply called " Safer Night Outs" rather than numerous adverts dotted around the prominent areas that you are suggesting...

Also I think the part where take action to ensure women and vulnerable persons leave the venue safely for example providing numbers for licensed taxi services is fine which is what's happens here , but booking such taxi services where necessary on request I think could be opening a whole can of worms... and how would we ensure that any person appearing to be intoxicated are suitably accompanied ? I think more explanation is needed for this please....

One last thing to add I think you may have forgotten APAC in your external shout out organisations 😊

Many Thanks

Licensing Team Comments

Number of posters – Comments noted. We recognise that the proposed policy would expect that public information posters are displayed in premises, ranging from those assisted with the 'Ask for Angela' or similar schemes for the majority of premises, to the provision of free drinking water etc. This is on top of any other posters that may be required by a premises licence conditions or that may be pro-actively used by a licensee. We also recognise that the nature and size of the premises in question would dictate the number and type of posts that would be suitable. In some cases a larger number of posters may be suitable, whilst in smaller premises it might be

suitable to combine several elements into one suitable poster. As such based on the variability of venue types and sizes it is not proposed to define a specific number or type of posters that should be displayed, as there is clearly no one-size-fits-all approach that can be applied.

Leaving the venue safely – We note the comment surrounding the booking of taxis, and ensuring that persons appearing intoxicated are suitably accompanied. With reference to the booking of taxis, although the circumstances will vary, it is proposed to update the wording to ‘booking such taxis where reasonably necessary’ to show that this is not necessarily something that would be a ‘routine service’ but something could be expected if the circumstances required (for example as part of an ‘Ask for Angela’ incident. With reference to ‘suitably accompanied’ it is recognised that the wording used may be unclear and vague. The intention was to ensure that a premises should take reasonable measures to ensure that a person who could be considered drunk and incapable is not simply left outside the premises or in a position whereby they could be taken advantage of. This is partly addressed through the addition of the ‘drunk and incapable expectation, but also through the booking taxis where reasonably necessary wording. As such this latter part has been removed from the proposed policy.

External partners – Comment noted, and Ashford Partnership Against Crime added to the proposed policy.

Response 4

From: [unknown]
Sent: 19 December 2021 14:36
To: [REDACTED] Licensing
<Licensing@ashford.gov.uk>
Subject: Consultation

To whom it may concern

First sorry for the late entry was in two minds in giving any feedback at all as measures look like just a quick copy and paste of the ask Angela scheme done under the radar in the run up to Christmas and new year. Looks like a bit of a hurriedly researched project really that barely scratches the surface of the issues involved.

Also got mugged recently which has meant I have been kind of pre occupied.

Copied [REDACTED] in as if it was not for him like a lot of other people would be unaware that that initiative even happening and did not receive any correspondence after signing up to this Consultation.

Personally shocked at the tragic events of violence against women earlier this year, the connections to Ashford really did bring things home, so did do some research around the issues involved around public safety earlier this year. Also have some research experience.

“Ask for Angela’ was originally developed by Lincolnshire County Council and adopted by the Met in 2016 as a localised initiative by its police licensing officers.”

So scheme does have the benefit of being around for awhile with the disadvantage of being a pre covid scheme that means it could not take into consideration the impact of covid on the nighttime economy.

Think the measures in the Ask for Angela Scheme are good common sense ones but there are barriers to successful implementation. Will take some training of staff at the venue this when the venue are already very stretched both with staff levels and monetary wise.

<https://www.bighospitality.co.uk/Article/2021/11/29/Omicron-Coronavirus-variant-restrictions-hospitality-night-time-economy>

<https://www.theguardian.com/music/2021/oct/11/night-time-cultural-sector-hit-with-86000-job-losses-due-to-covid-19>

Need a carrot and stick approach which brings up a lot of questions...will venues lose licences if they do not sign up to the scheme or be fined...can they claim the cost of training... will they be able to recruit extra staff and pay them..will venues be considered to have a duty of care for clients after they have left the premises...what happens if they sign up to the scheme but just go through the motions of implementing it...

Thats just with this scheme though other schemes would of course be facing the same kind of problems (of course would be interested in any feedback about other schemes considered and why they were rejected).

“Take action to ensure women and vulnerable persons leave the venue safely, for example; providing numbers for licensed taxi services, booking such taxis where necessary or requested, and, ensuring that any persons appearing intoxicated are suitably accompanied.” Of course most of the problem is after people leave the venue not at the venue at all there was a “888 'walk me home service” floated but I looked at it and it does have some major flaws but certainly measures are needed to help people when they are at their most vulnerable which is largely not at the venues but on the way home from them.

I could comment more but maybe any measures brought in would be an improvement on the current situation and as you have given yourselves inadequate time to come up with measures that can be much more than a partial solution i can see you revisiting and evolving solutions over time.

Licensing Team Comments

Covid19 - The impacts of the pandemic on the evening and night time economy is understood and has been considered as part of the proposed draft policy.

Non-compliance – see comments to consultation response one.

Training costs – training of staff is the responsibility of the premises licence holder, however support may be offered through the Community Safety Partnership, such as the ‘active bystander’ training which is being provided free of charge to relevant premises and individuals through the recently allocated Safer Streets grant funding.

General – Some comments were raised with respects to the adequacy of the consultation, with the consultation process being explained in detail in the relevant section of this paper. We would however highlight that the proposed policy is a ‘starting point’ in terms of outlining the licensing authorities’ expectations, and in terms of this multifaceted issue the introduction of a specific licensing policy can only be a partial solution to the wider issue. The Statement of Licensing Policy will be subject to regular review.

The Safety of Women and Vulnerable Persons

Ashford Borough Council recognise increasing national concern with reference to the safety of women and the late night economy, especially related to harassment, drink spiking, and getting home safely. These concerns also extend to other persons who may be considered vulnerable as a result of drink and drugs, as well as physical and mental health conditions.

It is therefore considered more important than ever for relevant premises put in place measures to protect women and vulnerable customers so that they can remain safe at their premises and also after leaving.

It is consequently expected by the Licensing Authority that any premises with a significant percentage of sales revolving around consumption of alcohol on the premises will;

- Train all front of house staff on being an '*active bystander*' so that they know how to spot and address safety and harassment issues relating to women and vulnerable persons.
- Adopt, and train all staff, to operate the '*Ask for Angela*' scheme, or similar schemes.
- Take every report of harassment and sexual intimidation seriously and take appropriate action, recording these matters within a premises incident book.
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises.
- Demonstrate to staff and customers that the business takes women's and vulnerable persons safety seriously, for example through the promotion of the '*Ask for Angela*' scheme, by installing suitable posters [*example attached*]
- Make customers aware of the availability of free tap water or other free soft drinks (where offered)
- Take action to ensure women and vulnerable persons leave the venue safely, for example; providing numbers for licensed taxi services, booking such taxis where necessary or requested, and, ensuring that any persons appearing intoxicated are suitably accompanied.
- And all late-night premises, nightclub, or bars are additionally expected to;
 - Prominently display high visibility posters which discourage harassment and promote safety issues, such as the '*Ask for Angela*' scheme, anti-drink spiking posters.

- Prominently display posters highlighting the availability of free drinking water (and other free soft drinks where offered)
- Provide free anti drink spiking devices to customers, such as bottle stoppers and drink testing strips.

In addition to the expectations placed on licensed premises, the authority is committed to supporting and contributing to relevant programmes and interventions supporting safety in the night time economy in co-operation with internal services such as; Community Safety and the Ashford Monitoring Centre, and external organisations such as; Kent Police, the Kent & Medway Licensing Steering Group and Kent County Council Trading Standards.

The Safety of Women and Vulnerable Persons

Ashford Borough Council recognise increasing national concern with reference to the safety of women and the late night economy, especially related to harassment, drink spiking, and getting home safely. These concerns also extend to other persons who may be considered vulnerable as a result of drink and drugs, as well as physical and mental health conditions.

It is therefore considered more important than ever for relevant premises put in place measures to protect women and vulnerable customers so that they can remain safe at their premises and also after leaving.

It is consequently expected by the Licensing Authority that any premises with a significant percentage of sales revolving around consumption of alcohol on the premises will;

- Operate a zero tolerance approach to non-consensual touching and misconduct towards women and vulnerable people.
- Ensure that any persons meeting the definition of 'drunk and incapable' are reported to Kent Police and/or Ashford Borough Council's CCTV Control Room via the Pubwatch scheme.
- Train all front of house staff on being an '*active bystander*' so that they know how to spot and address safety and harassment issues relating to women and vulnerable persons.
- Adopt, and train all staff, to operate the '*Ask for Angela*' scheme, or similar schemes.
- Take every report of harassment and sexual intimidation seriously and take appropriate action, recording these matters within a premises incident book.
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises.
- Demonstrate to staff and customers that the business takes women's and vulnerable persons safety seriously, for example through the promotion of the '*Ask for Angela*' scheme, by installing suitable posters [*example attached*] in conspicuous and relevant locations within the premises.
- Make customers aware of the availability of free tap water or other free soft drinks (where offered)
- Have phone charger(s) available to allow a customer, where requested, to charge their phone sufficiently to arrange their safe transport home.

- Take action to ensure women and vulnerable persons leave the venue safely, for example; providing numbers for licensed taxi services, and, booking such taxis where reasonably necessary (i.e. as part of an Ask for Angela incident).
- And all late-night premises, nightclub, or bars are additionally expected to;
 - Prominently display high visibility posters which discourage harassment and promote safety issues, such as the 'Ask for Angela' scheme, anti-drink spiking posters.
 - Prominently display posters highlighting the availability of free drinking water (and other free soft drinks where offered)
 - Provide free anti drink spiking devices to customers, such as bottle stoppers and drink testing strips.

In addition to the expectations placed on licensed premises, the authority is committed to supporting and contributing to relevant programmes and interventions supporting safety in the night time economy in co-operation with internal services such as; Community Safety and the Ashford Monitoring Centre, and external organisations such as; Kent Police, Ashford Partnership Against Crime, the Kent & Medway Licensing Steering Group and Kent County Council Trading Standards.

Appendix D: Equalities Impact Assessment

Lead officer:	Trevor Ford
Decision maker:	Full Council
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	To agree to the insertion of an amendment to the Statement of Licensing Policy 2019-2024, containing policy relating to the safety of women and vulnerable persons.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	3 March 2022
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The report seeks to approve a policy approach to the safety of women and other potentially vulnerable persons within certain alcohol licensed premises.</p> <p>It is expected that members of the general public may be affected by the policy by means of increasing public safety. Businesses providing alcohol sales for consumption on the premises will also be affected as to the expectations associated with their premises type.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Research conducted as part of the revision of the policy includes;</p> <ul style="list-style-type: none"> • Best practice guidance • Local circumstances (Safer Streets funding etc)
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different 	See report for full details of the statutory consultation process.

protected characteristics?		
<p>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</p> <p>When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.</p>		
Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Low	Neutral
Middle age	Low	Neutral
Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u> Physical	High	Positive major
Mental	High	Positive major
Sensory	High	Positive major
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u> Men	Low	Neutral
Women	High	Positive major
<u>SEXUAL ORIENTATION</u>	Low	Neutral

Mitigating impact:	negative	N/A
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Where any negative impact has been identified, outline the measures taken to mitigate against it.	
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's <u>Essential Guide</u> , alongside fuller <u>PSED Technical Guidance</u> .	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>The legislative provisions relevant to this Statement of Principles for Gambling provides for the protection of children and vulnerable persons.</p> <p>The re-publishing of the statement of principles are not considered to have any negative impacts on equality</p> <p>Monitoring of the policy will be undertaken formally prior to expiry (three years). Additional review may be required should there be any change in legislation or a particular urge to change Council policy during the lifetime of the document.</p> <p>In addition the council's revised policy register will assist the service to meet this</p>
EIA completion date:	14 December 2021