

Report To:	Licensing Committee	Date:	10th October 2023
Heading:	REVIEW OF THE STATEMENT OF LICENSING POLICY		
Portfolio Holder:	DEPUTY LEADER – OUTWARD FOCUS		
Ward/s:	ALL		
Key Decision:	Yes		
Subject to Call-In:	No		

Purpose of Report

To agree a Draft Revised Statement of Licensing Policy for public consultation.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Consider the amendments to the Statement of Licensing Policy highlighted within the Draft Revised Statement of Licensing Policy as detailed within this report;**
- b) Agree the Draft Revised Statement of Licensing Policy for consultation;**
- c) Authorise the Licensing Manager to carry out the consultation programme as laid out within the report.**

Reasons for Recommendation(s)

The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2003 Act.

The current Policy is nearing the end of its five year life span, and as such, requires updating and republishing.

Alternative Options Considered (With Reasons Why Not Adopted)

Do nothing: not recommended for a number of reasons.

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Detailed Information

Introduction

The Committee is reminded that all licensing authorities have adopted a Licensing Policy Statement. This statement must promote the four licensing objectives of the Licensing Act 2003 (the 2003 Act), which are:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **The Prevention of Public Nuisance**
- **The Prevention of Children from Harm**

The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The Statement of Licensing Policy sets out how the Licensing Authority intends to exercise its functions under the 2003 Act.

In carrying out its functions the council must also have regard to the "Guidance issued under section 182 of the Licensing Act 2003" by the Home Office. These measures ensure clarity and consistency across all authorities in England and Wales. Revised guidance came into force in April 2018.

In drafting the original policy considerable work was done by a team of officers from Nottinghamshire districts on drafting a common 'core' Statement of Licensing Policy that each district adapted for its own use.

The Council has continued to work with other Licensing Authorities in Nottinghamshire and others nationally, so that a consistent approach is taken to assist applicants for licences and those who may wish to make representations under the provisions of the 2003 Act.

Amendments & Additions to the Statement of Licensing Policy

To assist all parties to this Committee meeting, the proposed amendments and additions are briefly bulleted below (and the relevant Page Number within the draft Policy that these can be found):

- Additional criteria used by Public Health for identification of areas of higher levels of alcohol related harm (Page 6).
- Advice to applicants relating to the need to provide evidence of Entitlement to Work in the UK when making licence applications (Page 17).
- Advice to applicants seeking to provide Alcohol Delivery Services when making licence applications (Page 17).
- Inclusion of advice to applicants and licence holders regarding taking steps to counter terrorism (Page 28).
- Inclusion of advice to applicants and licence holders regarding preventing drink spiking (Page 29).
- Inclusion of advice to applicants and licence holders relating to (Temporary) Pavement Licences (Page 30).

- Inclusion of advice to applicants and licence holders relating to Closure Notices (Page 31).
- Inclusion of advice to applicants and licence holders relating to their Duty of Care to their customers (Page 32).

Consultation on the Draft Revised Statement of Licensing Policy

The draft revised Statement of Licensing Policy requires approval from the Committee prior to commencing formal consultation. Proposed amendments are included in the appendices to this report.

The proposed consultation timetable is as follows:

- 10th October 2023: Licensing Committee to agree that the draft revised Statement of Licensing Policy be put out to consultation.
- Consultation between 11th October 2023 and 21st November 2023 to “Responsible Authorities” (Police, Fire Service, Trading Standards, Planning, Environmental Protection, Children’s Safeguarding Board, Health & Safety, etc), representatives of current licence holders and registered clubs, and others including Community Safety teams, Building Control and the local Primary Health Care. The general public will have access to the consultation via the Council’s website, reception area and local libraries.
- 22nd November 2023: any valid consultation responses will be put to the Chair of the Licensing Committee for consideration, and for the Chair to instruct the Licensing Manager to make any relevant changes to the Policy to finalise accordingly, and to make a recommendation to Council to adopt the final Policy.
- 27th November 2023: Council to adopt the Policy.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

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Legal:

Information Only

There are no legal implications contained within this report.

Finance:

Information Only

There are no financial implications contained within this report.

This report is effective from 10th October 2023 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

Information Only

There are no direct HR implications contained within this report

Equalities (to be completed by the author):

Information Only

There no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency (if applicable):

Not applicable

Background Papers

Appendix One: Draft Statement of Licensing Policy

Report Author and Contact Officer

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