

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>DATE:</b>	<b>8<sup>TH</sup> NOVEMBER 2018</b>
<b>Heading:</b>	<b>REVIEW OF THE STATEMENT OF LICENSING POLICY</b>		
<b>Portfolio Holder:</b>	<b>DEPUTY LEADER – OUTWARD FOCUS</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>Yes</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

### **Purpose of Report**

To agree a Draft Revised Statement of Licensing Policy for adoption by Council.

### **Recommendation(s)**

The Licensing Committee is recommended to:

- a) Consider the comments received on the Draft Revised Statement of Licensing Policy as detailed within this report;
- b) Resolve whether any amendments to the revised draft Statement of Licensing Policy are necessary in light of the comments received; and permit the Licensing Team Leader & Director: Place & Communities to make any appropriate amendments; and
- c) Subject to any amendments to the draft Policy, recommend Council to adopt the revised Statement of Licensing Policy at its meeting on 29th November 2018, effective from 31st January 2019.

### **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):

- Public Health identification of areas of higher levels of alcohol related harm (Page 6).
- Advice to applicants to utilise Government and local guidance and policies, and to seek advice from Responsible Authorities (including the Licensing Authority) prior to submitting applications in order to tailor applications to prevent negative impact to localities (Page 9).
- Advice to those making representations of disclosure of personal information (Page 10).
- Advice to applicants that the Director of Public Health is a Responsible Authority (Page 11).
- Advice to applicants when making applications to demonstrate high quality, well managed premises (Page 13).

- Advice to applicants and licence holders of recommended management practices for the protection of children from harm licensing objective (Page 15).
- Advice to applicants regarding risk assessing the use of outside areas (Page 17).
- Advice to applicants and licence holders regarding Public Space Protection Orders (which replaced Designated Public Protection Orders) (Page 20).
- Advice to applicants encouraging premises that will attract a wider customer base that includes families and older adults, and for wet led premises the need for robust management arrangements to be in operation (Page 20).
- Advice regarding the Licensing Authority's recently acquired powers in relation to being able to revoke a Personal Licence (Page 23).
- Statement regarding the Licensing Authority's commitment to the Safeguarding of Children and Vulnerable Persons, and advice to applicants to consider this statement when formalising applications (Page 25).
- Advice to applicants seeking to provide alcohol delivery services, and advice regarding prudent Age Verification Policies (Page 26).

### **Consultation on the Draft Revised Statement of Licensing Policy**

The draft revised Statement of Licensing Policy was approved by the Committee prior to commencing formal consultation.

The consultation timetable to be followed is detailed below:

- 6<sup>th</sup> September 2018: Licensing Committee to agree that the draft revised Statement of Licensing Policy be put out to consultation.
- Consultation between 17<sup>th</sup> September 2018 and 28<sup>th</sup> October 2018 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.
- 8<sup>th</sup> November 2018: the results of the consultation will be put to the Licensing Committee for consideration, and to make any relevant changes to the Policy to finalise accordingly, and to make a recommendation to Council to adopt the final Policy.
- 29<sup>th</sup> November 2018: Council to adopt the Policy.

### **Responses to the Consultation**

No responses were received during the consultation period.

## **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.

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.

### **Legal:**

Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare, consult and publish a Statement of Licensing Policy. This year's consultation on the Council's Statement of Licensing Policy and adoption process, meets the Council's legal duties under the Licensing Act 2003.

### **Finance:**

#### Information Only

There are no financial implications contained within this report.

This report is effective from 8<sup>th</sup> November 2018 and has the following financial implications.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
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:**

There are no direct HR implications contained within this report

### **Equalities** *(to be completed by the author):*

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 revised Statement of Licensing Policy

**Report Author and Contact Officer**

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