

LICENSING COMMITTEE

3 JUNE 2013

Title of paper:	Consideration of Draft Statement of Licensing Policy	
Director(s)/ Corporate Director(s):	Andrew Errington Corporate Director Community Protection	Wards affected: All
Contact Officer(s) and contact details:	Angela Rawson 0115 8761749 Angela.rawson@nottinghamcity.gov.uk	
Other officers who have provided input:	Ann Barrett 0115 8764411	
Relevant Council Plan theme(s):		
Choose Nottingham		x
Respect for Nottingham		
Transforming Nottingham's Neighbourhoods		x
Supporting Nottingham People		x
Serving Nottingham Better		x
Summary of issues (including benefits to customers/service users):		
This report asks the Committee to consider and note the Draft Statement of Licensing Policy prior to it's submission to Full Council on 8 July 2013 for release to public consultation.		
Recommendation(s):		
1	That the Draft Statement of Licensing Policy at Appendix 1 be noted and open to the Committee's comments	

1 BACKGROUND

- 1.1 As a Licensing Authority for the purposes of the Licensing Act 2003 (the Act), the Council is required to produce and publish a Statement of Licensing Policy (the Statement). A new Statement is required to come into force with effect from 7 January 2014 and is required to go through a consultation process prior to its adoption. Whilst the approval of the Statement is reserved to full Council as the Licensing Authority the proposed draft Statement is attached to this report (Appendix 1) for noting and comment prior to its submission to Council in July.
- 1.2 The purpose of the Statement is to inform those making and considering applications for licences and other notifications under the Act of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and Statutory Guidance issued by the Home Office
- 1.3 As with previous Statements there has been liaison with neighbouring Licensing Authorities whilst preparing the draft Statement. The purpose of this is to try and ensure a consistency of approach where possible and appropriate whilst appreciating that each Authority will have its own specific issues and areas which need to be tackled individually.
- 1.4 Most of the policies are similar to those in the current Statement. However the Statement has been revised to bring it up to date with regard to changes in the law and Statutory Guidance. The existing City Centre Saturation Zone and Policy has been reviewed and it is proposed that this Policy be retained. In addition, (following receipt of information from Nottinghamshire Police, and Community Protection,) it is proposed that the a new Saturation Zone be added relating to **off** sales within parts of the Berridge, Arboretum and Radford wards. The information provided in support of both Saturation Zones and policies from the Police and Community Protection form background documents to this report and has been made available for inspection in the Members room in the run up to this Committee. Officers have been consulted internally over the proposed retention of the City Centre Saturation Zone and the Statement "refreshed" accordingly.
- 1.5 It is proposed that the outcome of the required public consultation, (including any proposed amendments to the Statement), be reported to Licensing Committee in November and Council at its meeting in

December 2013 when Council will be required to approve the Statement of Policy in order to meet its statutory duties

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7th January 2014. This report is brought to Committee to note/comment on the proposed Statement at the request of the Chair and as the main Committee which implements the Statement of Policy.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 None

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The statutory fees levied for the regime are intended to cover the cost of the review of the Statement of Policy.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 5.1 It is a statutory requirement that the draft Statement be the subject of consultation with prescribed bodies and individuals and that thereafter a Statement of Policy be approved by full Council to come into effect on 7 January 2014.
- 5.2 The draft Statement has been the subject of legal advice to try to ensure conformity with the relevant legislation and Guidance and that the policies contained within it are justifiable. As with any Council policy, once adopted it will be open to challenge by way of judicial review though it is unlikely that any formal challenge would be made on the basis of the consultative draft currently before the Committee
- 5.3 The most contentious elements of the Statement are likely to relate to the Saturation Zones and Policies. In this respect the Guidance states that there should be an evidential basis for the decision to include such policies within the Statement and that Cumulative Impact

(saturation) means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The boundaries for such Zones and Policies therefore need to be considered accordingly.

5.4 With regard to the newly proposed Berridge, Arboretum and Radford Zone and Policy, some of the information received in support relates to health issues rather than the four licensing objectives of

- the prevention of crime and disorder
- the prevention of public nuisance
- public safety
- and the protection of children from harm

Whilst the Home Office has issued a public consultation on the possibility of introducing health as a licensing objective for the purposes of cumulative impact policies only, the results of that consultation and any consequential legislative changes have not yet been published. Health is not therefore a matter which either this Committee or Council can take into account at this stage. Paragraphs 3-19 and Appendices 1-12 of Melanie Fretwell's statement must therefore be given no weight and should be disregarded when considering whether to include such a policy in the consultation draft Statement. The situation may change by the time that the Statement comes back before Council in December for adoption and Committee/Council will be advised appropriately at that time. The remainder of the information and appendices put forward by Ms Fretwell does relate to the licensing objectives and can be taken into account in reaching a decision on this issue.

5.5 The Statement of Licensing Policy has been prepared to enable fairness to all parties in relation to Equality & Diversity issues

6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

6.1 Evidence in support of retention of City Centre Saturation Zone and Policy and new Berridge, Arboretum, Radford Saturation Zone and Policy:-

- Statement of Sergeant Richard Shaw dated 27 March 2013
- Item RS/1 – Pub, Club and Off-Licence density in the East Midlands
- Item RS/2 – Violence- City Division
- Item RS/3 – Alcohol Report February 2013

- Statement of Melanie Fretwell dated 16 May 2013 (paragraphs 3-19 disregarded)
- Appendices 1-12 (disregarded)
- Appendix 13 - People, Premises, Places Initiative
- Appendix 14 - e-mail from Trading Standards
- Appendix 15 - map of DPPO (Hyson Green) boundary
- Appendix 16 - map of DPPO (City Centre) boundary
- Appendix 17 - map of proposed DPPO (Berridge, Arboretum, Radford) boundary
- Appendix 18 – map of City Centre Saturation Zone boundary
- Appendix 19 - proposed boundary for Berridge, Arboretum, Radford Saturation Zone
- Appendix 20 – Statement of Sergeant Neil Radford dated 13 May 2013
- Appendix 21 – Statement of Inspector Robert Wilson dated 15 May 2013 including Crime Pattern Analysis
- Appendix 22 – Statement of Inspector Gurmit Kaur dated 18 February 2013 including Crime Pattern Analysis
- Appendix 23 – Map showing density of off licences in Nottingham
- Appendices 24 – 43 photographs of off licences in the proposed area.

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

7.1 Licensing Act 2003

Guidance under Section 182 of the Licensing Act 2003, October 2012