

City Council - 10 July 2023

Report of the Chair of the Licensing Committee

Corporate Director/ Director:

Ita O'Donovan, Interim Corporate Director for Communities, Environment and Resident Services

Report Author and Contact Details:

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Title: Review of Statement of Licensing Policy

Does the report form part of the Budget or Policy Framework?

Yes No

Does this report contain any information that is exempt from publication?

No

Relevant Council Plan Key Outcome:

Green, Clean and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input checked="" type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input checked="" type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Living Well in our Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input checked="" type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

1. Summary

- 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 from 7 January 2024 and, prior to its adoption, is required to go through a consultation process. The proposed draft Statement is attached to this report for approval prior to its release for public consultation (Appendix 1). Details regarding the method of consultation are set out in the report.
- 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 The Statement was presented to the Licensing Committee on 20 June 2023 which approved its content prior to submission to Council.
- 1.4 Unfortunately the Statement that was presented to Licensing Committee was not the most up to date version of the draft Statement of Licensing Policy. Further additions to cover rights to work in the UK had been made which can be found on pages 28/29,

points 7.61 to 7.67 of Appendix 1 to this report. In all other respects however the draft considered by Licensing Committee is the same as the one being considered in this report.

2. Recommendations

- 2.1 That Council approve release of the draft Statement of Licensing Policy for public consultation.

3. Reasons for recommendations

- 3.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024. In order for Council to adopt the Statement of Licensing Policy it must first go through a period of public consultation.
- 3.2 It is proposed that the outcome of the consultation (including any proposed amendments to the Statement) is reported to Council at its meeting in November 2023 when Council will be required to consider and approve the Statement of Licensing Policy in order to meet its statutory duties.

4. Other options considered in making recommendations

- 4.1 None. It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024. In order for Council to adopt the Statement of Licensing Policy it must first go through a period of public consultation.

5. Consideration of Risk

- 5.1 It is a statutory requirement of the Authority to publish a Statement of Licensing Policy. The ultimate adoption of the policy could be challenged however the policy is felt to comply with the legislation and guidance mitigating any potential risk.

6. Best Value Considerations

- 6.1 None, as it is a statutory requirement to produce a Statement of Licensing Policy, however the policy sets out clear expectations to lead to a more effective and efficient licensing process.

7. Background (including outcomes of consultation)

- 7.1 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). 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. Such Statements remain in force for a period of 5 years but must be kept under review and revised at such times as the Licensing Authority considers appropriate.
- 7.2 The Statement was last reviewed in 2018 with the new Statement being adopted by Full Council on 12 November 2018 and taking effect from 7 January 2019 for a five year period.
- 7.3 Before determining any amendment to its Statement of Policy, the Authority must

consult with:

- The Chief Officer of Police for the Authority's area
- The Fire and Rescue Authority for that area
- Each Local Health Board for an area any part of which is in the Licensing Authority's area,
- Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the Licensing Authority's area
- Such persons as the Authority considers to be representative of holders of premises licences issued by the Authority
- Such persons as the Authority considers to be representative of holders of club premises certificates issued by the Authority
- Such persons as the Authority considers to be representative of holders of personal licences issued by the Authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area

7.4 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. Whilst there is some similarity to the existing Statement the draft Statement has been updated to take into account changes that the Cumulative Impact Assessments have now lapsed and further changes in legislation and guidance, new guidance was released in December 2022 and considerations have been made to those changes within this Statement of Licensing Policy.

7.5 It is proposed that consultation will last for an 8 week period.

8. Finance colleague comments (including implications and value for money)

8.1 The statutory fees levied for the regime are intended to cover the cost of the review of this policy. Currently at consultation stage, as this progressing, costing implications will be made apparent, and will require further review from Finance.

Advice provided by Sohaib Chaudhry (Senior Commercial Business Partner)
23.06.23

9. Legal colleague comments

9.1 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 to come into effect on 7 January 2024. The main proposed changes to the Statement reflect changes in legislation and Guidance and a review of the Cumulative Impact section following the lapse of the Authority's previous Cumulative Impact Assessments.

9.2 Approval of the Statement is a Council function however Licensing Committee's terms of reference enable it to provide a consultative role in the preparation of the Statement and consultation has already taken place with the Committee.

9.3 Once adopted the Statement will become open to challenge by way of Judicial Review however, as the current recommendation is to release the draft Statement for consultation the risk of such challenge is low at this stage.

Ann Barrett, Team Leader, Legal Services 20 June 2023

10. **Other relevant comments**

None

11. **Crime and Disorder Implications (if applicable)**

Any considerations will be outlined in the report to Council in November seeking approval of the Statement of Licensing Policy.

12. **Social value considerations (if applicable)**

Any considerations will be outlined in the report to Council in November seeking approval of the Statement of Licensing Policy.

13. **Regard to the NHS Constitution (if applicable)**

Not applicable

14. **Equality Impact Assessment (EIA)**

10.1 Has the equality impact of the proposals in this report been assessed?

Consideration of equality impacts is underway and an EIA will be included in the report to Council in November seeking approval of the Statement of Licensing Policy.

15. **Data Protection Impact Assessment (DPIA)**

15.1 A DPIA is not required because the policy does not contain sensitive information within the policy.

16. **Carbon Impact Assessment (CIA)**

16.1 A CIA is not required because the policy does not have a carbon impact.

17. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

17.1 None

18. **Published documents referred to in this report**

14.1 Equality Act 2010
Licensing Act 2003
Guidance issued under s182 of the Licensing Act 2003, December 2022
Criminal Justice and Police Act 2001

Councillor Audrey Dinnall
Chair of Licensing Committee