

CITY COUNCIL - 12 NOVEMBER 2018

REPORT OF THE CHAIR OF THE LICENSING COMMITTEE

REVIEW OF STATEMENT OF LICENSING POLICY

1 SUMMARY

- 1.1 This report seeks approval to adopt a new Statement of Licensing Policy (Appendix 1) Two responses have been received and a summary of them is attached at Appendix 2, including the officer assessment and any subsequent amendment.
- 1.2 The purpose of the Statement is to inform individuals making applications for licences of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and approved guidance issued by the Home Office in accordance with s182 of the Act.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council as the Licensing Authority for Nottingham adopt the Statement of Licensing Policy at Appendix 1 with effect from 7 January 2019.

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 2019.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None – statutory requirement

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Council is a Licensing Authority for the purpose of the Licensing Act 2003 (the Act).
- 5.2 A consultation draft Statement of Licensing Policy was approved by Council on 9th July 2018 following which consultation took place between 23rd July 2018 and 16th September 2018 with both public and statutory consultees. Two responses were received and a summary of them is attached at Appendix 2, including the officer assessment and any amendment subsequently made to the Policy as a result of them.
- 5.3 The Statement of Licensing Policy (the Statement) reflects changes in legislation and Guidance relating to Personal Licences and Cumulative Impact which have come into force since the last Statement was adopted. Cumulative Impact has now been placed on a statutory footing and the Licensing Committee approved a Cumulative Impact Assessment (CIA) for publication at its meeting on 9th October 2018. The CIA was published on 22 October 2018.
- 5.4 The Act requires that regard is had to the CIA when determining the contents of the Statement and that the CIA is summarised in it.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

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

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 The main legal requirements for the adoption of a Statement of Licensing Policy are referred to in the main body of the report and as indicated it is a statutory requirement that a new Statement be adopted to take effect from 7 January 2019. The Policy will remain in force for a period of 5 years unless reviewed sooner. As a CIA has been published which only has a statutory lifespan of 3 years it is possible that the Statement of Policy may need to be reviewed earlier.
- 7.2 As with any policy the adoption of the Statement is potentially challengeable by way of judicial review on standard public law grounds but the Statement has been the subject of legal advice in an attempt to minimise risk.

Ann Barrett, Team Leader, Legal Services 12 October 2018

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required because this is a statutory requirement and the policy has been developed to enable fairness to all parties.

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

- 9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Policing & Crime Act 2017
Licensing Act 2003
Guidance issued under s182 of the Licensing Act 2002, April 2018

**COUNCILLOR BRIAN GROCOCK
TITLE: CHAIR OF THE LICENSING COMMITTEE**