

**Nottingham City Council****Responses to consultation on Statement of Licensing Policy (2019)****Chapter 1 – Introduction**

<b>Ref No.</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
1	1.4	Addition of supporting comment from Public Health	Public Health referenced at 3.4	No further change required

**Chapter 2 – Licensing Objectives & Licensable Activities**

<b>Ref No.</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
2	2.6	Concerns regarding use of information being used by the RAs particularly generalisations when premises are being used as local landmarks	This matter relates to how RAs record and present their evidence rather than something which is within the control of the Licensing Authority and its policy. The Respondent may wish to take this matter up direct with the relevant RAs . Any evidence presented to the Licensing Authority at a hearing will be given due consideration.	No change required.
2	2.14	Concerns regarding relevance of conditions being imposed – may refer to nuisance rather than public nuisance	Conditions are usually offered by applicants via the operating schedule or requested by RAs. Where offered or agreed the wording of the condition is primarily a matter for the parties. Where a condition is requested it is incumbent on the applicant to consider the	No change required

			wording of the condition and whether they object to it. Where the Licensing Authority's discretion is engaged it will be for the Licensing Authority to determine on the facts of the case whether any alleged nuisance will be public or private and whether the wording of any requested condition is appropriate.	
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### Chapter 3 – Strategic Links & Other Regulatory Regimes

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
2	3	Pleased with inclusion of this section which assists applicants and RAs	No comment	No change required
2	3	Request statement to say planning and licensing separate regimes albeit they overlap (1.19 Guidance)	Sufficiently covered in paragraph 3.3 of the Policy	No change required

### Chapter 4 – Delivering Licensing Services

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
2	4	Request list of RAs be updated within the policy and/or link in policy for applicants etc	The list is specifically excluded from the policy so that if new RAs are added or contact details change this does not trigger the need for a Policy review. A link to where to find these details can however be added at 4.5	Include link to RAs contact details at 4.5

## Chapter 5 – How this Policy Works

No comments made to this section

## Chapter 6 – Applications, notifications and their considerations

Ref No.	Policy or Paragraph Number	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Statement of Policy
2	6.29	Concern regarding restrictive effect of any proposed CIP and that such policies dissuade applications by small/innovative operators and promote ubiquity and stagnation. Request a statement that small, independent or otherwise innovative applications will be considered..	The CIA has been adopted by the Licensing Committee and this Policy is required to summarise it. The Introduction makes it clear that the Authority is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. However this has to be balanced against various other challenges which the City has. Each application and its impact will be considered on its merits.	No change required
2	N/A	Concerns over the number of conditions being placed on licences and use of "standard conditions" Question relevance of the use of conditions in general	Conditions are usually offered by applicants via the operating schedule or requested by RAs. Where offered or agreed the wording of the condition is primarily a matter for the parties. Where a condition is requested it is incumbent on the applicant to consider the wording of the condition and whether they object to it. Where the Licensing Authority's discretion is engaged it will be for the Licensing Authority to determine on the facts of the case and the Authority's approach to the imposition of conditions is dealt with in paragraph 2.5	No change required

## Chapter 7 - General Enforcement Statement

No comments made to this section

## **Chapter 8 – Monitoring & Review**

No comments made to this section

## **Appendix A – Promoting the Licensing Objectives**

No comments made to this section

## **Appendix B – Map of City Centre Saturation Zone**

No comments made to this section

## **Appendix C – Map of Berridge, Arboretum & Radford Saturation Zone**

No comments made to this section

## **General Comments**

<b>Ref No.</b>	<b>Policy or Paragraph Number</b>	<b>Summary of Respondents Comments</b>	<b>Authorities Appraisal of Comments</b>	<b>Authority's Response with regard to Statement of Policy</b>
2	N/A	Agent of Change Bill will lead to changes in planning legislation to require developers to protect their buyers from existing potential noise sources Requests Agent of Change principles be applied for licensing consideration	These changes are currently being debated and as yet have no legal force. Regard will be had to any relevant changes in legislation and Guidance at such time as they may be made	No change required
2	N/A	Concerns about the effect of CCTV /Scanning conditions and their compatibility with GDPR and the approach of the police in	Conditions are usually agreed between the parties and are primarily a matter for the applicant to consider via the operating schedule. Existing conditions cannot be	No change required

		requesting/demanding these.	<p>amended without an application and the Licensing Authority's discretion only becomes engaged where there is disagreement between the applicant and the person/body requesting the condition.</p> <p>In part these comments relate to the operational activities and conduct of an RA rather than the Licensing Authority Policy. Paragraph 2.5 makes it clear that conditions should be tailored to the application premises . Officers/Responsible Authorities requesting data under conditions will be responsible for the safety of the data and compliance with internal policies and data protection legislation and that is not a matter for Licensing Authority Policy</p>	
2	N/A	Request inclusion of statement clarifying confusion over on-sales & off-sales	This is a matter of legal interpretation of the existing law and Guidance and enforcement in appropriate cases. The Act makes no distinction relating to sales in open and closed containers.	No change required
2	N/A	Request Highway Amenity Licences (Table and Chairs Licences) application and information to be linked to website	Link on Licensing webpage	No change required