

## **CITY COUNCIL - 13 DECEMBER 2010**

### **REPORT OF THE PORTFOLIO HOLDER OF ENVIRONMENT AND CLIMATE CHANGE**

#### **REVIEW OF STATEMENT OF LICENSING POLICY**

##### **1 SUMMARY**

- 1.1 This report seeks approval to adopt a new Statement of Licensing Policy for the City. A copy of the new Statement of Licensing Policy (Appendix 1), a list of those who submitted formal consultation responses,(Appendix 2), and a summary of those responses, the officer assessment of them and amendments made to the draft policy, (Appendix 3) are attached.
- 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 Department of Culture, Media and Sport in accordance with Section 182 of the Act.

##### **2 RECOMMENDATIONS**

It is recommended that Council as the Licensing Authority for Nottingham:

- 2.1 adopt the Statement of Licensing Policy to take effect from 7 January 2011.

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7<sup>th</sup> January 2011

##### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None – statutory requirement

##### **5 BACKGROUND**

- 5.1 The Council is a Licensing Authority for the purpose of the Licensing

Act 2003.

- 5.2 A consultation draft Statement of Licensing Policy was approved by Council on 12 July 2010 and consultation took place between 19 July and 15 October 2010 with both the public and the statutory consultees. A list of those who submitted formal consultation responses appears at Appendix 2 and a summary of those responses, the officer assessment of them and amendments made to the draft policy appears at Appendix 3.
- 5.3 Copies of the full consultation responses and the evidence in relation to the proposed retention of the Cumulative Impact Policy and Saturation Zone have been placed in the members' room for inspection and consideration prior to this meeting.
- 5.4 In assessing the consultation responses it was noted that the plan of the proposed Saturation Zone contained in the consultative draft was incorrect and did not accurately reflect the amendments to the existing Saturation Zone which had been requested by the Police. This map has now been replaced with the one submitted in the evidence of Inspector Townsend in support of the Saturation Zone. Other than this however, the Statement of Policy is substantially in the same form as the Consultative draft subject to the amendments outlined in Appendix 3 and some minor grammatical and numerical alterations.

## **6 FINANCIAL IMPLICATIONS (INCLUDING 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 Policy.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)**

- 7.1 The draft Statement of Policy 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. It is a statutory requirement that a new Statement of Policy be adopted to come into effect on 7 January 2011. Under section 5 of the Licensing Act 2003 the Policy remains in force for a period of 3 years from that date however, the Authority retains the power to review the Policy during that period. There is currently some debate as to whether the 3 year

life span of policies should be removed to enable Policies to be replaced as and when Licensing Authorities feel appropriate and there may be legislative changes to this effect during the period of the new Policy.

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

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

Proposed Statement of Licensing Policy – dated November 2010  
Evidence in support of Saturation Zone:-

Witness Statement – Inspector Andy Townsend

- APT1 Pub & Club Density
- APT2 Alcohol Confiscations
- APT3 Analysis
- APT4 Map of Saturation
- APT5 Questionnaires from Residents  
Statement of PC Culham  
Statement of PSCO Fisk
- APT6 Analysis

Consultation responses from:

- Association of Convenience Stores
- Nottingham CAMRA
- British Beer & Pub Association
- Nottinghamshire Authorities Licensing Group
- Fraser Brown

Letter dated 1 November 2010 from Inspector Townsend

Letter dated 22 November 2010 from Fraser Brown

**9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 Licensing Act 2003

9.2 Guidance issued under section 182 of the Licensing Act 2003

**COUNCILLOR KATRINA BULL  
PORTFOLIO HOLDER FOR ENVIRONMENT & CLIMATE CHANGE**