

**LICENSING COMMITTEE – 20 JUNE 2023**

<b>Title of paper:</b>	<b>Consideration of Draft Statement of Licensing Policy</b>	
<b>Director(s)/ Corporate Director(s):</b>	Colin Wilderspin Interim Director – Communities	<b>Wards affected: ALL</b>
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<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Outcome:</b>		
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"/>	
<b>Summary of issues (including benefits to citizens/service users):</b> The reports asks the Committee to consider and note the draft Statement of Licensing Policy prior to its submission to Full Council on 10th July 2023 for release to public consultation.		
<b>Recommendation(s):</b>		
<b>1</b>	That the draft Statement of Licensing Policy at Appendix 1 be noted and open to the Committee for comments.	

**1. Reasons for recommendations**

- 1.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024. This report is brought to Committee to note/comment on the proposed Statement at the request of the Chair as the main Committee which implements the Statement of Policy. Adoption of the Statement is however a matter which is reserved to Council.

**2. Other options considered in making recommendations**

- 2.1 None

### 3. Consideration of Risk

3.1 It is a statutory requirement of the authority to publish a Statement of Licensing Policy.

### 4. Background (including outcomes of consultation)

4.1 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.

4.2 The Statement was last reviewed in 2018 with the new Statement being adopted by Full Council on 12<sup>th</sup> November 2018 and taking effect from 7 January 2019 for a five year period.

4.3 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

4.4 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.

4.5 The Committee, as the main user of the Statement is being asked to provide any comments that it may have on the draft Statement prior to submission to Council which will be asked to release the draft for consultation. It is proposed that consultation will last for an 8 week period.

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

5.1 The statutory fees levied for the regime are intended to cover the cost of the review of this policy.

**6. Legal colleague comments**

6.1 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.

6.2 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. It is therefore within the Committee's power to provide comments on the draft Statement.

Ann Barrett, Team Leader, Legal Services 2 May 2023

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

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

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

8.1 A DPIA is not required because this is a statutory requirement and the policy does not have sensitive information within the policy.

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

9.1 A CIA is not required because this is a statutory requirement and the policy does not have a carbon impact.

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

10.1 None

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

11.1 Policing & Crime Act 2017  
Licensing Act 2003  
Guidance issued under s182 of the Licensing Act 2003, December 2022