

City Council - 13 November 2023

Report of Chair of Licensing Committee

Corporate Director/ Director:

Colin Parr, 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 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 That the Council, as the Licensing Authority for Nottingham, adopt the Statement of Licensing Policy at Appendix 1 with effect from 7 January 2024.

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.

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.

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 The Council is a Licensing Authority for the purpose of the Licensing Act 2003 (the Act).

7.2 A consultation draft Statement of Licensing Policy was approved by Council on 10th July 2023 following which consultation took place between 27th July 2023 and 20th September 2023 with both the 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.

7.3 As with previous Statements there has been liaison with neighbouring Licensing Authorities whilst preparing the Statement of Licensing policy. 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.

7.4 Revised statutory guidance was released in July 2023, after the draft Statement of Licensing Policy had already been released for consultation. Considerations have been made to those changes within this Statement of Licensing Policy inclusive of Counter Terrorism considerations.

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

8.1 The statutory fees, levied from the licencing regime, are intended to cover the costs of the review of the statement of licencing policy.

Sohaib Chaudhry – Senior Commercial Business Partner (24 October 2023)

9. Legal colleague comments

9.1 It is a statutory requirement a Statement of Policy be approved to come into effect on 7 January 2024. The Policy will remain in force for a period of 5 years unless reviewed sooner.

9.2 Approval of the Statement of Policy is a Council function and, as with any policy, once adopted the Statement will potentially become open to challenge by way of Judicial Review on standard public law grounds. However, as indicated in the report the Statement of Policy is felt to comply with the legislation and guidance thus mitigating any potential risk

Ann Barrett, Team Leader, Legal Services 20 October 2023

10. **Other relevant comments**

10.1 None

11. **Crime and Disorder Implications (If Applicable)**

11.1 There are no foreseen implications for crime and disorder due to the minimal changes to the policy.

12. **Social value considerations (If Applicable)**

12.1 There will be no considerations outlined in the report.

13. **Regard to the NHS Constitution (If Applicable)**

13.1 Not applicable

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

14.1 Has the equality impact of the proposals in this report been assessed

Yes



Attached as Appendix 4, and due regard will be given to any implications identified in it.

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

15.1 Has the data protection impact of the proposals in this report been assessed?

No



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

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

16.1 Has the carbon impact of the proposals in this report been assessed?

No



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**

18.1 Equality Act 2010

Licensing Act 2003

Guidance issued under s182 of the Licensing Act 2003, December 2022, July 2023

Criminal Justice and Police Act 2001

Councillor Audrey Dinnall
Chair of Licensing Committee