

REVIEW OF THE GEDLING STATEMENT OF LICENSING POLICY

Purpose of this Report

To inform Members on progress with the production of the new Gedling Statement of Licensing Policy and obtain approval for the Statement to undertake statutory consultation as required by Section 5(3) of the Licensing Act 2003.

Information

The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years. The first Gedling Statement of Licensing Policy came into effect in January 2005 and its successor will need to similarly be in place by early January next year.

Within Nottinghamshire all the eight local authorities having responsibilities under the Licensing Act have worked closely together through the Nottinghamshire Authorities Licensing Group (NALG) to produce a common basis for their licensing policy statements to be developed from. NALG comprises officers with legal, environmental health and licensing backgrounds. In developing the new document regard has been made to the developing guidance from central Government arising from the first years of operation of the new licensing arrangements.

The production of a common document for licensing involving all the Nottinghamshire licensing authorities has received good comments from local and national businesses in the past as it creates a more practical, sensible, consistent and level playing field for operators. In Nottinghamshire each licensing authority has then taken the common document for customisation to reflect local issues prior to embarking on a period of consultation as required by the legislation.

The new Policy for consultation comprises of 14 Sections together with 3 appendices:

- Section 1- Introduction.
- Section 2- The Licensing Objectives.
- Section 3-Consultation on the Policy.
- Section 4- Functions of the Licensing Authority.
- Section 5- The Purpose of the Statement of Policy.
- Section 6- How to Read this Statement of Policy.
- Section 7- Strategic Links and Other Regulatory Regimes.
- Section 8- Delivering Licensing Services.
- Section 9- Applications.
- Section 10- The Impact of Licensable Activities.
- Section 11- Children.
- Section 12- Equality and Diversity.
- Section 13- General Enforcement Statement.
- Section 14- Monitoring and Review.

Appendices:

- Appendix A- Licensing Policies.
- Appendix B- Glossary of Terms.
- Appendix C- Contact Details.

The legal nature of the document reflects the future function of the policy as the basis for determining applications, which are subject to legal appeal to the Magistrates' Court.

Local authorities are required by the Act to consult with:

- The Chief of police for the licensing authority's area.
- The Fire authority for that area.
- Persons considered by the Licensing Authority to be representative of holders of premises licences and club premises certificates issued for their area.
- Persons considered by the Licensing Authority to be representative of holders of personal licences issued by that authority.
- Other persons considered to be representative of businesses and residents in the area.

All ward Members are being consulted on the draft document and all comments may be made to the Licensing Section.

The time frame allowed by central government for local authorities to complete the consultation process is tight. Licensing authorities must have finalised their policy statement draft for consultation purposes; carried out twelve weeks of consultation as advocated by central Government best practice; have undertaken the necessary changes to the document arising from consultation and informed Members of the final licensing policy statement for endorsement by full Council prior to coming into effect on the 7th January 2008.

A copy of the Gedling Statement of Licensing for consultation accompanies this report for the information of Members.

Implications

The production and external consultation of the draft Gedling Statement of Licensing Policy will ensure that this Authority complies with the requirements of the Licensing Act 2003 concerning policy consultation and national licensing guidance.

Recommendations

Members are asked to note the progress made by officers in producing the Draft Statement of Licensing Policy for this Authority and to approve the Council's Statement of Licensing Policy for the purpose of undertaking the necessary statutory consultation in accordance with Section 5(3) of the Licensing Act 2003.