

Report to Licensing Act Committee

Subject: Gedling Statement of Licensing Policy

Date: 3 July 2018

Author: Director of Community Health and Wellbeing

Wards Affected

All wards

Purpose

To inform Members of the requirements of Section 5(3) of the Licensing Act 2003 in relation to the review of the Gedling Statement of Licensing Policy and to seek approval to consult on proposed amendments to the existing policy.

Key Decision

This is not a key decision.

Background

- 1.1 The Licensing Act 2003 ('the Act') requires a licensing authority to prepare and publish at least every five years a statement of policy that they propose to apply when exercising their functions under the Act. The first Gedling Statement of Licensing Policy came into effect in January 2005 and the existing Policy for this Authority is due for review by the end of 2018 with a view to publishing a statement of policy in January 2019.

There are four licensing objectives under the Act. Prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

- 1.2 Within Nottinghamshire all the eight local authorities, having

responsibilities under the Act, have worked closely together through the Nottinghamshire Authorities Licensing Group (NALG) to produce a common basis for their statements of licensing policy to be developed from. NALG comprises officers with legal, environmental health and licensing backgrounds. In amending the existing licensing policy document regard has been had to the s182 guidance produced by the government under the Act and any relevant changes to the Act.

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.

1.3 The legal nature of the document reflects the future function of the policy as the basis for determining applications, including new premises licence applications and variation of existing premises licence applications, made under the Act which are subject to legal appeal to the Magistrates' Court.

1.4 Under the Act Licensing Authorities are required to carry out a consultation on their policy statements 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.

As part of the consultation process the draft policy will be published on the Council's website and letters will be sent to the above individuals, groups and organisations stating where the draft policy can be accessed on the website. The consultation will be carried out for ten weeks.

Proposal

- 2.1 Licensing authorities must have finalised their policy statement draft for consultation purposes; carried out eight to ten of consultation as advocated by central Government best practice; have undertaken the necessary changes to the document arising from the consultation and informed Members of the final licensing policy statement for endorsement by full Council prior to coming into effect in January 2019.
- 2.2 At Appendix 1 is a list of the proposed changes to the licensing policy including the addition of a paragraph relating to public health, procedural changes for online applications, removal of the reference to a cumulative impact policy, inclusion of a paragraph relating to provisional statements and measures relating the safeguarding of children and vulnerable persons. At Appendix 2 is the more significant change to the personal licence section in the policy arising from a change to the Act abolishing the requirement to renew a personal licence and immigration legislation relating the right to work. At Appendix 3 is a copy of the existing statement of licensing policy.
- 2.3 It is proposed that members approve the proposed changes to the Authority's Statement of Licensing Policy to go out to consultation for a period of ten weeks as detailed in the report and in accordance with the Act.

Alternative Options

- 3.1 The Authority are required by the Act to review the Statement of Licensing Policy every 5 years, the Authority are also required to consult on any changes to the policy statement. An alternative option would be not to authorise the changes to go out to consultation, which would be contrary to the Act and best practice, or to suggest alternative amendments to the policy to go out to consultation. The proposed changes however, have been made following extensive work with NALG and are deemed appropriate.

Financial Implications

- 4.1 There are no financial implications.

Appendices

- 5.1 Appendix 1 – A list of the proposed changes to the licensing policy
- 5.2 Appendix 2 – The change to the personal licence section
- 5.3 Appendix 3 – The existing Gedling Statement of Licensing Policy

Background Papers

There are no background papers.

Recommendation:

That Members:

Approve the proposed changes to the Council's Statement of Licensing Policy to go out to consultation for a period of ten weeks in accordance with the Licensing Act and as detailed in this report.

Reasons for Recommendations

The production and external consultation of the draft amended Gedling Statement of Licensing Policy will ensure that this Authority complies with the requirements of the Licensing Act 2005 concerning policy consultation and national licensing guidance.