

Report to Council

Subject: Review of the Gedling Statement of Licensing Policy

Date: 13 November 2013

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Purpose of the Report

To seek Council's approval to adopt the amended Gedling Statement of Licensing Policy.

Background

The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years (the legislation has been recently amended so that in the future this will be required every five years). The first Gedling Statement of Licensing Policy came into effect in January 2005 and has been reviewed every 3 years in line with the requirements of the Licensing Act 2003.

Within Nottinghamshire all eight local authorities having responsibilities under the Licensing Act have work 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 amending the draft policy document regard has been made to the guidance from central Government.

The production of a common document for licensing involving all of the Nottinghamshire licensing authorities has received positive 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 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.

At the meeting of the Licensing Act Committee on 16th July 2013 Members resolved to note the draft amended Gedling Statement of Licensing Policy for the purpose of undertaking the necessary statutory consultation in accordance with Section 5(3) of the Licensing Act 2003.

That consultation ended on 18th October 2013 and no comments or responses had been received by the Licensing Section on the draft policy document.

Proposal

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 in January 2014.

At Appendix 1 is a copy of the amended Gedling Statement of Licensing Policy.

The significant changes from the existing policy are within Sections 2 (2.1, 2.2, 2.3 and 2.4), 5 (5.2), 6 (6.1, 6.4, 6.5, 6.24, 6.43, 6.46, 6.52, 6.53 and 6.54) and these reflect changes to the legislation and guidance.

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

At the meeting of the Licensing Act Committee held on the 29th of October 2013, Members resolved to endorse the Gedling Statement of Licensing Policy and refer it to Council for adoption.

Recommendation

That the Council adopt the amended Gedling Statement of Licensing Policy as at Appendix 1.