

Report to the Licensing Act Committee

Subject: Gedling Statement of Licensing Policy

Date: 29 August 2023

Author: Head of Environment

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.

Recommendation(s)

THAT:

- 1. Approve the proposed changes to the Gedling Statement of Licensing Policy which are attached at Appendix 1 to go out to consultation for a period of eight weeks in accordance with the Licensing Act 2003.**
- 2. Subject to there being no major amendments required to the draft policy, and following the Members approval, the draft Gedling Statement of Licensing Policy at Appendix 2 be referred to full Council for final approval before publication in January 2024.**

1 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 2023 with a view to publishing a statement of policy in January 2024.

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 or emails 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

eight weeks.

2 Proposal

- 2.1 Licensing authorities must have finalised their policy statement draft for consultation purposes; carried out eight to ten weeks 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 2024.
- 2.2 At Appendix 1 is a list of the proposed changes to the licensing policy including the amendment of the paragraphs relating to public health and reviews, an addition of a link to the Portman Code of Practice under the section relating the Safeguarding of Children and Vulnerable Adults. In addition there are the inclusion of a paragraphs relating to: entitlement to work in the UK, the Home Office online right to work checking service, spiking, protection of women and girls, counter terrorism, closure notices, alcohol delivery services and pavement licences. At Appendix 2 is a copy of the proposed draft Gedling Statement of Licensing Policy.
- 2.3 It is recommended that members approve the proposed changes to the Authority's Statement of Licensing Policy to go out to consultation for a period of eight weeks as detailed in the report and in accordance with the Act. Provided that no major amendments are required to the draft policy following the consultation period it is also proposed that the policy be referred to full Council to be approved and come into effect on 7th January 2024. Officers will consult with the Chair of the Licensing Committee if any responses to the consultation are received.

3 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.
- 3.2 Members could choose not to approve the policy to be referred to full Council following the consultation. However this will mean that the draft policy will need to be brought back to the Committee following the consultation which could delay its implementation which is required for 7 January 2024 when the current policy expires.

4. Financial Implications

4.1 There are no financial implications.

5 Legal Implications

5.1 As set out in the report the Council are required to review the licensing policy every 5 years under Section 5 of the Licensing Act 2003. Through collaborative working as part of NALG the Licensing Service have identified some required amendments to the policy. The Council are required by Section 5 to consult on these changes and cannot impose the changes until the consultation has been carried out and any responses considered.

6 Equalities Implications

6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – A table of the proposed changes to the licensing policy

8.2 Appendix 2 – The proposed draft Gedling Statement of Licensing Policy

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer