

Report to: Licensing Committee - 14 September 2022

Director Lead: Matthew Finch, Director – Communities & Environment

Lead Officer: Damian Wilkins, Environmental Health & Licensing Manager

Report Summary	
Report Title	Statement of Licensing Policy Review
Purpose of Report	To present to Members the proposed review of the Statement of Licensing Policy prior to formal public consultation taking place.
Recommendations	That the Licensing Committee: <ul style="list-style-type: none"> a) approve the draft revision of the Council’s Licensing Policy; b) put forward any suggested amendments; c) approve the commencement of the 4-week public consultation; and d) note that the final draft policy after public consultation will be returned to this Committee for approval before adoption at full Council.
Reason for Recommendations	To ensure legal compliance with Licensing Act 2003

1.0 Background

- 1.1 The Licensing Act 2003 requires the Council to have in place a Policy relating to the carrying out of its functions under that Act In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Licensing Policy relating to those duties. The policy sets out the principles which the Council will apply in considering and granting licences under the Act.
- 2.2 The Act originally required the policy to be reviewed every three years, however, recent legislative changes have now extended this period to every five years. The current policy was adopted in January 2019 and therefore needs to be reviewed before January 2024.
- 2.3 The Council is required by the Licensing Act to formulate its policy with reference to guidance issued by the Home Office under section 182 of the Act. This guidance has been amended and the draft policy reflects these changes. In addition, area specific Public Health related information has been added. Areas with additional information include Entitlement to work in the UK; the Home Office right to work checking service; Spiking; Counter Terrorism; amended information around Closure Notices; expectations around Alcohol Delivery Services; Pavement Licences; and additional information around the prevention of violence to women and girls.

- 2.4 In order to achieve a level of consistency across the County the Nottinghamshire Authorities have been working together on a joint format for the Statement. Members will appreciate that the Councils across the County are different and therefore it is not always possible to have identical documents. However, wherever possible attempts have been made to apply consistent terminology.
- 2.5 A copy of the 2024 draft Statement of Licensing Policy is attached as **Appendix 1**. A **red font** has been used to identify where changes are proposed. There have been no fundamental changes to any of the policies previously agreed.
- 2.7 Any comments that the Members of the Committee wish to make before the policy is sent out for consultation can be included in the proposed revision. The public consultation period will last for 4 weeks and consultation responses will then be reviewed and considered. A final proposed policy, taking the consultation response into account, will be brought back to this committee for approval and then to full Council for adoption.

2.0 Proposal/Options Considered

- 2.1 It is proposed to undertake a public consultation exercise by directing organisations to the Council's website where a copy of the draft Policy will be posted. Printed copies will be available on request. A suggested list of consultees is shown at **Appendix 2**. It is proposed that the consultation period will last for 4 weeks.
- 2.2 Due to the nature of limited amendments to the proposed policy, it is considered that a 4 week consultation timescale is sufficient.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Section 182 Statutory Licensing Guidance