



Council

Thursday, 7 December 2023

Statement of Licensing Policy

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

- 1.1. It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7 January 2024.
- 1.2. In reviewing the Policy, the Council must carry out the statutory consultation as provided by the Act. Any comments will be considered and, where appropriate, the draft Policy will take these into account. Once the revised Policy has been approved and published, it will be valid until 6 January 2029.

2. Recommendation

It is RECOMMENDED that Council approves the adoption of the Statement of Licensing Policy attached to this report as Appendix A.

3. Reasons for Recommendation

The Council is required to produce a Statement of Licensing Policy every five years upon which it will base its decisions. This draft Policy was endorsed by the Licensing Committee at its meeting on 17 October 2023.

4. Supporting Information

- 4.1. The Council is the Licensing Authority as defined by the Licensing Act 2003. The Council is responsible for licensing and regulating licensed premises such as pubs, off-licences, late night takeaways and Registered Members' Clubs. It also issues personal licences to sell alcohol and effects transfers and variations of licences. The Authority also processes notices for temporary (occasional) events.
- 4.2. A Statement of Licensing Policy sets out the policies the Licensing Authority will apply when making decisions on licensing applications and reviews. It also serves to advise applicants of any local policies or requirements to consider when drafting an application. The Licensing Authority must have regard to its Statement of Licensing Policy when making decisions alongside any statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

- 4.3. A copy of the draft Statement of Licensing Policy is attached at Appendix A.
- 4.4. The draft Policy has been circulated for public consultation, one response was received from the Director of Public Health and his comments were included in an earlier draft brought before the Licensing Committee (see Appendix B). These comments made specific reference to particular areas of the Borough that are associated with elevated levels of alcohol related harm. The Committee resolved the following:

“Paragraph 4.8 of the Policy be removed, and Paragraph 4.9 of the Policy be amended to refer to the Borough rather than specific areas; and subject to resolution a) above, the Statement of Licensing Policy be endorsed and recommended to Council for approval”.

- 4.5. Accordingly paragraphs 4.7 and 4.8 have been reworded to remove the reference to specific areas.
- 4.6. The revisions to the previous Policy are provided for ease of reference in the table in Appendix C and include a number of policy and legislative updates:
- Paragraphs 4.2-4.9 – These paragraphs relate to the Director of Public Health as a statutory consultee and their role. The Director of Public Health has updated and highlighted areas within the Borough with relatively higher levels of alcohol related harm, the paragraphs have been further amended as described in paragraph 4.4 of this report
 - Paragraphs 5.3-54 – Amendments to the definition of responsible authorities
 - Paragraph 6.13 – Reference to public health issues
 - Paragraphs 6.16-6.19 – Introduces the “entitlement to work in the UK” for applicants applying for licences
 - Paragraph 7.2 – Reference to Community Protection Notices as a mechanism for dealing with anti-social behaviour
 - Paragraph 7.12- 7.13 - Updates around drugs and spiking of drinks
 - Paragraph 7.20 – Rewording in relation to “pool of conditions”
 - Paragraph 7.26 – Changes in respect of counter terrorism as a result of new legal requirements
 - Paragraph 7.27 and 7.28 – Narrative on cumulative impact has been removed as Rushcliffe does not have a cumulative impact area
 - Paragraph 7.32-34 – Rebuttable presumption removed from the Policy as it has been removed from the section 182 guidance
 - Paragraph 7.52 – Inclusion of alcohol delivery services
 - Paragraph 7.53-55 – Inclusion of pavement licences which have now been transferred to licensing authorities and are required to be included within the Policy
 - Paragraph 8.5-8.7 – Safeguarding in relation to women and girls.

5. Risks and Uncertainties

There is a risk that if the Council chooses not to adopt the Policy the Authority would not be able to process licensing applications and if it did so it would effectively be acting 'ultra vires'.

6. Implications

6.1. Financial Implications

The statutory fees levied for the regime are intended to cover the cost of the review of this Policy and its implementation.

6.2. Legal Implications

It is a statutory requirement that a Statement of Licensing Policy be produced every five years and that the draft Statement is the subject of consultation with prescribed bodies and individuals.

6.3. Equalities Implications

An Equalities Impact Assessment has been completed in Appendix D.

6.4. Section 17 of the Crime and Disorder Act 1998 Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

6.5. Biodiversity Net Gain Implications

There are no biodiversity net gain implications in this report.

7. Link to Corporate Priorities

The Environment	There are no links to this priority in this report
Quality of Life	Ensuring the health and safety of residents and supporting the reduction of crime and disorder
Efficient Services	There are no links to this priority in this report
Sustainable Growth	There are no links to this priority in this report

8. Recommendation

It is RECOMMENDED that Council approves the adoption of the Statement of Licensing Policy attached to this report as Appendix A.

For more information contact:	Geoff Carpenter Service Manager Public Protection Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Licensing Committee 17 October 2023 Report to Full Council 6 December 2018 'Statement of Licensing Policy'
List of appendices:	Appendix A: Draft Statement of Licensing Policy 2024-2029 Appendix: B: Consultation response from Director of Public Health Appendix: C: List of changes following consultation Appendix: D: EIA