



**Council**

**Thursday, 6 December 2018**

**Statement of Licensing Policy**

**Non Key Decision No. 31**

## **Report of the Executive Manager - Neighbourhoods**

### **1. Purpose of report**

- 1.1 The Council's current Statement of Licensing Policy was adopted in 2014.
- 1.2 Rushcliffe Borough Council is a Licensing authority under the Licensing Act 2003. As a Licensing Authority the Council must determine and publish its Licensing Policy every 5 years.
- 1.3 In determining the Policy, the Council must carry out the statutory consultation as provided by the Act. Following a review of the existing Statement a small number of minor changes were made and a consultation exercise was undertaken which resulted in no further comments or changes. Following consideration by the Alcohol and Entertainment Licensing Committee (A&ELC) the report recommends that the Statement of Licensing Policy is formally approved to be published on 2 January 2019.
- 1.4 Once the revised policy has been reviewed and published it will be valid until January 2024.

### **2. Recommendation**

It is RECOMMENDED that the Statement of Licensing Policy be approved with effect from 2nd January 2019.

### **3. Supporting Information**

- 3.1 The Licensing Act 2003 gives Local Authorities a range of responsibilities relating to licensing. The Statement of Licensing Policy states how the Council will exercise its authority.
- 3.2 This policy covers the following:
  - How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
  - The main licensing objectives for the authority which are set by legislative requirements.

- The Licensing Authority approach to regulation
- The scheme of delegation

3.3 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.

3.4 The proposed revised Statement of Licensing Policy for determination has taken into account the legislative changes that will affect the policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last five years.

3.5 The Statutory Consultation requirements consist of:-

- The Chief Officer of Police for the Licensing Authority area
- The Fire and Rescue Authority for the area
- Such persons as the Licensing Authority consider to be representative of holders of existing premises or personal licences
- Such persons as the Licensing Authority considers to be representative of holders of existing club premises certificates issued by the authority
- Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
- Director of Public Health

3.6 A small number of sections have been re-worded in line with the best practice framework issued by the Local Government Association. A summary of the changes is attached to this report at Appendix 1.

3.7 The time table for the draft policy for consultation is:

Date	Process
July 2018	Licensing committee consulted on revised policy [via email]
July/August 2018	Public / statutory consultation
August 2018	Consultation feedback reviewed
October 2018	AELC approval
December 2018	Full Council Approval

3.8 No comments were received from consultees and at the end of the consultation period the revised draft Statement was presented to the A&ELC for consideration at a meeting held on 24 October 2018.

3.9 The revised Statement was supported at the meeting of the A&ELC on 24 October 2018 and is attached as **appendix 1** for approval by Council.

#### 4. Risks and Uncertainties

4.1. The Council will be at risk of legal challenge if a properly consulted and

adopted Statement of Licensing Policy is not in place by January 2019.

## **5. Implications**

### **5.1. Financial Implications**

5.1.1. There are no financial implications arising from this report. The cost of the service is met by the fees received from licences.

### **5.2. Legal Implications**

5.2.1. Refer to para 4.1

### **5.3. Equalities Implications**

5.2.3 In accordance with its statutory responsibilities a equality impact assessment has been undertaken which confirms that there are no significant impacts requiring further action.

### **5.4 Section 17 of the Crime and Disorder Act 1998 Implications**

5.4.1 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 Link to Corporate Priorities**

This report links to the following Corporate Strategy key themes of:

- Maintaining and enhancing our residents' quality of life

## **7 Recommendations**

It is RECOMMENDED that the Statement of licensing policy be approved with effect from 2nd January 2019.

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<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix 1: Summary of Changes Appendix 2: Statement of Licensing Policy

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