

Bolsover District Council

Council on 6th March 2024

Statement of Licensing Policy – Delegated Decision

Report of the Portfolio Holder for Environment

Classification	This report is Public
Contact Officer	Ken Eastwood Joint Assistant Director, Environmental Health

PURPOSE/SUMMARY OF REPORT

- To alert Members of the Council to a decision taken by the Chief Executive under delegations.
- To explain the reasons for the decision taken.

REPORT DETAILS

1. Background

- 1.1 Under the Scheme of Delegation in the Council's Constitution (4.10.10 (12)) the Chief Executive is authorised to take such action as they consider appropriate in an emergency, following consultation with the Leader and/or Deputy Leader, as they consider the circumstances will allow and where applicable inform the relevant Portfolio Holder.
- 1.2 Any decision taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council, explaining the reasons for the decision.

2. Details of Proposal or Information

- 2.1 The Council is a Licensing Authority for the purpose of the Licensing Act 2003 ('the Act').
- 2.2 Section 5 of the Act requires all Licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies.

- 2.3 The Policy establishes a set of controls which the Council considers appropriate for the effective management of licensable activities within the district. The Policy acts as a guide for Members, applicants, responsible authorities, and members of the public and aims to promote fair, consistent, and proportionate decision making.
- 2.4 Section 4 of the Act provides that, in carrying out its functions, a Licensing Authority must 'have regard to' Guidance issued by the Secretary of State under Section 182 as appropriate.
- 2.5 Modifications to Section 182 Guidance have been published during 2023 and early 2024. These revisions needed to be considered and time given to review and prepare a revised Statement of Licensing Policy ready for statutory consultation and final publication.
- 2.6 As the Council's Licensing Policy Statement was due to expire on 31st January 2024, a decision was taken under delegations to republish the existing Statement of Licensing Policy to cover the interim period required in order to consider modifications to the guidance issued by the Secretary of State.
- 2.7 A draft, revised Licensing Policy Statement was considered by the Climate Change and Communities Scrutiny Committee on 20th February 2024 and by the Licensing and Gambling Acts Committee on 22nd February 2024. The draft policy will be subject to a 6-week consultation period before being further considered by the Licensing and Gambling Acts Committee.
- 2.8 Final approval of a new policy will be considered by Council on the recommendations of the Licensing and Gambling Acts Committee.

3. Reasons for Recommendation

- 3.1 In 2018 a review was undertaken to ensure that the Council's Policy was consistent with statutory guidance and in a format common to neighbouring authorities to enable consistency and transparency and this was subsequently published in 2019.
- 3.2 Consequently, the Council's current Licensing Policy Statement was due to expire on 31st January 2024.
- 3.3 The Act requires the Council to republish its Policy every five years.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options. This report is for information only.

RECOMMENDATION

That Council notes the decision taken by the Chief Executive under delegations with regard to the Council's Statement of Licensing Policy.

Approved by Councillor Anne Clarke, Portfolio Holder for Environment

IMPLICATIONS:

Finance and Risk: Yes No

Details: None from this report. Suggested action for the Council can be contained within existing budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: There are no legal implications arising from this report.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details: None from this report.

Staffing: Yes No

Details: There are no staffing implications from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	

DOCUMENT INFORMATION	
Appendix No	Title

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>