



Derby City Council

LICENSING COMMITTEE
21 September 2017

Report of the Strategic Director of Communities
and Place

ITEM 7

Review of Licensing Team Consultation Policy

SUMMARY

- 1.1 In October 2012, the Committee resolved to approve a consultation policy for the licensing service.
- 1.2 The policy requires review to ensure it remains up to date and fit for purpose.

RECOMMENDATION

- 2.1 To approve the revised consultation policy set out at Appendix 2.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that all parties are aware of the methods by which the Licensing Team will undertake consultations where appropriate.
- 3.2 To ensure that the consultation policy is updated, and remains relevant and fit for purpose.

SUPPORTING INFORMATION

- 4.1 In October 2012, the Committee resolved to approve a consultation policy for the licensing service.
- 4.2 The policy requires review to ensure it is up to date and fit for purpose.
- 4.3 Attached at Appendix 2 is the revised policy.
- 4.4 The revisions are highlighted to indicate the changes made, which are few and relate mainly to administrative updates such as updating names of directorates and the protection of sensitive data with regard to the trade organisations.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Proposed Revised Consultation Policy

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IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising.

Legal

- 2.1 The policy enables the council to demonstrate, where or when applicable, compliance with statutory, case law based or best practice related guidance around the principles of consultation with relevant stakeholders. It sets out the principles within which consultation will be undertaken. By so doing, it strengthens the council's ability to respond to administrative law challenges against any of its policy based decisions/initiatives.

Personnel

- 3.1 None directly arising.

IT

- 4.1 None directly arising.

Equalities Impact

- 5.1 None directly arising.

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising.

Property and Asset Management

- 8.1 None directly arising.

Risk Management and Safeguarding

- 9.1 There would be significant reputational risk to Council if the proposals set out in the report were not approved.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report address the corporate objectives of Enabling individuals and communities

Consultation Policy Licensing Team

Contents

	Page
1. Introduction	
2. Purpose	
3. Legal Context	
4. Scope of the Policy	
5. Consultation Criteria	

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Summary of changes

Significant additions / amendments

Section	Title	Addition or change	Reason
1.1	Introduction	Communities and Place	Update directorate
3.1	Legal Context	Change of date of Act	Update
5.6	Consultation Criteria	Restriction on the requirement of personal data & sensitive data relevant to the trade organisation.	Data Protection requirements.
5.9	Consultation Criteria	Individually	Clarification

Policy Statement

1. Introduction

- 1.1 Effective consultation enables **Communities and Place** to make informed decisions on policy and services and improves accountability to citizens, stakeholders and partners. Therefore it is committed to carrying out consultation that is targeted at and easily accessible to those with a clear interest in a policy, service or issue.

2. Purpose

- 2.1 Compliance with this policy will ensure that all consultation:
- is compliant with statutory guidance
 - is economical and effective
 - maximises participation
 - is not susceptible to legal challenge
 - can be used safely to inform decisions
 - meets our equality and diversity responsibilities
- 2.2 This policy should be used in conjunction with, but does not supersede statutory guidance and regulatory processes. However, when the standards set out in this policy differs from those set out in statutory guidance, this policy takes precedence.

3. Legal Context

- 3.1 Derby City Council has a duty under the Local Government Act **1999** to ensure that arrangements to secure continuous improvement in the way in which its functions are exercised are put in place, having regard to a combination of economy, efficiency and effectiveness.

4. Scope of the Policy

- 4.1 This policy covers all consultation carried out by or on behalf of the Licensing Team, including work in partnership with any other organisation.
- 4.2 Consultation can consist of a range of methods and activities used to ascertain the views of citizens and stakeholders. These include but are not limited to:
- surveys
 - consultation interviews
 - focus or discussion groups
 - forums
 - events
 - exhibitions
 - meetings
- 4.3 This policy covers primarily the consultation level of participation and the consultation elements.

5 Consultation Criteria

- 5.1 A stakeholder map will be produced to identify all relevant stakeholders for each specific and individual consultation.
- 5.2 The Licensing Team will consult with all identified stakeholders.
- 5.3 Consultation that is undertaken by the Licensing Team will be carried out in a number of ways. This may include sending individual correspondence to the correspondence address notified to the Licensing Team by 2nd class post or by email or using website-based referrals.
- 5.4 Unless the context justifies a departure from standard practice, the standard consultation period will normally be for a minimum of 12 weeks.
- 5.5 Responses to any consultation must be in writing via letter, email or sent to any dedicated response web page that may be set up for the purpose. The information submitted must include the full name and contact address of the respondent, the capacity in which the response is being provided e.g. as premises licence holder, licensed driver, operator, etc. and a contact telephone number.
- 5.6 Responses will be accepted from individual stakeholders and recognised trade associations. Trade associations will only be recognised where they have provided the Licensing Team with:
 - a copy of their association's current constitution.
 - the name of the Chairperson, Secretary and Treasurer and contact details in the form of an email or telephone number
 - details of the total number of paid up members as at the date of the last general meeting of the association
 - the official recorded minutes of the last general meeting of the association (redacted if required to secure sensitive data relating to the trade organisation)
- 5.7 Non-compliant responses, including those made out of date, will not be considered as part of any consultation process.
- 5.8 Completion of a consultation response does not amount to a veto of the proposal by the respondent.
- 5.9 The outcome of any consultation exercise will not be individually notified to any respondents.
- 5.10 The final decision as policy rests with the relevant policy-making Committee of the Council.