

## **CONSULTATION POLICY - LICENSING TEAM**

### **SUMMARY**

- 1.1 Effective consultation enables the Licensing Team to make informed decisions on policy and services. It improves accountability to citizens, stakeholders and partners.
- 1.2 The Licensing Team is committed to carrying out consultation that is targeted at and is easily accessible to those with a clear interest in a policy, service or issue.
- 1.3 A formally approved policy ensures that all parties are aware of the methods in which the Licensing Team will undertake consultations when appropriate.
- 1.4 The policy will ensure that all consultation:
  - meets quality standards
  - is compliant with statutory guidance
  - is economical and effective
  - maximises participation
  - is not susceptible to legal challenge
  - can be used safely to inform decisions
  - is trusted and gets the buy-in of consultees
  - meets our equality and diversity responsibilities

### **RECOMMENDATION**

- 2.1 To approve the Consultation Policy – Licensing Team.

### **REASONS FOR RECOMMENDATION**

- 3.1 A formally approved policy ensures that all parties are aware of the methods in which the Licensing Team will undertake consultations when appropriate.

## SUPPORTING INFORMATION

- 4.1 Effective consultation enables the Environmental and Regulatory Services – Licensing Team to make informed decisions on policy and services. It improves accountability to citizens, stakeholders and partners.
- 4.2 Currently, unless there are specific statutory provisions requiring it, consultation is undertaken on an ‘accepted practice’ basis. Adopting this policy therefore puts such processes on a more formal footing.
- 4.3 To ensure transparency and a consultation process that is targeted at and is easily accessible to those with a clear interest in a policy, service or issue there is a need for a formal consultation policy.
- 4.4 Members will be aware that a corporate consultation policy was recently introduced. The proposed Consultation Policy – Licensing Team effectively complements that policy within the more local context of the remit of the Licensing Team. While it is not envisaged that the two policies will conflict with each other, in the event that that may occur and for the avoidance of doubt, the provisions of local policy will take precedence over those of the corporate policy.
- 4.5 Attached at Appendix 2 is the proposed consultation policy.

## OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Olu Idowu  John Tomlinson
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<b>IMPLICATIONS</b>
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**Financial**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 The adoption of a policy enables the Council to demonstrate, where or when applicable, compliance with statutory, caselaw 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 decision initiatives.

**Personnel**

- 3.1 None directly arising from this report.

**Equalities Impact**

- 4.1 None directly arising from this report.

**Health and Safety**

- 5.1 None directly arising from this report.

**Carbon commitment**

- 6.1 None directly arising from this report.

**Value for money**

- 7.1 None directly arising from this report.

**Corporate objectives and priorities for change**

- 8.1 The information set out in this report supports the corporate priorities so the people of Derby **enjoy being safe and feeling safe** and the Council provides **good quality services that meet local needs**.



## Proposed Consultation Policy for Licensing Team

# Consultation Policy Licensing Team

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Summary of changes

Significant additions / amendments

Section	Title	Addition or change	Reason

## **Policy Statement**

### **1. Introduction**

- 1.1 Effective consultation enables the Environmental and Regulatory Services 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 1993 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 2<sup>nd</sup> 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 full name, home address and telephone number of the current Chairperson, Secretary and Treasurer
  - 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
- 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 automatically notified to any respondents.
- 5.10 The final decision as policy rests with the relevant policy-making Committee of the Council.