

Public Document Pack



**North East
Derbyshire
District Council**

Contact: Alan Maher
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Date: Friday, 10 May 2024

To: **All Members of the Council**

You are summoned to attend a meeting of the Council to be held on **Monday, 20 May 2024 at 3.00 pm (or following the Annual Council meeting, whichever is the soonest)** in the **District Council Offices**, Mill Lane, Wingerworth, Chesterfield S42 6NG.

Group meetings will be arranged, where necessary, by the Group Leaders.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interests, not already on their register of interests, in any items on the agenda and withdraw from the meeting at the appropriate time.

3 The Council's Commitment to the Armed Forces Community

The Council's Armed Forces Champion, Councillor Stuart Fawcett will highlight the Council's on-going commitment to the District's Armed Forces Community by once again signing the Armed Forces Covenant.

4 Public Participation

In accordance with Council Procedure Rule No 8 to allow members of the public to ask questions about the Council's activities for a period up to fifteen minutes. The replies to any such questions will be given by the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

No questions have been submitted under Procedure Rule No 8 for this meeting.

5 Council Plan Annual Report 2023-24 (Pages 6 - 43)

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance.

6 Review of the Council's Policy Under the Licensing Act 2003 (Pages 44 - 89)

Report of Councillor S Pickering, Portfolio Holder for Environment and Place.

7 To answer any questions from Members asked under Procedure Rule No 9.2

In accordance with Council Procedure Rule No 9.2 to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12pm (Noon) twelve clear working days before the meeting.

The following question(s) have been submitted:-

Question 'A' - Councillor A Dale to Councillor J Barry, Portfolio Holder for Growth and Assets

Cabinet has recently named the Council's proposed redevelopment of the southern Avenue site as its "priority regeneration scheme" in relation to focusing officer time and resources and in terms of its promotion to partners. Can the

Portfolio Holder please explain what this means for other regeneration projects such as the Barrow Hill Line, Clay Cross station, the Coalite site and much needed improvement to several of our town centres?

Question 'B' - Councillor N Baker to Councillor J Barry, Portfolio Holder for Growth and Assets

Cabinet has recently indicated its intention to pursue redevelopment of its southern Avenue site, including plans for hundreds of new houses, relocation of the street scene depot and a new road layout, in an area which has seen intense development in recent years. Can the Portfolio Holder confirm what consultation will take place with Wingerworth and other nearby residents, prior to any decisions being taken?

8 To consider any Motions from Members under Procedure Rule No 10

In accordance with Council Procedure Rule No 10 to consider Motions on notice from Members. Motions must be received in writing or by email to the Monitoring Officer by 12pm (Noon) twelve clear working days before the meeting.

The following motion(s) have been submitted:-

Motion 'A' – Proposed by Councillor D Hancock

Council notes:

- The amendment to the constitution, introducing rule 10.5 (Change in Policy) approved in May 2023, requiring all changes in council policy (unless regulatory) to be considered by the relevant scrutiny committee and cabinet before being approved by council.
- That Council has existing policies in regard to the allocation of its domestic refuse bins to residential customers, in that black and green bins are allocated according to evidenced need (additional black bins based on the number of residents at any one property, and additional green bins based on the size of the garden); and that charges for additional/replacement bins are made as a one-off fee only.
- That Council has existing policies to promote recycling and to reduce landfill.

Council believes that:

- The officer decision to introduce an annual fee for additional green bins and for additional green bins to be allocated on request contravenes council policy and the amended constitution.

Council resolves:

- To reverse the decision to make an annual charge for additional green bins and revert to the policy of additional bins being granted based on evidenced need.

- That the Standards Committee should provide clearer guidance for officers to make delegated decisions, within the framework of the amended constitution, to avoid any future inadvertent policy changes

9 Chair's Urgent Business

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



**North East
Derbyshire
District Council**

Access for All statement

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- **Phone** - [01246 231111](tel:01246231111)
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- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with [Sign Solutions](#) or call into the offices at Wingerworth.
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North East Derbyshire Council

Council

Council Plan Annual Report 2023-24

20th May 2024

Report of Councillor Nigel Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

Classification: This report is public

Report By: Lee Hickin, Managing Director

Contact Officer: As above

PURPOSE / SUMMARY

To report progress on the objectives underpinning the Council Plan (2023-2027) for 2023/24.

RECOMMENDATIONS

1. That progress against the Council Plan 2023-2027 be noted.
-

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <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	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Details: Ward Members

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
The report links to all Council Plan 2023-27 objectives and priorities.

REPORT DETAILS

1 Background

- 1.1 The Council plan 2023-27 (approved by Cabinet on the 27th July 2023) has four objectives:
- A great place to live well.
 - A great place to work.
 - A great place to access good public services.
 - A great place that cares for the environment.
- 1.2 Under each objective there are several strategies which prioritise what the Council is setting out to achieve by March 2027. Under each strategy there are specific tactics or commitments that will shape our approach and positively influence the strategy.
- 1.3 The appended annual report sets out the Council's progress towards our priorities by objective including a spotlight on some strategic projects. Each objective is accompanied by metrics to give a wider context including service volumes and district wide data. The basket of metrics is varied including perception metrics, and those compiled by others.

2. Details of Proposal or Information

2.1 A Great Place to Live Well

Under this objective notable achievements include the commissioning and delivery of projects under the UK Shared Prosperity Fund which benefits the whole district, exceeding our target for leisure centre visits, opening a new skatepark at Killamarsh, launching the food and drink trail, and securing financial contributions and funding as noted in the appendix.

2.2 A Great Place to Work

Under this objective notable achievements include the regeneration work being undertaken at Clay Cross under the Town Deal, supporting businesses through the Derbyshire Accelerator project, digital and green skills programme developed and carrying out four Town Centre retail audits to support new businesses with updated information.

2.3 A Great Place to Access Good Public Services

Under this objective notable achievement include maintaining high prevention rates for homelessness applications, running a district wide residents' survey, being rated best in Derbyshire for website accessibility, administering 111 Community Recovery Grants of £500 to residents affected by Storm Babet, starting work on Clay Cross Active and providing over 300 staff with internal training.

2.4 A Great Place that Cares for the Environment

Under this objective notable achievements include producing and publishing our Biodiversity report for 2023/24 which includes a 5 year action plan, employing a Sustainability Officer to co-ordinate the delivery of the Climate Change strategy, improving 295 council properties through external wall insulation, and nearing the completion of the decarbonisation project at Dronfield Leisure Centre.

2.5 Whilst the timing of the report is ideal for Annual Council, it has required some estimated data for quarter four (Highlighted in the performance report) due to reporting lag. In future it is proposed the Annual Performance Report will be prepared for the first Council following Annual Council.

3 Reasons for Recommendation

3.1 This is an information report to keep Members informed of progress against the council plan.

4 Alternative Options and Reasons for Rejection

4.1 Not applicable to this report as providing an overview of progress against the council plan objectives.

DOCUMENT INFORMATION

Appendix No	Title
1	Annual Performance Report for 2023/24
Background Papers (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 Cabinet you must provide copies of the background papers)	



North East
Derbyshire
District Council

Year 1, Council Plan Annual Performance Report 2023 - 2024



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Welcome

We are pleased to present our Annual Report for 2023/24 which sets out our year 1 progress against our Council Plan.

The Council Plan sets out our shared vision and priorities for North East Derbyshire District. The plan and this report describe the way that we do things, how we work together with our communities and partners to improve the district and improve people's lives.

Our approach is a way of working that enables us to focus on the things that people value most of all such as lifelong good health, decent housing and living in areas which are clean, safe, and attractive. This approach enables us to have the biggest impact on the lives of local people.

This can only be achieved by listening to, and collaborating with, those who live, work, visit and do business in our district, and building on the great things that are already happening.

We're very proud of the achievements we have delivered during the year including the commissioning and delivery of projects under the UK Shared Prosperity Fund which benefits the whole district, the regeneration work being undertaken at Clay Cross under the Town Deal, improvements to our council housing through external wall insulation, improvements, and utilisation of technology to make our buildings and facilities more carbon friendly and modern, publication of

our inaugural Biodiversity Plan, exceeding our target for leisure centre visits, opening a new skatepark at Killamarsh, maintaining high prevention rates for homelessness applications, launch of our new food and drink trail, and the huge amount of work that our staff do from undertaking food hygiene inspections, determining planning applications, emptying bins and grass cutting, to providing advice and supporting vulnerable residents.

We know that things don't always go to plan and the report highlights that too. However, we look forward to continuing this journey and working together to continue to make North East Derbyshire a great place to live.

This annual report sets out our progress towards our priorities by theme including a spotlight on some strategic projects. Each theme is accompanied by metrics to give a wider context.

We hope you find this report interesting, insightful, and reassuring.



Lee Hickin
Managing Director



Cllr Nigel Barker
Council Leader



Creating a great place to live well



Creating a great place to work



Creating a great place to access good public services



Creating a great place that cares for the environment

Our Vision

Putting strong community leadership at the heart of everything we do, we will create *A Great Place...*

Our Values

Our Values are:

- Be honest and accountable.
- Treat everyone fairly and with respect.
- Listen, involve and respond.
- Embrace change and innovation.
- Be collaborative, open and transparent.

Our Council Plan at a glance...



To view our Council Plan scan the QR code

A group of hikers is seen from behind, walking along a grassy path that leads into a dense forest. The hikers are wearing various outdoor gear, including backpacks and walking sticks. The scene is bright and sunny, with green grass and lush trees.

A great place to live well





During 2023/24, the following progress has been made on a community with lifelong good health:

Maximise opportunities for residents of all ages and abilities to participate in physical and social activity

- Secured S106 contributions of £38k to be spent on recreation ground/cricket ground, Birkinstyle Lane, Stonebroom.

• **15 Community Action Grants (CAGs) approved in 2023/24 totalling £7k.** For 2022/23 there were 4,783 beneficiaries from CAGs.

- A new monthly 'walking for health' group established in Holmewood with McIntyre service users and residents.
- Leisure Centre attendances for 2023/24 were strong at 821,908 exceeding its target (804,000).
- Clay Cross Active under construction and due for completion late 2024. Additional 3G pitch is under development with Football Foundation backing.

• **Killamarsh Skate Park opened** beginning of March (full launch event to be held in May half term) Positive feedback received from users.



Directly or in partnership, reducing health inequality supporting Public Health, DCC and other partners to deliver targeted programmes in the district

• **Community-based activity attracted a total of 4880 attendances in 2023/24.**

- Funded sessions for Parkinson's delivered at Eckington and Killamarsh leisure centres.
- Public Health funding of £79.5k secured each year for Healthy NED Partnership for 5 years.
- Wellbeing Wednesday hosted at The Hub at Clay Cross supporting Live Life Better Derbyshire referrals.

Assist residents in ensuring their homes are suitable and meet their health needs

- 115 Disabled Facilities Grant applications were approved in 2023.
- 662 pest control treatment courses were completed in 2023.

- **Supported 68 private sector tenants regarding housing disrepair and health issues during 2023/24.** Most cases resolved informally but 8 enforcement notices were served because of non-compliance.

Protect the public from ill health caused by environmental factors and business operations.

- 516 food hygiene inspections/audits were carried out in 2023.

- **Dealt with 955 licencing applications** including Animal Welfare (28), House to House and Street collections (21), Gambling Premises (4), Small Society Lotteries (12) Alcohol and Entertainment licenses for premises (98), Personal Licences (48), Temporary Event notices (215), Taxi and Private Hire Vehicle licences (411), Taxi and Private Hire Driver licences (103), Taxi and Private Hire Operator licences (9), and Scrap Metal licences (6).

Spotlight on External Wall Insulation - one of our strategic projects with Rykneld Homes

This project will improve the thermal efficiency and external envelope (weathertight skin) of 640 non-traditional council homes increasing the performance of these homes to an Energy Performance Certificate (EPC) of C or above. Energy efficient homes have lower carbon emissions, so it's good for householder budgets (cheaper to heat) and for the planet.

In 2023/24, 295 council properties were improved against a target of 333. The shortfall is within project tolerances. The Council is on course to meet its target of 640 properties by September 2025. Council performance is monitored by the Department for Energy Security and Net Zero who have given positive feedback on the Council's performance to date.





During 2023/24, the following progress has been made on a place to live that people value:

Develop and continually improve the quality and range of housing providing a nice home and area for all residents to meet all needs

- As part of approved application ref. 23/00708/FL at North Wingfield we approved a variation to increase the numbers of affordable rent to adapt scheme to demand/need of local residents.
- Working with Rykneld Homes to establish a programme to deliver social housing upgrades through the Devolution Retrofit funding programme, with £583k secured.
- Total homelessness caseload through the year has seen an average of 150 live cases at any one time. Our prevention outcomes are high, 89% of cases are successful in preventing homelessness.

• In 2023/24 the Housing Strategy Team working with Rykneld Homes bought back five former council houses through the Right to Buy Back process, built six new build properties at Pine View, Danesmoor, and acquired nine properties on new build developments for affordable housing. A total of 20 new Council homes.



- As at March 2024, there are currently 3486 homes being delivered through the planning process of which 581 are for affordable housing to be delivered over the next few years. The estimate of affordable completions for 2023/24 is 94.

Directly and with partners, improve where people live to ensure they are safe, clean, functional, and attractive

- Worked with police and Environmental Health to approve new and upgraded public realm with a scheme of CCTV as part of Clay Cross Town Deal application (planning permission ref. 23/00601/FL).
- In 2023, the Environmental Health Enforcement Team responded to 349 service requests from partners and residents to act on environmental issues including abandoned vehicles, fly tipping/litter accumulations, and dog related issues (strays, lost, fouling), and proactively carried out 149 enforcement

initiatives/patrols. 58 fixed Penalty Notices (FPNs) served for fly tipping, littering, dog fouling, abandoned vehicles, and non-compliance with household duty of care. Four known fly tipping hotspots were monitored using new CCTV equipment and 166 abandoned vehicle reports were responded to. There were three successful prosecutions for littering and the Dog Management Public Space Protection Order (PSPPO) was renewed for a further three years following public consultation.

- **Numerous activities undertaken jointly with the police to reassure residents and tackle anti-social behaviour** including Cuppa with a Copper sessions held in Killamarsh, Eckington and Dronfield, door knocks took place in Unstone following a spate of burglaries with over 150 households visited, 70 Operation Shango Patrols done (ASB initiative for hot spot areas) and visiting over 30 households across the district to gather evidence for enforcement action.



- Extreme Wheels through the Community Safety Partnership have been working in Clay Cross, Killamarsh and Holmesfield to engage young people who struggle to access more traditional leisure pursuits. Over 150 young people visited the sessions in total including spectators.

- **Work has started on implementing the long term empty council tax premium.** This has resulted in a reduction in empty properties from 310 to 265.

- Public Space Protection Order (Nuisance Vehicles) introduced to provide local partners including the council to counteract unreasonable and persistent anti-social behaviour where it is reasonable and appropriate to do so.

Well maintained public realm that connects our communities

- Approved new and upgraded public realm as part of Clay Cross Town Deal planning application approval.

- **Dronfield Civic Centre Public Realm works progressing and in design,** including the external entrance area of Dronfield Sports Centre.



During 2023/24, the following progress has been made on a place where people enjoy spending time:

Improve and promote places and attractions to spend leisure time

- Extensive use of social media, website, council magazine throughout 2023/24 to promote district attractions. What's on Guide published in the NEWS and distributed to every household as well as on the website and social media.



- The increased use of YouTube and Instagram in 2023/24 has been effective and particularly drove interest in the Council's Food and Drink Trail. Each 'ambassador' business had a video made and published on the Council's website and these have been viewed thousands of times.



Develop and promote the local 'offer' to ensure high quality and a diverse range of activities and places to spend time

- Food and Drink Trail launched to tie in with English Tourism Week (15-24 March 2024). Funded by the UK Shared Prosperity Fund, the trail highlights the amazing food and drink venues and suppliers across North East Derbyshire.

- What's on event guide produced and updated weekly on the council website.

- Established a UKSPF-funded role (Tourism Officer) to promote the local offer of activities and events taking place across the district.

Spotlight on UK Shared Prosperity - one of our strategic projects

North East Derbyshire District Council was awarded £2.5 million UK Shared Prosperity funding to spend on initiatives to level up opportunity and prosperity and overcome geographical inequalities. The primary goal of the UKSPF is to build pride in place and increase life chances across the UK.

The Council developed a series of grant funding schemes to deliver against its outturns and outcomes set out in its Investment Plan and noted below:

Quality Parks and Play Areas

- Funding allocated through external grants targeted at Parish and Town Councils to improve parks and play areas.
- 18 grants awarded so far with 14 parks and play areas improved or in the process of. Four grants awarded via conditional offers yet to start.

Green Routes

- Working in partnership with Derbyshire County Council to complete the circular route and way finders in Grassmoor Country Park. On track to be delivered in 2024/25.



Exploring the District

- Facilitation and promotion of the district's arts, cultural and tourism offer including social media campaigns, branding, and dedicated resource.
- Food and Drink Trail launched 18th March 2024 as part of Tourism Week.



Inclusive Communities

- Grants awarded to three voluntary and community sector support organisations to support economic and social sustainability in households and communities including fuel efficiency, access to entitlements, developing social networks and digital training.

Village Halls and Community Venues

- Grants available to upgrade facilities and install energy efficiency initiatives to help increase sustainability and viability of community buildings.
- 14 grants awarded with all either complete or in delivery.

Community Activities

- Youth focused activities supporting social inclusion and reducing anti-social behaviour. During 2023/24, 29 Extreme Wheels sessions were delivered in the district at identified 'hot spots' areas.

Continued

Spotlight on UK Shared Prosperity - one of our strategic projects, continued

Chesterfield Canal Improvements

- The Chesterfield Canal Trust is leading a partnership approach between this council, Derbyshire County Council, Rotherham Metropolitan Borough Council and Chesterfield Borough Council.
- An evidence based feasibility study looking at the economic impact assessment to identify opportunities for future development to be commissioned during spring 2024/25. This will cover the length of canal between Chesterfield and Kiveton followed by a detailed geographical analysis for the council.

Shopfront Enhancements

- Grant funding scheme available to commercial landlords and tenants to improve street facing commercial properties, particularly on high streets and town centres to make those centres more inviting and to increase footfall.



- 16 grants awarded so far with high level of interest in Clay Cross and Killamarsh.

East Midlands Chamber (EMC) Business Accelerator

- EMC delivering dedicated business advice and energy audits on behalf of a consortium of local authorities.
- During 2023/24, 34 enterprises within the district received support with 1 enterprise undertaking an energy audit.

Vision Derbyshire Start Ups

- In partnership with Derbyshire County Council, delivering support for start-up businesses. Project commenced in January 2024 with 3 business start-ups supported by the end of March 2024.

Green and Digital Skills Training

- Green Skills looks at working with existing trade businesses to diversify workforce with green skills to install energy efficiency initiatives such as Solar PV and air source heat pumps.
- Digital Skills element looks at providing Building Information Modelling (workflow management) and Auto CAD (Computer Aided Design) to optimise efficiency when designing for customers which in turns helps to support business growth.
- Training providers currently being commissioned.

Pride in the Public Realm

- Proposed public realm improvements in Dronfield Civic Centre on track to deliver during 2024/25.

In numbers, some of what the Council has done against this objective during 2023/24:

618 Commercial premises inspected by environmental health in 2023



491 Commercial premises risk rated by environmental health in 2023



662 Pest control treatment courses completed in 2023



821,908 Visits to Leisure Centres



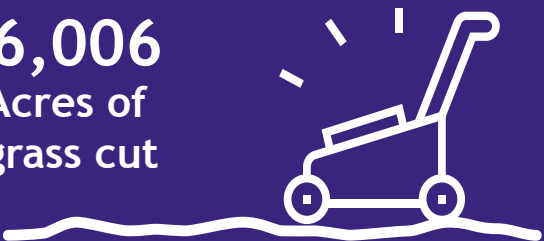
328 Residents supported through the Exercise by Referral Scheme



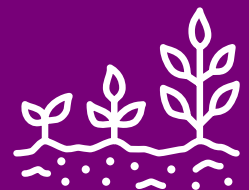
115 Disabled facilities grants approved to improve the home



6,006 Acres of grass cut



37,332 Plants put into the ground throughout the district



20 new Council homes



94 new affordable homes in the district



Metric	Target	Previous 2022/23 Outturn or as stated	Current 2023/24 Outturn or as stated	Trend
Increase participation in leisure activities at leisure centres by 5000 visits per year	804,000	674,994	821,908	✓
Achieve 19,200 monthly attendance through community-based activity	19,200	26,142	16,944	✗
% Customer satisfaction with Leisure Centres	Increase	82.91%	88.69%	✓
% Resident satisfaction with local area (Residents Survey)	Increase	New	83.60%	New
% Resident agreement that they belong to local neighbourhood (Residents Survey)	Increase	New	64.50%	New
% Resident agreement that people in local area treat one another with respect (Residents Survey)	Increase	New	68.90%	New
% Resident agreement that people from different backgrounds get on well together (Residents Survey)	Increase	New	59.70%	New
% How safe residents feel when outside in the local area (during the day) (Residents Survey)	Increase	New	92.00%	New
% How safe residents feel when outside in the local area (during the evening after dark) (Residents Survey)	Increase	New	61.30%	New
% Overall tenant satisfaction with Rykneld Homes (Tenant Satisfaction Measure)	Increase	New	84.90%	New
% Resident satisfaction with sports, recreation grounds and parks in their area (Citizens Panel)	Increase	65% Jan 20	46.4% Nov 22	✗
% Resident satisfaction with green open spaces in their area (Citizens Panel)	Increase	60% Jan 20	52.5% Nov 22	✗
% Resident satisfaction with Town Centre Services (Citizens Panel)	Increase	21% Jan 20	26.1% May 23	✓
% Resident satisfaction with town centre amenities to spend time (food & drink) (Citizens Panel)	Increase	30% Jan 20	44.9% May 23	✓

Key to trends:

✓	Better
✗	Worse
=	Similar
?	Can't say

A great place to work





During 2023/24, the following progress has been made on a community with growing, commutable employment opportunities:

Support existing businesses (including the Council) to maintain and grow workforce

- Shop Front Enhancement Scheme funded 13 sites to date, with 5 under appraisal and 23 in the pipeline.
- Approved planning application 23/00333/FL (old Colliery Yard, Morton) for new building at existing business to increase storage space.

- **Derbyshire Accelerator 2023/24 - 34 businesses supported to end of March 2024 with 17 businesses receiving one to one support.**



- 17 businesses supported through the Food and Drink Trail with 7 others having expressed an interest to get involved following the launch.
- S106 monies secured for a signalised junction at Mill Lane/A61 which will assist to unlock other development land and deliver The Avenue Southern Access.

Support new business to start creating employment

- UKSPF supporting Vision Derbyshire Business Start-Up project which commenced in January 2024 with three business start-ups supported by the end of March 2024.
- Business Start-up event held with four exhibitors (Chamber of Commerce, University of Derby, Chesterfield College, and Vision Derbyshire).

- Commenced work with Chesterfield Borough and Bolsover District Councils regarding updated employment study.

• **Town Centre retail audits carried out for the four town centres:** Clay Cross, Eckington, Dronfield and Killamarsh to gain updated information on empty units and vacancy rates etc. to support new businesses.

- 378 service requests relating to business advice were received in 2023 - food hygiene (225), licensing (70), health & safety at work (46), animal welfare advice (26), environmental pollution (11). 372 of which have been fully addressed and 6 are ongoing.

Attract new businesses to the area which brings new jobs

- Participated in the consultation and development of the forthcoming Derbyshire (D2) Inward Investment Strategy.

• **Approved Clay Cross Town Deal redevelopment (23/00601/FL)** which will potentially create 16 new build commercial units and bring back into use two historic buildings in the town centre.

- Land at Rotherwood Road Killamarsh under review to be brought forward for employment use - 3.3acre site zoned General Employment Area in Local Plan.
- Through Council owned property, provided accommodation for 144 businesses across the district.





During 2023/24, the following progress has been made on a community with a diverse range of commutable employment that match the skills of residents:

Work with partners to match and develop local skills with local business employment need

- Ensure major developments encourage local training and employment opportunities in line with condition requested by Economic Development Team e.g., condition 2 of planning permission 23/00708/FL (Whiteleas Avenue).
- Clay Cross Active Social Value initiative has commenced with an apprentice and two students, and initiatives with local schools and Derby college.
- Scheme to enhance and maximise employment and training opportunities during the construction period of the development secured by condition as part of major housing development in Calow.
- Supporting a major local employer with ongoing shortage of welders, linking them with training providers.



- **Joint NEDDC-CBC Green Skills and Digital Skills programme developed** and commissioning underway, aimed primarily at the construction sector. Project start is planned for Summer 2024.



Spotlight on Clay Cross Town Deal - one of our strategic projects

Clay Cross Town Deal comprises a total budget of £24.1m awarded through the government's Town Deal programme.

It consists of five themes to be fully completed by March 2029.

Town Centre Regeneration - to create a new Town Square in Clay Cross together with a community hub as the anchor building providing food, beverage, leisure, and cultural activities.

New rooms in the Adult Education building will enable new learning opportunities and it is proposed the current library will relocate next to the Adult Education building.

Work undertaken at the start of 2023/24 to prepare relevant planning documentation; conditional planning permission awarded in November 2023. Preliminary works anticipated on site to commence during Spring 2024.

Derbyshire County Council, Chesterfield College and the University of Derby working on a strategy to deliver the learning outcomes committed in the business case.

The new town square will be known as Baileys Square.

Low Carbon Challenge Fund (LCCF) is a programme of support to help stimulate the transition to a low carbon economy and is targeted at developers of new

homes and at developers or tenants/ owners of commercial property in the Clay Cross Town Deal area.

The scheme was launched early in 2023/24. Twelve applications have been approved during the financial year totalling £325k. 6680 sq.m of commercial buildings have been improved against a target 6000sq.m.

Local Area Energy Plan (Low Carbon Energy Network Strategy) was a one-off piece of work to commission a report which has now been published and has helped to inform the LCCF. It will also help to identify future low carbon opportunities.

Rail Station Feasibility was another one-off piece of work to commission and publish a study. This has been completed. Potential site identified and economic case presented. Further work will be undertaken to ensure that it remains on the agenda at a regional and national level as capital funding will be required to take the project forward.

Clay Cross Active will replace Sharley Park Leisure Centre with a brand new community hub, comprising of a leisure centre, health provision and support services. Please refer to project update under A Great Place to Access Good Public Services for more information.

Each theme has outcomes agreed and these are monitored on a quarterly basis and reported to Department of Levelling Up, Housing and Communities and Clay Cross Town Board.

In numbers, some of what the Council has done against this objective during 2023/24:

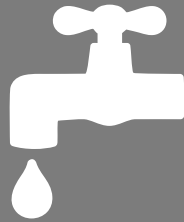
55 Businesses engaged with by Business Support



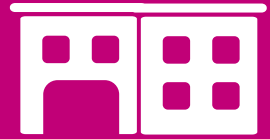
16 Shopfront Scheme applications approved



554 Commercial, food, water service requests dealt with in 2023



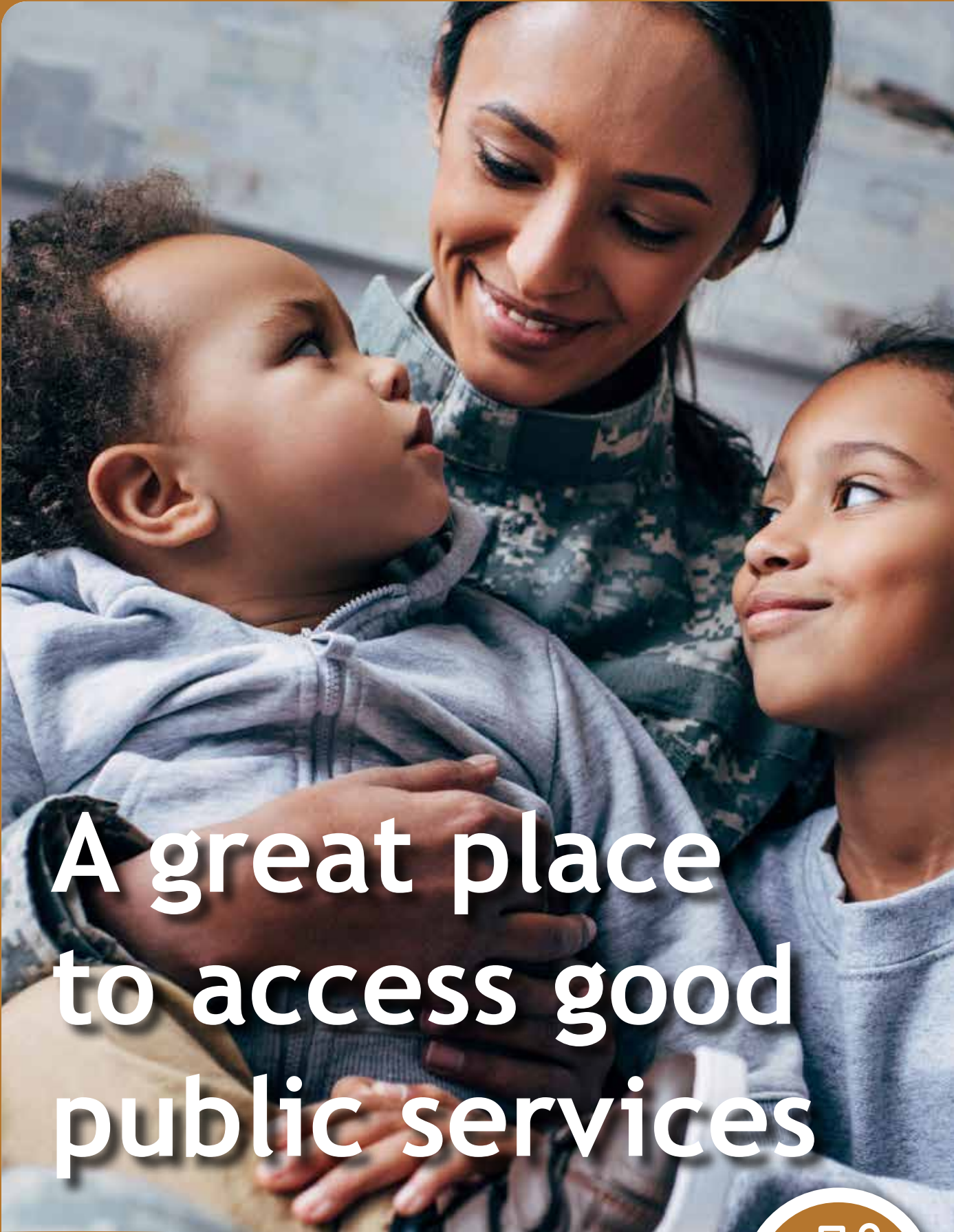
114 businesses operating from Council business accommodation



Metric	Target	Previous 2022/23 Outturn or as stated	Current 2023/24 Outturn or as stated	Trend
Number of business enterprises (based on VAT/PAYE records) Source: Nomis	Increase	3515 (2022)	3395 (2023)	✗
Number of local units (individual site e.g., factory or shop) Source: Nomis	Increase	3895 (2022)	3775 (2023)	✗
Number of empty business premises	Decrease	145	150	✗
Number of businesses engaged with business support (council)	20	New	55	✓
Number of employees within a business trained/upskilled (through council)	25	New	34	✓
% Residents aged 16-64 with RQF (Regulated Qualifications Framework) 4 and above e.g., HND, degree Source: Nomis	Increase	Not available	35% 2023	?
% Residents aged 16-64 in employment and (number economically active) Source: Nomis	Increase	73.8% (74.8%) 2022	68.4% (73.2%) 2023	✗

Key to trends:

✓	Better
✗	Worse
=	Similar
?	Can't say



A great place to access good public services





During 2023/24, the following progress has been made on assist and influence other public partners to improve their services in the district:

Actively participate, nurture relationships, and maximise benefits for NEDDC residents in partnerships such as Health, Economy, Resilience, etc.



- **Training provided to 20 Citizens' Advice Advisors in homelessness** and promoting better awareness.

- 2nd round of UKSPF Inclusive Communities Fund awarded to Citizen's Advice NED to target specialist debt advice.
- Funding secured from Healthy North East Derbyshire to fund volunteer training to provide benefits and debt advice in Clay Cross via Derbyshire Unemployed Workers Centre.
- A new partnership with Fairplay Chesterfield who support children and young people with disabilities. They supported Killamarsh Active with Special Education Needs (SEN) sessions on soft play.

- Local economic data being updated to support the development of the Growth Strategy, Skills Plan and Tourism Strategy.
- Centralised management and performance data collated to inform performance monitoring and decision making.

Directly assist residents and businesses to access all available public services and support

- Armed Forces Community (AFC) service providers consultation event held to consult on AFC needs in the district. This was supported by a social media campaign.

Collate and analyse district wide data to inform improvements

- **Data from the Residents Survey (3269 respondents) analysed** and shared throughout the council to build insight and support wider council work.

- **Administered 111 Community Recovery Grants of £500** totalling £55,000 to residents affected by Storm Babet.



During 2023/24, the following progress has been made on **continually improve Council services to deliver excellence and value for money:**

Fiscally responsible and efficient

- 2022/23 Statement of Accounts signed off by Mazars (External Auditors).
- Council's Risk Management Strategy and arrangements assessed externally at level 4 overall (1 to 5 rating with 5 being the highest). Council scored at level 5 for its Culture and Leadership - this is classed as Transformational.
- Co-location with Rykneld Homes at Mill Lane.

Listen to customers (Residents and Businesses) to improve services

- **Conducted 21 consultation surveys** during 2023/24 including a district wide residents' survey: engaging with over 6886 residents and customers.

Ensure good governance and transparency in all we do

- 16 Internal Audit reports issued of which 9 were rated as 'substantial assurance', 4 as 'reasonable assurance' and 3 as 'limited assurance'. Action plans have been developed for the latter.

- During 2023/24 **council website rated best for accessibility in Derbyshire** and 14th in the country.

- 18 requests for copies of personal information (data subject access requests) received in 2023/24. All administered within the statutory timescale of one calendar month.
- 1 data breach reported to the Information Commissioner's Office (ICO - Regulator). No further action required by the ICO.
- 645 Freedom of information requests received for 2023/24. 98.9% responded to within statutory timescales (target 95%).
- 244 formal complaints were received during 2023/24 of which 192 (79%) were dealt within council standard. 26 internal reviews (escalated formal complaints) were received of which 22 (85%) were administered within council standard.

Modernise and innovate services to continually improve

- Increased use of technology has **significantly reduced the time taken to validate planning applications** by approximately 40%.

- Hybrid Mail (system to move incoming and outgoing post onto a digital system) is progressing well with 80% of council services using it.

- Developed the Council's new online training platform. Currently being tested prior to corporate roll-out.
- Roll out of TEAMS is improving inter-departmental collaboration and saving time on document management.
- More on-line forms added to give customers and residents more choice and flexibility with requesting services.

Maintain a motivated and skilled workforce

• 61% of council employees completed the 2023 employee survey and **75% of employees feel like they belong at North East Derbyshire District Council.**

- 25 employees are undertaking qualifications through the Institute of Leadership and Management.
 - A new draft People Strategy and Risk Management Strategy have been developed.
 - Domestic Abuse project (SALUS) nominated for affordable housing award.
 - Streetscene Operative training programme completed with 136 staff receiving in person sessions on Customer Service, Equalities, Data Protection, HR, Health and Safety and Anti-Terrorism.
 - Ongoing professional development within Environmental Health with 2 employees completing their training to become qualified Environmental Health Officers.
 - In total 333 employees have received internal training on data protection, health and safety, equalities, safeguarding, customer services and wellbeing.
- Three new apprenticeship posts started.
 - Two staff events took place to build and maintain the one team ethos; both have been well attended and successful.

Spotlight on; The Council's Risk Management Strategy and Arrangements

As part of the development of the Council's new Risk Management Strategy 2024-2026, through its insurers Zurich, the Council undertook an external assessment to help inform the process.

In order to assess our strategy, approach and to measure the maturity of our risk management arrangements, a performance model was used which breaks down risk management activity into six categories; Culture and Leadership, Risk Appetite and Strategy, Governance, People and Training, and Project and Partnerships.

Given the complexity of services provided and the resources available to support risk management in the public sector, a good score is considered as level 3, whilst most local authorities would be judged to be at level 2.

Across the range of themes and out of a maximum score of 5 the Council were assessed at level 4 overall with the Council scoring level 5 for its Culture and Leadership, the highest score possible - this is classed as Transformational.

In numbers, some of what the Council has done against this objective during 2023/24:

58,832 calls answered by Customer Services



11,754 emails replied to by Customer Services



8,694 visitors received at Council House, Mill Lane



617 Freedom of information requests administered



50,718 calls answered by Revenues Services



18,408 emails responded to by Revenues Services



1,971 Housing Benefit and/or Council Tax Reduction claims processed



21,136 changes in circumstances processed by Revenue Services



3.4 million bins emptied



9,572 invoices paid



30 major planning applications determined

199 minor planning applications determined



Metric	Target	Previous 2022/23 Outturn or as stated	Current 2023/24 Outturn or as stated	Trend
Average Time to process new Housing Benefit and Council Tax Reduction claims (days)	20	17.01	16.67	✓
Average time to process change in circumstances for Housing Benefit / Council Tax Reduction claims (days)	6	4.03	4.35	=
% Council Tax collected	Increase	96.14%	96.64%	=
% National Non Domestic Rates (NNDR) Collected	Increase	96.66%	96.56%	=
Capital receipts to be achieved from disposal of surplus land and property assets (£)	Increase	£240,000	£673,910	✓
% payment of invoices within one calendar month	98%	98.47%	98.87%	✓
% internal audit reports rated Substantial or Reasonable assurance	Increase	100%	81.25%	✗
% Employees who feel that they belong at NEDDC	Increase	New	75%	New
% of Customers dealt with at first point of contact	80%	95%	87%	✓
Percentage of Ombudsman complaints upheld	Decrease	20%	8.30%	✓
% How well informed residents feel about council services and benefits (Residents survey)	Increase	Biennial	70%	New
% How satisfied are residents with the way the Council runs things (Residents survey)	Increase	Biennial	57.90%	New

Key to trends:

✓	Better
✗	Worse
=	Similar
?	Can't say



**A great place
that cares for
the environment**





During 2023/24, the following progress has been made on **increasing biodiversity across the district:**

Assist and influence other public partners, residents, and businesses to utilise their assets to improve biodiversity



- **Biodiversity report for 2023/24** including an action plan for the next five years **developed and published** on the website.



Where appropriate, utilise Council assets to improve biodiversity

- UKSPF Greener Routes project to complete the Grassmoor County Park circular route approved.
- Work underway to widen scope of Community Action Grants to enable applications for tree planting across the district. This will help with delivery of the Heartwood Community Forest which will stretch over a geographic area of approximately 289 square miles, including Coal Aston, Clay Cross, Dronfield, Eckington and Killamarsh, Sutton, Wingerworth, and Shirland.
- Procured Derbyshire Wildlife Trust to deliver District Nature Recovery Strategy.
- Sustainability Officer engaging with Planning for Local Nature Recovery Strategy (LNRS) and Biodiversity Net Gain (BNG) work to ensure synergy on approach to deliver new legislation.
- **Planning permission ref. 23/00601/FL (Clay Cross Town Deal) to preserve and enhance bat mitigation on existing historic buildings.**
- A biodiversity plan has been produced for Clay Cross Active and will be implemented towards the end of 2024.



During 2022 there were no reported exceedances of any Air Quality Objectives, including the annual mean NO2 objective. This continues the trend of no exceedances over the last 6 years and therefore there remains no requirement to declare a Local Air Quality Management Area.

- Ensured major developments have mitigated against climate change through use of planning conditions e.g., 23/00708/FL (Whiteleas Avenue).

- **In 2023/24, 295 council properties were improved by external wall insulation** against a target of 333. The shortfall is within project tolerances. The council is on course to meet its target of 640 properties by September 2025.

During 2023/24, the following progress has been made on **reducing carbon emissions and pollution across the district:**

Assist and influence other public partners, residents, and businesses to reduce their carbon emissions

- **Sustainability Officer commenced in post to co-ordinate the delivery of the Climate Change Strategy** which has been refreshed to include the new Council Plan priorities.



- The 2023 Annual Status Report, which documents the air quality monitoring data from the calendar year of 2022 has been compiled, submitted, and approved.

- Low Carbon Challenge Fund established - 11 applications approved (10 commercial, 1 residential) with total grants of £325,000. To date 14 enterprises supported and improved 6680 sq. m of commercial buildings (exceeding the target of 6000 sq. m).
- Sustainable transport contribution secured through planning permissions e.g., Dark Lane Calow.

Continually reduce the Council's own carbon emissions

- **18 Streetscene vehicles replaced with more fuel efficient models** during 2023/24.

- Meeting room facilities and technology improved at the Council's head office to enable more hybrid meetings and support hybrid working.

Assist and influence other public partners, residents, and businesses to reduce pollution.

- Encourage and condition need for car charging points and renewable energy provision on major development approvals e.g., condition 13 of planning permission ref. 23/00601/FL at Clay Cross.
- Environmental Health continue to be proactive dealing with 115 domestic accumulation issues, 67 domestic bonfires/smoke complaints, over 40 requests for advice on or complaints about industrial or commercial air/noise/odour/light pollution together with 7 risk assessments/check inspections of industrial premises in 2023.

- **Working with Derbyshire County Council and district partners to introduce EV charging infrastructure** throughout Derbyshire via the Government's £7.312m LEVI (Local Electric Vehicle Infrastructure) and private sector funding.

Develop policies and plans which require and encourage alternatives to car usage

- Working with the Barrow Hill Line Restore Your Railways initiative regarding potential Killamarsh Rail Station.
- Secured travel plans on major developments e.g., Bus station improvements as part of Clay Cross Town Deal approval (ref. 23/00601/FL).

- **Completed and published the Clay Cross Rail Station Feasibility Study and the Local Area Energy Plan.** Working with Derbyshire County Council (Transport lead) and other partners to progress further.

- Bus Stop promotional campaign being supported through Visit Peak District and Derbyshire, to encourage residents from across Derbyshire and visitors to use public transport when visiting attractions.

Directly and with partners and residents, reduce litter and pollution from waste

- Attach waste management plan conditions on planning permissions for major development e.g., condition 22 of planning permission 23/00708/FL.

- **60 business waste compliance inspections were carried out across the district** to ensure commercial waste is disposed of legally and correctly as well as 30 Fixed Penalty Notices for litter and dog fouling offences in 2023.

- Supporting Great British spring clean campaign through publicity, provision of bags and litter pickers for 16 community groups.

Spotlight on Dronfield Leisure Centre - Decarbonisation Scheme - one of our strategic projects

The decarbonisation of the Dronfield Leisure Centre building is nearing realisation with all works scheduled to be completed by June 2024. This will make the centre 100% electric.

The centre received £1.33m of government

funding, which has been used to replace the old gas-powered boilers and installed energy efficient air source heat pumps as well as the fitting of 200+ solar panels. Cavity wall insulation as well as efficient LED lighting has been installed.

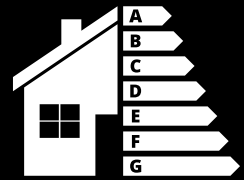
This project contributes to the Council's commitment towards net zero. The solar panels have been in operation for just over a year and generating just over 100,000kWh of energy in that time.

In numbers, some of what the Council has done against this objective during 2023/24:

248 Domestic noise complaints including barking dogs dealt with in 2023



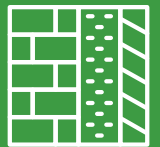
18 Households supported with energy efficiency advice in 2023



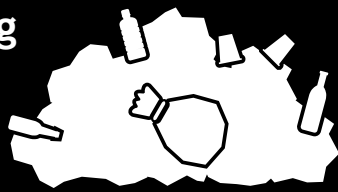
67 Domestic fires/smoke complaints dealt with in 2023



295 properties improved with external wall insulation.



91 Fly tipping reports responded to in 2023



58 Notices served for fly tipping, littering, dog fouling and abandoned vehicles in 2023



14 businesses supported to decarbonise



16 community litter pick groups supported



Metric	Target	Previous 2022/23 Outturn or as stated	Current 2023/24 Outturn or as stated	Trend
* % of household waste reused, recycled and composted	43%	40.88%	43.29% (The estimated outturn)	✓
* Reduction in Council CO2 emissions	Decrease	2011.46 - 2020	1850.15 - 2021	✓
* Reduction in the District's CO2 emissions	Decrease	632385.6 - 2020	694410.8 - 2021	✗
Resident satisfaction with 'streets kept free from litter' (Citizens Panel)	Increase	57% Nov 20	64.70% Nov 22	✓

* Some estimated data used where currently unavailable

Key to trends:	
✓	Better
✗	Worse
=	Similar
?	Can't say

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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- Phone: [01246 231111](tel:01246231111)
- Email: connectne@ne-derbyshire.gov.uk
- Text: [07800 00 24 25](tel:07800002425)
- BSL Video [Call](#): a FREE, three way video call with us and a BSL interpreter.
- Call with [Relay UK](#) via textphone or app on [0800 500 888](tel:0800500888). FREE phone service for anyone who has difficulty hearing or speaking.
- Visiting our [offices](#) at Wingerworth:
2013 Mill Lane, [S42 6NG](#).



North East Derbyshire District Council

Council

20 May 2024

Review of the Council's Policy under the Licensing Act 2003

Report of Councillor S Pickering, Portfolio Holder for Environment and Place

Classification: This report is public

Report By: **Lindsey Delamore (Email: Lindsey.Delamore@ne-derbyshire.gov.uk Tel: 01246 217237)**

Contact Officer: **Charmaine Terry (Email: Charmaine.Terry@ne-derbyshire.gov.uk Tel: 01246 217228)**

PURPOSE / SUMMARY

To invite Council to adopt the revised draft Statement of Principles under the Licensing Act 2003.

RECOMMENDATIONS

1. The Council approve the recommendation from the Licensing and Gambling Acts Committee that the draft Statement of Principles under the Licensing Act 2003 be adopted to take effect immediately.

Approved by the Portfolio Holder – for Environment and Place, Cllr Pickering
(Delete completely for Scrutiny Reports)

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

It is a legal requirement under the Licensing Act 2003 that a licensing authority prepare and publish a statement of principles every five years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear, assists with the implementation of rules and reduces the risk of legal challenge by way of appeal or judicial review.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

There are no staffing implications of the proposals in this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Public Stakeholders Senior Leadership Team

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

REPORT DETAILS

1 **Background** (reasons for bringing the report)

- 1.1 Under the Licensing Act 2003 ('the Act'), North East Derbyshire District Council ('the Council') is responsible for the administration and regulation of licences and certificates which authorise the following activities:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

1.2 The Act contains four licensing objectives which are central to the regulatory regime created by the Act, and are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm
- Public Safety

When discharging its functions, the Council, as a statutory Licensing Authority, must make decisions with a view to promoting these objectives.

1.3 The Licensing Act 2003 imposes a statutory requirement upon the Council, to prepare and publish a Statement of Principles (alternatively referred to as a 'Policy') every five years.

1.4 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. The Act requires the Council to republish its Policy every five years. The current Policy was published in 2019 and is now due for renewal.

1.5 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.

1.6 The Joint Environmental Health Service conducted an initial review of the Policy and identified a number of amendments necessary to bring the Policy up to date.

1.7 In summary the proposed amendments aimed to achieve the following:

- Ensure the Policy is consistent with legislation and statutory guidance
- Increase the clarity of the Policy
- Improve the standards of premises in the district through the recommendation of more robust management practices
- Provide clarity on delegations; and
- Update local demographics.

1.8 Following consideration of the draft policy through the Licensing and Gambling Acts Committee, a six-week public consultation opened between 26th February 2024 and 7th April 2024.

1.9 The consultation was published via the Ask Derbyshire website and publicised through the Council's website and social media platforms. A number of stakeholders were also contacted directly via email or letter.

1.10 Despite carrying out an extensive consultation exercise, the Council only received one response to the consultation. The results of the consultation were subsequently considered by the Licensing and Gambling Acts Committee on 30th April 2024.

1.11 The Committee noted the lack of response to the consultation and that this likely indicated there was an indifference to the amendments made to the Policy. The Committee also noted the importance that the Policy was inclusive and acknowledged the impact of the Policy on all individuals in the community.

2 Details of Proposal or Information

2.1 The revised draft Statement of Principles under the Licensing Act 2003 has been drafted in line with legislation and current guidance and can be found attached as **Appendix 1**.

2.2 An Equality Impact Assessment has been conducted in line with the Council's Equality and Diversity Policy.

2.3 Following an extensive public consultation and member scrutiny, a recommendation has been made to Council that the final draft Policy, agreed by the Licensing and Gambling Acts Committee on 30th April 2024 (Attached as **Appendix 1**) be adopted.

3 Reasons for Recommendation

3.1 The Council has a statutory duty to prepare and publish a Statement of Principles under the Licensing Act 2003 every five years.

4 Alternative Options and Reasons for Rejection

4.1 The Council can choose not to prepare and publish a new Statement of Principles under the Licensing Act 2003; however, this would leave the Authority open to legal challenges by way of appeals against decisions on licensing matters or judicial review.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Statement of Principles 2024-2029 – Licensing Act 2003
Background Papers (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 Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Flagged Crimes Performance Report for Community Safety produced by Derbyshire Constabulary in September 2023 Office for Health Improvement & Disparities, Local Alcohol Profiles for England - Data - OHID (phe.org.uk) Office for Health Improvement & Disparities, Local Alcohol Profiles for England - Data - OHID (phe.org.uk) Monitoring alcohol consumption and harm during the COVID-19 pandemic: summary - GOV.UK (www.gov.uk)	



**North East
Derbyshire**
District Council

Appendix 1

**Statement of Principles
Licensing Act 2003**

2024 to 2029

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

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- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill Lane, [S42 6NG](#)

CONTROL SHEET FOR STATEMENT OF PRINCIPLES: LICENSING ACT 2003

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Statement of Principles: Licensing Act 2003
Current status – i.e., first draft, version 2 or final version	Final Draft
Policy author (post title only)	Licensing Team Manager
Location of policy (whilst in development)	S-Drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e., Executive/ Council	Licensing and Gambling Acts Committee and Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public)	

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1. INTRODUCTION

1.1 North East Derbyshire District Council is a Licensing Authority for the purpose of the Licensing Act 2003. 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. The Statement of Licensing Policy can be reviewed and revised by the Authority at any time.

1.2 North East Derbyshire borders the districts of Chesterfield, Bolsover, Amber Valley and Derbyshire Dales in Derbyshire, and Sheffield and Rotherham in South Yorkshire. We have a population of around 102,216 and have four main towns, Clay Cross, Dronfield, Eckington and Killamarsh.

A map showing the administrative boundaries of the district is at Appendix 1.

1.3 The District Council welcomes the diversity of leisure and entertainment opportunities available in the North East Derbyshire district and recognises that to maintain success the licensed leisure and entertainment industry has an important role to play. The Council also recognises the problems that can be caused if licensed activities are not properly managed, and premises poorly run.

1.4 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that arise from licensable activities.

This will be achieved by: -

- Establishing and building upon best practice within the industry.
- Recognising and facilitating the role of partners and stakeholders.
- Encouraging self-regulation by licensees and managers.
- Providing a clear basis for the determination of licence applications; and
- Supporting related policies and strategies of the District Council.

- An inspection and enforcement regime targeted at premises that present a high risk.
- 1.5 The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.
- 1.6 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. A full list of the persons consulted is at Appendix 2. Partnership working between licensing authorities in Derbyshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.
- 1.7 This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate.
- 1.8 There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example, the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand, the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in section 7 of this Policy Statement.

- 1.9 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority, any person or business to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 1.10 The Policy will remain in effect from 01 February 2024 until 31 January 2029. During this period, this Licensing Authority will keep the Policy under review and make any changes as it thinks appropriate following consultation with the above persons.

2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

- 2.1 In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Each has equal importance.

- 2.2 In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in North East Derbyshire.
- 2.3 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment, and

victimization; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

Anyone can be a victim of harassment or abuse, regardless of sex, gender reassignment, age, ethnicity, socio-economic status, sexuality, or background.

- 2.4 Guidance on the Licensing Objectives is available on the Government's website at: <https://www.gov.uk/guidance/alcohol-licensing>
- 2.5 Licensing law is not the primary mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holder and others.
- 2.6 The Act only covers certain "licensable activities" namely: -
- (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to a member
 - (c) the provision of "regulated entertainment" and
 - (d) the provision of late night refreshment
- 2.7 The definition of what constitutes "regulated entertainment" is complex and has been subject to Government deregulation. Whilst "regulated entertainment" potentially covers live or recorded music, dancing, plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to Licensing. In addition, other legislation such as the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 ("2015 Act") has de-regulated numerous activities. Further guidance can be found with the Home Office Revised Guidance issued under section 182 of the Licensing

Act 2003 at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 2.8 Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority.
- 2.9 Conditions will be tailored to the size, style, characteristics, and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.10 The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Team.

3. HOW THIS STATEMENT OF POLICY WORKS

3.1 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications.
- provide a clear framework for licensing strategies, including the effect known as ‘cumulative impact.’
- support wider strategies and policies of the Council.

3.2 The text of this Statement of Policy in **bold type** indicates the Policies with *the reason* for each policy shown immediately after *in bold italics*.

3.3 This Policy sets out the Authority’s expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their Operating Schedules, they may find that responsible authorities, other persons, and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this, Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

3.4 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.9 - 2.11 above. As a general rule the authority will seek to avoid attached conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

4.1 There are a range of strategic influences and statutory controls which affect the

Licensing system in terms of policy formulation, administration, and enforcement activities. Examples of these strategies can be found in the Section 182 guidance. The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

- 4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest e.g., disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action. Equally any planning approval for a premises does not imply that approval will be giving under the Licensing regime.
- 4.3 The Council has a local plan in place which sets out the vision and strategy for planning and economic development in the district. Where it is reasonable and necessary for the promotion of the licensing objectives, the Council will aim to harmonise decisions where overlapping issues of interest have been identified.
- 4.4 The Licensing Authority will work in partnership with neighbouring authorities, the Police, other agencies, local liaison groups, businesses, and individuals towards the promotion of licensing objectives. The Licensing Authority is involved in a number of collaborative working groups such as Pub Watch, Derbyshire Licensing Group and Community Alcohol Partnership which aim to tackle localised issues.

5. DELIVERING LICENSING SERVICES

- 5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the North East Derbyshire District Council web site (<https://www.ne-derbyshire.gov.uk/licensing>), or by contacting the Licensing Authority direct.
- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However, this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or Interested Parties.
- 5.3 Responsible Authorities are public bodies which must be fully notified of licence applications and are entitled to:
- Make representations.
 - Request reviews
 - Make representations with regards to cumulative impacts

Details of Responsible Authorities can be found on the Council's website.

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

- 6.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid.

6.2 To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 of the Licensing Act 2003 and relevant guidance published by the licensing authority. Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being rejected or returned as invalid.

6.3 The process of applying for new premises licences and full variations of current premises licences are dealt with in the same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises.

6.4 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.

6.5 Right to work in the UK.

6.5.1 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises.

6.5.2 These new provisions apply to, applications for the grant of a premises licence, to transfer a premises licence and for the grant of a personal licence. Individuals

who apply for these types of licence must provide evidence of their right to work in the UK.

6.5.3 Further information on what evidence is required to prove applicants have the right to work in the UK can be found at <https://www.gov.uk/prove-right-to-work>.

6.5.4 Where a premises licence holder or a personal licence holder ceases to be entitled to work in the UK the licence will lapse. Where a licence holder has extended their right to work in the UK, documentary evidence must be provided to the Authority to ensure the continuation of the licence.

6.6 **Representations**

6.6.1 Guidance on making a representation is available from the Home Office - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282242/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK_(www.gov.uk).pdf) and a preferred form is available on the Council's Licensing Act Policy web page for individuals or groups to make their representations.

6.6.2 For a representation to be relevant it should relate to the likely effect of the grant of the application on one or more of the licensing objectives. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

6.6.3 Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is

made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

6.6.4 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so, what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the vicinity will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned. However, note the representation need not have come from someone who lives, works, or is engaged in business in that area.

6.7 **Panel/Committee Hearings**

6.7.1 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.7.2 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry, which may include participation in such schemes as Best Bar None, Purple Flag or Business Improvement Districts (BIDs), to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

7. **LICENSING POLICIES**

Policy 1 – Preparation and Consideration of Applications

When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.
- (ii) The precise nature, type, and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.
- (vii) Parking provision in the area.
- (viii) The potential cumulative impact (see below).
- (ix) Other means and resources available to mitigate any impact.
- (x) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 7.1 When considering the nature of the area within which the premises are situated the Licensing Authority expects all relevant parties to demonstrate that they have considered all relevant local issues, including, but not limited to:
- i) Locality of nearby sensitive premises (i.e., schools, domestic property)
 - ii) Levels of local crime in the area, including:
 - a. Alcohol related crime
 - b. Drug related crime

- c. Violence against women and girls
- d. Modern slavery
- e. Violent crime
- f. Knife crime
- g. Hate crime.
- iii) Levels of anti-social behaviour.
- iv) Local health statistics.
- v) Underage drinking.
- vi) Counterfeit goods.
- vii) Environmental restrictions; and
- viii) Planning restrictions.

7.2 It is recommended that applicants conduct a risk assessment in an aim to identify local issues which could undermine the licensing objectives. Conducting a risk assessment which focuses on the licensing objectives will help applicants to formulate robust conditions and management practices in line with Policy 2 below.

7.3 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing, and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g., smoking), must be recognised and mitigated against.

7.4 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully and reflect this in their operating Schedule. Shops, stores, and supermarkets will normally be permitted to sell alcohol and or late night refreshment anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for

restricting these hours. Where a premises such as a shop is open for business outside of their licensable hour's consideration should be given to what steps will be taken to prevent the unauthorised sale of alcohol.

- 7.5 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.
- 7.6 Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 7.7 The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the district. Where appropriate conditions will be imposed which reflect local Crime Prevention strategies.
- 7.8 The Licensing Authority will expect licensees to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises, to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises and work collaboratively with the Police to deal with any such issues.
- 7.9 Licensing Law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the District.

7.10 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be given to the section 182 Guidance in this respect and the following may be employed to address such behaviour and the potential for cumulative impact:

- planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- the confiscation of alcohol from adults and children in designated areas.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities, or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs)
- Any other local initiatives that similarly address these problems.

Policy 2 - Responsible Management Practices

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

- 7.11 It is recommended that applicants conduct a risk assessment in an aim to identify issues which could undermine the licensing objectives. Risks identified should subsequently be addressed in the operating schedule.
- 7.12 Applicants are expected to have carried out the relevant assessments under other legislation (e.g., fire precautions, health and safety at work, etc.) prior to submitting their applications. These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

Crime and Disorder

- 7.13 Examples of recommended management practice to minimise Crime and Disorder:
- Metal detection and search facilities.
 - Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
 - Measures to prevent the use or supply of illegal drugs.
 - Employment of Security Industry Authority (SIA) door supervisors and other appropriately trained staff.
 - Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure, and social drinking environment e.g., bar tariffs (for all bar price lists to carry a guide of how many units of alcohol

each individual drink contains) and recommendations that all licensees, managers, or supervisors attend regular Pub Watch meetings or send a representative if they cannot attend.

- The licensee providing a taxi call point, waiting and concierge service for taxi marshalling at the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g., playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.
- Having clear policies and procedures in place for the recording and reporting of incidents and crimes.
- Having clear policies and procedures in place for the prevention, detection and reporting of sexual harassment, misconduct, and violence against women and girls.
- Having clear policies and procedures in place for the prevention, detection and reporting of spiking.
- Provide staff training on drug awareness.
- Use of glass alternatives
- Introduction of bottle bans
- Provision of seating for customers
- Restriction of open containers being removed from the premises.
- Employment of SIA door supervisors.
- Having clear admission policies for entry to the premises. i.e., bag searches, last admission, ID verification
- Installation and maintenance of a CCTV system (both inside and outside of the premises) together with a policy and procedure for its use and handling data.
- Written authorisation of staff for alcohol sales.

Public Safety

7.14 Examples of recommended management practice to ensure public safety:

- The preparation and application of appropriate risk assessments.

- Adequate provision of staff
- The setting and monitoring of occupancy levels for the premises.
- Reasonable access and egress.
- Reasonable facilities, access, and egress for people with disabilities.
- Ensuring the premises is adequately lit.
- Having glassware policies.
- Appropriate waste disposal
- Appropriate internal and external communication facilities.
- Appropriate access for emergency services
- Provision of staff training in the detection and prevention of excessive alcohol consumption and addiction, to include remote sales.

Counter Terrorism

7.15 Premises are expected to take all necessary steps to ensure a robust counter terrorism plan is in place and all staff are suitably trained to respond appropriately to terrorist incidents.

7.16 The Authority expects premises, as a minimum, to:

- Have a terrorism risk assessment in place.
- Ensure all staff complete the Action Counters Terrorism (ACT) e-learning training available at <https://www.protectuk.police.uk/> within the last 12 months.
- Ensure all staff are aware of the current terrorist threat level.
- Ensure all staff are trained to respond appropriately to a terrorist incident.
- Ensure robust procedures are in place to record and report suspicious activity.
- Ensuring appropriate security staff are employed.

Protection of Children from Harm

7.17 Examples of recommended management practice for the protection of children:

- Exclusion from all or part of the premises in certain circumstances.
- Implementation of a robust age verification policy, to be consistent with any current national age verification policy.

- Provision of age verification training for members of staff.
- Provision of safeguarding training for members of staff.
- Having a designated safeguarding lead.
- Having clear policies and procedures in place for recording any refusal of alcohol sales.
- Having an EPOS (electronic point of sale) system installed at the premises, configured to prompt the operator to check proof of age when an alcoholic product is scanned.
- Making appropriate checks on members of staff who are to have unsupervised access to children.
- Conducting additional risk assessments for events where an increase in the number of children is expected.
- Having clear policies and procedures in place for keeping children safe from harm, including recording, and reporting any safeguarding concerns. Links to this information can be found on the Council's web pages.

Prevention of Public Nuisance

7.18 Premises shall implement appropriate measures to prevent and limit nuisance which may occur from light, noise, vibration, odour, dust, smoke, fumes, pests, drainage, and waste.

7.19 Examples of recommended management practice for the prevention of public nuisance:

- Keeping doors and windows closed where performances of regulated entertainment take place.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.
- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
- Proper and adequate SIA door supervision.
- Controlling the use of external areas to prevent nuisance.

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Provision of adequate parking and traffic management
- Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
- In appropriate cases SIA door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal, and collection.
- The licensee providing a help line or contact number for concerned residents.

7.20 In some cases it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

A document containing a pool of potential conditions can be found on the Council's website in order to assist with the type of wording which is required on an application. Any condition attached to a licence or certificate should be:

- clear

- enforceable
- evidenced
- proportionate
- relevant
- expressed in plain language capable of being understood by those expected to comply with them.

7.21 As a general rule, the Licensing Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

Adult Entertainment

7.22 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.

7.23 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. North East Derbyshire District Council has not adopted those provisions.

7.24 Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will

however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. The Licensing Act licence will then continue to regulate the other licensable activities.

7.25 Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.

7.26 The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Authority expects applicants to include arrangements for restricting children from viewing any adult entertainment in their Operating Schedule. The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition, it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.

7.27 Responsible authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.

7.28 Where a premises is to offer adult entertainment, the Council expects applicants to demonstrate effective and responsible management in relation to that entertainment.

7.29 Examples of recommended management practice in relation to adult entertainment include:

- Having a code of conduct for performers and customers

- Having suitable controls in place for the exclusion of children
- Employment of SIA door supervisors
- Having clear policies and procedures in place for the prevention, detection and reporting of incidents, including sexual harassment, misconduct, and violence against women and girls.
- Having a designated area for adult entertainment away from the view of the public.
- Discreet advertising
- Making suitable employment checks to ensure performers are employed on a voluntary basis free of coercion.

Alcohol Delivery Services

7.30 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures that they intend to operate to ensure that:

- That the person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18.
- There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.

- Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk, and, in such instances, alcohol should be refused, and that refusal recorded.

Licence Suspensions

- 7.31 The Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within the grace period, the licence must be suspended.
- 7.32 Where such a suspension takes place the Licensing Authority must give a minimum of two working days' notice (starting the day after the authority gives notice) and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

Reviews

- 7.33 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives. Where a review Hearing is held the Licensing Authority has a variety of options it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g., the use of premises for the purchase and

consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

- 7.34 The Licensing Authority encourage and support a proactive approach by licensees to tackling the problem of illegal drugs and unidentified substances in licensed premises. There is a strong link between illegal recreational drugs and the night time economy. Should the licence holder fail to take appropriate steps to mitigate a drug problem then the premises licence could be taken for review. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crime then revocation of the licence will be seriously considered.

Policy 3 – Cumulative Impact Objections

In cases where Responsible Authorities, other persons or businesses seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives the Local Authority expects that they shall:

- (i) Identify the boundaries of the area from which it is alleged problems are arising.**
- (ii) Identify the Licensing Objective(s) which it is alleged will be undermined.**
- (iii) Identify the type of licensable activity alleged to be causing the problem (e.g., sale of alcohol, late night refreshment etc)**
- (iv) Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area.**
- (v) Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.**

REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

Cumulative Impact Assessments

- 7.35 In some areas concentrations of licensed premises may exist where the combined effect of all the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.
- 7.36 This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 7.37 Where a cumulative impact is evidenced the Authority can publish a Cumulative Impact Assessment to help limit the number or types of licence applications granted in areas suffering from cumulative impact from licensed premises.
- 7.38 Having considered the evidence available the council is satisfied that there are no areas within the district presently suffering from cumulative impact. However, should the Authority propose to publish such an assessment during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.
- 7.39 Responsible authorities and interested parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in an area covered by a cumulative impact policy. In such circumstances the application may be refused (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the area should be designated an area to which a cumulative impact Policy should apply.

Early Morning Restriction Orders (EMROs)

- 7.40 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 7.41 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 7.42 The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.
- 7.43 The Council currently has no EMROs in place. However, should the Authority propose to introduce such an order during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.

Personal Licences

- 7.44 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that personal licence applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises. Further information regarding applicants right to work in the UK can be found at paragraph 6.5.
- 7.45 Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.

In these cases, a licence will still be granted unless an objection is received within the prescribed period.

- 7.46 Where a licence holder is convicted of certain types of offences (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.

Policy 4 – Considering Objections for Personal Licences

When considering an objection notice or immigration objection notice the authority will take the following matters into consideration:

- (i) The circumstances in which the offences were committed or the penalty imposed;**
- (ii) The period that has elapsed since the offence(s) were committed or the penalty imposed;**
- (iii) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and**
- (iv) Any mitigating circumstances.**

In consideration of an objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the promotion of the crime prevention objective and/or the prevention of illegal working in licensed premises.

REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.

- 7.47 The Policing and Crime Act 2017 gives Licensing Authorities a discretionary power to revoke or suspend personal licences, with effect from 6 April 2017.

When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.

Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act and is contained within the Home Office Guidance.

Temporary Event Notices

- 7.48 There are two types of types of Temporary Event Notice,
- a standard TEN (given at least ten working days before the event)
 - a late TEN (given at least five working days before the event)
- 7.49 A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.
- 7.50 Where a Temporary Event Notice is served on the Authority with less than five working days' notice, the Council has no alternative but to reject the notice and does not have the power to permit the licensable activities. Undertaking the licensable activities without approval from the Council will be an offence under the Act.
- 7.51 Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible

assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objectives. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.

7.52 Persons serving Temporary Event Notices must also serve a copy notice on the police and the responsible authority for Environmental Health functions i.e., the Councils Environmental Health section.

7.53 Further information regarding Temporary Event Notices and event management is available on the Council's web pages.

8. CHILDREN

8.1 Where there are concerns over the potential for harm to children from licensable activities the Authority recognises the following bodies as competent to advise on matters relating to the protection of children from harm:

- The Derbyshire Safeguarding Children Board.
- Trading Standards

Applications should therefore be copied to these bodies in their capacity as responsible authorities.

8.2 Examples which may give rise to concerns in respect of children include those:

- Where there have been convictions for serving alcohol to minors.
- Where there is a reputation for underage drinking
- Where there is a known association for drug taking or dealing.
- Where there is a strong element of gambling on the premises.
- Where entertainment of an adult or sexual nature is provided.

8.3 Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required

age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

- 8.4 The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.

Policy 5 – Children in Licensed Premises

Where representations have raised concerns in respect of individual premises and it is felt that access for children should be restricted in a bid to mitigate the risk of physical, moral, or psychological harm to children, the Authority will consider imposing conditions which may include the following:

- (i) Limitations on the hours when children may be present.**
- (ii) Age limitations for persons under 18.**
- (iii) Limitations or exclusion when certain activities are taking place.**
- (iv) Full exclusion of persons under 18 when certain licensable activities are taking place.**
- (v) Limitations of access to certain parts of the premises for persons under 18.**
- (vi) A requirement for adults to be present.**

REASON: To protect children from harm.

9. EQUALITY AND DIVERSITY

- 9.1 Delivery of the licensing regime will be in accordance with the Corporate Equality and Inclusion Policy. The use of an Impact Needs Assessment process will inform service delivery and will be subject to on-going monitoring and customer/stakeholder consultation during the life of this Policy. Relevant matters that come to light as a result of monitoring and consultation may result

in changes to service delivery and where necessary may result in changes to the Council's licensing policy.

- 9.2 North East Derbyshire District Council is committed to implementing and upholding equality and diversity in everything it does. The Council strives to be an effective service provider, community leader and corporate body, and in doing so, recognises the importance of meeting the needs of the diverse mix of communities represented amongst its residents, service users and workforce. In meeting those needs the Council will develop and harness a safe and sustainable community inclusive to all.
- 9.3 To affirm its commitment and to ensure continuous improvement, the Council is working to the guidance and criteria of the Equality Framework for Local Government.
- 9.4 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

10. GENERAL ENFORCEMENT STATEMENT

- 10.1 All decisions, determinations, inspections, and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policies of the Council which are produced to the principles of the Enforcement Concordat and the Regulator's Compliance Code
- 10.2 The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

11. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY

- 11.1 This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.

12. DELEGATIONS

- 12.1 The Council recognises many of the decisions and functions under the Act are purely administrative in nature. In the interests of speed, efficiency, and cost-effectiveness the Council will implement the suggested delegation of functions as outlined in the guidance where possible and in accordance with the Council's Scheme of Delegation as set out in the Constitution. A copy of the Council's current table of delegations is at Appendix 3.

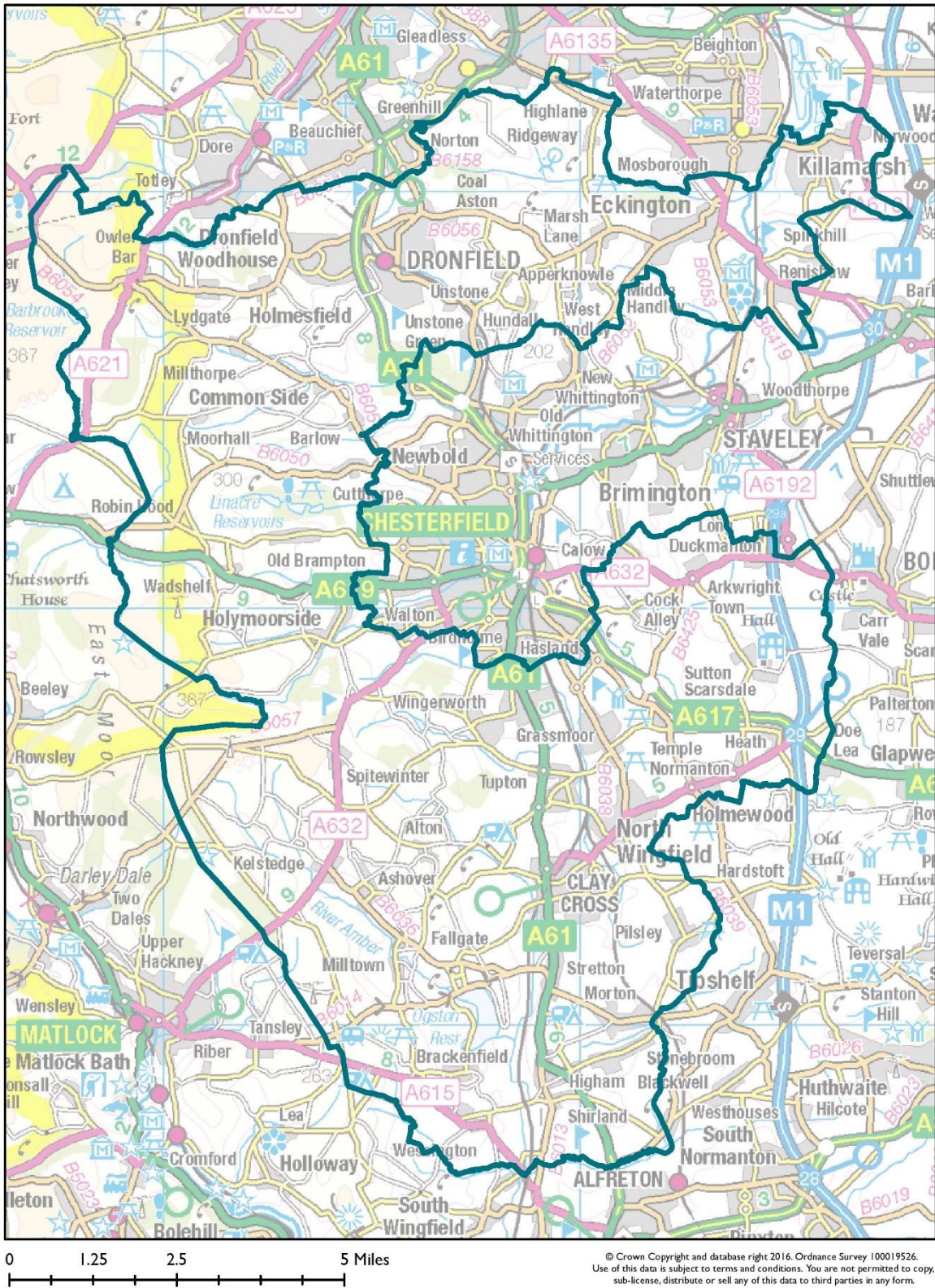
13. CONTACTS

The Council's Environmental Health Service is joint with Bolsover District Council.

The points of contact for any licensing issues or enquiries are; Licensing Section, Joint Environmental Health Service NEDDC and Bolsover District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG or telephone 01246 217873, or email licensing@ne-derbyshire.gov.uk. A copy of this Statement of Licensing Policy is available at www.ne-derbyshire.gov.uk/licensing .

Appendix 1 - A map showing the administrative boundaries of the district.

North East Derbyshire District Council



Appendix 2 – List of persons consulted on the preparation of this Policy.

In the preparation of the Statement of Principles under the Licensing Act 2003 (2024 – 2029) the following individuals and organisations were consulted:

- North East Derbyshire District Council - Community Safety
- North East Derbyshire District Council – Elected Members
- North East Derbyshire District Council - Environmental Health
- North East Derbyshire District Council - Planning
- North East Derbyshire Parish Council's
- British Beer and Pub Association
- British Institute of Innkeeping
- Campaign for Real Ale (CAMRA)
- Community Alcohol Partnership
- Derbyshire Constabulary
- Derbyshire County Council - Adult and Children's Services
- Derbyshire County Council - Director of Public Health
- Derbyshire County Council - Elected Members for North East Derbyshire
- Derbyshire County Council - Emergency Planning
- Derbyshire County Council - Trading Standards
- Derbyshire Fire and Rescue Service
- D2N2 Local Enterprise Partnership
- East Midlands Chamber
- Federation of Licensed Victuallers Associations (FLVA)
- Home Office
- Licence Holders
- Lee Rowley MP
- Neighbouring Licensing Authorities
- Police and Crime Commissioner for Derbyshire

Appendix 3 – Delegations

Matter Being Determined	Officers	Licensing and Gambling Acts Sub-Committee	Licensing and Gambling Acts Committee
Personal Licence	If no objections received	If objection received from Police	
Personal Licence (with unspent convictions)		All cases	
Personal Licence (where convicted of any relevant offence or foreign offence, or required to pay an immigration penalty)		All cases	
Premises Licence/ Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Provisional Statement	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Full Variation of Premises Licence or Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Minor Variation of Premises Licence or Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority	
Decision whether to consult other Responsible Authorities on minor variation application	All cases		
Variation of Designated Premises Supervisor	If no objections received	If relevant objection received from Responsible Authority	
Request to be removed as Designated Premises Supervisor	All cases		
Transfer of Premises Licence	If no objections received	If relevant objection received from Responsible Authority	
Interim Authority	If no objections received	If relevant objection received from	

		Responsible Authority	
Review of Premises Licence/ Club Premises Certificate		All cases	
Decision whether a representation or review application is not relevant, frivolous, vexatious, etc.	All cases		
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Temporary Event Notice	If no objections received	If objection received from Police and/or Environmental Health	
Variation of Premises Licence at community premises to include the alternative licence condition	If no objections received	If relevant objection received from Responsible Authority	
Licensing Act 2003 Policy Changes and Recommendations to Full Council			All cases