

Statement of Licensing Policy 2026–2031	
Executive Summary	This report presents the revised Statement of Licensing Policy 2026–2031 for consideration and recommendation to Full Council. The policy has been updated to reflect the Licensing Act 2003, current statutory guidance, consultation feedback, operational learning and relevant legislative developments since the current policy was adopted in 2021. The revised policy provides a clearer, more accessible and legally robust framework for applicants, responsible authorities, residents, Members and officers. It strengthens decision-making by confirming that licensing functions must be exercised by reference to the four statutory licensing objectives and that any conditions or regulatory action must be necessary, proportionate and evidence-based. The Committee is asked to consider the revised policy, note the consultation undertaken and amendments made, and recommend the policy to Full Council for adoption.
Options considered	The principal option is to recommend adoption of the revised Statement of Licensing Policy 2026–2031, subject to any final minor amendments required for accuracy, formatting, accessibility or legal consistency. The alternative option is not to recommend adoption at this stage. This is not recommended, as the Council has a statutory duty to keep its Statement of Licensing Policy under review every 5 years and the current policy must be replaced to ensure continued compliance and legal defensibility.
Consultation(s)	A statutory consultation exercise has been undertaken in accordance with the Licensing Act 2003. Consultees included responsible authorities, licence holders, businesses, residents and other relevant stakeholders. Consultation responses have been reviewed, and amendments have been incorporated into the revised draft where appropriate. A summary of consultation responses and the Council's consideration is included at Appendix B.
Recommendations	That the Committee considers the revised Statement of Licensing Policy 2026–2031 and supporting appendices; notes the consultation undertaken and amendments made

	in response to feedback; recommends the revised Statement of Licensing Policy 2026–2031 to Full Council for adoption; and delegates authority to the Assistant Director of Environment and Leisure, in consultation with the Portfolio Holder and Chair of the Licensing Committee, to make any final minor amendments required for accuracy, formatting, accessibility or legal consistency before publication.
Reasons for recommendations	To ensure that the Council continues to meet its statutory duty under section 5 of the Licensing Act 2003 to prepare, publish and keep under review its Statement of Licensing Policy. The recommendation will also ensure the policy remains aligned with current statutory guidance, supports consistent and evidence-based decision-making, and provides a clearer and more accessible framework for applicants, residents, responsible authorities, Members and officers.
Background papers	Licensing Act 2003; statutory guidance issued under section 182 of the Licensing Act 2003; current Statement of Licensing Policy 2021–2026; draft Statement of Licensing Policy 2026–2031; consultation responses and summary of key changes.

Wards affected	All wards
Cabinet member(s)	Councillor Callum Ringer
Contact Officer	Environmental & Leisure Business Support Manager

Links to key documents:	
Corporate Plan:	The revised policy supports the Council’s corporate priorities by promoting safe, inclusive and well-managed communities; supporting residents, businesses and visitors through clear and accessible regulation; and contributing to public protection, community safety and confidence in local places.

Medium Term Financial Strategy (MTFS)	The proposal has no direct additional financial impact and is not expected to create new budget pressures. It supports efficient service delivery by clarifying application requirements, fee handling, refunds and administrative cost recovery, which may assist with consistency and financial transparency.
Council Policies & Strategies	The revised policy links to the Council's Corporate Plan, Community Safety arrangements, Equality, Diversity and Inclusion commitments, Net Zero and Climate Emergency objectives, safeguarding responsibilities, information governance requirements, enforcement policy and relevant licensing procedures.

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	Does not apply
Details of any previous decision(s) on this matter	Statement of Licensing Policy 2021

1. Purpose of the report

1.1 To present the revised Statement of Licensing Policy for consideration and recommendation to Full Council.

1.2 To seek approval for the updated policy to replace the current policy adopted in November 2021, in accordance with the Council's statutory duty under the Licensing Act 2003.

2. Introduction & Background

2.1 Under Section 5 of the Licensing Act 2003, the Council is required to publish and review a Statement of Licensing Policy at least every five years.

2.2 The current policy covers the period 2021–2026 and must now be updated to ensure continued compliance with:

- The Licensing Act 2003
- Revised Home Office Guidance (Section 182 – November 2025)
- Relevant new legislation and emerging duties

2.3 A consultation exercise has been undertaken in line with statutory requirements, including engagement with:

- Norfolk Constabulary
- Norfolk Fire and Rescue Service

- Licence holders and businesses
- Residents and other stakeholders

2.4 Feedback received has been incorporated into the revised draft where appropriate.

3. Proposals and Options

Key Changes to the Policy

3.1 The updated policy is a substantive improvement on the 2021 version, moving from a descriptive framework to a clearer, legally robust and operational policy.

3.2 Legislative and Policy Alignment

- Updated to reflect Section 182 Guidance (November 2025) and National Licensing Policy Framework
- Incorporates new statutory duties, including the Serious Violence Duty
- Introduces forward-looking guidance on Martyn's Law (Terrorism (Protection of Premises) Act 2025)

3.3 Strengthening Legal Defensibility

- Clarifies that decisions must be based solely on the four licensing objectives
- Confirms that economic growth and regeneration cannot be determinative factors unless linked to the objectives
- Reinforces that licence conditions must be:
 - ✓ Necessary
 - ✓ Proportionate
 - ✓ Evidence-based

3.4 Enhanced Public Safety and Safeguarding

- Strengthened provisions on:
 - ✓ Protection of children from harm
 - ✓ Safeguarding responsibilities
 - ✓ Spiking prevention measures
- Updated approach to psychoactive substances aligned with the Psychoactive Substances Act 2016

3.5 Operational Clarity and Consistency

- Clearer guidance on:
 - ✓ Temporary Event Notices (TENs), including limits and definitions
 - ✓ Application validation and evidential requirements
 - ✓ Fee handling, refunds, and administrative cost recovery
- Removal of ambiguity in planning vs licensing decisions

3.6 Improved Structure and Accessibility

- Rewritten in plain English to improve accessibility for applicants and residents
- Improved structure and consistency across sections
- Expanded annexes providing model conditions and practical guidance

4. Corporate Priorities

4.1 The revised policy provides the following benefits:

- Legal robustness: Reduced risk of challenge or appeal due to clearer decision-making framework
- Audit compliance: Alignment with current statutory guidance and best practice
- Operational consistency: Greater clarity for officers, applicants, and Members
- Public protection: Enhanced safeguarding and safety provisions

- Transparency: Improved readability and accessibility for all users

5. Financial and Resource Implications

5.1 The policy clarifies:

- Statutory fee structures (set nationally)
- Administrative cost recovery where applications are withdrawn
- Refund approach for invalid applications

5.2 No additional financial burden is anticipated from adoption of the policy.

Comments from the S151 Officer:

To be completed by the S151 Officer or Finance representative.

6. Legal Implications

6.1. The Council has a statutory duty under section 5 of the Licensing Act 2003 to prepare, publish and keep under review its Statement of Licensing Policy.

6.2. The updated policy has been reviewed to ensure alignment with the Licensing Act 2003, current statutory guidance issued under section 182 of the Act, and relevant emerging legislation.

6.3. The policy strengthens legal defensibility by making clear that decisions, conditions and regulatory action must be necessary, proportionate, evidence-based and linked to the statutory licensing objectives.

Comments from the Monitoring Officer

To be completed by the Monitoring Officer or Legal representative.

7. Risks

Risk identified	Mitigation
Legal challenge if policy not updated	Policy updated in line with latest legislation and guidance
Inconsistent decision-making	Clear frameworks and evidence-based requirements included
Stakeholder dissatisfaction	Consultation undertaken and feedback incorporated
Implementation challenges	Supporting procedures and annexes included for operational clarity

8. Net ZeroTarget

The revised Statement of Licensing Policy does not include net zero as a standalone objective, as licensing decisions must be made solely in accordance with the four statutory licensing objectives set out in the Licensing Act 2003.

However, the policy supports the Council's net zero ambitions indirectly by promoting well-managed premises, encouraging proportionate controls on waste, noise and emissions, and strengthening partnership working with wider Council strategies. This ensures that environmental considerations can be taken into account where they are relevant to the licensing objectives, while maintaining a legally robust and defensible decision-making framework.

9. Equality, Diversity & Inclusion

A full EqIA was completed and included at Appendix D.

The policy supports the Council's duties under the Equality Act 2010 and includes:

- Accessible application processes
 - Support for individuals with additional needs
 - Commitment to fair and non-discriminatory decision-making
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10. Community Safety issues

10.1 The updated policy is expected to have a positive impact on community safety by strengthening the Council's approach to the prevention of crime and disorder, public safety, public nuisance, safeguarding and the protection of children from harm.

10.2 It provides clearer guidance on emerging risks such as spiking, psychoactive substances, serious violence and terrorism preparedness, while reinforcing partnership working with responsible authorities. Any action taken under the policy will remain linked to the statutory licensing objectives and must be necessary, proportionate and evidence-based.

Conclusion and Recommendations

The revised Statement of Licensing Policy has been reviewed and updated to ensure that the Council continues to meet its statutory duties under the Licensing Act 2003.

The updated policy reflects current statutory guidance, relevant legislative developments, consultation feedback and operational learning since the previous policy was adopted in 2021. It provides a clearer, more accessible and legally robust framework for applicants, responsible authorities, residents, Members and officers.

The policy strengthens decision-making by reaffirming that licensing functions must be exercised only by reference to the four statutory licensing objectives and that any conditions or regulatory action must be necessary, proportionate and evidence-based.

It also improves transparency, consistency and public protection through clearer wording on safeguarding, community safety, public nuisance, Temporary Event Notices, fees, refunds, equality considerations and emerging risks such as spiking, serious violence and terrorism preparedness.

It is therefore concluded that the revised policy is fit for purpose and should be recommended for adoption, subject to any final minor amendments required following legal, governance or formatting review.

Recommendations

1. That the Committee considers the revised Statement of Licensing Policy 2026–2031 and the supporting appendices.
2. That the Committee notes the consultation undertaken and the amendments made in response to feedback received.
3. That the Committee recommends the revised Statement of Licensing Policy 2026–2031 to Full Council for adoption.
4. That authority is delegated to the Assistant Director of Environment and Leisure, in consultation with the Portfolio Holder and Chair of the Licensing Committee, to make any final minor amendments required for accuracy, formatting, accessibility or legal consistency before publication.

Appendices

- Appendix A: Draft Statement of Licensing Policy 2026–2031 — attached separately
- Appendix B: Summary of Consultation Responses (if required)
- Appendix C: Comparison of Key Changes (2021 vs 2026)
- Appendix D: Equality Impact Assessment (June 2026)

Appendix A – Draft Statement of Licensing Policy 2026–2031 attached separately

Appendix B – Summary of consultation responses

Response ref	Representation	NNDC consideration	Result
LP1	The draft policy contains some useful updates, but parts of it may go too far legally by extending the licensing framework beyond what the Licensing Act allows. The concern is that the policy could create unnecessary legal, fairness and proportionality risks unless the wording is clarified and kept firmly within the statutory licensing objectives.	Council consideration The representation raised valid points about the need to keep the policy clearly within the statutory licensing framework, particularly the four licensing objectives, proportionality, evidence-based decision-making and avoiding any fettering of discretion.	The concerns should be addressed through clarification, qualification, and structural safeguards , not by removing wider contextual references entirely.
LP1	Licensing decisions must stay within the legal limits of the Licensing Act 2003 and be based only on the four statutory licensing objectives: crime and disorder, public safety, public nuisance, and protecting children from harm.	A. Licensing objectives are exhaustive The core assertion is correct and directly supported by section 182 guidance: “There are no other statutory licensing objectives, and the promotion of the four objectives is a paramount consideration at all times.” Any policy text implying: • economic desirability, • regeneration value, • investment attractiveness, or • sector growth	The draft should explicitly reaffirm this.

		must not influence determinations except where directly linked to one or more objectives.	
LP1	The policy should avoid making economic growth or support for hospitality appear to be a licensing decision-making factor. Licensing decisions must be based only on the statutory licensing objectives, not wider regeneration, investment or economic desirability considerations.	Where the representation partially over-states concern Economic growth references are not automatically unlawful Recent section 182 guidance now expressly allows contextual consideration of local strategies, provided: • decisions remain rooted in the four objectives, and • economic growth is not treated as a determinative factor. The Institute of Licensing confirms that updated guidance recognises supporting a thriving hospitality sector, but not as a new objective.	So the issue is drafting clarity, not presence per se. 4.1 Economic growth / night-time economy language (e.g. para 2.8) Risk identified: Policy wording suggests economic promotion is a licensing consideration. Recommended amendment (model wording): <i>Nothing in this policy permits the Licensing Authority to determine applications by reference to economic growth, regeneration, or investment considerations except insofar as such matters are demonstrably and directly relevant to the promotion of one or more of the four statutory licensing objectives.</i>

			This preserves strategic awareness without allowing determinative weight.
LP1	Serious Violence Duty should not be presented as part of licensing decision-making or as a new licensing objective. It can support partnership working and intelligence sharing, but licensing decisions must still be based only on the four statutory licensing objectives.	Serious Violence Duty references Credence: High The representation correctly identifies risk of policy creep .	Add an explicit demarcation clause: <i>References to the Serious Violence Duty reflect partnership working, data-sharing, and strategic information exchange only. The Duty does not create additional licensing objectives, nor does it expand the statutory basis upon which licensing determinations are made.</i> This aligns with PCSC Act intent and avoids appeal risk.
LP1	The policy should not suggest NNDC officers will check or enforce Martyn's Law requirements before the law is fully commenced and guidance is issued. Any reference should be limited to awareness, preparedness and signposting until the legal duties formally come into force.	Terrorism (Protection of Premises) Act 2025 ("Martyn's Law") Credence: High The concern that officers "will check" plans before commencement is well-founded.	Replace enforcement-style phrasing with preparedness wording, e.g.: <i>Prior to commencement of the Terrorism (Protection of Premises) Act 2025, references are limited to awareness-raising and signposting to national guidance. No checks or requirements will be imposed</i>

			<i>until statutory duties formally commence.</i> This avoids unlawful anticipation of powers.
LP1	The annex conditions risk creating a cumulative regulatory burden by making measures such as CCTV, incident logs, search policies and anti-spiking controls appear to be standard expectations. While these may be appropriate for some higher-risk premises, any condition must remain necessary, proportionate, evidence-based and specific to the individual premises.	Annex conditions and operational expectations Credence: Moderate–High The risk is not that such measures exist, but that policy presentation normalises them.	Insert a global annex disclaimer: <i>Conditions and measures listed in this annex are illustrative examples only. They will never be applied as standard or default conditions and must always be justified as necessary, proportionate, evidence-based and appropriate to the specific premises.</i> This directly addresses fettering-of-discretion arguments.
LP1	The draft has several practical drafting and procedural issues that should be corrected, including delegation errors, duplication, typos, potential unfairness around late evidence, and insufficient detail on data protection, Equality Act adjustments and accessibility	Delegations / late evidence / typo issues Credence: High and practical	These points are not ideological and should be corrected regardless. In particular: wording that appears to preclude late evidence risks procedural unfairness;

	for vulnerable or disabled participants.		• data-handling expectations should explicitly reference UK GDPR; and • Equality Act considerations should be operationalised, not aspirational. Full EQIA carried out.
LP1	The policy's cumulative wording could make it look like a broad crime prevention, public health, counter-terrorism or economic development strategy, rather than a statutory licensing policy. The response should be to add clear framing that the policy only guides decision-making under the Licensing Act 2003 and must stay within those legal powers.	Cumulative governance concern – how to neutralise it The Council agrees that the policy should be clearly framed as a statutory licensing policy and not as a wider crime prevention, public health, counter-terrorism or economic development strategy. The revised wording will therefore retain appropriate safeguarding and community safety references while making clear that decisions must remain within the statutory licensing objectives.	Add a short framing statement early in the document: <i>This Statement of Licensing Policy is not a crime-prevention, public-health, counter-terrorism or economic development strategy. It exists solely to guide the lawful exercise of functions under the Licensing Act 2003.</i>
LP2	Fit for purpose	No area identified for update	None
LP3	Fit for purpose	No area identified for update	None
LP4	Fit for purpose	No area identified for update	None

LP5	☐ Repetition across: • Safeguarding (Section 7 + Annex F) • Spiking (Sections 4, 5 + Annex D) • TENs procedural detail ☐ Annexes already contain good structured detail Remove duplication between policy and annexes TENs section – reduce procedural overload Current Section 15 includes detailed statutory mechanics	Keep Sections 4–7 concise Replace detailed lists with a single principle statement: Example (Section 5 Public Safety): Current: “The following matters should be considered...” (long list) Replace with: “Applicants should identify and address risks to public safety in their operating schedules. Measures will vary depending on the nature, scale and location of the premises.” Then add: “Illustrative examples are set out in Annex C.” ☐ Delete repetitive wording in main sections (“may include CCTV, staffing, logs etc.”) ☐ Replace with cross-reference only TENs move this to: • Website guidance OR appendix. Keep in policy: • “The Licensing Authority will apply the statutory framework and Section 182 Guidance when considering TENs.”	This removes duplication with Annex C while keeping defensibility.
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LP5	Over-prescriptive language and consistent legal test wording Consistent legal test wording	Remove implied requirements Example (Section 7 Children’s entertainment): “licensees must ensure...” Recommended change: “Applicants may be expected to demonstrate...” Avoid “NNDC will expect” unless justified Example: “The Council will expect operating schedules to... replace with “Applicants should consider...” Add a global paragraph (new 2.9 or strengthen 2.1): “Any conditions imposed will be necessary, proportionate, relevant to the licensing objectives, and evidence-based, in accordance with Section 182 Guidance.” Then remove repeated versions elsewhere	Incorporates consultation feedback
LP5	Policy vs guidance – critical structural improvement	split content clearly	

		A. Introduce a clear statement early (Section 1 or 2) Add: “This document sets out the Council’s policy for decision-making. Separate guidance is available for applicants, which explains how to apply and provides practical advice.” Move the following OUT of policy: • How to display notices • What applicants “should include” • Step-by-step process expectations Keep only: “Applicants must comply with statutory requirements...” Retain cross-references only Example: “Further guidance for applicants is available on the Council’s website.”	
LP5	External codes (Portman Group) – correct positioning	Strengthen defensibility Replace with: “The Council recognises the Portman Group Code of Practice as an example of industry good practice. Compliance with the Code is voluntary and does not	Prevents unlawful delegation risk

		form part of the statutory licensing framework.”	
LP5	Economic growth wording – already compliant but refine tone	Current: “not used except where directly relevant” Keep but tighten: “Such matters will only be taken into account where they are directly relevant to the promotion of the licensing objectives.”	Incorporates consultation feedback
LP5	Remove duplication in enforcement fee section Sections 11.5–11.9 repeat suspension wording	Consolidate into one clear subsection	Incorporates consultation feedback
LP5	Suggested “clean policy structure” (final refinement)	Policy document should contain ONLY: • Legal framework • Principles of decision-making • Licensing objectives explanation • High-level approach to each objective • Enforcement philosophy • Delegations Move elsewhere: • Checklists	Incorporates consultation feedback

		• Examples (keep in annexes only) • Applicant instructions • Detailed procedural steps	
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Appendix C: Comparison of Key Changes (2021 vs 2026)

Theme	2021 Version	Latest 2026 Version	Improvement / Benefit
Legislative alignment	General reference to Licensing Act and guidance	Explicitly updated to Section 182 Guidance (Nov 2025) and National Framework	Ensures policy is current, compliant, and defensible in decisions
Licensing objectives clarity	States 4 objectives but allows broader narrative interpretation	Explicit statement that only the 4 objectives can be considered and are exhaustive	Reduces risk of legal challenge for irrelevant considerations
Economic growth wording	Links to regeneration and economic benefits in general terms	Clarifies growth cannot influence decisions unless linked to objectives	Stronger legal compliance (case law aligned)
Conditions on licences	General discretion to impose conditions	Requires conditions to be necessary, proportionate, evidence-based	Aligns with statutory guidance → audit-safe decisions
Scope of licensing law	States licensing not primary tool for nuisance control	Reframed as part of a “holistic system” with partners	Clearer multi-agency positioning
Crime & disorder (NPS)	Outdated explanation of “legal highs”	Updated to Psychoactive Substances Act 2016 with enforcement route	Legally accurate and modernised enforcement approach
Public safety	Broad examples of safety measures	Adds spiking prevention and structured model conditions	Reflects emerging risks → stronger safeguarding
Children safeguarding	General safeguards and conditions	Expanded safeguarding duties + links to NSCP + exploitation risks	More robust safeguarding framework
Partnership & Serious Violence Duty	Partnership mentioned broadly	Explicit inclusion of Serious Violence Duty (2022 Act)	Aligns with new statutory duties
Planning vs licensing	States no re-hearing of planning decisions	Clarifies no legal basis to refuse licence due to lack of planning permission	Eliminates ambiguity → clear decision boundary
Temporary Event Notices (TENS)	Basic statutory requirements	Adds working day definition, limits, and updated guidance refs	Improved operational clarity and consistency

Application process	Requires certificates of display/service	Simplifies to statutory requirements + validation evidence checks	More streamlined and user-friendly
Fees and refunds	Focus on suspension for non-payment	Adds clear rules on refunds, invalid applications, admin fees	Addresses audit gaps → financial transparency
Enforcement powers	Existing enforcement framework only	Adds Respect Orders (Bill 2025), closure powers detail	Futureproofing + policy relevance
Martyn's Law (terrorism)	Not included	New section explaining scope, tiers, and implementation timeline	Proactive risk management → public safety enhancement
Equality section	Legal duties listed	Adds practical commitments, examples, accessibility measures	More practical and demonstrable compliance
Data protection	Basic GDPR reference	Clear statement on data use, retention, and governance	Stronger information governance position
Tone and clarity	Formal but sometimes repetitive/ambiguous	Plain English, structured, consistent terminology	More accessible and consistent for applicants
Internal consistency	Some duplication and formatting issues (e.g. repeated sections)	Improved structure, though minor duplications still flagged in draft	Better readability and usability

Appendix D - Equality Impact Assessment (EqIA)

Policy: Statement of Licensing Policy (2026–2031)

1. Purpose

- This EqIA assesses the potential impact of the revised Statement of Licensing Policy on individuals and groups with protected characteristics under the Equality Act 2010.

2. Summary of Findings

- The policy is predominantly neutral and positive in its impact. It supports fair, consistent, and transparent decision-making and does not introduce barriers that would disadvantage any protected group. The inclusion of accessibility measures and clearer guidance improves understanding for applicants and residents.

3. Impact on Protected Characteristics

Protected Characteristic	Impact	Commentary
Age	Neutral	Policy applies equally; safeguarding strengthens protection for children
Disability	Positive	Commitment to accessible processes and reasonable adjustments
Gender reassignment	Neutral	No differential impact identified
Marriage & civil partnership	Neutral	No differential impact identified
Pregnancy & maternity	Neutral	No differential impact identified
Race	Positive	Accessible formats and support for language needs
Religion or belief	Neutral	No restriction beyond statutory licensing controls
Sex	Neutral	No differential impact identified
Sexual orientation	Neutral	No differential impact identified

4. Key Considerations

- The policy reinforces procedural fairness and transparency, supporting equal treatment
- Accessibility commitments (e.g. alternative formats and support) help reduce barriers
- Safeguarding provisions strengthen protections for vulnerable groups
- Licensing decisions remain based on statutory objectives only, ensuring consistency and legality

5. Risks and Mitigation

Risk	Mitigation
Potential barriers in application processes	Accessible formats and officer support provided
Lack of awareness among applicants	Clear guidance and improved communication

Disproportionate impact through conditions	Conditions must be necessary, proportionate, and evidence-based
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6. Conclusion

The revised policy is compliant with the Equality Act 2010 and supports the Council's duties to eliminate discrimination, advance equality of opportunity, and foster good relations. No adverse impacts have been identified, and several elements of the policy contribute positively to accessibility and fairness.

7. Recommendation

No further action is required. Equality impacts will continue to be monitored as part of ongoing policy implementation and review.