

Committee Name and Date of Committee Meeting

Cabinet – 15 September 2025

Report Title

Licensing Act 2003 – Statement of Licensing Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Strategic Director of Regeneration and Environment

Report Author(s)

Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Section 5 of the Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy which sets out the principles it proposes to apply in exercising functions under the Act. The Statement of Licensing Policy must be reviewed and republished at five-year intervals.

The current Statement of Licensing Policy was published in 2020 and therefore is now due for the five-year review. The Policy relates to the regulation of premises where licensable activities such as the sale of alcohol, provision of regulated entertainment and provision of late-night refreshment take place.

A draft Policy was presented to Cabinet in April 2025, with Cabinet then approving a period of statutory consultation. This report outlines the findings of the consultation and recommends that Cabinet approve the Policy for adoption by Council.

Recommendations

That Cabinet recommend to full Council that the proposed Licensing Act 2003 Statement of Policy be adopted.

List of Appendices Included

- Appendix 1 Proposed Licensing Act 2003 Statement of Licensing Policy 2025
- Appendix 2 Equality Analysis – Initial Screening Document
- Appendix 3 Equality Analysis (Form B)
- Appendix 4 Carbon Impact Assessment

Background Papers

Licensing Act Statement of Licensing Policy 2020
Guidance issued under s182 of the Licensing Act 2003
Cabinet report – 14th April 2025

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Licensing Committee – 13 May 2025
Cabinet – 14 April 2025

Council Approval Required

Yes

Exempt from the Press and Public

No

Licensing Act 2003 – Statement of Licensing Policy

1. Background

- 1.1 As the Licensing Authority under the Licensing Act 2003 (the Act) the Council is responsible for licensing:
- the sale and supply of alcohol.
 - regulated entertainment such as live and recorded music, performances of theatre, dance, cinema and indoor sports.
 - the sale of hot food and drink between 11 pm and 5 am.
- 1.2 Under Section 5 of the Act, a licensing authority must prepare a Statement of Licensing Policy which effectively sets out the principles it proposes to apply in exercising functions under the Act. This Statement of Policy must be published at least every five years.
- 1.3 The Statement of Licensing Policy has a number of key objectives including:
- Providing applicants with a clear, consistent basis for submitting applications and notices in Rotherham.
 - Providing a clear, consistent basis for determining licensing applications in Rotherham.
 - Ensuring the relevant views of those affected by licensed premises are taken into consideration.
 - Ensuring that local area issues are taken into account by licensed premises; and
 - Supporting the wider strategies of the Council and the approach to licensed activities and premises across the Borough.
- 1.4 The Policy relates to the regulation of premises where licensable activities take such as the sale of alcohol, provision of regulated entertainment and provision of late-night refreshment take place. The policy does not relate to any other kind of licensing. It can be seen however that some of the comments received during the consultation appear to relate to selective licensing (private sector landlord licensing). Any such comments have been included in the report for the reasons given in paragraph 2.8, but have also been passed on to the selective licensing team for their information.
- 1.5 The current Statement of Licensing Policy was published in 2020, and therefore the five-year formal review is now due.
- 1.6 Licensing officers presented a draft Policy to Cabinet in April 2025 and this Policy had been developed following a period of informal consultation with partner agencies, licence holders and members of the public, along with a review of other policies from across the UK to identify best practice that could be adopted in Rotherham.
- 1.7 Following Cabinet approval, the draft policy was then subjected to a six-week period of consultation – further details are provided in section 4 of this report.

- 1.8 All responses to the consultation have been consolidated and reviewed. The significant majority of the responses indicated a general support for the proposals within the Policy, and therefore it is recommended that the draft Policy agreed by Cabinet in April is accepted as the final version of the 2025 – 2030 Statement of Policy.
- 1.9 The final proposed Statement of Policy is attached to this report as Appendix 1; the differences between the current and proposed policy are highlighted in yellow for ease of reference.

2. Key Issues

- 2.1 The Council's Statement of Licensing Policy should strike a balance between the need to encourage a vibrant and dynamic entertainment industry as part of the regeneration of the Borough, whilst ensuring that the Licensing Objectives specified in the Act are sufficiently promoted. The Licensing Objectives are:
- The prevention of crime and disorder,
 - The promotion of public safety,
 - The protection of children from harm,
 - The prevention of public nuisance.
- 2.2 The way that licensable activities are managed on site can often influence the wider issues that arise through the sale and supply of alcohol or the provision of late-night refreshment. Critically, there are areas of the Statement of Licensing Policy that can direct the way that establishments are managed and operated, including setting standards for training around key priorities through to requirements for security staff and their training and accreditation.
- 2.3 It is for this reason that the draft Policy includes additional sections relating to specific aspects of the licensed economy. It is expected that the inclusion of these sections within the Policy will encourage applicants and licence holders to adopt best practice and clearly sets out the Council's expectations with regard to the activities that take place at licensed premises.
- 2.4 It is recognised that many of the principles that were consulted upon are aspirational in nature, and it will be made clear within the Policy that although the Council has certain expectations of licensed premises in the Borough, the principles within the Policy will only be mandated if they are required to prevent one or more of the Licensing Objectives from being undermined.
- 2.5 Despite the limitations of the Licensing Act and Statement of Licensing Policy, it is nonetheless considered important that the Council provides appropriate best practice guidance and encourages local licence holders to go beyond the minimum that is required with the ultimate aim of ensuring that licensed premises are safe and enjoyable places to be, and that the activities that take place there have minimal negative impact on local communities and the wider environment.

- 2.6 The Council is mindful that there is a need to encourage and facilitate growth and development within the Borough, and the licensed trade has an obvious role in this. It is therefore important that the Statement of Licensing Policy does not deter appropriate development and investment within the Borough, and the draft Policy is considered to strike the correct balance between encouraging economic growth and minimising any negative impacts on those that may be affected by the activities that are taking place.
- 2.7 Each of the new proposals were subjected to a period of consultation. This resulted in 74 individual responses all of which have been collated and analysed. Further information regarding the scope and nature of the consultation is provided in section 4 of this report.
- 2.8 A summary of the proposals is provided below, along with the key findings of the consultation. The report also includes any comments made by respondents as part of the consultation. However, the following should be noted when reviewing these comments:
- All respondents to the consultation questionnaire had the option to provide further comments following the submission of their response. However, not everybody that responded to the survey took the opportunity to make additional comments regarding their response. This means that the number of comments received for each question was less than the overall number of responses.
 - Any comments that were made have been included in full to give context to the responses, and in recognition of the fact that respondents have taken the time to submit the comments as part of the consultation. This means however that some of the comments and responses received may not be directly relevant to the subject of this report.
 - It is clear that some of the comments relate to selective licensing (private sector landlord licensing.) These comments have been disregarded for the purposes of this particular consultation but have been passed on to the relevant Team for their information.

2.9 Specific policies with regard to the Licensing Objectives:

The current Policy outlines the Council's expectations with regards to the promotion of the Licensing Objectives. The proposed Policy develops this by providing additional information and advice regarding the obligations that licensed premises have with regard to, for example, the prevention of general crime and disorder, counter terrorism (including Martyn's Law) and safeguarding of children and vulnerable adults.

In addition, the proposed Policy will provide licence holders and applicants with details of good practice which the Council believes will assist licensed premises to further promote the Licensing Objectives. Such good practice includes making adequate provision for the welfare of customers, management of smoking / vaping, minimisation of waste, rehearsal of written

contingency plans and enhanced safeguarding practices (such as the appointment of a “safeguarding champion” at the premises).

2.10 86.5% (64) of consultees felt that it would be useful for the Council to provide information like this. In addition, the following comments were made by respondents:

- Keep it simple, stick to the actual licensed responsibilities. Additional guidance / good practice should be down to the individual business.
- Any examples of sharing best practice can only lead to a positive result.
- Any assistance for venues regarding the introduction of Martyn's Law would be very helpful.
- To make our area a safer community.
- The tax payers should get priority and have a say in what plans are for the area they live in having a good structure in place is always a plus.
- I have been involved in Selective Licensing from the position of a Landlord and have only negative experiences. It is obvious from my experiences that the officers used to enforce the licensing conditions are inadequately trained. On one occasion I was required to fit a device to limit the opening of a window. This window in fact was a fire escape and so the device restricted the fire escape making it unusable.
- The lack of care from residents in my area is shocking. Rubbish is left all over the streets, drink cans/bottles, cigarettes and e cigarettes included.
- You spend too much time worrying about terrorism and not enough on the general public being ignorant.
- Landlords have enough problems. Adding more to them is unfair.
- Anything to make sure safeguarding in place is a good point.
- Also reducing waste, waste collection, fly tipping etc, which blights our communities
- I work for a Housing Association who provide social housing to the over 55s. Our properties are really good quality and I think that everyone should be entitled to good quality housing that is safe. The welfare of tenants should be a priority. We are regulated and I feel that this should extend to private landlords. Particularly when the housing is in more deprived areas where tenants may not know their rights.
- I think this would be beneficial as there is a lot of fly tipping so hopefully this could help.

2.11 Premises specific policies:

The proposed Policy recognises that the expectations / requirements applicable to licensed premises will vary depending on the nature of the premises themselves. For example, requirements for pubs / bars will be different to late night takeaways. The Policy will therefore set out specific areas relevant to each class of premises and make it clear that the Council's expectation is that applicants and licence holders should consider these matters when submitting an application / managing their premises.

2.12 94.6% (70) of respondents said that the Council should provide information that outlines the expectations of specific types of premises. In addition, the following comments were made by respondents:

- Every premises is different.
- Sure seems sensible.
- This would certainly help to provide clarity to individual venues.
- We should have pubs and takeaways for our pleasure and enjoyment without the Council scrutiny this is just another way of policing what we the public do.
- Certainly having a licence will ensure good management of premises.
- Each case should be examined on its own merit and context.
- It's good to be straight forward and clear about what is expected from landlords and tenants. We have a lot of tenants on this street and there's just such disregard for the properties by these tenants.
- As before. If a tenant has nowhere else to live, they should be grateful for what they have been given. If they cannot behave, keep it clean and tidy, it shouldn't be for the landlord to do. People need to take their own responsibility.
- Pubs especially those that back onto residential areas should have noise restrictions on them with regards to music, and time they are allowed to stay open for should be looked at. Where I live there is a pub that regularly plays music until midnight. I personally think that is unacceptable in a residential area where it is surrounded by residential properties.
- We have premises that are used by several people. People also bring cars and mend them outside using it as a garage.
- This will provide clarity of expectations and drive up standards.
- Some rented properties the tenants cannot be bothered how their gardens look and it makes the neighbourhood look unsightly, they should be told it's their responsibility if they own/rent.

2.13 Promoting Equality and Inclusion in Licensed Venues:

It is already a requirement that licensed premises should operate in a manner that does not discriminate against groups / individuals with a particular characteristic. The proposed Policy encourages applicants and licence holders to go further than this to further improve the experiences of all communities within licensed venues. This will include the provision of inclusive and transparent policies / procedures, accessible venues and regular training for staff on equality and inclusion.

2.14 83.8% (62) of respondents thought that the Council's Licensing Policy should promote equality and inclusivity. In addition, the following comments were made by respondents:

- Why would venues not promote equality and inclusivity?
- It's up to the landlord's discretion who he lets into his premises and who he chooses to serve.

- As a multicultural race people of all nationalities should be included and all should be treated as equals.
- Useless.
- Women are constantly harassed.
- If you own the house. You should be able to choose who you rent it to. It is your house. The tenants just live in it. As the owner of the property you should be able to discount people who you don't want living there.
- Yes, more training on cultures, religions will avoid misunderstandings
- We should always promote equality and inclusivity! Any effort made against discrimination can only be positive.

2.15 Promotion of Environmental Best Practice:

Licensed premises have a significant role in maintaining and promoting a clean and green Borough. The proposed Policy sets out good practice regarding waste minimisation, energy efficiency, reducing road traffic and action on climate change. Simple, practical suggestions on how premises can improve their environmental performance will be detailed in the Policy (for example, the use of online menus and reusable drinking vessels).

2.16 83.8% (62) of respondents said that they thought the Council's Policy should encourage environmental best practice as described above. In addition, the following comments were made by respondents:

- Useful information - businesses should take climate change seriously.
- Every venue should be playing their part to promote environmental sustainability and RMBC should do all they can to support this.
- A licensed premises serves drinks and food not take away drinks in disposable cups and the consumption is done in the premises not on the streets
- It's not only owners of premises it's also customers buying from takeaway then discarding rubbish and cans on the streets. On line menus would stop a lot of waste although not all people are able to go online to order especially the elderly.
- How will this work? When the Council's restrictive practices encourage fly tipping by making it harder and harder to legally dispose of garbage.
- We have one planet: we are destroying it.
- The UK is not a county that causes a lot of harm to the environment in the big picture. Allow people to choose what they want to do for the environment, if anything.
- Yes, anything to reduce waste, as long as these costs are not passed on to customers.
- I live on Duncan Street which is difficult to park because of all the work vans. These block your view when driving up and down the street. Cars go too fast also.
- I agree, but to be honest young people who go to off licences just don't care these days.

2.17 Safety of Women in Licensed Venues:

The Policy will provide advice and guidance on the practical steps that licensed venues can take to keep women safe when using licensed premises. The adoption of good practice will be encouraged, including Ask for Angela, Walksafe (and similar schemes) – along with training for staff and regular testing of procedures to ensure that they are being effectively implemented within the premises.

2.18 87.8% (65) of respondents agreed that the Policy should provide information that is intended to ensure the safety of women whilst they are in licensed premises. In addition, the following comments were made by respondents:

- Important.
- We want everyone in the venue to feel safe and included. It would be helpful to learn if there is any training available to support a Safety of Women Champion.
- If a woman enters a licensed premises she does so on her own no one makes her! If she doesn't like anything then she has the right to leave.
- Absolutely women should feel safe if they choose to drink alone although would it work when they've drunk a bit too much and become vulnerable unless you have a policy to stop serving people if you think they've had enough.
- All of the powers needed are already available to the authorities. Just give the police more funding.
- It shouldn't be needed. I'm fed up with having to adapt *my* life because of idiots. If I am equal, let me be equal. Enforce the law. If I have to go to work early and come back late I should feel safe.
- All women and all men should have a right to feel safe.
- Yes anything that reduces VAWG is a positive step in the right direction.
- I feel that the strategies detailed above are practical and should be encouraged as they do work. Women recognise that language and so should premises.
- I cannot believe the world these days how times have changed when I was younger and went into a licensed premise I was ok and didn't feel apprehensive but these days you can't trust anyone.

2.19 Core Hours Policies:

The Policy recognises that premises operating hours can have a significant impact on local residents, the economy and the local area. It therefore sets out a number of core hours that are applicable to each type of licensed premises. The Policy makes it clear that applications for licences outside of the core hours will not necessarily be refused, but that the Council will expect applicants to provide more detail on the steps they will take to minimise the impact on the local area outside of the core hours specified in the Policy.

2.20 82.4% (61) of respondents thought that the Council's Policy should set out recommended core hours for licensed premises. In addition, the following comments were made by respondents:

- A 'one size fits all' approach is not always possible. Case by case scenarios should always be considered.
- The landlord cannot be responsible for anyone who has left his premises.
- I think venues where people hire for parties should be able to stay open a little longer but stick to recommended licensing hours if pubs are open all day although reducing anti-social behaviour through drink is always going to be hard.
- What does it have to do with the Council?
- Context.
- Absolutely. People should have the right to a peaceful life.
- Especially when the pubs are surrounded by residential housing. I believe 11.30pm is not too late and music to finish at 11.15pm.
- To be honest I think specific hours should not be changed no licenses after 11pm there is no need.

2.21 Clarification of Roles, Responsibilities and Guidance:

The Policy will set out the responsibilities of licence holders, applicants, the Council and partners. It will also provide guidance to members of the public, so that they feel confident raising concerns relating to licensed premises and are aware of the opportunities within (and importantly, the limitations of) the Licensing Act 2003 when it comes to addressing concerns with regard to licensed premises.

2.22 97.3% (72) of respondents said that it would be helpful if the roles and responsibilities of various parties were made clear. In addition, the following comments were made by respondents:

- Difficult to know what to do sometimes.
- It's everyone's right to complain if an incident occurs.
- If a guideline is put in place people would be able to voice concerns and people would know who to contact should they wish to complain.
- What does it have to do with licensing?
- Is it not already!?
- Yes, less arbitrary or flowery wording. More straightforward information.
- Clear policies mean less excuses.
- It would be helpful if home owners had a person of contact if issues arise regarding problem tenants anti social behaviour. We have anti-social motor bike riding up and down the street. It would be good to be able to report it to someone other than the police.
- Clarity is key.

2.23 Large Events:

The Policy will include specific guidance for large events taking place at outdoor venues, sports stadia, arenas etc with a capacity of more than 2,000 persons. The Policy will strongly encourage involvement with those with an interest in large events in the Borough (for example, through attendance at Rotherham Safety Advisory Group). The Policy will recognise the benefits of large events, but clarify the expectation that applicants and licence holders will give additional consideration to security, counter terrorism, safeguarding, traffic management, welfare facilities etc.

2.24 89.2% (66) of respondents said that it would be helpful for the Council's Policy to include information relevant to large events. In addition, the following comments were made by respondents:

- Potential for big problems if events aren't run properly.
- The introduction of Martyn's Law means that venues hosting Large Events are going to need additional support.
- Prior notice is always advantageous.
- Yes definitely people safety is important and anyone who applies for a license should be made to go on safeguarding courses as part of the license.
- There is already a body of experts in charge of this!
- Of course it would! Safety should be the biggest priority. For all, not just selected areas of the community.
- Anything to prevent mass casualties, injuries at large sporting events would be beneficial.
- I think the Council should give the option either to have Selective Licencing or the Council should manage the property and deduct monthly fee from the rent.
- Thanks I would attend the opening of an envelope in Rotherham Town Centre and Clifton Park. I always support events in Rotherham and it's made more enjoyable when these events are safe and easy to access.
- I think people should be made aware of large parties, so they are aware and can make alternative arrangements if needed.

2.25 Responses were also received from South Yorkshire Police, the Council's Community Safety and Protection teams and Trading Standards. All of the responses were in support of the proposed changes to the Policy and welcomed the amendments.

2.26 Although some respondents have made negative comments regarding the proposals, it is clear from the consultation responses that the vast majority of respondents are supportive of the new measures, including three responsible authorities. It is therefore being recommended that the Policy as consulted on, is approved by Cabinet and adopted by full Council.

2.27 The final proposed version of the Policy is attached to this report as Appendix 1 – the changes are primarily included within Appendices F to H of the policy,

but all proposed amendments have been highlighted in yellow to facilitate a comparison between the current and final proposed policy.

3. Options considered and recommended proposal

3.1 Option 1

The proposed Policy (as shown in Appendix 1) is approved and submitted to full Council for formal adoption at the earliest opportunity.

This option is the preferred and recommended option as the key changes within the proposed Policy have been consulted upon and are supported by the vast majority of those that responded to the consultation.

3.2 Option 2

Cabinet could make further amendments to the proposed Policy and then recommend to Council that the amended policy is adopted.

This option is not recommended as the amendments made by Cabinet will not have been consulted upon.

3.3 Option 3

Cabinet may choose not to approve the amendments to the Policy and instead recommend to Council that the current version of the Policy is adopted without any of the proposed amendments being included.

This option is not recommended as the proposed Policy contains a number of measures that are considered to promote the licensing objectives and the general wellbeing of the communities within Rotherham (including the economic wellbeing of the licensed community).

4. Consultation on proposal

4.1 Before determining its Policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act – this is a statutory requirement. The persons listed in section 5(3) of the Act are:

- the chief officer of police for the area.
- the fire and rescue authority for the area.
- each local authority's Director of Public Health in England (DPH) for an area any part of which is in the licensing authority's area.
- persons/bodies representative of local premises licence holders.
- persons/bodies representative of local club premises certificate holders.
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

- 4.2 The above is considered to be the minimum level of consultation that is carried out, and Licensing authorities are encouraged to consult more widely during the development of their policy.
- 4.3 Following the Cabinet meeting in April 2025, the Licensing Service have formally consulted with the persons listed in section 5(3) of the Act along with the following individuals and organisations:
- Members of the Licensing Committee.
 - Members of the public via online consultation.
 - Approximately 1,700 licence holders via email and directing mailing (where email addresses were not available).
 - Andy's Man Club (national).
 - Barnsley and Rotherham Chamber of Commerce.
 - Rotherham Investment and Development Office.
 - Rotherham Equalities Community Reference Group.
 - Rotherham Young Inspectors.
 - Rotherham Youth Cabinet.
 - Different but Equal Board.
 - Voluntary Action Rotherham.
 - RMBC Community Safety Team.
 - RMBC CCTV Team.
 - South Yorkshire Violence Reduction Unit.
- 4.4 The consultation was carried out over a six week period, commencing in May 2025 and concluding in July 2025.
- 4.5 A total of 74 responses were received, all of these have been collated and analysed and have informed the development of the final policy statement which is attached to this report as Appendix 1.
- 4.6 The principal findings of the consultation are outlined in section 2 of this report.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to Cabinet approval, the Policy will be presented to Council as soon as possible, with a recommendation that the Policy be adopted.
- 5.2 The Statement of Policy will then fall due for a further formal review in 2030.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct procurement implications arising from the recommendations detailed in this report.
- 6.2 The development of this Policy is part of the statutory duty of a Licensing Authority. The costs associated with its development and the consultation undertaken, have been met within the existing budget and should be covered by fees paid by licence holders. Under the Licensing Act 2003, the fees a

Licensing Authority can charge are set by Central Government and not at a local level.

7. Legal Advice and Implications

- 7.1 Section 5(1) of the Licensing Act 2003 [the Act] requires a licensing authority to determine its Licensing Policy with respect to the exercise of its licensing functions and to publish this before the beginning of each five year period.
- 7.2 The Licensing Policy must be published before the licensing authority carries out any function in respect of individual applications and notices made under the terms of the Act. During the five-year period, the Policy must be kept under review.
- 7.3 The Licensing Authority must consult with those persons listed in Section 5(3) of the Act in relation to a proposed statement of Licensing Policy, as set out at Paragraph 4.1 of this report.
- 7.4 The Council must have regard to the Statutory Guidance issued under Section 182 of the Act, Part 14 relates to Statements of Licensing Policy. Paragraph 14.6 makes it clear that subject to any statutory requirements, the extent of the consultation process of a matter for each Local Authority. The Act does not set out a minimum consultation period in respect of the proposed statement of Licensing Policy.
- 7.5 The Guidance makes it clear that Local Authorities should always consider a full consultation, as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy, which in turn then leaves the Council open to legal challenge.
- 7.6 The Council must have regard to all relevant legislation and statutory guidance in order to ensure that the consultation process is conducted in accordance with any legal requirements and full consideration must be given as to the length of the consultation to minimise the risk of legal challenge.
- 7.7 A consultation of 6 weeks has been undertaken in respect of the proposed policy and a total of 74 responses received.
- 7.8 A failure to publish the Statement of Policy in accordance with the legislation leaves the Council open to the risk of judicial review but also to challenge around any decisions that are made in accordance with an outdated policy.

8. Human Resources Advice and Implications

- 8.1 There are no direct HR implications arising from this report

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 It is appreciated that it would not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children, in

relation to individual premises and therefore the individual merits of each application should be considered in each case.

9.2 However, the protection of children from harm is one of the Licensing Objectives and the draft Policy sets out a series of actions that can be taken by licence holders, to ensure that this is promoted within premises that they are responsible for. This may include limiting the access of children to any premises where this is appropriate for the prevention of physical, moral or psychological harm, but could also include a range of other alternatives such as the introduction of good safeguarding practice.

9.3 The draft Policy also includes reference to model conditions that may be used to promote the protection of children from harm.

10. Equalities and Human Rights Advice and Implications

10.1 The Policy makes reference to the steps that licence holders and applicants can take with regard to the promotion of equality and diversity within the venue.

10.2 Section 149 of the Equality Act 2010 imposes a Public Sector Equality Duty (PSED) on the Council and Public Sector Partners. This duty requires the Authority to eliminate discrimination, advance equality of opportunity and foster good relations when exercising any of its functions.

10.3 In accordance with corporate requirements, an Equality Analysis screening assessment has been undertaken. In addition, a significant amount of consultation has taken place during the development of this draft policy and an Equality Analysis is attached as Appendix 3.

10.4 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

11. Implications for CO2 Emissions and Climate Change

11.1 The Policy encourages licensed premises to have regard for environmental best practice, which if adopted would positively impact on the level of CO2 emissions and contribute to a reduced impact on climate change.

11.2 A Carbon Impact Assessment has been carried out and is attached to this report as Appendix 4.

12. Implications for Partners

- 12.1 The proposed Statement of Licensing Policy does not introduce any negative implications for partners.
- 12.2 A number of partner agencies were formally consulted during the consultation process, and their contributions taken into consideration during the drafting of the final Policy document.

13. Risks and Mitigation

- 13.1 Failure to publish a Licensing Act Statement of Licensing Policy exposes the Council to legal challenge, as a result of failing to comply with statutory requirements.
- 13.2 Failure to carry out the required consultation in accordance with the legislation and guidance is also likely to open the Council up to legal challenge.
- 13.3 In addition, the absence of an up-to-date Policy may lead to inappropriate decisions being made in relation to licence applications.
- 13.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed).

14. Accountable Officers

Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	26/08/25
Assistant Director, Financial Services (Deputy S.151 Officer)	Rob Mahon	20/08/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	18/08/25

Report Author: Alan Pogorzelec, Licensing Manager
01709 254955 or alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's [website](#).