

REPORT TO CABINET

| | | | | |
|--|---|---|--|------------------------------------|
| Open/Exempt | Would any decisions proposed : | | | |
| Any especially affected Wards | (a) Be entirely within cabinet's powers to decide YES/NO | | | |
| | (b) Need to be recommendations to Council YES/NO | | | |
| | (c) Be partly for recommendations to Council YES/NO and partly within Cabinets powers – | | | |
| Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk | | Other Cabinet Members consulted: | | |
| | | Other Members consulted: Licensing Committee | | |
| Lead Officer: Vicki Hopps E-mail: vicki.hopps@west-norfolk.gov.uk Direct Dial: 01553 616307 | | Other Officers consulted: Geoff Hall, Licensing Team, Legal Services | | |
| Financial Implications NO | Policy/Personnel Implications NO | Statutory Implications (incl S.17) YES | Equal Opportunities Implications NO | Risk Management Implications NO |
| If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s) | | | | |

Date of meeting: 26th November 2015

Licensing Act 2003 – Statement of Licensing Policy

Summary

The current 'Statement of Licensing Policy' was approved by Full Council on the 25th November 2010 with a minor amendment approved on the 28th January 2010. Regulations require that the policy is reviewed every five years and a replacement for our current policy must be in place by the 7th January 2016. The policy has been drawn up in accordance with guidance issued under Section 182 of the Licensing Act 2003 and best practice issued by Local Government Regulation (the new name for LACORS).

Recommendation

That the Council be invited to adopt the revised Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.

Reason for Decision

It is a statutory requirement that the Council adopts a Statement of Licensing Policy and review and publish that policy each five year period.

1.0 Introduction

1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of

the Act. Regulations require that we have the new policy be in place by the 7th January 2016.

- 1.2 In reviewing this policy statement, the Borough Council has taken account of new revised Guidance issued by the Secretary of State for the Department for Culture, Media and Sport (DCMS) and guidance issued by Local Government Regulation (the new name for LACORS).
- 1.3 Proposed changes to the policy are shown in red in the attached document, Appendix 1.
- 1.4 A summary of the main changes are listed below:
 - 3.3 – Explanation of a “relevant” representation.
 - 3.5 & 4.4 – Responsibility dealing with to anti-social behaviour of the premises.
 - 7.2 – Removal of clause where Licensing Officer cannot review a Council premises.
 - 8.0 – Police are the main source of advice on crime prevention.
 - 9.0 – Public Safety: Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act
 - 11.4 & 11.5 – Removal of examples of where there would be particular concern for children.
 - 13.1 – Removal of clause in respect to monitoring cultural activities.
 - 14.0 – Removal of clauses in relation to Tourism and Employment.
 - 16.0 – New clause on Equality.
 - 18.2 – Removal of clause relating to blanket standard conditions.
 - 22.4 & 22.5 – Addition of clause for routine checks on the display of notices and suspension of licences due to non-payment of fees.
 - 23.0 – Addition of description of Responsible Authorities.
 - 24.3 & 24.4 – Addition of clauses in relation to hearings and representations.
 - 25.0 – Addition of other relevant matters, including adult entertainment and gaming machines.

2.0 Consultation

- 2.1 Before determining our policy for any five year period Section 5(3) of the Act states that we must consult with the following:
 - Police
 - Fire Authority
 - Persons/bodies representative of premises Licence holders
 - Persons/bodies representative of club premises certificate holders
 - Persons/bodies representative of personal Licence holders
 - Persons/bodies representative of business and residents
 - Any other persons or bodies the Council deems appropriate
- 2.2 The views of all these persons/bodies should be give appropriate weight when the policy is determined.

2.3 The proposed amendments to our Statement of Licensing Policy specified above were consulted upon between the 17th August 2015 and the 9th October 2015. These proposals and a request for comments and suggestions on our current policy were widely circulated which included to the following:

- Norfolk Constabulary
- Norfolk Fire Service
- Norfolk Trading Standards
- HM Revenue & Customs
- Norfolk Children's Safeguarding Board
- Norfolk Chamber of Commerce
- Association of Licensed Multiple Retailers
- British Beer & Pub Association
- 14 Neighbourhood/Housing Trusts
- 2 Residents Associations
- Norfolk County Council
- Downham Market Town Council
- Hunstanton Town Council
- Vancouver/Town Centre Managers
- All holders of licences issued under the Act
- All Parish Clerks
- All County Councillors (based in West Norfolk)
- All Borough Council of King's Lynn & West Norfolk Councillors
- Development Services
- Community Safety & Neighbourhood Nuisance

2.4 In addition, to the above details of our review were published on the Borough Council's website.

2.5 The consultation ends on 9th October and any comments received will be appended to the report.

3.0 Policy Implications

3.1 The proposals to our current policy do not impact on any other Council Policies.

4.0 Financial Implications

4.0 None

5.0 Statutory Considerations

5.1 The Licensing Act 2003 has clear implications for Crime and Disorder and the policy is drafted in such a way, so far as the Guidance permits to take account of these issues. The Norfolk Constabulary have not made any comments in relation to the proposed amendment or the current policy.

6.0 Risk Assessment

- 6.1 Unless the statement of policy is in place by the 7th January 2016 we will be unable to carry out our statutory functions under the Licensing Act 2003.

7.0 Access to Information

- 7.1 Guidance issued under Section 182 of the Licensing Act 2003 (March 2015)
- 7.2 Borough Council of King's Lynn & West Norfolk Statement of Licensing Policy – approved by Full Council 25th November 2010.

8.0 Appendixes

- 8.1 Proposed Statement of Licensing Policy