

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide		YES/NO	
		Need to be recommendations to Council		YES/NO	
		Is it a Key Decision		YES/NO	
Lead Member: Cllr Paul Kunes E-mail: cllr.paul.kunes@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 YES	Equal Impact Assessment NO	Risk Management Implications NO	Environmental Consideration NO

Date of meeting: 17th November 2020

LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Summary

The current 'Statement of Licensing Policy' was approved by Full Council on the 26th November 2015 and was effective from 7th January 2016. 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 2021. The policy has been drawn up in accordance with the Licensing Act 2003 and the current guidance issued under Section 182 of the Licensing Act 2003.

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 Background

- 1.0 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 in place by the 7th January 2021.
- 1.1 In reviewing this policy statement, the Borough Council has taken account of new revised Guidance issued by the Home Office in March 2018.

1.2 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
- Public Health England
- 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

1.3 The views of all these persons/bodies should be given appropriate weight when the policy is determined.

1.4 The proposed amendments to our Statement of Licensing Policy specified below were consulted upon between the 24th August 2020 and the 12th October 2020. These proposals and a request for comments and suggestions on our current policy were widely circulated and published on the Borough Council's website.

1.5 The consultation ended on 12th October 2020 and two comments were received, copies of which are attached as Appendix 1.

1.6 At the time of writing, recommendations made by the Environment and Community Panel on 20th October 2020 have not been included but will be further considered.

2 Options Considered

2.0 There are no significant proposed changes to the existing Policy. Proposed changes are shown in red in the attached document, Appendix 2.

2.1 A summary of the proposed changes are listed below:

- 1.5 - Addition of information stating which five year period the policy relates to, as required by regulations.
- 2.1 - Population update.
- 4.0 - Changes to wording of the cumulative impact section. Previously cumulative impact was not mentioned within the Act.
- 15.2 & 22.1 - Removal of links to Council website re Equality Policy and list of Responsible Authorities. Council website links change in time so better excluding them from this Policy to maintain accuracy.
- 22.2 & 21.3 - Removal of requirement for applicant's to complete a 'certificate of service/display'. These forms have been obsolete for over 5 years as most applications are now submitted online.
- 24.5 - Addition of paragraph re data protection/retention policy (GDPR).

3 Policy Implications

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

4 Financial Implications

4.0 None

5 Personnel Implications

5.0 None

6 Environmental Considerations

6.0 None

7 Statutory Considerations

7.0 The statutory consultees listed at point 1.2 above were sent this review document and no comments have been made in relation to the proposed amendments or the current policy.

8 Equality Impact Assessment (EIA)

8.0 No impact

9 Risk Management Implications

9.0 Unless the statement of policy is in place by the 7th January 2021 we will be unable to carry out our statutory functions under the Licensing Act 2003.

10 Declarations of Interest / Dispensations Granted

10.0 None

11 Background Papers

11.0 Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

11.1 Borough Council of King's Lynn & West Norfolk Statement of Licensing Policy – approved by Full Council 26th November 2015.

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Licensing Act 2003 – Statement of Licensing Policy				
Is this a new or existing policy/service/function?	Existing policy under review				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>The purpose of the policy is to clearly set out the principles that the Council propose to apply when determining licence applications, permits and registrations under The Licensing Act 2003.</p> <p>Unless the statement of policy is in place by the 7th January 2021 we will be unable to carry out our statutory functions under the Licensing Act 2003.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
	Other (eg low income)			√	

