

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Environment and Community Panel		
DATE:	20 th October 2020		
TITLE:	Licensing Act 2003 – Statement of Licensing Policy		
TYPE OF REPORT:	Scrutiny		
PORTFOLIO(S):	Cllr Paul Kunes		
REPORT AUTHOR:	Marie Malt		
OPEN/EXEMPT	OPEN	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	YES

REPORT SUMMARY/COVER PAGE

PURPOSE OF REPORT/SUMMARY:
<p>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.</p>
KEY ISSUES:
<p>Minor changes to the existing policy which have no significant impact are proposed.</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>
OPTIONS CONSIDERED:
None
RECOMMENDATIONS:
<p>That the Panel review the recommended changes and agree that Council be invited to adopt the revised Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.</p>
REASONS FOR RECOMMENDATIONS:
<p>A new statement of licensing policy must be in place by 7th January 2020 to enable the licensing authority to carry out our statutory functions under the Licensing Act 2003.</p>

REPORT DETAIL

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

2. Proposal/Post Implementation Review/Monitoring Report

- 2.1 There are no significant proposed changes to the existing Policy. Proposed changes are shown in red in the attached document, Appendix 1.

3. Issues for the Panel to Consider

- 3.1 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).

4. Corporate Priorities

- 4.1 The proposals to our current policy do not impact on any other Council Policies or Corporate priorities.

5. Financial Implications

- 5.1 None

6. Any other Implications/Risks

- 6.1 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.

7. Equal Opportunity Considerations

7.1 None

8. Environmental Considerations

8.1 None

9. Consultation

9.1 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
- 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

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

9.3 The proposed amendments to our Statement of Licensing Policy specified above 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.

9.4 The consultation ends on 12th October 2020 and any comments received will be appended to the report.

10. Conclusion

10.1 That the Panel review the recommended changes and agree that Council be invited to adopt the revised Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.

11. Background Papers

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

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

Borough Council of
**King's Lynn &
West Norfolk**



Licensing Act 2003

Statement of Licensing Policy

Approved by Full Council: ~~26th November 2015~~

Commences: ~~7th January 2016~~

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1.0 Summary

1.1 The Borough Council of King's Lynn & West Norfolk (hereafter referred to as the Borough Council) is the licensing authority under the Licensing Act 2003 and is responsible for the licensing of licensable activities as defined under the Act. These are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment (i.e. the supply of hot food or hot drink between 11pm & 5am).

1.2 Regulated entertainment is where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. The descriptions of entertainment are:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment,
- a performance of live music,
- any playing of recorded music,
- a performance of dance,
- entertainment of a similar description to a performance of live music, recorded music or performance of dance.

1.3 This policy shall apply to all applications and notices given under the Act in respect of the following:

- Premises licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices;

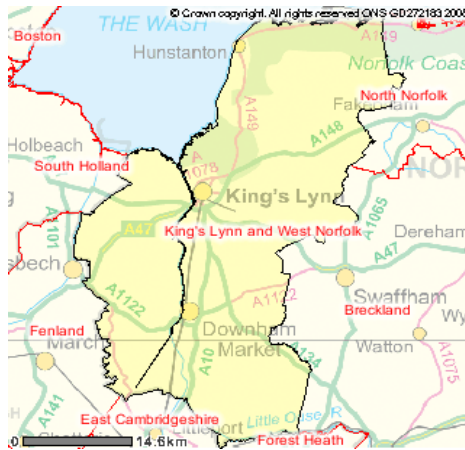
1.4 This policy statement will not seek to regulate matters which are provided for in other legislation e.g. planning, health & safety, fire safety etc.

1.5 This policy statement will be the basis for all licensing decisions taken by the Borough Council as the Licensing Authority over the next five years, commencing on the 7th January 2021.

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2.0 Introduction

- 2.1 The Borough Council of King's Lynn & West Norfolk is situated in the County of Norfolk. The Council area has a population of ~~147,454~~151,800 (2011 [Census Norfolk Insight 2016](#)) making it the largest in the County in terms of population. In terms of area it is also the largest, covering 1429 square kilometres (~~552–551~~ square miles). The Council area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below.



- 2.2 In accordance with the Act the Borough Council will prepare and publish a statement of its licensing policy every five years. During the five year period the policy will be kept under review and The Borough Council may make such revisions as considered appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 2.3 Before determining its policy for any five year period, the Borough Council will consult the community and in particular:
- (a) the chief officer of police for the area (Norfolk Constabulary);
 - (b) the fire authority for the area (Norfolk Fire Service);
 - (c) persons/bodies representative of local holders of premises licences;
 - (d) persons/bodies representative of local holders of club premises certificates;
 - (e) persons/bodies representative of local holders of personal licences; and
 - (f) persons/bodies representative of businesses and residents in its area.
- 2.4 The views of all these persons/bodies listed will be given appropriate weight when the policy is determined. It is recognised that it may be difficult to identify persons or bodies representative for all parts of industry affected by the provisions of the 2003 Act, but the Borough Council will make reasonable efforts to identify persons or bodies concerned.

- 2.5 In determining its policy, the Borough Council will have regard to the guidance issued under Section 182 of the Licensing Act 2003 and give appropriate weight to the views of those it has consulted.

3.0 Fundamental principles

- 3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder,
 - public safety,
 - the prevention of public nuisance, and
 - the protection of children from harm.
- 3.2 Nothing in this 'Statement of Policy' will:
- 3.2.1 Undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- 3.2.2 Override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
- 3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation. A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 3.4 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act, and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.
- 3.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, 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.
- 3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

4.0 Cumulative Impact

- 4.1 ~~There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the licensing authority in discharging its licensing functions or for its statement of licensing policy. “Need” is a matter for the market. ‘Cumulative impact’ means the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.~~
- 4.2 ~~“Cumulative impact” is not mentioned in the 2003 Act. The guidance issued under Section 182 describes it as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, the potential impact on crime and disorder or public nuisance in a town centre of a large concentration of licensed premises in that area.~~
- 4.23 ~~Where, after considering the~~The Licensing Authority can only adopt a cumulative impact policy where there is an evidential basis to do so. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for considering whether a cumulative impact policy is appropriate and necessary to promote the licensing objectives. ~~available evidence and consulting those individuals and organisations listed in Section 5(3) of the Act and any others, the Borough Council is satisfied that it is appropriate and necessary to include an approach to cumulative impact. It may adopt a special policy of refusing new licences whenever relevant representations are received about the cumulative impact on the licensing objectives.~~
- 4.3 ~~At the time of publishing this policy the Licensing Authority, having regard to the evidence available, considers that there is no particular part of the district causing a cumulative impact which undermines the licensing objectives.~~
- 4.4 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, the Borough Council encourages the use of other mechanisms both within and outside the licensing regime that are available for addressing such issues. Such as:
- planning control;
 - CCTV;
 - 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; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.

5.0 Licensing Hours

- 5.1 With regard to licensing hours, due consideration which will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.
- 5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 5.3 With regard to shops, stores and supermarkets, it is the policy of the Borough Council that such premises should be free to provided sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.4 It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

6.0 Portman Group Code of Practice

- 6.1 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Borough Council commends the Code. Further details of the Portman Group Code of Practice can be found at Annex A.

7.0 Review Process

- 7.1 The review process represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. At any stage, following the grant of a premises

licence, a responsible authority, or other persons, may apply to the Borough Council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 7.3 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 7.4 The Borough Council recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, other persons and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. The Borough Council encourages the good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 7.5 Where the request originates from other persons – e.g. a local resident, residents' association, local business or trade association – the Borough Council will first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

8.0 Prevention of Crime & Disorder

- 8.1 The Borough Council acknowledges that the Police are the main source of advice on crime and disorder.
- 8.2 Licensed premises, especially those open late night/early morning can be a source of crime and disorder problems. The Borough Council expects operating schedules to satisfactorily address these issues, as appropriate from the design of the premises to the daily operation of the business.

9.0 Public Safety

- 9.1 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

- 9.2 A number of matters should be considered in relation to public safety. These could include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with emergency services;
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises; and
 - Considering the use of CCTV.
- 9.3 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. The Borough Council expects applicants to consider these when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they will achieve that.

10.0 Prevention of Public Nuisance

- 10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

11.0 Children

- 11.1 It is an offence under the 2003 Act to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.
- 11.2 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. Between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises.

- 11.3 It is not intended that the definition “exclusively or primarily” in relation to the consumption of alcohol should be applied in a particular way by reference to turnover, floor space or any similar measure. The expression should be given its ordinary and natural meaning in the context of the particular circumstances. It will normally be quite clear that the business being operated at the premises is predominantly the sale and consumption of alcohol. Mixed businesses may be harder to pigeon hole and we would advise operators to consult with enforcement agencies where necessary about their respective interpretations of the activities taking place on the premises before any moves are taken which might lead to prosecution.
- 11.4 The Borough Council will support all measures that protect children from harm but will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 11.5 Conditions requiring the admission of children to any premises cannot be justified and will not be attached to licences or certificates. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises will be imposed by the Borough Council in these circumstances.
- 11.6 The Borough Council recognises the Norfolk Safeguarding Children’s Board as the lead responsible authority in relation to the protection of children from harm.

12.0 Children and Cinemas

- 12.1 In the case of premises giving film exhibitions, the Borough Council will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or if not classified by the BBFC in accordance with any recommendations made by the Borough Council of King's Lynn & West Norfolk.

13.0 Cultural Activities

- 13.1 The Borough Council recognises the need to encourage and promote a broad range of entertainment for the wider cultural benefit of communities. A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits. In determining what conditions should be attached to licence and certificates as a matter of necessity for the promotion of the licensing objectives, the Borough Council is aware of the need to avoid measures which deter regulated entertainment by imposing indirect costs of a disproportionate nature.

14.0 Planning & Building Control

- 14.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 14.2 Applications for premises licences should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission is sought or granted by the planning authority.
- 14.3 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 14.4 There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission could be liable to enforcement action under planning laws.

15.0 Promotion of Equality

- 15.1 The Borough Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 15.2 Information on the Borough Council's approach and compliance with the Equality Act 2010 can be found on the Borough Council's website, ~~on the following link:~~ <http://www.west-norfolk.gov.uk/default.aspx?page=26570>

16.0 Duplication

- 16.1 The Borough Council has a firm commitment to avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered as necessary in the context of licensing law. Such regulations will not

however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.

17.0 Conditions

17.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the licensing objectives.

18.0 Enforcement

18.1 The Borough Council recognises that most licence, certificate and notice holders seek to comply with the law. Notwithstanding, any enforcement action will take a graduated approach and in the first instance will include education and guidance. Where holders of authorisations continue to flout the law or act irresponsibly then firm action, including prosecution will be taken.

18.2 The Borough Council has established an enforcement protocol which has been agreed with all seven Norfolk authorities, Norfolk Constabulary, Norfolk Fire Service, Customs & Excise and Trading Standards. This should provide for a more efficient deployment of staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises".

18.3 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises, which require greater attention, while providing a lighter touch in respect of low risk premises, which are well run. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be taken routinely but if and when they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

19.0 Temporary Event Notices

19.1 The Act requires that a minimum of 10-working days notice must be given for a standard temporary event notice and a minimum of 5-working days notice for a late temporary event notice. Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Working days" notice means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

19.2 There is no discretion to relax either the 10-working days notice or the five-working days notice so the Borough Council encourage notice givers to provide the earliest possible notice within 12 months of events likely to take place. The maximum notice of 12 months should enable the Norfolk Constabulary and the Borough Council's Community Safety team to make a sensible assessment as

notices made too far in advance could lead to objections that could be otherwise avoided.

20.0 Personal Licences

- 20.1 An application for a personal licence and 'disclosure of convictions & declaration' form should be dated by the applicant within one calendar month of the application being received by the Borough Council. This is to ensure that the information on the application is as current as the basic disclosure.

21.0 Premises Licence/Club Premises Certificate Applications

- 21.1 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by two sets of plans, one of which will be endorsed and issued with the premises licence/club premises certificate.

~~21.2 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'certificate of display'. This acknowledges the applicants understanding for the displaying notices and should avoid any undue delay in the application process.~~

~~21.3 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a 'certificate of service'. This acknowledges the applicants understanding for giving a copy of the application to the responsible authorities and should avoid any undue delay in the application process.~~

- 21.42 Where applications have to be advertised, licensing officers will routinely check that public notices are displayed at the premises and in a local newspaper as part of the application validation process.

21.53 The Borough Council is required under the Act to suspend premises licences and club premises certificates where the annual fee has not been paid. The Borough Council will invoice each licence holder/club when the annual fee is due setting out the fee that is due. Where the fee has not been paid or there has been no claim of administrative error, the Borough Council will serve a notice to suspend the licence.

22.0 Responsible Authorities and Other Persons

- 22.1 Responsible authorities are public bodies that are statutory consultees that must be notified of licensing applications. ~~A list of the responsible authorities in respect of applications and notices made to the Borough Council can be found on the following link:~~

~~<http://www.west-norfolk.gov.uk/pdf/Responsible%20Authorities%20SEP%202012.pdf>~~

- 22.2 When dealing with licensing applications for premises licences and club premises certificates the Borough Council is obliged to consider representations from two categories of persons, referred to as 'responsible authorities' and 'other persons'. This allows for a broad range of comment to be received both for and against licensing applications.

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22.3 The Borough Council has carefully considered its role as the Licensing Authority as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team. The Borough Council does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be exceptional circumstances where this approach may be required.

23.0 Administration, Exercise & Delegation of Functions

23.1 The Borough Council appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. The Borough Council will delegate certain decisions and functions and has appointed officers and established sub-committees to deal with them.

23.2 Where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers to speed matters through the system. The Borough Council accepts the Secretary of State's recommendation and delegation will be achieved as set out at Annex B.

23.3 Regulation 24 of the Licensing Act 2003 (Hearings) Regulations requires the Borough Council to give all parties at licensing hearings an equal maximum period of time to present their case. For the purpose of this regulation it is the Borough Council's policy that a maximum of 15 minutes will be allowed.

23.4 Copies of applications and letters of representation will be included within the Licensing Manager's report and distributed prior to hearings before a Licensing Sub-Committee. Applicants, responsible authorities and other persons wishing to present additional evidence in support of their application/representation should do so at least 3-working days before the hearing starts. Failure to do may result in the Licensing Sub-Committee disregarding this additional evidence.

24.0 Other Relevant Matters

24.1 Adult entertainment. The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions. The Borough Council acknowledges that there is an exemption which allows sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Premises using this exemption should ensure that procedures are in place to exclude children when entertainment of this nature is offered.

24.2 Gaming machines in licensed premises - Automatic entitlement. There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D.

24.3 Gaming Machine Permit – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and the Borough Council will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as licensing officers consider relevant.

24.4 Exempt Gaming. Premises licensed under the Licensing Act 2003 may offer gaming such as poker and bingo provided the stakes and prizes do not exceed permitted levels. Details of these limits are available from the Borough Council or the Gambling Commission.

24.5 Data Protection. The Licensing Authority also recognises its responsibilities under the Data Protection Act 2018, and the General Data Protection Regulations (GDPR) 2016 when it comes to handling and storing personal data, and has created published a data retention and sharing disposal policy which can be found on the Borough Council's website.

25.0 Further Advice

25.1 Information and advice on all aspects of licensing can be obtained by either:

- Visiting the website on www.west-norfolk.gov.uk, or
- Telephoning the Borough Council's Information Centre on (01553) 616200, or
- By email to EhLicensing@west-norfolk.gov.uk or
- By writing to:
Environment & Planning and Health - Licensing
King's Court
Chapel Street
King's Lynn
PE30 1EX
- In person at King's Court

25.2 The Licensing Act 2003 and Guidance issued under Section 182 can be viewed on the Home Office website at <http://www.homeoffice.gov.uk/>

Annex A To
The Borough Council of King's Lynn & West Norfolk
Statement of Licensing Policy
Dated 26th November 2015

The Portman Group Code of Practice

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website (www.portman-group.org.uk), in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in a breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors. The Borough Council commends the Code.

Table of Delegations of Licensing Functions

Matter to be Dealt With	Licensing Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club registration Certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Application for Interim Authorities	If a police objection	All other cases
Application to review premises licence/club premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of an objection to a temporary event notice	All cases	
Minor Variation to a Premises License / Club Premises Certificate		All cases
Determination of application to vary premises licence at community premises to include alternative licence condition	If police objection	All other cases

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Matter to be Dealt With	Licensing Sub-Committee	Officers
Decision whether to consult other responsible authorities on minor variation application.		All Cases
Determination of minor variation application		All cases

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