

To: Chairman and Members of the Licensing Committee

**Councillors Jenns, D Clews, Downes, Farrow,
M Humphreys, Jarvis, Lebrun, Lees, Macdonald,
McLaughlan, Osborne, Parker, H Phillips, O Phillips,
A Wright**

For the information of other Members of the Council

For general enquiries please contact Democratic Services on 01827 719221 or via email – democraticservices@northwarks.gov.

For enquiries about specific reports please contact the Officer named in the reports.

This document can be made available in large print and electronic accessible formats if requested.

LICENSING COMMITTEE AGENDA

26 JANUARY 2021

The Licensing Committee will meet on Tuesday 26 January 2021 at 6.30pm via Teams. An email invite will be sent to all Members and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website or at <https://www.youtube.com/user/northwarks>

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

- 4 Minutes of the Licensing Committee held on 28 January 2020 – copy herewith to be approved as a correct record and signed by the Chairman

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am two working days prior to the meeting. Participants are restricted to five minutes each.

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE REMOTELY.

Members of the public wishing to address the Board must register their intention to do so by 9.30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by:

Email to democraticservices@northwaarks.gov.uk or telephone 01827 719221/719226.

Once registered to speak, an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so they may need to mute the sound on YouTube when they speak on the phone to prevent feedback).

**ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

- 6 **General Fund Fees and Charges 2021/2022** – Report of the Chief Executive

The report covers the fees and changes for 2020/21 and the proposed fees and charges for 2021/22.

The Contact Officer for this report is Nadeem Afzal (719444)

- 7 **General Fund Revenue Estimates 2021/22** — Report of the Corporate Director - Resources

Summary

This report covers the revised budget for 2020/21 and an estimate of expenditure for 2021/22, together with forward commitments for 2022/23, 2023/24 and 2024/25.

The Contact Officer for this report is Nadeem Afzal (719444)

8 **Licensing Act 2003 – Review of Licensing Policy – Report of the Chief Executive**

Summary

This report asks the Council to adopt a revised licensing policy in respect of the Licensing Act 2003.

The Contact Officer for this report is Jo Phipps (719304)

9 **Exclusion of the Public and Press**

Recommendation:

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

10 **Appointment of Licensing Committees – Report of the Chief Executive**

The Contact Officer for this report is Clive Tobin (719251)

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE LICENSING COMMITTEE

28 January 2020

Present: Councillor Jenns in the Chair

Councillors D Clews, Dirveiks, Farrow, Gosling, Jarvis, McDonald, Moss, Morson, Parker, Parsons, H Phillips, Smith, and A Wright

Apologies for absence were received from Councillors Downes (Substitute Councillor Dirveiks) and Lebrun

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor D Clews declared a pecuniary interest in Minute No 4 – General Fund Fees and Charges 2020/2021 by virtue of holding a Home Boarders Licence and took no part in the discussion or voting thereon.

2 **Minutes**

The minutes of the meeting of the Committee held on 18 March 2019, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **Service Plan for the Licensing Section**

The Chief Executive sought the Committee's approval to the 2020/21 Service Plan for the Licensing Section.

Resolved:

That the Service Plan as set out in the Appendix to the report of the Chief Executive be agreed.

4 **General Fund Fees and Charges 2020/2021**

The Chief Executive reported on the fees and charges for 2019/20 and the proposed fees and charges for 2020/21.

Resolved:

That the schedule of fees and charges for 2020/21, as set out in the report of the Chief Executive, be accepted

5 General Fund Revenue Estimates 2020/21

The Corporate Director – Resources reported on the revised budget for 2019/20 and an estimate of expenditure for 2020/21, together with forward commitments for 2021/22, 2022/23 and 2023/24.

Resolved:

- a That the revised budget for 2019/20 be accepted; and**

Recommendation to Executive Board:

- b That the Estimates of Expenditure for 2020/21, as submitted in the report of the Corporate Director – Resources, be included in the budget to be brought before the meeting of the Executive Board on 10 February 2020.**

A Jenns
Chairman

Agenda Item No 6

Licensing Committee

26 January 2021

**Report of the
Chief Executive**

**General Fund Fees and Charges
2021/2022**

1 Summary

- 1.1 The report covers the fees and charges for 2020/21 and the proposed fees and charges for 2021/22.

Recommendation to the Committee

That the schedule of fees and charges for 2021/22, as set out in Appendix A, be accepted.

2 Introduction

- 2.1 At its meeting held in September 2020, the Executive Board agreed the budget strategy for 2021/25, which included price inflation increases of 2% where applicable.

3 Fees and Charges Proposed for 2021/2022

- 3.1 Attached for the Committee's consideration at Appendix A are details of present and proposed fees and charges for the financial year 2021/22. The amounts shown have been included in the revenue estimates for 2021/22.
- 3.2 Following changes made by the Deregulation Act 2015, Hackney Carriage and Private Hire driver's licences are issued on a three yearly basis and Private Hire Operators every five years. A review of all taxi and private hire fees is undertaken every 3 years. No increases have been applied to taxi and private hire fees as the next review is due to take place in 2021/22, with the proposal for revised fees effective from 1 April 2022.
- 3.3 No increases have been applied to the Licensing and Gambling Authority fees, as these charges are statutory and so not set by ourselves.
- 3.4 Other prices have generally been increased by 2% in line with the budget strategy. Some of the prices have been rounded to either the nearest £0.10 or £1.00.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The pricing structure contained in this report is expected to increase the income by £13,530 in the 2021/22 Original budget, comprising of price increases of £190 and an increase in Hackney Carriage drivers and Private Hire operators licences income of £13,340 due to licence renewals every 3 and 5 years.

4.2 Risk Management

4.2.1 Changes to fees and charges may impact on the level of demand. However, this has been considered in proposing the revised charges.

4.3 Legal Implications

4.3.1 Those fees which are set by law or for which the law prescribes a maximum amount are identified on Appendix A as being subject to statutory control and may not be exceeded. Where a fee is not fixed by law or limited by law to a particular amount the Council must exercise its discretion reasonably and consider the impact of any increased charges on those who will be affected by them. The increases proposed are limited and, as stated above, take account of the budget strategy which has been formulated having regard to the prevailing financial situation.

The Contact Officer for this report is Nadeem Afzal (719444).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2021

	2020/2021 TOTAL CHARGE £	2021/2022 TOTAL CHARGE £	VAT RATING
LICENCE FOR THE BOARDING OF CATS AND DOGS			
Boarding Premises			
Application fee	151.17	154.18	Outside Scope
Licence Issue Fee	59.32	60.52	"
Total Fee	<u>210.50</u>	<u>214.70</u>	"
Variation	77.00	79.00	Outside Scope
Home Boarders			
Application fee	75.59	77.10	Outside Scope
Licence Issue Fee	29.66	30.24	"
Total Fee	<u>105.25</u>	<u>107.35</u>	"
Variation	41.00	42.00	Outside Scope
LICENCE FOR THE SALE OF ANIMALS AS PETS			
Application fee	151.17	154.18	Outside Scope
Licence Issue Fee	59.32	60.52	"
Total Fee	<u>210.50</u>	<u>214.70</u>	"
Variation	77.00	79.00	Outside Scope
LICENCE FOR THE HIRING OUT OF HORSES			
Application fee	122.00	124.00	Outside Scope
	+ vet's fee	+ vet's fee	
Licence fee 1 year	61.00	62.00	"
	+ vet's fee	+ vet's fee	
Licence fee 2 year	122.00	124.00	"
	+ vet's fee	+ vet's fee	
Licence fee 3 year	184.00	188.00	"
	+ vet's fee	+ vet's fee	
Variation	77.00	79.00	"
	+ vet's fee (if necessary)	+ vet's fee (if necessary)	

NORTH WARWICKSHIRE BOROUGH COUNCIL**LICENSING COMMITTEE****FEES AND CHARGES FROM 1 APRIL 2021**

	2020/2021 TOTAL CHARGE £	2021/2022 TOTAL CHARGE £	VAT RATING
DANGEROUS WILD ANIMAL LICENCE			
New application	204.60	208.70	Outside Scope
Renewal	176.30	179.80	"
ZOO LICENCE (4-yearly)			
Grant or renewal	479.00	489.00	Outside Scope
Transfer	111.40	113.60	"
Variation	111.40	113.60	"
Re-issue or replacement	27.90	28.50	"
DOG BREEDING LICENCE			
Application fee (plus vet's fee on first application)	151.17	154.18	Outside Scope
Licence issue fee	59.32	60.52	"
Total fee	<u>210.50</u>	<u>214.70</u>	"
Variation	77.00	79.00	Outside Scope
LICENCE FOR THE KEEPING OR TRAINING OF ANIMALS FOR EXHIBITION			
Application fee	122.00	124.00	Outside Scope
Licence fee 3 year	184.00	188.00	"
Variation	77.00	79.00	"
ACUPUNCTURE, TATTOOING, COSMETIC PIERCING, SEMI- PERMANENT SKIN COLOURING & ELECTROLYSIS LICENCE			
	168.70	172.10	Outside Scope
HYPNOTISM PERMIT			
	Free	Free	N/A

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2021

	2020/2021 TOTAL CHARGE £	2021/2022 TOTAL CHARGE £	VAT RATING
STREET TRADING LICENCE			
Food sales	1,656.00	1,689.00	Outside Scope
Non food sales	820.00	836.00	"
SEX ESTABLISHMENT LICENCE			
Transfer or variation	2,765.50	2,820.80	Outside Scope
	612.30	624.60	"
SCRAP METAL LICENCE (3-yearly)			
Site	334.50	341.20	Outside Scope
Collector	200.70	204.70	"
HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES			
Private hire operator's licence (5 yearly)	291.00	291.00	Outside Scope
Hackney Carriage licence (annual)	286.00	286.00	"
Private Hire Vehicle licence (annual)	286.00	286.00	"
Drivers licence (Includes badge) (3 yearly)	242.00	242.00	"
Vehicle licence transfer new vehicle	98.00	98.00	"
Vehicle licence transfer new owner	35.60	35.60	"
Replacement of driver's badge	23.80	23.80	"
Replacement of lost documents	23.80	23.80	"
Vehicle plate	33.40	33.40	"
Medical fee full (including Occupational Health fee)	108.00	108.00	"
Medical fee review (including Occupational Health fee)	108.00	108.00	"
Please note that the Occupational Health fee is subject to change			
MoT retest fee	42.50	42.50	"
Failure to attend an MOT appointment	30.00	30.00	
Standard Disclosure and Barring Service check (£23.00 plus £17.30 admin. charge)	40.00	40.30	"
Enhanced Disclosure and Barring Service check (£40.00 plus £17.30 admin. charge)	57.00	57.30	"
Please note that the DBS fee is subject to change			

NORTH WARWICKSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2021

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

PLEASE NOTE THAT THE CHARGES BELOW ARE SUBJECT TO CHANGE

SCHEDULE 1

(regulation 3)

RATEABLE VALUES AND BANDS

The breakdown of premises by NDR rateable value on which all premises based fees are calculated

Rateable Value	Band
No rateable value to £4,300	A
£4,300 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

SCHEDULE 2

(regulation 4(2), (3) and 6(1))

APPLICATION FEE REQUIRED FOR

**PREMISES LICENCES AND CLUB PREMISES CERTIFICATES
AND VARIATIONS TO LICENCES/CLUB PREMISES CERTIFICATES**

Band	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		£
A	100.00	Outside Scope	100.00
B	190.00	"	190.00
C	315.00	"	315.00
D	450.00	"	450.00
E	635.00	"	635.00

Band	Multiplied fee if primarily selling alcohol		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		£
A	N/A	Outside Scope	N/A
B	N/A	"	N/A
C	N/A	"	N/A
D	900.00	"	900.00
E	1,905.00	"	1,905.00

SCHEDULE 3

regulation 4(4)

ADDITIONAL FEE

Number of persons	Additional Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		
5,000 to 9,999	1,000.00	Outside scope	1,000.00
10,000 to 14,999	2,000.00	"	2,000.00
15,000 to 19,999	4,000.00	"	4,000.00
20,000 to 29,999	8,000.00	"	8,000.00
30,000 to 39,999	16,000.00	"	16,000.00
40,000 to 49,999	24,000.00	"	24,000.00
50,000 to 59,999	32,000.00	"	32,000.00
60,000 to 69,999	40,000.00	"	40,000.00
70,000 to 79,999	48,000.00	"	48,000.00
80,000 to 89,999	56,000.00	"	56,000.00
90,000 and over	64,000.00	"	64,000.00

NORTH WARWICKSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2021

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

PLEASE NOTE THAT THE CHARGES BELOW ARE SUBJECT TO CHANGE

**SCHEDULE 5
(regulation 5, 7)
ANNUAL FEE
PART 1**

Required by each premises licence/club certificate annually after November 2006
There are exceptions

Band	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		£
A	70.00	Outside Scope	70.00
B	180.00	"	180.00
C	295.00	"	295.00
D	320.00	"	320.00
E	350.00	"	350.00

Band	Multiplied fee if primarily selling alcohol		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£	£	
A	N/A	Outside Scope	N/A
B	N/A	"	N/A
C	N/A	"	N/A
D	640.00	"	640.00
E	1,050.00	"	1,050.00

PART 2 (see comment on schedule5)

Number	Additional Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		£
5,000 to 9,999	500.00	Outside Scope	500.00
10,000 to 14,999	1,000.00	"	1,000.00
15,000 to 19,999	2,000.00	"	2,000.00
20,000 to 29,999	4,000.00	"	4,000.00
30,000 to 39,999	8,000.00	"	8,000.00
40,000 to 49,999	12,000.00	"	12,000.00
50,000 to 59,999	16,000.00	"	16,000.00
60,000 to 69,999	20,000.00	"	20,000.00
70,000 to 79,999	24,000.00	"	24,000.00
80,000 to 89,999	28,000.00	"	28,000.00
90,000 and over	32,000.00	"	32,000.00

**SCHEDULE 6 (Regulation 8)
PRESCRIBED FEES FOR PERMITTED TEMPORARY ACTIVITIES,
PERSONAL LICENCES AND MISCELLANEOUS**

Application or notice	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE 20% VAT
	£		£
section 25 (theft, loss, etc. of premises licence or summary)	10.50	Outside Scope	10.50
section 29 (application for a provisional statement where premises being built etc.)	315.00	"	315.00
section 33 (notification of change of name or address)	10.50	"	10.50
section 37 (application to vary licence to specify individual as premises supervisor)	23.00	"	23.00
section 42 (application for transfer of premises licence)	23.00	"	23.00
section 47 (interim authority notice following death etc. of licence holder)	23.00	"	23.00
section 79 (theft, loss etc. of certificate or summary)	10.50	"	10.50
section 82 (notification of change of name or alteration of rules of club)	10.50	"	10.50
section 83(1) or (2) (change of relevant registered address of club)	10.50	"	10.50
section 100 (temporary event notice)	21.00	"	21.00
section 110 (theft, loss etc. of temporary event notice)	10.50	"	10.50
section 117 (application for a grant of personal licence)	37.00	"	37.00
section 126 (theft, loss etc. of personal licence)	10.50	"	10.50
section 127 (duty to notify change of name or address)	10.50	"	10.50
section 178 (right of freeholder etc. to be notified of licensing matters)	21.00	"	21.00
Minor variations	89.00	"	89.00
Section 410(application to vary premises licence to include alternative licence condition) where the only variation sought is the inclusion of the alternative licence condition	23.00	"	23.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE
FEES AND CHARGES FROM 1 APRIL 2021

FEES UNDER THE GAMBLING ACT 2005

Premises Type	Conversion Fast-Track Application £	Conversion Non- Fast Track Application £	Non-Conversion Application Provisional statement premises £	Non-Conversion Application Other premises (i.e. new) £	Annual Fee £	Variation £	Transfer of Licence £	Reinstatement Fee £	Provisional Statement £	Change of Circumstances £	Copy of Licence £
Regional Casino	0.00	0.00	6,400.00	12,000.00	12,000.00	6,000.00	5,200.00	5,200.00	12,000.00	50.00	25.00
New Large Casino	0.00	0.00	4,000.00	8,000.00	8,000.00	4,000.00	1,720.00	1,720.00	8,000.00	50.00	25.00
New Small Casino	0.00	0.00	2,400.00	6,400.00	4,000.00	3,200.00	1,440.00	1,440.00	6,400.00	50.00	25.00
Existing Casinos	240.00	1,600.00	0.00	4,000.00	2,400.00	1,600.00	1,080.00	1,080.00	0.00	50.00	25.00
Bingo Premises	240.00	1,400.00	960.00	2,800.00	800.00	1,400.00	960.00	960.00	2,800.00	50.00	25.00
Adult Gaming Centre	240.00	800.00	960.00	1,600.00	800.00	800.00	960.00	960.00	1,600.00	50.00	25.00
Betting Premises Tracks	240.00	1,000.00	760.00	2,000.00	800.00	1,000.00	760.00	760.00	2,000.00	50.00	25.00
Family Entertainment Centres	240.00	800.00	760.00	1,600.00	600.00	800.00	760.00	760.00	1,600.00	50.00	25.00
Betting Premises (other)	240.00	1,200.00	960.00	2,400.00	480.00	1,200.00	960.00	960.00	2,400.00	50.00	25.00
Temporary use notice	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250.00	0.00	0.00

NORTH WARWICKSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2021

FEES UNDER THE GAMBLING ACT 2005

	TOTAL CHARGE £
LICENSED PREMISES GAMING MACHINE PERMIT	
Occasion on which fee may be payable	
Grant	150.00
Existing operator Grant	100.00
Variation	100.00
Transfer	25.00
Annual Fee	50.00
Change of name	25.00
Copy of Permit	15.00
LICENSED PREMISES AUTOMATIC NOTIFICATION PROCESS	
Occasion on which fee may be payable	
On notification	50.00
CLUB GAMING PERMITS	
Occasion on which fee may be payable	
Grant	200.00
Grant (Club Premises Certificate holder)	100.00
Existing operator Grant	100.00
Variation	100.00
Renewal	200.00
Renewal (Club Premises Certificate holder)	100.00
Annual Fee	50.00
Copy of Permit	15.00
CLUB MACHINE PERMITS	
Occasion on which fee may be payable	
Grant	200.00
Grant (Club Premises Certificate holder)	100.00
Existing operator Grant	100.00
Variation	100.00
Renewal	200.00
Renewal (Club Premises Certificate holder)	100.00
Annual Fee	50.00
Copy of Permit	15.00
FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS	
Occasion on which fee may be payable	
Grant	300.00
Renewal	300.00
Existing operator Grant	100.00
Change of name	25.00
Copy of Permit	15.00
PRIZE GAMING PERMITS	
Occasion on which fee may be payable	
Grant	300.00
Renewal	300.00
Existing operator Grant	100.00
Change of name	25.00
Copy of Permit	15.00
SMALL LOTTERY REGISTRATION	
Grant	40.00
Annual Fee	20.00

Agenda Item No 7

Licensing Committee

26 January 2021

Report of the
Corporate Director - Resources

General Fund Revenue Estimates
2021/22

1 Summary

- 1.1 This report covers the revised budget for 2020/21 and an estimate of expenditure for 2021/22, together with forward commitments for 2022/23, 2023/24 and 2024/25.

Recommendation to the Committee

- a To accept the revised budget for 2020/21; and
- b To accept or otherwise vary the Estimates of Expenditure for 2021/22, as submitted, for them to be included in the budget to be brought before the meeting of the Executive Board on 15 February 2021.

2 Introduction

- 2.1 In consultation with other Directors, the Corporate Director - Resources has prepared an estimate of net expenditure for 2021/22 and this, together with a revised budget for 2020/21, appears in Appendices A and B. To provide a more complete picture of the spending pattern of the service, the actual figures for 2019/20 are shown.

...

- 2.2 At its meeting in September 2020, the Executive Board agreed the budget strategy for 2021-2025, which required savings of £2.30 million over a four year period. This required budget savings of £700,000 in 2021/22 with additional savings of £800,000 in 2022/23 and £800,000 in 2023/24. A savings target was not included for 2024/25 at that time. Some limited growth was built into the strategy in specific areas.

- 2.3 Directors were asked to identify areas where savings could be made, either by a reduction in expenditure or through the generation of additional income.

2.4 A subjective analysis of the Committee's requirement is shown below:

	Approved Budget 2020/21 £	Revised Budget 2020/21 £	Original Budget 2021/22 £
Employee Costs	25,340	25,340	26,290
Supplies and Services	6,290	5,840	6,410
Transport	5,940	5,940	6,060
Gross Expenditure	37,570	37,120	38,760
Income	(102,790)	(99,760)	(113,290)
Net Controllable Expenditure	(65,220)	(62,640)	(74,530)
Departmental Support	73,320	73,320	76,190
Central Support	39,830	39,830	40,310
Net Expenditure	47,930	50,510	41,970

2.5 There are no capital charges relating to budgets within this report.

3 **Comments on the 2020/21 Revised Budget**

3.1 The revised budget for 2020/21 is estimated to be £50,510, an increase of £2,580 on the approved position. The main variations are set out below.

3.2 **Licencing Authority** **£1,150**

3.2.1 There has been a one-off decrease in income from Personal Licences and Temporary Event Notices Licenses of £1,600 as the number of applications for new licences and temporary events has reduced due to the Covid-19 pandemic. This has been partly offset by one-off savings of £450 in conference fees.

3.3 **Gambling Act Authority** **£1,390**

3.3.1 A one-off reduction in income from fees for the Gambling Act because the number of small lotteries taking place has reduced due to the Covid-19 pandemic.

4 **Comments on the 2021/22 Estimates**

4.1 The 2021/22 estimate has been prepared, taking into account the following assumptions:

- A 2% pay award from 1 April 2021;
- An increase in income to reflect the increases included in the fees and charges report elsewhere on the agenda.

4.2 The estimated budget for 2021/22 is £41,970; a reduction in costs of £5,960 on the 2020/21 approved budget and a reduction in costs of £8,540 on the revised 2020/21 budget. The main variations are set out below.

4.3 Licences and Registration £1,840

4.3.1 The income budget has been reduced to match the timing of when the licences for riding, animal boarding, zoos, dog breeding and pet shops are next due for renewal.

4.4 Hackney Carriages and Private Hire (£11,600)

4.4.1 Income is higher due to the requirement for Drivers Licences to be renewed once every 3 years and Private Hire Operators Licences every 5 years.

4.5 Gambling Act Authority (£1,390)

4.5.1 Income is higher as the one-off reduction mentioned earlier in the report has been removed.

4.6 Departmental and Central Support Services £3,350

4.6.1 Departmental and Central Support costs have increased due to the pay award and staff increments within Environmental Health.

5 Income

5.1 Changes in the levels of fees and charges for services under the responsibility of this Board are covered in another report on today's agenda. Income on fees and charges is expected to contribute to the achievement of income targets.

6 Risks to Services

6.1 The key risk to the budgetary position of the Council from services under the control of this Board is:

	Likelihood	Potential impact on Budget
Fee income – The levels of some licences, especially those related to alcohol licensing, street trading, pet shops and other commercial enterprises are at risk from a downturn in the economy.	Low	Low

7 Future Year Forecasts

7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2021/22. The table below provides a subjective summary for those services reporting to this Board:

	Forecast Budget 2022/23 £	Forecast Budget 2023/24 £	Forecast Budget 2024/25 £
Employee Costs	26,820	27,450	28,090
Supplies and Services	6,410	6,540	6,540
Transport	6,060	6,180	6,180
Gross Expenditure	39,290	40,170	40,810
Income	(115,860)	(103,130)	(113,540)
Net Controllable Expenditure	(76,570)	(62,960)	(72,730)
Departmental Support	77,600	79,370	81,160
Central Support	41,100	42,090	43,020
Net Expenditure	42,130	58,500	51,450

7.2 The forecasts given above have used a number of assumptions, which include pay awards of 2% in 2022/23 to 2024/25, increases in contracts and general increases in supplies and services of 2% in 2023/24. In total, net expenditure is expected to increase by 0.38% in 2022/23, and by 38.86% in 2023/24 and then decrease by 12.05% in 2024/25.

7.3 Hackney Carriages and Scrap Metal (site and collectors) licences are only renewed every three to five years which means that the income will fluctuate between financial years.

7.4 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

8 Report Implications

8.1 Finance and Value for Money Implications

8.1.1 As detailed in the body of the report.

8.2 Environment and Sustainability Implications

8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

8.3 Risk Management Implications

8.3.1 There are a number of risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using past experience and knowledge, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

The Contact Officer for this report is Nadeem Afzal (719444)

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE SUMMARY
SUMMARY OF GENERAL FUND REVENUE ESTIMATES

Code	Description	Actual 2019/2020 £	Approved Budget 2020/2021 £	Revised Budget 2020/2021 £	Original Budget 2021/2022 £
4000	Licensing Authority	(33,848)	(36,500)	(35,350)	(36,090)
4001	Licences and Registration	(8,272)	(8,120)	(8,080)	(6,240)
4008	Hackney Carriages	(17,897)	(11,290)	(11,290)	(22,890)
4019	Gambling Act Authority	(10,338)	(9,310)	(7,920)	(9,310)
	Net Controllable Expenditure	(70,355)	(65,220)	(62,640)	(74,530)
	Departmental Support	37,999	73,320	73,320	76,190
	Central Support	41,869	39,830	39,830	40,310
	Licensing Committee Total	9,513	47,930	50,510	41,970

4000 - LICENSING AUTHORITY

The Council is the Licensing Authority for the Borough. It is required to process and issue licenses to premises and individuals to allow the sale of alcohol and for certain events that occur within the Borough.

DESCRIPTION	ACTUALS 2019/2020	APPROVED BUDGET 2020/2021	REVISED BUDGET 2020/2021	ORIGINAL BUDGET 2021/2022
Employee Expenditure	17,260	14,330	14,330	14,730
Supplies and Services	1,094	1,370	920	1,380
GROSS EXPENDITURE	18,354	15,700	15,250	16,110
GROSS INCOME	(52,202)	(52,200)	(50,600)	(52,200)
NET CONTROLLABLE EXPENDITURE	(33,848)	(36,500)	(35,350)	(36,090)
Departmental Support	22,075	32,040	32,040	33,350
Central Support	14,396	13,600	13,600	15,030
NET EXPENDITURE	2,623	9,140	10,290	12,290

Contributes to corporate priority :
- Improving leisure and wellbeing opportunities
- Creating safer communities

KEY PERFORMANCE INDICATORS

Number of licences	391	432	338	390
Gross cost per licence	£140.22	£141.99	£180.15	£165.36
Net cost per licence	£6.71	£21.16	£30.44	£31.51

4001 - LICENCES AND REGISTRATION

The issuing of licences that enable applicants to undertake a range of activities including the operation of animal boarding facilities, pet shops and street trading.

DESCRIPTION	ACTUALS 2019/2020	APPROVED BUDGET 2020/2021	REVISED BUDGET 2020/2021	ORIGINAL BUDGET 2021/2022
Employee Expenditure	1,283	-	-	-
Supplies and Services	1,097	1,750	1,750	1,790
GROSS EXPENDITURE	2,380	1,750	1,750	1,790
GROSS INCOME	(10,652)	(9,870)	(9,830)	(8,030)
NET CONTROLLABLE EXPENDITURE	(8,272)	(8,120)	(8,080)	(6,240)
Departmental Support	8,388	18,530	18,530	19,170
Central Support	10,946	10,510	10,510	9,860
NET EXPENDITURE	11,062	20,920	20,960	22,790

Contributes to corporate priority :
- Supporting employment and business

KEY PERFORMANCE INDICATORS

Number of licences	46	34	34	25
Gross cost per licence	£472.04	£905.59	£905.59	£1,232.80
Net cost per licence	£240.48	£615.29	£616.47	£911.60

4008 - HACKNEY CARRIAGES

The licensing and enforcement of taxis, private hire vehicles, drivers and operators, within the Borough.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2019/2020	BUDGET 2020/2021	BUDGET 2020/2021	BUDGET 2021/2022
Employee Expenditure	13,181	11,010	11,010	11,560
Premises	-	-	-	-
Supplies and Services	3,721	3,170	3,170	3,240
Transport Related Expenditure	5,380	5,940	5,940	6,060
GROSS EXPENDITURE	22,282	20,120	20,120	20,860
GROSS INCOME	(40,179)	(31,410)	(31,410)	(43,750)
NET CONTROLLABLE EXPENDITURE	(17,897)	(11,290)	(11,290)	(22,890)
Departmental Support	6,335	18,650	18,650	19,430
Central Support	15,687	14,810	14,810	14,480
NET EXPENDITURE	4,125	22,170	22,170	11,020

Contributes to corporate priority :
 - Supporting employment and business
 - Creating safer communities

KEY PERFORMANCE INDICATORS

Number of vehicles licences (annual)	87	90	90	90
Number of operators licences (every 5 years)	2	0	0	4
Number of drivers licences (every 3 years)	50	8	8	54
Gross cost per licence	£318.73	£546.73	£546.73	£370.07
Average Income per licence	-£289.06	-£320.51	-£320.51	-£295.61

4019 - GAMBLING ACT AUTHORITY

As the Licensing Authority, the Council is responsible for issuing premises, betting office and race track, bingo club, adult gaming centre, and family entertainment centre licences in the Borough. It will also issue permits for gaming machines in members' clubs and licensed premises, prize gaming and unlicensed family entertainment centres within the Borough.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2019/2020	BUDGET 2020/2021	BUDGET 2020/2021	BUDGET 2021/2022
Employee Expenditure	122	-	-	-
GROSS EXPENDITURE	122	-	-	-
GROSS INCOME	(10,460)	(9,310)	(7,920)	(9,310)
NET CONTROLLABLE EXPENDITURE	(10,338)	(9,310)	(7,920)	(9,310)
Departmental Support	1,201	4,100	4,100	4,240
Central Support	840	910	910	940
NET EXPENDITURE	(8,297)	(4,300)	(2,910)	(4,130)

Contributes to corporate priority :
 - Supporting employment and business
 - Creating safer communities

KEY PERFORMANCE INDICATORS

Number of Gambling licences	80	83	46	80
Gross cost per licence	£27.04	£60.36	£108.91	£64.75
Net cost per licence	-£103.71	-£51.81	-£63.26	-£51.63

Agenda Item No 8

Licensing Committee

26 January 2021

Report of the Chief Executive

Licensing Act 2003 – Review of Licensing Policy

1 Summary

- 1.1 This report asks the Council to adopt a revised licensing policy in respect of the Licensing Act 2003.

Recommendation to the Board

That, subject to the inclusion of the amendments set out in Appendix B, the committee recommends that Council adopts the licensing policy under the Licensing Act 2003 (Appendix A).

2 Consultation

- 2.1 Full consultation was carried out involving publishing the draft policy on the Council's website and directly contacting all Members and other stakeholders as mandated by the Licensing Act 2003. Two written responses have been received which are attached as appendices and discussed in the report.

3 Report

- 3.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. If the licensing authority determines and publishes its policy in this way, a new five-year policy commences on the date it is published.
- 3.2 The Council's current policy expired on 6 January 2021. It was intended that this revised policy would be published in November 2020 to come into force on 7 January 2021, but the process has been delayed due to the Covid pandemic. This policy has been reviewed in conjunction with the other Warwickshire District Councils and Coventry City Council who will all be adopting similar policies at approximately the same time.
- ... 3.3 The draft policy is attached (Appendix A)

- ... 3.4 Comments from Warwickshire Fire and Rescue service are attached in Appendix B. They comment on three sections of the policy:

Section 8.2.2 – This section covers the requirement for applicants to carry out risk assessments and the Fire Service are asking for the section to include the words. “which includes a fire risk assessment”. It is not recommended that this change be accepted as there are many areas of public safety that needs to be assessed in line with the Health and Safety Legislation and it would not be practical, or even possible, to list every possibility. In addition, fire safety is covered in more detail at Section 8.2.5 of the policy.

Section 8.2.5 The Fire Service are recommending a complete revision of this section and their proposals are an improvement on the original wording and it is recommended that these changes are incorporated into the policy.

Section 13.2.1 The Fire Service are asking for a plan of the premises to be included with all applications. However, this is already a requirement of the legislation so does not need to be added to the policy.

- ... 3.5 Comments from Warwickshire Trading Standards (WTS) are attached at Appendix C. WTS provide advice to applicants on age verification policies and are suggesting that the Council add their advice to its policy. It is not recommended that the Council agree to this change. The Act already requires all licensed premises to have an age verification policy and this is set out in the condition on each licence. In addition, although ‘Challenge 25’ may be a desirable measure, it is not a legal requirement and is not enforceable by law.

- 3.6 Members are asked to recommend adoption of the draft policy at Appendix A, and the amendments suggested in it as Council Policy.

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

- 4.1.1 There are no finance or value for money implications contained in the report.

4.2 **Safer Communities Implications**

- 4.2.1 Having an effective licensing policy will assist the Council in meeting the licensing objectives of the Licensing Act 2003 namely: -

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

4.3 Legal and Human Rights Implications

4.3.1 The legal implications arising from the adoption of the policy are largely dealt with in the body of the report, namely that the Council must revise its statement of licensing policy at least every five years and carry out the consultation required under the Licensing Act 2003 when doing so. The function of adopting the policy may not be exercised by the Licensing Committee but must be exercised by the Council. It is appropriate however, for the Licensing Committee to comment on the draft and make relevant recommendations in relation to the policy to be adopted.

4.4 Environment and Sustainability Implications

4.4.1 There are no adverse environmental implications in the report. The policy will help maintain the quality of the environment by setting out the Council's expectations of licence holders in terms of promoting the licensing objectives.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 Proper regulation of the retail sale of alcohol, regulated entertainment and late night refreshment advances leisure opportunities and promotes culture and tourism whilst promoting health and wellbeing.

4.6 Human Resources Implications

4.6.1 There are no human resource implications contained within the report.

4.7 Risk Management Implications

4.7.1 The Council would be acting illegally if it does not have a licensing policy under the Act and it is more likely that it could face legal challenges over its decisions.

4.8 Equalities Implications

4.8.1 There are no negative impacts of opportunity for any know group.

4.9 Links to Council's Priorities

- 4.9.1
- Enhancing community involvement and access to services
 - Protecting and improving our environment
 - Working with our partners to tackle crime, fear of crime and anti-social behaviour.

The Contact Officer for this report is Jo Phipps (719304)

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Appendix A

Licensing Act 2003

Statement of Licensing Policy

2021-2026

Covering the period

7th January 2021 to 6th January 2026

Adopted by the Council on XXXXXXXXXXXXXXXXXXXXX

CONTENTS

Page

1. Introduction

6

2. Consultation	8
3. Fundamental Rights	8
4. Licensing Conditions	8
5. Operating Hours	9
6. Late Night Levy and Early Morning Restriction Order	10
7. Cumulative Impact	10
8. Promotion of the Licensing Objectives	10
9. Mandatory Licensing Conditions	16
10. Other Considerations	16
11. Integrating Strategies and Avoidance of Duplication	18
12. Enforcement	19
13. Administration, Exercise and Delegation of Functions	17
14. Comments on this policy	19

Appendix 1

Responsible Authorities List	20
------------------------------	----

Supporting documentation

The Borough Council, in conjunction with other Warwickshire Authorities and Coventry City Council, and in consultation with the responsible authorities, has devised a generic policy to promote and aid consistency in licensing matters.

Important Note

In producing this Statement of Licensing Policy, the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future will only be incorporated into subsequent Policy Statements and not this policy document and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.

STATEMENT OF LICENSING POLICY

INTRODUCTION

1.1 North Warwickshire Borough Council ('the Council') has a duty under the terms of the Licensing Act, 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 The Council is situated in the north of Warwickshire, which contains five district councils. The Borough has a population of 63000 (2020 estimate). The Borough covers an area of 28418 hectares (110 square miles) comprising the market towns of Atherstone, Coleshill and Polesworth.

1.4 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late-night refreshment

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and, where appropriate to the context, a Personal Licence.

1.5 The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the neighbouring authorities, the Warwickshire Police ('the Police'), local businesses, arts organisations, performers, local people and all responsible authorities to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder.

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 7th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.

Responsible Authorities

1.7 A list of contact details for responsible authorities authorised under the Act is attached to this policy statement as Appendix 1.

1.8 The Council has recognised the Warwickshire Safeguarding Children Board as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purpose of Section 13 of the Act.

The Licensing Authority as a Responsible Authority

1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting on behalf of the responsible authority.

Public Health as a Responsible Authority

1.10 There is no specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness, alcohol poisoning attendance at Accident and Emergency and underage drinking.

1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises and presented to Licensing Sub-Committees when representations are made

CONSULTATION

2.1 Before publishing this policy statement the Council has consulted with, and given proper consideration to, the views of the following in line with the statutory guidance:

- Chief Constable of Warwickshire Police
- Warwickshire Fire & Rescue Service
- Director of Public Health – Warwickshire
- Other responsible authorities

FUNDAMENTAL RIGHTS

3.1 Under the terms of the Licensing Act 2003 any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant 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 Act.

3.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Council.

LICENSING CONDITIONS

4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Premises include open spaces. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activities in the area concerned.

4.2 The Council can only impose the national mandatory conditions, unless it has received a relevant representation. This then allows the Council to impose additional conditions, if considered necessary following a hearing.

4.3 When considering any conditions, the Council acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from 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 general control and licensing law which results in a more holistic approach to the management of the evening and night-time economy of the Borough. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.

4.4 The Council does not propose to implement standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

OPERATING HOURS

5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document

5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist in avoiding concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late-night fast-food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the Borough.

5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application may be appropriate in

residential areas where relevant representations are received, and such measures are deemed appropriate to uphold the licensing objectives.

5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the licensing objectives for restricting those hours.

LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER

6.1 The Council, has not been presented with sufficient evidence to consider that it would be appropriate to introduce a Late Night Levy or Early Morning Restriction Order. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

CUMULATIVE IMPACT

7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. Government guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.

7.2 The Licensing Authority has not been presented with sufficient evidence to consider any area within the Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.

7.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration, but the individual merits of each application must always be considered.

PROMOTION OF THE LICENSING OBJECTIVES

8.1 Prevention of Crime and Disorder

8.1.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can sometimes be associated with elevated levels of crime and disorder.

8.1.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses or to contact the Police or the Licensing Authority if they believe that particular licensed premises are failing to promote this objective.

8.1.3 The Borough Council will, through its Community Safety Partnership, devise and help deliver strategies to tackle the misuse of alcohol, which has been identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and the sale/supply of alcohol to individuals who are already drunk. In general, conditions will reflect local crime prevention strategies.

8.1.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence holders and applicants are strongly recommended to work closely with the Police in particular in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer-term strategies may need to be deployed by authorisation holders to sustain and promote the prevention of crime and disorder. The Police have a list of recommended Security Industry Association (SIA) registered Contractors and we would advise that this list be used when considering the employment of SIA registered door staff.

8.1.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so.

8.1.6 Queues at late night takeaways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.

8.1.7 The Borough Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issues.

8.1.8 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate decisions and/or imposing appropriate conditions on receipt of a representation containing evidence that a licensed premises is undertaking activities which might

incite violence, crime or disorder or the threat of such against minority groups.

8.1.9 The Licensing Authority, in order to promote the licensing objectives, encourages all licensed premises within the borough to be members of a relevant local Pub watch Scheme, where one exists.

8.1.10 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises and recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

8.1.11 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the Borough.

8.1.12 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence the Licensing Authority expects that:

(a) any designated premises supervisor will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises

(b) authority to make alcohol sales when given by the Designated Premises Supervisor (DPS) or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement becomes necessary.

8.2 Promotion of Public Safety

8.2.1 Public safety is not defined within the Act, but Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.

8.2.2 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are employed in the business, those who are engaged in running an

event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.

8.2.3 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.

8.2.4 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.

8.2.5 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises, the Licensing Authority will expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

8.3 Prevention of Public Nuisance

8.3.1 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

8.3.2 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities, and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.

8.3.3 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.

8.3.4 The Licensing Authority expects authorisation holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public or statutory nuisance.

8.3.5 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

8.4 Protection of Children from Harm

8.4.1 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that authorisation holders, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

8.4.2 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol.

8.4.3 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measure should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in Government guidance.

8.4.4 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised 'Proof of Age' scheme. The Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed.

8.4.5 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.

8.4.6 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.

8.4.7 The Licensing Authority regards the Strategic Commissioning Group as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the Board to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm.

8.4.8 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification.

8.4.9 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi-purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.

8.4.10 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders, including those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.

8.4.11 Where a large number of children are likely to be present on any licensed premises, for example a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions apply to all alcohol retailers. Guidance on these conditions can be found on the Gov.uk website below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/20_14-08-29_MC_Guidance_v1_0.pdf

OTHER CONSIDERATIONS

10.1 Relationship with Planning

10.1.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee and Sub-committees are not bound by decisions made by the Council's Planning Committee, and vice versa.

10.1.2 The grant of any application or 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 approval, where appropriate.

10.1.3 There are also 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 the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.

10.1.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a responsible authority, where such representations relate to one or more of the licensing objectives (see Paragraph 1.1 above).

10.2 Applications

10.2.1 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Representations should be made directly to the Licensing Authority by writing to the Licensing Section, North Warwickshire Borough Council, The Council House, South Street, Atherstone, CV9 1DE or Email:

Licensing@northwarwickshire.gov.uk

10.2.2 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.

10.2.3 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing and in order to promote the licensing objectives and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are enforceable (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.

10.2.4 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives, which do not propose unnecessary burdens, and which are appropriate to the individual size, style and characteristics of the premises and events concerned.

10.2.4 In considering applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that 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.

10.3 Live Music Act 2012

10.3.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of live music. The Act

removed live music from the scope of Licensing Authority control, subject to certain criteria. However, controls may be added or reinstated at a review hearing if the manner in which live music has been provided has been undermining the licensing objectives.

INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.

11.1 Crime Prevention strategies

11.1.1 Crime prevention and drug and alcohol misuse policies and the input of North Warwickshire Community Safety Partnership (NWCSP) will be considered in licence conditions, so far as possible.

11.1.2 The NWCSP with membership including the Council, Police and the Warwickshire Fire Service, is committed to making North Warwickshire a safe place in which to live, work and visit. It is the role of the NWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

11.2 Cultural strategies

11.2.1 The Council will monitor the licensing of regulated entertainment and particularly live music and dancing where practicable, to ensure that potential event organisers have not been deterred from making applications because of licensing requirements.

11.3 Promotion of Equality

11.3.1 The Licensing Authority in carrying out its functions under the Act is obliged 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.3.2 Government Guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Council, therefore, takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equality Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or

unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

11.4 Avoidance of Duplication

11.4.1 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

ENFORCEMENT

12.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues. This will provide a more efficient deployment of resources targeting high risk premises and activities.

12.2 This enforcement regime in relation to licensing follows the Government's Regulators' Code in that it follows the basic principles of Openness, Helpfulness, Proportionality and Consistency.

12.3 Licensed premises are visited by the responsible authorities and the Licensing Authority who carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.

12.4 There are several enforcement options available depending on the outcome of the inspection or investigation of the complaint which includes:

- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
- Written warning – this is a step-up from verbal advice and authorisation holders are given a letter recording the warning given and containing the details of any necessary remedial action.
- Action planning – this plan will be written down and given to the authorisation holder and Designated Premises Supervisor. It explains what actions are required and within what time period, in order to comply with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if the authorisation holder/DPS have complied, the action plan will be terminated. If there are areas of non-compliance, the authorisation holder may face prosecution, or their authorisation may be called for a review.
- Review – when there is evidence to show that the licensing objectives are not being met then the authorisation holder will have to attend a review hearing in front of the Licensing Sub-Committee. A decision will be made by the Licensing Authority Sub-Committee based on the evidence put forward as to whether the DPS will be

removed and/or the authorisation revoked, suspended, amended or have additional conditions applied.

□ Prosecution – under the Licensing Act, certain offences can be instituted by the Licensing Authority, the Director of Public Prosecutions or the Weights and Measures Authority (Trading Standards). In addition, responsible authorities have a wide range of powers to institute prosecution under other specific legislation depending on the nature of evidence found.

□ Closure – several of the responsible authorities have the power to close licensed premises whilst on site if they deem it necessary e.g. the Police, Health & Safety, Environmental Health, Trading Standards and the Fire Service. The Licensing Team also have powers to request closure through the Magistrates’ Court for continuing unauthorised alcohol sales.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

13.1 Licensing and Regulatory Committee

13.1.1 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority.

13.1.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost-effectiveness the Council may delegate these functions to the Licensing Committee, Sub-Committees, or in appropriate cases, to officers supporting the licensing function.

13.1.3 Where, under the provisions of the Act, there are no relevant representations on an application these matters will be dealt with by officers. Should there be relevant representations then an oral hearing will usually take place before a Licensing Sub-Committee except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a Licensing Sub-Committee. The following table sets out the delegation of functions:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
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 premises 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 to 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 relevant authority considering the application	All cases	
Determination of a police/EHO objection to a temporary event notice	All cases	
Determination of a Minor Variation application		All cases
Removal of the requirement for a designated premises supervisor at community premises	If a police objection	All other cases

13.2 Premise Licence Application forms

13.2.1 Application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.

13.2.2 Applicants are encouraged to fully consult the Police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Section, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

13.2.3 Where national guidance permits, online applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid. North Warwickshire Borough Council is currently using the Electronic Licence Management System (GOV.UK) which is supported by the Department of Business Innovation and Skills.

13.2.4 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule. Guidance notes containing contact and website information about these policies will be available from the Licensing Section. Contact details are below.

COMMENTS ON THIS POLICY

14.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Licensing Section
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire CV9 1DE

☎ 01827 715341

✉ licensing@northwarks.gov.uk

Website: - www.northwarks.gov.uk

Appendix 1.

RESPONSIBLE AUTHORITIES

North Warwickshire Borough Council (Planning)

Head of Development Control
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire CV9 1DE

☎ 01827 715341

✉ planningcontrol@northwarks.gov.uk

North Warwickshire Borough Council (Licensing)

The Council House
South Street
Atherstone
Warwickshire CV9 1DE

☎ 01827 719482

✉ licensing@northwarks.gov.uk

Public Health Warwickshire

Public Health Warwickshire, Communities Group
Warwickshire County Council
Shire Hall
Barrack Street
Warwick CV34 4RL

✉ phadmin@warwickshire.gov.uk

Home Office (Immigration Enforcement)

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon CR9 2BY

✉ alcohol@homeoffice.gsi.gov.uk

Police

Harm Reduction Hub (Police)
Licensing Department Licensing Unit
Warwickshire Justice Centre
Vicarage Street
Nuneaton CV11 4JU

☎ 02476 483182

✉ northwarksliquorlicensing@warwickshire.pnn.police.uk

Fire Authority

County Fire Officer
Warwickshire Fire and Rescue Service
Fire Station
Warwick Street
Leamington Spa CV32 5LH

☎ 01926 410800

✉ firesafety@warwickshire.gov.uk

Warwickshire County Council (Protection of Children)

Alison Palm
Strategic Commissioning
People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick CV34 4UL

☎ 01926 742628

✉ licenseapplications@warwickshire.gov.uk

Warwickshire County Council (Weights and Measures)

Trading Standards Service
Old Budbrooke Road
Warwick CV35 7DP

☎ 01926 414040

✉ tslicensing@warwickshire.gov.uk

North Warwickshire Borough Council (Health and Safety Team)

Environmental Health Division
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Senior Environmental Health Officer
☎ 01827 715341
✉ healthandsafety@northwarks.gov.uk

North Warwickshire Borough Council (Noise and Nuisance)

Environmental Health Division
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Senior Pollution Control Officer
☎ 01827 715341
✉ environmentalhealth@northwarks.gov.uk

Appendix B

From: >
Sent: 08 December 2020 13:29
To: licensing <licensing@NorthWarks.gov.uk>
Cc: Fire Safety <firesafety@warwickshire.gov.uk>
Subject: Licencing consultation North Warwickshire

Good afternoon,

Thank you for allowing us the opportunity to review your draft policy. May we ask that the following amendments are made, additions added, and queries clarified?

Section 8.2.2;

“Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.”

We would request the words “which includes a Fire Risk Assessment”, to be added at the end of the above paragraph.

Section 8.2.5;

“Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 [FSO] and is not something with which the Licensing Authority will normally become involved.”

To us, there are two possible interpretations of the above. One where the FSO and the Licencing Act are completely separate and therefore need to be treated as such, (even though there are overlaps between the two), and one where, once the licence is granted and building occupied the LA need not be involved in matters relating to the FSO. Therefore, we concluded that the above paragraph requires clarification. In our discussion, we felt that the last sentence of 8.1.5, when adapted, would clear up any confusion.

The sentence reads as follows; *“The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so.”* We propose that section 8.2.5 be amended to read; *“The Licensing Authority regards the **Fire Service** as the primary source of advice in relation to the **promotion of public safety, specifically fire safety** and will normally expect **Fire Service** advice/recommendations to be followed unless there are good reasons for not doing so.”*

The second paragraph of the same section as above states that *“Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises, the Licensing Authority will expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.”* However, the Fire Authority does not recommend safe capacity limits, it is the duty of the Responsible Person to have a Fire Risk Assessment carried out by a competent and qualified Fire Risk Assessor, and thereby establish the maximum occupancy for the premises. We would then evaluate whether the occupancy is appropriate, either by visiting the premises, checking the plans, or

both. In order for us to accurately confirm a safe occupancy we need to be provided with plans that satisfy the criteria set out in Regulation 23 of the Licencing Act 2003 (Premises Licences & Club Premises Certificates) Regulations 2005.

Section 13.2.1;

"Application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence."

In our opinion, the above section should include a requirement for the applicant to enclose a plan of the premises, as prescribed by Regulation 23 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, along with the calculated safe occupancy.

If you want to ask me any questions about the above, please do not hesitate to do so.

Kind Regards

This transmission is intended for the named addressee(s) only and may contain confidential, sensitive or personal information and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All email traffic sent to or from us may be subject to recording and/or monitoring in accordance with relevant legislation.

Appendix C

From @warwickshire.gov.uk>

Sent: 14 December 2020 14:57

To: Joanne Phipps <JoannePhipps@NorthWarks.gov.uk>

Subject: Licensing Act 2003 - Review of the Council's Licensing Policy

Good Afternoon,

I'm just dropping you a quick email regarding your Licensing Policy review, for your consideration.

These are the measures we normally ask for, when asked to comment on new premise licence applications. We have suggested to other Districts/Boroughs that they may wish to include these measures in their policies, normally as part of an appendix set of model conditions.

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. A 'challenge log' (refusals book) recording all challenges - where both sales and refusals result.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).
4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
5. For online sales a Challenge 25 policy promoted on business website
6. Challenge 25 age identification checks at the point of delivery and if using a third-party sales website platform and/or delivery company, ensure that they also carry out Challenge 25 age verification checks on delivery.

Kind regards

Senior Trading Standards Officer

Warwickshire County Council

Shire Hall (Post Room)

Northgate Street

Warwick

CV34 4RL

@warwickshire.gov.uk

This transmission is intended for the named addressee(s) only and may contain confidential, sensitive or personal information and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All email traffic sent to or from us may be subject to recording and/or monitoring in accordance with relevant legislation.

Agenda Item No 9

Licensing Committee

26 January 2021

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

Appointment of Licensing Committees - Report of the Chief Executive

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Contact Officer for this report is Amanda Tonks (719221).