

Report Title	Two Licensing Committees and procedure guidance notes
Which Committees is this report intended for? (Please state dates)	Licensing Committees 17 May 2022
Is the report Exempt?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Why is it exempt?	
Does the report concern a Key Decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If a Key Decision is it on the Cabinet Work Programme?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ward(s) affected	All
Responsible Cabinet Member name	Cllr Seward
Contact Officer	Cara Jordan
Email address	Cara.jordan@north-norfolk.gov.uk
Telephone number	01263 516373
Are there Non-electronic appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
List of Background Papers used in drafting this report which are not published elsewhere (this is now required by law and will need to be included at the start of the report)	Full Council Agenda of 9 February 2022
File Location	

Implications/Risks

Have you identified and explained within the report the implications of the options available to Members? (Implications should include financial, legal and links to the Council's existing policies and strategies)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> None
Have you highlighted the risks to the Council? Financial Implications and Risks to the Council should have their own separate headings. It is not acceptable to simply state that financial implications or risks have been alluded to in the main body of the report.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> None
Have you considered Sustainability issues in relation to this report? Sustainability should have its own separate heading. It is not acceptable to simply state that	<input type="checkbox"/> Yes

Sustainability has been alluded to in the main body of the report	<input checked="" type="checkbox"/> None
Have you considered Equality and Diversity issues in relation to this report? Equality and Diversity should have its own separate heading. It is not acceptable to simply state that Equality and Diversity has been alluded to in the main body of the report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> None
Have you considered S17 Crime and Disorder issues in relation to this report? Crime and Disorder should have its own separate heading. It is not acceptable to simply state that Crime and Disorder has been alluded to in the main body of the report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> None – Full Council has already made the recommendation for 2 licensing Committees. This report is to remind Members of the new position and includes proposed procedure notes

This report has been subject to the following processes:

Consultations with:		
Cabinet Member	<input type="checkbox"/> Yes	If not please state reason below
Local Member	<input type="checkbox"/> Yes	If not please state reason below
S151 Officer	<input type="checkbox"/> Yes	If not please state reason below
Monitoring Officer	<input type="checkbox"/> Yes	If not please state reason below
Democratic Services	<input checked="" type="checkbox"/> Yes	If not please state reason below
Communications Manager	<input type="checkbox"/> Yes	If not please state reason below
Other Head(s) of Service:		
Others:	The Chairman and Vice Chairman of the Licensing Committee	
Please confirm this report has been signed off by:		
Strategic Leadership Team	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt
The Chief Executive	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt

Licensing Committees from May 2022

Summary:	This report reminds Members that from May 2022 there will be two separate Licensing Committees and provides a suggested guidance note for each of these Committees.
Options considered:	To note this report and consider whether to adopt or amend the procedure guidance notes
Conclusions:	To note this report and the procedure guides
Recommendations:	To note the report and adopt the new procedure guides for the two separate licensing committees
Reasons for Recommendations:	To remind Members that there is to be two separate licensing Committees from May 2022 and to provide clarity of procedure to Members and parties involved in future hearings by way of a procedure guide for each Committee

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)

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Cabinet Member(s)	Ward(s) affected All
Contact Officer, telephone number and email: Cara Jordan Cara.jordan@north-norfolk.gov.uk	

1. Introduction

1.1 The Licensing Committees at North Norfolk District Council

- 1.2 Previously the North Norfolk District Council has had just one Licensing Committee which has dealt with all licensing related matters. On 9 February 2022, Full Council adopted the recommendations of a report that there be two distinct committees to deal with the different licensing obligations. One of the committees will be a statutory Licensing Committee under the Licensing Act 2003, to be known as:

‘The Licensing Committee (Premises and Gambling)’

And the other is to deal with all other licensing matters and will be known as:

‘The Licensing Regulatory Committee’

The creation of two distinct committees reflects the requirements of the legislation, ensuring that our customers are dealt with fairly and transparently. Further, it may protect the Council from risk of challenge that it has acted *ultra vires*. The recommendations adopted by Full Council on 9 February 2022 were as follows:

- (i) *That the current single licensing committee ceases and that two licensing committees be formed for the next Annual Meeting of Council*
- (ii) *The first of these committees will deal with Licensing Act 2003 and Gambling Act 2005 matters and will be known as the Licensing Committee (Premises and Gambling).*
- (iii) *The second committee will deal with all the other licensing matters not detailed in (ii) above and will be known as the Licensing Regulatory Committee*
- (iv) *Both committees will contain the same members but will be distinct committees and may set up their own sub-committees*
- (v) *That the Monitoring Officer be authorised to update the Constitution to reflect this change.*

- 1.3 The Licensing Committee (Premises and Gambling) will deal with matters such as consideration of applications from premises licences including consideration of whether to permit various forms of licensable activities, reviews of premises licences, and matters relating to the Gambling Act 2005. The Licensing Regulatory Committee is subject to different legislation and will consider a wide range of regulatory licensing matters connected to public protection, such as considering applications by persons wishing to drive taxis; those involved in horse riding establishments; zoos; sex establishments and tattoo parlours etc. Both Committees are to be politically balanced. They may have the same Members but will be separately constituted and this will need to be made clear at those meetings.

2. The procedure to be followed by the Committees

- 2.1 Because the two committees will deal with different areas of licensing, there is a need to have separate procedure notes so that all those attending are aware of the process. Appended to this report are the draft process notes for consideration. **Appendix A** is the proposed procedure note for the Licensing Committee (Premises and Gambling) and **Appendix B** is the procedure note for the Licensing Regulatory Committee. As this latter committee will deal with such a wide variety of matters, there may be occasions where the set procedure is varied slightly to accommodate the particular matter. If approved, these procedure notes can be added to the agenda of the relevant committee, providing clarity to all those involved in the process.

3. Corporate Plan Objectives

3.1 Customer Focus & Financial Sustainability

Ensuring that the Council's democratic process runs as transparently and as effectively as possible, building on the corporate plan objective of focussing on the customer and putting them at the heart of what we do. The setting up of two committees protects the Council from the risk of unnecessary spending from procedural challenge and procedure notes assist all parties in understanding the process to be followed.

4. Financial and Resource Implications

Full Council has adopted the recommendations to establish two separate committees which protect against risk of procedural challenge.

5. Legal Implications

The statutory Licensing Committee (Premises and Gambling) is established pursuant to section 7 Licensing Act 2003 and the Licensing Regulatory Committee under sections 101 & 102 Local Government Act 1972. Full Council have adopted the recommendations that these two committees be established. A procedure note assists with ensuring that persons who come before a licensing committee have a fair hearing.

6. Equality and Diversity

The considerations and recommendations have a remote or low relevance to the substance of the Equality Act. The agenda to committee meetings advises that if you have any special requirements to attend the meeting to let the Council know in advance, including if there is a need for the agenda in a different format or language.

7. Section 17 Crime and Disorder considerations

Both the Licensing Act 2003 functions and other non-Licensing Act functions are relevant to public protection and consideration of the prevention of crime and disorder in the District. Having two committees and a standard procedure note will address the risk of challenge against the committee/s decisions. Establishing two committees was agreed by Full Council.

8. Conclusion and Recommendations

That this report is noted and that the guidance notes, created for each committee, be sent with future agendas.