

Authors Title The Public Protection Team
 Which Committees is this report intended for? (Please state dates) Licensing & Gambling Committee 1 March 2023
 Is the report Exempt? Yes No
 Why is it exempt? N/A
 Does the report concern a Key Decision? Yes No
 If a Key Decision is it on the Forward Plan? Yes No
 Ward(s) affected All
 Responsible Committee Member name Cllr Nigel Lloyd
 Contact Officer Nicola Davison
 Email address nicky.davison@north-norfolk.gov.uk
 Telephone number 01263 516291
 Are there Non-electronic appendices? Yes No
 List of Background Papers, including committee papers, used in drafting this report. N/A

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 Sustainability has been alluded to in the main body of the report	<input type="checkbox"/> Yes <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
Have you considered Health and Wellbeing issues in relation to this report? Health and Wellbeing should have its own separate heading. It is not acceptable to simply state that Health and Wellbeing has been alluded to in the main body of the report.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> None

This report has been subject to the following processes:

Consultations with:		
Committee Member	<input checked="" type="checkbox"/> Yes	If not please state reason below
Local Member	<input checked="" type="checkbox"/> Yes	If not please state reason below
S151 Officer	<input checked="" type="checkbox"/> Yes	If not please state reason below
Monitoring Officer	<input checked="" type="checkbox"/> Yes	If not please state reason below
Democratic Services Team Leader	<input checked="" type="checkbox"/> Yes	If not please state reason below
Communications Manager	<input checked="" type="checkbox"/> Yes	If not please state reason below
Other Head(s) of Service:	Assistant Director Environmental Health and Leisure	
Others:		
Please confirm this report has been signed off by:		
Management Team	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt
Relevant Corporate Director	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt
The Chief Executive	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt

Licensing Act 2003 and Gambling Act 2005 Update

Summary: The report presents an update on the work of the Public Protection team in respect of the licensing and gambling regulatory function that it undertakes.

Conclusions: N.A

Recommendations: N/A

Cabinet Member(s) Councillor Nigel Lloyd – Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee	Ward(s) affected - All
Contact Officer, telephone number and email: Nicola Davison 01263 516291 nicky.davison@north-norfolk.gov.uk	

1. Introduction

The Licensing and gambling update includes;

Update on the work of the Public Protection Team in respect of the licensing and gambling regulatory function. An update on Current Public Protection Team Structure.

2. Licensing Update

Team Structure

2.1

A wider restructure in the Environmental and Leisure Services Team has resulted in some changes to the team over the past year.

Licensing falls into the remit of the Public Protection Team. This team covers a wide range of responsibilities including food safety, health and safety, sampling and licensing. Two team leaders have been appointed to manage the functions of this team, reporting directly into the Assistant Director for Environmental and Leisure Services.

The Licensing Enforcement Officer left NNDC in 2022. This post has been replaced by promoting Nicola Davison internally to the post of Licensing Enforcement Officer. Nicola Davison previously held the position of Licensing Administration Officer within the team for the past eighteen years.

We currently have two part time Licensing Administration Officers who take all of the initial licensing enquiries and who process all of the licences granted by the Council.

The team also currently has a member of staff who is on a temporary contract. This post is a full time Public Protection Officer position. This member of staff has been heavily involved with caravan sites but also has a health and safety regulation, food safety and sampling function.

In addition to the work relating to Licensing Act and Gambling Act, the above referenced officers also undertake all of the work outlined in the Regulatory Committee report and are actively involved in other Environmental Health functions.

2.2 Community Alcohol Partnership (CAP)

A Community Alcohol Partnership has been introduced and launched for Sheringham. CAP is a Community Interest Company (CiC) which brings together effective local partnerships to reduce anti-social behaviour and alcohol harm preventing under-age drinking and encouraging responsible drinking among young adults within Sheringham.

Each local CAP partnership is supported by a small head office team and CAP adviser and is managed by a co-ordinator which is PC Ian Smith Beat Manager for Sheringham.

Funding for CAP CiC is provided by major alcohol retailers and alcohol producers who share concerns about harm of under-age drinking. However, CAP's work is entirely independent of these funders. Local CAPs receive additional funding from a wide variety of sources including community funds and regional grants.

CAP vision statement is 'to shape a society in which communities work in partnership to ensure that children do not drink alcohol and develop responsible attitudes to drinking'.

Core activities include education, positive activities for young people, enforcement and retail best practice and engagement in partnership activity.

Local CAP Partners will include Police, Licensing, Trading Standards, Sheringham High School, Town Council, community engagement and youth services, alcohol retailers and licensees.

2.3 Pub Watch

The Licensing Enforcement Officer regular attends the pub watch meetings held to discuss the licensed premises in Cromer and Sheringham (a combined scheme) and in North Walsham. This brings together licencees, the Police and the Licensing Authority to discuss emerging issues and to encourage collaborative working in managing alcohol related concerns in the towns.

The Local Authority are hoping to encourage similar schemes to be set up in other towns in the district including Fakenham and Wells.

The pub watch schemes are an excellent interface between regulators and the trade and allow an opportunity for licencees to share good practice.

2.4 Licensing Committee Hearings

In 2022 we received 6 applications in relation to premises licenses where objections were received by interested parties and responsible authorities and which were referred to Licensing Sub Committee.

5 of these objections were placed before the Licensing sub-committee to determine the application.

1 of these objections was resolved informally shortly before committee were due to meet to discuss the matter.

1 appeal was lodged with the Magistrates Court by an applicant who disagreed with the Council's determination on a new premises licence.

2.5 Current Alcohol and Gambling Licences Held in North Norfolk

The current active licenses are held in North Norfolk.

Type of Licence	Number of Active Licenses
Premises Licence	580
Club Premises Certificate	36
Temporary Event Notices Granted in 2022	408
Personal Licenses	1990
Gambling Licence/Permits	97
Lotteries	101
Pavement Licences	9

Each year the Team processes approximately 1,500 licensing transactions relating to the Licensing Act 2003 and the Gambling Act 2005.

2.6 Pavement Licensing

During the Covid pandemic the government introduced a streamlined system for granting pavement licences under The Business and Planning Act. This was to allow the hospitality trade to utilise outdoor areas when social distancing was in force.

These provisions have been extended to the end of September 2023. However, the Government are currently considering whether this system may be implemented on a permanent basis. The Government are also considering increasing the enforcement powers associated with the scheme which may include the ability for LA's to issue Fixed Penalty Notices and to seize furniture if pavement licenses are not sought and a hazard is being created.

The uptake of pavement licenses in North Norfolk thus far has been very low. As can be seen in the table above in 2.5, there are only 9 current pavement licenses in operation across the district.

2.7 Expected Changes to Gambling Regulation

We are waiting for expected changes to the Gambling Act 2005. A consultation should be starting shortly to look at how the Act could be improved to better safeguard against gambling harm in communities.

The Public Protection Team are hoping to take a more proactive approach to gambling regulation in the district moving forward which have been prevented in recent times due to high levels of reactive work in other areas.

2.8 Expected Changes to the Licensing Act 2003

The Public Protection Team are awaiting a consultation to be launched by Government looking at the national set fees for the licensing regime. The

current fees, set by central government, have not been updated since the commencement of the Licensing Act in 2005.

The current fee regime does not fully cover the cost to the Local Authority in respect of undertaking the Licensing Act function.

2.9 Public Spaces Protection Orders

The Team are in the early stages of looking at Public Spaces Protection Orders [PSPOs] to allow Police colleagues to better regulate alcohol consumption in public places throughout the district.

The Anti-social Behaviour, Crime and Policing Act 2014 enables Local Authorities to introduce PSPOs to tackle a wide range of anti-social behaviours, and this includes introducing powers to enable the Police to intervene with antisocial behaviours related to drinking in public spaces early, to prevent criminal behaviours from developing.

In order to introduce a new PSPO the Council must first demonstrate that an anti-social behaviour problem exists and that the PSPO is the correct approach for tackling the problem.

There are clearly resource implications associated with the introduction of a new PSPO including the detailed consultation process, new signage and information campaigns and then the resource implications of enforcing the PSPO.

Police colleagues are very keen for these PSPO's to be introduced at the earliest opportunity. It will help to tackle complaints that have been received about antisocial behaviour related to drinking in public places and will support the work of the Community Alcohol Partnership discussed above.

3 Implications and Recommendations

Not applicable.

This report is intended to update members on the current work of the Public Protection Team.

4 Financial Implications and Risks

The fees and charges associated with the Licensing regime have not been reviewed for some time. This has been identified as a priority area of work for the team in 2023/24. Issuing licenses should be done on a cost recovery basis and it is felt that the current fees do not reflect the true cost of the service. This piece of work will require some resource in the coming year to ensure that the costs are accurately calculated and reflected in the fee setting process. This piece of work will be dependent on the national fee setting agenda and expect update

The team have been working to reconcile any outstanding premise license fees which are due to the Council. Extra resource was employed to undertake this work, but due to other staffing changes this has stopped for the time being, there is a plan to restart this work in the not-too-distant future.

5 Sustainability

5.1 Not Applicable to this report.

6 Equality and Diversity

6.1 Not Applicable to this report.

7 Section 17 Crime and Disorder considerations

All of work undertaken by the Public Protection Team directly relates to the duties imposed upon Local Authorities by Section 17 of the Crime and Disorder Act 1998. Section 17 of the Act requires:-

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area; and

(c) re-offending in its area

and

(d) serious violence in its area.

The duty imposed on an authority by subsection to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to—

(a) prevent people from becoming involved in serious violence in its area, and

(b) reduce instances of serious violence in its area.

The work to regulate the alcohol and gambling industry within the district is a critical tool in ensuring that our Section 17 obligations are met as a Council.