



Licensing Committee

16:30 to 19.15

8 July 2021

Present: Councillors Stutely (chair), Brociek-Coulton, Fulton-McAlister (E), Giles, Grahame, Huntley, Maxwell, Price, Ryan, Schmierer, Thomas (Vi) and Youssef

Apologies: Councillors Ackroyd and Sands (S)

1. Declarations of interest

There were none.

2. Public Questions/Petitions

There were none.

3. Appointment of vice-chair

RESOLVED to appoint Councillor Fulton-McAlister (E) as vice-chair for the ensuing civic year

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 25 March 2021.

5. Crime figures and trends linked to the night-time economy – presentation

The chair informed the committee that the Norfolk Constabulary would not be giving this presentation.

6. HMO Licensing policy

The chair introduced the report and explained that the purpose was to consider the draft HMO Licensing Policy, in respect of Houses of Multiple Occupation listed under the Housing Act 2004 and authorise consultation.

The public protection manager presented the report and explained the background to the drafting of the new policy.

Councillor Fulton-McAlister expressed concern that this was the only policy for which the Licensing Committee had responsibility, where determinations were made by officers. She understood this was appropriate for technical issues, but considered that a fit and proper person test should be determined by members. Other members considered that it was appropriate for officers to determine these tests in view of their expertise. Councillor Price said that, should members be required to determine these applications, the extra costs of this process should be reflected in the licence fee. The public protection manager said that estimated costs, including the costs of reporting to members, would need to be calculated and these could be reported back to committee. He referred to the costs and resource implications of a 3 or 5 year renewal period for HMO licences and explained the comparisons with other local authorities

Councillor Jones, cabinet member for safer neighbourhoods, explained various enforcement actions taken by officers and the impact of the covid pandemic on work in this area. The public protection manager referred to the various factors that were taken into account in determining whether enforcement action needed to be taken, including the impact of potential homelessness. Members expressed concern that more action should be taken to ensure properties were brought up to standard before licences were required. Councillor Fulton-McAlister said that, when the council intended to revoke a licence an adequate notice period should be included in the policy. She also considered that, in addition to the consultees listed in 4.2 of the policy, tenant groups should also be consulted in view of the council's aims to improve standards in HMOs. The chair proposed that members forward any further suggestions for consultees to the public protection manager.

RESOLVED to:

- (1) authorise the Executive Director of Development and City Services to consult on the draft HMO Licensing Policy;
- (2) ask the Executive Director of Development and City Services to report to the Committee on the costs and feasibility of both a 3 and 5 year renewal period for licences and the "fit and proper person" assessment being determined by members

7. Licensing Act 2003 – Statement of Licensing policy

The public protection manager presented the report detailing the responses received to the consultation on the review of the council's licensing policy and answered a number members' questions .

The chair referred to the importance of applicants' addressing the council's licensing objectives, some of which were not relevant to certain premises.

The committee then discussed a number of suggested amendments to the policy and were advised by the legal adviser of their compliance with legislation.

RESOLVED to -

(1) make the following amendments to the policy:-

(a) **Application for licences:-**

Paragraph 3.3 *“Applicants should address the four licensing objectives in their operational plan” and*

“The operating schedule is expected to demonstrate how the premises will be ‘good neighbours’ both to residents and to other venues and businesses consistent of the council’s licensing objectives”

Paragraph 3.6 *“The council may refuse any application that fails to satisfy the requirements of the act or the regulations*

(b) **Reviews of licences and certificates:-**

Paragraph 11.2 *“Should responsible authorities give early notice to licence holders of any concerns about problems identified at premises and in need of improvement, requests for a review by the licensing authority of any licence will only be sought if such notice has failed to resolve the matter or problem”*

(c) **Sexual entertainment venues**

Paragraph 16.4 *“Section 27 of The Policing and Crime Act 2009 allows local authorities to regulate lap dancing clubs and similar venues under the 2009 act. Norwich City Council has adopted these provisions and a separate policy is in place for these premises.*

(d) **Section D – cumulative impact**

Paragraph 29.6 *“Due to the current Covid-19 pandemic and the changing restrictions on licenced premises, it is not possible to carry out an appropriate cumulative impact assessment at this time. It is the intention of this authority to perform a cumulative impact assessment at an appropriate time. This committee will review the possible introduction at a six month interval from the introduction of this policy and thereafter as needed”*

(e) **Appendix 2**

Paragraph 8 *“The licensee shall ensure that where physical searching of patrons is to be undertaken, that there are a sufficient number of appropriately trained staff to carry out such searches regardless of patrons gender. Searches should be by person of gender choice with consideration of safety of all involved”*

(2) refer the policy to Council for formal adoption

CHAIR