

### Licensing committee

**Date:** Monday, 23 March 2015  
**Time:** 14:00  
**Venue:** Mancroft room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Committee members:**

**Councillors:**

Button (chair)  
Ackroyd  
Barker  
Bogelein  
Brociek-Coulton  
Gayton  
Gihawi  
Henderson  
Jones  
Maxwell  
Price  
Stammers  
Woollard

**For further information please contact:**

**Committee officer:** Lucy Green  
t: (01603) 212416  
e: [lucygreen@norwich.gov.uk](mailto:lucygreen@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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## Agenda

### 1 Apologies

To receive apologies for absence

### 2 Public questions/petitions

To receive questions / petitions from the public (notice to be given to committee officer in advance of the meeting in accordance with appendix 1 of the council's constitution)

### 3 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### 4 Minutes 5 December 2014

5 - 6

**Purpose** - To approve the accuracy of the minutes of the meeting held on 5 December 2014.

### 5 Minutes 11 December 2014

7 - 8

**Purpose** - To approve the accuracy of the minutes of the meeting held on 11 December 2014.

### 6 Abolition of Driver and Vehicle Licensing Agency licence paper counterpart

9 - 26

**Purpose** - This report invites members to consider an alternative method of checking the Driver and Vehicle Licensing Agency (DVLA) licence records for hackney carriage and private hire driver applicants and licence holders.

### 7 Cumulative impact policy

27 - 58

**Purpose** - That members consider the responses received from the statutory consultation process following a proposal to adopt a special cumulative impact policy within the council's existing statement of





**LICENSING COMMITTEE**

**14.10 to 15:10**

**5 December 2014**

Present: Councillors Button (chair), Gayton (vice chair) Barker, Bogelein, Henderson, Maxwell, Price, Stammers and Woollard.

Apologies: Councillors Ackroyd, Brockiek-Coulton, Gihawi and Jones

In attendance: Inspector Brown, Norfolk Constabulary

**1. Declarations of interest**

No declarations of interest were received.

**2. Cumulative impact special policy**

The licensing manager presented the report. He emphasised that they were considering the evidence on the impact of an area and not of individual premises within such an area. The boundaries detailed in Norfolk Constabulary's proposal for a CISP (appendix A) could be amended before being formally adopted, if members considered it was appropriate based upon the responses to the consultation. If an area for a CISP was to be set and agreed upon, any new premises or variations of an existing premises licence within this area would have to meet a higher evidential test to be granted.

Inspector Brown presented appendix A to the committee and answered member's questions. He said that the area proposed in the appendix constituted 2% of the geographical area of Norwich city but 35% of violent crime took place there. The area shown was a public order patrol zone with boundaries evidenced by incidents of anti-social behaviour and crime and disorder.

Some members questioned whether the riverside area needed to be included in the CISP. The licensing manager said that the guidance from the Home Office stated that if a risk of cumulative impact was imminent, an area could be included in a CISP. A large nightclub within the riverside area, although closed for business currently, still held a premise licence and could re-open.

In response to a member's question, the Licensing manager said that anyone applying for a licence for a new premises would have to demonstrate that there would be no impact on the licensing objectives whether it be for a bar, restaurant or any other licensed premises.

Inspector Brown said that there were eighty seven licenced premises within this area which could trade until 6am and this was set to increase by a further eleven premises. A CISP would allow Norfolk Constabulary to raise concerns about specific premises with factual evidence. This would also be an opportunity to consider the types of new premises opening in this area to avoid saturation of the same kinds of premises. CIPs had been widely adopted throughout the UK in cities such as Ipswich, Cambridge and Chelmsford. These had been a useful tool in managing growth and there had been an improvement in crime figures in such areas. He said that there were no plans to reduce the commitment to public order policing within the night-time economy area if a CIP was put in place.

**RESOLVED**, unanimously, to:

- (1) Support the inclusion of a *special cumulative impact policy* within the council's statement of licensing policy, subject to consultation; and
- (2) Ask officers to undertake a statutory consultation procedure and present the responses to a future meeting of the licensing committee for consideration.

CHAIR



**LICENSING COMMITTEE**

**16:30 – 18:30**

**11 December 2014**

Present: Councillors Button (chair), Gayton (vice chair) Ackroyd, Barker, Bogelein, Brociek-Coulton, Henderson, Jones, Maxwell, Sands (M) (substitute for councillor Gihawi) Stammers and Woollard.

Apologies: Councillors Gihawi and Price

In attendance: Gail Harris, cabinet member for customer services and Inspector Brown, Norfolk Constabulary

**1. Declarations of interest**

No declarations of interest were received.

**2. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 12 June 2014.

**3. Sexual entertainment venue and sex establishment policy**

The licensing manager presented the report. He tabled a document with responses to comments received from Simon Goodings. The licensing manager explained that adopting the policy would allow sexual entertainment venues to be regulated and conditions placed on these licences.

Members then addressed the committee with their concerns which included; the safety and working conditions of the performers; advertising outside sexual entertainment venues and mobile advertising and the locality of such venues.

An independent consultant for Spice addressed the committee and said that the manager of the venue recognised the need for sexual entertainment venues to be licensed and wanted to ensure that all performers were safe.

Inspector Brown said that there had been eight recorded crimes at such venues in the last twelve months which comprised two assaults, one disorder charge, one drugs offence and four thefts. A scheme had been in place for the last three months in which those brought into custody were asked to complete a questionnaire about premises they had visited that evening. There had been no mention of any of the

four sexual entertainment venues. These premises were inspected in the same way as other premises and the police had no concerns which were severe enough to be brought to the licensing committee.

A member expressed concern that performers needed an anonymous way to report any crimes without fear of repercussion. The licensing manager suggested that it could be made a condition of the sexual entertainment licence that businesses must display information on how to anonymously report concerns in an area designated for the performers.

(Councillor Ackroyd left the meeting at this point.)

In response to a member's question, the licensing manager said that a zero sexual entertainment venue policy could not be put into place straight away as the four venues which currently fit the criteria had to have the opportunity to apply for the licence. Each application would have to be considered against the policy.

**RESOLVED**, with Councillors Button, Gayton, Bogelein, Maxwell, Jones, Woollard, Brockiek-Coulton, Sands (M), Stammers and Barker voting in favour and Councillor Henderson voting against, to adopt the sexual entertainment venue and sex establishment policy.

#### **4. Standing item – regulatory subcommittee minutes**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on held on 14 July 2014, 11 August 2014, 15 September 2014 and 17 November 2014.

CHAIR

<b>Report to</b>	Licensing committee	<b>Item</b>
	23 March 2015	
<b>Report of</b>	Head of citywide services	<b>6</b>
<b>Subject</b>	Abolition of Driver and Vehicle Licensing Agency licence paper counterpart	

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### **Purpose**

This report invites members to consider an alternative method of checking the Driver & Vehicle Licensing Agency (DVLA) licence records for hackney carriage and private hire driver applicants and licence holders.

### **Recommendation**

That members delegate authority to the Head of citywide services to implement an alternative method of checking the information held by the DVLA for hackney carriage and private hire driver licence applicants and existing hackney carriage and private hire driver licence holders, as detailed in paragraph 9 of the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

Any additional costs incurred will be recouped through licence fee increases.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – Customer services

### **Contact officers**

Ian Streater, licensing manager

01603 212761

### **Background documents**

None

## **Background**

1. Applicants applying either for the grant or renewal of a Norwich city council hackney carriage or private hire vehicle driver licence are required to produce their DVLA photocard driving licence and paper counterpart for inspection.
2. The paper counterpart is used to by DVLA record details of any motoring convictions the DVLA licence-holder may have received. Information contained on the counterpart is used by the council to assist in determining applications and whether the applicant satisfies the statutory test of being a “fit and proper person”.

## **Abolition of DVLA licence counterpart**

3. From 8 June 2015, as part of the Government’s Red Tape Challenge initiative to remove unnecessary burden on drivers, DVLA will no longer issue the paper counterpart to the photocard driving licence.
4. Additionally, from 8 June 2015 the following will apply:
  - existing paper counterparts will no longer have legal status;
  - the DVLA photocard (or paper licence issued before 1998) will remain the official document that shows what vehicles a person can drive;
  - the driver record held by DVLA will be the only legal source of penalty points endorsements; and
  - paper driving licences will no longer be annotated with endorsements.
5. The DVLA are proposing to introduce a new ‘Share Driving Licence’ service which is proposed to provide an online alternative for those who have a ‘business need’ to check information displayed on the driving licence counterpart or paper licence.
6. It is proposed that this will work by requiring the driving licence holder to generate a unique, one-time access code for their record. The licence holder may then share the access code, plus the last 8 digits of their driving licence number to anyone who has a right to see it.
7. In addition to the ‘Share Driving Licence’ service, DVLA are developing their ‘Access to Driver Data’ service for trusted partners. This will give real-time driving licence data through a business-to-business interface. Contractual terms and conditions will need to be agreed and this service should be available in the summer this year.
8. A stake holder and commercial customer briefing back concerning the abolition of the counterpart has been issued by the DVLA and this is attached at appendix A to the report.

## **Intelligent Data Services**

9. Intelligent Data Services (IDS) have been invited to give members a presentation on their electronic licence checking service. IDS are an approved DVLA supplier and their electronic driving licence verification procedure comprises:

- Fully managed process – apart from initial set up requires little intervention other than dealing with reported issues and regular housekeeping (starters/leavers/changes)
- Applicant required to sign Data Protection Mandate (DPM) - DPM valid for 3 years from date of signature
- Applicant record accessed electronically via secure encrypted leased line between IDS & DVLA
- Results of applicant enquiry delivered to secure web application accessible only by authorised system users
- Authorised system users notified immediately of any issues: disqualified, revoked, expired, provisional (automated email notification and telephone)
- Full suite of management reports, not just penalty points and endorsements
- Dedicated customer support team to provide day to day assistance and advice

10. There would be a charge of £5.75 per check which includes the system set up and management reports referred to above.

## **Summary**

11. From 8 June 2015 DVLA licence paper counterparts will no longer have legal status and the driver record held by DVLA will be the only legal source of penalty points endorsements. To ensure that applicants and holders of Norwich city council hackney carriage and private hire driver licences satisfy the statutory 'fit and proper person' test, access to DVLA records will be required.
12. The DVLA 'Share Driving Licensing' service requires the DVLA licence holder to generate a code which can be shared with third parties (e.g. city council) to enable them to access information held by DVLA. The code will only be valid for 72 hours and cannot be redeemed after this period. It is envisaged that using this method will add to the existing administrative process in respect of taxi drivers as applicants / licence-holders who fail to supply codes or provide expired codes will have to be contacted to submit the correct details.
13. By having access to DVLA records directly, a licensing authority will instantly be able to obtain up to date information to assist and inform its decision making.
14. The licence fees for the grant and renewal of hackney carriage and private hire drivers licences would need to be increased to cover the cost of an annual

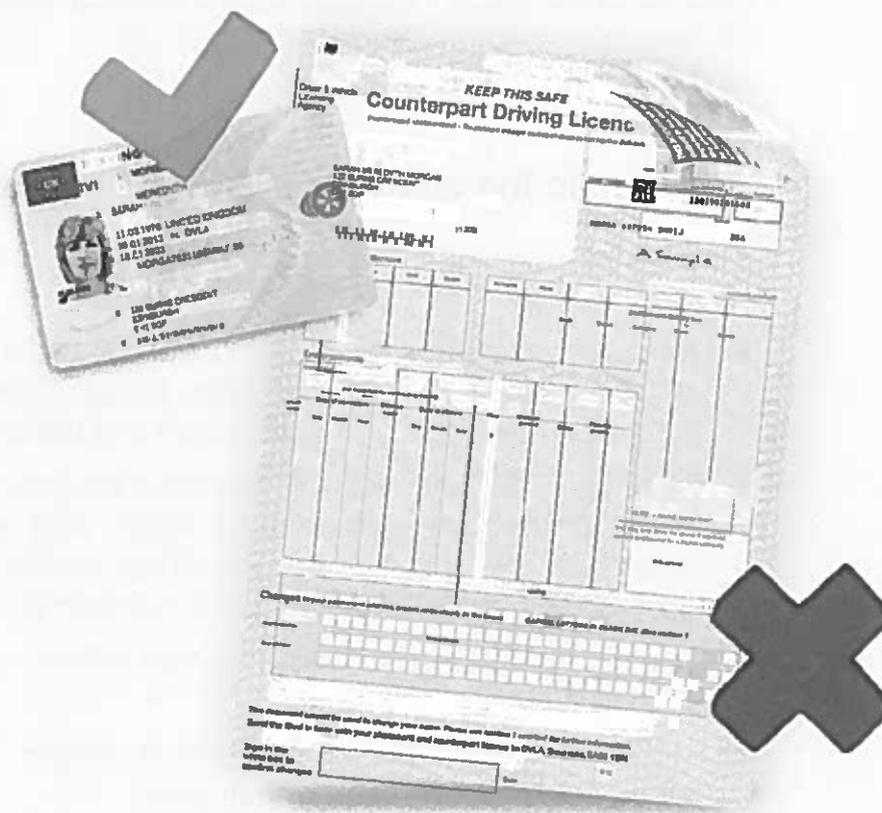




Driver & Vehicle  
Licensing  
Agency

# Abolition of the Counterpart

Stakeholder & commercial  
customer briefing pack



Simpler | Better | Safer

[www.gov.uk/dvla/nomorecounterpart](http://www.gov.uk/dvla/nomorecounterpart)



## No more counterpart

From **8 June 2015**, as part of the Government's Red Tape Challenge initiative to remove unnecessary burden on drivers, DVLA will no longer issue the paper counterpart to the photocard driving licence. From **8 June 2015**, existing paper counterparts will no longer have any legal status.

The following information gives further details on the changes and what they mean for drivers and businesses. We will publish regular updates on this change and progress of our new online services on our GOV.UK blogs [Inside DVLA](#) and [DVLA Digital Services](#). You can also sign up to receive our email alerts.

If you need any further information or you have questions that have not been covered please get in touch at [abolitionofcounterpart@dvla.gsi.gov.uk](mailto:abolitionofcounterpart@dvla.gsi.gov.uk)

## So what do the changes mean for drivers?

- Drivers do not need to do anything; they just keep their current photocard driving licence.
- We are not abolishing paper driving licences issued before we introduced the photocard in 1998, and any driver who holds this type of licence should keep it and **not** destroy it.
- From 8 June 2015 the licence (whether photocard or paper) will remain the official document that shows what vehicles a person can drive; but the driver record held by DVLA will be the only legal source of penalty point endorsements.
- From 8 June 2015 paper driving licences will no longer be annotated with endorsements.
- Drivers can check the most up to date information on their driving record [online](#), by [phone](#) or [post](#)
- The next time a driver needs to update their [name](#), [address](#) or [renew](#) their licence, we will issue them with a photocard only.
- Entitlements, penalty points and the status of their driving licence won't change.



## So how will drivers check their driver record when the counterpart goes?

In 2014 DVLA launched its [View Driving Licence](#) which allows GB driving licence holders to view their driving record online. They can do this at any time, it's free and easy to use and available 24/7. Through this service drivers can check what type of vehicles they can drive and any endorsements they may have.

### How does a driver access the service?

To access the service the driving licence holder will need the following:

- Driving Licence Number or personal details (full name, date of birth, gender)
- Post Code
- National Insurance Number
- In 2015 we will introduce [GOV.UK Verify](#) to authenticate drivers accessing View Driving Licence

### What information is currently available through View Driving Licence?

- Personal details – name, address and date of birth and gender.
- Licence status (provisional, full, revoked or disqualified)
- Licence expiry date
- Licence issue number
- The vehicles they can drive (either with full entitlement or provisional)
- Penalties and disqualifications

### What information isn't currently available through View Driving Licence?

- Photograph and Signature of the driver
- Medical history
- Tachograph and Driver Qualification Card data
- Entitlement history



## **What other channels are available for a driver to check their driving licence information?**

Driving licence holders can check the details on their driving licence record by phone or post – see [existing services](#) for further information

## **How will employers, car hire companies and anyone else who currently checks the paper counterpart be able to check driving licence information after 8 June?**

Our new Share Driving Licence service will provide an online alternative for those who currently have a business need to check the information currently displayed on the driving licence counterpart or paper licence. This free 24/7 service is currently in development and will be available before the counterpart is abolished.

### **How will it work?**

Similar in principle to the paper counterpart, Share Driving Licence places the driving licence holder in control of their information and who they share it with.

The first part of the process requires the driving licence holder to generate a unique, one-time use access code for their record. This is done by the driver logging on to our [View Driving Licence](#) service.

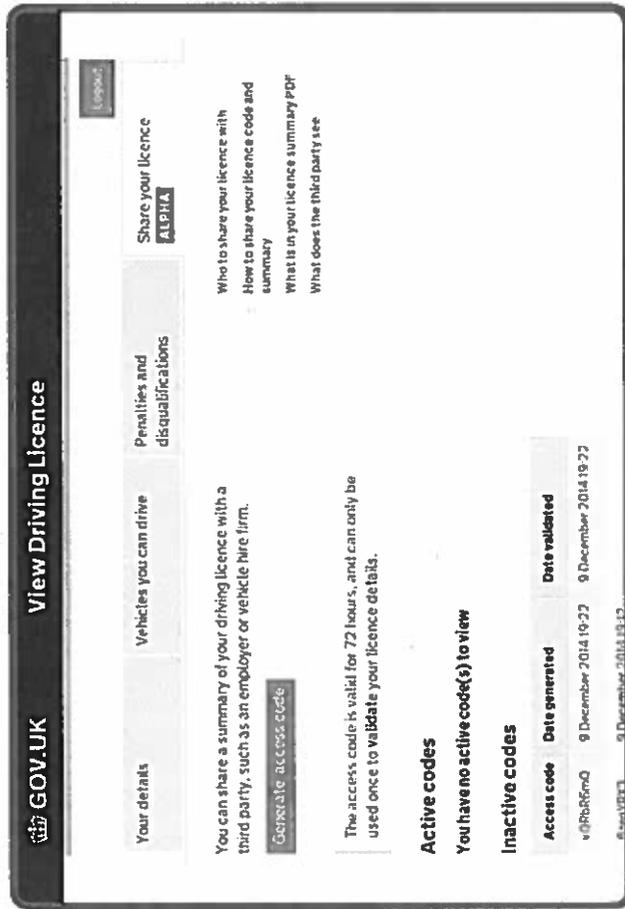
The driving licence holder may then share the access code, plus the last 8 digits of their driving licence number, to anyone who has a right to see it.

The second part of the process will enable the third party to enter the access code and last 8 digits of the driving licence number via the Share Driving Licence page on GOV.UK. This will allow the third party to see the driver's licence status, endorsements and what vehicles they can drive.

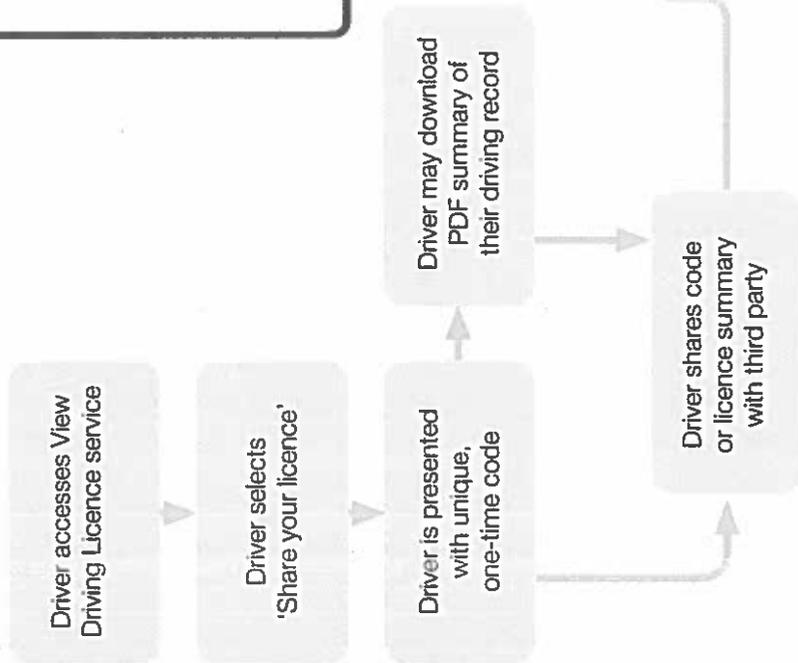


The view of the driving licence presented back to the third party will be date/time stamped and downloadable in the form of a PDF. The information will be accurate at the time of download and is a snapshot of the record at that time. **Take a look at the flow chart on the next page which explains the process.**

Drivers will also have the option of downloading a PDF summary of their driving licence information that will also have the unique one-time access code printed on it.



**DRIVING LICENCE HOLDER**



## **Will there be any other new ways third parties can check a driver's record?**

Yes. We are developing our Access to Driver Data service for trusted partners. This will give them real-time driving licence data through a business-to-business interface. They will need to agree contractual terms and conditions. The service should be available in summer 2015.

## **What data will be available?**

The data items will include name, address, date of birth, driving entitlement and penalties/disqualifications. A full list of data items is available through the ADD interface specification document which is available on request. Tachograph and Driver Qualification Card information will not be available through ADD, but we are considering including this data at a later date.

## **How will users connect?**

Initially the ADD service will be offered through a dedicated leased line connection that we have with existing DVLA data customers. This will apply to the BETA service only.

When the service is fully live, it is likely to be offered through an internet based connection. Options are currently being considered.

## **How much will it cost?**

The charging model is currently being considered and will be shared with interested parties as soon as possible.

## **What about driver's consent?**

Consent from the driving licence holder will still need to be obtained and retained for audit purposes. This can be captured via the existing D796 form. DVLA is also considering proposals for driver consent to be captured and stored electronically. It is our intention to publish a set of guiding principles around electronic consent solutions. This will provide those considering implementing such a solution the necessary information to do so with a degree of confidence that it will meet our requirements. Electronic consent proposals will need to be approved by DVLA prior to implementation.

## What if I don't want to go online to check a driver's record?

Alongside the new online platforms being created by DVLA in readiness for the abolition of the counterpart, there is a range of existing service channels available to the motoring industry to allow driving licence checks to be carried out. Businesses and organisations can continue to use the existing service channels DVLA provides, as well as the new online services. A list of all existing service channels is provided below:

### By phone

You can check a driver's entitlement by phoning DVLA's Premium Line (calls cost 51p per minute). The driver must give their permission before any information can be released.

### Driving licence validation service

You can check with DVLA that the information on a driver's licence is correct, including:

- the licence validity dates
- the categories of vehicle the driver can drive
- if there are any current endorsements on the licence
- if the driver is disqualified

The driver must complete a D888/1 form for this one time enquiry, and you must send this with a cheque or postal order for £5 payable to 'DVLA, Swansea' to:

Driver Licence Validation service, DVRE 5  
DVLA, Swansea, SA99 1AJ

Pre-funded account options are also available for this service. Contact [decs@dvla.gsi.gov.uk](mailto:decs@dvla.gsi.gov.uk) for more information.

### Electronic Driver Entitlement Checking Service (EDECS)

EDECS is a secure overnight batch enquiry service. Your company will need to pass accreditation checks and enter into a contract with DVLA to use the service. Organisations pay set-up costs and a re-occurring annual line rental charge, there is also a charge per enquiry.

Contact [decs@dvla.gsi.gov.uk](mailto:decs@dvla.gsi.gov.uk) for more information.

## Frequently Asked Questions

### Abolition of the counterpart

#### 1. Why is the counterpart being abolished?

The decision to abolish the counterpart arose from the Government's Red Tape Challenge consultation on road transportation. It also aligns to the DVLA Strategic Plan which includes simplifying DVLA's services.

The D740 counterpart to the photocard licence was introduced to display information that could not be included on the photocard. This includes provisional categories and current endorsements. The introduction and development of new customer facing systems has now made this information available online.

#### 2. What can customers do if they cannot access View Driving Licence, but need to share their licence information?

The vast majority of GB licence holders will be able to view their own driving record online. If drivers cannot access the service they can call DVLA who may be able to help generate a onetime access code that will allow them to share their licence details through Share Driving Licence. Alternatively, details may be notified provided using the existing DVLA Premium Line.

#### 3. What details will a third party be able to view via Share Driving Licence?

Licence status (full, provisional, disqualified), endorsements and penalty points, and what vehicles the driver is entitled to drive.

#### 4. Why replace the paper counterpart with another bit of paper?

Photocard Driving Licence holders now have the choice to go online and view the most up to date information on their driving licence. They will also have the option of downloading, and printing if necessary, a PDF summary of their licence information. They will be able to share their driving licence record with others without the need to print the information, but the choice is available and free should it be required.

**5. Will 'old style' paper driving licence issued before the photocard was introduced in 1998 still be valid?**

Yes, they will remain valid and are not being abolished. However, from 8 June paper driving licences will no longer be annotated with endorsements; endorsement information will be held on the DVLA driver record. Drivers holding a pre-1998 paper licence will be able to use our [View Driving Licence](#) and Share Driving Licence services.

**6. What will be the legal record of convictions/endorsements?**

From 8 June 2015 the paper counterpart will not be a legal document. The electronic record held by DVLA will be the official record. Drivers can of course generate a one-time use code that will allow third parties to view and validate the information if they wish.

**7. What happens if a customer does not have their access code or printed PDF**

Drivers can use the [View Driving Licence](#) service and generate an access code immediately. Alternatively, they can contact DVLA for assistance.

**8. Will the DVLA Premium Line be available 24/7?**

Our Premium Line will remain the same as now. Current opening hours are 8am – 7pm Monday to Friday and 8:30am – 2:00pm Saturday.

**9. When will the API solution be available?**

The service is currently scheduled to be available in summer 2015.

**10. I've been given an access code, where do I go to validate the details?**

Share Driving Licence will be accessible through GOV.UK



**11. I've been given an access code, how often can I use it?**

You can only use the code once. You can generate up to 5 access codes in any 24 hour period and they are valid for 72 hours.

**12. Will this impact any insurance/public liability my business has?**

You should check with your insurer how these changes may impact on your policy.

**13. Will there be any changes to the photocard as part of these changes?**

No.

**14. If a customer accesses View Driving Licence and shows us their driving licence details on their 'phone or tablet, do I need to go through the Share Driving Licence process?**

You will need to make this decision based on your individual needs (e.g. would simply viewing a drivers details that way meet your audit requirements?).

**15. Will the service be available 24/7? What about downtime/planned outages?**

The service will operate 24/7 – planned downtime and outages for maintenance will be communicated in advance.

**16. Will the View Driving Licence and Share Driving Licence services have any support/helpdesks that the industry can call/email?**

DVLA will provide Assisted Digital support to deal with enquiries relating to the live services it provides.

## Share Driving Licence

### 17. How is the drivers consent requirement satisfied?

Driver consent to the disclosure of data by DVLA is provided by the positive action taken by the driver choosing to share the access code and/or summary of the driving licence information with the third party.

### 18. Will drivers be told what generating and sharing the access code means to them?

Yes, drivers will be presented with this information before they generate the code. This will explain what information will be released by sharing the code and what the implications of sharing their data may be.

### 19. How long will the access code be valid for?

Each code will be valid for 72 hours and cannot be redeemed after this period.

### 20. How many access codes can the driver generate?

The driver may generate up to 5 new access codes within a 24hr period. Each access code can only be used once.

### 21. Are there any charges for using Share Driving Licence?

The online service is free to use for both the driving licence holder and third party enquirer. For those third parties who choose to check a driver's licence over the phone current call charges will apply (51p per minute).

### 22. What if we can't access the online service to check a driver's licence?

Third parties will be able to check a driver's licence over the phone – using DVLA's Premium Line, current call charges will apply (51p per minute). The driver must give their permission before any information can be released.

**23. Will there still be a need to check the photocard licence?**

Each business or organisation will need to make this decision based on their needs and obligations. However, we advise that the access code and/or PDF licence summary of the driver record should be checked in conjunction with the photocard licence as the driver's photograph, signature and personal details will not be present on the online or PDF licence summary. The photocard and licence summary can be linked via the last 8 digits of the driver number and issue number.

**24. What happens when the online service is unavailable?**

For planned service outages we will publicise this information in advance. As with all our customer facing enquiry services Share Driving Licence will be given priority in the event of an unexpected service outage.

**25. Where can I go to ask further questions?**

Further information on abolition of the counterpart and our new digital enquiry services is available at

[www.gov.uk/dvla/nomorecounterpart](http://www.gov.uk/dvla/nomorecounterpart)

If you are unable to locate an answer then you may e-mail:

[abolitionofcounterpart@dvla.gsi.gov.uk](mailto:abolitionofcounterpart@dvla.gsi.gov.uk)



**Report to** Licensing committee  
23 March 2015  
**Report of** Head of citywide services  
**Subject** Cumulative impact policy

**Item**  
**7**

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### **Purpose**

That members consider the responses received from the statutory consultation process following a proposal to adopt a special cumulative impact policy within the council's existing statement of licensing policy.

### **Recommendation**

To resolve whether or not to recommend council to adopt the special cumulative impact policy attached at appendix A to the report as part of the council's statement of licensing policy.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

Implementation of policy to be met from existing budget.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – Customer services

### **Contact officers**

Ian Streeter, licensing manager

01603 212761

### **Background documents**

None

## **Background**

1. At the meeting of the committee on 5 December 2014, members considered a report from Norfolk Constabulary requesting that a defined area of Norwich city centre be the subject of a special cumulative impact policy within Norwich city council's existing statement of licensing policy.
2. Members resolved to authorise officers to undertake the statutory consultation procedure and to consider the consultation responses at a further meeting of the committee. A copy of the draft policy which was the subject of the consultation is attached at appendix A.

## **Consultation**

3. Section 5 of the Licensing Act 2003 Act (The Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. 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.
4. Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
  - the chief officer of police for the area;
  - the fire and rescue authority for the area;
  - each local authority's Director of Public Health in England (DPH) or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in its area.
5. In addition to consulting with the persons listed in paragraph 4 above, an online survey was placed on the council's website between 3 February and 3 March 2015. The survey sought views on the proposal to adopt a cumulative impact policy and whether respondents were residents or businesses. A press release publicising the consultation was also issued by the licensing portfolio holder councillor Harris.
6. Five responses were received in respect of the online consultation and the detail of which is attached at appendix B.
7. Written responses were also received from Norfolk Constabulary, Public Health and Councillor Grahame and these are attached at appendix C.

## **Summary**

8. Although not specifically mentioned in the Licensing Act 2003, cumulative impact is defined in the guidance issued to licensing authorities by the Home Office as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area".

9. The council's current statement of licensing policy does not include a special policy in relation to 'cumulative impact'. The Home Office guidance states that "the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the council as a licensing authority to consider in developing its licensing policy statement".
10. A proposed special cumulative impact policy (appendix A) for inclusion within the council's statement of licensing policy has been the subject of a statutory consultation procedure. The responses to the consultation appear to support the introduction of a special policy.
11. If members are minded to adopt a special cumulative impact policy, the revised licensing policy statement will need to be approved by full council.



## **9. Cumulative impact**

9.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

9.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the licensing authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.

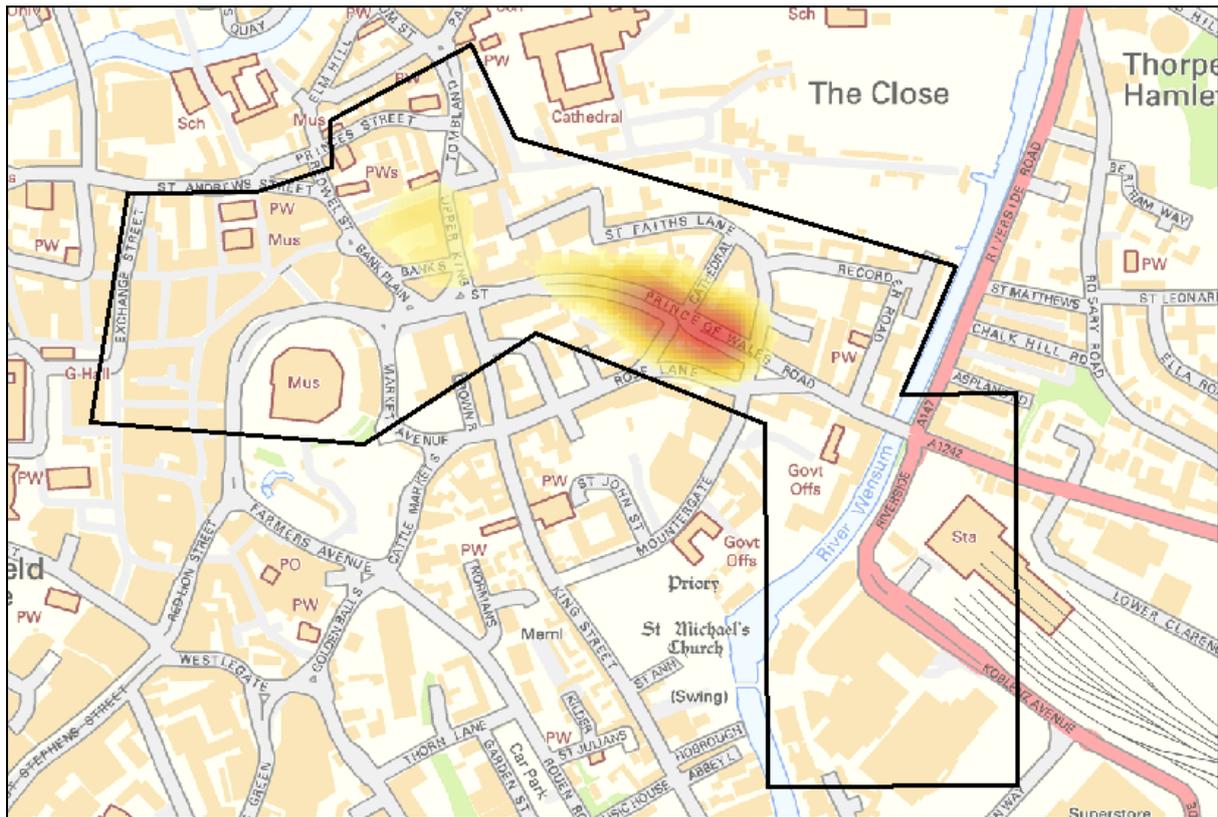
9.3 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others;
- the provision of CCTV;
- powers to designate parts of the city as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- enforcement action against those selling alcohol to people who are drunk;
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise; and
- the power of police, local businesses or residents to seek a review of the licence or certificate.

### **Proposed special policy on cumulative impact**

9.4 The licensing authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are causing a cumulative impact on one or more of the licensing objectives.

9.5 The licensing authority has received representations from Norfolk Constabulary that the high concentration of premises licensed to sell alcohol and/or provide late night refreshment between the hours of 2100 and 0600 within the police's late night economy public order policing zone (see map below) has produced a detrimental impact upon the licensing objectives.



9.6 The Norfolk Constabulary's representations were considered at the meeting of the licensing authority's licensing committee on 5 December 2014  
<http://www.norwich.gov.uk/Environment/EnvironmentalHealth/Licensing/Documents/CIP5Dec2015.pdf>

The committee resolved unanimously to:

- (1) support the inclusion of a special cumulative impact policy within the council's statement of licensing policy, subject to consultation; and
- (2) ask officers to undertake a statutory consultation procedure and present the responses to a future meeting of the licensing committee for consideration.

9.7 The special cumulative impact policy would apply to those premises applying for the grant or variation of a licence seeking any of the following licensable activities, between the hours of 2100 and 0600 and within the area indicated on the map at paragraph 9.5:

- the sale by retail sale of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of late night refreshment.

## Applications

9.8 A cumulative impact policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates in respect of premises that fall within a designated cumulative impact area will normally be refused if relevant representations are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

9.9 An applicant wishing to obtain a new or varied licence for premises falling within a cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

9.10 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

9.11 Despite the presumption against grant or variation, responsible authorities and other persons will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy.

9.12 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

9.13 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (for example, an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives;

- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

9.14 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded.

## ITEM 7 APPENDIX B

Business / resident	Body/Company (if applicable)	Comment
Business	Licensing consultant	<p>Soundings from the Trade already operating in Norwich are mainly neutral. There is a shared feeling that licensed operators are regarded as a detriment to the general public in Norwich. This is felt through the local press in particular. CIP may also be perceived as a regulatory measure against bar and club businesses despite the emergence of the policy coming from a discussion involving the Trade post EMRO consultation. My personal view is that the weakness in the proposed policy is due to the lack of join up with other areas in the Authority, most notably Planning. CIP should 'cap' the designated zone effectively. However, the Licensing Committee will not be empowered to apply its principles to parts of the city centre outside of this area. That relies on either effective planning regulation or, unfortunately, allowing the same negative outcomes to happen in these locations and then applying CIP afterwards - lengthy and potentially risking an overall deterioration in the things the policy is set up to prevent in the first place.</p>
Resident	King Street Neighbours (Residents' Group)	<p>As residents affected by the licensing decisions made in the POW Rd area we are here writing in support of this policy. We note that the Police have called for this policy and therefore believe it should be taken seriously. Over the years we have been aware of more and more clubs opening up in the area detailed - there is a limited amount of money and customers and we have noticed 'a race to the bottom' with cheap offers for alcohol. We believe we are at saturation point. We suffer from the effects of excessive drinking in the area covered particularly in terms of drunks walking home through our area and causing disturbance. We do not believe that the map area extends far enough however and would ask that Rose Lane is also included (the map dips down to exclude Rose Lane - why?) We have already alerted local councillors and Licensing about the problems caused by granting a licence to the JET garage that is 24 hours and in close proximity to POW Rd. Therefore we support what is proposed as a first step but believe it should be extended in due course. King Street Neighbours is a residents' group for</p>

		Thorpe Hamlet 3 - we discussed the policy at our last meeting and there was unanimous agreement for it
Business	Norwich city council environmental protection department	We welcome and support the creation of a cumulative impact policy within the zone as set out in the proposal. We currently receive a number of complaints regarding nuisance being caused by licensed premises to city centre residents within, and in the vicinity of, the proposed zone. With the current relaxation of planning controls at central government level, it is likely that the number of residential properties within the city centre will increase, many of these under permitted development rights which exclude the possibility of ensuring proper noise control measures. The adoption of a cumulative impact policy as proposed, will hopefully drive up the quality of any future applications and ensure that appropriate controls are built into the operating schedule from the outset, thus contributing to the protection of the current and future residents of the city centre.
Resident		<p>Our policy points:</p> <p>1) that the Council should prevent any further extension of the 'night time economy' zoning to ensure that the increasing density of residential properties in the Princes Street/Tombland area is not affected increasingly by nuisance.</p> <p>2) that the Council should not issue late-night music licences to sound-permeable buildings (Tombland instances in recent years: Edith Cavell pub, Bam Bam, also La Tasca).</p> <p>3) that the Council should be alert to businesses opening as restaurants on the basis of which licensed late-night usage with music is piggy-backed, the restaurant then being closed and, in effect, a club-like establishment remaining. This looks like a ploy to extent club-like activities into 'restaurant' zones. Instance: Bam Bam.</p>

		<p>General view: As residents living within the designated zone we would support the cumulative impact policy proposed by Norfolk Constabulary. Since moving to Norwich city centre in 2004 we have been adversely affected by a number of premises in Tombland behaving in an antisocial manner by playing loud, amplified music into the early hours of the morning which we can hear within our home with all windows and doors shut and which makes sleep impossible until such time as they choose to stop. The licences of each of these premises state that their windows and doors must be kept shut but in practice this stipulation is generally ignored and the type of traditional buildings surrounding Tombland, while fine for restaurant activity, is not suited to the attenuation of very loud music more usually associated with clubs and bars. There is also the drunken shouting and sometimes vandalism engaged in by departing clients, although we would not be able to tell from which specific premises they had come.</p> <p>When we moved to Princes Street in 2004 the Sampson &amp; Hercules had just closed as a club and we believed the council's stated aim was to encourage residents into the city centre and to move the club activity into Riverside and the Prince of Wales Road where policing could be optimised. Unfortunately for us this has not proved to be uniformly the case and nightclub activity has found its way back to Tombland. This is a pity as for the most part Tombland has a good diversity of restaurants which offer a more civilised and neighbour-friendly form of night-time entertainment. However, late at night it is not a nice place to be thanks to drunk and disorderly individuals and groups.</p> <p>The disruptive noise which has affected us on many weekends over the years is a public nuisance, the prevention of which is one of the licensing objectives stated in the Licensing Act 2003. We welcome any initiative which redresses the balance in favour of residents and most of the businesses on Tombland which are not engaging in antisocial behaviour.</p>
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Resident		<p>We have two areas of concern with regard to the way that many of the restaurants/bars in the Tombland area are behaving more like the night clubs on Prince of Wales Road - we suspect this is because there are so many bars/clubs in the area now that they have to compete even more to survive.</p> <p>1.Noise levels - to attract customers, many of the bars and restaurants in Tombland are playing music very loudly, often in breach of their licensing conditions - right up until 2am or 3am at night. We have had to complain 5 times in the past 6 months to the anti social behaviour hotline about this.</p> <p>2. Anti social behaviour - despite the cheap drink offers that many of the bars in Tombland are publicising, people are still using Tombland Alley, right next to our house, above which our son sleeps, to drink alcohol before going to the bars, but also to take drugs and have sex or fight. The cheap drink also results in vomit, broken glass, urination against our house's wall and even defecation and once we found blood on our kitchen window. There is a litter problem too - empty bottles/cans, cigarette ends and even the occasional syringe and drug baggie in Tombland Alley - which is of course a major tourist attraction and icon of Norwich. If the Cumulative Impact Policy could result in less late night bars/clubs and encourage the premises to revert back to their original purpose of being restaurants, we believe this would greatly reduce the amount of noise and antisocial behaviour which residents in Princes Street and the nearby residential blocks of flats are currently suffering from.</p>
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## ITEM 7 APPENDIX C

**From:** Lesley Grahame [<mailto:lesley.grahame@norwichgreenparty.org>]  
**Sent:** 02 March 2015 22:22  
**To:** Licensing  
**Cc:** Cllr Price, Ben; Jo Henderson; [adrian.dearnley@norfolk.gov.uk](mailto:adrian.dearnley@norfolk.gov.uk); Cotton, Christopher  
**Subject:** Cumulative Impact Policy, consultation response

Dear colleagues

Thorpe Hamlet councillors have called for a Cumulative Impact Zone and welcome the fact that it is now coming forward. We believe this will help residents to resist further encroachment of the problems of the late night activity zone. Above all the plan will allow councillors and residents to take a pro-active stand in affecting the kind of city we want to live in

Best wishes

Lesley Grahame  
Green Party Prospective Parliamentary Candidate, Norwich South  
Green Party Councillor, Thorpe Hamlet Ward, Norwich  
Tel 01603 632228  
Mob 07711 298214  
@LesleyJGrahame  
<http://www.norwichgreenparty.org/>



# NORFOLK CONSTABULARY

*Our Priority is You*

## Norfolk Constabulary

Inspector Edward Brown  
Norfolk Constabulary Licensing

Norwich City Council Licensing  
St Peter's Street  
City Hall  
Norwich  
Norfolk  
NR2 1NH

Date: 26/2/2015  
Your Ref:  
Our Ref: CIP

Tel: 01603276017  
Fax:  
Email: [brownej@norfolk.pnn.police.uk](mailto:brownej@norfolk.pnn.police.uk)

[www.norfolk.police.uk](http://www.norfolk.police.uk)  
Non-Emergency Tel: 101

This information is submitted as supporting information to Norwich City Council consultation concerning the addition of a Cumulative Impact Special Policy to the Council's statement of Licensing Policy.

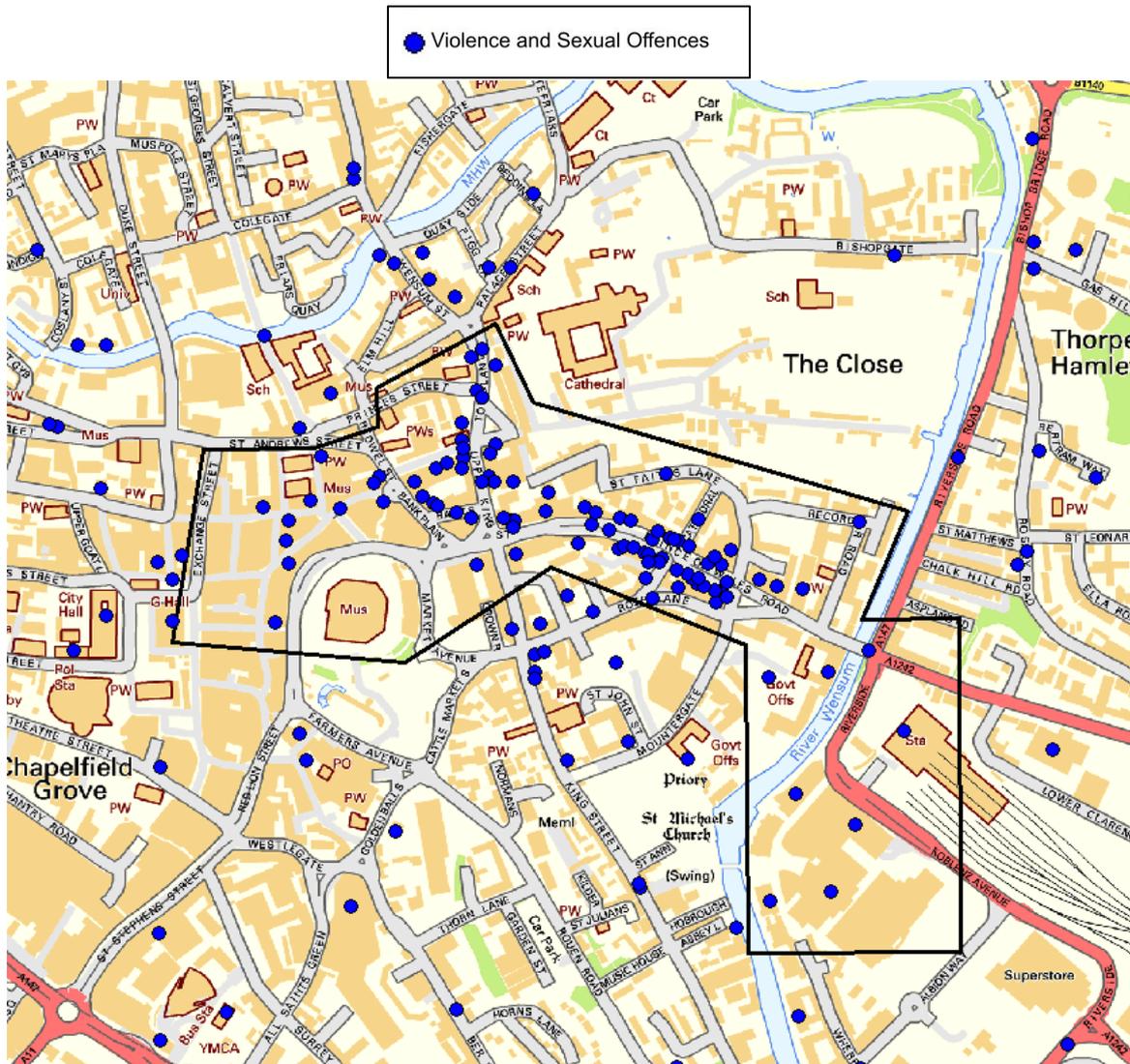
I make this representation on behalf of Norfolk Constabulary.

In December 2014, the Constabulary presented a report to the Licensing committee detailing the case for a Cumulative Impact Policy. Crime and disorder statistics were shown detailing the period January 1<sup>st</sup> 2011 through to December 31<sup>st</sup> 2013. Included in this further representation are the crime and disorder figures relating to violence (including sexual violence) and offences committed under the public order act for the period January 1<sup>st</sup> 2014 – December 31<sup>st</sup> 2014. 'NTE zones' refers to the same area as detailed in the cumulative impact consultation.

### Violence and Sexual Offences

Year	Total in Norwich City Centre (F3)	Volume of Norwich East total in NTE zones	% of Norwich East total in NTE zones
2011	896	543	60.6%
2012	757	337	44.5%
2013	751	338	45.0%
2014	959	400	41.7%
<b>Percentage change (13-14)</b>	<b>27.70%</b>	<b>18.34%</b>	<b>-7.32%</b>

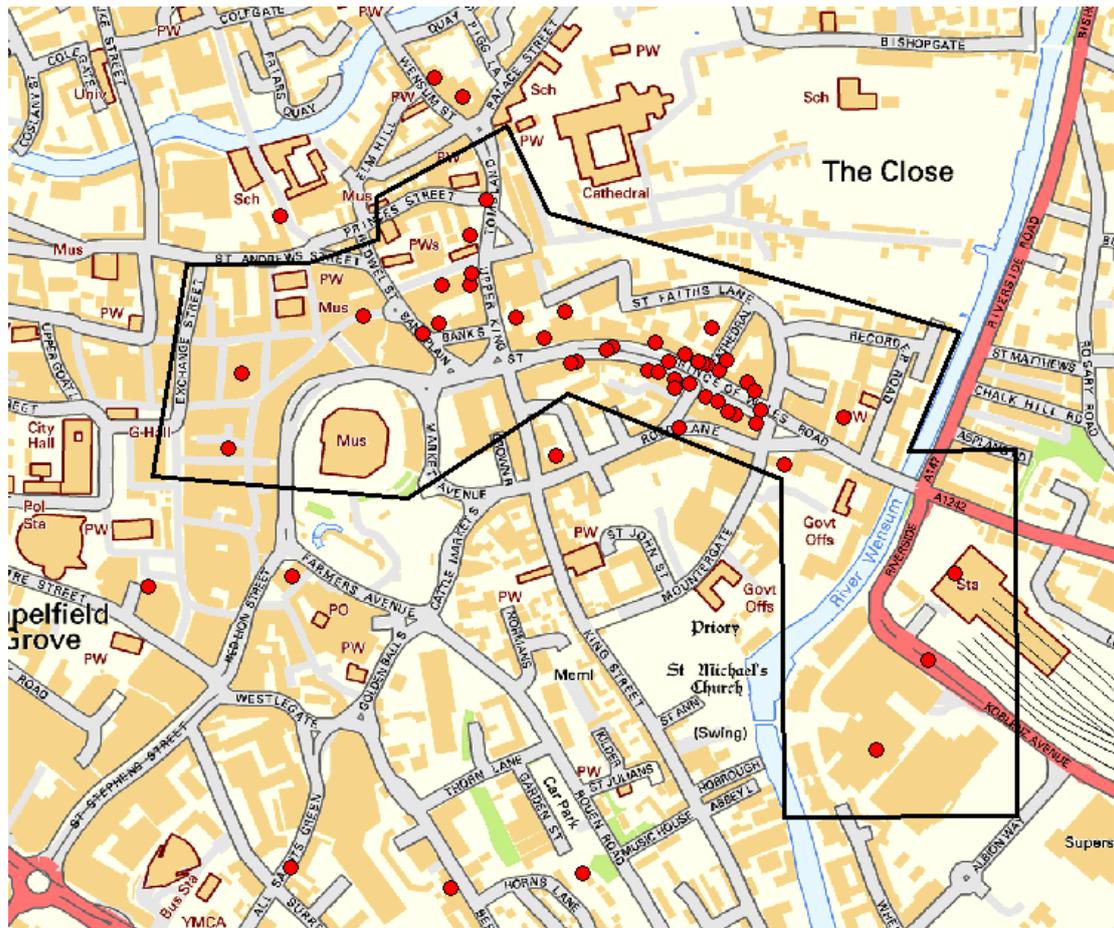




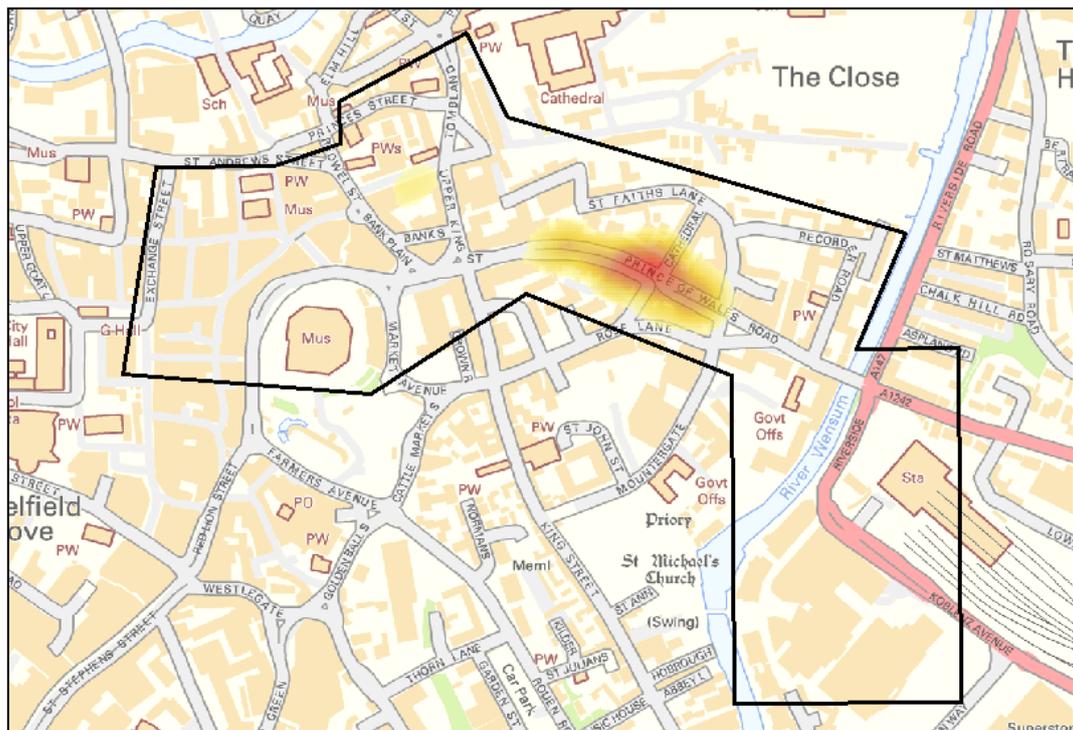
This mapping is worth comparing with the spread of licensed premises within the city (below) as there is a clear positive correlation.







Finally, the map (below) identifies the same 'hotspot' for public order offences as being the Prince of Wales Road where we have the highest saturation of premises.



The Norfolk Constabulary fully support the proportionate measure of adopting a cumulative impact special policy in Norwich City Centre. It is considered an appropriate policy to still permit managed growth of the night time economy in the future, promote diversification of premises on offer whilst creating a rebuttal presumption to more of the same type of premises which, in our opinion, have been contributory to levels of crime and disorder across the defined area both directly and indirectly. Only those premises which can be shown to have the highest standards of management will be permitted the opportunity of growth. This has to be a good thing for the City.

The problem of cumulative impact has been identified and acknowledged by many stakeholders within the night time economy. Indeed, the prompt to look at the viability of adopting such a policy came from the licensed trade in Norwich as an alternative consideration to Early Morning Restriction Orders. It is evidence of a strong partnership approach between the police, responsible authorities and the trade in trying to problem solve the issues created as a consequence of having a popular city night life.

Inspector Edward Brown  
Norfolk Constabulary

Interim Director of Public Health  
Norfolk County Council  
Room 210, North Wing  
County Hall  
Norfolk  
Martineau Lane  
Norwich  
Norfolk NR1 2DH

Mr Ian Streeter  
Public Protection (Licensing Team)  
City Hall  
St Peters Street  
Norwich NR2 1NH

27<sup>th</sup> February 2015

Your Reference:  
Our Reference:

Dear Mr Streeter

**Licensing Act2003  
Norwich City Council Licensing Policy Review**

Thank you for your letter dated the 3 February 2015 following the Councils Licensing Committee where a report by Norfolk Constabulary highlighted an evidential link between levels of disorder and the number of premises licensed for the sale of alcohol/late night refreshment within a defined area of Norwich.

The report requested that the council introduce a Cumulative Impact Policy (CIP) aimed at reducing antisocial behaviour in Norwich's night time economy (NTE).

Increasing alcohol consumption is associated with increased risk of harm that can affect the physical and mental health of individuals. In 2013, the Public Health Directorate published an alcohol needs assessment to inform an alcohol strategy for the Norwich CCG area (population size 205,200). Some key findings from the assessment showed:-

- From 2005 to 2012 there has been a 40% increase in the number of licenses in the Norwich City Council district
- In 11/12 there were an estimated 9,000 A&E attendances related to alcohol for the Norwich CCG population. There were also 801 alcohol-specific hospital admissions costing £928,226. The peak age for admission was 40 to 44 years of age and 5% were for ages less than 20 years. Emergency admissions accounted for three quarters of the total.
- There were 3,070 alcohol-related hospital admissions in 11/12 for the Norwich CCG registered population which cost an estimated £4,542,166. Over the period 05/06 to 09/10, each year there have been about an extra 150 alcohol-attributable hospital admissions.
- Alcohol-induced antisocial behaviour was a factor in 65% of referrals to Norwich antisocial behaviour action group (ASBAG) in 11/12.
- Rates of homelessness for the Norwich City Council area are above national average. Housing Advisors in Norwich estimate that each year about 260 cases of homelessness or threatened homelessness have alcohol misuse as an underlying cause.
- 30,000 people come into Norwich each evening at the weekend. In recent years there has been an increase in the numbers of crime/disorder incidents in central Norwich has been between 4:00am and 6:00am following the introduction of extended licensing which has made alcohol available for longer periods of time.

Cont:

- A voluntary agreement has been in place since Aug 2012 for Prince of Wales licensed venues to close by 4:00am. Whilst alcohol-related violent crime and anti-social behaviour is concentrated in the Prince of Wales Road / night time economy area, the whole city is affected.
- Alcohol related anti-social behaviour occurs more frequently than violent crime and incidents of anti-social behaviour can often escalate into violent crime. The rate of alcohol-related crime in Norwich has been steadily decreasing since 06/07, in line with the reductions seen nationally.
- In the Norwich City Council area, 1,203 alcohol-related crimes were recorded in 2011/12, which represents the second highest rate in Norfolk. 9% of all the alcohol-related crime in Norfolk happens on Prince of Wales Road where the Norwich night time economy is centred.
- Domestic abuse accounted for 8.2% of the total crime within the county in 11/12 and alcohol is a factor in about a third of cases. Domestic abuse occurs for the first time during pregnancy in a substantial number of cases. About a half of domestic abuse incidents involved children, affecting about 5% of all children. Norwich has the second highest rate of domestic abuse offences involving children in Norfolk.
- Norwich has the highest rate of sexual crimes attributable to alcohol in Norfolk.

One of the recommendations of the Needs Assessment was to introduce an **alcohol licence saturation policy** to prevent new licenses being issued in areas with an existing high-density of licenses. Therefore Norfolk County Council Public Health Department is in full support of the CIP proposition. If you require any further information, please do not hesitate to contact me.

Yours faithfully



cc: Lucy McLeod  
Interim Director of Public Health

Further information and statistics are available at: <http://www.norfolk.gov.uk/view/NCC160836>

Enc: Norwich Alcohol Needs Assessment

# Norwich Alcohol Needs Assessment

## Executive Summary

January 2013

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Jon Cox – Specialty Registrar in Public Health

Dr Augustine Pereira – Consultant in Public Health Medicine

Public Health Directorate, Norfolk County Council



## Executive summary

Norwich CCG Children & Families Clinical Action Team called for work to reduce alcohol related harm. The Public Health Directorate agreed to conduct an alcohol needs assessment to inform an alcohol strategy for the Norwich CCG area (population size 205,200).

The objectives of this needs assessment were to:

- review the epidemiology of alcohol for Norwich considering aspects of supply, consumption and harm (health, socio-economic and crime & disorder)
- review current services relating to alcohol misuse
- compare current service provision against national guidance
- describe stakeholder and service user perspectives of alcohol treatment and services
- assess the need for development and make recommendations for improvement

An epidemiological/comparative/corporate approach was used utilising quantitative data and focus group discussions.

## Findings

The affordability and availability of alcohol in Norwich has increased. From 2005 to 2012 there has been a 40% increase in the total number of licensed premises and a 67% increase in the number of off-licenses.

There are no comprehensive estimates of alcohol consumption locally but national data show spirit consumption amongst women has risen significantly and has doubled amongst 11 to 15 year olds in the last 20 years.

In the Norwich CCG population it is estimated there are between 4,000 and 6,000 people with signs of alcohol dependence and 7,710 males and 4,030 females who drink at higher risk. 25% of adults binge drink in Norwich, compared to 17% for Norfolk, 18% for East of England and 20% for England.

1% of young people (aged 13-18) in Norwich said they drank every day. The proportion of 'ever drunk' was lower in Norwich than nationally (65% cf. 80%) in ages 15-16 years.

## Health impacts

In 11/12 there were an estimated 9,000 A&E attendances related to alcohol for the Norwich CCG population. There were also 801 alcohol-specific hospital admissions costing £928,226. The peak age for admission was 40 to 44 years of age and 5%

were for ages less than 20 years. Emergency admissions accounted for three-quarters of the total.

The Norwich CCG rate of hospital admissions for alcohol-specific conditions is higher than for England and East of England for both males and females. The rate for males is about double that of females. During the period 06/07 to 10/11, both the Norwich male and female rates have increased more rapidly than the rates for England and East of England. For females, the rate increased nearly twice as quickly in Norwich compared to the East of England, and 50% more quickly than the England rate.

- for hospital admissions for alcohol-related liver disease in ages 20 to 24 years, the proportion of female admissions has been ten times greater than the proportion of male admissions (3% compared to 0.3% respectively) over the last ten years.
- there were 3,070 alcohol-related hospital admissions in 11/12 for the Norwich CCG registered population which cost £4,542,166. Over the period 05/06 to 09/10, each year there have been about an extra 150 alcohol-attributable hospital admissions.
- 606 people were in structured treatment for problems with alcohol in Norwich in 11/12. Of these 288 people (48%) successfully completed treatment
- there has been an average of 15 alcohol-specific deaths per year during 2002-2011 for the Norwich CCG population with males accounting for 67% of deaths. Nationally the alcohol-related mortality rate has increased over this period but it is difficult to determine the trend in alcohol-related deaths locally.

### **Socio-economic impacts**

Less than 10% of alcohol-dependent parents with children received structured treatment for their alcohol problems in 2011/12. There were 2,165 referrals to children's social care in Norwich in 10/11 and about 40 to 50% of child protection cases involve parental drug or alcohol misuse.

25 to 30% of young people who refer themselves to the Matthew Project after a school visit do so for parental alcohol misuse concerns. It is estimated that last year in Norwich, Children's Services dealt with 1,080 referrals for families involving children affected by parental substance misuse issues.

Alcohol-induced antisocial behaviour was a factor in 65% of referrals to Norwich antisocial behaviour action group (ASBAG) in 11/12.

Rates of homelessness for the Norwich City Council area are above national average. Housing Advisors in Norwich estimate that each year about 260 cases of homelessness or threatened homelessness have alcohol misuse as an underlying cause.

## **Crime and disorder impacts**

30,000 people come into Norwich each evening at the weekend. In recent years there has been an increase in the numbers of crime/disorder incidents in central Norwich has been between 4:00am and 6:00am following the introduction of extended licensing which has made alcohol available for longer periods of time. A voluntary agreement has been in place since Aug 2012 for Prince of Wales licensed venues to close by 4:00am.

Whilst alcohol-related violent crime and anti-social behaviour is concentrated in the Prince of Wales Road / night time economy area, the whole city is affected. Alcohol-related anti-social behaviour occurs more frequently than violent crime and incidents of anti-social behaviour can often escalate into violent crime.

The rate of alcohol-related crime in Norwich has been steadily decreasing since 06/07, in line with the reductions seen nationally. In the Norwich City Council area, 1,203 alcohol-related crimes were recorded in 2011/12, which represents the second highest rate in Norfolk. 9% of all the alcohol-related crime in Norfolk happens on Prince of Wales Road where the Norwich night time economy is centred.

Domestic abuse accounted for 8.2% of the total crime within the county in 11/12 and alcohol is a factor in about a third of cases. Domestic abuse occurs for the first time during pregnancy in a substantial number of cases. About a half of domestic abuse incidents involved children, affecting about 5% of all children. Norwich has the second highest rate of domestic abuse offences involving children in Norfolk.

Norwich has the highest rate of sexual crimes attributable to alcohol in Norfolk

## **National guidance**

A range of guidance is available to support local work to reduce the harm from alcohol including the National Alcohol Strategy (2012) and Signs for Improvement (DoH, 2009).

Current services in Norwich aimed at reducing the harm caused by alcohol were mapped and compared to national guidance.

## **Views of stakeholders and service users**

Focus group discussions were carried out with the Task and Finish group and a Service User group of people recovering from alcohol misuse. Thematic analysis of discussions identified 21 themes.

## **Recommendations**

A series of recommendations are made which are summarised below:

### Supply

- challenge the presumption of approving license applications
- introduce an alcohol license saturation policy to prevent new licenses being issued in areas with an existing high-density of licenses
- reduce the direct and indirect supply of alcohol to children

### Awareness, education and prevention

- develop a local programme to help awareness of personal alcohol consumption levels and the potential impact on children based on national social marketing work
- ensure the consistent use of identification and brief advice across primary care, secondary care, criminal justice, social care, housing support settings to identify individuals at risk of alcohol misuse, provide brief advice and refer appropriately

### Harm reduction

- recognise the risk groups identified in this needs assessment and understand the opportunities to intervene to reduce harm from alcohol misuse
- reduce alcohol consumption in those people drinking above the recommended safe limits for consumption and reduce dependency on alcohol
- provide extended brief intervention to higher risk or alcohol dependent individuals who are not ready for change

### Treatment services

- ensure the provision and uptake of evidence-based specialist treatment for at least 15% of estimated dependent drinkers
- continue to develop and improve alcohol treatment services and implement the recommendation of the DAAT commissioned Tier 4 detoxification service review
- increase the identification, provision of brief advice and appropriate referral of patients at risk of harm from alcohol misuse in acute healthcare settings

### Partnership working

- co-ordinate the work of all partners to reduce alcohol-related harm
- work with other local behaviour change and health promotion opportunities such as Norwich Health City
- improve information sharing between partner organisations to help understand the needs of people entering and leaving structured treatment for alcohol misuse



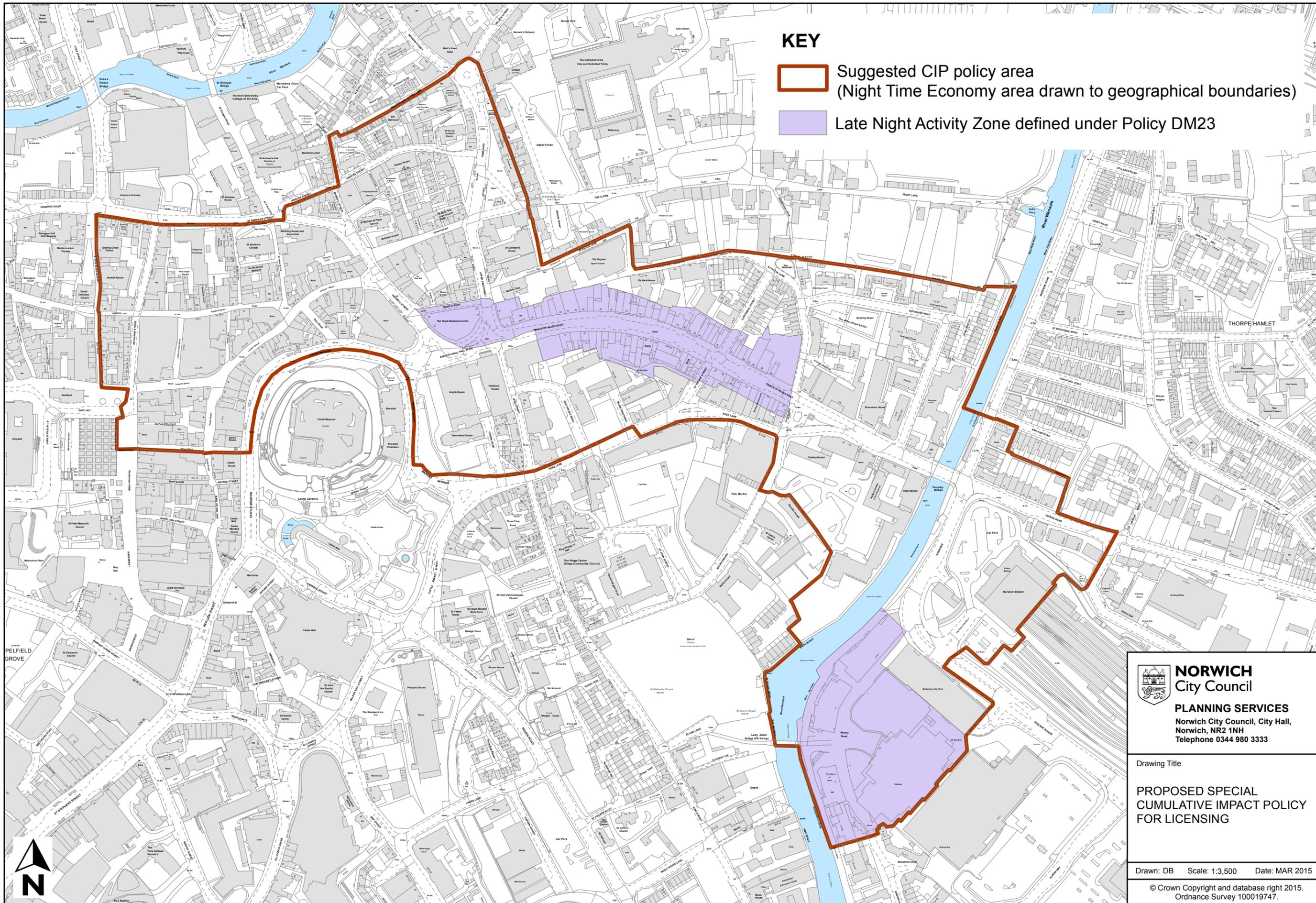
## **Proposed cumulative impact policy for licensing Comments of the planning service**

1. The planning service supports the objectives of the proposed special cumulative impact policy (CIP) and welcomes the proposed measures to tackle the problems associated with late night noise, crime and disorder. We agree that there is sufficient evidence of problems based on Police statistics to justify such an approach.
2. We recognise that the objectives of the proposed cumulative impact policy for licensing and the council's adopted local plan policies for late night uses are both predicated on effectively managing the impacts of the late night economy on the city centre, by seeking to focus late night uses mainly within a relatively small area and to resist further harmful concentrations of those uses – in particular clubs, bars and takeaways. Through appropriate application of the special cumulative impact policy working together with existing planning policies, potentially problematic uses and associated problems of crime and disorder will be discouraged from being dispersed into a wider area. Accordingly we consider that the objectives of the planning and licensing policy are consistent and should provide an appropriate set of tools to address these impacts.
3. It is important that the proposed licensing policy, if adopted, is seen to dovetail together with the council's adopted local plan policies relating to the evening and late night economy to ensure that potential policy conflicts are minimised and the scope and purpose of each policy approach are understood by decision makers and city centre stakeholders. In introducing the cumulative impact policy it may help if it is clarified that it is not intended to promote dispersal of late night economic activities to parts of the city centre outside the CIP area.
4. The proposed licensing policy and existing planning policy together, alongside other complementary measures:
  - Recognise that there will be a continuing role for late night entertainment uses within the city centre as part of its overall leisure and hospitality offer;
  - Encourage the development and further appropriate expansion of the evening economy consistent with the need to protect the amenity and living and working conditions of city centre residents and businesses
  - Strike an appropriate balance between supporting a vibrant night time economy and managing its impacts responsibly, particularly in relation to late night bars, clubs and takeaways, ensuring that residential amenity is protected through the consistent application of planning policy and that the four statutory objectives of licensing legislation are met;
  - Encourage responsible management practice and cooperation among operators to reduce potential for crime and disorder;
  - Strongly discourage the dispersal and proliferation of late night licensable activities, in particular clubs and bars, to noise sensitive areas of the city centre (in particular residential areas) and continue to focus and contain the

majority of late night uses within the Late Night Activity Zone as defined in the local plan.

5. We consider that it would be helpful if the boundaries of the proposed CIP area were more precisely drawn on a large scale map base to aid interpretation of the policy. As drawn schematically in the report, the proposed boundaries appear to run through buildings and it may not be clear whether a particular premises lies within or outside the area. Attached is a suggested revised version of the map which reflects issues on the ground. We feel it may be easier for people to understand and implement.
6. We would be happy to be involved in any future discussions with licensing officers and the Police (potentially involving the preparation of supplementary planning guidance and advice) to identify any issues around the operation of planning policy and the proposed new licensing policy in the city centre and to improve the effectiveness of the approach and maximise benefits for the public.
7. Further, it will be particularly important to keep the issue under review. Some areas of the city centre immediately adjoining the proposed CIP area may change significantly in coming years (notably through redevelopment at St. Anne's Wharf and in the Rose Lane/Mounteragate area) and this may require the area of the CIP to be reviewed in future.

Jonathan Bunting  
Planner (Policy)  
12 March 2015





**Report to** Licensing committee  
23 March 2015  
**Report of** Head of citywide services  
**Subject** Licence and registration fees

**Item**

**8**

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**Purpose**

This report invites members to consider the level of fees payable for those licences administered by the council's licensing section.

**Recommendation**

To approve the fees detailed in the column headed 'Recommended Charge' of appendix 'A' attached to the report.

**Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Financial implications**

Advertising costs to be met from existing budget.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – Customer services

**Contact officers**

Ian Streeter, licensing manager

01603 212761

**Background documents**

None

## **Report**

1. This report invites members to consider increasing the fees payable for those licences currently administered by the head of citywide services and detailed in appendix A to the report. The fees in respect of the licences shown in appendix A were last reviewed at the meeting of licensing committee on 13 March 2014.
2. Members will note that the charges fall under three headings: discretionary fees (the level of fee is at the discretion of the licensing authority subject to the principles outlined in paragraph 3 below), discretionary fees with statutory maxima (as discretionary fees but with an upper limit) and fixed fees (set by statute and cannot be increased).

### **Level of licence fees**

3. When determining the levels of fees charged for the licensing function there are three main areas for consideration. Firstly, case law has established that local authorities are entitled to recover the cost of administering a licensing scheme, provided that allowance is made for exemptions or reductions. Following on from this point, the second area for consideration is that where certain licences are exempt from a fee, the cost of administering these licences cannot be 'transferred' to other licence fee payers. Lastly, it has also been determined through case law that local authorities are not empowered to raise revenue through their licensing function or to include costs within licence fees relating to enforcement action against un-licensed activities.
4. The points outlined in paragraph 3 above are taken into account when determining the base estimates for the current financial year. In calculating the projected income for each type of licence it is necessary to estimate the number of licences that may be issued over the course of the year.

### **Proposals for financial year 2015/16**

5. The head of financial services and I have considered the level of licence fees for the 2015/16 financial year and the proposals are contained in appendix A attached to the report.
6. Having taken into account the criteria outlined above, the table at appendix A suggests a charge for each licence which is obtained by applying a 2.3% increase to the current fees, except where the fee is fixed by statute.
7. The fees for street trading and sex establishments have been reviewed separately following an evaluation of the cost of administering these areas of licensing and the suggested 2015/16 charge for sex establishments is included within the table at appendix A.
8. The daily charge for a street trading consent without electricity supplied has been calculated at £16.00 per day. Existing daily street trading charges range from £10.00 to £15.00, some of which include electrical supply. Attached at appendix B are the calculations for a daily charge without electricity. Those pitches that have an electrical supply will pay for the cost of the electricity used in addition to the proposed £16.00 daily fee.

## **Implementation**

9. The increases can be brought into effect from April 2015. However, members should be aware that a statutory advertising procedure applies in respect of an increase in the fees payable for hackney carriage vehicle licences, private hire vehicle and private hire operators' licences. If objections are received in respect of these particular fees, then members will have to give further consideration to those increases.



# ITEM 8 APPENDIX A

## NORWICH CITY COUNCIL LICENSING CHARGES 2014/15 TO 2015/16

	Licence Fee 2014/15 £	Estimated No. of Licences Issued in 2014/15	Estimated Income 2014/15 £	Recommended Charge 2015/16 (2.3% increase) £	Estimated No. of Licences Issued in 2015/16	Estimated Income 2015/16 £
<b>DISCRETIONARY FEES</b>						
<b>(i) Hackney Carriage &amp; Private Hire</b>						
HC and PH Drivers - Grant	254.00	12	3,048	260.00	12	3,120
HC and PH Drivers - Renewal	112.00	300	33,600	115.00	300	34,500
PH Drivers Licence - Grant	254.00	65	16,510	260.00	65	16,900
PH Drivers Licence - 3 Month	82.00	70	5,740	84.00	70	5,880
PH Drivers Licence - Renewal	112.00	260	29,120	115.00	260	29,900
Hackney Carriage Vehicle	140.00	250	35,000	143.00	250	35,750
Private Hire Vehicle	119.00	420	49,980	122.00	420	51,240
Private Hire Operator	252.00	12	3,024	258.00	12	3,096
Transfer of HC/PH vehicle licence	15.00	40	600	15.00	40	600
Replacement Vehicle Licence Plate	20.00	15	300	20.00	15	300
<b>Sub total</b>			<b>176,922</b>			<b>181,286</b>
<b>(ii) Environmental Services Licences</b>						
Acupuncture - Shop	252.00	1	252	258.00	1	258
Acupuncture - Employee	26.00	5	130	27.00	5	135
Ear Piercing - Shop	252.00	1	252	258.00	1	258
Ear Piercing - Employee	26.00	6	156	27.00	6	162
Electrolysis - Shop	252.00	4	1,008	258.00	4	1,032
Electrolysis - Employee	26.00	0	0	27.00	0	0
Tattooing - Shop	252.00	5	1,260	258.00	5	1,290
Tattooing - Employee	26.00	42	1,092	27.00	20	540
Dangerous Wild Animals	252.00	1	252	258.00	1	258
Dog Breeding	252.00	0	0	258.00	0	0
Animal Boarding Establishments	252.00	0	0	258.00	0	0
Pet Shops	252.00	5	1,260	258.00	6	1,548
<b>Sub Total</b>			<b>5,662</b>			<b>5,481</b>
<b>(iii) Other Non-fixed Licences</b>						
Sex Establishments			(fee under review pending outcome of legal proceedings)	2,532.00	5	12,660
Scrap Metal Dealers: (site licence)	204.00	6	1,224	209.00	0	0
Scrap Metal Dealers: (collectors licence)	93.00	28	2,604	95.00	10	950
Scrap Metal Dealers: (renew site licence)	204.00	0	0	209.00	0	0
Scrap Metal Dealers: (renew collectors licence)	204.00	0	0	209.00	0	0
Scrap Metal Dealers: (vary - licensee name change)	22.00	0	0	23.00	0	0
Scrap Metal Dealers: (vary - change of site)	165.00	0	0	169.00	0	0
Scrap Metal Dealers: (vary - change of site manager)	101.00	0	0	103.00	0	0
Scrap Metal Dealers: (vary - site to collectors)	23.00	0	0	24.00	0	0
Scrap Metal Dealers: (vary - collectors to site)	23.00	0	0	24.00	0	0
Tables and Chairs (grant)	582.00	7	4,074	595.00	7	4,165
Tables and Chairs (renewal)	119.00	20	2,380	122.00	20	2,440
Tables and Chairs (renewal 3 yearly)	359.00	1	359	367.00	0	0
<b>Sub Total</b>			<b>10,641</b>			<b>20,215</b>

Total			193,225				206,982
<b>Gambling Act 2005 Licences (Discretionary fees with statutory maxima)</b>							
<b>Bingo Club</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	3,500.00	0	0		3,500.00	0	0
Annual Fee	1,000.00	2	2,000		1,000.00	2	2,000
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	3,500.00	0	0		3,500.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Betting Premises</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	3,000.00	3	9,000		3,000.00	3	9,000
Annual Fee	600.00	25	15,000		600.00	29	17,400
Variation	1,500.00	0	0		1,500.00	0	0
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	3,000.00	0	0		3,000.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Tracks</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,500.00	0	0		2,500.00	0	0
Annual Fee	1,000.00	1	1,000		1,000.00	1	1,000
Variation	1,250.00	0	0		1,250.00	0	0
Transfer	950.00	0	0		950.00	0	0
Re-Instatement	950.00	0	0		950.00	0	0
Provisional Statement	2,500.00	0	0		2,500.00	0	0
Provisional Licence Application	950.00	0	0		950.00	0	0
<b>Family Entertainment Centre</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,000.00	0	0		2,000.00	0	0
Annual Fee	750.00	1	750		750.00	1	750
Variation	1,000.00	0	0		1,000.00	0	0
Transfer	950.00	0	0		950.00	0	0
Re-Instatement	950.00	0	0		950.00	0	0
Provisional Statement	2,000.00	0	0		2,000.00	0	0
Provisional Licence Application	950.00	0	0		950.00	0	0
<b>Adult Gaming Centre</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,000.00	0	0		2,000.00	0	0
Annual Fee	1,000.00	2	2,000		1,000.00	2	2,000
Variation	1,000.00	0	0		1,000.00	0	0
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	2,000.00	0	0		2,000.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Gambling Act 2005 Permits (Fixed fees)</b>							
<b>Family Entertainment Centre</b>							
Transitional	100.00	0	0		100.00	0	0
New Application	300.00	0	0		300.00	0	0
Renewal Fee	300.00	0	0		300.00	0	0
<b>Prize Gaming</b>							
Transitional	100.00	0	0		100.00	0	0
New Application	300.00	0	0		300.00	0	0

Renewal Fee	300.00	0	0	300.00	0	0
<b>Alcohol Licensed Premises - notification of 2 or less machines</b>						
Application fee	50.00	6	250	50.00	11	550
<b>Alcohol Licensed Premises - more than 2 machines</b>						
Transitional	100.00	0	0	100.00	0	0
New Application	150.00	1	150	150.00	1	150
Annual Fee	50.00	14	700	50.00	14	700
<b>Club Gaming Permit</b>						
Transitional	100.00	0	0	100.00	0	0
New Application	200.00	0	0	200.00	0	0
Renewal Fee	200.00	0	0	200.00	0	0
Annual fee	50.00	2	100	50.00	2	100
<b>Club Gaming Machine Permit</b>						
Transitional	100.00	0	0	100.00	0	0
New Application	200.00	0	0	200.00	0	0
Renewal Fee	200.00	0	0	200.00	0	0
Annual fee	50.00	4	200	50.00	4	200
<b>Small Society Lottery Registration</b>						
Application fee	40.00	15	600	40.00	15	600
Annual fee	20.00	140	2,800	20.00	140	2,800
Sub Total			34,550			37,250
<b>Licensing Act 2003 (Fixed Fees)</b>						
Premises Licence / Club Premises Certificate - Grant						
Band A	100.00	6	600	100.00	6	600
Band B	190.00	12	2,280	190.00	12	2,280
Band C	315.00	6	1,890	315.00	6	1,890
Band D	450.00	2	900	450.00	2	900
Band E	635.00	5	3,175	635.00	5	3,175
Other Licensing Act 2003 fees			5,000			5,000
Premises Licence / Club Premises Certificate - Annual Fee						
Band A	70.00	76	5,320	70.00	78	5,460
Band B	180.00	406	73,080	180.00	402	72,360
Band C	295.00	86	25,370	295.00	92	27,140
Band D	320.00	16	5,120	320.00	13	4,160
Band E	350.00	63	22,050	350.00	67	23,450
Premises Licence / Club Premises Certificate - Variation						
Band A	100.00	0	0	100.00	0	0
Band B	190.00	3	570	190.00	3	570
Band C	315.00	1	315	315.00	1	315
Band D	450.00	0	0	450.00	0	0
Band E	635.00	1	635	635.00	1	635
Personal Licence	37.00	114	4,218	37.00	130	4,810
Temporary Event Notice	21.00	224	4,704	21.00	250	5,250
			155,227			157,995

**Total income** 383,002

402,227



# ITEM 8 APPENDIX B

Street trading consent fee (no electricity provided)				
Task	Officer	Time (minutes)	Hourly rate (including on-costs)	Cost
Initial enquiry	Markets Assistant	15	21.22	5.31
Post / download application form	Markets Assistant	15	21.22	5.31
Application received - check form completed, fee etc received	Markets Assistant	15	21.22	5.31
Application received - create file/record	Markets Assistant	15	21.22	5.31
Process licence fee and create account with sundry income	Markets Assistant	15	21.22	5.31
Check application details against grounds for refusal	Markets Manager	30	27.54	13.77
Consultation with council's highways team	Markets Manager	60	27.54	27.54
Site inspection inc travel to and from site	Markets Manager	120	27.54	55.08
Post site inspection work	Markets Manager	60	27.54	27.54
Consider any objections received	Markets Manager	60	27.54	27.54
Issue street trading consent & covering letter & issue	Markets Assistant	30	21.22	10.61
Update file/record	Markets Assistant	15	21.22	5.31
Daily site visits to ensure compliance with terms of consent*	Markets Manager	4680	27.54	2,148.12
Cost of stall, sidesheets & 8 x weights (5 year life)**	Capital cost			417.72
				2,565.84***
				<b>Daily cost £16.00</b>
*Based on one 30 minute visit 3 days a week over the course of a 52 week year: i.e. 90 minute per week x 52 weeks = 4680 minutes				
** 1x stall, side sheets & 8 weights = £1740.50 x 20% VAT = £2,088.60 divided by 5 (5 year life of stall) = £417.72				
				***Yearly cost based on average 3 days trading per week
				Daily cost calculated by 3 days x 52 week year = 156 days
				Annual cost £2,565.84 divided by 156 days = £16.44 per day
	<b>Markets Manager</b>			
	<b>Hourly cost per FTE based on a salary of £35,944 per year</b>			
	<b>Employee Cost</b>			
	Annual Salary (Inc Pension & NI)			35,944
	Hours Per Week		37	
	Weeks Per Year		52	
	Hours per year			1924
	Cost Per Hour			18.68
	<b>Organisational Cost</b>			
	Annual Cost per FTE			17,046
	Hours per year		1924	
	Cost Per Hour			8.86
	Hourly cost of employee			27.54
	<b>Markets Assistant</b>			
	<b>Hourly cost per based on a salary of £14,140 per year</b>			
	<b>Employee Cost</b>			
	Annual Salary (Inc Pension & NI)			14,140
	Hours Per Week		22	
	Weeks Per Year		52	
	Hours per year			1144
	Cost Per Hour			12.36
	<b>Organisational Cost</b>			
	Annual Cost			10,135
	Hours per year		1144	
	Cost Per Hour			8.86
	Hourly cost of employee			21.22



**Report to** Licensing committee  
23 March 2015  
**Report of** Head of local neighbourhood services  
**Subject** Safeguarding and licensing

**Item**  
**9**

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### **Purpose**

To seek approval of recommendations from Cabinet that will ensure that Licensing Committee are following best practice to safeguarding children and vulnerable adults and ensure that safeguarding considerations are used to inform the decisions of the Licensing Authority

### **Recommendation**

To consider the recommendations of the all district councils task and finish group on safeguarding and licensing, as endorsed by cabinet.

### **Corporate and service priorities**

The report helps to meet the corporate priority A safe and clean city and the service plan priority to ensure the council carries out its duties to safeguard children and vulnerable adults

### **Financial implications**

The proposals contained within this report will be met from approved budgetary provision.

**Ward/s:** All wards

**Cabinet member:** Councillor Harris – Customer services

### **Contact officers**

Bob Cronk, Head of local neighbourhood services 01603 212373

Ian Streeter, Licensing Manager 01603 213232

### **Background documents**

None



## Report

1. The city council has always taken great effort to ensure that it fulfils its duties and responsibilities for vulnerable people.
2. In recent years, the external environment for safeguarding has seen considerable change. Recent high profile child protection cases, including those that relate to child sexual exploitation (CSE) and child abuse offences or allegations made against celebrities means the agenda is more visible in the public eye and has increased reporting of these issues.
3. One of the most concerning of child protection issues that is being responded to across the country are those that relate to child sexual exploitation where mostly vulnerable young girls and sometimes young boys, are groomed including on-line grooming.
4. Cases in Rotherham and Rochdale for example have attracted high levels of media coverage and provided a further challenge to local partnerships to understand the extent of local issues and how partners should respond.
5. Within the council the safer communities' co-ordinator has developed and implemented briefing sessions for council staff that relate to the level of contact that staff will or may have with children and young people at risk. These have also been offered to members.
6. The feedback from attendees has been very positive and has indicated how frequently council staff and members may come across children and young people at risk of grooming and sexual exploitation in for example, parks, play areas and licensed food establishments, which was what was found in other cities.
7. The Norfolk Safeguarding Children Board and Norfolk constabulary are leading on an awareness raising campaign in relation to CSE in 2015 and the council's safer communities co-ordinator is contributing to this work.
8. The issues in Rotherham and Rochdale have also highlighted the role that the council as licensing authority can play to safeguard children and vulnerable adults.
9. Members will know that, licensing arrangements were introduced as all activities that are licensable carry a level of risk of "harm" either of a personal, financial, environmental or amenity nature. The requirement for a licence enables a licensing authority to make a judgement so that the potential harm is eliminated, reduced or balanced against the benefits of society. The overriding philosophy underpinning licensing is that public safety must always outweigh the need for a person or organisation to work or trade.
10. In recent weeks all seven district councils have come together with Norfolk Constabulary and Norfolk County Council in a task and finish group to review how safeguarding considerations inform the decisions of each licensing authority.
11. The task and finish group have made a number of recommendations that will improve the information available for licensing decisions; provide an opportunity to increase the awareness in license holders of their role to safeguarding children as well as

vulnerable or potentially vulnerable adults and incorporate best practice into licensing policies as they are reviewed.

12. These recommendations are included at appendix 1.

13. Cabinet considered these proposals at the meeting of 11 March 2015 and requested that they are reported to licensing committee for implementation.

## **Appendix 1**

### **District Council's Safeguarding and licensing T&F group – recommendations**

#### **Information sharing – to improve inter-agency information sharing across Norfolk so that licensing teams have access to all the relevant information to ensure licensing decisions are safe**

1. Develop a Norfolk wide information sharing template and procedure hosted by Norfolk Constabulary to share:
  - decisions by each Licensing Authority when a premises, hackney carriage or private hire license is refused, suspended or revoked as a result of safeguarding issue
  - details of when Norfolk County Council remove a drivers badge for safeguarding reasons
  - share concerns raised about a license or county badge holder, or applicant (individual or premises) that may contribute to a wider pool of intelligence and concerns

This will contribute to resolving some of the information sharing issues in Norfolk relating to hackney carriage and private hire licences. However, there remains a risk with licensing decisions across the county boundary which requires a national change in the licensing framework. It is recommended that these concerns are raised with the Local Government Association and the Chair of the Norfolk Safeguarding Children Board (NSCB) nationally.

2. Childrens services to invite licensing officers to LADO (Local Authority Designated Officer) Meetings where this relates to licensable activities.

#### **Procedures and guidance – to ensure licensing procedures are robust capturing all relevant information from applicants and consultees**

3. Each licensing authority to review Hackney Carriage and private hire license application templates and ensure that all relevant information is requested. This may include:
  - Tests for applicants to complete
  - References
  - Previous licenses held and through which licensing authority

The decision to amend any templates to be taken by each authority

4. Develop a Norfolk wide awareness raising safeguarding leaflet for taxi licensees.
5. Develop a Norfolk wide awareness raising safeguarding leaflet for licensed premises and personal license holders

6. Develop an approach to increase the knowledge of safeguarding children and vulnerable adults for Hackney Carriage and Private Hire Taxi Drivers to widen their understanding and pilot in each district council area.
7. Develop an approach to increase the knowledge of safeguarding children and vulnerable adults for premises licence holders to widen their understanding and pilot in each district council area.
8. Request that safeguarding children and adults forms part of the Best Bar None scheme in Norwich. (The Best Bar None scheme is a national award scheme supported by the Home Office which aims to promote the responsible operation of alcohol licensed premises).

**It has been adopted by 100 towns and cities across the UK and is now being taken up internationally.**

**Best Bar None Norwich is the first in a series of BBN's that will cover Norfolk**

9. Agree a guidance note for the NSCB on how it should respond to licensing consultations relevant reviews and supports the work of the licensing authorities.
10. Request the LGA and independent Chair of the NSCB to ask the Government to amend the Licensing Act 2003 so that applications for personal license come under the framework for consultation with responsible authorities for comment on the suitability of the applicant.
11. Request the LGA and independent chair of the NSCB to ask Government to amend the (Licensing Act 2003) so that criminal background checks undertaken for personal license applications can be carried out by the Disclosure Barring Service at an enhanced level.

**Guidance – to improve guidance available to applicants, members and partners ensuring it is capturing best practice**

12. Incorporate safeguarding best practice and guidance into the revisions of licensing policies at the next policy review. This includes the Licensing Act, Gambling Act (which are both due for renewal in 2015), taxi policy and sexual entertainment venue policy (these are likely to be in future years).
13. Develop a briefing session for licensing teams and licensing related committee members to improve their understanding of safeguarding
14. Improve the understanding of the role and responsibilities of licensing authorities within the NSCB and Norfolk Safeguarding Adults Board (NSAB)





## REGULATORY SUB COMMITTEE

14:30 to 15:10

15 December 2014

Present: Councillors Button (chair), Barker, Bogelein and Henderson

Apologies: Councillor Gihawi

### 1. Declarations of interest

There were no declarations of interest.

### 2. Exclusion of public

**RESOLVED** to exclude the public from the meeting during consideration of items 4 to 9 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

### \*3. Application for grant of a 3 month private hire drivers licence case no 14/02003/PHD3 (paras 1 & 3)

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 15 June 2004, 29 September 2006 and 18 July 2014. He said that he had attended a 'Drivewise' course in 2004.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire drivers licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to read his green book and to advise the council of any convictions within seven days. The applicant left the meeting.)

**\*4. Suspension / revocation of Norwich City Council hackney carriage driver's licence case no 14/01837/HACKD (paras 1 & 3)**

As the applicant did not attend it was -

**RESOLVED**, to defer this matter until the next meeting of the regulatory subcommittee.

**\*5. Suspension / revocation of Norwich City Council private hire drivers licence case no 14/01704/PHDRIV (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstance surrounding his conviction on 6 July 2014. He explained that he did not declare the conviction to the council within seven days as the notification had been posted to his company rather than directly to the applicant; due to his vehicle being a hire vehicle.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to take no further action.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting)

**\*6. Renewal of Norwich City Council private hire drivers licence case no 14/02357/PHDRIV (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received a further motoring conviction on 25 October 2014.)

The licensing manager presented the report. He said that the committee would also need to consider the applicant's further conviction which was not included in the report.

The applicant explained the circumstance surrounding his convictions on 18 November 2013, 27 February 2014 and 25 October 2014. He said that he had not declared the convictions as he did not know that he was required to do so. He said that he had a clean license for fifteen years prior to the convictions so was very aware of speed limits when driving.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to take no further action.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The legal advisor reminded the applicant that he had a duty to read the green book thoroughly and had to take the appearance before the committee very seriously, as members were tasked with public safety. The applicant then left the meeting.)

CHAIR



## REGULATORY SUB COMMITTEE

14:35 to 16:10

9 February 2015

Present: Councillors Button (chair), Ackroyd, Gayton, Price and Woollard

### 1. Declarations of interest

There were no declarations of interest.

### 2. Exclusion of public

**RESOLVED** to exclude the public from the meeting during consideration of items 3 to 5 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

### \*3. Application for grant of 3 month private hire drivers licence application reference 14/PHD3 (paras 1 & 3)

(The chair agreed to take this item first. The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his motoring convictions on 13 January 2009 for using a vehicle uninsured against third party risks, 24 September 2011 and 20 December 2011, both for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that maintenance of his vehicle was his responsibility and asked that he read his green book carefully. The applicant left the meeting.)

**\*4. Application for grant of a 3 month private hire drivers licence application reference 14/2306/PHD3 (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report. He said that the applicant's offences on 29 February 2000 and 6 October 2008 for handling stolen goods (receiving) had been considered by a previous committee as the applicant had held a taxi licence for a number of years.

The applicant explained the circumstances surrounding his conviction on 3 September 2010 for encouraging or assisting offences believing one or more will be committed and for his motoring convictions on 12 August 2010 and 25 March 2011 for exceeding the statutory speed limit on a public road. He then answered member's questions.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to read the green book carefully and to report any suspicious activity to the police. The applicant then left the meeting)

**\*5. Application for grant of Hackney carriage drivers licence application reference 14/01899/HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 7 April 2011 and 22 August 2012 for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the Hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to be aware of his speed. The applicant left the meeting.)

**\*6. Suspension / revocation of Norwich City Council Hackney carriage drivers licence application reference 14/01837/HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item and was accompanied by his wife. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 18 February 2013 and 26 July 2013 for exceeding the statutory speed limit on a public road. He confirmed that he was not carrying a fare on either occasion. He said that he had a speed notification feature on his Satnav which he was using.

(The applicant, his wife and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to take no further action.

(The applicant, his wife and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair said that members were pleased with the measures he had taken regarding speed awareness. The applicant left the meeting.)

**\*7. Suspension / revocation of Norwich City Council private hire drivers licence application reference 14/01570/PHDRIV (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 19 November 2014 for exceeding the statutory speed limit on a public road. The applicant explained that he had tried to notify the council of his conviction within 7 days but had been given an incorrect email address. He followed this up as soon as he realised but was outside of the 7 day notification period.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to take no further action.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded him to be mindful of his speed. The applicant left the meeting.)

**\*8. Application for renewal of a hackney carriage drivers licence reference 14/02543/HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 4 September 2013 for battery and resisting or obstructing a police constable. He explained that he was not working as a taxi driver on the night of the conviction.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the Hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant left the meeting.)

CHAIR



## REGULATORY SUB COMMITTEE

14:30 to 15:00

9 March 2015

Present: Councillors Button (chair), Barker and Bogelein

Apologies: Councillors Henderson and Gihawi

### 1. Declarations of interest

There were no declarations of interest.

### 2. Exclusion of public

**RESOLVED** to exclude the public from the meeting during consideration of items 3 to 5 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

### \*3. Application for grant of 3 month private hire drivers licence application reference 14/20761/PHD3 (paras 1 & 3)

The licensing manger reported that the applicant had written to him to advise he would not be able to attend the committee.

**RESOLVED** to defer the application to the next regulatory sub committee.

### \*4. Application for grant of a private hire drivers licence application reference 15/00153/PHDRIV (paras 1 & 3)

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 8 October 2011 and 20 December 2012 both for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting)

**\*5. Application for renewal of Hackney carriage drivers licence: case number 14/02705/HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item along with his partner. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report. The applicant had made a written statement explaining the circumstances surrounding his formal caution for battery on 22 September 2014. He went on to answer members questions.

(The applicant, his partner and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the Hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant, his partner and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant and his partner left the meeting.)

CHAIR

