

Appendix 8: Members Site Visit Protocol



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Licensing Act 2003

Protocol for site visits by Licensing and Gambling Committee / Licensing Sub-Committee Members

Background

All matters contained in this protocol appertain to the Council's functions as Licensing Authority under the Licensing Act 2003 (the Act) and the procedures necessary for the Licensing Authority to discharge its duties under the Act.

When required to determine a relevant application or permission by means of a hearing, Members of the Licensing and Gambling Committee or Licensing Sub-Committee will conduct a site visit to the premises and vicinity in question. This is done so that Members can make an informed assessment of the premises and surrounding area. Specific Council Officers will accompany Members on the site visit to ensure that the site visit is conducted in accordance with this protocol.

Nothing in this protocol overrides the right of any application or permission to be determined on its own merits and in accordance with the Act and the Council's Licensing Policy. All applications or permissions are treated on a case-by-case basis.

Purpose

This document establishes the protocol by which Members of the Licensing and Gambling Committee or Licensing Sub-Committee and Officers must follow when conducting site visits to premises. Site visits will be conducted for the following:

- (i) A new application for a Premises Licence / Club Premises Certificate;
- (ii) A review application of an existing Premises Licence / Club Premises Certificate.

Site visits will not normally be conducted for any other application or permission. However, notwithstanding the above paragraph, any contested application or permission that presents one or more of the following may also attract a site visit:

- (i) A substantial number of representations have been made in relation to the application or permission;
- (ii) The nature of the application or permission is sufficiently complex;

- (iii) It is reasonably foreseeable that the nature of the application or permission could present a significant impact on one or more of the Licensing Objectives.

Site visit team

The site visit team will consist of the following:

- (i) All members of the Licensing and Gambling Committee or Licensing Sub-Committee;
- (ii) The Commercial, Safety and Licensing Manager (CS&LM) or representative;
- (iii) The Council's Legal Advisor with responsibility for licensing (only as deemed necessary).

Timetable of site visits

Site visits will be conducted on the day of the hearing. The normal timetable will be:

09:30 - 10:00	Site visit
10:30 - 11:00	Members' briefing
11:00	Hearing commences at Council Offices

These times are for indicative purposes only; all parties to any given hearing will be informed of the specific requirements.

Controls & integrity

Preservation of the integrity of the hearing process is paramount. Accordingly, the site visit will be coordinated by the CS&LM who is not party to any decision made by the Licensing and Gambling Committee or Licensing Sub-Committee.

Members will have received a report on the application or authorisation in question and are advised to bring this report with them on the site visit. This report contains all the relevant information for the hearing and will have been made available to all parties prior to the hearing.

The sole purpose of the site visit is to put the matters contained in the report into context. Therefore it is not anticipated that any other party to the hearing need be present. Many of the issues that will be of interest to Members can be observed without entering premises or communicating with any party. However, where Members are required to enter any premises, or come into contact with any party, the CS&LM will ensure that Members do not receive any additional information from any party.

Accordingly, Members must not obtain, or allow any party to present to them, any information that may prejudice their decision. Only the information contained in the report can be used prior to the hearing.

As an example, Members may only observe specific issues relating to the report, including:

- (i) The size, scale and nature of the premises;
- (ii) The location of the premises in relation to neighbouring properties;
- (iii) Any relevant facilities or matters located on or within premises or referred to in the report.

Members cannot question any person, or obtain any written, photographic or electronic information that will be of relevance to the hearing. Any such information can only be presented to the Licensing Service at least 24 hours before the hearing, or at the hearing, with the permission of all parties.

Any attempt to provide relevant information to Members during the site visit will be recorded by the CS&LM and made public at the hearing.

Review

This protocol will be reviewed on an annual basis and following any specific issues relating to the exercise of this protocol. Any comments regarding the protocol can be made to the Licensing Service using the contact details at the top of this document.