

BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 21 November 2007 at 10.00 am in
The Norfolk Room, Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr I. Sherwood (Chairman)
Mrs P.A. Spencer (Vice-
Chairman)
Mr J.R. Gretton

Mr T.J. Lamb
Mrs L.S. Turner

In Attendance

Nigel Burrows

- Principal Environmental Health Officer
(Licensing Officer)

Julie Britton

- Committee Services Officer

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1/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 13 December 2006 were confirmed as a correct record and signed by the Chairman.

2/07 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr A Byrne, Mr D Myers, Mrs M Chapman-Allen and Mrs K Millbank. The Chairman stated that he would be sending an email to the Members who had not conveyed their apologies.

3/07 LICENSING ACT 2003 – REVIEW OF LICENSING POLICY (AGENDA ITEM 6)

The Principal Environmental Health Officer presented the report which advised of the outcome of consultation on the review of the Council's Licensing Policy.

It was a requirement of the Licensing Act 2003 that the revised Licensing Policy be adopted by January 2008.

A copy of Breckland's Licensing Policy which had been adopted in 2005 had been attached at Appendix A of the report.

Members were being asked to approve the minor revisions of the Licensing Policy subject to the comments shown in Appendix C of the report.

It was explained that the more obvious amendments required, such as staff name changes and the inclusion of a new photograph of the present Licensing Committee Chairman, would be added.

The Committee was informed that the Licensing Team had consulted various stakeholders, as required by the Licensing Act, and had also

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carried out further consultation that had incorporated a wider range of consultees. Numerous letters had been sent out to the consultees but only nine written responses had been received (as shown at Appendix C of the report). The Principal Environmental Health Officer advised that the review had been discussed with other local authorities in Norfolk where it had been found that the response to their consultations had been very similar.

A number of the responses related to the lengthy and complicated processes involved for smaller businesses, village halls and charitable organisations applying for a licence.

Members were advised that the process of applying for a licence was not related to the Policy but was determined by regulations as set by central government under the Licensing Act.

The Principal Environmental Health Officer informed the Committee that the Licensing Act was currently being reviewed and that any comments received from Local Authorities would be considered.

The response received with regard to the impact of temporary event notices on charitable organisations and village halls would be included in the Licensing Act review.

The comments received with regard to the extension of hours did not relate to the Licensing Policy, but was the responsibility of the Licensing Sub-Committee.

As far as the lack of partnership working was concerned, the Principal Environmental Health Officer felt that this comment was unfair as the Licensing Team had, on a number of occasions, arranged and attended numerous meetings for the voluntary and community sectors of Breckland.

Further concerns raised by Members related to the cost of licensing applications.

The Chairman felt that the consultees deserved a response from the Principal Environmental Health Officer informing them that their comments had been acknowledged.

A Member made reference to Barnsley's Metropolitan Borough Council's Licensing Policy with regard to planning/licensing decisions and asked whether it had been seen and whether Breckland Council would be using some of its material. In response, the Committee was informed that Chris Hopher of Steeles Solicitors had given advice on this matter, as contained in the policy drafted by Barnsley Council, and had suggested that Breckland's policy be re-worded to assist applicants understand this dual role. The re-wording, if agreed, would be inserted in bold in paragraph 9.5 of the current policy.

Another Member felt it would be useful for the Committee and the public to have a re-issue of the Licensing fees. The Principal Environmental Health Officer advised that the fees had been included

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on the web-site but he would email them to Members for information.

Another matter of concern mentioned was with regard to Norfolk Fire Authority's Risk Assessment report.

The Regulatory Reform (Fire Safety) Order 2005 (RRO(FS)) had become law on 1 October 2006. On this date the Fire Precautions Act 1971 was repealed (Fire Certificates ceased to have legal status) and the Fire Precautions (Workplace) Regulations 1997 (as amended) had been revoked.

It was now the responsibility of a responsible person, not the Fire Service, to ensure that a fire risk assessment was carried out. The responsible person would be responsible, in law, for meeting the Order.

The Committee was informed that this was purely a resource issue and remained a great concern within Norfolk.

The Chairman requested that the Fire Policy be included on the next Agenda.

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Other matters mentioned were 24hr licenses and the smoking ban. It was noted that there were not any publicans in Breckland Council who currently operated a 24hr licence, and as far as the smoking ban was concerned, Members were informed that only one prosecution had been held since the ban was introduced and that was in Blackpool.

RECOMMEND to Council that the revised Policy as amended by the inclusion of the comments suggested in Appendix C of the report, be adopted, as the Council's Licensing Policy.

**4/07 LICENSING TEAM SERVICE PLAN (FOR INFORMATION)
(AGENDA ITEM 7)**

The Licensing Team Service Plan for 2007/08 had been approved and adopted by the General Purposes Committee at its meeting on Wednesday, 7 November 2007.

The Plan had been included on the Licensing Agenda for Members information.

Members were asked to refer to paragraph 3.1.1 of the Plan which highlighted the amount of Licensing applications that had been received by the team during 2005/06.

A Member referred to the complaints received at paragraph 3.3 of the Plan. The Principal Environmental Health Officer confirmed that the Team did not receive many complaints and that the aforementioned paragraph at 3.1.1 was much greater than the latter.

5/07 DATE OF NEXT MEETING (AGENDA ITEM 8)

The next meeting would be held on Wednesday, 9 January 2008 at

10.00am in the Norfolk Room.

In regard to the next meeting, the Principal Environmental Health Officer advised that Inspector Chris Spinks of Norfolk Constabulary had offered to attend the meeting to discuss with Members a new project called 'Night Safe'.

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The meeting closed at 10.45 am

CHAIRMAN