
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 18 July 2012 at 10.00 am in
The Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S.G. Bambridge (Chairman)	Mr K. Martin
Mrs E. M. Jolly (Vice-Chairman)	Mr J.D. Rogers
Mr P R W Darby	Mr F.J. Sharpe
Mr T.J. Lamb	Mrs P.A. Spencer

In Attendance

Tiffany Bentley	- Licensing Officer
Fiona Inston	- Licensing & Business Support Manager
Helen McAleer	- Senior Committee Officer

6/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 25 January 2012 were confirmed as a correct record and signed by the Chairman.

7/12 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs Armes, Mr Green and Mr Wilkin.

8/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

9/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

It was noted that the Council had adopted a new Code of Conduct under the Localism Act, since the publication of the agenda.

No declarations were made.

**10/12 LICENSING AUTHORITY AS RESPONSIBLE AUTHORITY
(AGENDA ITEM 6)**

The Licensing Officer presented the report. Under the Police and Social Responsibility Act 2011 which had come into effect on 25 April 2012, the Council was now a Responsible Authority able to make

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representations in relation to applications for grant, variation or review of premises licences and/or club certificates.

The role of Responsible Authority needed to be separated from the role of Licensing Officer to avoid any conflict of interest. Therefore the Committee was requested to delegate that function to the three shared management posts of Licensing & Business Support Manager, Food, Health & Safety Manager and Environmental Protection Manager. Delegation to all three would ensure cover for absence, etc.

The Vice-Chairman asked how pro-active the Council would be in collating evidence in case a review was required.

There would be a meeting on 15 August with the Police to discuss the possibility of a new database to be shared by all the Responsible Authorities. Currently there was no access to other databases due to data protection restrictions. Information was shared as and when problems occurred.

The Vice-Chairman explained that she had been suggesting an event log to be used if a review was needed. She was advised that reviews only took place as a last resort after all other avenues had been explored and during that process enough evidence would be collected to support a representation.

RESOLVED to:

- (1) delegate the Responsible Authority function to the three shared management posts of:
 - (a) Licensing & Business Support Manger
 - (b) Food, Health & Safety Manager; and
 - (c) Environmental Protection Manager

- (2) support the proposal to examine each application or problem premises on a case by case basis in conjunction with other Responsible Authorities if appropriate, taking into account the requirement to promote the licensing objectives and to have regard to the Council's Statement of Licensing Policy and the Guidance under section 182 of the Licensing Act 2003.

11/12 UPDATE ON IMPLEMENTATION OF THE POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011 (AGENDA ITEM 7)

The Licensing & Business Support Manager updated Members on the Police and Social Responsibility Act which had come into effect on 25 April 2012 at which time amended Guidance had also been issued.

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The implications of the Act had been discussed at the meeting on 25 January 2012. The aim of the Act was to change the balance of the Licensing Act to enable Licensing Authorities to be more pro-active and empowered to make decisions regarding licensing applications. There were 14 key areas within the legislation, some of which would not be implemented until October 2012.

The 14 key areas were considered in turn:

Applicants to give greater consideration to Local Area – This included a requirement to have regard to neighbourhood crime records, etc. Applicants would need to be made aware of those considerations.

Making Health Bodies Responsible Authorities – It was noted that Primary Care Trusts (PCTs) were to be replaced by Clinical Commissioning Groups (CCGs) from March 2013. Health representations were expected to address the effect irresponsible selling and consumption of alcohol had on the NHS service.

A Member asked if there was any way to control cheap alcohol sales and was advised that there were already mandatory conditions concerning irresponsible drinks promotions in the legislation.

Making relevant Licensing Authorities Responsible Authorities – This change had been discussed under the previous Agenda item.

Concern was expressed about applicants having to provide more copies of their application for distribution to the additional Responsible Authorities. However, the trend was for electronic applications which moved the onus of distribution onto the Local Authority.

Persistent sales of alcohol to Children – This increased Police powers to seek voluntary closure from 48 hours to two weeks and the maximum fine for underage sales to £20,000.

A Member asked if door staff were mandatory and was advised that that was not a blanket requirement but could be a condition of the licence if requested by the police.

In response to a question about proof of identity it was noted that a Landlord could demand photo ID in the form of a driving licence or passport. However, it was acknowledged that fake IDs were a problem and the police gave guidance on the sort of things being used.

It was further noted that there was no age limit on persons selling alcohol in a licensed premises as long as they had been 'authorised' to do so by the licence holder.

Suspending Licences due to non-payment of Fees – Previously if the

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renewal fee for a licence had not been paid the Council could not stop sales. Under the new Act, following a warning letter, the Licence to sell alcohol could be suspended.

The fees for Licensing were set by the Government and were meant to cover the cost of running the department. Under the old system, the additional administration and debt recovery costs chasing unpaid renewals could amount to more than the fee.

Members asked if it would be possible to introduce a late-payment charge, but under current legislation there was no facility to do that.

Cumulative impact policies – This was aimed more at large towns and cities where there was a concentration of licensed premises. There were no significant concerns in Breckland, but the impact on the area and on other premises must be borne in mind.

Temporary Event Notices (TENs) – This represented a significant change, giving Environmental Health Officers the same powers of objection as the Police and giving both Responsible Authorities three days to make objections as opposed to two. The provision for a late TEN had also been introduced, giving just five working days notice.

Generally speaking large events were required to have noise management plans, and there was separate legislation regarding noise which still applied. For events with over 500 people attending there was a Safety Advisory Group, made up of all the Responsible Authorities, which advised organisers about the preparation and planning arrangements required to prevent noise and nuisance problems.

Autonomy on closing times – This was more relevant to town centres and gave greater powers re closing times to avoid conflict when several venues closed at the same time.

Removal of vicinity test for Interested Parties – This was a big change which meant that anyone could make representation against a licensing application.

Police Representations and Reducing the Burden of Proof – These two areas were linked and gave more weight to police objections and reduced the requirement for proof, allowing conditions to be added 'if appropriate' rather than when 'necessary'.

The final three areas would be addressed in a separate training session for Members. They referred to Early Morning Restriction Orders, Late Night Levy and Licensing Fees and details of the changes were expected in October.

The Late Night Levy proposed the introduction of an additional cap to application fees which would be shared by the police, receiving 70%

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and the Council 30%. However, it was not envisaged that the Council would go down that route.

Early Morning Restriction Orders were aimed at city centres and concerned premises that were open after 4am. There were none in the District and so again it was unlikely that the Council would invoke the provisions.

Licensing Fees were based on a cost recovery basis. When the Regulations set new charges they would probably not come in for 12-24 months. At that time, a report would come back to the Committee.

A Member was not happy about the additional weight being given to police representations. If directed to adopt all their recommendations it might lead to legal action and costs for the Council. He asked how far the Chairman would allow the Committee to challenge the Police.

The Licensing & Business Support Manager advised that a training session would be arranged in September and Members would receive guidance on how much they could question Police recommendations. Officers were happy to negotiate with the Police if they considered that recommendations were not appropriate and proportionate. There were cost implications for the Police as well.

RESOLVED that

- (1) the Licensing Committee should discharge its functions under the Licensing Act 2003, in accordance with the revised Guidance, subject to their concerns regarding the additional weight to be attached to police representations.

12/12 THE GOVERNMENT'S ALCOHOL STRATEGY (AGENDA ITEM 8)

The Licensing & Business Support Manager presented an overview of the Government's alcohol strategy.

Alcohol was associated with one million crimes and one point two million hospital admissions and was therefore a significant cost to society. The Government was looking at implementing a minimum unit cost of 40p for alcohol and were being lobbied to increase that to 50p, in line with Scottish Government proposals.

A Member said that responsible drinkers were suffering because of irresponsible drinkers. He suggested that changes in legislation had made alcohol too easily available to young people.

Other Members did not support his views, but all agreed that something had to be done.

The report was noted.

13/12 FUTURE ITEMS AND TRAINING ISSUES

The Licensing Officer updated Members on the Gambling Act, Statement of Principles which was published every three years. Consultation had commenced with the Responsible Authorities (which were slightly different from the Licensing Act Responsible Authorities) and Permit / Licence holders and Interested Parties.

The Consultation would end on 30 September. A link to the draft document was on the website. It was similar to the previous Statement of Principles as it had not been necessary to change much.

A report would be presented to the next Committee after the consultation had closed.

Mrs Spencer then commented on the e-mail Members had received inviting them to attend Licensing training at South Holland Council offices. She did not consider that it was appropriate for Breckland Members to have to travel so far for training particularly at a time when the Council was trying to cut costs.

Mr Bambridge explained that when he had been appointed Chairman he had been keen to receive training. He had been invited to attend the South Holland training session which was already booked and had vacancies. He had extended that invitation to other Members as the training was free of charge. He had attended with a couple of other Members and they had found it useful and also interesting to see how another Licensing Committee worked.

With regard to training he advised that as legislation was changing, Members would be required to attend further training if they wished to sit on Licensing Sub-Committees. He encouraged all who could possibly attend to do so.

In future, any shared training opportunities with South Holland would take place at a venue between the two authorities, to reduce travel time and costs.

Mr Sharpe asked if it would be possible to invite the Police, Trading Standards and other agencies to give presentations so that Members could understand their problems.

It was agreed that some training should be offered in short bursts, following formal committee meetings and Officers were requested to arrange that for the next two or three meetings.

**Tiffany Bentley,
Fiona Inston**

The meeting closed at 11.48 am

CHAIRMAN