
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 24 July 2013 at 10.00 am in
Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S.G. Bambridge (Chairman)	Mr K. Martin
Mr J.D. Rogers (Vice-Chairman)	Mrs K. Millbank
Mrs S Armes	Mr T F C Monument
Councillor C Bowes	Mr F.J. Sharpe
Mr P R W Darby	Mrs P.A. Spencer
Mr T.J. Lamb	

In Attendance

Fiona Inston	- Licensing & Business Support Manager
Tiffany Bentley	- Licensing Officer
Julie Britton	- Senior Committee Officer
Andrew Grimley	- Team Leader (Environmental Protection)
David Osborne	- Team Leader (Food, Health & Safety)

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10/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 23 January 2013 were agreed as a correct record and signed by the Chairman.

11/13 APOLOGIES (AGENDA ITEM 2)

None.

12/13 DECLARATION OF INTERESTS (AGENDA ITEM 4)

Councillor Armes declared an interest in agenda item 8 due to her being a member of the 100 Club in Thetford of which her husband was in charge.

**13/13 HEALTH & SAFETY AND ENVIRONMENTAL PROTECTION
(AGENDA ITEM 6)**

David Osborne, the Team Leader (Food, Health & Safety) provided Members with a detailed overview of the work covered by the Food, Health & Safety Team and how it supported licensing activities (presentation attached).

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The main functions of the Team were:

- Food Safety
- Occupational Health & Safety
- Communicable Disease.

Referring to Food Safety, Members were informed that Breckland Council was responsible for 1300 premises and the Team ensured that all food was safe for human consumption minimising the risk of food poisoning and food borne disease. The Team was also responsible for food safety – preparation, handling and storage, ensured that unsafe food was removed from the food chain; investigated food complaints, unhygienic premises, poor practices; responded to national Food Alerts, food incidents and product recalls; provided food hygiene training courses/advice/information and operated the National Food Hygiene Rating Scheme.

In relation to Health & Safety, the Team was responsible for the inspection of 2,000 work places (offices, shops, warehouses, entertainment); it minimised the risk of work related accidents & disease; investigated accidents, fatalities, disease and complaints; themed projects (gas safety, legionnaires disease); asbestos removal; noise at work; smoke free workplaces and event safety. Local authorities had the same powers as the Health & Safety Executive and both aimed to reduce work related accidents and disease.

The Team was also responsible for the prevention of the spread of communicable diseases in the community

The Food, Health & Safety Team supported a number of licensing functions consisting of street trading, animal premises (including two zoos), skin piercing and licensing consultations which included regulated entertainment. The Team had the opportunity to object or add conditions to such applications.

The key themes and objectives were highlighted.

Councillor Armes asked whether hot tubs came under the same category as saunas in relation to the prevention of legionnaire's disease. She also asked if the Team had any control over home-baking (cakes etc that were baked for fetes etc). Members were informed that only saunas/hot tubs in business establishments would be inspected to ensure that they were being correctly sanitised. In response to the latter, the Team was more than happy to inspect and advise but cakes were at the lowest risk end of the spectrum. Advice and the need for registration in some instances were promoted through Breckland Voice.

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Councillor Spencer asked if swimming pools were regularly inspected. The Team Leader explained that swimming pools were not routinely recognised as a source of legionella; however a number of inspections had been carried out in the past.

Councillor Lamb asked what the Team's definition of illegal food was. Members were informed that it was food that did not comply with the law; for instance, someone who had not registered as a food seller, fraudulent food sales or someone who blatantly ignored food safety regulations. The meaning of fraudulent food sales was explained.

Councillor Bowes asked if spot checks were carried out on premises. Members were informed that all visits were programmed into high and low risk categories. High risk premises were inspected more regularly.

In response to a question, the Team was indeed reactive to public complaints.

A question was asked about whether the sale of outdated food was legal. Members were informed that there were two types of date used – 'Use By' was an indication from the manufacturer that the food was safe, 'Best Before' was related to food quality and was less of a health issue. The Licensing & Business Support Manager advised that it was an offence to sell something past its 'Use by Date'. Members were further informed by the Team Leader that this may not be classed an offence but it was indicative of poor management.

Councillor Millbank wanted to know if the Team inspected animal establishments/zoos. It was explained that the Licensing Team took care of the pet shops and the Food, Health & Safety Team covered zoos and dangerous animals.

Referring to the National Food Hygiene Rating Scheme (scores on the doors), the Chairman felt that the food establishments that scored poorly should be displayed. The Licensing & Business Support Manager said that the displaying of such certificates was not mandatory but may become so in the future.

In response to a question, all school kitchens were inspected.

Andrew Grimley, the Environmental Protection Team Leader, also provided Members with a detailed overview of the work covered by the Environmental Protection Team and how it supported licensing activities (presentation attached).

The Team covered a large area of work including:

- Nuisance

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- Air & water quality
- Planning Application Consultations
- Contaminated land
- Pest control service
- Dog warden service
- Drainage

In terms of licensing it was noise nuisance and assisting with licensing application consultations that linked the two services.

Referring to water quality, the Team Leader explained that there was still a large amount of private water supplies that required inspections and that had to be tested on a regular basis. Duties towards contaminated land were also a big issue. There were currently several thousand contaminated sites across Breckland and although a large proportion of those had not caused any problems, if the sites were to be developed, it was the Team's responsibility to ensure it was safe prior to development.

The links with the Licensing Team was primarily to prevent public nuisance across the District. The work consisted of new licence applications for regulated entertainment, Temporary Event Notices (TEN) and noise disturbance from licensed premises. Noise nuisance was a subjective issue and if the Team had serious concerns about an application, conditions would have to be agreed and applied such as closing doors and windows or having a noise limiter device installed. Only in extreme situations would the Environmental Protection Team object to an application and breaches would be referred back to the Licensing Sub-Committee.

Statutory Nuisance and Regulated Entertainment and Noise leaflets were circulated.

Councillor Darby asked what the position would be if someone organised an event without applying for a TEN. He also asked when an event became an event (i.e. the number of people). Members were informed that if it involved regulated entertainment then a TEN should have been applied; this did not apply to private parties. In response to the latter question, the Team Leader explained that if the event was for 300 plus people until the early hours then the Team would look into it.

Referring to noise nuisance, Councillor Lamb wanted to know how the Team dealt with complaints in relation to cockerels and church bells. It was advised that the Team would have a duty to investigate but there was a balance that had to be taken into consideration; it was very much a subjective view.

Referring back to the TENs, it was clarified that these were time limited and were based on the activity - payment was not always an

indicator for a TEN.

Councillor Armes asked if decibel levels had to be set for all entertainment. Members were informed that this was not the case, the only decibel levels that were set came under the work noise environment. In terms of noise nuisance, it depended on the location; if complaints were received about noise disturbance from large outdoor events then the Team would be obliged to investigate. In terms of the noise limiter device, these could be set at a certain level but again it was very much subjective.

The Chairman highlighted the posting on Breckland's Twitter page in relation to lost dogs which he had found very useful.

The Team Leaders were thanked for their presentations.

**14/13 OVERVIEW OF WORK CARRIED OUT BY THE LICENSING TEAM
(AGENDA ITEM 7)**

The Licensing & Business Support Manager provided Members with a detailed overview of the work carried out by the Licensing Team over the past six months.

The functions of the Licensing Team covered:

- Noise
- Events
- Hackney Carriage and Private Hire Vehicles (in relation to public safety)
- The Gambling Act which covered, betting shops and club slot machines etc
- Street Trading
- Sex Shops
- Co-ordinator for the Safety Advisory Groups

New areas that had recently been added were:

- Motor salvage operators; and
- Scrap metal
- Animal related licences.

Members were informed that there had been significant changes in legislation in relation to dealing with scrap metal and a great deal of criminal activity was associated with this type of trade.

The Licensing Team continued to work with the Customer Service Team that currently dealt with and resolved 75% of licensing calls. This had freed up officers time across the Team.

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With Lalpac, the new software package, an East of England User Group had been developed and further developments would follow.

Licensing was a service that paid for itself, and the licensing fees would be reviewed from July 2014 bearing in mind that a profit could not be generated. There were many challenges ahead in relation to new legislation but this was what made the service interesting.

The appeal from a Dereham nightclub was still on-going.

The Licensing Officer would be taking the place of the Licensing Business Support Manager whilst on maternity leave and would mainly be responsible for policies and taxis. There was more new work in the pipeline.

Councillor Armes mentioned the last Appeals Committee where a report on door to door collections had been withdrawn due to legal advice, complicated by constitutional issues. Members were informed that the Constitution was unclear as to where such matters should sit but further discussions had been had and it had been agreed that Appeals was the correct Committee.

Referring to dog licences, Members were informed that in two years time it would be compulsory for all dogs to be micro-chipped.

The minimum pricing unit for alcohol was not being taken forward the same as plain packaging for tobacco products.

The Chairman praised the Team on its work particularly with the Contact Centre. He pointed out that Breckland's Contact Centre was very highly rated across the County.

15/13 GAMBLING ACT 2005 - SMALL SOCIETY LOTTERIES (AGENDA ITEM 8)

The Licensing Officer presented the report and provided Members with an overview of the meaning of Small Society Lotteries.

The Licensing Team currently dealt with 209 fundraisers across Breckland. £40 was charged for the grant and then the fundraiser paid £20 per annum for the lottery licence. There were some private lotteries that did not require a licence. Conditions had to be included on the ticket.

Enforcement issues were explained – there were no issues in the Breckland area.

The minimum age to participate in such lotteries was 16; 18 for other types of gambling.

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Referring to Temporary Event Notices, the Chairman said that he would be happy to email the weekly list he received to Committee Members.

The report was otherwise noted.

16/13 NEXT MEETING (ADDITIONAL ITEM)

The arrangements for the next meeting on Wednesday, 9 October 2013 at 10.00am in the Norfolk Room were noted.

Councillor Armes and Councillor Spencer submitted their apologies for this meeting.

The meeting closed at 12.00 pm

CHAIRMAN