
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 9 October 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)	Mr T F C Monument
Mr P R W Darby	Mrs K. Pettitt
Mr T.J. Lamb	Mr F.J. Sharpe

In Attendance

Tiffany Bentley	- Licensing Officer
David Johnson	- Legal Advisor
Helen McAleer	- Senior Committee Officer

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17/13 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 24 July 2013 were confirmed as a correct record and signed by the Chairman.

18/13 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillor S Armes and Councillor P Spencer.

**19/13 NORFOLK FIRE SERVICE AS A RESPONSIBLE AUTHORITY
UNDER THE LICENSING ACT 2003 (AGENDA ITEM 6)**

The representative from the Fire Service had been unable to attend the meeting. The item was therefore deferred from the agenda and would be rescheduled for the January 2014 meeting.

20/13 SCRAP METAL DEALERS ACT (AGENDA ITEM 7)

The Licensing Officer explained that this item was on the agenda for information following the decision by full Council to delegate powers to deal with Scrap Metal licensing to the Committee. It was noted that power had been delegated to officers to deal with non-contested applications.

She explained that the Act had received Royal Assent in February 2013 and repealed the previous 1964 legislation and part of the Vehicle Crime Act. In the new Act there were additional powers to

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refuse or revoke a licence if the dealer was deemed to be unsuitable. Conditions could be applied if an applicant had been convicted of a relevant offence.

The fees were set locally on a cost recovery basis. A licence would last for three years and would then need to be renewed. Checks would be carried out by the Licensing Team with the Police and Environment Agency as to the suitability of applicants.

There were two types of licence; a site licence and a mobile collector's licence. The Act required every dealer to have a licence. In the case of mobile collectors the licence had to be clearly displayed in the vehicle and had to be relevant to the area in which scrap was being collected. If collection took place from more than one Local Authority area, a separate licence was required for each.

From 1 October 2013 scrap metal could not be bought for cash, either by mobile collectors or at a site. All transactions had to be by cheque or electronic transfer and proof of identity was required from the seller.

Members raised concerns about the traveller community and how they would cope with the change from cash transactions and with having to provide proof of identity. It was acknowledged that the cost of enforcement action might increase and that could not be included in the costs covered by the fees. The police would be actively involved in checking sites and licences.

The Chairman requested that the police be invited to a future meeting to answer questions and update Members on their activities in relation to the new legislation.

Tiffany Bentley

There were conflicting views on whether the Act covered items taken to recycling centres which were then sold on in one form or another and the Licensing Officer said that she would check the exemptions under the legislation.

Tiffany Bentley

The Committee would have powers to renew, revoke or vary a licence and to attach the conditions noted in the report in relevant cases. The transitional period had already begun and current operators were required to apply for a licence by 15 October.

A Member asked if the Committee could check criminal records and he was advised that a disclosure of live offences was required at the point of application. Some offences could be taken into consideration if they were relevant to the application.

The Chairman suggested that a list of applications should be provided to Members in a similar format to the Weekly List of planning applications.

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It was confirmed that neighbouring authorities had been consulted during the fee setting process. There were some differences due to variations in on-costs, but all authorities would use the same application form and processes. A County wide forum had been formed and was working on getting consensus.

A formal Policy would be developed in the New Year. That would be a General Purposes Committee decision but the Licensing Committee would be consulted.

A publicity campaign would also take place in the New Year to ensure the public were aware of the changes.

Finally the Licensing Officer noted that out of an expected 40 applications, only nine sites and five collector's licences had been applied for so far.

The report was noted.

21/13 HOME OFFICE CONSULTATION ON 'PERSONAL ALCOHOL LICENCES: ENABLING TARGETED, LOCAL ALTERNATIVES' (AGENDA ITEM 8)

The Chairman noted that he had had difficulty downloading the briefing document. He advised Members that they could still make comments after the meeting if they wished and requested that they copied any comments to all the Licensing Committee Members.

The Licensing Officer explained that the Government did not think that the current system of personal licences was the most effective system and they were consulting on changes. The consultation would close on 7 November 2013.

The consultation on removing personal licences coincided with the first batch coming up for renewal, as they lasted for ten years and the system had started in 2005. The main driver for change was to allow local discretion which would include attaching conditions to problem premises requiring extra training for staff for example.

At the Licensing Officer's Forum the general consensus had been against the proposals and it was known that the Police preferred to know that there was a named individual responsible for a premises.

The Chairman agreed and thought it was important to have a named responsible person (DPS) in any premises that sold alcohol even though it was acknowledged that that person did not have to be present at the premises all of the time.

The Licensing Officer was asked to send the consultation document to the Committee Members and they were encouraged to comment by 31 October 2013.

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RESOLVED that

- (1) the Licensing Officer should collate any comments received and prepare a response to the consultation on behalf of the Committee; and
- (2) the response should be passed to the Chairman of the Licensing Committee for approval before it was sent.

22/13 CURRENT WORK OF BRECKLAND COUNCIL LICENSING TEAM (AGENDA ITEM 9)

The Licensing Officer gave a brief update of the work being carried out by the Licensing Team.

The Licensing & Business Support Manager was currently on maternity leave and was expected back in the spring/summer 2014. In her absence, Rowland Wilson had assumed responsibilities as the Shared Licensing Manager (with South Holland).

Josie Hoven was undertaking additional training and would be backfilling the remainder of the Licensing Officer Post.

Laura Anderson was a new addition to the team and was undertaking administrative work. She also worked for the Environmental Protection Team.

There had been a flurry of Licensing Hearings in the last few months, mostly in Dereham as a result of the review of the Splitz licence which had included a condition which prevented any admission to the premises after 1am. Other premises in the area had applied for extended hours to prevent their customers leaving en-masse to meet the 1am deadline for admission to Splitz.

The non-payment suspension clause was working well. If renewal fees were not paid, the licence was immediately suspended. Since the non-payment clause had been introduced licence holders had tended to pay on the due date, reducing the Team's work considerably and saving the Council a lot of money.

23/13 NEXT MEETING (AGENDA ITEM 10)

The arrangements for the next meeting on 29 January 2014 were noted.

The meeting closed at 11.15 am

CHAIRMAN