



AGENDA

- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - **WEDNESDAY, 12TH JULY, 2017
IMMEDIATELY FOLLOWING THE
LICENSING COMMITTEE MEETING**
- Venue - **NORFOLK ROOM, THE
CONFERENCE SUITE, ELIZABETH
HOUSE, DEREHAM**

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Membership

Councillor M. Chapman-Allen (Chairman)
Mr K. Martin (Vice-Chairman)
Mr S Askew
Mrs E J Bishop
Councillor C Bowes
Mr R. F. W. Brame
Mr P. R. W. Darby
Mr R.W. Duffield

Mr K.S. Gilbert
Mrs J. Hollis
Mrs K. Millbank
Mrs L.H. Monument
Mr T. F. C. Monument
Mr W. R. J. Richmond
Mr F.J. Sharpe

**PERSONS ATTENDING THE MEETING ARE
REQUESTED TO TURN OFF MOBILE TELEPHONES**

Democratic Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Monday, 3 July 2017

Please ask for Julie Britton DDI (01362) 656343
e-mail: julie.britton@breckland.gov.uk

	<u>Page(s)</u> <u>herewith</u>
<p>1. <u>MINUTES</u> To confirm the Minutes of the meeting held on 22 March 2017.</p>	5 - 8
<p>2. <u>APOLOGIES</u> To receive apologies for absence.</p>	
<p>3. <u>URGENT BUSINESS</u> To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.</p>	
<p>4. <u>DECLARATION OF INTEREST</u> The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the meeting room as stated in the Standing Orders of this Council.</p>	
<p>5. <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u> To note the names of any non-members who wish to address the meeting.</p>	
<p>6. <u>COMMITTEE OF THE LICENSING AUTHORITY - QUARTERLY UPDATE REPORT</u> Report of the Licensing & Business Support Manager.</p>	9 - 12
<p>7. <u>STATUTORY NUISANCE IN LICENSED PREMISES</u> Verbal report from the Environmental Protection Officer.</p>	
<p>8. <u>TRAINING REQUIREMENTS (IF ANY)</u> General discussion.</p>	
<p>9. <u>FEEDBACK AND DISCUSSION ON RECENT PANEL MEETINGS (IF ANY)</u></p>	
<p>10. <u>NEXT MEETING</u> To note the arrangements for the next meeting on 22 November 2017 at 10.00am in the Norfolk Room.</p>	

BRECKLAND COUNCIL

At a Meeting of the

COMMITTEE OF THE LICENSING AUTHORITY

**Held on Wednesday, 22 March 2017 at 10.05 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor M. Chapman-Allen (Chairman)	Mrs J. Hollis
Mr K. Martin (Vice-Chairman)	Mrs K. Millbank
Mrs E J Bishop	Mr T F C Monument
Mr R. F. W. Brame	Mr W. R. J. Richmond
Mr P. R. W. Darby	Mr F.J. Sharpe
Mr K.S. Gilbert	

In Attendance

Julie Britton	- Democratic Services Officer
Tiffany Bentley	- Licensing Officer
Sarah Wolstenholme-Smy	- Interim Legal Services Manager
Vicky Conlon	- Trading Standards

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10/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 11 January 2017 were confirmed as a correct record and signed by the Chairman.

11/17 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Bowes, L Monument and Askew.

12/17 URGENT BUSINESS (AGENDA ITEM 3)

None.

13/17 DECLARATION OF INTEREST (AGENDA ITEM 4)

None.

14/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

15/17 NORFOLK TRADING STANDARDS (AGENDA ITEM 6)

The Chairman introduced Vicky Conlon, a Lead Officer from Norfolk Trading Standards (NTS) who was in attendance to provide Members with a detailed overview of the functions that the NTS team covered.

Trading Standards was a Local Government service that worked to

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protect consumers and support legitimate business. It covered a number of functions but under the Licensing functions it had a statutory obligation to:

- combat illegal trading of alcohol and tobacco products
- monitor product safety
- address under-age sales
- food standards, labelling etc
- animal health and feed
- scams

Norfolk Trading Standards also operated Trusted Trader Schemes.

The daily work of a Trading Standards Officer (TSO) involved responding to and investigating consumer complaints and conducting routine inspection of businesses for compliance with legislation. If it was found that an offence had been committed, particularly if it was a repeat offender, this could lead to a criminal prosecution.

TSOs had various powers granted to them under the legislation that they enforced. These included the ability to enter and inspect premises, examine goods and conduct test purchases. In particular circumstances they may also enter a premise's under warrant and seize goods and documents as evidence.

The main area discussed was in relation to illegal tobacco products of which there were three types, products made for selling on the illegal market, counterfeit versions of popular brands and products smuggled from other countries.

Illegal tobacco products were always hidden from view and pictures and a short video was shown of the inventive types of apparatus used to conceal this merchandise. 'Tobacco' dogs successfully found many of these hideaways.

The difference between genuine tobacco products and illegal tobacco products was highlighted.

The Chairman asked how much revenue was being lost from the sale of these illegal products. Members were informed that it had halved in the last decade. The main problem was under-age sales. Tobacco products were being sold to children from shops, car boot sales and on-line and there was no control as to what the counterfeit versions contained – this was a major health risk. Test reports were shown of illegal cigarettes which did not self-extinguish unlike legitimate products that contained such safety measures.

NTS was intelligence lead and was always acted upon - many complaints stemmed from proprietors of established businesses and from parents.

An illegal tobacco event had been held in 2016 and a picture was shown of the amount of products found in one week by NTS. Premises/people selling these products made a great deal of money that obviously was

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undeclared.

Licence reviews were treated very seriously and two shops had already had already been reviewed this year, one of which was under Appeal.

In response to a question in relation to whether TSO's could search elsewhere if the products were kept elsewhere such as in a private dwelling, Members were informed that a warrant would have to be applied for if it was a residential property or a vehicle.

The Chairman asked if written warnings could be given for certain amounts seized. It was noted that there was no definitive levels; however, Officers from the Police Licensing Team would attend in cases where large quantities were found just in case of any breaches to the peace.

Councillor Darby asked if TSO's searched for other products too such as alcohol. Members were informed that it was mainly tobacco but whilst on the premises many items were checked such as food labels etc. Counterfeit alcohol was normally found very quickly but came under the remit of HRMC.

The Licensing Officer asked if manufacturers supported the work of Trading Standards. Members were informed that they had a very good relationship the manufacturers tested products and provided evidence.

A question was asked in relation to EU regulations and it was explained that the Trademarks Act was a UK directive.

It was noted that all illegal tobacco products were disposed of by way of shredding.

The Chairman thanked Vicky for attending.

**16/17 FEEDBACK AND DISCUSSION ON RECENT PANEL MEETINGS
(AGENDA ITEM 7)**

The Licensing Officer asked Members for their feedback on the recent Panel meeting held on 10 March 2017.

The Chairman felt that it had gone very well. The premises had been closed for a while whilst being refurbished and the extension, to incorporate what was the outside drinking/smoking area, would alleviate any noise issues. The Panel had asked the Licence Holder to review the new extension in the summer months to ensure that it would not get too hot for customers and look at the possibility of installing air conditioning

There was nothing else to report.

17/17 FEEDBACK FROM TRAINING (AGENDA ITEM 8)

Members had thoroughly enjoyed the recent training session held at Elizabeth House and another date had been set for mock hearings to take place in September 2017.

The Chairman asked Members to contact the Democratic Services Officer if they had any other training needs which could then be added to the agenda for discussion.

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The meeting closed at 11.10 am

CHAIRMAN

BRECKLAND DISTRICT COUNCIL

Report of: Executive Manager People and Public Protection

To: Committee of the Licensing Authority – 12 July 2017

(Author: Donna Hall - Licensing and Business Support Manager)

Subject: Update Report for the Licensing Team

Purpose: To provide an update on activities of the Licensing Team in relation to the work of the Committee of the Licensing Authority in Quarter 1 (April to June 2017)

Recommendation:

- 1) That the report is discussed and noted

1.0 BACKGROUND

1.1 The Licensing Team are responsible for administering the statutory licensing framework which governs businesses and regulated activities in Breckland.

1.2 The team carry out a wide range of interventions in order to ensure that licences and registrations are issued correctly and in accordance with legal provisions. Officers are also involved in monitoring activity which includes: carrying out inspections; provide advice and carrying out investigations.

1.3 Quarter 1 (1st April 2017 – 30th June 2017)

1.3.1 The table below provides an update on the work undertaken by the Licensing Team in relation to the Committee of the Licensing Authority:

Licence Type	Activity	Number in Q1
Licensing Act 2003		
Premises Licence	Annual Fee Applications	51
	New Applications	2
	New online applications	1
	Vary DPS	5
	Transfer/Vary DPS	3
	Transfer Applications	2
	Suspension Applications	9
	Suspension lifted	9
	Change name/address Holder	3
	Change name/address DPS	1
	Replacement licence	1
Personal Alcohol Licence	New Applications	15
	Online new application	2
	Change name/address	11

TEN – With Alcohol	TEN Applications Online TEN Applications	45 39
Late TEN – With Alcohol	TEN Applications Online Late TEN Applications	16 25
TEN – No Alcohol	TEN Applications	2
Response time for Temporary Event Notices	Responded to within 24 hours	All
Club Premises Certificate	Annual Fee applications	7
Gambling Act 2005		
Adult Gaming Centre	Annual Fee Application	1
Betting Premises Licence	Annual Fee Application	1
Licensed Premises Gaming Machine Permit	Annual Fee Application	3
Club Gaming Permit	Annual Fee Application	1
Notification of Gaming Machines	Cancel/Surrender Notice of Intent Applications	1 3
Small Society Lotteries	Annual Fee Applications Change of Promoter New applications Online new applications	24 1 14 4

Panel Hearings/Appeals	Outcome
An appeal was lodged in the Magistrates Court against the decision of the panel to revoke the premises licence for Europe Express, White Hart Street, Thetford (panel hearing held on 19/12/16) following a seizure of illegal tobacco products from the premises	The appeal will be heard in Norwich Magistrates Court on 17 th July

Inspection or Intervention	Number in Q1
Licensing Act 2003 premises	39
Outcomes	All without prior notice. Minor non-compliances only found in 3 premises
Total number premises licenced under Licensing Act 2003	499
Other Work	
Freedom of Information Act Requests	1 in relation to Licensing Act 2003
Safety Advisory Group and events advice including music festival	
Multi agency visits with police to a number of premises including a nightclub, bar and pub to discuss complaints and incidents in conjunction with the police and environmental protection	
Implementation of new Immigration Act checks in relation to Licensing act 2003	

applications. Steps taken included officer training and updating forms and website. Additional “right to work” checks are now in place and the team are liaising with the Home Office and Immigration enforcement teams.
Liaison and sharing intelligence with Norfolk Police and Norfolk County Council Trading Standards in relation to licensed premises and illegal tobacco sales
Investigation of non-payment of annual fees including suspension of premises licences
Supported member training session on 21 st June covering an introduction to licensing and delivered by BTS for all members

2.0 **OPTIONS**

2.1 This report is for information only.

3.0 **REASONS FOR RECOMMENDATION**

Members are asked to note the content and no decision is required to be made by the Committee in relation to this report.

4.0 **EXPECTED BENEFITS**

4.1 It is considered that the Committee will find the update useful as it provides an overview of licensing activities in the District.

5.0 **IMPLICATIONS**

5.1 **Constitution & Legal**

5.1.1 The report details activities undertaken by the Licensing Team in accordance with legal requirements. As this report is for information only there will be no legal implications arising from this report.

5.2 **Corporate Priorities**

5.2.1 The work of the licensing team directly supports the priorities of: Supporting Breckland to develop and thrive; Developing the local economy to be vibrant with continued growth; Enabling stronger more independent communities.

5.3 **Crime and Disorder**

5.3.1 The licensing framework is an important tool that Breckland Council has in relation to the prevention of crime and disorder and the report demonstrates how this can be used. There are no implications arising from this report.

5.4 **Equality and Diversity / Human Rights**

5.4.1 Legislation relating to equalities and human rights is complied with in the licensing regime. There are no implications arising from this report.

5.5 **Safeguarding**

5.5.1 Safeguarding is an integral consideration within the Licensing framework, and is a consideration in the objectives under the Licensing Act 2003 and Gambling Act 2005. There are no implications arising from this report.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 The activities undertaken by the licensing team affect all wards in Breckland.

Abbreviations

DPS Designated Premises Supervisor
TEN Temporary Event Notice

Background papers:- None

Lead Contact Officer

Name and Post: Donna Hall – Licensing and Business Support Manager
Telephone Number: 01362 656893
Email: donna.hall@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service