
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 25 March 2015 at 10.00 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr S.G. Bambridge (Chairman)
Mr J.D. Rogers (Vice-Chairman)
Councillor C Bowes
Mr P R W Darby

Mr K. Martin
Mrs K. Pettitt
Mr F.J. Sharpe

Also Present

Councillor Armes

In Attendance

Fiona Inston
Tiffany Bentley
Cathy Rix
Teresa Smith

Licensing & Business Support Manager
Licensing Officer
Technical Administration Officer
Democratic Services Officer

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1/15 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 30 July 2014 were confirmed as a correct record.

2/15 APOLOGIES (AGENDA ITEM 2)

No apologies had been received.

It was noted that Councillors Canham, Lamb, Millbank, T Monument and Spencer were not in attendance.

3/15 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/15 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

5/15 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

The Chairman welcomed to the meeting Councillor Sylvia Armes, a member of the Appeals Committee.

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**6/15 THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING)
ORDER 2014 (AGENDA ITEM 6)**

The Licensing Officer provided Members with a detailed overview of the report that outlined information on the legislative changes which would be effective from 6 April 2015.

The Legislative Reform (Entertainment Licensing) Order 2014 (LRO) will amend both Schedule 1 and Section 177A of the Licensing Act 2003 to deregulate certain types of regulated entertainment in certain circumstances.

It was expected that the changes would have an impact on a range of activities and noise Legislation would still apply and existing licenses/certificates could be reviewed if problems occurred.

The circumstances where the LRO would take effect on deregulating certain types of entertainment were summarised as follows:

Entertainment by Trusted Providers

The provision of regulated entertainment by a Trusted Provider, which included Local Authorities, healthcare providers and schools, on their own premises would be exempt from entertainment licensing between 08.00 – 23.00 with no audience limit.

Live music in alcohol licensed premises

The audience limit for a performance of live amplified music in alcohol licensed premises or in a place of work would be raised from 200 to 500 persons.

Recorded music in alcohol licensed premises

Any playing of recorded music in alcohol licensed premises would be deregulated when it took place between 08.00 – 23.00 for audiences of up to 500.

Live and recorded music exemptions

Trusted Providers would be exempt from entertainment licensing when making their own premises available to third parties for live and recorded music activities for audiences of up to 500.

Community premises that were not licensed to supply alcohol would also be exempt.

Travelling circuses

Travelling circuses would be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film, boxing or wrestling entertainment.

Greco-Roman and freestyle wrestling

Greco-Roman and freestyle wrestling would be deregulated between 08:00-23:00 for audiences of up to 1000.

Incidental Film

An exhibition of a film that is incidental to another activity would be exempt from licensing but only where the other activity would not be

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regulated entertainment under the Licensing Act 2003.

Councillor Martin asked for clarification that the playing of recorded music in a village hall would not need a licence after 6 April 2015. The Licensing Officer confirmed it would be a matter for each village hall to review their licence.

Councillor Rogers asked that if a large tent was used within the grounds of a village hall would that need a licence. Again, it was confirmed that if the grounds were within the premises licence then the exemption would apply.

The Chairman confirmed it would be useful for the village halls to review their licences regularly.

Councillor Armes asked for clarification that where tickets were sold what would the criteria be. The Licensing Officer confirmed that if alcohol was supplied a licence would still be required.

Councillor Darby asked if the changes would affect those in shops who played music in the background. The Licensing Officer confirmed that if the level of noise was quiet then a licence was not required, however with Intellectual Rights a permit to use the music would still be needed.

The Chairman asked that if the entertainment was by Trusted Providers, would they need to notify Breckland Council that the event was taking place. The Licensing Officer confirmed that this would not be the case.

Councillor Sharpe asked for clarity that if a local organisation applied for a Temporary Event Notice (TEN) for a fete would this be exempt. The Licensing Officer clarified that it depended on the times, audience and whether alcohol would be served and advised it would be best practice to check with Licensing if there was any doubt.

Councillor Armes asked if the changes in legislation would be communicated to the Town and Parish Clerks. The Licensing and Business Support Manager confirmed that once the Legislation had been released then it would be passed on and would also be added onto the Members Page.

The Chairman concluded that the key to the changes would be the timing of the event, and if alcohol was being served then a licence would be required.

7/15 LICENSING AND SAFEGUARDING UPDATE (AGENDA ITEM 7)

The Licensing and Business Support Manager provided a detailed overview of the Safeguarding measures the Licensing Department had undertaken.

Over recent months there had been significant media interest about the role of taxi drivers and licensed premises in sexual exploitation over years of abuse noticeably in Rochdale and Rotherham.

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Following investigation and the publication of the Casey Report the Licensing and Business Support Manager gave Members an update on the main concerns coming out of that report and what measures had been or were being implemented locally at Breckland Council.

The Licensing Act introduced licensing objectives, and included a list of responsible authorities, the body responsible for, or interested in, the protection of children from harm, however it did not refer just to children it also covered vulnerable adults too.

With regard to Responsible Authorities, Brecklands' Licensing Team previously had limited involvement with the body responsible for the protection of children from harm, and in the past there had been confusion with their involvement in their role of the Licensing Act.

Breckland Council issued a taxi licence and carried out a number of robust checks before a taxi licence was granted. All applications were subject to a criminal record check (disclosure) with the Disclosure and Barring Service (DBS).

Breckland Council had a clear conviction policy and the Appeals Committee would decide if there were queries on any renewals.

Taxi drivers were ambassadors for the Council, and a decision had been made recently at Appeals Committee that if a serious allegation had been made against a Taxi driver, then a delegated decision could be made by the Licensing Officers, in consultation with Chief Officers and the Portfolio Holder, whether to suspend or revoke the licence with immediate effect.

It was highlighted that the key findings from the Rochdale and Rotherham report related to the culture of leadership and management of the Council, and that the Licensing Team had been sub-divided into two teams – Policy and Enforcement, of which did not interface and share information between them easily.

The Licensing and Business Support Manager went on to say that the Licensing Department at Breckland Council were one Team which were managed by one Joint Manager using one Information Management System.

The complaints and information were gathered onto one system and previous history could be examined to determine appropriate action. If there were any concerns about a 'fit and proper' person, the Team would consider taking a report to the Appeals Committee to determine appropriate action. In a serious case, immediate revocation would be taken in line with the Policy.

The current Breckland Council Taxi Policy had been reviewed in 2007 and would be reviewed as and when any issues occurred in-between scheduled revisions.

The Licensing and Business Support Manager informed Members that the recent case law had changed the process to not allow for

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suspension as an intermediate step awaiting a Committee decision. At a previous Appeal Committee meeting the immediate revocation and suspension had been delegated to Licensing Officers, with discussions with Chief Officers and the Portfolio Holder. The Licensing Team could deal with safeguarding information immediately inline with the legislation. Work was underway with the Local Government Association developing a new guide for Councillors on Licensing which included case studies and good practice from both Breckland and South Holland District Councils.

The Council held a clear Conviction Policy which the Team followed and any applications or renewals that were refused had the opportunity to appeal to the Committee and on to the Magistrates Courts if required.

A Norfolk wide Task and Finish Group had been set up since the Rotherham and Rochdale cases, and had been attended by the Licensing and Business Support Manager, and key recommendations and actions from the Group were shared with Members.

Information sharing was noted as a key area as there was no national database for taxi drivers, and the Team was reliant on information being picked up by the enhanced DBS checks. The Group was looking at a county sharing template and was working with the Local Government Association to consider changes to the national licensing framework.

Work continued with the Norfolk Safeguarding Children Board (NSCB) to clarify their role as a Responsible Authority and to gain a greater understanding about how the different organisations could work together and how and when to report issues which included safeguarding training for the Licensing Team.

A report had been taken to General Purposes Committee to consider a Code of Conduct for taxi drivers which covered exploitations and protected children and made drivers more aware of their social responsibility.

Benchmarking had been carried out on the current application process to ensure there were no inconsistencies across the County.

A review of the current conviction policy was being reviewed to identify a minimum standard across the County.

When further policies were due to be reviewed the best practice and guidance for safeguarding would be incorporated into the documents.

The Chairman said that this issue was something that the Council should take very seriously. As a Licensing Committee the ethical stance was to protect vulnerable members of society and referred to the Casey Report as being very important.

Councillor Sharpe asked if the Police held a database of taxi drivers. The Licensing and Business Support Manager confirmed this was not

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the case, and therefore reliant on the Police informing the Council if a person had committed a sexual offence.

The Licensing and Business Support Manager assured Members that an enhanced DBS check was carried out at each renewal. There was no robust system in place and therefore if an offence involved a taxi driver then the Council would be reliant on the Responsible Authorities informing them.

Councillor Sharpe asked if the Council took action upon arrest or conviction. It was confirmed that the Council did not wait until conviction, and whilst it was not for the Licensing Team to judge, the situation would be assessed and the taxi driver would be removed with immediate effect. However, if an allegation was withdrawn and the Police concurred then the driver would be re-instated.

Members were informed that as soon as the Council was aware of a situation it would act. The Council was pushing for a national database and would continue to lobby this.

Councillor Darby asked if a taxi driver would be required to be in the Country for a certain period of time before they could apply to be a taxi driver.

The Licensing and Business Support Manager confirmed that if the person was not a British Citizen then appropriate checks would still be carried out including receiving a certificate of good conduct from their Country.

Council Bowes asked who the Norfolk Safeguarding Children Board consisted of. It was confirmed that a representative from each District Council, Children Services and Members of County Council were involved.

Councillor Armes asked if Members of the Community Car scheme would be included in this.

The Licensing and Business Support Manager confirmed that a contract was in place and a DBS check was carried out, however, the monitoring of the contracts were held with the Communities Team. It was mentioned that with a Taxi driver application, an enhanced DBS was carried out and the whole history would be shared, however with a Community Car Scheme driver this was not the case.

The Chairman asked for this to be looked at in more detail and that the Licensing and Communities Team liaised with each other regarding the issues of safeguarding.

Councillor Armes asked if there was a record of designated taxis that carried out school runs. It was confirmed that Norfolk County Council managed the contract and the Licensing Team worked with the Transport Department closely.

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8/15 NEXT MEETING

The arrangements for the next meeting scheduled for 3 June 2015 at 10.00am in the Norfolk Room were noted.

The meeting closed at 11.15 am

CHAIRMAN