
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 12 October 2016 at 10.00 am in
Anglia Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

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

In Attendance

Tiffany Bentley	- Licensing Officer
Donna Hall	- Licensing & Business Support Manager
Julie Britton	- Senior Democratic Services Officer

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Welcome and Introductions

The Chairman welcomed everyone to the meeting and following introductions the meeting commenced.

10/16 APOLOGIES (AGENDA ITEM 1)

Apologies for absence were received from Councillors Askew, Bishop, Duffield, Hollis, Millbank and L. Monument.

11/16 URGENT BUSINESS (AGENDA ITEM 2)

None.

12/16 DECLARATION OF INTERESTS (AGENDA ITEM 3)

None.

13/16 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 4)

None.

14/16 CHAIRMAN'S ANNOUNCEMENTS (AGENDA ITEM 5)

None.

15/16 OVERVIEW OF NEW LICENSING COMMITTEE STRUCTURE (AGENDA ITEM 6)

The Chairman advised that the new Licensing Structure had been

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approved by Full Council in July 2016. She explained how both the Licensing Committee and the Committee of the Licensing Authority would operate in relation to meeting procedures. The two Committees would be kept completely separate even though many of the items on the agendas for this inaugural meeting were the same. It was noted that on the closure of the Licensing Committee the other one would commence.

The structure and delegations of the Licensing Panel and the Licensing Hearing Panel were also explained.

Donna Hall, the Licensing & Business Support Manager thanked everyone for making her feel so welcome. She knew that the new structure was a little confusing and a little different but both were formal committees, had the same membership and would be run consecutively. The business on these initial agendas was very similar but in future there would be a very clear distinction. Attention was drawn to the diagram on page 8 of the Licensing Agenda which highlighted the details of the delegations.

In between these meetings, it was likely that Members would be involved in the Licensing Panels and the Licensing Hearing Panels each would consist of three Members from the main Committee membership. Licensing Panels were responsible for determining licensing applications for a premises licence to sell alcohol as well as applications to review a premises licence. Licensing Hearing Panels were held as required to deal with applications or reviews for all other matters not included in the Licensing Act 2003 and the Gambling Act 2005, such as taxi licensing. Members would be well supported in these Panel meetings by Sarah Wolstenholme-Smy, the Council's Legal Services Manager; in some instances a solicitor would also be present. The Licensing & Business Support Manager said that although it all sounded very complicated, the Council would end up with a pool of 15 Members with a great deal of knowledge. For those who required it, relevant training sessions were already being arranged. The Chairman reminded everyone that a Member could not sit on the Licensing Panel if the premises' being discussed was in their Ward.

Councillor Martin asked if it was a requirement to have three substitutes for the main Committees. Members were informed that it was and these substitutes would also require training.

The report was otherwise noted.

16/16 PERFORMANCE REPORT (AGENDA ITEM 7)

Papers were circulated.

The report gave a flavour of some of the work that the Licensing Team dealt with. The Licensing & Business Support Manager preferred to keep away from the word performance as this was about what the Team had undertaken under the remit of the Licensing Committee during the last quarter. The report highlighted the large variety of Licences most of which had licensing conditions attached.

Councillor Monument asked why there were two house to house collection permits listed. Members were informed that the second one on the list was

Action By

in relation to charity bags and the little charity collection envelopes.

Councillor Gilbert wanted to know why there were only nine returns received out of 22 new street collection permits. Members were informed that the remainder would eventually filter through. The Licensing Officer pointed out that if the team had any concerns about street permits not being returned, Officers would investigate.

In response to a question, it was noted that for charity bags only a permit was required not a licence.

Referring to the licence for Tables and Chairs, Councillor Darby was surprised that there had only been one application but was concerned about access issues outside a number of establishments in Swaffham that could cause an accident particularly to those who had problems with their sight. The Licensing Officer advised that access did form part of the licence; however, if the business owned the land then no licence would be required. The Chairman asked Members to raise any concerns with the Licensing Team.

Councillor Brame felt that there should be information included on the report in future about the people who had not applied for permits but were still collecting so that Members could pass on that information to their constituents. The Licensing & Business Support Manager agreed with the aforementioned suggestion and would look into it; in the interim, a new system that dealt with recording of complaints was being looked at.

Small lottery licences and scrap metal merchants were also discussed.

Councillor Gilbert was rather confused about something written in the protocol, the next item on the agenda, about local authorities having non statutory licensing responsibilities for such matters as the licensing of taxi operators etc. The Licensing & Business Support Manager advised that she would clarify this wording with the Legal Services Manager.

The remainder of the report was highlighted including, inspection, intervention, other work undertaken by the Licensing Team and the Appeals process.

The Chairman congratulated the Licensing Officer on the successful outcome of the Appeal in the Magistrates Court which was upheld. The Licensing Officer pointed out that this outcome illustrated the importance of having good reasons behind the decisions that Members made.

It was noted that the Dangerous Dogs Act came under the Police Authority's remit. It was further noted that the Dog Warden that the Council used had received an award from the RSPCA.

The Licensing & Business Support Manager felt that this report had been a very useful tool to explain what the Team was doing and this information would be expanded in future.

The report was otherwise noted.

Action By

17/16 PROTOCOL ON GOOD PRACTICE IN LICENSING FOR MEMBERS AND OFFICERS DEALING WITH LICENSING ISSUES (AGENDA ITEM 8)

The report that should have accompanied the Protocol was circulated.

This Protocol had been introduced in South Holland District Council and the Licensing & Business Support Manager felt that this was useful information for Members to have. Licensing was a big responsibility for the Council and it was important for Members to make the right decisions and be transparent on how these decisions had been reached. The Protocol did speak for itself in terms of content and it was not intended to replace Members seeking any advice.

The Chairman thought that this information was very useful and felt that other committee's should adopt such a protocol.

The Licensing Officer drew Members' attention to the new protocol for site visits which could be very beneficial.

Councillor Brame drew attention to section 6.7 of the Protocol and was pleased to see this included.

Section 4 of the Protocol, Bias and Predetermination issues in relation to the Licensing Panels were also highlighted.

RESOLVED that the Licensing Committee Protocol be adopted.

18/16 IMMIGRATION ACT (AGENDA ITEM 9)

The Licensing Officer provided Members with an update on the Immigration Act.

The Immigration Act was a piece of legislation that came in to effect in 2016 – some sections were still waiting to be enacted. It could cause implications on owners and operators of licensed premises in so far as any employer operating at the premises employing a person who did not have the correct work status; in other words not entitled to work if he or she did not have the right to live in the UK. The Licensing Authority would then have to review the premises licence. This would be the same for taxi firms too as this type of work did attract informal contracts. The Team would have to make as many checks as it could.

The Chairman felt that there was not enough detail to establish whether there would be adequate resources in the Team for all this extra work.

An enforcement training session would be arranged.

19/16 NEW TAXI DRIVER ASSESSMENTS

From 31 December 2016 the Driving Standards Agency (DSA) will no longer be providing the facility to have a taxi driving assessment.

The Licensing Team was currently looking at other solutions. Norfolk County Council was, at present, offering a test similar to the DSA which

Action By

Breckland Council would use in the interim. These tests applied to all new drivers of which the Team received approximately 50 a year. Policies and conditions would be updated accordingly.

It was noted that the DSA test did not form part of every Licensing Authority's policy. The best approach would be brought back to the next meeting in January 2017.

20/16 TRAINING FOR MEMBERS (AGENDA ITEM 11)

The training programme was highlighted.

A licensing training session, provided by an external trainer, would be held in the New Year. This session would predominately be around mock Hearings, then later on in the same year a day a further session that focused on taxis.

The Licensing & Business Support Manager would be in contact with dates.

The Chairman felt that training was very important and urged Members to attend when such courses became available.

21/16 NEXT MEETING (AGENDA ITEM 12)

The arrangements for the next meeting on Wednesday, 11 January 2017 were noted.

The meeting closed at 11.35 am

CHAIRMAN