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BRECKLAND COUNCIL

At a Meeting of the

COMMITTEE OF THE LICENSING AUTHORITY

Held on Wednesday, 21 July 2021 at 10.05 am in the
Breckland Conference Centre, The Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE

PRESENT

| | |
|-----------------------------------------|---------------------|
| Cllr Marion Chapman-Allen (Chairman) | Cllr Keith Martin |
| Cllr Tina Kiddell (Vice- Chairman) | Cllr Linda Monument |
| Cllr Richard Duffield | Cllr Philip Morton |

Also Present

Cllr Gordon Bambridge

In Attendance

| | |
|---------------|-------------------------------|
| Josie Hoven | - Licensing Team Leader |
| Julie Britton | - Democratic Services Officer |
| Ruth Tudge | - Democratic Services Officer |

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28/21 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 21 October 2020 were agreed as a correct record.

29/21 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Bowes, Brindle, Carter, Colman, Dale and Taylor.

30/21 URGENT BUSINESS (AGENDA ITEM 3)

None.

31/21 DECLARATION OF INTEREST (AGENDA ITEM 4)

None declared.

32/21 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Councillor Bambridge, the Executive Member for Waste & Environment and the Portfolio Holder responsible for Licensing was in attendance to observe the meeting.

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33/21 TO REVIEW THE DRAFT STATEMENT OF PRINCIPLE - GAMBLING ACT 2005 (AGENDA ITEM 6)

Josie Hoven, the Licensing Team Leader presented the report.

The purpose of the report was for Members to consider the revised Statement of Principles – Gambling Act 2005 prior to it being issued for consultation.

Section 349 of the Gambling Act 2005 required the Council (the Licensing Authority) to prepare and publish a Statement of Principles (termed as the Gambling Policy) that it proposed to apply in exercising its licensing function. The statement would last for a maximum of three years but could be reviewed and revised by the Authority at any time. This Authority's current statement took effect in January 2019 and so the required review process must be completed by the end of 2021 to enable publication in January 2022.

Section 154 of the Gambling Act 2005 indicated that adoption of the Statement of Principles (Gambling Policy) could not be delegated to the Committee of the Licensing Authority, therefore Full Council must adopt the final document. This was different to the granting of gambling premises licences which the Act automatically delegated to the Committee of the Licensing Authority. It was proposed that the Council meeting on 9th December 2021 would consider the final version of the proposed revised policy.

The timetable was highlighted.

The proposed changes had been highlighted at section 1.7 (A.B.C) of the report on pages 8 and 9 of the agenda pack.

Councillor Morton asked for more detail of what a Local Area Profile was and why this Council did not believe it needed such a document. Members were informed that a Local Area Profile had been introduced by the Gambling Commission approximately 6 years ago and generally affected larger city areas. The principle behind it was whether a gambling premises should be situated next to a primary school etc. This was automatically considered as part of the application process and was the reason for not having a separate document.

Councillor Bambridge, the Portfolio Holder responsible for Licensing, pointed out that this matter had been considered in 2019 when he was Chairman of Licensing and believed there was only one street in the Breckland area where it was felt that such a case could have been made but after further consideration, Members voted against it. However, he felt that it was important that such matters should be kept under review.

The Licensing Team Leader stated that nationally, there was now a shift to move away from physical premises as there was more on-line betting available.

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The Chairman highlighted the reason for the recommendation.

RESOLVED that the proposed revised Gambling Act Policy (Statement of Principles) as shown at Appendix A of the report be approved and issued for consultation.

34/21 COMMITTEE OF THE LICENSING AUTHORITY UPDATE (AGENDA ITEM 7)

The Chairman read aloud a letter from the Institute of Licensing (the Night-time Industries Association), the NTIA that had been sent to all Chairman of the Licensing Committees. The letter highlighted the unprecedented disruption and hardship the pandemic had caused to many businesses including the hospitality industry since March 2020. It also highlighted the key problems that the hospitality businesses now faced that included the lack of resources and the lack of staff particularly in respect of security staff that made it difficult to comply with licensing conditions.

The NTIA was urging licensing authorities to take all the above issues into account on a case-by-case basis when considering applications/renewals for the foreseeable future.

Councillor Morton felt that all authorities needed to take a pragmatic approach when coming out of lockdown but in his opinion, it was important that standards were still maintained, and he felt that it would be difficult to conclude if some premises were not adhering to licensing laws. He felt that it was a mixed message and should be kept under review.

The Chairman pointed out the Licensing Team was very efficient, and Officers were visiting premises where any concerns had been raised by the public or members. On a revisory basis they would support the premises and it would be at the Officers discretion as to what steps should be taken next by the Council for any breaches of licensing objectives.

The Licensing Team Leader agreed with the aforementioned comments and to put Members minds at rest she had attended a recent meeting with Norfolk Police and other licensing authorities and the Police had advised that the four main companies in the county for SIA (Security Industry Authority) door staff were experiencing a great deal of recruiting problems. There was a large shortage of door staff not just in Norfolk but nationwide. Many who had been earning a good living had moved on and had to take up other work during the pandemic and were not coming back into the industry. At that meeting the Police had stated that they would take a very pragmatic approach to these issues and work with licence holders and were asking them to mitigate any issues and revisit their risk assessments and make any judgement calls through that.

There were four primary night-time venues in Breckland, two of those were in Dereham, one in Attleborough and the other in Thetford. The

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current practices in place for each one was explained. The Police were aware of these nightclubs and additional resources would be put in place once they re-opened. The Licensing Team would be working alongside the Police in assisting such businesses, but public safety was paramount and always would be.

The Chairman pointed out that it was not just a shortage of door staff but others too such as chefs, waiting staff and bar staff all of whom had been affected by the pandemic and had since moved on to other forms of employment.

Councillor Morton felt that some may have left due to Brexit and was not all due to the pandemic.

35/21 TRAINING REQUIREMENTS (AGENDA ITEM 8)

The Chairman was very pleased to confirm that James Button Associates had been taken on by Breckland Council as its Licensing Advisors. James Button was a solicitor and an advisor to the Institute of Licensing and had carried out training sessions on behalf of the Council previously and the feedback from Members who had attended had been extremely good and further training sessions would be arranged to take place in the Autumn. The Chairman was sure that everyone would find these training sessions very helpful, stimulating and informative.

The Licensing Team Leader said that the Team now had access to a wealth of knowledge through James Button Associates for taxi licensing and the Licensing Act and would be a great deal of help going forward. In respect of the training, it had been proposed to have two half days in September or October, the first session would be about committees making decisions asking questions and the Licensing Act 2003, and the second half day session would be about taxi licensing. The Member Development Panel would be informed accordingly.

It had also been proposed to carry out some mock Hearings for Members to gain experience. These would be quite informal and were a good learning tool.

The Chairman pointed out that for new Members who had not had the benefit of such training would find these proposed training sessions very interesting.

The Vice-Chairman, Councillor Kiddell mentioned the training that had taken place soon after the last District Elections that used to be available on the Members' page but had been removed and had asked the Member Development Panel if this could be re-instated as she felt that this would be helpful.

The Licensing Team Leader said that she would look into this being reinstated.

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36/21 FEEDBACK AND DISCUSSION ON RECENT PANEL MEETINGS
(AGENDA ITEM 9)

Nothing to report.

37/21 NEXT MEETING (AGENDA ITEM 10)

Before closing the meeting, the Chairman updated Members on the work that the Licensing Team had been doing over the last 18 months.

All had been working from home and the logistics of how licenses would be renewed etc had been sorted, the post had to be scanned and emailed and visits to the office were limited only to print badges, plates and licences and reminder letters.

Using Zoom and WhatsApp meant that the Team could still inspect vehicles and check identification documents and offer virtual assistance for filling in forms. At first, drivers had problems getting an appointment for their medical examinations and a six-month declaration had been offered where there had been no significant change in medical circumstances. Drivers had been offered a service to access Group 2 Medicals with a fully qualified medical professional not only during working hours but in the evenings and weekends.

Taxi testing garages had remained open during the Covid period and compliance tests had remained in place as vehicles had to remain road worthy for the safety of the public. Driving tests had been suspended by Government during the lockdowns so to enable taxi drivers to take their tests as soon as everything re-opened a new provider had been added to the list.

The Team had issued guidance of the types of screen dividers that could be used in taxis as well as guidance on covid safety measures for cleaning inside their vehicles and using masks. Support and advice had been provided by the Government to the licence trade and the Team had worked with other departments within the Council to help support businesses.

Multi Agency working had continued throughout the pandemic and the Team had worked with partner agencies throughout the different levels of restrictions looking at where additional resources for compliance was needed. The Government made many changes to legislation to assist businesses such as pavement licenses for table and chairs to be located outside premises to serve food and drink. The Team had been there every step of the way advising and assisting those businesses trying to find various ways of continuing to trade.

Unsurprisingly, the number of temporary events had dropped dramatically during the pandemic but had returned to normal numbers since May 2021 including weddings, private parties and village fetes. The Team had continued to forward event notifications to the Safety Advisory Group and many events would resume this year even though numbers had been restricted.

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In the last 18 months 25 premises licences applications had been dealt with and 24 had been granted. This had proved that there was continued belief in new business start-ups despite the pandemic. 15 premises licences had been surrendered, 3 had new licences but others had closed completely. Scrap metal, gambling and animal licensing had continued, and a review of the whole Environmental Health department would be undertaken by the end of the year.

The Team had been getting used to a new IT system and had to migrate existing data for over 4,000 licences. This work continued with additional resource of one agency staff member dedicated solely to this migration work.

On reflection, it had been a very busy time for the Licensing Team, no less busy than pre-pandemic even though the focus had definitely been different.

The Chairman asked the Licensing Team Leader to pass on her thanks from the Committee to the Officers concerned.

The Licensing Team Leader thanked the Chairman for her kind words.

Members were then provided with the following updates the first of which was on pavement licenses which was something that had been introduced prior to the pandemic for cafes etc, not for shops. The Government was looking to extend this as an amendment to the Business and Planning Act and it was hoped that these new regulations would come into effect ahead of the parliamentary summer recess. The extension if approved would be from September 2021 to September 2022. Further details on this matter were awaited.

The second update was in respect of the Animal Welfare Bill from DEFRA which was known as the Kept Animals Bill. This was to protect pets, livestock and wild animals and 5 key areas were being looked at including puppy smuggling, live exports, banning on keeping primates as pets, livestock worrying (giving new powers to the Police to provide greater protection to livestock from dangerous and out of control dogs) and Zoos, the Zoo Licensing Act would be improved in respect of conservation.

The Chairman hoped that the Animal Welfare Bill would get passed and with these new powers coming forward she hoped that with the various cases of cruelty that the courts were robust in their sentencing of animal cruelty.

Councillor Bambridge underlined what had been said earlier about James Button and felt that it was very pleasing to have him back on the Breckland radar and he was sure he would be very useful to the Licensing Team and Members of the Committee. He hoped that everyone would attend the forthcoming training sessions to keep up to date with Licensing matters.

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The Chairman thanked him for his input and as far as the training was concerned, although not mandatory, she would make it very clear that if Members did not attend, they would not be eligible to sit on any Licensing Panel meetings.

The Vice-Chairman echoed the above comments as Members needed to be well informed in respect of the rules and regulations.

The Licensing Team Leader thanked the Chairman for all her support during the Covid period, particularly with all her assistance in advocating the new Animal Welfare Officer post, it had been much appreciated.

The arrangements for the next meeting on Wednesday, 20 October immediately following the Licensing Committee meeting in the Anglia Room were noted.

The meeting closed at 11.50 am

CHAIRMAN