

# Public Document Pack

## BRECKLAND COUNCIL

### At a Meeting of the

## COMMITTEE OF THE LICENSING AUTHORITY

Held on Wednesday, 11 January 2023 at 11.30 am in  
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,  
Dereham, NR19 1EE

### PRESENT

Cllr Marion Chapman-Allen (Chairman)	Cllr Mark Kiddle-Morris
Cllr Tina Kiddell (Vice- Chairman)	Cllr Keith Martin
Cllr Tristan Ashby	Cllr Philip Morton
Cllr Mike Brindle	Cllr Taila Taylor
Cllr Richard Duffield	

### In Attendance

Craig Fowler	- Environmental Health & Licensing Manager
Josie Hoven	- Senior Licensing Officer
Julie Britton	- Democratic Services Officer

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#### **1/23 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 19 October 2022 were agreed as a correct record and signed by the Chairman.

Councillor Mark Kiddle-Morris abstained from voting on these Minutes as he was not in attendance at this meeting.

#### **2/23 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Bowes, Dowling and Wickerson.

#### **3/23 URGENT BUSINESS (AGENDA ITEM 3)**

None.

#### **4/23 DECLARATION OF INTEREST (AGENDA ITEM 4)**

None declared.

#### **5/23 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

None.

#### **6/23 QUARTERLY TEAM UPDATE REPORT (AGENDA ITEM 6)**

The Senior Licensing Officer provided Members with the following updates:

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**Licensing Act 2003:**

Following information received from the public, a visit was carried out on a premises in Attleborough by the Police and the Senior Licensing Officer where illegal sized vapes were found and a few minor infringements regarding the display of their licence. Information and bodycam footage was passed to Norfolk Trading Standards who visited the premises shortly after and seized a very large quantity of illegal vapes. Further information was awaited on whether a review would be forthcoming.

**Safety Advisory Group:**

A Safety Advisory Group wash-up session was taking place shortly via Teams – all partners had been invited to attend this session along with the event organisers/licence holders.

**Temporary Event Notices (TENS):**

The number of Temporary Event Notices were highlighted:

Jan – Dec 2022 = 334  
Jan – Dec 2021 = 184  
Jan – Dec 2020 = 81  
Jan – Dec 2019 = approximately 240

**Animal Welfare:**

Banham Zoo's updated licence had been issued by formal presentation by Councillor Helen Crane, the Executive Member for Licensing and the Chairman of the Licensing Committee/Committee of the Licensing Authority, Councillor Marion Chapman-Allen.

The Animal Welfare Officer had served a variation to one licence holder reducing the number of animals allowed due to investigation into complaints received regarding home boarding. The licence holder had already rectified some of the issues and could now apply for a re-inspection. There would be a fee incurred of £185 for the re-inspection to establish whether original numbers of animals could be re-instated.

Complaints in respect of a dog breeder had been followed up by the Animal Welfare Officer where an unannounced visit had been carried out that resulted in the licence holder agreeing that they were no longer able to meet the required minimum standards to be licensed. An agreement had been reached to rehome most of the dogs, some had been kept as pets, and they had surrendered the licence.

The Animal Welfare Officer had also organised and chaired a third meeting of the Norfolk (East Anglia) Animal Welfare officers forum that had been started by Breckland Council. The Leader, Councillor Sam Chapman-Allen had opened the meeting – providing an address on the importance of animal welfare and the work undertaken by

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Local Authorities in this area. A representative from the Kennel Club gave a presentation and answered many questions from the group. Two representatives from Street Vets provided a presentation on the invaluable work this project carried out. Street Vets started this project in Norwich after seeing such work carried out in other cities across the country. Vets and assistants gave their time free of charge to go into the city and offer the homeless persons with pets a free service to check their dogs, cats and any other animals they had, providing flea, worming and any other medications needed all free of charge. Street Vets were supported by vet practices and companies that supplied vets with various equipment offered, not only medications but food, coats, and leads etc.

**TAXIS:**

A Licensing Hearing Panel had been held on 19 October 2022 for a driver who did not meet the current convictions policy. The Panel had refused to grant the licence.

Two drivers had been interviewed after receiving complaints (separate issues and not related). The first driver received a verbal warning on their behaviour as it was out of character, and the second driver received a written warning and 3 Breckland Penalty Points (if 9 or more points were received in a 3 year period, this matter would be brought to a hearing Panel).

No update or any information had been forthcoming from the Department for Transport on the new guidance in respect of vehicle specification. The website stated that they were still analysing feedback, and to check back later.

**Scrap Metal:**

Licensing Officers had been visiting scrap metal sites as the renewal applications had been coming in.

The Assistant Licensing Officer had been checking the records for Scrap Metal Collectors to ensure compliance with legislation, to ensure that the identification of the person providing the scrap was checked, any money paid was recorded, the description of the metal and no cash exchanged hands.

**Legislative changes:**

Revised guidance under Section 182 of the Licensing Act 2003 had been issued by the Home Office, and the following changes had been made:

- Right to work entitlement changes – since 1<sup>st</sup> July 2021 EEA citizens and their family members required immigration status in the UK to provide evidence of their right to work in the UK.
- TEN's statutory limits for 2022 and 2023 – 50 personal licence holders (10 Late) / 5 personal licences (2 Late)

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Premises = 20 TENs calendar year (max 7 days each TEN), maximum of 26 days. Number of people remained 499 at the event and minimum periods between TEN's remained the same.

- Clarification on what variation applications should be used for – not for substantial changes
- Conditions from the applicants operating schedule should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

**Levelling Up and Regeneration Bill 2022:**

Currently there were 196 sections and 17 schedules. A consultation was now underway that started on 22 December 2022 until 2 March 2023.

One of main areas affecting licensing were the proposed changes to make pavement licensing a permanent licensing function. It was introduced during covid under the Business and Planning Act. These changes would see the function stay with licensing, increasing costs to full cost recovery to a maximum of £500 for a new licence and £350 for a renewal (currently the maximum charge was £100, and Breckland Council charged £75.00). It would also be allowed to grant a maximum of a 2-year licence (currently 1 year). Local Authorities could be given the power to seize furniture where no licence existed.

A further change from this Bill was to the Anti-Social Behaviour Crime and Policing Act 2014, this would be amended so that the Public Space Protection Order (PSPO) would not relate to any area benefitting from a pavement licence.

**Martyn's Law – Protect Duty:**

In tribute to Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017, Martyn's Law as a Bill, was progressing through the stages (although no date had been set as yet). The intention of the Bill was to improve public security. This would place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. This was likely to include premises where qualifying activities took place including entertainment and leisure facilities, retail, food and drink, museums, galleries, sports grounds, local and central Government buildings, visitor attractions, temporary events, places of worship, health and education. Further information on Martyn's Law could be found on the Government's website.

**Cancard Initiative:**

Cancard was a medical ID card that provided verification for the

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Police and other 3<sup>rd</sup> parties that a person was taking cannabis for medical reasons (inhaler not smoking). The card was only available from specialist GP's or Cancard medical teams. They have so far refused 95% of applications as they were not medically required.

**Shisha Bars:**

The Local Government Association was working on a White Paper regarding the licensing of shisha bars as these were currently unregulated and highly profitable. There was evidence that the nicotine in Shisha pipes damaged the body to the same extent as tobacco products. The proposal was to add this to the Local Government (Miscellaneous Provisions) Act 982.

**Future work of the Licensing Team:**

Authorised garages that the Licensing Team used for taxis/private hire vehicles were to be reviewed to increase numbers hopefully back to at least five. The Team would be working with the Procurement Team on this matter.

Work continued on the development of web forms and online payments. The Team was now moving to the next stage of integration in respect of web applications into the back-office system so no 'keying' would be required.

As far as Web page reviews were concerned, changes would be required to ensure accessibility requirements were met.

The Chairman pointed out that this was the third animal welfare meeting, and was for Officers not for Members to discuss best practice. The Kennel Club that had attended was an excellent achievement and a real feather in the Animal Welfare officer's cap. All councils from Norfolk and Suffolk were in attendance as well as the RSPCA and the Street vets. The Chairman wanted to know what happened to the animal if the homeless person passed away. Members were informed that the animal would be re-homed, and this was something that Breckland Council already did.

The Vice-Chairman was pleased to see that the Team would be looking to increase the garages for taxis and thanked the Senior Licensing Officer for her comprehensive update.

Councillor Mark Kiddle-Morris referred to the TENs as he had noted the large increase and asked if the increase was due to licensed premises ceasing trading due to license fee costs and lack of business due to more people going to TENs events.

Members were informed that there was no evidence on any downturn to pubs and clubs. The Senior Licensing Officer explained that many TENs were in respect of the Queen's Jubilee, and an increase in weddings, she felt that people wanted to get together more following covid and would be interesting to see what happens this year – hopefully no pubs or clubs would be lost.

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Councillor Kiddle-Morris said a pub had closed in his village and he had heard of another that had closed in the Breckland area.

The Senior Licensing Officer said that as Councillors, many would probably hear more about pubs in trouble and were thinking of closing. She then explained the surrender of licences procedure.

Councillor Kiddle-Morris said that he had noticed many suspensions before Christmas for those who had forgotten to renew their licences. Members were informed that reminders were sent.

Councillor Morton referred to scrap metal and asked if there had been many irregularities.

Members were informed that all were working very well, most sites had been running for a considerable amount of time. Two surrenders and three new applications had been received. DBS issues were a concern, but this could be in light of the postal strikes.

Councillor Taila Taylor thanked the Senior Licensing Officer and the Team for how quickly they had resolved the issue in Attleborough.

The Senior Licensing Officer asked Members that if they had any concerns with premises to contact the Licensing Team but to also contact Crime Stoppers and/or Trading Standards where applicable.

The Chairman agreed, Members were the eyes and ears for the Licensing Team, and she thanked Councillor Taylor for making that contact with her and the Team.

**7/23 TRAINING REQUIREMENTS (AGENDA ITEM 7)**

None required.

**8/23 FEEDBACK AND DISCUSSION ON RECENT PANEL MEETINGS (IF ANY) (AGENDA ITEM 8)**

This had already been mentioned under Agenda item 6.

**9/23 NEXT MEETING (AGENDA ITEM 9)**

The arrangements for the next meeting on Wednesday, 22 March 2023 at 10am in the Anglia Room were noted.

The meeting closed at 11.20 am

CHAIRMAN