

Action By

relevant Executive Member and the Monitoring Officer, he had expressed his satisfaction with the proposed future funding of the Section 106 Officer and the redundancy situation relating to the three year posts under this Minute. The Operations Manager (Cabinet) clarified the redundancy costs.

The action of the Chairman in accepting this information, thereby enabling the additional posts to be approved in accordance with the terms of the decision made at the last meeting, were noted.

(c) Adoption

The Minutes of the meeting held on 11 April 2007 were confirmed as a correct record and signed by the Chairman.

29/07 APOLOGIES

Apologies for absence were received from Mr S Chapman-Allen, Mrs T Hewett, Mrs P Quadling, Mr W Smith and Mr D R Williams.

30/07 APPOINTMENT OF PFI MONITORING OFFICER

The Chairman reported that this item had been withdrawn.

31/07 HEALTH ACT 2006 - SMOKING BAN IMPLEMENTATION RECOMMENDATIONS

The Head of Environmental Health presented the report, which highlighted some of the issues imposed by the Act and Regulations on Breckland Council, both as the enforcing authority and as an employer. He explained the rationale for the legislation, the six sets of specific regulations and their requirements, and the main offences that could be committed under the Act, which were:

- failure of the occupier or manager to display no smoking signs in a smoke-free premises vehicle;
- smoking in a smoke-free place or vehicle;
- failure on the part of the manager, or a person in control of the premises, to stop a person smoking within those premises;
- intentional obstruction of an unauthorised officer, or failing to give assistance, or giving false or misleading information.

The aims, nationally and locally, were to advise, educate and assist businesses and members of the public to prepare for the effective date of 1st July 2007. An enforcement protocol had been agreed among other authorities within the county to ensure consistency of application.

N Burrows

Action By

Everything that had been done so far was in relation to prevention and not enforcement. There were some implications for the deployment of staff within the Environmental Health team.

The Committee discussed the practicalities of enforcement of the regulations and generally supported a common sense approach. Where people actively refused to comply, then enforcement would be pursued, as it would be where a complaint was received from a member of the public. Members supported the officers' views that enforcement should be kept to a minimum and, in this regard, there was discussion of the requirements for signs in buildings and how failure to display signs to the required standard would be approached. In reply to a question regarding signs for buildings occupied by a number of tenants, the Principal Environmental Health Officer said that technically each organisation occupying the premises should have its own signage, in addition to outside.

Members considered the options set out in Appendix 1 to the report, where the Council had discretion as to the steps it would take on its internal policy, and agreed with the steps proposed and the allocation of responsibilities, as set out.

RESOLVED that the recommendations set out in Appendix 1 to the report be accepted.

32/07 PROCEDURE FOR TAXI LICENSING PENALTY POINTS SYSTEM

The Principal Environmental Health Officer presented the report, pointing out that the Committee had earlier in the year adopted a new Hackney Carriage and Private Hire Licensing policy and procedures, after consultation with the trade. The policy included a penalty points system, details of which were now presented for Members' consideration.

N Burrows

Members noted that all licence holders had been given details of the infringements and the points penalties applicable to them. Accrual of nine points in three years would bring a reference to the Appeals Committee. Serious offences, as before, would go through normal legal procedures. The points procedure provided the opportunity for the "offender" to respond, as well as providing for appeals. The system would effectively raise standards and gave the opportunity for minor offences to be rectified in an appropriate way.

In reply to a question regarding the penalty failure to have a fire extinguisher and/or first aid kit, it was pointed out that three points was applicable for each transgression.

RESOLVED that

- (1) the process of issuing penalty points, as set out in Appendix B to the report, be approved;

(2) the penalty points scheme be reviewed in eighteen months' time.

33/07 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100 (A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act.

34/07 ILL HEALTH RETIREMENT

The Operations Manager (Cabinet) presented the report, which sought Members' decision on an early retirement on the grounds of permanent ill health.

Having considered all the circumstances, the Committee accepted that the recommendation was in the interests of the Service and, it was

RESOLVED that the employment of the member of staff indicated in the report be terminated on the grounds of ill health.

35/07 APPLICATION TO RENEW SEX ESTABLISHMENT LICENCE

The Licensing Officer explained that the Licence granted in May 2006 to *Absookley Ltd* for a Sex establishment Licence in respect of 17 Brunel Way, Thetford, for twelve months, had been submitted for renewal. In accordance with Minute No. 26/06, the renewal was being brought back to Committee for consideration. No public comments had been received and no objections had been lodged by the Norfolk Constabulary. The renewal had been requested on the basis of the original conditions, subject to the deletion of clause 13 which related to retail use of the premises being de-minimis and ancillary to B8 usage. Prior to submission of the renewal application, the applicant had obtained authority for retail use of the premises through the Development Control Committee.

The Licensing Officer explained the circumstances in which a licence must not be granted or renewed, as well as the grounds on which the authority could decide not to renew an application, covering unsuitability of the applicants, management of the establishment by somebody who would be unable to obtain a licence, excessive numbers of such establishments in an area, or the effect on the character of the locality.

Considerable discussion centred on the element of retail use. Members recalled comments made by the applicant at the meeting when the original licence was granted that retail would be a minimal element of the business. For the benefit of new Members of the Committee, the Chairman explained that the Committee's support for the original application, on the terms

Action By

Human
Resources

M Wheatley

Action By

agreed, had, at the time, generally been endorsed by Ward Members.

The Licensing Officer pointed out that the applicant had been unable to attend on this occasion because he was undergoing hospital treatment.

Having considered the options available to them, Members felt that the best course would be to provide an opportunity for the applicant to attend and to give answers to the matters concerning them, notably the retail element and the effect on adjoining premises, if any. Deferral of the matter would enable research to be carried out in to number of visits, on what days and at what time of day, and how many of these might be wholesale or retail; it would also give time to invite neighbouring businesses to comment on the application, as well as giving the applicant notice of the kind of information that the Committee was seeking before making a decision.

RESOLVED that a decision on the application be deferred until the next meeting, on 4 July 2007.

The meeting closed at 12.40 pm

CHAIRMAN