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BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

Held on Wednesday, 27 May 2009 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mr I. Sherwood (Chairman)	Mr T.J. Lamb
Mr W.P. Borrett	Mrs K. Millbank
Mrs M.P. Chapman-Allen	Mr J.D. Rogers
Mr J.R. Gretton	Mrs P.A. Spencer (Vice-Chairman)

In Attendance

Laura Anderson	- Business Support Officer
Stephanie Butcher	- Principal Officer, Licensing & Business Support
Tiffany Bentley	- Senior Licensing Officer
Sheila Cresswell	- Member Services Officer
Josie Hoven	- Assistant Licensing Officer
Karen Nugent	- Business Support Officer
Patrick O'Brien	- Licensing Officer
Mr C. Soames	- Fire Safety Adviser, Norfolk Fire Service
Gill Taylor	- Business Support Supervisor

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1/09 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 13 February 2008 were confirmed as a correct record and signed by the Chairman.

2/09 APOLOGIES (AGENDA ITEM 2)

An apology for absence was received from Mrs L. Turner.

3/09 DECLARATION OF INTEREST (AGENDA ITEM 4)

Councillor J. Rogers expressed an interest regarding Agenda Item 6 owing to his membership on the Fire and Community Safety Committee at City Hall.

4/09 FIRE SERVICE POLICY ON LICENSING INSPECTIONS (AGENDA ITEM 6)

The Chairman welcomed Mr Chris Soames, Fire Safety Adviser for Breckland (Norfolk Fire Service), who had been invited to give an update and to hear the Committee's concerns about the local impact of recent changes in legislation.

The Chairman then gave some background to the request, explaining that in the past the Norfolk Fire Service had been responsible for visiting licensed properties to give advice and guidance about fire

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safety issues and areas of concern. Such visits had been extremely helpful and constructive throughout the District, but particularly for the smaller premises, such as Village Halls.

Legislation changes meant that responsibility for fire safety inspections now fell directly on the licencees or property owners. Many had never seen the legislation and were therefore unaware of some of the less obvious hazards. Many also struggled to find people willing to take on the role of Fire Safety Officer now that the previous levels of expert support had been withdrawn. Another difficulty was that the smaller premises frequently had less money available to pay for such specialist advice.

Mr Soames explained that his input into the actual licensing application process was minimal: he, or a colleague, would visit the premises concerned and then acknowledge this, by letter to the applicant and by e-mail to the Licensing team at Breckland. In reality therefore, it was merely an acknowledgement of the Fire Service having seen the application.

With respect to the advice the Fire Service gave, he explained that with effect from 1st October 2006 there had been dramatic changes to the Fire Legislation (71 individual pieces of legislation had been reduced to 1). From the Fire Service's perspective this obviously made life much simpler. However, the onus of responsibility had therefore dramatically shifted to the owner/occupiers of the buildings, whether they were the license-holder, the tenant, the owner or a Managing Director etc. Additionally, the new legislation covered every form of premises other than private dwellings – i.e. including village post offices, corner shops, B&Bs, etc, as well as the more obvious range of licensed premises.

Realising the impact of this change, and the fact that many people did not have the necessary levels of expertise in this field, he and his colleagues had frequently raised concerns at a local level. Over the past few years they had been told that their role was to “enforce the legislation” and not to give advice. He believed that this approach had been nationally applied.

However, following a recent change of senior staff, he was now able to reassure Committee Members that locally they were being permitted to revert to their former role: if they were approached for advice they would be happy to provide it.

People were therefore able to book an audit. They would be given a blank fire assessment sheet, together with the appropriate Guide(s). He explained that the Fire Service had produced a selection of Guides, covering different needs (e.g. for Open Air events; for large premises, or for smaller ones holding less than 300 people). He, or a colleague, would also give guidance about the relevant web sites to ensure that the inquirer had all the necessary and relevant information to hand. If he paid a site visit, he often personally downloaded information for them.

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After each visit a letter would be sent, outlining any actions which needed to be taken and the appropriate timetable to be met. By nature this was something of a formal exercise but he stressed that he and his colleagues were keen to be as helpful as possible. That said, there were huge pressures as he was the only designated Fire Safety Officer to cover the whole of Breckland. (His few immediate colleagues had a range of other duties and therefore only limited time available for this area of work.) Originally there had been 14 Fire Safety Officers across the district but now there were only 4. When put in to context with the number of premises now covered by the legislation (which had increased from about 11,500 to over 18,000), it was inevitable that requests for advice had to be prioritised. It was impossible to visit every premises annually. He aimed to visit high-risk properties every six months; medium-risk once a year; with others once every 3-7 years. There were some (very low risk) properties which were never visited more than once. He emphasised that the main focus of visits was education, and confirmed that he currently had four inspections underway in Thetford.

He explained that the fire crews, whilst often having more local knowledge, did not have the time to make such visits as they had very different priorities. They focussed on community fire safety (e.g. home visits to speak about smoke detectors etc), as opposed to the more specialist 'technical fire safety' which he covered in his role. Additionally, their working day finished at 1730 at which point the Retainer crew took over until 0800.

There was some discussion about the specific needs of Village Halls, used for varied events and with varying numbers of people: often nowadays there was no one person assigned as Fire Officer. There was concern that many might use self-regulation to start cutting corners, especially in the current economic downturn.

Mr Soames confirmed that Fire Safety responsibility fell to the owner of the property, unless they formally designated someone to take this on. He repeated that local policy had recently reverted to offering advice to help people understand and implement the legislation, rather than just enforcement.

It was noted that current licence application forms requested no information about the numbers of people allowed on licensed premises. The Principal Officer, Licensing & Business Support ("Principal Licensing Officer") commented that there had been many changes as a result of the new Licensing Act. The Gambling Act remained quite clear, but the Licensing Act had created many problems at local level in terms of responsibilities and education.

RESOLVED that:

- 1) the Principal Licensing Officer be asked to prepare a report on local levels of responsibility to help Committee Members make effective decisions in this area; and

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- 2) the Licensing office copy the Fire Service Policy Document to all Committee Members to enable them to fully understand the legislation.

5/09 LICENSING UPDATE

The Principal Licensing Officer explained that the major restructuring in Environmental Health had now concluded. The Licensing Team was supported by members of a Business Support Team, whose work ranged across the whole Department.

She extended a warm invitation to Members to visit the department, perhaps by spending a day with the team. She was anxious for the team to be more accessible and to help Members and colleagues understand the wide-ranging nature of the work covered (which included issues arising from the Licensing Act; Gambling; Taxi Licenses; Street Trading and Charitable collections, etc).

She then gave an update of various key changes the team would be facing over the coming months:

- Amendments to the Licensing Act were due in July 2009. These would include minor variations. For example, it would remove the requirement for a Designated Premises Supervisor to be stipulated on the licence for community premises (such as Village Halls). This sort of amendment would need to be publicised across the district by the Licensing Team.
- Amendments to the Crime Bill would impose up to nine new mandatory conditions on every existing and new licence applied for. Various conditions would apply (e.g. to promotions such as 'all you can drink for £10.00'), and it would be for the Licensing team to inspect and enforce, as appropriate. They would have to do this without receiving any increase in budget. The Principal Licensing Officer explained that there was ongoing consultation in this area and she would be happy to circulate information to all Members via the Bulletin in due course.
- Gambling Policy : The Principal Licensing Officer explained that the Gambling Policy was also under review. Guidance had been recently received and she promised to pass this to Committee Members over the following few weeks. The proposals would then go for public consultation, with the aim of being in place by the end of the year.
- Nightsafe: Norfolk Constabulary had also undergone restructuring recently. There would be one licence team for the county, based in Norwich, with a satellite office in King's Lynn. The Principal Licensing Officer was going to Chair the Norfolk Licensing Forum for the coming year.

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She would meet the Chief Inspector soon, for discussions to enable a targeted high-risk multi-agency approach across the District. She would keep the Committee informed of progress.

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- EU Service Directive: This would come into force on 27 December 2009, by which time all licence applications must be able to be made, and payment received, on-line. A project group was being set up under the Business Improvement Team to focus on this work, not least as there was some overlap with other departments who also needed to upgrade their electronic systems in order to comply with legislation. There was some discussion about difficulties with electronic signatures. The Principal Licensing Officer confirmed that work was still underway on this, since security was essential if these were to be accepted as legally binding.
- Keeping Members informed. The Principal Licensing Officer was keen to discuss how Members would best like to be kept informed of forthcoming changes e.g. relevant High Court cases, as well as key legislative amendments.

The Chairman felt that the monthly Bulletin should be the preferred channel for keeping Members informed: any changes would affect all Wards and it was important for all Councillors to have access to this information, rather than just members of the Licensing Committee itself.

He thanked the Principal Licensing Officer for her invitation to Committee Members to spend the day with the team and welcomed this initiative. He asked if this could be raised formally through him as Chair of the Member Development Panel, since he felt that this could be of wider benefit.

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When asked if the changes simplified the legislation overall, the Principal Licensing Officer explained that while it was simpler in many respects, it would greatly increase the team's workload. There were several amendments being made to the Licensing Act by various other Acts. Obviously it would have been better to have had just one review resulting in one Licensing Reform Order, to keep things simple. It was the team's responsibility to ensure that everyone concerned knew about the new legislation and had access to the all relevant information.

She confirmed that license-holders for village halls and community premises would need to apply for a change to their licence and that a fee would be involved (though the exact amount had yet to be confirmed). Once granted, licenses last indefinitely unless surrendered or revoked.

Licensing team members would be expected to visit licensed premises to ensure that all mandatory conditions of the legislation were being met and understood, particularly with regard to

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promotional sales of alcohol. Again, there would be no extra money available in the budget for this further burden on the team, who would be holding Roadshows later in the summer, once more details about amendments were available.

6/09 MEET THE LICENSING TEAM

The Principal Licensing Officer then introduced the rest of her team, giving a brief description of the key areas they covered.

Tiffany Bentley (Senior Licensing Officer)	Works on all licensing and enforcement issues across the district.
Patrick O'Brien (Licensing Officer)	As above.
Josie Hoven (Assistant Licensing Officer)	Chiefly focuses on office work and support in enforcement.
Karen Nugent Gill Taylor Laura Anderson	Assist with street collections, charity stalls, support work (including Purchase Orders etc). They work as part of the new 'Business Support Team', helping with wider Environmental Health work too.
	A new Licensing Assistant would be appointed shortly.

The Principal Licensing Officer then reiterated her invitation to Members, saying that they would be very welcome to email or visit the Department at any time, whether for a specific inquiry or to see how the team worked.

The Chairman concluded the meeting by giving warm thanks to the Principal Licensing Officer for her invitation and for all her hard work over the past several months. He acknowledged that the recent restructuring would have been a stressful time for everyone involved, and thanked the whole team for their efforts.

He also thanked Committee Members and said that it was important that they should continue to meet whenever required, particularly if there were changes to licensing policy.

RESOLVED that the Principal Licensing Officer would circulate further details on the new Gambling Policy to all Committee Members in due course.

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The Chairman asked Members to contact him direct if they had any comments or issues they would like to raise on these matters. He would then decide whether or not there should be a specific meeting to discuss this amended legislation in due course.

The meeting closed at 11.00 am

CHAIRMAN