

LICENSING AND APPEALS COMMITTEE

Minutes of the meeting of the Licensing and Appeals Committee held on Monday, 27 September 2021 at the Council Chamber - Council Offices at 10.00 am

Committee Mr D Birch
Members present: Mr C Cushing
Mr P Fisher
Mrs P Grove-Jones
Mr N Housden
Mr N Lloyd
Mr J Rest

Members also attending: Mrs G Perry-Warnes

Officers in Attendance: Public Protection & Commercial Manager, Trainee Solicitor, Democratic Services & Governance Officer (Regulatory) and Democratic Services and Governance Officer - Scrutiny

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

In the absence of the Chairman and Vice Chairman, it was proposed by Councillor Mrs P Grove-Jones, seconded by Councillor N Lloyd and

RESOLVED

That Councillor J Rest be appointed as Chairman for the meeting.

Councillor Rest took the Chair.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Adams, H Blathwayt and P Bütikofer.

The Chairman expressed concern that a number of Committee Members were not present and had not given their apologies.

3 PUBLIC QUESTIONS

None.

4 MINUTES

The Minutes of a meeting of the Licensing & Appeals Committee held on 23 November 2020 and of meetings of the Licensing Sub-Committee held on 17 March, 13 April, 24 May and 25 August 2021 were approved as correct records.

5 ITEMS OF URGENT BUSINESS

None.

6 DECLARATIONS OF INTEREST

None.

7 REVIEW OF GAMBLING AND LICENSING POLICIES

The Public Protection and Commercial Manager presented a report that outlined the draft revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005. She recommended that both documents be recommended for approval by Full Council and publication in accordance with legislative requirements.

Licensing Policy

The Public Protection and Commercial Manager highlighted the main changes to the Licensing Policy. There were no fundamental changes, but the document had been revised to include all aspects of the work carried out by the Council under the Licensing Act 2003, and to reflect changes in the Section 182 guidance. The revisions highlighted the partnership working with the Police and other agencies, the aim to reduce antisocial behaviour and alcohol related crime, and to reduce alcohol consumption in young people. The consultation process had been clarified in the document.

Councillor Mrs P Grove-Jones requested clarification on cumulative impact. She understood that there was no limit on the number of licences that could be issued in any particular area in North Norfolk.

The Public Protection and Commercial Manager explained that cumulative impact was not currently an issue in North Norfolk, but the section remained in the policy to ensure there was flexibility in case it was needed.

Councillor Mrs Grove-Jones requested the definition of category C and D gaming machines under paragraph 22.2 of the policy.

The Public Protection and Commercial Manager stated that the Gambling Commission's website described category C as machines with a maximum stake of £1 and maximum payout of £100, and category D as low stake fruit machines, coin pushers or crane grabs.

In answer to a question by Councillor C Cushing, the Public Protection and Commercial Manager confirmed that the consultees listed at paragraph 2.5 of the Licensing Policy had been consulted each time the draft had been published but no responses had been received.

The Chairman requested that local Members be notified when personal or premises licences were due for renewal as they were not always aware of what was happening in their Wards.

The Public Protection and Commercial Manager agreed to consider if a streamlined process could be put in place to ensure that local Members received notifications.

Gambling Policy

The Public Protection and Commercial Manager stated that the Gambling Policy consultation was ongoing and no responses had been received to date.

Councillor N Lloyd considered that “*We will support the local authority ...*” in paragraph 15.3 was unclear as to the organisation taking the action. The Public Protection and Commercial Manager stated that she would ensure that this was clarified.

Councillor Mrs Grove-Jones requested a definition of ‘moral objections’ in paragraph 10.2.

The Public Protection and Commercial Manager explained that moral objections could relate to someone’s personal view that gambling in general was unacceptable. Objections had to be justified by evidence as to why gambling was not acceptable in the proposed location.

In response to a supplementary question, the Trainee Solicitor stated that she would provide clarification following the meeting as to the weight that could be given to the views of a religious organisation that objected to the principle of gambling as part of its beliefs.

Councillor Mrs Grove-Jones asked if the policy included televised gambling.

The Public Protection and Commercial Manager considered that the policy might apply if an event was televised within a licensed premises. The Gambling Commission dealt with national operators such as online gambling firms.

The Trainee Solicitor stated that she would provide clarification on televised gambling following the meeting.

Councillor Cushing noted that the list of consultees did not include religious organisations and asked if they were consulted.

The Public Protection and Commercial Manager stated that although she was not aware if any religious organisations had been consulted, both policies were subject to public consultation so they would have the opportunity to make representations. It was difficult to consult every organisation individually.

Councillor N Lloyd expressed concern that there had been very few responses to either policy and asked how the consultations had been conducted.

The Public Protection and Commercial Manager explained that the same statutory consultee organisations were consulted each time by letter or email, and the consultation was advertised through the Council’s website and social media. The consultation process was a national approach and consistent with other local authorities. She invited Members to share with her any ideas they had for improving the consultation process locally, or organisations that should be consulted.

It was proposed by Councillor Mrs P Grove-Jones, seconded by Councillor P Fisher and

RECOMMENDED unanimously*

That Full Council approve the proposed revisions to the Council’s Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005 and their publication in accordance with legislative requirements.

*Councillor D Birch was unable to vote as he had arrived following the commencement of the presentation on this item.

8 SHERINGHAM 1940S EVENT & TRAINING REQUEST

With the agreement of the Chairman, Councillor N Housden raised an issue of concern as an item of urgent business, relating to a recent 1940s event. Whilst he had not attended the event, he had observed a number of military vehicles travelling along the coast road at Morston, which was some distance from the event, with various firearms on show. Whilst he accepted that they were likely to be decommissioned weapons, he considered that it was grossly inappropriate particularly given recent events in Afghanistan and the UK. He asked if the activity required a licence.

The Public Protection and Commercial Manager explained that the static display was licensable and had taken place under the venue's premises licence. The driving of the vehicles on the public highway was a matter for the Police and not the local authority. She understood that there was a military vehicle group in Norwich and was happy to make the organisers aware of the concerns.

Councillor Mrs Grove-Jones asked if re-enactment events required licensing.

The Trainee Solicitor stated that she would look into the points raised and would revert following the meeting if required.

The Public Protection and Commercial Manager stated that these events would be subject to licensing if they were open to the public with licensable activities being undertaken.

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At this point in the meeting Councillor Mrs G Perry-Warnes arrived. She explained that she had mistakenly thought the meeting was being held remotely and had wanted to ask some questions.

With the agreement of the Committee, the Chairman invited her to ask her questions. A question regarding notification of local Members had been addressed earlier in the meeting. Secondly, she requested that additional training be given to Members on pre-determination in licensing as this had recently caused an issue.

The Public Protection and Commercial Manager stated that training was already being planned, either in-house or possibly by James Button, a licensing solicitor. She invited Members to let her know if there were other areas of licensing on which they required support.

The Chairman requested that training be delivered using Zoom.

9 UPDATE ON GENERAL LICENSING ISSUES

The Public Protection and Commercial Manager updated the Committee on the following general licensing matters. A briefing note would be circulated to the Committee following the meeting.

- The Council's membership of the Institute of Licensing was now unlimited so

Members were able to sign up if they wished. Joining details would be included in the briefing note.

- The Team were very busy and tight on resources due to the pandemic. The Public Protection and Commercial Manager paid tribute to the staff for the work they had been doing.
- There had been an increase in animal licensing matters. Two dangerous wild animals had been seized from an unlicensed owner, and the investigation was ongoing.
- A County-wide discussion group on animal licensing had been set up and a meeting held at Breckland Council to share information and look at common ways of working.
- An investigation was ongoing in respect of a potential sexual entertainment establishment.
- A team planning exercise had taken place as part of the Council's corporate approach to service planning, to build a plan for the team's direction over the next 18 months. This work would include a review of licensing fees, mobile home fees and the street trading policy.
- A three-year programme of caravan site inspections would be carried out, dealing with the highest risk premises first. The team would work with the planning team to ensure that the site licences were consistent with planning permission.
- A fee had been introduced for fit and proper person checks for residential mobile home sites.
- Collaborative work with other agencies was ongoing and key projects were being undertaken to reduce antisocial behaviour in the District.
- The Government had extended the temporary increase in the number of Temporary Event Notices (TENs) from 15 events to 20 events per premises for 2022 and 2023.
- The Government had extended temporary permitted development rights for the sale of takeaway alcohol from licensed premises had been extended until 30 September 2022.
- A Government consultation on temporary permitted development rights was ongoing, running until 14 November 2021.

Councillor Mrs Grove-Jones asked under what circumstances a static caravan would be classed as residential.

The Public Protection and Commercial Manager explained that if the occupant was paying Council Tax and it was their principal residence it would be considered as residential. There were premises that had evolved as mixed sites over a number of years, which were very complex and sensitive. The Licensing Team worked closely with the Revenues Team to establish who was occupying the premises and their reason for being there.

Councillor N Lloyd stated that as Portfolio Holder he wished to publicly thank the Public Protection and Commercial Manager and her team for the work they were doing. He was amazed at the breadth and complexity of the cases they dealt with, many of which were sensitive issues. The staff had risen to the challenge despite the challenges of the pandemic.

The Public Protection and Commercial Manager thanked Councillor Lloyd for his feedback.

The meeting ended at 11.00 am.

Chairman