

LICENSING AND GAMBLING ACTS SUB COMMITTEE

Record of Proceedings of a Sub Committee of the Licensing and Gambling Acts Committee of South Norfolk District Council

Held on: **Thursday 5 September 2019**

At: **10.00am**

At: **South Norfolk House, Cygnet Court, Long Stratton**

APPLICATION IN RESPECT OF: The Swan Hotel

APPLICATION FOR: Review of a Premises Licence

APPLICANT: Mr T Durell

Sub Committee members: Cllr R Elliott (Chairman)

Cllr P Hardy

Cllr T Holden

Officers in Attendance: The Legal Adviser to the Sub Committee (D Lowens), the Food, Health and Safety Licensing Team Leader (R Broadbelt) and the Licensing and Enforcement Officers (A Cox and R Setford)

Speaking at the meeting:

Mr R Twigge – Proprietor, The Swan Hotel

A. The Hearing

The Chairman welcomed all attendees and explained the procedure for the meeting. The Licensing and Enforcement Officer informed the Sub Committee of the details of the application, which was to determine a review application for The Swan Hotel in Harleston.

The Licensing and Enforcement Officers informed the Sub Committee that, following the death of a boxer in a unlicensed boxing event in Great Yarmouth in late 2017, awareness of the risks of unlicensed boxing had been raised and an application had been made by the Council's Environmental Health Officer to ensure unlicensed boxing events were made as safe as possible, with measures put in place to avoid injury.

Officers explained the different types of strictly-controlled boxing and how there was no governing body, nor best practice in place for unlicensed boxing events. Members were advised that the application sought to add a condition to those premises licences which included boxing as an activity requiring that a suitable and sufficient health and safety risk assessment be submitted to Environmental Services a minimum of 21 days prior to the event taking place. The Legal Advisor suggested the proposed wording be amended to state an obligation for risk assessments to be both sent to and received by the Council at least 21 days prior to the intended date, as a document sent by second class post may be delayed in the post.

The Legal Advisor also suggested that the risk assessment for boxing entertainment should, as a minimum, include those matters set out in the document "Risk Assessment Guidance for Boxing events" dated September 2019 and should also state any control measures to be implemented. In addition, he advised that the risk assessment should be approved in writing by the Food, Health, Safety and Licensing Team before the boxing entertainment could take place.

The applicant and officers left the meeting while the sub-committee considered its decision.

B. Findings of fact

The application is for a review of a premises licence for The Swan Hotel, Harleston.

In considering the application, the Sub-Committee had regard to the revised guidance issued by the Secretary of State under s182 Licensing Act 2003 and to South Norfolk Council's Statement of Licensing Policy in assisting them in their role of promoting the four licensing objectives..

The Panel has heard evidence from Environmental Services, detailing the reasons for the review.

The Panel has heard that the proprietor has not raised any concerns.

The Panel has heard that there were no objections raised.

The Panel needs to consider whether it is appropriate for the promotion of the licensing objectives for any conditions to be added or modified.

C. Decision and reasons

The unanimous decision of the Sub-Committee is to impose the proposed conditions, as amended:

The risk assessment for boxing entertainment shall, as a minimum, include those matters set out in the document "Risk Assessment Guidance for Boxing events" dated September 2019 and shall also state any control measures to be implemented. In addition, that the risk assessment must be approved in writing by the Food, Health, Safety and Licensing Team before the boxing entertainment can take place.

A written health and safety risk assessment in respect of the boxing entertainment must be submitted by the premises licence holder and received by the Council at least 21 days prior to the intended date.

The Sub-Committee has heard from Environmental Health as the reasons for the proposed introduction of conditions to try to make safer the activity of unlicensed boxing.

The Panel feels this is a proportionate and appropriate introduction of conditions to support the licensing objective of public safety and notes that no objections have been received.

The proposed conditions are imposed as amended. These amendments are to ensure that the council has at least 21 days from receipt to consider approval of the written health and safety risk assessment and to ensure appendix 2 is formally made part of the proposed condition.

D. Right of Party to appeal against the determination of the authority

Persons who are aggrieved by the decision or the imposition of any term or condition or restriction, have a right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision. Full rights of appeal are set out in Schedule 5 of the Licensing Act 2003.

Dated: 5 September 2019

Signed:

A handwritten signature in black ink, appearing to be 'R Elliott', written in a cursive style.

Councillor R Elliott – Chairman