

Agenda

Licensing and Gambling Acts Sub-Committee

Members of the Committee:

Cllr R Elliott (Chairman)

Cllr P Hardy

Cllr T Holden

Date

Thursday 5 September 2019

Time

10.00 am

Place

Blomefield Room
South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Contact

Sue Elliott
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If you have any special requirements in order to attend this meeting,
please let us know in advance

Large print version can be made available

A G E N D A

1. To report apologies for absence and identify substitute voting members (if any);
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972. [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.];
3. To receive Declarations of Interest from Members;
(Please see guidance form and flow chart attached to the agenda page 3)
4. Review Application;

Premises: The Swan Hotel,
19 The Thoroughfare, Harleston (Report – page 5)
(appendix 1 – page 10)

Applicant: Mr T Durell (appendix 2 – page 17)

Application for: Review of a Premises Licence

Members of Committee and Accreditation details:

Members of Licensing, Appeals & Complaints and the Licensing and Gambling Acts Committees	Expiry of training accreditation-Taxi	Expiry of training accreditation-Licensing Act 2003
Elliott Cllr R	29/05/21	29/05/21
Kemp Cllr W	03/06/21	03/06/21
Burrill Cllr D	29/05/21	29/05/21
Curson Cllr F	03/06/21	03/06/21
Easter Cllr J	29/05/21	29/05/21
Glover Cllr L	03/06/21	03/06/21
Halls Cllr J	29/05/21	29/05/21
Hardy Cllr P	29/05/21	29/05/21
Holden Cllr T	29/05/21	29/05/21
Hornby Cllr J	03/06/21	03/06/21
Legg Cllr N	29/05/21	29/05/21
Rowe Cllr J		
Savage Cllr J	03/06/21	03/06/21
Spruce Cllr T	03/06/21	03/06/21
Wilby Cllr J	29/05/21	29/05/21

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as would a member of the public, but you should not partake in general discussion or vote.

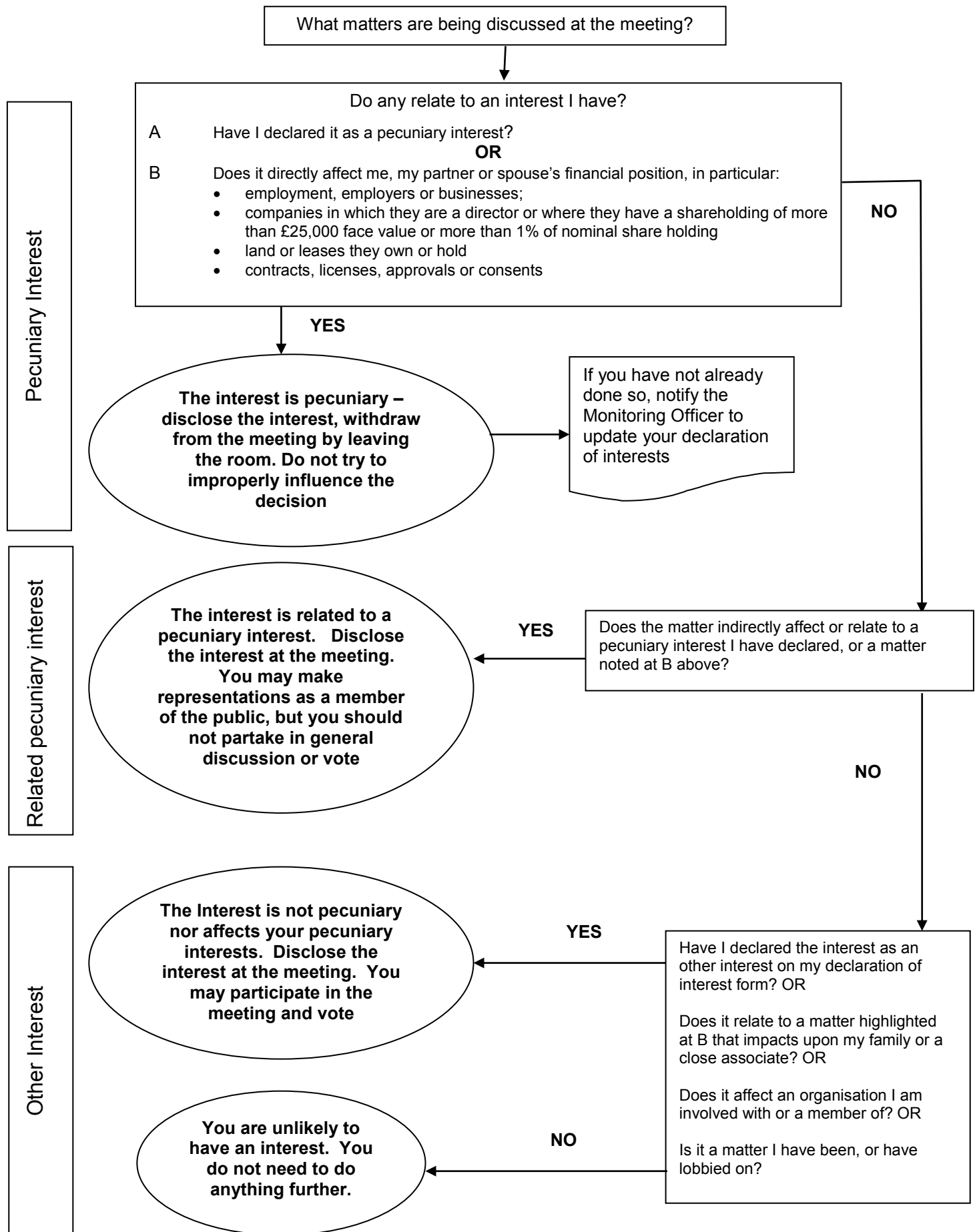
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



5 September 2019

Licensing Act 2003: Review Application – PLA0212

The Swan Hotel, 19 The Thoroughfare, Harleston, IP20 9AS

Report Author(s): Amanda Cox, Licensing and Enforcement Officer
01508 533621
acox@s-norfolk.gov.uk

Portfolio: Regulation and Public Safety

Ward(s) Affected: Harleston

Purpose of the Report: To determine a review application for The Swan Hotel, 19 The Thoroughfare, Harleston

Recommendations:

The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

Where a licensing authority determines an application, it must notify the determination and its reason of making it to –

- (a) the holder of the licence;
- (b) the applicant;
- (c) any person who has made relevant representations; and
- (d) the chief officer of police for the police area in which the premises are situated

1. SUMMARY

- 1.1** The purpose of this report is to determine a review application that has been made by Mr T Durell, Environmental Health Officer for South Norfolk Council, Cygnet Court, Long Stratton, NR15 2XE for The Swan Hotel, 19 The Thoroughfare, Harleston, IP20 9AS.
- 1.2** Before determining the application, the authority must hold a hearing to consider the application.
- 1.3** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations presented by all parties;
 - the revised guidance issued under section 182 of the Licensing Act 2003;
 - South Norfolk Council's Statement of Licensing Policy published in January 2016
- 1.4** The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm;

2. BACKGROUND

- 2.1** South Norfolk Council is the authority responsible for issuing and reviewing licences within the district under the Licensing Act 2003, which came into effect on the 24th November 2005.
- 2.2** As you may be aware in late 2017 there was an unfortunate fatality where a young boxer died taking part in an unlicensed boxing event. Following the Coroners Court hearing it was agreed to raise awareness in respect of the risks associated with unlicensed boxing and the measures which organisers can take to ensure the activity is being carried out safely.
- 2.3** There are two types of licensed boxing, amateur boxing (also known as Olympic Boxing) and professional boxing – each have their own licencing body (England Boxing, which follows the International Boxing Association (AIBA) rules, for amateur, and the British Boxing Board of Control – BBBoC – for professional) and very strict controls around registering boxers, periodic medicals, and arrangements for matches including pre-match medicals and requirements for registered paramedics to be present, etc., many of which are common between the two.
- 2.4** Between the two licensed forms of boxing, there is a gap, and everything in this gap is unlicensed boxing. The boxing match that took place in Great Yarmouth was an unlicensed boxing match, and as such, there is no governing body, and no generally accepted best practice. Some organisers of unlicensed boxing do have very good safety precautions in place as they implement procedures similar to the amateur boxing guidelines. However, boxing matches are taking place with poor safety practices, placing boxers at risk of serious injury.
- 2.5** White collar boxing and semi-pro boxing are unofficial terms used to describe various kinds of unlicensed boxing, neither has an 'official' definition but white collar boxing is in use generally to describe events where people in 'white collar' professions are trained, usually for around eight weeks and specifically for a particular event, usually a public one (quite often a charity event – an organisation might arrange a white

collar boxing event to come in and train interested staff for two months and then have a 'department vs department' match to raise money for charity). Semi-professional boxing is generally used for people who are training and boxing on a more regular basis, but who cannot or do not want to compete under the strict regulations set out in amateur and professional boxing. They are likely to have a higher level of fitness and skill than those taking part in the one-off events, and fits this match best, but there is no organising body and no provision of best practice. One of the draws of this kind of boxing is the ability to not follow the strict licensed regulations – boxing can and does take place with a wider age difference and weight difference than would be allowed in either amateur or professional boxing.

- 2.6 An application was made on the 19th July 2019 by Mr T Durell, Environmental Health Officer for South Norfolk Council. A copy of the application form is attached as Appendix 1.
- 2.7 The application seeks to add a condition to those licences which include 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 basis of the risk assessment should be as that attached at Appendix 2.

3. CURRENT POSITION / FINDINGS

- 3.1 No relevant representations have been received with regard to the application.

4. PROPOSED ACTION

- 4.1 The application must be determined by a hearing of the Licensing and Gambling Acts Sub-Committee, as under the Act, determination may not be delegated to officer level. This determination should only be made in relation to the content of this application, the four licensing objectives, the Revised Guidance issued under Section 182 of the Licensing Act 2003 and South Norfolk Council's Statement of Licensing Policy published in January 2016.

5. OTHER OPTIONS

- 5.1 The authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged.

Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

5.2 A determination does not have effect –

(a) until the end of the period given for appealing against the decision, or

(b) if the decision is appealed against, until the appeal is disposed of.

5.3 There is a right of appeal to the Magistrates Court within 21 days.

6. ISSUES AND RISKS

6.1 **Resource Implications** – None.

6.2 **Legal Implications** – Statutory requirements

6.3 **Equality Implications** – None.

6.4 **Environmental Impact** – see licensing objectives

6.5 **Crime and Disorder**- see licensing objectives

6.6 **Risks** – the Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal in the Magistrates' Court.

7. RECOMMENDATIONS

- 7.1 The Sub-Committee is expected to make its determination based on an assessment of the evidence on both the risks and benefits for or against making the determination, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 7.2 The Sub-Committee must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.
- 7.3 Where a licensing authority determines an application, it must notify the determination and its reason of making it to –
- (a) the holder of the licence;
 - (b) the applicant;
 - (c) any person who has made relevant representations; and
 - (d) the chief officer of police for the police area in which the premises are situated
-

Appendices

Appendix 1 – Application Form

Appendix 2 – Risk assessment

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Timothy G Durell

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Swan Hotel 19 The Thoroughfare	
Post town Harleston	Post code (if known) IP20 9AS
Name of premises licence holder or club holding club premises certificate (if known) Robin Twigge	
Number of premises licence or club premises certificate (if known) PLA0212	

Part 2 - Applicant details

I am

Please tick ✓ yes

- | | |
|--|-------------------------------------|
| 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | ☐ |
| 2) a responsible authority (please complete (C) below) | ☒ |
| 3) a member of the club to which this application relates | ☐ |

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health South Norfolk Council Cygnet Court Long Stratton Norwich NR15 2XE
Telephone number (if any) 01508 535326
E-mail address (optional) tdurell@s-norfolk.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☐☒☐☐

Please state the ground(s) for review (please read guidance note 2)

As you may be aware in late 2017 there was an unfortunate fatality where a young boxer died taking part in an unlicensed boxing event. Following the Coroners Court hearing it was agreed to raise awareness in respect of the risks associated with unlicensed boxing and the measures which organisers can take to ensure the activity is being carried out safely.

We are therefore reviewing all premises licences within South Norfolk where boxing has been permitted as a regulated activity to add a condition 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 basis of the risk assessment should be as that attached.

Please provide as much information as possible to support the application (please read guidance note 3)

There are two types of licenced boxing, amateur boxing (also known as Olympic Boxing) and professional boxing – each have their own licencing body (England Boxing, which follows the International Boxing Association (AIBA) rules, for amateur, and the British Boxing Board of Control – BBBoc – for professional) and very strict controls around registering boxers, periodic medicals, and arrangements for matches including pre-match medicals and requirements for registered paramedics to be present, etc., many of which are common between the two.

Between the two licensed forms of boxing, there is a gap, and everything in this gap is unlicensed boxing. The boxing match that took place in Great Yarmouth was an unlicensed boxing match, and as such, there is no governing body, and no generally accepted best practice. Some organisers of unlicensed boxing do have very good safety precautions in place as they implement procedures similar to the amateur boxing guidelines. However, boxing matches are taking place with poor safety practices, placing boxers at risk of serious injury.

White collar boxing and semi-pro boxing are unofficial terms used to describe various kinds of unlicensed boxing, neither has an 'official' definition but white collar boxing is in use generally to describe events where people in 'white collar' professions are trained, usually for around eight weeks and specifically for a particular event, usually a public one (quite often a charity event – an organisation might arrange a white collar boxing event to come in and train interested staff for two months and then have a 'department vs department' match to raise money for charity). Semi-professional boxing is generally used for people who are training and boxing on a more regular basis, but who cannot or do not want to compete under the strict regulations set out in amateur and professional boxing. They are likely to have a higher level of fitness and skill than those taking part in the one-off events, and fits this match best, but there is no organising body and no provision of best practice. One of the draws of this kind of boxing is the ability to not follow the strict licenced regulations – boxing can and does take place with a wider age difference and weight difference than would be allowed in either amateur or professional boxing.

A review of the premises licence seeks to add a condition associated with a suitable and sufficient health and safety risk assessment being submitted in advance of the event taking place to ensure the welfare of those participating.

'At least 21 days prior to the intended date of any boxing entertainment a written health and safety risk assessment in respect of the boxing entertainment must be submitted by the premises licence holder to the Licensing Authority. The risk assessment for the boxing entertainment including any control measures to be implemented must be approved in writing by Food, Health and Safety and Licensing Team. If the Food, Health and Safety and Licensing Team do not approve the boxing entertainment risk assessment the premises licence holder will ensure that the boxing entertainment does not take place. If the boxing entertainment risk assessment is approved by the Food, Health and Safety and Licensing Team the premises licence holder will ensure that the boxing entertainment takes place in full compliance with the requirements and prohibitions specified in the boxing entertainment risk assessment.'

I stress this review application has no bearing on how the premises is presently operating and is not based on any complaint received.

Please

tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE

LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

The data provided on this form and supporting documents, including any photographic image, will be used and held by South Norfolk Council as data controller for the purpose of issuing, maintaining and renewing (as applicable) (subject to eligibility) a review of a premises licence or club premises certificate and is subject to the requirements of the Data Protection Act 1998. This personal data will be held and processed by the Council in accordance with the Data Protection Act and may be disclosed to a public body or any agency nominated by a public body for the purpose of preventing and detecting fraud or other relevant criminal activity. The information will be held on computer files and relevant paper filing systems.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 19th July 2019

Capacity Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Risk Assessment Guidance for Boxing Events

What do I need to do?

If you are organising a boxing event at a premises you must carry out a suitable and sufficient risk assessment and document the findings of this assessment. This risk assessment must be sent to the Licensing Department and Environmental Services at least 21 days prior to the event.

What must I include in my risk assessment?

As a minimum, you should include in the risk assessment:-

- Details of the organisers and other parties involved in the event with full contact details
- The medical cover that will be provided at this event. At events in the South Norfolk area, the Council will expect a Registered Doctor and a Paramedic to be provided as a minimum. The Council would also prefer that an ambulance be provided.
- The medical checks to be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.
- How boxers are matched up for the event. All boxers are expected to be evenly matched and fall in the same weight category
- Description of how the safety of minors will be protected during the event. The Council would not expect to see any under 18 matched with an over 18. Any fights involving minors should not be taking place late in the evening
- Details of ring set up and who will be carrying this out
- The number of referees and judges.
- The type and weight of boxing gloves to be used by the boxers and how these will be inspected
- The safety rules for the fight and how these will be communicated to the boxers, coaches, trainers and other relevant parties
- Details of the Personal Protective Equipment to be worn.
- Actions to be taken in an emergency and how parties will communicate e.g. Two-way radios
- Site checks to be completed prior to the event taking place

As part of the safety arrangements, the Council will also expect contact to be made with NNUH to ensure they are aware of the event taking place.

This list is not exhaustive and there may be other matters you need to consider depending on the nature of the event taking place

Who can I contact for further help?

If you have any queries regarding this guidance, please contact the Environmental Services Team at South Norfolk Council on:

Environmental Services: Tel: - 01508 535326 email: - licensingfoodsafety@s-norfolk.gov.uk