

Licensing & Regulatory Committee

Agenda

Date

Wednesday 5 June 2019

Members of the Licensing & Regulatory Committee

Each meeting will comprise the Chairman and
2 other Members highlighted in bold below

Mr A D Adams
Ms S J Catchpole
Mr R R Foulger
Mrs S C Gurney (Chairman)
Mr D G Harrison
Mrs C Karimi-Ghovanlou
Mr K S Kelly
M D King
Mr K G Leggett MBE
Mr M L Murrell
Mr N C Shaw
Ms J L Thomas (Vice-Chairman)

Time

9.30 am

Place

Trafford Room
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

Dawn Matthews tel (01603) 430404

Broadland District Council
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich NR7 0DU

E-mail: dawn.matthews@broadland.gov.uk



If any member wishes to clarify details
relating to any matter on the agenda they are
requested to contact the relevant Head of
Service.



@BDCDemServices

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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- | | | |
|----------|---|--|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meetings held on 18 April and 21 May 2019</u> | 3 – 10 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Exclusion of the press and public

The Chairman will move that the press and public be excluded from the meeting for the remaining business because otherwise, information which is exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them. | |
| 6 | <u>(9.30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u>

To consider matters involving a private hire vehicle driver

<u>A copy of the procedure to be followed is attached</u> | 13 – 24

11 – 12 |
| 7 | <u>(11.30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u>

To consider matters involving a private hire vehicle driver

<u>A copy of the procedure to be followed is attached</u> | 27 – 37

25 – 26 |
| 8 | <u>Exempt Minutes of meeting held on 18 April 2019</u> | 38 – 41 |

Please Note: In the event that the Committee has not completed its business by 1.00 pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

Trevor Holden
Managing Director

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 18 April 2019** at **9:30am** when there were present:

Mrs S C Gurney – Chairman

Mr S Dunn

Mr V Tapp

In attendance were Mr D Lowens (the Committee's legal advisor), the Food, Safety and Licensing Team Manager, the Technical Officer – Licensing Enforcement and Licensing Administrator and the Committee Officer (JO).

Also present were:

- (1) Kevin Smith (Head of Food) and Stuart Jefferies (Area Manager) – for the applicant.
- (2) Sue Holland and Peter Lumb, Spixworth Parish Council – objecting.
- (3) Anthony Lee, near neighbour of the store – objecting.

48 LICENSING ACT 2003 – APPLICATION TO VARY A LICENCE

The Chairman welcomed everyone to the meeting and invited all present to introduce themselves. She referred to the procedure to be followed and sought confirmation from all present that they all had copies of the papers for the meeting.

The Committee was asked to consider an application to vary a Premises Licence in respect of the East of England Co-op, 113-117 Crostwick Lane, Spixworth, Norwich, NR10 3AF for the sale of alcohol by retail for consumption off the premises.

The Food, Safety and Licensing Team Manager advised Members that the applicant had requested an amendment to the submitted application, as it had been pointed out that the premises was only permitted to open between 7am and 11pm Monday to Sunday.

The amended application was therefore: Monday to Saturday (including Good Friday): 07:00am to 23:00pm and Sunday 07:00am to 22:00pm.

The Food, Safety and Licensing Manager reminded the Committee that, to be relevant, any representations received had to relate to one of the four licensing objectives which were:

- The Prevention of Crime and Disorder
- The Protection of Children From Harm
- The Prevention of Public Nuisance
- Public Safety

No correspondence had been received from the Responsible Authorities in respect of the application, save for the Planning Department which had raised the issue of the store hours permitted by planning permission and was the reason for the applicant's request to amend the original application to align with its licensed hours with its permitted opening hours.

Representations from the Parish Council, as well as neighbouring residents had been received in objection to the application.

The Food, Safety and Licensing Team Manager advised the meeting that revised Government guidance under section 182 of the Licensing Act 2013 (April 2018 edition) recommended that the benefit of the doubt should be given to those making representation to the Committee. He also emphasised that the Committee should only take into account matters that were relevant to the clear purpose of the licensing objectives.

The Government guidance also suggested that a licensed premises should be able to sell alcohol when open unless there were very good reasons for it not to do so.

Members were asked to note that beyond the immediate vicinity of a premises individuals were personally accountable for public nuisance under the law and their behaviour was not the responsibility of the shopkeeper.

The Committee then heard representation from the applicant. Mr Smith informed the Committee that the Co-op was extending its off-licensing hours to align with its opening hours in order to improve the business.

In response to a query, the Committee was informed that the Co-op had policies in place to prevent the sale of alcohol to those under the age of 18. Staff actively challenged individuals seeking to buy alcohol who were perceived to be under 25 and required photo ID before any sales were made. A Refusal Register was also maintained and staff received training on a six monthly basis. Shops were subject to internal audit on a regular basis, as well as an independent test purchase service for retailers of age restricted products.

The Committee were advised that there had only been seven incidents of anti-social behaviour in the vicinity of the store in the last five years and were provided with the statistics confirming this (attached at Appendix 1 to the signed copy of these Minutes). Members were also asked to note that the

East of England Co-op had an Anti-Social Behaviour Manager, 24 hour response teams and CCTV monitoring as well as an educational team for crime and anti-social behaviour awareness.

Mr Lee, who lived in a neighbouring property, informed Members that the additional licensing hours would lead to more vehicle movement and noise, which would negatively impact on his quality of life.

Mr Lumb from the Parish Council added there had been an increase in anti-social behaviour in the area, as well as the amount of litter and he was concerned that the additional licensing hours could make it worse.

All parties present, with the exception of the Committee Members, the Legal Advisor and the Committee Officer, then left the meeting whilst Members discussed the matter. All parties, were then re-admitted to the meeting and advised of the Committee's decision, as follows:

The Chairman advised those present that the Committee had considered the application in the light of the four Licensing Objectives and had concluded the following:

- As there had been no Police response to the application, the Committee had concluded that there were no issues in respect of the Prevention of Crime and Disorder.
- The Committee was satisfied that the store had robust policies, controls and checks in place to prevent the sales of alcohol to under 18s. So children were adequately protected from harm.
- There were few incidents of public nuisance in the vicinity of the store, which was confirmed by the lack of response from the Police to the application.
- There were no Public Safety issues relating to the application that were not covered by the policies and processes and procedures of the company. It was also noted that the Co-op was not responsible for activity outside its curtilage.

Having therefore carefully considered the above representations and information, the Committee granted the variation, as applied for.

All present were advised that there was a right of appeal against the decision, details of which were contained within Schedule 5 of the Licensing Act 2003, and must be exercised within 21 days from the date of the written decision.

The meeting closed at 11.21am

FS ThorpeStAndrew

From: Stuart Jefferies
Sent: 18 April 2019 07:55
To: FS ThorpeStAndrew
Subject: Fwd: ASB Reports for Spixworth

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Scott Walker <SWalker@eastofengland.coop>

Date: 16/04/2019 10:03 (GMT+00:00)

To: Kevin Smith <KSmith@eastofengland.coop>, Stuart Jefferies <SJefferies@eastofengland.coop>, Lee Hammond <lhammond@eastofengland.coop>, Jemma Girling <jgirling@eastofengland.coop>

Subject: ASB Reports for Spixworth

Hi Gentleman

These are the stats for the last 5 years.

call list			
ID	Title	Store	Incident Date
102506	Anti Social Behaviour	Spixworth 472	02-Nov-18
85947	Anti Social Behaviour	Spixworth 472	18-Oct-17
83315	Anti Social Behaviour	Spixworth 472	19-Aug-17
70779	Anti Social Behaviour	Spixworth 472	26-Oct-16
46754	Anti Social Behaviour	Spixworth 472	16-May-15
35675	Anti Social Behaviour	Spixworth 472	30-Sep-14
24758	Anti Social Behaviour	Spixworth 472	09-Feb-14

This is very low and below the average reports, 3 reports are involving youths, 1 report mental health related, 1 harassment, 1 alcohol refusal due to ARS, 1 other.

KEY POINTS

1. Only retailer with a pro-active Anti-Social Behaviour Team.
2. 24 hr Security Response teams
3. 24hr live CCTV monitoring and Alarm Receiving Call Centre
4. Partnerships with police and local Authorities
5. Educational team for crime and ASB awareness

Regards

Scott Walker

Anti-Social Behaviour Manager

Co-Op Secure Response

CONTROL 01473 786169

MOBILE 07983 696908

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 18 April 2019** at **11.30am** when there were present:

Mrs S C Gurney – Chairman

Mr S Dunn

Mr V Tapp

The applicant (as identified in the exempt appendix to the signed copy of these Minutes) attended the meeting for consideration of his case.

Also in attendance were Ms T Eddison (the Committee's legal advisor), the Food, Safety and Licensing Team Manager, the Technical Officer (Licensing Enforcement) and the Committee Officer (DM).

The Director of Place attended part of the meeting as an observer.

49 MINUTES

The Minutes of the meeting held on 20 March 2019 were confirmed as a correct record and signed by the Chairman.

50 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

51 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE DRIVER LICENSING

The Committee considered matters involving a private hire vehicle driver as detailed in the exempt appendix to the signed copy of these Minutes. After due consideration, it was

RESOLVED

to not renew the driver's private hire vehicle driver's licence.

52 EXEMPT MINUTES

The exempt Minutes of the meeting held on 20 March 2019 were confirmed as a correct record and signed by the Chairman.

The meeting closed at 1:15pm

DRAFT

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 21 May 2019** at **8.20 pm** when there were present:

Mr A D Adams
Ms S J Catchpole
Mr R R Foulger
Mrs S C Gurney

Mr D G Harrison
Mrs C Karimi-Ghovanlou
Mr K S Kelly
Mr D King

Mr K G Leggett MBE
Mr M L Murrell
Mr N C Shaw
Miss J L Thomas

Also in attendance were the Senior Committee Officer and the Committee Officer (JO).

1 APPOINTMENT OF CHAIRMAN

One nomination was received for the position of Chairman and it was

RESOLVED

to appoint Mrs S Gurney as the Chairman of the Committee for 2019/20.

Mrs Gurney in the Chair

2 APPOINTMENT OF VICE-CHAIRMAN

One nomination was received for the position of Vice-Chairman and it was

RESOLVED

to appoint Miss J Thomas as the Vice-Chairman of the Committee for 2019/20.

The meeting closed at 8.27pm

Quasi-judicial procedure rules - Applications for a Private Hire Vehicle/Operator/Driver's Licence

The Committee comprises 3 district councillors, at least two of which must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the Committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

1 Opening remarks by the Chairman of the Committee

- 1.1 The Chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.2 The Chairman will give a brief outline of the matter to be considered.

2 The Council's case

- 2.1 The Council's representative will present its case.
- 2.2 The Council's representative may then be questioned by the following in the order shown:
 - (1) the applicant or his representative;
 - (2) the Council's legal representative;
 - (3) the representatives of statutory consultees (eg police, general practitioner)
 - (4) the members of the Committee.

3 The applicant's case

- 3.1 The applicant or representative will present his case.
- 3.2 The applicant or representative may then be questioned by the following in the order shown:
 - (1) the Council's representative and / or legal representative;
 - (2) the representatives of any consultees (eg police, general practitioner),
 - (3) the members of the Committee.

4 Representatives / consultees

- 4.1 The representatives of any consultees present shall then each present their case.

4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

- (1) the applicant or his representative;
- (2) the Council's representative and / or legal representative;
- (3) the representative of any other statutory consultee, and
- (4) the members of the Committee.

5 Closing statements

5.1 Closing statements will then be made in the following order:

- (1) The Council's representative and / or legal representative;
- (2) The representative of each of the statutory consultees, and
- (3) The applicant or his representative.

5.2 All persons present, with the exception of the members of the Committee, the advisor and the clerk, will then leave the meeting.

6 The Committee's decision

6.1 The Committee will discuss and then vote on the application.

6.2 In the event of an equality of votes, the Chairman has a second or casting vote.

6.3 During the decision making process, the Committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above will be asked to re-join the meeting. The Chairman will announce the Committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The applicant will be provided with a full written copy of the Committee's decision within 5 working days of the hearing.

6.6 If the application is refused, the decision must state clearly the reasons why.

6.7 Where an application is granted, the Committee should, where applicable, advise the applicant if any special conditions are imposed.

6.8 Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the Magistrates' Court within 21 days of receiving the written decision.

Pages 13 to 41
are not available to the public because the
information is confidential.

They will be provided separately to
Members of the Committee.