

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 7TH AUGUST 2023, AT 6.00 P.M.

PRESENT: Councillors A. M. Dale (during Minute No's 3/23 to 8/23),
J. Elledge, S. M. Evans, D. J. A. Forsythe, D. Hopkins,
C.A. Hotham, B. Kumar, B. McEldowney, S. R. Peters,
S. A. Robinson and H. D. N. Rone-Clarke

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

1/23 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor J. Elledge be elected Chairman of the Committee for the ensuing municipal year.

2/23 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor B. McEldowney be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/23 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

There were no apologies for absence.

4/23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5/23 **MINUTES**

The minutes of the Licensing Committee meeting held on 27th March 2023 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held 27th March 2023, be approved as a correct record.

6/23 **LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**

The Committee considered a report which detailed the draft revised Statement of Licensing Policy for the purpose of consultation with relevant partners.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that the Council's existing Statement of Licensing Policy, under the Licensing Act 2003, had taken effect on 1st April 2019. In accordance with the provisions of the Act, the Council was required to determine and publish a Statement of Licensing Policy at least every five years. Therefore, a new Statement of Principles must be published by 1st April 2024.

The draft revised Statement of Licensing Policy, attached at Appendix 1 to the report and a summary of proposed amendments, attached at Appendix 2 to the report; detailed a number of amendments and additional sections (highlighted in red text), that had been made to the document to reflect the changes to legislation and guidance that had taken effect since the last Statement of Licensing Policy had taken effect on 1st April 2019. There were no major fundamental changes, the document had been refreshed and updated.

The draft revised policy was based on the same template as the existing policy, which all of the Statements of Licensing Policy across Worcestershire were now based upon.

Consultation on the revised draft Statement of Principles would take place with all of the relevant parties, as detailed in paragraphs 3.4 and 3.11 of the report. The consultation would also be made available for comment via the Council's website, publicised via social media and also through the local press. Any responses received to the consultation would be presented to a future meeting of the Licensing Committee.

The Principal Officer (Licensing), WRS responded to questions from Members with regard to making "Ask for Angela" and Bleed Control Kits mandatory for all new licences, or for premises that had a record of violence at the premises.

It was highlighted that "Ask for Angela" and Bleed Control Kits could not be made mandatory. However, any new premises licence applicant would on their application form have to describe the steps they intended to take to promote the four licensing objectives, and should when doing so, have regard to the Council's Statement of Licensing policy. If "Ask for Angela" and Bleed Control Kits were not adopted, then conditions could be included on the premises licence, if there was sufficient evidence that warranted the inclusion of such conditions.

The Council's Legal Advisor further reiterated that new premises licence applications and premises reviews were considered on their own merits. If it was evidenced based, then Licensing Sub-Committee Members could impose conditions on new premises licences or when reviewing a premises licence; where it was evidenced that a premises was problematic.

The Principal Officer (Licensing), WRS further highlighted that licensed premises that did have Bleed Control Kits were encouraged to highlight as to where the kits could be located in the premises for ease of access. If the Bleed Control Kit was properly registered then the 999 emergency services would be aware as to where the kit was located, in order to access the kit, should they need to use it should an incident occur either inside or outside of the premises. Staff at the premises should be trained to use Bleed Control Kits. The kits were not just for victims of violence. Licensed premises had a lot of glassware and staff could also injure themselves. It was less likely for incidents / accidents to be fatal ones, where premises had Bleed Control Kits.

Further debate took place with regards to the wording, as detailed at paragraph 6.20, on page 27 of the main agenda report. It was agreed that the wording be amended, as follows: -

“The licensing authority expects those that operate licensed premises to do all that they can to ensure all people, particularly women and girls, feel safe on a night out. Therefore, we would encourage licence holders to implement schemes such as “Ask for Angela” and to promote such schemes to both staff and customers. We would also encourage licence holders to ensure staff receive awareness training in relation to drink-spiking and that other measures to tackle drink-spiking are taken where appropriate”.

In response to questions from the Committee with regard to premises having defibrillators, the Principal Officer (Licensing), WRS explained that licensed premises were not currently required to have one. Some village pubs that did have them usually kept on the outside of the building for ease of access for anyone who needed to use it.

Members raised questions with regard to the requirement for staff in licensed premises being suitably first aid trained, with this in mind it was agreed that an additional paragraph (6.27), be included as follows: -

“The licensing authority encourages licence holders to ensure that they have sufficient members of staff in place that have undertaken appropriate levels of training in delivering first aid”.

Members requested a further amendment to paragraph 6.37 with regards to premises offering alcohol delivery services, it was agreed that ‘Challenge 25’ be referred to, as detailed below: -

“In recent years there has been an increase in the number of licensed premises offering alcohol delivery services. The licensing authority expects those licence holders who provide such a service to have in place robust age-verification procedures (such as “Challenge 25”) at both the point of sale and the point of delivery to ensure that alcohol is not purchased by, or delivered to, children. These procedures should include the provision of training for

delivery staff on requesting and verifying acceptable proof of age documentation at the point of delivery”.

The Principal Officer (Licensing), WRS further responded to questions in respect of what guidance / assessments were currently available for businesses and organisations with regard to the Terrorism (Protection of Premises) Draft Bill – “Martyn’s Law”.

Members were informed that it was in the very early stages and that the Bill had been published in draft form by the Government to allow for pre-legislative scrutiny of the legislation by the Home Affairs Select Committee. It had been included in the Statement of Licensing Policy, in order to highlight it, because it would be fundamental. There was currently not a lot of detail, however, there was some early guidance on the GOV.UK website.

An Information Report on the draft Bill had been included on the Licensing Committee’s agenda, Agenda Item 7, to further inform Members.

It was agreed that the ‘Table of Contents’ page 18 and page 39 of the main agenda report, be amended to show the full title, as follows: -

“Terrorism (Protection of Premises) draft Bill “Martyn’s Law”.

In respect of ‘Reviews’, as detailed on page 40 of the main agenda report; Members further requested that paragraph 11.8 be amended to include: -

“County Councillor, District Councillor and Parish Councillor”.

The Principal Officer (Licensing), WRS and the Democratic Services officer, noted all of the amendments as requested by the Committee as detailed in the preamble above.

In response to questions from Members on Cumulative Impact, the Principal Officer (Licensing), WRS, stated that currently the Council had not published a Cumulative Impact Assessment (CIA) as there was not currently any evidential basis on which to base such a decision. Members were further informed that there was no late night levy. Late night levies had to be viable in order to generate enough monies. There were only between 3 and 4 late night levies in place across England and Wales, as late night levies were seen as an additional burden on an already struggling night time economy.

RESOLVED that subject to the amendments as detailed in the preamble above being incorporated; that the amended, draft revised Statement of Licensing Policy, as detailed at Appendix 1 to the report and as amended during the course of the meeting, be approved for the purpose of consultation with relevant parties.

TERRORISM (PROTECTION OF PREMISES) DRAFT BILL - "MARTYN'S LAW"- INFORMATION REPORT

Members received an information report on the Terrorism (Protection of Premises) draft Bill "Martyn's Law" which had been published in draft form by the Government to allow for pre-legislative scrutiny of the legislation by the Home Affairs Select Committee.

The report was prepared in order to provide Members with information on the provisions contained in the draft bill and how these may impact and interact with the Council's role as a licensing authority under the Licensing Act 2003.

The Principal Officer (Licensing), WRS drew Members' attention to the Service / Operational Implications, as detailed page 70 of the main agenda report.

On 22nd May 2017, twenty-two people were killed in a terror attack at the end of a concert taking place at the Manchester Arena. In addition to those who lost their lives, hundreds of others were injured.

In October 2019 the Home Secretary established the Manchester Arena Inquiry, a statutory public inquiry set up to investigate the deaths of the victims of the attack.

As well as establishing the public inquiry, in its 2019 manifesto the Government made a commitment to improve the safety and security of public venues. Further to that manifesto commitment, the Government launched a public consultation in February 2021 on proposals to bring in legislation to implement a "Protect Duty" to ensure that those responsible for publicly accessible locations were ready and prepared to take appropriate action, were a terrorist attack to happen.

The "Protect Duty" had also become widely known as "Martyn's Law" in tribute to Martyn Hett who lost his life in the Manchester Arena attack.

Alongside its consultation response document, the Government published a draft version of the Terrorism (Protection of Premises) Bill. At the same time, the Government also wrote to the Home Affairs Select Committee to invite the Committee to conduct pre-legislative scrutiny of the draft legislation. A copy of the draft bill was attached at Appendix 1 to the report.

The Principal Officer (Licensing), WRS, further informed Members that since the Licensing Committee agenda had been published, the Home Affairs Select Committee had responded and that their draft recommendations were available to view on the Governments website.

Qualifying public premises may be located within other premises, such as a retail store within a shopping centre. The requirements would not

apply to premises (or parts thereof) that were used as private dwellings or offices.

Qualifying public premises may be either standard duty premises or enhanced duty premises. Enhanced duty premises were those with a public capacity of 800 individuals or more. Standard duty premises were those with a capacity of 100 to 799 individuals. The Bill allowed for provision to be made for some premises to be treated as standard duty premises when they would otherwise be enhanced duty premises, and vice versa.

Members were further informed that there was currently no indication as to who would be 'The Regulator.' The regulator would primarily provide a guidance function for businesses; and also have the ability to impose a range of civil sanctions which would be utilised to address non-compliance.

It was unclear at this stage who the Secretary of State intended to specify as the regulator under the draft legislation. This could be existing public bodies such as local authorities or the Health and Safety Executive. Alternatively, an entirely new public body could be created to act as the regulator. The regulator would need to be identified before the Bill was presented to Parliament.

As detailed in paragraph 3.36, whether or not Local Authorities (LA's) were ultimately specified as the regulator, there would be implications for the Council when the legislation was brought into force.

Therefore, the future progress of the draft legislation would need to be followed closely by officers to ensure that the Council could publicise and signpost relevant guidance and information to those who would be affected by the duties that the draft legislation would eventually impose.

The Council may also need to revise its Statement of Licensing Policy published under the Licensing Act 2003 in light of the implementation of the legislation.

The Principal Officer (Licensing), WRS reassured the Committee that further reports would be presented to the Licensing Committee in due course as the process for enacting the draft legislation progressed.

The police website "ProtectUK" provided some guidance for premises to follow now in order to reduce the risk of a terrorist attack. Which included guidance on staff training, how staff should respond in evacuating premises and managing the situation.

Proportionality was important with clear expectations, duties and proportionate responses expected of small businesses and cost implications.

In response to questions from Members, the Principal Officer (Licensing), WRS clarified the following: -

- Premises with a capacity of less than 100 would be out of scope.
- Funding for local village halls etc. – the Local Government Association (LGA) had responded to the draft Bill and had stated that the Government must now ensure that funding was made available to respond to the significant resource and capacity requirements needed to successfully implement “Martyn’s Law”.
- Places of worship had been taken out of the standard / enhanced duty premises scope.
- LA’s would be regulated under this Bill, as would any LA organised public events. LA’s would have duties to enact upon.
- The Council’s Facilities and Health & Safety teams for all six Worcestershire authorities would need to think ahead for any potential risks. Anyone responsible for a publicly accessible building should be aware and more thought and risk assessments should be put in place by looking at potential risks.

The Council’s Legal Advisor confirmed that the Council Chamber, Redditch Borough Council and the Parkside Hall, Bromsgrove District Council could both facilitate 200 people.

The Principal Officer (Licensing), WRS, responded to further questions from Members in respect of local sporting events and car boot sales and Temporary Event Notices (TENs), whereby the number of people attending could significantly vary on the day. The Principal Officer (Licensing), WRS stated that the Home Affairs Select Committee had asked for further clarification on Standard and Enhanced duty premises.

With regards to TENs, if the Bill were in place or before the Bill was in place, officers would look if a good level of guidance was available in order to provide information or signpost applicants to guidance ahead of the Bill being introduced.

RESOLVED that the Information Report – Terrorism (Protection of Premises) draft Bill – “Martyn’s Law” be noted.

8/23

LICENSING COMMITTEE WORK PROGRAMME 2023/2024

The Committee noted the Work Programme for 2023/2024.

RESOLVED that the Licensing Committee Work Programme for 2023/2024, be noted.

Licensing Committee
7th August 2023

The meeting closed at 7.07 p.m.

Chairman