

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held at the Civic Centre, Barnstaple on Tuesday 9th December 2014 at 10.00 a.m.

PRESENT: Members:

Councillor Tucker (Chairman)

Councillors Biederman, Fowler, Haywood, Lucas, Mathews, Moore and Wilkinson.

Officers:

Lead Officer – Licensing, Head of Contentious Law (TB), Service Lead – Community Safety Partnership and Senior Member Services Officer (BT).

Also Present:

PC Daw Devon and Cornwall Constabulary

46 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Clark, Hunt, Lane and Webb.

47 MINUTES

RESOLVED that the minutes of the meeting held on 11th November 2014 (circulated previously) be approved as a correct record and signed by the Chairman.

48 ITEM BROUGHT FORWARD BY THE CHAIRMAN

(a) Licensing and Hackney Carriage/Private Hire newsletters

The Chairman congratulated the Lead Officer – Licensing on the newsletters and information recently sent to all Hackney Carriage and Private Hire driver licensees and personal licence holders which were very informative.

49 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

50 LEGAL HIGHS UPDATE

In pursuance to minute 34 of the meeting held on 14th October 2014, PC Daw and Service Lead – Community Safety Partnership provided an update to the Committee on the outcomes of the meeting with Nick Harvey MP regarding the need for appropriate legislation to be introduced as a matter of urgency to prevent the sale of legal highs.

Councillor Tucker advised that following this meeting, the Council had issued a press release and an article had been included in the North Devon Journal. Nick Harvey MP had also written a letter to the Secretary of State for Health and the Home Office regarding the urgent need for appropriate legislation. He would provide an update to the Committee, following the receipt of a response to this letter.

PC Daw advised that the majority of sales of legal highs were purchased online. Statistics identified the UK as the worst country in the Europe for use of legal highs. In 2010, 70 admissions to the North Devon District Hospital were due to legal highs. In 2012, this number had increased to 700. There was a major problem in other areas in the UK where pubs and night clubs were selling legal highs in premises. He confirmed that licensees in North Devon carried out thorough checks and reported any issues direct to the Police. However, alcohol related issues were a major problem and strain on health services which needed to be tackled. He advised the Committee that a head shop had been closed in Exeter by using powers contained within the Anti-Social Behaviour Crime and Policing Act 2014. He also outlined the work that the Police had undertaken on head shops by working in partnership with Safer North Devon and Trading Standards.

RESOLVED that a letter be sent to the North Devon Journal to congratulate them for raising awareness of the dangers of legal highs.

**51 INDEPENDENT INQUIRY THAT HAD BEEN UNDERTAKEN IN
RELATION TO CHILD SEXUAL EXPLOITATION IN ROTHERHAM AND
THE ASSOCIATED IMPACTS ON LICENSING**

The Committee considered the letter received from Baroness Kramer, a press release issued by Rotherham Council and questions posed by the Safeguarding Children Task Group, People’s Scrutiny Committee, Devon County Council (circulated previously) regarding the Independent Inquiry that had been undertaken in relation to Child Sexual Exploitation in Rotherham and the associated impacts on licensing.

The Service Lead – Licensing outlined the key amendments that had been made to Rotherham Council’s taxi licensing policy. In relation to each of those key amendments, she advised the Committee of the standards and requirements within the Council’s current Hackney Carriage and Private Hire licensing policy. As a result of the amendments introduced at Rotherham she had no major concerns considering in the main these policies had been in place for a number of years however there were some

minor issues which would need to be considered and some amendments to the policy may be required.

In response to a question, the Service Lead - Licensing advised that she would consider how safeguarding training could be provided for hackney carriage and private hire drivers and personal licence holders. She confirmed that the Security Industry Agency licensed door stewards and advised that she would highlight the concerns of the Committee regarding the need to provide safeguarding training.

The Service Lead – Licensing confirmed that she had delegated authority to suspend a hackney carriage/private hire drivers licence for failure to provide a copy of an Enhanced Disclosure.

RESOLVED that the Service Lead – Licensing bring a report back to the Committee in January/February 2015 outlining any suggested amendments to be made to the Hackney Carriage and Private Hire licensing policy in response to the Rotherham Inquiry.

Councillors Biederman and Mathews declared personal interests in the above item as Members of the Safeguarding Children Task Group, People’s Scrutiny Committee, Devon County Council.

52 HOME OFFICE CONSULTATION: THE COMMUNITY AND ANCILLARY SELLERS NOTICE

The Committee considered the Home Office’s consultation paper on “The Community and Ancillary Sellers Notice” (circulated previously).

The Service Lead – Licensing outlined the details of the proposal contained within the consultation paper to the Committee. She outlined that in response to Question 7 the Regulatory Services Manager had been requested to calculate an estimated fee to cover the costs incurred.

RESOLVED that the following response to the questions contained within the Home Office’s consultation paper on “The Community and Ancillary Sellers Notice” formulate the Council’s response:

- Question 1 – (a)
- Question 2 – (a)
- Question 3 – no other types of accommodation providers
- Question 4- (b)
- Question 5 – (a)
- Question 6 – (a)

Councillor Biederman declared a personal interest in the above item as Chairman of a Community Group that sold alcohol.

53 HOUSE TO HOUSE COLLECTIONS – CONCERN RAISED

The Service Lead – Licensing outlined concerns which had been expressed by Councillor Biederman relating to a recent house to house collection undertaken by the Red Cross whereby the collectors were disturbing elderly residents and families after 8.00 pm. She stated that the Red Cross had been asking residents to purchase entries to their weekly fundraising lottery via Direct Debit and therefore were not using a House to House collectors licence or Home Office Exemption Order as they were not collecting money or articles. Therefore, this was outside the control of the Council.

RESOLVED:

- (a) That the Chairman of the Committee write to the Red Cross highlighting the concerns raised regarding collectors disturbing residents late in the evening and request that collectors adhere to common sense to not disturb residents after dark;
- (b) That the Chairman of the Committee writes to the Home Office and Charity Commission highlighting the concerns raised regarding collectors disturbing residents late in the evening and whether a code of practice, similar to when charities collect direct debit payments on the street, could be implemented when collectors went house to house.

Chairman

The meeting ended at 11.26 a.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.