

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held at the Barum Room, Brynsworthy Environment Centre, Barnstaple on Tuesday 18th April 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (in the Chair)

Councillors J. Cann, Edmunds, Gubb, Lucas, Moore, and Wilkinson.

Officers:

Public Protection Manager (KS), Lead Officer – Licensing (HB), Head of Contentious Law (TJB), and Corporate and Community Support Officer (KS).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell, Jones, Mathews and Yabsley.

2 MINUTES

RESOLVED that the minutes of the meeting held on 14th March 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

3 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

4 GAMBLING COMMISSION CONSULTATION: CHANGES TO OUR ENFORCEMENT STRATEGY – PUTTING THE CUSTOMER FIRST

The Public Protection Manager advised that the Gambling Commission had issued a consultation in relation to their enforcement strategy with the aim of a review to emphasise their expectations that operators put the customer first.

She added that the Gambling Commission had concluded that the way in which they dealt with enforcement was not strict enough and thus had decided to review the policy to ensure more stringent actions were taken against operators.

She explained that the Commission was proposing higher penalties for breach, which were in addition to penalties reflecting the requirement to remove profit from non-compliance. She advised that the new policy would not come into force until 2019, so there would be a lead in time of two years to update Council policies to reflect the proposed changes.

She drew the Committee's attention to the consultation response template on page 73 of the report, which set out the Council's response to the consultation document.

In response to a number of questions, the Public Protection Manager provided answers in relation to the following:

- The Council received very few complaints in relation to local gambling establishments. However, she added that the Council had not undertaken any strong inspections up to the present time. She explained that with the proposed changes to the policy inspections would commence and the Gambling Commission was happy to provide support and work with the Council to carry out such inspections. The Council would be looking to review its role in terms of the increase in enforcement together with monitoring and ensuring compliance with policy.
- She advised that the financial penalties that could be enforced by the Gambling Commission were quite substantial and gave an example penalties for non-compliance, which were enforced by the Gambling Commission in the South Devon area totalling £40K.
- There were 36 gambling establishments located within the North Devon area, which included caravan sites and other tourist establishments (family entertainment centres)

RESOLVED, that the recommended response to the consultation be approved and submitted to the Gambling Commission by 21st April 2017.

5 INTRODUCTION OF THE LEAD OFFICER - LICENSING

The Public Protection Manager welcomed the Lead Officer – Licensing, Howard Bee, to the meeting.

The Lead Officer – Licensing gave an overview of his career history to the Committee and explained the various roles that he had worked in throughout his career.

He added that public safety was his number one priority having experienced the licensing system from both sides.

Members of the Committee introduced themselves to the Lead Officer – Licensing and welcomed him to his new role within the Council.

6 **OXFORD GROVE, ILFRACOMBE – TAXI RANK**

The Public Protection Manager advised that she had liaised with the owner of the building who confirmed that work had commenced in the basement of the property. However, she added that Building Control had yet to confirm whether they were in receipt of the Structural Engineers report.

She explained that she was not able to confirm at the present time as to whether the lower two spaces on the rank would be further compromised during the works.

In response to a number of questions, the Public Protection Manager provided answers in relation to the following:

- Regarding the requirement for permission to obstruct the rank, she advised that all permissions were in place with Devon County Council's Highways team.
- In terms of timescales, she advised that the owner of the building had indicated that works would be completed by the end of May 2017. She explained that the beam had failed as a result of dry rot and that the problem was also affecting the neighbouring property of number 37 and potentially number 38. The owner of the building was currently trying to establish a dialogue with the occupants of number 38 to discuss a way forward.
- Regarding the potential loss of the two spaces on the lower part of the rank and the likely complaints from hackney carriage drivers, she advised that she was not in a position to answer the question until she had seen the full structural engineers report. However, she added she could liaise with Devon County Council to request that if the owner did apply for additional space for the location of skips that they be located outside number 37, so as not to comprise the lower two spaces. Permission would be required to locate skips within the rank.
- She confirmed that she would liaise with Devon County Council to request that she was notified of any application made for a permit.

The Committee discussed the under utilisation of particular ranks within Barnstaple and felt a review of all ranks across the North Devon area might be an appropriate exercise.

RESOLVED, that a review of all ranks across the North Devon area be considered by the Committee in autumn 2017.

7 **MEMBER TRAINING OPPORTUNITIES – NOW AND NEXT –
UPCOMING CHANGES TO LICENSING 25TH MAY 2017 –
COURSE BOOKING: CONFIRMATION OF MEMBERS TO
ATTEND**

The Public Protection Manager advised that two spaces had been reserved for Members to attend the Now and Next course, which was being

held on 25th May 2017 together with the Lead Officer – Licensing.

The Lead Officer – Licensing advised that he had attended a similar event in Manchester, which featured a high profile speaker. He added that that the course covered the current situation together with future upcoming changes and that it was a very informative course.

The Chairman sought volunteers from Members of the Committee who were present.

The Committee discussed potential items for future agenda meetings together with the option for in-house courses. The main point of discussion related to street trading within various towns and villages.

The Head of Contentious law advised that street trading was prohibited in the Barnstaple Town Centre by specific order, but this order had no application elsewhere in the district. The feasibility of adopting a district-wide approach was presently under review.

The Committee discussed problems in their individual wards and agreed that the issue should be looked at as a whole.

RESOLVED:

- (a) that the Chairman attend the course; and
- (b) that the Clerk to the Committee circulate an email to the Committee to seek a volunteer for the second place.

Councillor Edmunds declared a personal interest in minute 6 of the meeting as a Member of Devon County Council.

Chairman

The meeting ended at 10.57 a.m.

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