

## **NORTH DEVON COUNCIL**

Minutes of a meeting of the LICENSING COMMITTEE held at the Barum Room, Brynsworthy Environment Centre, Barnstaple on Tuesday 20th June 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (in the Chair)

Councillors J. Cann, Edmunds, Gubb, Haywood, Jones, Meadlarkin, Moore, Roome and Yabsley.

Officers:

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

### **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barker, Campbell, Lucas, Mathews and Wilkinson.

### **9 MINUTES**

RESOLVED that the minutes of the meeting held on 18<sup>th</sup> April 2017 (circulated previously) be approved as a correct record and signed by the Chairman subject to the inclusion of apologies from Councillor Meadlarkin.

### **10 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman acknowledged the work of the Licensing officers following the death of a young man at an event held at Vivid nightclub in Ilfracombe. She added that the Council was working closely with the Police and that the premises licence might be referred to a Sub-Committee meeting for review.

Following the request for an update in relation to the ongoing situation at Oxford Grove the Chairman invited the Public Protection Manager to address the Committee.

The Lead Officer Licensing advised that officers were in regular contact with the owner of the building who provided regular updates with the most recent communication being on 7<sup>th</sup> June 2017. He added that the steel mesh had been delivered and installed into the new concrete base and would require up to two weeks to settle prior to load bearing. The props were due to be installed at the end of the week to allow removal and replacement of the affected beam. The Committee was further advised that the owner was

proceeding with the work as quickly as possible and that the Council's hands were tied whilst the works were ongoing.

The Committee acknowledged and welcomed the commencement of the works but were keen to ensure that the situation was monitored closely.

The Public Protection Manager confirmed that officers regularly monitored the situation and the Lead Officer Licensing added that as the works had progressed additional problems had been discovered.

Councillor Edmunds addressed the Committee and sought clarification in relation to minute 6 of the 18<sup>th</sup> April 2017, which stated that the works would be completed by the end of May 2017 and questioned why the date had slipped. He added that the works that had been undertaken to date were internal and raised concerns regarding the potential for external works happening during the summer season. He explained that there would be an adverse impact upon the livelihood of the drivers if the rank was not back in service for the summer season. He requested that the external works to the building be delayed until after the summer season so as to minimise disruption to the rank.

The Public Protection Manager advised that some of the works were being undertaken by an external contractor with the remainder being managed by the building owners own contractor and advised that works had commenced in April 2017 with the initial delay arising owing to the pending departure of a tenant. She added that any delay to the works would potentially cause further problems at the site.

She explained that the owner of the building was working with the Council and that she had requested that the bottom two spaces of the rank be kept free throughout the duration of the works and that she would ensure that the owner was aware that as much of the rank as possible be kept free.

She added that she would email the owner of the building to ensure that the builders working on the site did not park in the rank.

## **11 DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

## **12 ALTERNATIVE ARRANGEMENTS FOR THE APPOINTMENT OF SUB-COMMITTEES**

The Committee considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding alternative arrangements for the appointment of sub-committees.

The Corporate and Community Services Officer drew the Committee's attention to paragraph 5.5 of the report, which detailed the appointment of Councillor Haywood to Licensing Sub-Committee D in place of Councillor

Webber following the change of Committee membership. She also advised that there had been a further change of membership of the Committee following the publication of the agenda and that Councillor Biederman had replaced Councillor Edmunds on the Committee commencing from July 2017. She therefore sought agreement from the Committee to appoint Councillor Biederman to Licensing Sub-Committee E with Councillor Yabsley assuming the role of Chairman.

RESOLVED:

- (a) That five Sub-Committees be appointed each with three Members with the delegated powers as detailed in Appendix I of the report;
- (b)
  - (i) That alternative arrangements be made for the appointment of Members of the Sub-Committees of the Licensing Committee in accordance with the powers set out in S17 of the Housing And Local Government Act 1989 and the provisions of the Local Government (Committees And Political Groups) Regulations 1990;
  - (ii) That the alternative arrangements provide that the membership of the Sub-Committees of the Licensing Committee be not politically balanced.
- (c) That a Member be selected by Corporate and Community Services to act as a Substitute Member for each Sub-Committee meeting;
- (d) That Members and Chairmen be appointed to the Sub-Committees as detailed in Appendix 2 of the report until such time as re-appointments are made in 2018;
- (e) That the appointed Sub-Committees be restricted in that they may not further delegate any of their powers to an officer of the Council or any other body.

**13** **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY –**  
**GUIDELINES RELATING TO THE RELEVANCE OF**  
**CONVICTIONS**

The Committee considered a report by the Lead Licensing Officer (circulated previously) regarding the Hackney Carriage and Private Hire Policy – Guidelines relating to the relevance of convictions.

The Lead Officer Licensing advised that the report sought the approval of the Committee for the Licensing Services Lead to prepare for consultation an amended version of the Hackney Carriage and Private Hire Policy Appendix H “Guidelines relating to the relevance of convictions”. He explained that

appendix three of the report was a document produced by the Local Government Association (LGA) which provided an example of a taxi and private hire vehicle (PHV) licensing convictions policy and had been developed to assist licensing authorities in the development of their own policies and gave authorities a broader brush more options for the Committee. He added that the existing policy was quite narrow and didn't contain any reference to complaints or safeguarding and that the Council would be looking to consult on a new policy based on the model in appendix three of the report.

He added that the report also sought Committee's approval for the Licensing Service Lead to prepare for consultation an amended version of the procedures for dealing with Hackney Carriage and Private Hire driver applications, renewals and disciplinary issues.

The Head of Contentious Law emphasised the point that the existing policy was robust and that no incorrect decisions had been made by the authority up to that point and added that fully qualified legal advice was provided to Sub-Committees. He did however support the updating of the existing policy but requested an amendment to paragraph 3.2 of the report, which he felt was worded too strongly.

The Public Protection Manager suggested that the paragraph be re-worded as follows:

"The present guidelines are no longer fit for purpose. The draft consultation policy document will give clear guidelines that will be transparent, re-assure members, applicants and members of the public".

RESOLVED:

- (a) That amended documents be prepared for consultation in relation to:
  - (i) The Hackney Carriage and Private Hire Policy Appendix H 'Guidelines relating to the relevance of convictions' and;
  - (ii) Procedures for dealing with Hackney Carriage and Private Hire driver applications, renewals and disciplinary issues;
- (b) That authority be delegated to a Sub-Committee of Members
  - (i) to consider and approve the amended documents and the consultation;
  - (iii) that the following Members be appointed to the Sub-Committee:  
Councillors Chesters, Meadlarkin and Roome.

- (c) That a six week consultation exercise be approved with the 'taxi trade'; general public; and any body or person with an interest in 'Taxis'.
- (d) That a further report be presented to the Committee in September 2017 with an amended convictions policy including amended application procedures incorporating the consultation responses.

#### **14** **INSPECTION, COMPLIANCE AND ENFORCEMENT** **TIMETABLE**

The Committee considered a report by the Lead Officer Licensing (circulated previously) regarding the Inspection, Compliance and Enforcement timetable.

The Lead Officer Licensing advised that the report provided the Committee with a summary of the inspections, compliance and enforcement work, which had to be undertaken in the forthcoming year by the Licensing Service.

He drew the Committee's attention to appendix one of the report, which detailed all of the legislation and functions, which fell within the remit of the Licensing team. He explained that the majority of the work was in relation to enforcement and that it was the responsibility of the licensee to be self compliant. He commended the Licensing Officer for his management of the various licences that were issued by the team. He explained that there had been a duplication relating to Sex Establishments and advised that item nine would be deleted from the table.

In response to a question regarding a report that was presented in 2016 regarding the designation of an area of the High Street for charitable collections and its non-inclusion in appendix one, the Public Protection Manager advised that she would need to look into the position and report back to the Committee.

In response to a further question regarding the legislation and function regarding Pleasure Boats and Pleasure Boatman and whether their licence fell within the remit of the Harbour Master and the Maritime and Coastguard Agency rather than the Licensing Authority, she advised that the Council would issue the licence but that she would check and report back to the Committee.

#### **RESOLVED:**

- (a) that the report be noted;
- (b) that officers review the appendix to ascertain whether the designated zone for charitable collections should be included; and

- (c) that the Public Protection Manager would report back to the Committee as to the licensing remit in relation to pleasure boats and boatman.

The Committee thanked officers for their continued hard work.

**15 SAFETY ADVISORY GROUP AND EVENTS TOGETHER  
WITH LICENSING ACT 2003 AND TEMPORARY EVENT  
NOTICES**

The Public Protection Manager explained the purpose of the Safety Advisory Group (SAG) and its relationship with local events including licensed premises and Temporary Event Notices (TENs). She requested the Committee's agreement of the proposals for promoting the opportunity to apply for a Safety Advisory Group review. She added that whilst the Council could not force organisations or individuals to apply there was still the opportunity for the Council to take enforcement action if anything was to go wrong with an organised event.

The Committee supported the promotion of the SAG to local event organisers to ensure the safety of event attendees.

RESOLVED:

- (a) That the report be noted; and
- (b) That the proposals for promoting the opportunity to apply for a Safety Advisory Group review be agreed.

**16 LICENSING FEE REVIEW**

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the review of the Licensing fees.

The Public Protection Manager advised that officers had identified a number of locally set fees related to licenses or registrations that were not in line with other authorities; not compliant in the way they were set and did not adequately reflect the work undertaken to process applications. She added that it was proposed that a review be undertaken of all locally set fees to ensure compliance with current law and guidance. She explained that the outcome of the review would be presented to the Committee in December 2017 prior to approval by Executive in January 2018 for revised fees/charges to be in place for the next financial year.

She added that the process would have far reaching resource implications and would require involvement from the Resources team and that in some cases there would be a substantial increase to the individual fees. She gave an example of a particular area, which currently charged a low fee for a licence, which would increase significantly as a result of the review.

The Committee raised concerns regarding the increase and the likelihood that some establishments might not be able to meet those fees.

RESOLVED:

- (a) That a review of locally set fees be agreed;
- (b) That the application of an additional charge in respect of administration and enforcement of the Licensing regime be supported; and
- (c) That a further report on the outcome of the review be brought back to the Committee in December 2017.

## **17 AUDIT REVIEW – INFORMATION**

The Lead Officer Licensing addressed the Committee in relation to the Audit review.

He advised that the external auditors had requested to assess the Licensing Service as part of its audit review, which would take place in July 2017 and assess the effectiveness, controls and weaknesses of the service. He added that budget monitoring would be a key issue.

In response to a request from a Member in relation to a bullet point list of the areas to be covered as part of the audit, the Public Protection Manager advised that there was an officer meeting scheduled for the Thursday of that week to go through the process.

RESOLVED, that the Public Protection Manager email the Clerk to the Committee with potential questions from the auditors and that this be circulated to the Members via email.

## **18 LICENSING SUB-COMMITTEES**

RESOLVED that the minutes of the meetings of the following Licensing Sub-Committees (circulated previously) be approved as correct records and signed by the Chairman of the Committee:

- (a) Licensing Sub-Committee C: 21<sup>st</sup> March 2017.
- (b) Licensing Sub-Committee B: 8<sup>th</sup> May 2017.

## **19 WORK PROGRAMME/FORWARD PLAN**

The Chairman raised the issue of the training that was scheduled to

immediately follow the Committee on 18<sup>th</sup> July 2017. She questioned whether Members would like her to provide a lunch given the length of time that the Committee would be working on that morning. The Committee discussed her proposal and agreed that each Member should provide their own individual packed lunch.

The Committee discussed concerns raised regarding the same Members being called upon to sit on Licensing Sub-Committees as substitutes for other Members who were unable to attend. The Chairman acknowledged the comments made and explained that every effort was made by the Clerk to ring as many Members as possible. However, with some Members working and other commitments it was not always possible to appoint different Members.

RESOLVED, that the work programme be noted.

The Chairman thanked the Committee for their attendance at the meeting.

Chairman

The meeting ended at 11.00 a.m.

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