

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Tuesday 12th December 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Biederman, Campbell, J. Cann, Haywood, Jones, Meadlarkin, Moore, and Wilkinson.

Officers:

Head of Environmental Health and Housing (JM), Public Protection Manager (KN), Senior Solicitor (TJB), and Corporate and Community Services Officer (AD).

28 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Gubb, Mathews, Roome and Yabsley.

29 MINUTES

RESOLVED, that the minutes of the meeting held on 18th July 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

30 ITEMS BROUGHT FORWARD WITH THE CONSENT OF THE CHAIRMAN

a) Oxford Grove, Ilfracombe Taxi Rank

The Chairman addressed the Committee and advised that the scaffolding in relation to the ongoing works at Oxford Grove in Ilfracombe had been removed and that the taxi rank was now fully operational.

b) Street Trading Review

The Chairman apologised to the Committee that the Street Trading Review which was scheduled for consideration at this committee was now to be heard in the New Year, (2018).

c) Timetable of Committee meetings 2018/19

The Chairman advised the Committee that she had been asked about changing the timings of the Licensing Committee and requested feedback from the Members present. It was the general consensus that the monthly meetings were appropriate.

The Head of Environmental Health and Housing added that the Licensing Committee should only meet when required and there was a need to balance between the need for a committee and Officers carrying out their daily duties.

d) Licensing Sub-Committees

The Chairman asked Members present for their thoughts on sitting on Sub-Committees where the applicant was a person from their own ward and whether they would prefer not to. Members conceded that they would rather not sit on a Sub-Committee when the applicant was from member of their own ward.

A question was raised about the number of Members present during a Sub-Committee and whether the substitute member should be present for the decision making process.

The Senior Solicitor advised that an application under the Licensing Act 2003 or the Gambling Act 2005, being considered by a Sub-Committee, must only be resolved by a Sub-Committee comprising three Members. Therefore, in effect there was no role for the substitute Member once the hearing had started, and it should be clear to everyone present that the substitute Member was not involved in the hearing or the decision-making process.

RESOLVED, that procedures for substitute Members sitting on Sub-Committees be placed on the agenda for a committee in 2018.

The Chairman welcomed back Katy Nicholls to the Committee.

e) Order of Agenda

RESOLVED that items 6 and 7 be heard as one item.

31 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

32 **QUARTERLY PERFORMANCE – 1ST APRIL TO 30TH JUNE
2017 AND 1ST JULY TO 30TH SEPTEMBER 2017**

The Committee were given a power point presentation by the Head of Environmental Health and Housing regarding the performance of the Licensing team over the last two quarters.

A summary of the information given was as follows:

- The number of consents granted in quarter 1 was 456.
- The number of consents granted in quarter 2 was 470.
- The number of consents administered during quarter 3 to date was 281.

In addition to the work undertaken above, the team of four, had had to deal with 277 reactive requests for service. The quality and quantity of work carried out was of a high standard with a low level of complaints. A critical reflection on what had been achieved showed other areas of unregulated activity that may need surveillance. The Licensing team were supporting the Corporate aim of economic development through a regulatory regime.

In answer to a question about how the team could cope with any increase in work, the Head of Environmental Health and Housing advised that there was no spare capacity within the team. Risk assessments of the regulatory work needed would help and to recover the costs of the regulatory work through fees.

The Chairman gave thanks to the team for their hard work and offered the Committee's support.

RESOLVED, that the report be noted.

33 **PRE- APPLICATION ADVICE SERVICE**

The Committee considered a report on a Pre-application advice Service from the Head of Environmental Health and Housing, (circulated previously).

The Head of Environmental Health and Housing advised that there was a significant informal level of support given to applicants that should be paid for. Currently the service business plan was being planned and this could be seen as a commercial venture but it would fit in with the Corporate aim to generate income.

The Committee discussed the merits of the venture and agreed it could reduce spurious enquiries.

In response to whether the charge should be higher the the Public Protection Manager stated that whilst the finer details of charging arrangements were not being examined, Members would need to be mindful of ensuring segregation of staff providing pre-application advice and undertaking hearings associated with the same application. Furthermore, a policy would need to be examined to consider a baseline level of advice before charging would be initiated.

RECOMMENDED that:

- a) the development of a pre-application advice service as part of Environmental Health and Housing's Service Plan for 2018/19 be supported; and
- b) the additional condition that the monies accrued be ring fenced for the Licensing Service area be supported.

34 DRAFT AUDIT REVIEW OUTCOME

The Committee considered the Draft Internal Audit Review, (circulated previously) and received an update on the findings from the Head of Environmental Health and Housing.

The Head of Environmental Health and Housing advised that the Audit opinion of 'Substantial Assurance' was a very good rating and showed the high standard the team were working to.

The weaknesses found were in four areas and the Head of Environmental Health and Housing explained each point as follows:

- 1) Proper use of the online Portal that had been procured.
 - They would ensure all Officers were trained on the use of this feature.
- 2) Maintenance of the website.
 - The information held on the website needed to be kept up-to-date and the maintenance of this created a service demand and this needed to be looked at.
- 3) License Activity.
 - There needed to be a policy setting out how the authority regulated licensed premises and for clarity this document had to be published online.
- 4) Training for Customer Services.
 - There was a need to train Customer Services Officers to enable them to allow consents at Lynton House and a tiered charging system for the services provided.

The Head of Environmental Health and Housing advised the Committee that on this occasion he was happy to accept the four recommendations.

In response to a question raised about difficulty using the website to report an abandoned vehicle, the Head of Environmental Health and Housing advised that he would take the details and look into this.

RESOLVED, that the report and its findings be noted.

35 WORK PROGRAMME/FORWARD PLAN

The Committee considered the work programme/forward plan for the Committee, (circulated previously).

The Head of Environmental Health and Housing advised the Committee that the Work Programme would need to be refreshed. The main areas of work the team were focused on were Public Harm risk and protecting the Council from legal challenge. Items may need to be removed from the current plan and the priority on other items may need to be escalated as well as new items to be added.

RESOLVED, that the item in relation to the review of Street Trading be moved from the January 2018 Committee to the February 2018 Committee for consideration.

36 LICENSING SUB-COMMITTEES

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

- (a) Licensing Sub-Committee: 31st August 2017
- (b) Licensing Sub-Committee A: 3rd August 2017
- (c) Licensing Sub-Committee B: 31st August 2017
- (d) Licensing Sub-Committee C: 18th September 2017
- (e) Licensing Sub-Committee D: 13th June 2017 and 6th November 2017
- (f) Licensing Sub-Committee E: 1st August 2017

Chairman

The meeting ended at 11.15 a.m.

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