

**NORTH DEVON COUNCIL**

Minutes of a meeting of the LICENSING COMMITTEE held at Brynsworth Environment Centre, Barnstaple on Tuesday 17th April 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (Chairman)

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

Officers:

Head of Environmental Health and Housing (JM), Lead Officer Licensing (HB), Senior Solicitor (TB), and Corporate and Community Services Officer (AD).

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Biederman, Gubb, Leaver and Mathews.

**2 MINUTES**

RESOLVED, that the minutes of the meeting held on 12<sup>th</sup> December 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 WORK PROGRAMME/FORWARD PLAN**

The Head of Environmental Health and Housing gave a presentation to the Committee on proposed items to be placed on the work programme and forward plan for Licensing.

He tabled a copy of the proposed work plan and explained the proposed items for the new work plan had been categorised 1 to 3, according to their importance with regard to the possible risk to the Council and consideration to public safety.

The Categories and associated items were as followed:

Category 1

1. Statement of Licensing Policy, Licensing Act 2005, changes effective from January 2019.
2. Statement of Gambling Policy, Gambling Act 2005, changes effective from January 2019.
3. Animal Activities which included the Licensing of, Dog Breeding, Pet Shops, Riding Establishments and Animal Breeding Establishments, changes effective from October 2018.

### Category 2

1. Licensing Fees.
2. Development of Internal Service Level Agreements (SLAs).
3. Regulating (post-Grenfell).
4. Safety Advisory Groups – process and procedures.

### Category 3

1. A fundamental reiew of taxi licensing policy and processes.
2. Street trading.

In addition to the proposed work plan/forward programme, the Head of Environmental Health and Housing explained there was a need to look at the wider health and well being of the community and tabled an 'Outcomes Report' from a Health and Wellbeing meeting held on 8<sup>th</sup> March 2018. From this report he highlighted to the Committee the Indicator for Alcohol-Related Admissions, 2016-17, which showed North Devon as an outlier with the highest rates of admission due to alcohol related causes.

In response to a number of questions, the Head of Environmental Health and Housing and the Lead Officer Licensing, advised the following:

- The reduction of supply in alcohol needed to be tackled and the controls put into place needed to be enforceable.
- The challenge was to understand the causes of problems experienced in North Devon as a result in changes made to/by the Licensing Act 2003.
- The Council would need to investigate whether the refusal of sale of alcohol to already inebriated customers was being enforced.
- Liaising with supermarkets and forming partnerships working together to achieve common goals was an area that could be investigated.
- A scheme could be set up, whereby premises selling alcohol who met the criteria were awarded a status of good practice.
- Volunteer groups working in the community could visit premises selling alcohol updating them on the message of what the authority hoped to achieve.
- At present the authority was reactive rather than proactive, due to workloads, in respect of food business safety visits. If the authority was happy with this approach it needed to be put into the policy which would reduce a challenge to the regulatory regime that was in place.

- The Safety Advisory Groups (SAGs) work carried out was important for the risk assessments of large events and was at a level commensurate to that of the Local Resilience Forum, (the LRF was made up of statutory bodies who looked at issues of risk in different areas such as flooding, emergency planning, flu pandemics and large scale events were number three on their list of five).
- The issue of street trading was not an area that gave rise to issues of public safety although it was agreed this was an area that needed investigating.

The Chairman gave thanks to the Head of Environmental Health and Housing for his presentation to the Committee and his hard work in producing the work programme which the Committee supported. Members raised concerns on the available resources as the already hard working team would need to cope with an increase in workload as a result of this programme.

RESOLVED, that the work programme/forward plan be approved.

## **5 PROCEDURES FOR SUBSTITUTE MEMBERS AT A SUB-COMMITTEE**

The Committee received an update from the Senior Solicitor regarding the procedures for the role of Substitute Members at Sub-Committees.

He explained that the purpose of having a substitute Member was to enable the Sub-Committee, dealing with matters under the Licensing Act 2003 or Gambling Act 2005, to proceed with a committee of three in the event of a designated Member being unable to attend on the morning of a hearing. Once it had been established that the Substitute Member was not to be needed they would have no role and were entitled to leave. In the unlikely event that a Member became unwell during a hearing then it would be more than likely that that hearing would be adjourned or even rearranged. If a Substitute Member was to remain for the hearing then the following must be avoided:

- Engaging with the Sub-Committee once the hearing had started.
- Participating in the hearing in any way.
- Retiring with the Sub-Committee should the members withdraw to discuss their decision.
- Remaining in the same room as the Sub-Committee if the Members ask the parties to withdraw while they consider their decision.

The Committee, on hearing this update, then discussed the need for a Substitute member to attend on the day of a hearing.

RESOLVED, that a substitute Member would not need to be present on the day of a hearing unless they had received a phone call on the morning of the hearing requesting their attendance.

**6 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.

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 SubCommittee meeting;
- (d) That Members and Chairmen be appointed to the SubCommittees as detailed in Appendix 2 of the report until such time as re-appointments are made in 2019;
- (d) 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.

**7 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 Chairmen of the Sub-Committees:

- (a) Licensing Sub-Committee A: 22<sup>nd</sup> March 2018.
- (b) Licensing Sub-Committee E: 13<sup>th</sup> February 2018 subject to minute C, paragraph 4 on page 2 being amended to remove the following wording from the second sentence: "and if the licensing application was

granted as applied for, an application to vary the planning consent would be made.”

Chairman

The meeting ended at 11.55 a.m.

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