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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 14TH JUNE, 2022 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. From the 7 May 2021, the law requires all councils to hold formal meetings in person. The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](https://www.northdevon.gov.uk))

Members of the Licensing and Community Safety Committee Councillor York (Chair)

Councillors Biederman, Bulled, Campbell, Cann, Chesters, Gubb, Henderson, Hunt, Pearson, D. Spear, L. Spear, Tucker and Yabsley

AGENDA

3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency (Pages 5 - 6)

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

31.05.22



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please sign in using the Track and Trace App and follow the signage and instructions in order to access the Meeting Rooms. Alternatively, dial 8253 for Corporate and Community Services if you have any problems.



Your ref:
Our ref:
Please ask for: Licensing
Tel: 01271 388421
Email: licensing@northdevon.gov.uk
Date: TBC



By email:
public.enquiries@homeoffice.gov.uk

Rt Hon Priti Patel
Secretary of State for the Home Department

Dear Priti Patel

COURT DELAYS LEADING TO CONCERNS ABOUT LICENCED PREMISES

I write on behalf of North Devon Council with regard to alcohol licensing under The Licensing Act 2003 for which I understand your Department is responsible. The Licensing and Community Safety Committee at North Devon Council recently discussed a case relating to a licenced premises in Barnstaple North Devon, where the premises in question had been subject to a licence review hearing, and as a result had their premises licence revoked. The premises in question subsequently lodged an appeal with the Magistrates Courts under Section 181 of the Licensing Act, and subject to the provisions of Section 52 (11), have been able to continue to trade as a licenced premises pending their appeal hearing. Specifically, Section 52 provides the following provision in respect of appeals:

*(11)A determination under this section does not have effect—
(a)until the end of the period given for appealing against the decision, or
(b)if the decision is appealed against, until the appeal is disposed of.*

In the case of the Barnstaple premises this has had the effect of enabling them to continue to trade from the review hearing date onwards, and with the current significant backlog in Magistrates Court diaries and availability of Police Officers, this has led to a lengthy delay in the appeal hearing which significantly devalues the effect of local licensing regulation.

The premises in question were called for their premises licence review in the first instance as a result of some serious violent incidents, and significant concerns about crime and disorder on the premises. The Licensing Sub-Committee which heard the case on 15th November 2021 were extremely concerned by the case presented to them, and felt that the conduct of the premises management was very far below what would normally be expected. As a result they determined to revoke the licence, something which was not undertaken lightly, and is a power not frequently reached for by Licensing Sub-Committees in rural Devon. The fact that the premises has been able to continue to trade for some 6/7 months whilst awaiting appeal, is therefore a source of growing frustration for the Councillors who determined the review application, and they raised these concerns at the Licensing Committee meeting of 12th May 2022.

The premises in question continue to be the subject of serious incidents, including most recently an incident on 21st May in which a patron was seriously wounded. Other legislative provisions such as a summary review have been considered by our regulatory partners, but this has been discounted on the basis that the appeal provisions essentially mirror that above for the review of a licence.

Agenda Item 3

As instructed by the Committee, I am therefore writing to you today to highlight the current significant issues with the time taken for Licensing Act 2003 appeal applications to be heard (I accept this is a Ministry of Justice issue principally), and also to make you aware of the impact that this is having upon local Licensing decisions. I therefore request that you as the Secretary of State for the Home Department, look into the possibility of amending the Licensing Act 2003 appeal provisions, to include powers for Licensing Authorities or the Magistrates Courts to direct premises to remain closed pending appeal, or for the magistrates Courts to determine such appeals within a specified period (such as 28-days which is referenced in Schedule 5 of the Act in relation to the review of interim steps).

Thank you for taking the time to consider the views of the North Devon Council Licensing and Community Safety Committee.

Yours sincerely

Councillor Louisa York
Chair of Licensing and Community Safety Committee