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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 as a Virtual – Online meeting on **TUESDAY, 14TH JULY, 2020 at 10.00 am.**

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

Councillors Cann, Biederman, Bulled, Campbell, Chesters, Gubb, Henderson, Hunt, Luggar, Mack, Orange, D. Spear, L. Spear and York

AGENDA

1. Virtual meetings procedure - briefing and etiquette
Chair to report.
2. Apologies for Absence
3. To approve as a correct record the minutes of the meeting held on 14 January 2020 (attached) (Pages 5 - 10)
4. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
5. Declarations of Interests
6. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

7. **Community Impact Assessment - Covid 19**
Presentation by Head of Environmental Health and Housing.
8. **Business and Planning Bill 2020**
Presentation by Public Protection Manager.
9. **Community Safety Work during Covid-19 Pandemic**
Presentation by Service Lead – Community Safety Partnership Officer/Harm Risk.
10. **Licensing and Community Safety Sub-Committee** (Pages 11 - 14)

To consider and adopt the minutes of the following meeting:

- (i) Licensing Sub-Committee D: 26 February 2020 (attached)

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

6.07.20



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 and a reminder will be issued at the commencement of virtual meetings.
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. In a virtual meeting the public will be excluded from the meeting while in Part B.
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. Public contributions to virtual meetings will be recorded, unless, at the Chair's discretion, recording is deemed inappropriate in accordance with point 2 above.
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**.

Meeting Etiquette Reminder for Members

Members are reminded to:

- Join the meeting at least 10-15 minutes prior to the commencement to ensure that the meeting starts on time.
- Behave as you would in a formal committee setting.
- Address Councillors and officers by their full names.
- Do not have Members of your household in the same room.
- Be aware of what is in screen shot.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- The only person on video will be the Chair and the one other person speaking.
- Only use the Chat function to register that you wish to speak or to move or second a motion.

Virtual attendance by members of the public

If members of the public wish to attend virtually, please contact Corporate and Community services on 01271 388253 or memberservices@northdevon.gov.uk by 12pm on the Monday preceding the meeting.

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 14th January, 2020 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Biederman, Cann, Chesters, Gubb, Henderson, Mack, D. Spear, L. Spear and York

Officers:

Senior Solicitor/Monitoring Officer, Public Protection Manager, Service Lead Community Safety Partnership Officer and Corporate and Community Services Officer

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bulled, Campbell, Hunt and Orange.

17. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 8TH OCTOBER 2019

RESOLVED that the minutes of the meeting held on 8th October 2019 (circulated previously) be approved as a correct record and signed by the Chair.

18. DECLARATIONS OF INTEREST

The following declaration of interest was announced:

Councillor Chesters Item 7 – personal interest as owned property next to a holiday caravan site.

19. SAFEGUARDING THE VULNERABLE FROM FRAUDULENT SCAMS

The Service Lead Community Safety Partnership Officer gave the Committee a presentation regarding safeguarding the vulnerable from fraudulent scams, as follows:

- North Devon was the only Local Authority in the South West who had police officers working in their authority, this arrangement enabled effective dialogue and meant community issues were raised with officers
- Courier fraud was currently a prevalent criminal activity, and was usually initiated from a cold caller impersonating a police officer or bank official. The reason for the call would be due to a 'problem' with

the victim's bank account and assistance with an ongoing police investigation was required by the victim. Any concerns about what someone was asking you to do should be shared with a family member to talk over why they were being asked to perform the task requested

- It was good practice to question any phone call or email correspondence received
- Neighbourhood alerts was a good way to stay informed. Sign up took a few simple steps by visiting the Devon and Cornwall Police website to access the service
- Recent criminal activity had affected two Devon residents to the sum of £10,000 each. The neighbourhood alert gave information on how to keep safe and resources to link to for further information. It was advised that if you were to suffer from fraud or a scam you should report it via the 101 service by phone or email: 101@devonandcornwall.pnn.police.uk
- The Service Lead Community Safety Partnership Officer advised he would be able to present at Town or Parish Councils and would attend a future Parish Forum event
- The number of internet users in the 16 – 44 age bracket was increasing
- Due to the sheer volume of scam emails sent out it only needed a few victims to succumb for the scammers to be successful
- Further resources available to help keep safe from fraudsters were listed as follows:
 - (a) Think Jessica – www.thinkjessica.com/
 - (b) Citizens Advice Bureau – www.citizensadvice.org.uk/
 - (c) Which – <https://www.which.co.uk/consumer-rights/scams>
 - (d) Age UK – <https://www.ageuk.org.uk/information-advice/money-legal/scams-fraud/doorstep-scams/>
- It was worth remembering that if something seemed too good to be true, it usually was
- Online scams were a faceless crime – one would never meet the person responsible
- As a priority, scams were not high on the list for the Safer Devon partnership. Not to say there was no interest in the matter just that County Lines, Modern Slavery took precedence
- Getting the message out to the community about staying safe needed constant work
- A number of Bitesize Briefings had been delivered and covered topics of interest, these were usually around an hour to an hour and a half in length and were useful for highlighting areas of concern and what could be done to stay safe. The presentations were given by experts and particularly useful for members who came into contact with members of the public on a daily basis

In response to a question about how frustrating it was to try and use the phone number 101, the Service Lead Community Safety Partnership Officer advised that

email was an alternative and gave the email to use as follows:
101@devonandcornwall.pnn.police.uk

Councillor Biederman thanked the Service Lead Community Safety Partnership Officer for his presentation and asked if all forms of cold calling could be stopped. His concern was that the population in Devon was predominately elderly. He proposed that a letter be sent to Government highlighting the concerns North Devon had with all forms of cold-calling and the need for this to be stopped.

The Committee raised concern over the service 101 not adequately working. It was proposed that the Service Lead Community Safety Partnership Officer report back to the Police the need to resolve this.

In response to a question about how the age group who predominantly don't use the internet could be notified about staying safe Councillor York advised Committee that the annual Council Tax bills to be sent out mid-March 2020 would contain leaflets giving advice about avoiding scams.

RESOLVED that a letter be sent to the appropriate Minister raising concerns about cold calling in all its forms and calling for this to be prevented or discouraged, by way of legislation.

RESOLVED that the Service Lead Community Safety Partnership Officer report back to the Police that the 101 phone service was not working adequately and needed to be overhauled.

20. CARAVAN SITE LICENSING, FEES POLICY AND COMPLIANCE POLICY

The Public Protection Manager gave the Committee a presentation on the legislation around Camping and Caravan Site Licensing as follows:

- The Public Health Act 1936 covered tents and if land was used for the pitching of tents for more of 28 days in a calendar year planning permission was required
- If a site was used for more than 42 days consecutively or 60 days in total in any 12 months there was the need for a licence to be in place
- Section 269 of the Act created the need for a licence
- A tent licence would contain conditions designed to protect people using the site
- Conditions were based on national model standards in relation to site layout, fire precautions, and sanitary facilities etc. and could be varied or removed at any time in relation to change in circumstances
- There were two main types of Caravan Site licence; residential sites and sites used for holiday purposes only
- The legislation which covered caravan sites was as follows:
 - (a) Mobile Homes Act 2013
 - (b) The Caravan Sites and Control of Development Act 1960
 - (c) Caravans Sites Act 1968
 - (d) Regulatory Reform (Fire Safety) Order 2005

- In addition there were model conditions:
 - (a) Model Standard Conditions Residential Parks 2008
 - (b) Model Standard Conditions Holiday Parks 1989
- A clear pre-requisite to be able to issue a licence was that Planning Permission was already in place
- The definition of a caravan was given at section 29 of the Caravan and Sites and Control of Developments Act 1960 and was given as; any structure designed or adapted for human habitation capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) or any motor vehicle so designed or adapted but does not include; rolling stock on a railway system or any tent
- The act was amended by Section 13 of the Caravan Sites Act 1968 to give guidance on twin units and maximum dimensions for units being 20 metres in length, 6.8 metres wide and 3.05 metres in height
- This definition does cover motor homes
- The definition of a caravan site was given at Section 1 (4) of the Caravan Sites and Control of Developments Act 1960 and reads as follows; “Land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed”
- Tent sites were not necessarily aware that motor homes were caravans, without the Local Authority enforcing or promoting the regulations this would have gone unchecked
- Work was ongoing in-house to set up an electronic means of processing and storing applications made, this would ensure progress of applications was tracked
- If a residential site had a residents association the Local Authority must consult with them as a stakeholder as well as the residents of the site. The site owner must also ensure engagement with residents was carried out
- In the law a residential park home was called a relevant protected site
- The Guidance was clear about existing sites with known problem areas which stated that a line would be drawn under the issues moving forward

In response to a concern about the current staffing levels coping with the additional workload, the Public Protection Manager advised the Committee that a new post had been created and the responsibility for monitoring Caravan sites and Houses in Multiple Occupation would be the main duties of the new post holder.

In response to a question about different departments not communicating with each other, the Senior Solicitor advised the Committee that in recent years there had been operations where officers from different departments had worked well together.

RESOLVED that it being 11:33 am the meeting be adjourned for a comfort break.

RESOLVED that it being 11:47 am the meeting reconvene.

The Public Protection Manager summarised the draft caravan site licensing, fees policy and compliance policy (previously circulated) as follows:

- Previously the function of licensing residential sites came under the remit of a different department
- To be able to charge fees for a service there was the need for a policy and in addition it was good practice to have a compliance policy also in place
- Unlike other licensing areas a charge for pre-application advice could be made
- The fees calculation table listed all the possible activities officers could expect to carry out and a charge was linked to this activity

In response to a question about why only one visit to a site in a year, the Public Protection Manager advised that the Council was being mindful not to overburden a business and felt that more than one visit would cause such a burden. The situation could be reviewed after a period of time and amended if it was felt more frequent site visits were required.

In response to a question about whether the officer time to work out if a deficit or profit had been gained was allowed for in the fees calculation, the Public Protection Manager replied no as this was not listed in the guidance as an activity that could be chargeable. To avoid any challenges the guidance had been closely followed when drafting the policies and fees.

In response to a query on a possible contradiction of wording the Public Protection Manager agreed to amend the last sentence of paragraph 4.3 of her report to read "Enforcement fees are payable by the site owners and are not to be passed onto residents".

RESOLVED that:

- (a) A six week period of consultation be undertaken on the proposed draft fees policy and compliance policy on Residential Park Home Sites,
- (b) The Public Protection Manager undertakes a scoping exercise in respect of non-residential sites to ascertain an estimated number of sites across the district and formulate a strategy in terms of a suitable level of administration and enforcement, and;
- (c) That a letter be sent to the appropriate Minister requesting a change to the legislation to allow for fees to be charged for holiday parks as North Devon had a large number of holiday parks.

21. POLICE AND CRIME PANEL UPDATE

Councillor Biederman updated the Committee as follows:

- Due to the General Election and the period of purdah the meeting scheduled for November 2019 had been cancelled.
- The next meeting was to take place on Friday 31st January 2020 in Plymouth.

22. CRIME AND DISORDER SUB-COMMITTEE

RESOLVED that the minutes of the meeting of the Crime and Disorder Sub-Committee (circulated previously) held on 31st October 2019 be adopted.

**23. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEE B:
10TH OCTOBER 2019**

RESOLVED that the minutes of the meeting of the Licensing and Community Safety Sub-Committee B (circulated previously) held on 10th October 2019 be approved as a correct record and be signed by the Chair of the Sub-Committee.

**24. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEE C:
16TH OCTOBER 2019**

RESOLVED that the minutes of the meeting of the Licensing and Community Safety Sub-Committee C (circulated previously) held on 16th October 2019 be approved as a correct record and be signed by the Chair of the Sub-Committee.

Chair

The meeting ended at 12.13 pm

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

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee D held at Barum Room - Brynsworthy Environment Centre on Wednesday, 26th February, 2020 at 10.00 am

PRESENT: Members:

Councillor Biederman (Chair)

Councillors Bulled and Gubb

Officers:

Solicitor (DH), Apprentice Legal Officer (CC), Acting Service Lead (Licensing) Officer (PF), and Committee Clerk (AD)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE; MADRIGAL BREWERY, UNIT 2, HELE BUSINESS PARK, WITHERIDGE PLACE, ILFRACOMBE, DEVON, EX34 9RA, REFERENCE NUMBER 051118

Also present:

Mr Schamotta, (applicant) and Interested Party, Planning Officer (BC).

The Chair introduced himself and those present.

The Acting Service Lead (Licensing) Officer confirmed that all formal requirements had been met and the application properly made.

The Legal Officer outlined the process for the hearing.

The Acting Service Lead (Licensing) Officer present his report, (circulated previously), in respect of the application for a premises licence for Madrigal Brewery, Unit 2, Hele Business Park, Witheridge Place, Ilfracombe, Devon, EX34 9RA application reference 051118.

The Applicant presented his case as follows:

- He had planned for a brewery shop where visitors would come to see how the beer was made, sample the beer and hopefully make a purchase from the shop
- The space available for seating was three metres squared and he was not expecting more than five people to be sitting in a day
- He had previously run a similar business at Lynmouth which had worked well and brought in tourists to the area

In response to a question about how long he had run his business in Lynmouth, the Applicant advised three years.

In relation to a question about how he envisaged managing numbers visiting the premises, the Applicant replied that footfall had not been an issue at his previous business and he expected the same to be true at Ilfracombe.

In response to a question about access for emergency vehicles, the Applicant replied that there was space in front of the premises for an ambulance to park and the builders merchants nearby had good turning access for a fire engine.

In response to a question about the number of parking spaces available, the Applicant confirmed there were two dedicated bays to the front of the premises, one of which he would be using, and there were a further two bays across the road.

In relation to the need for additional parking spaces the Applicant advised he would consider advertising the use of the car park further down the road at the Holiday Park and advising patrons to walk to his premises.

The Planning Officer gave her presentation. The Planning authority had concerns regarding access to the premises from the A399. The access was not easy with no pedestrian crossing or footpath, the number of articulated Lorries using the road was the reason for the public safety concern.

In response to a question regarding the number of traffic movements anticipated, the Planning Officer advised she did not know how many extra movements this premises would generate.

In relation to knowledge of any accidents in the area both the Applicant and Planning Officer confirmed they knew of none.

In his summing up the Applicant stated that the Community Group nearby and the Electricians business generated more traffic movements than he expected to generate. He could only base his experience on his previous business at Lynmouth.

The Acting Service Lead (Licensing) Officer was asked to sum up.

The Interested Party, Planning Officer was asked to sum up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal Officer and the Committee Clerk in order for the sub-Committee to receive legal advice in accordance with Paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be re-admitted to the meeting.

The Chair requested that the Committee Clerk read the proposed decision, which was voted upon and agreed.

RESOLVED, that the application for a premises licence in respect of Madrigal Brewery, Unit 2, Hele Business Park, Witheridge Place, Ilfracombe, EX34 9RA, application reference 051118 be granted as applied for subject to the conditions listed in Appendix G of the report.

On reaching its decision the Sub-Committee noted the concerns raised by the Local Planning Authority, however, they were mindful that no evidence had been submitted to show that any accidents had taken place in the locality. Furthermore, they did not consider that sufficient evidence had been provided to demonstrate that there would be any additional traffic generated by the onsite supply of alcohol on the premises so as to warrant a refusal of the premises licence on the grounds of public safety.

Chair

The meeting ended at 10.54 am

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

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