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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, 8TH JUNE, 2021 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 required to follow Government guidance and ensure 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 Tucker (Chair)

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

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 9 February 2021 (Pages 7 - 10)
(attached)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Alternative Arrangements for the Appointment of Sub-Committees** (Pages 11 - 18)
Report by Corporate and Community Services Officer (attached)

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil

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

28.05.21



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.



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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Virtual - Online meeting on Tuesday, 9th February, 2021 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

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

Officers:

Senior Solicitor/Monitoring Officer, Licensing Service Lead and Community Protection Officer

45. VIRTUAL MEETINGS PROCEDURE - BRIEFING AND ETIQUETTE

The Senior Corporate and Community Services Officer confirmed who was in attendance and outlined the virtual meeting procedure and etiquette to the Committee and attendees.

46. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

47. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 13TH OCTOBER 2020

RESOLVED that the minutes of the meeting held on 13 October 2020 (circulated previously) be approved as a correct record and signed by the Chair.

48. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

(a) Police and Crime Panel: Update

The Chair agreed for Councillor Biederman to provide an update to the Committee regarding his attendance at the last meeting of the Police and Crime Panel.

Councillor Biederman provided an update following his attendance at the last meeting of the Police and Crime Panel which set the budget for the next financial year. He would provide a more comprehensive and written report for the next meeting of the Committee and would provide an update to the Committee on a quarterly basis.

49. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

50. PROPOSED EXTENSION TO POLICY DEROGATIONS DUE TO COVID-19

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the proposed extension of existing policy derogations due to Covid-19.

The Committee noted a typographical error in paragraph 4.11 and that "1 July 2010" should read "1 July 2021".

RESOLVED that the Strategy and Resources Committee be recommended to approve the following derogations from the current Council Hackney Carriage and Private Hire Licensing Policy:

(a) Derogation to Hackney Carriage and Private Hire Licensing Policy with respect of maximum vehicle age: The Council will if a hackney carriage or private hire licence is surrendered and provided that an application is received for a further grant of the same vehicle up until the 1st July 2021, waive the following policy requirement (Section 3.5). 'Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration. The presumption is that licences will not be granted for vehicles over 5 years old, but each application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.'

(b) Derogation to Hackney Carriage and Private Hire Licensing Policy in respect of fees (Section 16.3):

If an individual wishes to surrender a licence until its expiry, due to concerns over transporting passengers etc., then re-applies, the Council allow them the pro-rata fee (according to the licence period remaining) off a future licence application (for the same licence only), if made up until the 1 July 2021.

51. PUBLIC SPACE PROTECTION ORDERS IN BARNSTAPLE AND ILFRACOMBE - UPDATE

The Committee received a presentation by the Community Safety Partnership Lead Officer regarding an update on the Public Space Protection Orders (PSPOs) in Barnstaple and Ilfracombe. He outlined the background and reasons for the new PSPOs by using powers under the Anti-Social Behaviour, Crime and Policing Act 2014; new provisions of the PSPOs in Barnstaple and Ilfracombe; PSPO areas and signage which would be in place within the next three weeks; enforcement and that the Civil Enforcement Officers would have powers to enforce the orders; and how the PSPOs would be monitored by the Anti-Social Behaviour Steering Group which would be held on a monthly basis and that Members were welcome to attend. He

advised that Members should contact him direct if they wished to attend meetings of the Group or report issues of anti-social behaviour.

The Committee requested that the presentation slides be circulated to Members of the Committee.

In response to questions regarding the use of the Police 101 telephone number, the Community Safety Partnership Lead Officer advised that members of the public could also use the email address as an alternative method of contacting the 101 service. He advised that public consultation had been undertaken which ended in February 2020. Only 18 responses had been received however over 90% were in favour of the restrictions. As there had been limited number of respondees to ensure that there was sufficient evidence base prior to implementing the PSPOs, further consultation had been undertaken with the Town Councils, local charities and organisations such as the Freedom Centre and Encompass South West. Signage was required as part of the PSPOs and enforcement would be pre Community Protection Notice. The PSPO order was for a three year period and would be reviewed at the end of this period to ascertain whether there was sufficient evidence base to extend the order beyond this period. There needed to be sufficient evidence base prior to implementing a PSPO in other areas. The Civil Enforcement Officers would be provided with appropriate training mainly by the Police. He reminded the Committee of the campaign launched at the end of 2020 of donation points that had been placed at Boston Tea Party and Green Lanes where the public could use a debit card to donate £3 which would be given directly to Encompass and the Freedom Centre.

The Chair requested that a representative of the Devon and Cornwall Police Constabulary be invited to attend a future meeting of the Committee.

52. LICENSING ACTIVITIES - UPDATE

The Service Lead Licensing Officer provided the Committee with an update on the following licensing activities:

- Recruitment of two new graduates
- Pavement licensing
- Annual licence maintenance fee
- Receipt of an application for an Adults Gaming Centre located in Bear Street, Barnstaple
- Review of the Gambling policy during the summer
- Further consultation due to take place on Taxis later in the year
- Review of a new Animal Policy due later in the year and undertake consultation
- Animal and zoo licensing was extremely busy, with inspections, complaints, enquiries and issuing licenses
- Primates – Defra would be shortly undertaking consultation on the responsibility for overseeing primates which may fall to the Local Authority
- Consultation on the Department for Transport Hackney Carriage standards had ended on 8 February 2021 and a report would be brought back to the Committee in two months time

- A pilot would commence on issuing decision notices following sub-committee hearings held regarding hackney carriage and private hire drivers detailing the reasons for the decision which would be signed off by the Chair of the sub-committee

In response to a question, the Solicitor advised that the displaying of boards on pavements could be a highways or a planning issue.

53. CRIME AND DISORDER SUB-COMMITTEE

RESOLVED that the minutes of the meeting of the Crime and Disorder Sub-Committee meeting held on 25 November 2020 (circulated previously) be adopted.

54. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

(a) Licensing and Community Safety Sub-Committee D

RESOLVED that the minutes of the Licensing and Community Safety Sub-Committee D meeting held on 24 November 2020 (circulated previously) be approved as a correct record and signed by the Chair of the Sub-Committee.

(b) Licensing and Community Safety Sub-Committee C

RESOLVED that the minutes of the Licensing and Community Safety Sub-Committee C meeting held on 27 November 2020 (circulated previously) be approved as a correct record and signed by the Chair of the Sub-Committee.

Chair

The meeting ended at 11.34 am

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

REPORT TO: LICENSING COMMITTEE

Date: 8 June 2021

**TOPIC: ALTERNATIVE ARRANGEMENTS FOR THE
APPOINTMENT OF SUB-COMMITTEES**

REPORT BY: CORPORATE AND COMMUNITY SERVICES OFFICER

1. INTRODUCTION

1.1 This report considers the alternative arrangements for the appointment of Sub-Committees to support the Committee in its work.

2. RECOMMENDATIONS

2.1 That the Committee appoint five Sub-Committees each with three Members with the delegated powers as detailed in Appendix A of this report.

2.2 (a) 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;

(b) That the alternative arrangements provide that the membership of the Sub-Committees of the Licensing Committee be not politically balanced.

2.3 That a Member be selected by Corporate and Community Services to act as a Substitute Member for each Sub-Committee meeting should the need arise for a substitute;

2.4 That Members and Chair's be appointed to the Sub-Committees as detailed in Appendix B of the report until such time as re-appointments are made in 2022;

2.5 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.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To establish the working practices for the Licensing Committee under the Licensing Act 2003 and other Licensing regimes.

4 CONSTITUTIONAL CONTEXT

- 4.1 The Licensing Committee has delegated functions under the Constitution (Part 3, Annexe 1 (4)).
- 4.2 Under the provisions of Section 101(2) of the Local Government Act 1972 the Committee once constituted may delegate powers to Sub-Committees.

5. REPORT

- 5.1 The Licensing Committee has operated through a series of Sub-Committees appointed with delegated powers as set out in Appendix A.

- 5.2 The previous Licensing Committee adopted the following:

- (a) 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;*

- (b) that the alternative arrangements provide that the membership of the Sub-Committees of the Licensing Committee be not politically balanced.*

- 5.3 The Committee is requested to consider a similar resolution to apply to the appointment of Sub-Committees for administration of the Licensing Act 2003. See Appendix B for proposed membership of Sub-Committees.

- 5.4 Should the Committee pass such a resolution it is recommended that five Sub-Committees of three Members be appointed in accordance with the provisions of the Act: should such a resolution be not made, then the Sub-Committees must be politically balanced.

6. COST IMPLICATION

- 6.1 The implementation of the recommendations of this report will have no significant financial or manpower cost implications.

7. HUMAN RIGHTS/EQUALITY/DIVERSITY

- 7.1 The conduct of hearings by the Committee and any of its Sub-Committees will be in accordance with all provisions of human rights and natural justice.

8. STATEMENT OF INTERNAL ADVICE

- 8.1 This report has been completed in consultation with the Head of Legal Services and Monitoring Officer.

9. STATEMENT OF CONFIDENTIALITY

- 9.1 This report contains no material that is confidential or exempt information within the meaning of the Local Government (Access to Information) Act 1985.

Background papers

The following background papers were used in the construction of this report:

North Devon Council Constitution May 2019

Corporate and Community Services Officer
18/05/21

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APPENDIX A

LICENSING AND COMMUNITY SAFETY COMMITTEE

APPOINTMENT OF SUB-COMMITTEES

1. That each Sub-Committee be delegated power to:
 - (a) To consider any appeals against the decision of officers in relation to any of the matters covered by paragraphs (a), (b) and (d) of Part 3, Annexe 1 (4), of the Constitution as detailed below:

To consider and determine any matter under the Licensing Act 2003, the Gambling Act 2005 and other licensing matters as set out in Part B of Schedule 1 to the 2000 Regulations. To consider any appeals against the decision of officers in relation to any of the matter covered by paragraph (a) or (b) above.

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APPENDIX B

PROPOSED MEMBERSHIP OF THE LICENSING SUB-COMMITTEES

Sub-Committee A

Chair : Councillor Tucker

Councillors Henderson and L. Spear

Sub-Committee B

Chair : Councillor York

Councillors Gubb and Yabsley

Sub-Committee C

Chair : Councillor Cann

Councillors Orange and D. Spear

Sub-Committee D

Chair : Councillor Chesters

Councillors Biederman and Pearson

Sub-Committee E

Chair : Councillor Hunt

Councillors Bulled and Campbell

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