

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 10th August, 2021 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Bulled, Chesters, Gubb, Henderson, Pearson, D. Spear, L. Spear, Yabsley and York

Officers:

Public Protection Officer, Senior Solicitor/Monitoring Officer and Chartered Legal Executive.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, Cann and Hunt.

2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 8 JUNE 2021

RESOLVED, that the minutes of the meeting held on 8th June 2021 (circulated previously) be approved as a correct record and signed by the Chair.

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

The Chair congratulated Councillor York on her 25th Wedding anniversary, he also welcomed Hannah Pettifer who had joined the Council in early May 2021 as a Chartered Legal Executive. Hannah advised that she had previously been employed by Torridge District and would be working mainly within the field of litigation and would be providing support and assistance to the Committee.

The Chair also wished Councillor Biederman well during his self-isolation for Covid 19. Councillor Gubb advised that she had spoken with Councillor Biederman and that he was doing well.

4. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

5. POLICE AND CRIME PANEL UPDATE

The Chair addressed the Committee in the absence of Councillor Biederman and advised that he had been assisting with the car park management at the vaccination centre at Seven Brethren. He added that he had spoken with a number of police officers on the Sunday mornings that he has been there and they had reported a significant increase in the number of alcohol related incidents that required their intervention. Following those discussions, the Chair advised that he had arranged a meeting with the Service Lead - Community Safety Partnership Officer/Harm Risk and the police to discuss a way forward to address the issues and explore options to work with premises that were licensed to sell alcohol.

He added that if Members had any issues that they wished him to raise in relation to the ongoing problem to email him.

The Public Protection Manager advised that the Committee that they had the ability to review any premises licence in accordance with the Licensing Act 2003. She added that a review could be brought to the Committee by either a member of the public, a District Councillor, other public bodies or the Licensing Authority itself. She explained that such a review could be undertaken to make changes to the conditions of the premises licence etc.

Councillor Henderson added that he was the Devon County Council representative on the Community Safety Partnership and that he was happy to work with the Chair and represent the District Council.

6. GAMBLING STATEMENT OF PRINCIPLES REPORT

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the Gambling Statement of Principles.

The Public Protection Manager advised that in the absence of the Licensing Service Lead, she had reviewed the document and made some proposed amendments after which a consultation exercise was proposed to follow.

She added that the amendments were relatively minor and mainly points of clarity, she explained that North Devon Council was under a legal obligation to review its Gambling Statement of Licensing Principles on a three yearly basis.

The feedback received as a result of the consultation exercise would then be considered by the Licensing and Community Safety Committee prior to a recommendation being made for the adoption of an amended Statement of Principles by Strategy and Resources Committee and Full Council.

The Licensing and Community Safety Committee would need to consider the proposed amendments to ensure that the Statement of Principles could in turn be reconsidered by them on the 12th October 2021 following the consultation process. Statement of Principles would then be considered and approved with or without

amendment by Strategy and Resources on the 1st November 2021 prior to final adoption by Full Council on the 24th November 2021.

The revised Statement of Principles focused on the on-going responsibilities of licensed premises to proactively uphold the licensing objectives. The suggested changes to the current Statement of Principles largely attempted to improve the document, clarify any issues and to respond to changes in the wording of guidance issued to local authorities

The main proposed amendments to the Statement of Principles were as follows:

- Add a disclaimer to indicate that the document was based upon the Gambling Commission's 1st April 2021 guidance, which was subject to change, as was legislation etc.
- Update numbers of currently licensed establishments and other statistics in the 'Geographical Area' section.
- Update the section entitled 'Over-Riding Principle' to reflect amended Gambling Commission guidance.
- Update the section entitled 'General Points Regarding Gaming Machines' to identify that local risk assessments must be provided on a variation application.
- Re-wording information pertaining to access to premises. This was to predominantly provide information on buildings divided into more than one premises with diagrammatic demonstration of acceptable options being provided.
- Provide clarity surrounding the external appearance of premises providing bingo facilities.
- Update to Part C Unlicensed Family Entertainment Centres (UFECs) to amend a formatting error; to highlight that the expectations apply to both applicants and existing premises; encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary Code, and to add Expectations on Compliance Inspections (for which premises would already be well aware of following recent correspondence and inspection).
- For the automatic entitlement of two machines, and provision of three or more machines in alcohol licensed premises by way of a permit, text was added to highlight that the Council expects compliance with the Gambling Commission's Code of Practice for Machines in Pubs. Moreover, the expectation surrounding compliance with the Gambling Commission's Code of Practice on Equal Chance Gaming in Clubs and Premises was echoed. Consultation with the Police and Gambling Commission was a new addition for three or more machines and the information expected to be provided in a plan is now clarified, to avoid basic plans being furnished.

She added that there were 639 licensed premises consisting of a mixture of pubs and clubs of which 142 of those establishments had gaming machines, which required permits.

She explained that under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. North Devon District Council had not passed a 'no casino' resolution under this section and it was not proposed to put forward any recommendation to do so at present. This was largely because it was still most unlikely that any of the permitted casinos would seek to operate in the district and a resolution at this time was not considered justified or necessary.

In response to a question regarding the protection of vulnerable people in establishments with 30 plus machines, the Public Protection Manager advised that a really important aspect of responsible licensees was to ensure all employees would receive the appropriate training together with the display of appropriate signage and access to leaflets providing advice etc.

RESOLVED, that recommendation 2.1.2 be amended to state that a five week consultation take place.

RECOMMENDED:

- (a) The draft revised Gambling Statement of Licensing Principles found within Appendix A of the report was considered; and
- (b) That the Public Protection Manager commence a five week process of public consultation on the above draft revised Gambling Statement of Principles as detailed in the report.

**7. SUB-COMMITTEE HEARINGS UNDER THE LICENSING ACT 2003
HEARINGS REGULATIONS 2005**

The Senior Solicitor explained that following arrival of the Covid 19 pandemic, the Government introduced temporary legislation to allow local government bodies to continue to hold meetings virtually. However, the legislation expired on 7th May 2021, which meant that all meetings reverted to face to face in accordance with the Local Government Act 1972. Hearings held pursuant to the Licensing Act 2003, however, were governed by specific Regulations issued under the Act, rather than under the Local Government Act 1972, and so could continue to be held virtually, if the Licensing Committee wished this to happen.

The Committee discussed the option, but agreed that they wished to hold face-to-face Sub-Committee hearings, as they felt they were better able to assess the applications and evidence, and make their decisions, with the parties in attendance.

The Public Protection Manager added that it would be beneficial for the Committee to have the option to hold sub-committees virtually.

The Senior Solicitor agreed that there could be specific instances where virtual meetings would be beneficial and would allow for flexibility.

RESOLVED, that Sub-Committees which fell within the remit of the Licensing Act 2003 continue to be held as attended meetings wherever possible and that each hearing be considered on a case by case basis to maintain a flexible approach.

8. LICENSING AND COMMUNITY SAFETY 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 Chairs of the Sub-Committees:

- a) Licensing Sub-Committee C: 26th January 2021
- b) Licensing Sub-Committee A: 16th June 2021.

Chair

The meeting ended at 10.41 am

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