

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Tuesday, 12th September 2023 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillors Biederman, Cann, Denton, Haworth-Booth, Hunt, Jusef, Maskell, Milton, Norman, Quinn, Renshaw and Williams

Officers:

Chartered Legal Executive and Public Protection Manager

Also Present in person:

Councillor C. Leaver

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Whitehead.

13. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4 JULY 2023 (ATTACHED)

RESOLVED that the minutes of the meeting held on 4 July 2023 (circulated previously) be approved as a correct record and signed by the Chair subject to the correction of the website referred to by the Chair being <https://www.safeplaces.org.uk>

14. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

15. REVIEW OF LICENSING ACT 2003 POLICY

The Committee considered a Review of Licensing Act 2003 Policy report (circulated previously) by the Public Protection Manager.

The Public Protection Manager highlighted the following:

- A public consultation had run for 6 weeks and the responses of this could be seen at Appendix B of the report.

- Organisations such as Georgeham Parish Council, Witheridge Parish Council, Croyde Area Residents Association (CARA) and the North Devon Coast Areas of Outstanding Natural Beauty (AONB) responded.
- Further to the comments received, amendments had been made to the draft policy.
- Since undertaking, the consultation there had been an update to the Section 182 guidance in August 2023. The Home Office had amended the guidance in line with recommendations made in relation to the Manchester Arena Inquiry, largely to support licensing authorities and applicants when considering the provision of health care and counter terrorism measures at venues.
- A new section 4.5, had been added to the policy as a result of the Section 182 updates and could be found at paragraph 4.7 of the report.
- Amendments included the addition of a new comments box in the Licensing Act 2003 representation form and the addition of the following paragraphs:
 - 3.4.1 Public nuisance was given a statutory meaning in many pieces of legislation. It was however, not narrowly defined in the 2003 Act and retained its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect was prejudicial to health.
 - 3.4.4 Measures to control light pollution would also require careful thought. Bright lighting outside premises, which is considered appropriate to prevent crime and disorder, may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities would need to balance these issues.
- There was no proposal to amend references within the policy to specific initiatives targeted at the prevention of violence against women and girls (VAWG) following an allegation of gender bias.
- The Public Protection Manager read out comments received from the Police with this regard, which would then be added to the report to Strategy and Resources.
- During the consultation exercise over 600 letters had been sent to current premises licence holders, and over 2,500 personal licence holders. A high proportion of letters to personal licence holders had been returned with the notice 'Addressee has gone away' which was problematic as this licence no longer requires renewal. This highlighted the need for contact details to be kept up to date and the need for the Government to make up-to-date contact details mandatory.

RESOLVED that:

- (a) The consultation responses on the draft revised Licensing Act 2003 Statement of Licensing Policy, as found at Appendix B of the agenda, be noted;
- (b) The new amendments made by the Home Office to the Section 182 guidance issued pursuant to the Licensing Act 2003 in August 2023 be noted;

- (c) The following addition to the policy be made:
- (l) The creation of an annexe pertaining to the qualifications required to be held by counter-signatories when validating an applicant's photo identification evidence.
- (d) The tracked changes document highlighting the proposed amendments to the current policy, as found at Appendix A, be approved; and
- (e) The addition of a letter drafted by the Public Protection Manager with collaboration from the Chair being sent to the Home Office in relation to a request for the consideration of requirement for contact details to be kept up-to-date being made mandatory.

RECOMMENDED that Strategy and Resources approve the revised Licensing Act 2003 Statement of Licensing Policy, to in turn be approved by Full Council at its meeting in November 2023.

16. APPOINTMENT OF MEMBERS TO THE CRIME AND DISORDER COMMITTEE

The Chair invited Councillor C Leaver to address the committee in her capacity as representative of North Devon Council on the outside body for the Community Safety Partnership (CSP).

Councillor C Leaver advised the Committee of the following:

- The CSP was a statutory partnership between North Devon Council and Torrington District Council and agencies such as Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, Devon County Council tackling issues such as anti-social behaviour and domestic abuse.
- The partners work closely together with the aim to reduce crime and deliver the safety priorities.
- An annual report detailing the work carried out over the previous year was brought to committee once a year and members had the opportunity to scrutinise and ask questions of the Chair, currently .
- Cllr Leaver explained that the Community Safety Partnership had come to a slight hiatus in that the former Torrington District Council, Community Safety Partnership Officer, had moved on and so the meetings needed to be resurrected into a formal regular arrangement again. A liaison from the Licensing and Community Safety Committee should be supported, and that Tim Birtwistle could supply updates which would be useful.

RESOLVED that:

- (a) Crime and Disorder Sub-Committee, comprised of all the Licensing and Community Safety Members be appointed; and
- (b) An item be placed on a future Licensing and Community Safety Committee agenda in relation to Community Safety Partnership updates, as and when required.

Chair

The meeting ended at 10.40 am

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