

**NORTH DEVON COUNCIL**

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 8th October, 2019 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

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

Officers:

Licensing Service Lead (HB), Senior Solicitor/Monitoring Officer (TB), Public Protection Manager (KN) and Corporate and Community Services Officer (AD)

**7. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Campbell and Hunt.

**8. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 18TH JUNE 2019 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 18<sup>th</sup> June 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

**9. DECLARATIONS OF INTERESTS**

There were no declarations of interest received.

**10. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY**

a) Order of Agenda.

RESOLVED that item 8 be considered ahead of item 6 on the agenda.

**11. DEVON AND CORNWALL POLICE CRIME PANEL UPDATE**

The Committee received an update from Councillor Biederman, as follows:

Four meetings a year were held in Plymouth at the City Council buildings. The Crime Commissioner had published the annual report for 2018-19 at the 14<sup>th</sup> June 2019 meeting. Of particular interest was a presentation given on the issue of summer policing in Devon and that a bid for funding for

special circumstances had been made, if successful this funding would help with additional resources needed during summer months when the local population could increase by as much as 125,000. A letter had been presented to London in regard to this extra funding needed.

The Committee requested that Councillor Biederman convey to the Panel that there needed to be an emphasis on recruitment of Police Community Support Officers (PCSOs) but that the resources to train new recruits were not available.

Councillor Biederman advised that the next meeting of the Devon and Cornwall Crime panel was provisionally booked for Friday 15<sup>th</sup> November 2019 at 10.30 am. The Chairman asked Members to forward any questions they may have to Councillor Biederman ahead of this date. Parish crime statistics should be available on the website but information for Fremington was not there, it appeared to be included under the Barnstaple area.

## **12. REVIEW OF NORTH DEVON COUNCIL'S SEX ESTABLISHMENT POLICY**

The Public Protection Manager provided the Committee with a summary of the Review of North Devon Council's Sex Establishments Policy (circulated previously), which included the following:

- There was no legal obligation to have a policy for sex establishments but that it was prudent to have one.
- The policy covered Sex Shops, Sex Cinemas and Sexual Entertainment Venues
- The Council had not licensed any sex establishments and had not received any applications for a licence since the policy was last reviewed
- North Devon Council introduced its policy in 2011 and revisited it in 2014
- The changes made were to details such as the geographical area and population numbers
- The amendments were minor and as such there was no need for a consultation to be held

In response to a question about online sales and a business that operated out of a warehouse facility, the Public Protection Manager advised that no licence would be needed in relation to such a business. The Act was introduced at a time when the internet was not a reality and so new legislation would be needed if online sales were to be regulated.

In reply to a question on defining the term proximity, the Public Protection Manager advised that each case would be determined on its own merits and that as proximity could not be defined by distance alone it was appropriate not to define proximity.

RESOLVED, that on consideration of the draft sex establishment policy that

due to the limited changes proposed that no consultation be undertaken at this time.

RECOMMENDED, that the draft sex establishments policy be approved by the Strategy and Resources Committee.

**13. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - THE INSTITUTE OF LICENSING 'GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADE'**

The Committee considered a report by the Licensing Service Lead, the Hackney Carriage and Private Hire Policy – The Institute of Licensing ‘Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trade’, (circulated previously). The Licensing Service Lead gave the following summary information:

- This review had been presented to Committee two years ago but due to unavoidable circumstances had not been implemented
- There was not a legal obligation to have such a policy but was best practice to have one in place
- The Institute of Licensing Document would be the basis for the consultation that it was hoped would be carried out and from the results a clear picture of which parts of the guidance to adopt would be gained
- New requirements for drivers to maintain their certificates through the Disclosure and Barring Service (DBS) would mean electronic checks for any disclosures would be possible at any point during the term of a driver’s licence
- A caution would be regarded in the same way as a conviction
- Previous conviction for exploitation or abuse (either physically, emotionally, or financially) would mean an applicant is not licensed
- Where an applicant had been convicted of sex and indecency offences, regardless of how long ago, a licence would not be granted
- Approval was being sought to hold a consultation for a period of six weeks with the hope to bring back to Committee in the early new year, 2020

In response to a question about using the Council’s social media to highlight the safety of using the taxi service that the Council licensed the Licensing Service Lead Officer advised this could be done as part of a Christmas Safety campaign.

In response to a question on how the Council were notified of offences committed, the Senior Solicitor advised the Committee that the courts did not have the resources to notify Local Authorities on the outcome of individual cases. Councillor Henderson advised Committee that for a fee there was a service that could be subscribed to whereby on entering a postcode you would find a list of all convictions made in that area, providing an occupation was declared this could be used to find convictions for taxi drivers. The Service Lead Licensing Officer advised the Committee that serious

offences were notified to the Authority by the Police but for minor misdemeanours the Council were reliant on the Applicant notifying the Authority.

In response to a question about the adoption of a new policy and whether this would affect existing licences, the Senior Solicitor confirmed that the policy would not have any retrospective effect.

RESOLVED that:

- (a) the report be noted;
- (b) a six week consultation exercise be undertaken with the taxi trades, general public and anybody with an interest in taxis; and
- (c) proposed amendments to the policy resulting from the consultation be presented to Committee in a further report.

**14. DATE OF NEXT CRIME AND DISORDER SUB-COMMITTEE AND APPOINTMENT OF CHAIR**

The Corporate and Community Services Officer updated the Committee of the date and location of the next meeting of the Crime and Disorder Sub-Committee, Thursday 31<sup>st</sup> October 2019 at 10 am in Bideford Town Hall.

The Corporate and Community Services Officer asked for nominations for Chairman of the Crime and Disorder Sub-Committee.

Two nominations were received each of whom were voted on in turn.

RESOLVED that Councillor Tucker be appointed Chairman of the Crime and Disorder Sub-Committee for the 2019/20 municipal year.

**15. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEE**

RESOLVED that the minutes of the meeting of the Licensing and Community Safety Sub-Committee A (circulated previously) held on 8<sup>th</sup> August 2019 be approved as a correct record and be signed by the Chairman of the Sub-Committee.

Chairman

The meeting ended at 11.08 am

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