

## LICENSING CONSULTATION PANEL

**Minutes of meeting held on Tuesday August 2<sup>nd</sup> 2005 at 2.00pm,  
Taw Room, Civic Centre, Barnstaple**

**Present:**

Councillor Mrs Mair Manuel (Chairman)

Councillor Y Gubb, Councillor J Chesters, Councillor R Lucas, Mr I Adams (Barnstaple Licensee's Association), Mr J Guymer (Magistrates Court), Mr M Deakin (Barnstaple Licensee's Association), Mr K Parfitt (Devon Fire and Rescue), Lesley Brown (Barnstaple Licensee's Association - Secretary), Mark Curgenven (NDDC), Liz Bryant (NDDC) and Dan Crispin (NDDC, Minutes).

No	Minute	Action
1	<p><b>Apologies</b> Apologies were received from: - Councillor A Davis, Councillor M Shapland, Councillor J Tucker, Mr S J Moyse (South Molton and District Licensee's Association), Mr Kenny Peacock (Magistrates Court), Mr Paul Cooper (Magistrates Court), Mr Jeff Pearce (Safer North Devon), Sgt D Elliott (Devon &amp; Cornwall Constabulary), Anna Bridgman (Devon &amp; Cornwall Constabulary), PC Paul Daw (Devon &amp; Cornwall Constabulary), PC Kevin Connar (Devon &amp; Cornwall Constabulary), Mrs D Bryant (Devon &amp; Cornwall Constabulary), Mr E Garner (Divisional Trading Standards Officer), Robert Wright (BII Representative), Jean Knill (North Devon LVA - Secretary), Shirley Loder (NDDC), Trevor Blatchford (NDDC. – Licensing Solicitor).</p>	
2	<p>Minutes of the last meeting held on <b>Tuesday 21<sup>st</sup> June 2005</b> APPROVED by the Panel and signed as a correct record by the Chairman Mrs Mair Manuel.</p>	
3	<p><b>Items brought forward by the Chairman;</b> There were no items brought forward by the Chairman, but she informed the group of the sad news of the recent death of Councillor Frank Ovey, and mentioned his valued contribution to the Licensing Consultation Panel. The Chairman introduced Councillor Yvette Gubb as the new Vice-Chairman of the Panel.</p>	
4	<p><b>Safer North Devon;</b> Mr Jeff Pearce unfortunately could not attend this meeting, and therefore offered his apologies. This subject will be brought forward to the next meeting.</p>	
5	<p><b>Licensing Act 2003 Update</b> Mark announced the figures for the numbers of applications which are currently being processed:</p> <p><i>Personal Licenses:</i> 430. This is estimated as being between 20-25% of the total number estimated. Mark pointed out that this figure is disappointingly low.</p> <p><i>Premise Licenses:</i> 360. This is approximately 75% of those that should have applied.</p>	

Lesley indicated that the BII exam qualification had not been available at North Devon College until recently, which could have an impact on people applying. This would affect new applications for personal licenses, but not conversions. A discussion followed regarding the percentage of applications received and the fee structure putting off applicants. Mark responded that enforcement will be undertaken in conjunction with the Police and Fire Authorities; the policy for this is still to be agreed.

Mark stated that an enforcement protocol will be developed for Devon, which will allow for a much better idea of how enforcement will be undertaken. The Panel advised NDDC to enforce strongly, and to be robust in their approach.

The issue of the language barrier was briefly discussed, with particular reference to takeaways and restaurants. It was noted that there have currently not been many applications from ethnic minority groups.

The Chairman said that she had spoken to Nick Harvey regarding the annual maintenance fee date. He can put forward to Ministers, the point that the renewal date could be delayed in order that early applicants are not disadvantaged. The Panel agreed that there should be one renewal date sometime in November, and the Chairman said that she would speak to Nick Harvey once again about this matter.

Mark updated the Panel on his recent presentations and press-releases:

*Lynton/Lynmouth Licensees – 6<sup>th</sup> July*

*Fremington Licensees – 11<sup>th</sup> July*

*Village Halls – 14<sup>th</sup> July*

*Full Council – 23<sup>rd</sup> July*

*North Devon Journal – 14<sup>th</sup> July*

*Radio Devon (news interview)*

Mark updated the Panel on current member training, including putting together a training record so that applicants, licensees, members of the public and other interested parties would be satisfied with the training being given. Such training includes the creation of a Licensing Policy; two training sessions by Bevan Ashford and Mike O' Brien; personal tuition from Mark Curgenvin; and mock hearings.

Hearings are starting to come in, largely generated by members of the public, who are starting to exercise their rights to represent an objection regarding a licence. There are currently between eight and twelve hearings scheduled.

DCMS has issued a Member's Handbook with regard to the Licensing Act 2003. This has now been communicated to Don Pratt.

<p><b>6</b></p>	<p><b>“BAND” – The Launch of Barnstaple Against Nighttime Disorder (I. Adams).</b></p> <p>Ian Adams gave an introduction to “BAND” which included the scheme’s general objectives, how these will be achieved, how the policy document will be produced, who it will target and how, and finally the legalities of the organisation. He stated that he will present it in greater detail to the Barnstaple Licensee’s Association after the 6<sup>th</sup> August, 2005. The contact details for BAND are:- <a href="mailto:info@band1.org">info@band1.org</a> (e-mail) and <a href="http://www.band1.org">www.band1.org</a> (website).</p> <p>Lesley asked how Off Licences will fit in with BAND, and Ian responded that he would like to initiate a separate group/scheme for Off Licenses. A discussion followed surrounding BAND.</p> <p>Mark then stated that the N.D.D.C. as a Local Authority will support BAND wherever they can. He also encouraged Ian to communicate with other area’s Licensee’s Associations, such as South Molton, Ilfracombe, Lynton and Lynmouth etc., in order that they may help one another and thus make it very difficult for trouble makers to simply move from one town to the next.</p> <p>The Chairman then informed Ian that she would like him to attend a Licensing Committee Meeting in order to present these ideas to them.</p> <p>Finally, the Licensing Consultation Panel endorsed BAND’s proposal, and John confirmed that the Magistrates would be very impressed with the proposal.</p>	<p>MM</p>
<p><b>7</b></p>	<p><b>The 2003 Licensing Act – Council policy on endorsed photographs for Personal Licence Applications (I. Adams)</b></p> <p>Ian brought up the issue that some Licensees had had their Personal Licenses rejected as other Licensees had endorsed their photographs. Mark explained the Local Authority’s policy on endorsing Personal Licence Photographs and said that the N.D.D.C. felt that relatives, criminals and other Licensees could have a prejudicial interest in that person obtaining a Licence. Therefore, the Council has adopted the Passport Agency’s list of persons who can endorse photographs with the above variants, a copy of which can be found under the Licensing Act 2003 Toolkit on NDCC website.</p> <p>Mike added that every person he has had to deal with within the Council has been very helpful, and he has been genuinely delighted with the service he has received.</p> <p>The Chairman stated the Licensing Consultation Panel has tried to foster a helpful attitude throughout the whole process. A statement was then read out from Kim Howells relating to the transfer from the Magistrates to the Local Authority.</p>	
<p><b>8</b></p>	<p><b>Any other business</b></p> <p>i) Roy briefed the Panel about a crowd of underage people consuming alcohol outside Barnstaple Town Football Club on Thursday 28<sup>th</sup> July. Lesley briefed the Panel concerning</p>	

	<p>another occasion where she had seen underage drinkers, phoned 999, and was told by the police that it was not a 999 matter. It was decided that this issue would be brought forward at the next LCP, and an invitation would be extended to Sarah Nutt to attend.</p> <p>ii) Mike asked how many 16 year olds there are in the District. Mark will action a response from Youth Service. A discussion then followed regarding educating 13 to 16 year olds at school on alcohol abuse.</p> <p>iii) Trader's Helpline – 020 7072 7447</p> <p>Out of hours hearings mobile – 07769 954526</p> <p>iv) Mark then updated the Panel on recent prosecution cases and stated that this year has seen more court time and enforcement within Licensing than any other year.</p> <p>v) Motor Salvage Operators' Regulations are currently in the process of being adopted.</p> <p>vi) The Taxi Licensing Policy is currently up for consultation, however as yet there has not been much feedback. Therefore, any feedback received would be appreciated.</p> <p>vii) Finally, each Licensed Premises Licence Requirements need to be checked, as their Public Liability/Insurance may not apply if the premise is not correctly licensed under the Licensing Act 2003.</p>	<p>MCC</p> <p>MCC</p>
<b>9</b>	<p><b>Date of next meeting</b>  Agreed that the next meeting will be on <b>Tuesday 20<sup>th</sup> September 2005 at 2.00pm</b> in the <b>Council Chambers, Civic Centre, Barnstaple.</b></p>	