

## LICENSING CONSULTATION PANEL

**Minutes of meeting held on Wednesday 23<sup>rd</sup> February 2005 at 2.00pm,  
Council Chamber, Civic Centre, Barnstaple**

**Present:**

Councillor Mrs Mair Manuel (Chairman)

Councillor J Chesters, Councillor E Evans, Councillor I Frances, Councillor J Moore, Mr C T Gifford, Sam Moyse (South Molton & District Licensee's Association), Mr Paul Cooper (Magistrates Court), Mrs F Williams (Brewer Harding & Rowe), Anna Bridgman (Devon & Cornwall Constabulary), Mrs D Bryant (Devon & Cornwall Constabulary), Lesley Brown (Barnstaple Licensee's Association), Robert Wright (BII Representative), Jean Knill (North Devon LVA), Mark Curgenvin (NDDC), Trevor Blatchford (NDDC Licensing Solicitor), Shirley Loder (NDDC), Elizabeth Bryant (NDDC, Minutes).

<b>No</b>	<b>Minute</b>	<b>Action</b>
<b>1</b>	<b>Apologies</b> Apologies were received from Councillor A Davis, Councillor M Shapland, Mr Mervyn Lethaby (Ilfracombe Licensee's Association), Mr Kenny Peacock (Magistrates Court), Mr John Guymer (Magistrates Court), Mrs Angela Shoemark Smith (Brewer Harding & Rowe), Mr A Coxon (Devon Fire & Rescue Service), Mr K Parfitt (Devon Fire & Rescue Service), Sgt D Elliot (Devon & Cornwall Constabulary), PC Paul Daw (Devon & Cornwall Constabulary), Mr E Garner (Divisional Trading Standards Officer).	
<b>2</b>	Minutes of the last meeting held on <b>Wednesday 26<sup>th</sup> January</b> APPROVED by the Panel and signed as a correct record by the Chairman Mrs Mair Manuel.	
<b>3</b>	<b>Items brought forward by the Chairman;</b>  No items brought forward.	
<b>4</b>	<b>Hearing Procedure</b> Committee passed the procedure on 22 <sup>nd</sup> February 2005. Mair and Trevor explained that the procedure is flexible in terms of the needs of each individual case. The Sub Committee may be required to make alterations to the procedure to suit a particular hearing. The procedure has been designed very tightly around the regulations and will feed into other documents that will summarise and explain the procedure in other formats, which will be made available to all. A discussion regarding the timings of hearings took place and objectors being able to speak for any amount of time, subject to their representation being relevant.	

<p><b>5</b></p>	<p><b>Licensing Act Update</b>  Mark reported that DCMS issued the forms very late on Friday 4<sup>th</sup> in a format that could not be readily used by authorities, therefore we were not able to send out the application packs as soon as we had intended. All of the application packs have been sent out and we have received two Personal Licence applications.  Mark anticipates the majority of applications will arrive in the later stages of the application process.</p>	
	<p>Discussion followed generated by reports of some Licensees who are not intending to complete an application. This would result in enforcement issues and penalties for those licence holders.  Anna made the suggestion of keeping a register for those premises that had not applied so there will be some idea of what enforcing Officers could be faced with.  In addition to the packs being sent out, Mair reminded the Panel that follow up information includes a letter from Mair, information in a recent Council Tax mail out and possibly further Public Consultation if needed.</p>	
<p><b>6</b></p>	<p><b>Grandfather Rights</b>  To clarify the suggestions around this term, Trevor provided advice. With the Licensing Act in mind, he confirmed that for conversion applications regarding premises, only the licences in place on the First Appointed Day (7<sup>th</sup> Feb. 2005) could be converted. However, for personal licences anyone who is named on a Justices Licence on the 7<sup>th</sup> Feb. 2005 <u>and throughout the transitional period to August 6<sup>th</sup> 2005</u> is able to benefit from conversion rights.</p>	

<p><b>7</b></p>	<p><b>Any Other Business</b></p> <p>a) <i>Application Packs</i>  Have now all been distributed, feedback was excellent. Bob explained that some other authorities have sent out a form with a tick list, asking Licensees which information they require as guidance, whereas North Devon's packs have been a pleasure, they are very informative.  Sam added that in the interests of everybody concerned, it will be even better when the application forms are available on line or in a word processing format.  Mair added that the aim from the beginning has been to be as helpful as possible.</p> <p>b) <i>Change the day of the Panel Meeting</i>  The Police Authority requested that we change the Panel Meeting to a different day. Tuesday was suggested and agreed to. Where possible the Tuesday following the Licensing Regulatory Committee Meetings.</p> <p>c) <i>'In the Vicinity' issue</i>  Mervyn had requested that the actual distance regarded as acceptable when making objections be clarified by North Devon District Council. Mark explained the Council/Committee will take each application on its own merits, therefore it would be inappropriate to be prescriptive to have a defined distance. More importantly representations would have to be relevant and not frivolous, vexatious or repetitive.</p> <p>d) <i>Citizen cards</i>  Lesley highlighted a project in Derby in which children of senior school age are issued with Citizen Cards and requested a discussion as to whether this is viable for pilot in Barnstaple. Mair suggested all of the relevant information be made available and discussed at the next meeting.</p> <p>e) <i>Drinking Responsibly</i>  Sam presented the consultation paper issued by the Home Office on Drinking Responsibly. It is up for consultation until next week and he urged people within the trade to take a look at the document.</p>	<p>Mark</p>
<p><b>8</b></p>	<p><b>Date of next meeting</b>  Agreed that the next meeting will be on <b>TUESDAY 5<sup>th</sup> APRIL 2005 at 2.00pm</b> in the <b>TAW ROOM, Civic Centre, Barnstaple.</b></p>	