

## LICENSING CONSULTATION PANEL

**Minutes of meeting held on Wednesday 24<sup>th</sup> November 2004 at  
2.00 p.m., Torridge Room, Civic Centre, Barnstaple**

**Present:**

Councillor Mrs Mair Manuel (Chairman)

Councillor E Evans, Councillor I Frances, Councillor N Lewis, Councillor J Moore, Mr C T Gifford, Lesley Brown (Barnstaple Licensees Association), Mr Mervyn Lethaby (Ilfracombe Licensees Association), Mr Paul Cooper (Magistrates Court), Ms Angela Shoemark-Smith (Brewer Harding & Rowe), Mr E Garner (Divisional Trading Standards Officer), Mr B Shingler, Jean Knill (North Devon LVA), Caroline Baker (South Molton & District Licensee's Association), Robert Wright (BII Representative), Trevor Blatchford (NDDC Licensing Solicitor), Mark Curgenvin, Shirley Loder and Emma Kiff (NDDC).

No	Minute	Action
1	<p><b><u>Apologies</u></b></p> <p>Apologies were received from Councillor Mr Frank Ovey (Vice Chairman), Councillor M Shapland, Sam Moyse (South Molton &amp; District Licensee's Association), Mr Kenny Peacock, Mr John Guymer (Magistrates Court), Mrs F Williams (Brewer Harding &amp; Rowe), Kevin Parfitt (Devon Fire &amp; Rescue Service), PC Paul Daw, Sgt D Elliott and Dru Bryant (Devon &amp; Cornwall Constabulary).</p>	
2	<p>Minutes of the last meeting held on <b>Wednesday 27<sup>th</sup> October</b> APPROVED by the Panel and signed as a correct record by the Chairman Mrs Mair Manuel.</p>	
3	<p>Items brought forward by the Chairman;</p> <p>No items brought forward.</p>	
4	<p><b><u>The Licensing Consultation Panel – Is it working the way you imagined?</u></b></p> <p>Mark put the question before the Panel and invited feedback on any changes members of the Panel wished to make.</p> <p>Mair and Mark invited members of the Panel to put forward agenda items.</p> <p>Bob Wright felt that perhaps people are reticent to put forward items for the agenda as items are still being discussed in draft form and felt that perhaps more items will be put forward once these items are in their final form. He had put forward an item for this meeting.</p>	

	<p>Mair requested that Members of the Panel put forward items for future meetings e.g. Fireworks, which was an important item to everyone at a previous meeting.</p> <p>Mark commented that there seems to be a bias view towards North Devon District Council, but this was perhaps inevitable given the Council's needs to plan for the imminent implementation of the Licensing Act 2003.</p> <p>Mark found the last meeting of the Licensing Consultation Panel particularly useful. The figures that were put forward by the Group, were put to the Environmental Health Manager, Project Executive and then to the Corporate Management Team.</p> <p>Predictions on staffing have now been agreed as a consequence to see the project through.</p> <p>It is proposed that one individual would be a Licensing Officer and together with Mark would answer the more complicated questions on the Act. The rest of the staff would have a more Administrative/data input role.</p>	All to action
5	<p><b><u>Access to Licensing Services</u></b></p> <p>Mark asked the Panel for feedback on how the Trade would like to see the service develop.</p> <p>Mark put forward questions to the Panel to gain constructive feedback;</p> <p><b>Q1 – What are the 'electronic' (web &amp; other) needs and priorities of the Licensing Consultation Panel and the Licensing Trade?</b></p> <p>Bob Wright felt that not all trade have access to the web or email services. He was aware of one member who did not receive a copy of minutes from a recent meeting as they were emailed to her.</p> <p>It was felt that perhaps the Trade do not use Information Technology to its full benefit and that there is currently a training need in this area.</p> <p>Many felt that applications will be completed by hard copy rather than electronically, as many of the trade just concentrate on the day to day running of their businesses. Any complicated forms or figures that need completing are usually passed on to their Accountant.</p>	

	<p>Barry estimated that 50% of Trade would ask 'What is email?' It was felt by many Members of the Panel that people are going to need a lot of help, with information provided in a simple easy to understand format.</p> <p>Barry felt that the meeting held at Cooke Island was very useful and it was good to see Councillors there.</p> <p>There were concerns that as the change is so dramatic, that even up to the second appointed date people will still not have completed their forms.</p> <p>Mair suggested holding an 'Open Day' to give advice to people on how to complete application forms correctly. Mair stressed that the Council were there to help and were concerned of the impact it will have on publicans/trade.</p> <p>Mark agreed that this was a good idea, but felt that there would be difficulty arranging 'Open Days' before the first appointed date. Suggested that he could put information on the Council's website to offer advice.</p> <p>It was agreed that it would be helpful to hold an 'Open Day' in January once the regulations and forms are set up. Mair requested that we inform and negotiate with the Licensees Associations and LVA over this.</p> <p>It was questioned if people should be informed and sent application forms by post? Mark had experienced some difficulties during public consultation contacting people.</p> <p>Licensees could in theory all apply at the same time, or they could be forgotten completely. The onus should be on Licensees to apply or obtain another copy of the forms if need be.</p> <p>Mark has reservations that if he sends out the forms before the first appointed date, papers may be mislaid, lost and licences would still not apply during the transitional period.</p> <p>Mair suggested that contact telephone numbers could be provided in the back of the policy document.</p> <p>Mair requested that a copy of the Policy document and a sheet of frequently asked questions are sent out with all application forms with a note warning applicants that this would be the 'only copy they would receive'.</p> <p>Mark requested any ideas for development of the Council's external website, even though it is recognised that not everyone on the Panel or in the trade are currently on-line.</p>	<p>Mark</p> <p>Mark</p> <p>Mark</p>
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	<p>Mark requested permission to use the Chairman of Associations to circulate information, Agreed.</p> <p>It was agreed that it would be a good idea to publish the Agenda and Minutes of the Licensing Consultation Panel on the Council's external website.</p> <p>It was noted that the SIA give out guidance booklets with application forms to Door Stewards, it was suggested that we could do the same.</p> <p>Trevor did not agree that this would be appropriate, as the document contained 180 pages of draft forms and that it would depend on the type of application being made to which information they would need from the document. He made comment that the SIA are able to provide this service as they have one simple form.</p> <p>Nancy questioned who is monitoring the guidance? Mark replied that the Devon Licensing Forum and Institute of Licensing, among others were monitoring the situation.</p> <p>Mark agreed that a guidance booklet in plain simple English would be a good idea, it would simply be a matter of whether time and resources permitted this.</p> <p>Mair informed Members of the Panel that this month's copy of North Devon Direct is currently being distributed to every household. The Licensing Act is the front-page news.</p> <p>It was suggested that an additional document to be sent out with applications forms would be an explanatory booklet on 'committee hearings'. Trevor noted that these would need to be sent out each time.</p> <p><b>Q2 – What about information in different languages/formats?</b></p> <p>Mark said that he was able to provide large print/font or information on tape upon request, but translation into different languages would prove much more difficult.</p> <p>It was questioned how guidance in plain English would stand up against the Discrimination Act. It was confirmed that the BII only issue certificates in English and Welsh.</p> <p>Mair had spoken to the Police regarding interpreters who would be available to translate. The Magistrates only have two people who's first language is not English.</p>	<p>Mark</p>
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	<p><b>Q5 – How do we make the Licensing Service more accessible. What are the barriers to getting to the Licensing Service? How do we reduce or remove these?</b></p> <p>Members felt that it was difficult to contact anyone at the Council via the phone. It was agreed that one dedicated ‘Help Line’ was needed, with its opening times available.</p> <p>Mark commented that the Local Authority has four top priorities one of them being ‘Access to Services’. Mark advised that the Council are planning to have a ‘One Stop Shop’ corporately.</p> <p>Mark had many other questions to ask the Panel but felt these could be copied with the Minutes for information and to give Members of the Panel the opportunity to come back to him with any comments <b>(Appendix A)</b>.</p>	<p>Emma</p> <p>All to action</p>
<p>6</p>	<p><b><u>DCMS Consultation Document on Licensing Fees</u></b></p> <p>Draft Licensing Fees were made public on the 4<sup>th</sup> November and are open for public consultation until 23<sup>rd</sup> December. They will probably not be approved by the Government until the 3<sup>rd</sup> week in January.</p> <p>Mark circulated a copy of the DCMS Licensing Countdown document (November 2004 edition) on draft fees for information, which provides answers to frequently asked questions. Mark advised that this document is downloadable from the DCMS website and is also available on the Council’s website. Mark found it to be a useful summary.</p> <p>Mair requested that copies of the document are sent out with the Minutes <b>(Appendix B)</b>.</p> <p>The band rating was discussed and Mark advised that following analysis the premises profile was as follows;</p> <p>Band A – 16%  Band B – 72%  Band C – 8%  Band D – 2%  Band E – 2%</p> <p>Bob Wright could not find any logic to the band ratings with the difference between costs for transitional fee levels. It was agreed that band ‘A’ was too narrow and that the banding was inappropriate. Bob Wright concurred that most premises will be in band A or B.</p>	<p>Emma</p>

	<p>Most pubs will be paying £115.00 more per year than they are currently paying.</p> <p>Bob informed the Panel that he will be putting a document together to DCMS with his comments on this matter.</p> <p>It was felt by the majority of the Panel that the DCMS are ill informed of the amount of personal licences applications there will be.</p> <p>DCMS are trying to be helpful. They are suggesting that every Local Authority will have a total of 27 hearings a year, 3 hearings per month; inspections will take between 10 minutes and 2 hours to complete and applications will take between 40 minutes and 10 hours to process. Torbay Council did a mock application, which took 2 hours just to check.</p> <p>Mark estimated 8 full time posts, 10 with Trevor Blatchford and a new Officer in Member Services. Numbers are still to be fully ratified.</p> <p>Mair commented that it would be helpful if members would remind people that it is not the Council who are implementing the new Licensing regime, but the Government.</p> <p>Mark wrote a letter by email to the LGA. Mair requested that Mark provided a copy of the letter with the next set of Minutes sent out <b>(Appendix C)</b>.</p> <p>Mair noted that the Council currently have a Planning Policy and Housing Policy and that there is the need to look at both policies to check if a Landlord is made bankrupt whether we have to make sure our policies allow them to be housed.</p> <p>North Devon District Council's Corporate Management Team have noted the potential impact of this legislation.</p>	Emma
7	<p><b><u>Any other business</u></b></p> <p>Paul Cooper raised item not previously minuted on the Crackdown in January on underage drinking and anti-social behaviour.</p> <p>Courts have published dates for Licensing Brewster Session as Wednesday 2<sup>nd</sup> February, where the Police present information on alcohol matters and provide relevant figures.</p> <p>The annual Police report remains important to the Panel as a Licensing Authority.</p>	



	Mark informed the Panel that the Environmental Health Unit's Pollution Team have put together a draft document, which will become available on the Council's website. Mark is hoping that the Health and Safety Team will do the same soon and other guidance will follow.	
8	<p><b><u>Date of the next Meeting</u></b></p> <p>Agreed that the next meeting will be held on <b>Wednesday 26<sup>th</sup> January 2005 at 2.00pm, in the Council Chamber, Civic Centre.</b> After the Licensing &amp; Regulatory Committee meeting on Tuesday 25<sup>th</sup> January.</p>	All to action