

LICENSING CONSULTATION PANEL

**Minutes of meeting held on Tuesday September 20th 2005 at 2.00pm,
Council Chambers, Civic Centre, Barnstaple**

Present:

Councillor Mrs Mair Manuel (Chairman)

Councillor J Chesters, Councillor J Moore, Councillor J Tucker, Councillor R Lucas, Mr Ian Adams (Barnstaple Licensee's Association), Mr Sam Moyse, Mr John Guymer (Magistrates Court), Mr Mike Deakin (Barnstaple Licensee's Association), Mr Kevin Parfitt (Devon Fire and Rescue), Sgt Dave Elliott, PC Paul Daw, Mr E Garner (Divisional Trading Standards Officer), Lesley Brown (Barnstaple Licensee's Association - Secretary), Robert Wright, Jean Knill, Mark Curgenven (NDDC), Trevor Blatchford and Dan Crispin (NDDC, Minutes).

No	Minute	Action
1	Apologies: Apologies were received from: - Councillor J Clark, Councillor Y Gubb, Councillor M Shapland, Mr Kenny Peacock (Magistrates Court), Mr Paul Cooper (Magistrates Court), Anna Bridgman (Devon & Cornwall Constabulary), PC Kevin Connar (Devon & Cornwall Constabulary), Mrs D Bryant (Devon & Cornwall Constabulary), Liz Bryant (NDDC).	
2	Minutes of the last meeting held on Tuesday 2nd August 2005 APPROVED by the Panel and signed as a correct record by the Chairman Mrs Mair Manuel.	
3	Items brought forward by the Chairman: There were no items brought forward by the Chairman.	
4	Licensing Act 2003 Update: Mark announced the number of premises and personal applications that have been received: <i>Personal Licences:</i> 937 personal licence applications have been received and have now been processed. This number is disappointing considering the original target of 2500, which was based on trade feedback and D.C.M.S. statistics. <i>Premises Licences:</i> 651 premises licence applications have now been received. (There is an average of more than one personal licence per premise therefore.) Out of this 651, there have been 126 variation applications, with only about 30 of these receiving adverse and / or constructive representations. Many have been mediated, hence there are only a total of 16 hearings, ending on 27/09/05, which bears a reflection on the quality of applications received, and how everyone has performed to support the process. 110 premises licences have been issued already. The Part A applications are fairly basic, however the Part B ones can take anywhere between half an hour to a few days, depending on their complexity. Despite this, it is hoped that all of them will be processed and distributed by the second appointed date. If this is not	

	<p>possible, letters will be sent out informing the applicants about the situation to allay any concerns.</p> <p>The Chairman then stated that if the trade is not very understanding in regard to a delay, that more staff may have to be taken on in order to complete the project by 24/11/05.</p> <p>Having concluded that there were no questions or further comments, the Chairman suggested that an article could be placed in North Devon Direct informing interested parties and residents how they can implement the 'Review' process and procedure.</p> <p>Councillor Tucker then congratulated Mark and the Licensing Team on how they have handled the whole process. He believes that it has made North Devon District Council look very good. The Chairman reaffirmed this by stating that she had heard similar things from other people involved in licensing in other parts of Devon, where North Devon is regarded very highly.</p> <p>Mark thanked Councillor Tucker, but insisted that there is still a long way to go, and that it is important to get all of the paperwork out in time in order to keep up the high standards.</p> <p>Currently, only two licence applications have been refused due to missing the 6th August deadline. Also, the hearing process has been largely successful, with many examples of overt mediation occurring as opposed to necessary "court procedure". All sides are to be congratulated on how they have handled this process. Finally, there may be one appeal, Mark believes this could dissolve but if not it will certainly be defended.</p> <p>Lesley Brown then informed the Panel about a Conservative MP who she had recently heard telling people that the Licensing Act will cost people money and cause an increase in their Council Tax. Therefore, it is not only the public who thinks that it will cost them. The Chairman responded that it might be worth attempting to get across to people that it will not cost them anything, as money-wise, we should come in even. The Panel then agreed that an article should be published in North Devon Direct stating how well North Devon has done in respect of the Licensing Act 2003.</p>	<p>MC</p> <p>MC</p>
<p>5</p>	<p>Policy on smoking:</p> <p>Sam Moyse wanted to check that there would be no 'backdoor' smoking ban. He insisted that Licensees would need to stay cohesive regarding this issue in order to prevent it coming in.</p> <p>Mark responded that there was no 'backdoor' ban anticipated to take place, but said that the Commercial Services Team will be promoting the 'National Clean Air Award' scheme.</p> <p>The Chairman said that she would ask David Bennett to come and talk about this issue at a later date.</p> <p>Ian Adams was then consulted on the issue, having had both smoke-free and 'half and half' pubs, and believes that 'half and half' pubs can work very well.</p>	<p>MM</p>

<p>6</p>	<p>Draft Regulations on Temporary Event Notices (TEN's): Sam Moyses expressed his view that some of these regulations are a nightmare and suggested that people really need to have a look at them.</p> <p>Robert Wright then stated that these would potentially have grave ramifications in rural areas.</p> <p>PC Paul Daw said that from the Police's point of view, TEN's are a huge issue. This is because people have no means to object, and the Police can only object based on crime and disorder reasons, which may be very difficult to establish if an event has never taken place in that area before.</p> <p>Mark added that there are Fire Safety and Environmental Protection consequences here too, and that in the public interest, the Licensing team will automatically inform the other responsible authorities on any TEN's received. They will then be able to consider taking their own independent action.</p> <p>Mark then said that as well as these problems, there will be no central database to assess the total number of TEN's served by individuals between one area and another, and also the Police will only have 48 hours to respond.</p> <p>PC Paul Daw then said that furthermore, no other authorities can stop these applications, unless they stop it on-site. Therefore, all responsibility is put onto the Police, who won't even have the opportunity to mediate with applicants, as the only vehicle to address any concerns is to object. Kevin Parfitt added that there is no consideration for public safety in regard to these notices.</p>	
<p>7</p>	<p>Licence Fees and Annual Renewals: Sam Moyses raised the question of whether annual fees should really be required, and stated that the concept of them is harsher on smaller businesses.</p> <p>PC Paul Daw responded to this that the Authority has to supervise and enforce, thus it has to be paid for.</p> <p>The Chairman informed the Panel that because Nick Harvey's son has been ill, she hasn't heard anything more regarding Licence Fees, however this will be chased up when his son has recovered.</p>	<p>MM</p>
<p>8</p>	<p>Door Supervisors: Sam Moyses asked whether there would be an increase in the requirement for SIA Door Supervisors.</p> <p>PC Paul Daw responded that some premises have been given this request due to their new hours, however there will not be a disproportionate request for them.</p>	
<p>9</p>	<p>Any Other Business: Sgt. Dave Elliott informed the Panel of the policing of Barnstaple Fair. Firstly, Officers visited all off-licenses in the run-up to the Fair; there were two more plain clothes Officers put on duty; and 17 alcohol seizures were made in total. Sgt Elliott then provided</p>	

	<p>statistics relating to violent crime in North Devon and Barnstaple:-</p> <ul style="list-style-type: none"> • Violence in general is down 7.8% • Violence in Barnstaple is down 4.8%, and • Violence in the coastal regions is down 11.3% <p>PC Daw added that the trade deserves congratulations for the decrease in violent crime and the increase in drug seizures.</p> <p>The issue of enforcement protocols was then raised. Mark replied and stated that these were still a fairly long way off, but that it is an issue being driven through the Police Headquarters countywide. The Chairman then said that this would go to Committee for their endorsement and adoption.</p> <p>Mark then presented the numbers of 16 to 18 year olds in North Devon, as of the Consensus 2001, in response to a query from Mike Deakin in the Licensing Consultation Panel of 02/08/05:</p> <ul style="list-style-type: none"> • 16 year olds: 1020 • 17 year olds: 966 • 18 year olds: 938 <p>A discussion then followed regarding underage drinking and what solutions there are to it. Sgt. Elliott informed the Panel that the Police are looking at sponsoring North Devon College students with USB pens which would have lots of information about crime prevention and underage drinking on them. A website is also in production in relation to this issue. The Chairman then suggested a few sources of funding to help with this.</p> <p>Lesley Brown then introduced her idea for a "No I.D., No Sale Day" on 27th October, 2005, which aims to tell children and parents why I.D. is asked for.</p> <p>The Chairman then asked the Panel if they wished for her to invite Youth Services to a meeting to discuss this issue. It was decided that this would be beneficial.</p> <p>Mark then told the Panel that DDA guidance for publicans has been published by the Disability Rights Commission and is available for free. It can be downloaded from the publication section of their website www.drc.org.uk and is entitled 'Bringing the DDA to life for publicans'.</p> <p>Also, the APT Ltd are running a BII accredited course for Licensing Practitioners which about 20 licensing officers from around Devon will attend. The course is designed to demonstrate competence in the Licensing Act 2003. This will be on 29/09/05 and hosted by North Devon DC.</p> <p>The Chairman then asked for a report back from the Police regarding the situation of the alcohol by-law, to be included on the agenda for the next Licensing Consultation Panel. This includes:</p> <ul style="list-style-type: none"> • where they are; • whether they are working; • whether they need extending; and, • whether other areas could benefit. 	<p>MM</p> <p>Police</p>
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	<p>The Chairman then raised the issue of taxi ranks around Barnstaple, and asked if Licensees wished to comment. The Chairman decided to discuss the DCC Local Transport Policy with Lester Wilmington of DCC, and also attempt to get someone from that DCC Team to talk to the Panel.</p> <p>The meeting concluded with the Chairman asking the Panel if they wished to revert back to quarterly meetings next year. The majority was happy with this proposal, which would be based around always having one early in October. The proposal would therefore be to hold a meeting every January, April, July and October, which will tie in nicely with the regular review of our Licensing Policy.</p>	MM
10	<p>Date and Time of Next Meeting: Agreed that the next meeting will be on Tuesday 1st November 2005 at 2.00pm in the Council Chamber, Civic Centre, Barnstaple.</p>	