

Minutes of THE LICENSING CONSULTATION PANEL held in the

Taw Room, Civic Centre, Barnstaple, 21 June 2005 at 2.00 p.m.

Present:	Councillor J Moore Councillor R Lucas Mr S J Moyse – S.M. Lic. Assoc. Mr J Guymer - Magistrates Mr P Cooper - Magistrates Sgt D Elliott – D&C Constab. K Connar – D&C Constab. Mr B Shingler – ND LVA L Brown – Bple Lic. Assoc. R Wright – BII Rep. Mark Curgenvan – NDDC Licensing Trevor Blatchford – NDDC Legal Richard Fowler – NDDC Licensing Ian Adams – Chair Bple Lic. Assoc. Mike Deakin – Vice Bple Lic. Assoc.
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No	Minute	Action
1	Apologies Councillor J Chesters Councillor J Clark Councillor I Frances Councillor Y Gubb Councillor J Tucker Mr K Peacock - Magistrates PC Paul Daw – D&C Constab. Mr E Garner – Trading Standards Shirley Loder – NDDC Licensing E Bryant – NDDC Licensing	
2	Minutes of the last meeting held on Tuesday 10 May 2005 APPROVED as a correct and accurate record.	
3	Items brought forward by the Chairman Mair pleased to be back following the election as Chairman of LCP – the same comments made regarding Cllr. Frank Ovey as Vice Chair. Mair welcomed Roy Lucas as a new member as well as others attending who had not been able to attend for a while. Mair unable to speak to Nick Harvey on items from previous meeting as he has been away. Government has since confirmed the Second Appointed Date (SAD) as 24 November 2005. Agreed that should still contact Nick Harvey to feedback, especially the timing of the annual maintenance (renewal) fee.	MM
4	Planning Permission & Sunday Trading Hours Moved to after item 7 Licensing Act Update	
5	Happy Hours Press release circulated from the British Beer Pub Association (BBPA) regarding 'binge drink happy hour promotions banned by beer and pub industry'. Mark had placed on the Agenda	

	<p>for general discussion. Sam commented that stringent guidance only on how happy hours should be operated – no actual ban. ‘On-trade’ coming up with the solutions with certain breweries taking lead.</p> <p>Then followed a general discussion on Safer North Devon and links with the Licensing Consultation Panel – concern that links weak. Agreed that Mair to invite via Sgt Elliott, who offered to facilitate arrangements.</p> <p>Need to discuss Crime Reduction Strategies and how work of Safer North Devon dovetails in with that of LCP and the strategy in relation to all retailers, not just the beer and pub trade.</p>	MM
6	<p>New Year’s Eve 2005 – Fireworks etc.</p> <p>Ian Adams said that currently no plans and that the Barnstaple Lic. Assoc. had become fragmented. An event for 2005 not looking promising. Will nevertheless see what can be arranged.</p> <p>Sgt Elliott commented that the Police had been trying to ‘pin down’ the organising Committee of the Bideford event for some years without success – seemed to be a community effort.</p> <p>Agreed that will be placed back on the Agenda at the request of the Barnstaple Lic. Assoc.</p>	
7	<p>Licensing Act Update</p> <p>The Council Licensing Team still awaits the rush of applications. To date some 100 premises and 150 personal licences have been received. With the end of the transitional period only a short while away (06 August 2005), it is expected that there will be a last minute rush. Indications are that many applications will include variations. The Council has recently attempted via a press release to encourage applications.</p> <p>As indicated at item 3, the SAD has been confirmed as the 24 November 2005.</p> <p>The Council has concerns should there be a last minute rush of ‘grouped’ applications that the Hearings Process may struggle to deal with the volume. This may have implications for the Magistrates’ Court as variations will be deemed refused and appeals may be lodged. Where a Part A, if accepted by the Council as a valid application, then this will be deemed approved. Note: should late applications be received close to the 06 August 2005, applicants risk them being returned if not all application paperwork correct and may lose conversion rights. In this situation, no Licence would be deemed as granted.</p> <p>General discussion regarding the timing of the annual maintenance (renewal) fee and how this has helped with the delay of applications. See also item 3.</p>	

	<p>Sgt Elliott commented that whilst elements of the Licensing Act are unpalatable, we must make a concerted effort to work with it.</p> <p>The first hearing has been scheduled for 28 June 2005 – relates to the conversion of a Personal Licence.</p> <p>D&C Constabulary concerned that minutes from the Hearings process should clearly show the decision making process of the Council – item carried forward from previous discussion. Concern was raised about the detail of a previous meeting regarding a Public Entertainment Licence, where there was much discussion by members, but with little detail in the minutes.</p> <p>Trevor & Mark confirmed that the matter had been discussed and that no/little legislative guidance in relation to PEL's. Mark promised to email Sgt. Elliott email response from Trevor. Mair agreed that will ensure on remaining occasions that sufficient detail in such minutes regarding the decision taken by the Committee. Mair to speak to Beverley in Committee section.</p> <p>Mark confirmed that legislative requirements for the new Act require a transparency and openness and that minutes will be clear and with sufficient detail. The Council has a clear Policy.</p> <p>The Police confirmed their need as genuine, especially when dealing with Licensing Reviews/Appeals. This was agreed by the Committee.</p>	<p>MCC</p> <p>MM</p>
<p>8</p>	<p>Planning Permission and Sunday Trading Hours</p> <p>Planning has had concerns regarding their role as a Responsible Authority. Mark is currently resolving this matter. It is important that applicants ensure their licensing activities applied for don't contravene their planning consents. Although, may not stop a Licence from being issued, Planning may still pursue where breach under their own legislation, i.e. formal action. Important that council's Licensing and Planning sections seen to be acting together – applicants must therefore take this advice into account.</p> <p>Sunday Trading – similar requirement as for planning. Applicants must ensure reconciliation with legislative requirements – should only affect larger stores.</p>	
<p>9</p>	<p>Any other business</p> <p>Richard Fowler gave update on LALPAC licensing software, which is ready and currently being used to process applications. The Council is well placed as a beta test site. The system also has a web front end – interactive public registers currently available via the website www.northdevon.gov.uk.</p>	

The Council hopes to go live shortly with web-enabled Consultations for Responsible Authorities – first trial with the Police. An on-line application facility for applicants should be available by the end of the financial year at the latest.

Sgt Elliott confirmed that the Police should have a new website available in the next few weeks dedicated to crime reduction. Expected website address is ndcrimereduction.org.uk – to be confirmed. Current reports show that violent crime has reduced in North Devon by 10.4% and in Barnstaple by 11.3%. Very encouraging and couldn't have been achieved without good links from the licensing trade.

Sam Moyse confirmed that as licensees now required to complete their own fire assessments, he was able to recommend an ex-fire officer (although others would be able to help). Details are:

Robert C Skellern - Fire Risk Management Services. Tel. 01363 877366, mobile 07765 646786, email: frms.sw@btinternet.com.

Paul Cooper from the Magistrates confirmed the last licensing court session would be 02 November 2005. Training in the Magistrates Court had been completed in relation to Licensing Act 2003 and were now waiting to see how things went before further consideration to the scheduling of court time for appeals etc.

Lesley Brown asked if anyone knew anything about Alcohol Disorder Zones (ADZ's), who was paying for them etc. General discussion and agreed that ADZ's will be brought back to the Committee when more detail known (several articles in the trade press), together with how fits in with the Home Office Alcohol Reduction Strategy. Sam Moyse directed people to the Home Office's Drinking Responsibly website, although the consultation period seems over on this.

Agreed that the next meeting shall take place on **Tuesday 19 July 2005**. This date is a sensible period before the end of the transitional period on the 06 August 2005.

MEETING ENDS