

# Public Document Pack

**Mid Devon District Council**

## **Licensing Committee**

**Friday, 19 June 2020 at 10.30 am**  
**Virtual Meeting**

**Next ordinary meeting**  
**Friday, 11 December 2020 at 10.30 am**

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

<https://zoom.us/j/91749355445?pwd=dEJmYmgvckZOMmRLNTkxSXE3dU1rQT09>

Meeting ID: 917 4935 5445

Password: 891476

One tap mobile

08002605801,,91749355445#,,1#,891476# United Kingdom Toll-free

08003582817,,91749355445#,,1#,891476# United Kingdom Toll-free

Dial by your location

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

Meeting ID: 917 4935 5445

Password: 891476

## **Membership**

Cllr Mrs E M Andrews

Cllr J Cairney

Cllr R J Chesterton

Cllr Mrs F J Colthorpe

Cllr D R Coren

Cllr J M Downes

Cllr T G Hughes

Cllr D J Knowles

Cllr Miss J Norton

Cllr S J Penny

Cllr L D Taylor

Cllr A Wilce

## **A G E N D A**

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1        **Election of Chairman (Chairman of the Council in the Chair)**  
To elect a Chairman for the municipal year 2020-2021.
- 2        **Virtual Meeting Protocol (Pages 3 - 8)**  
Members to note the virtual meetings protocol
- 3        **Election of Vice Chairman**  
To elect a Vice Chairman for the municipal year 2020-2021
- 4        **Apologies and substitute members**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 5        **Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 6        **Public Question Time**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.
- 7        **Minutes of the previous meeting (Pages 9 - 10)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 4<sup>th</sup> July 2019
- 8        **Enforcement Update**

**Stephen Walford**  
Chief Executive  
Thursday, 11 June 2020

### **Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the**

**meeting.** This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:  
E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

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## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least **five** minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair (or the Member Services Officer) will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues**

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **LICENSING COMMITTEE** held on 4 July 2019 at 10.30 am

### **Present Councillors**

J Cairney, Mrs F J Colthorpe, D R Coren,  
J M Downes, S J Penny, L D Taylor and  
A Wilce

### **Apologies Councillor(s)**

Mrs E M Andrews, T G Hughes and Miss J Norton

### **Also Present Officer(s):**

Simon Newcombe (Group Manager for Public Health and Regulatory Services), Sally Gabriel (Member Services Manager), Philip Langdon (Solicitor), Thomas Keating (Specialist Lead (Licensing) Officer) and Carole Oliphant (Member Services Officer)

#### **1 ELECTION OF CHAIRMAN (THE MEMBER SERVICES MANAGER IN THE CHAIR) (00.06)**

Cllr J Cairney was elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr L D Taylor and seconded by Cllr J M Downes)

#### **2 ELECTION OF VICE CHAIRMAN (01.21)**

Cllr D Coren was elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr S J Penny and seconded by Cllr J M Downes)

#### **3 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs E M Andrews, T G Hughes and Miss J Norton

#### **4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (03.52)**

There were no declarations made

#### **5 PUBLIC QUESTION TIME (03.58)**

There were no members of public present

## 6 **MINUTES OF THE PREVIOUS MEETING (04.34)**

The minutes of the previous meeting held on 1<sup>st</sup> March 2019 were agreed as a true record and signed by the Chairman

## 7 **ENFORCEMENT UPDATE (05.19)**

The Specialist Lead Licensing Officer addressed the Committee and explained the remit of the Licensing Committee.

He explained that there were 351 licensed premises in the District and the Licensing Team had completed risk assessments of all of them. Included within the assessment were the hours of operation, location of premises and compliance to existing policy; the premises were then rated.

High risk premises were inspected regularly and low risk premises were normally only inspected after complaints from the public.

76 premises had been inspected in the past 12 months (21% of the total) now that a pro active approach to inspections had been introduced. Some small issues were identified and 13 variations of current licenses were found to be required.

6 licensing hearings had been referred to sub committees in the last 12 months and of these 3 had been cancelled due to the original representations being withdrawn. He explained that the reduction in hearings was due in part to the pre application service which had been introduced for new applications. This had seen new applicants dealing with any potential issues prior to an application being submitted and fewer representations being received. 40% of new applicants now used the pre application service.

He confirmed 5 gambling premises had been inspected with no issues.

In response to questions he confirmed that inspections were followed up if any further complaints had been received and that they were prioritised by the risk factor indicated on the risk assessment.

The Group Manager for Public Health and Regulatory Services explained that the costs of any additional work done by officers when hearings were subsequently cancelled could not be recouped as the licensing fees were set by Government. The Council had however recognised that amount of free advice was being given to new applicants which was the reason for the pre advice service being introduced. The service cost in the region of £30 per hour and was not for profit and covered the cost of officer time.

(The meeting ended at 10.49 am)

**CHAIRMAN**