

Removal of Appendix C (Pool of Conditions) and Appendix D (Code of good practice for licensed premises)

- 2.2 The existing Policy included these two documents as Appendices but on reflection, it is felt they are better as standalone documents as they do not relate to the policy directly but are helpful guidance for the applicants and licence holders.
- 2.3 This will not have an impact on their use or availability as we still intend to make them available online. However, removing them as Appendices ensures any updates to them can be done efficiently in future.

Additional information on non-licensable activities (page 18)

- 2.4 Since the introduction of the Act there has been a significant change in the licensing of entertainment. In general, it is now possible for more forms of entertainment to take place without the need for a licence.
- 2.5 The updated Policy clarifies that issues or concerns as a result of 'non-licensable' activities (including music in certain scenarios) can be addressed either via Environmental Health or Licensing, or both.

Additional information on large scale public events and the Safety Advisory Group (SAG) (page 24)

- 2.6 This has been added to highlight the importance of the SAG, especially with regards to larger events that have the potential to undermine the licensing objectives if not organised and run properly. This section encourages event organisers to engage in this process at an early stage and also highlights the potential need for a premises licence, depending on the number of people due to attend the event.

Prevention of crime and disorder (page 48)

- 2.7 In accordance with the Local Government Association (LGA) guidance note on drink spiking prevention (2022), we have added reference to spiking and sexual harassment. These items have been given as examples of the types of things an applicant should consider in relation to their premises.
- 2.8 The LGA guidance note also suggests that councils should consider referring to relevant training packages in the policy. We intend to update the Code of good practice for licensed premises with information about this as it will give us the flexibility to update details as and when required. An example of such a scheme that we will look to include information about is 'Ask For Angela' - <https://askforangela.co.uk/>.

Safeguarding (page 50)

- 2.9 The section on safeguarding is added to ensure applicants and licence holders consider the potential safeguarding issues their particular application or business may present.

- 2.10 A wide array of premises are licensed and it is felt appropriate to recommend that those that provide entertainment to children and youths complete basic training in safeguarding - such training is readily available online. We have also highlighted the potential requirement for a DBS check.

3 Consultation

- 3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.

- 3.2 The following agencies and parties were consulted:

- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Weights and Measures (Trading Standards)
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council Environmental Health (Public Health)
- Mid Devon District Council Local Planning Authority (Development Management)
- Home Office
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

- 3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website.

- 3.4 Five responses were received but only three of these provided comments on the Policy. The relevant points from these three responses can be seen within the table of responses, attached to this report as Annex A. This Annex also contains an officer recommendation as to whether the Policy should be updated in light of the comment(s) received.

- 3.5 The other two responses did not provide comments on the Policy as such. One of them noted that they had no observations to make and the other requested that the updated policy be shown in a 'tracked changes' format.

4 Recommendation(s) and next steps

- 4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Statement of Licensing Policy as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised Policy come into effect from 1 November 2024.

4.2 If approved, the Licensing Team will update the website with the new Policy and notify Responsible Authorities and relevant parties accordingly.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a licensing policy. See Section 1 of the report.

Risk Assessment: If the licensing policy is not properly adopted it could be subject to legal challenge.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 13 September 2024

Cabinet member notified: Yes

Contact for more Information:

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Background Papers:

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- MDDC Statement of Licensing Policy - <https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>
- Licensing Committee 28 June 2024 - <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=139&MId=1956&Ver=4>