

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 28 June 2024 at 10.30 am

**Present
Councillors**

D Broom, J Buczkowski, J Cairney,
S Chenore, A Cuddy, F J Colthorpe,
L J Cruwys, J M Downes, A Glover,
M Jenkins, L G J Kennedy and F W Letch

**Apologies
Councillor**

S Keable

**Also Present
Officer(s):**

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

Officer Online

Laura Woon (Democratic Services Manager)

1 ELECTION OF CHAIR (00:03:01)

The Chair of the Council invited nominations for the election of a Chair for the municipal year 2024/2025.

RESOLVED that Cllr J Cairney be elected as Chair of the Licencing Committee for the municipal year 2024/2025.

(Proposed by Cllr F J Colthorpe and seconded by Cllr A Cuddy)

2 ELECTION OF VICE-CHAIR (00:06:03)

The Chair of the Licensing and Regulatory Committee invited nominations for the election of a Vice-Chair for the municipal year 2024/2025

RESOLVED that Cllr A Cuddy be elected as Vice Chair of the Licencing Committee for the municipal year 2024/2025.

(Proposed by Cllr L Cruwys and seconded by Cllr F Letch)

3 START TIME OF MEETINGS (00:07:40)

It was **AGREED** that the start time of meetings for the remainder of the municipal year continued to be at 10.30am.

4 APOLOGIES AND SUBSTITUTE MEMBERS (00:08:31)

Apologies were received from Cllr S Keable with Cllr A Glover substituting.

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (09:00)

There were no declarations of interest received.

6 PUBLIC QUESTION TIME (00:09:18)

There were no members of the public present and no questions were asked.

7 MINUTES OF THE LAST MEETING (00:09:29)

The minutes of the 2nd December 2023 **APPROVED** and signed by the Chairman.

8 LICENSING ACT POLICY REVIEW (00:10:12)

The Committee had before it a report * from the Team Leader, Commercial, Public Health of the Licensing Act Policy Review.

The Specialist Lead (Licensing) presented the report and the following was highlighted:-

- The main amendments to the Policy were:-
 - (i) The removal of Appendix C (Pool of Conditions) and Appendix D (Code of Good Practice for Licensed Premises) to create standalone documents that could be updated independently to the Statement of Policy. The documents would be made available on Mid Devon District Council's (MDDC) website.
 - (ii) Non-licensable entertainment and how issues arising could be addressed. Since the introduction of the Act there had been significant change in the licensing of entertainment. It was now possible for more forms of entertainment to take place without the need for a licence as a way to encouraging live music to continue. Therefore additional safeguarding was in place for residents.
 - (iii) Additional information on large scale public events and the Safety Advisory Group (SAG) – a multi-agency group including the Fire Service, Ambulance Service, Highways and the Police to give free advice to organisers on how they could run their events safely. This section encouraged event organisers to engage in this process at an early stage to ensure adequate time for any required Licensing process.
 - (iv) The prevention of crime and disorder and guidance notes on drink spiking prevention, underage drinking and anti-social behaviour.

- (v) Minor amendments to the Hearing Procedure which would also include Licensing Officers being enabled to ask questions from any party to seek clarification.

Discussion took place regarding:-

- Whether the information from SAG is advisory or enforceable and whether it was stopping events from happening? It was explained that the Panel was advisory and could not stop events from happening but that the Panel may highlight risks and offer alternative ways forward to ensure the safety of members of the public. The Terms of Reference for SAG had recently been updated and would be published on MDDC's website. The detailed minutes of the meetings captured actions so that they could always be referred to.

The Committee **AGREED** to consult on the proposed revised policy.

The Committee **RESOLVED** that the updated Licensing Policy be approved.

(Proposed by Cllr J Cairney, Chair)

Note: * Report previously circulated.

9 LICENSING UPDATE REPORT (00:23:28)

The Committee had before it a report * from the Team Leader, Commercial, Public Health of the Licensing Act Policy Review.

The following was highlighted:

- The update report provided a brief summary of activity of the Licensing Team over the second half of the financial year 2023/2024.
- The total of 448 Temporary Event Notices (TEN) were received during 2023/2024. A 19% increase on 2022/2023.
- There were a number of recommendations for the Committee to consider.
- The Licensing Bulletin was circulated quarterly to Members of the Licensing and Regulatory Committee which was prepared by Legal Service. Licensing Officers and Legal Services proposed to offer a quarterly Teams meeting to support the Committee in terms of provision of information on legislative changes and case law. This would also give Members the opportunity to ask questions that may arise regarding the implications of the changes to service delivery.
- The second recommendations related to the review of the Gambling Act Statement of Principles. As a Local Authority the Council had a statutory requirement to publish a Gambling Act 2005 Statement of Principles every 3 years. A revised Statement would need to be published 4 weeks prior to the implementation date of 31st January 2025.
- There was a requirement for a consultation process to be carried out following a review of the Policy. The proposal was to make minor changes to the Statement with a short consultation lasting 6 weeks during the summer of 2024.

The revised Statement and consultation responses would then be brought to the Licensing Committee with a recommendation to present to Full Council to approve the Statement prior to 19th December 2024. This would then be ready to publish 4 weeks prior to the implementation on 31st January 2025.

- There were also a number of other changes on Pavement Licensing being made permanent by the Levelling Act. A separate report would be presented to Full Council.

Discussion took place regarding:-

- The Pavement Licence and the placing of objects/furniture to ensure there was enough room for people to pass especially visually impaired people. It was explained that responsibility for any objects other than furniture sat with Highways. Anything associated with the consumption of food and drink outside sat with the Local Authority. As part of the application process the Licensing Team would ensure adequate space was made available.
- Whether Pavement Licences were currently available? It was clarified that temporary pavement licensing regime had now been made permanent. Licence holders of an active licence issued under the previous regime would be able to renew under the new regime. New licences could be valid for up to 2 years.
- Whether businesses in town were aware of the requirements? It was explained that businesses always needed to apply for a Pavement Licence and in the past that would have been applied for through Devon County Council. If they wished to continue to have street furniture for the consumption of food and drink on the highway then they would need to apply via MDDC. An educational approach would be applied.

The Committee **AGREED** to meet quarterly for a Teams briefing to support the established quarterly Licensing Bulletin.

The Committee **AGREED** to approve a minor review of the Gambling Act 2005 Statement of Principles and subsequent 6 week consultation during August and September 2024 as outlined in section 4.6 of this report.

(Proposed by Cllr J Cairney, Chair)

Note: * Report previously circulated.

(The meeting ended at 11.15 am)

CHAIRMAN