

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 21 July 2021

Attendance list at end of document

The meeting started at 10.15 am and ended at 12.08 pm

1 Public Speaking

There were no members of the public registered to speak.

2 Minutes of the previous meeting held on 17 February 2021

The minutes of the meeting held on 17 February 2021 were agreed as a correct record.

3 Declarations of interest

Minute 6. Quarterly update report.

Councillor Marcus Hartnell, Personal, Councillor is a member of Devon County Council which is responsible for licensing on highways.

Minute 6. Quarterly update report.

Councillor Steve Gazzard, Personal, Member has applied for a Temporary Event Notice for a forthcoming event in Exmouth.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential / exempt items.

6 Quarterly update report

A report from the Licensing Manager had been circulated in advance and provided an update on the activities of the Licensing Service under the Licensing Act 2003, the Gambling Act 2005, Taxi legislation and general licensing including street trading and pavement licences.

Prior to the Licensing Manager presenting the report, the legal advisor to the Committee, Giles Salter, provided the following legal advice regarding a member of the Committee who was currently self isolating and was participating in the meeting remotely via the Zoom app.

Mr Salter referred to the recent High Court ruling which stated that when Councillors were exercising their functions under the Local Government Act 1972 regarding taxi licensing and general policy decisions, Councillors should be present together in a place where they would debate and register their decision. Members were present at this meeting in the Council Chamber for this purpose. Item 8 on the agenda [Gambling Policy report] is an item under the Gambling Act 2005 regarding consultation on the

Gambling Policy. As the Gambling Act sits outside the Committee's functions under the Local Government Act 1972, the legal advice was that Councillor Millar, who was present remotely, could participate fully in item 8 and could debate, make recommendations and vote on that item.

With regard to all other agenda items [7, 9 and 10], the legal advice was that Cllr Millar could speak, but could not make recommendations or vote as he was not present in the Council Chamber.

The Licensing Manager highlighted the following points from the report:

- The report detailed the increase in applications for premises licences which was also a national trend currently
- It was anticipated that the Licensing Service would also see an increase in applications for Temporary Event Notices (TENs) as a result of the new draft legislation to increase TENs limits and extend off-sales of alcohol
- There was an increase in applications for outdoor music and bars which were coming under scrutiny from local residents
- The increased work load for the Licensing Service continued to present challenges for the staffing level which had resulted in the recommendation to enable recruitment of the additional posts as identified in the report
- The background to the request for the additional budget was explained to the Committee
- Despite the challenges, there was no backlog of work and the team was motivated and working effectively.

The Chair requested that the Committee's thanks be passed to the members of the Licensing Team.

In response to the report, the following points were discussed:

- There was a need to be proactive rather than reactive in response to the increasing workload resulting from changes in the volume and nature of applications due to the Covid-19 pandemic and changes in society generally
- The relationship between the four licensing objectives and the Council's Licensing Policy was explained as there was concern that there was confusion among local residents when making representations on applications as to how the objectives and the Policy fit together
- There was an opportunity for training for Members of the Committee who had not been trained previously and it was noted that this would enable more Members to be available to sit on the Sub Committee to determine licensing applications
- Management of the trading pitches for Sidmouth Folk Week had been handed over to the Streetscene Events team and income generated would go to the Streetscene service

The vote on the recommendation in the report was taken by roll call. The following Members voted in favour of the recommendation; Cllrs J Whibley, K Bloxham, M Chapman, A Dent, S Gazzard, M Hartnell, G Pratt, B Taylor and T Wright.

There were no votes against and no abstentions.

RESOLVED

1. That the report be noted
2. That the recommendation be made to full Council to approve the additional budget of £40,545 to enable recruitment of the additional posts as identified in the report.

RECOMMENDATION TO FULL COUNCIL

That Council approves the additional budget of £40,545 to enable recruitment of the additional posts as identified in the report [Committee Update report].

7 Gambling Policy report

The Licensing Manager presented his report which updated the Committee and sought approval to commence consultation on the draft Gambling Policy. It was noted that Gambling Policies generally mirror each other across other local authorities in Devon.

In response to the report, Cllr Millar proposed the development of a detailed 'Local Area Profile' as soon as possible and also proposed that the Committee considers whether to recommend to full Council that East Devon should be a no casino area.

Discussion on the proposals for a detailed Local Area Profile and the district being a no casino area included the following points:

- Drawing up a district Profile should, if appropriate, also include Planning in the data gathering and drafting process
- A wide range of data including public health, housing and community groups should also be included in a more detailed Local Area Profile
- Evidence gathered in an updated and detailed Local Area Profile would strengthen the case for East Devon being a no casino area and this could be included in the draft Gambling Policy at the point when it is put to full Council for approval
- Due to time constraints it would not be possible to redraft a detailed Local Area Profile within the deadlines for consulting on the draft Gambling Policy
- Having a no casino policy would strengthen the Council's position in the future should an application ever come forward

The vote on the recommendation in the report was taken by roll call. The following Members voted in favour of the recommendation; Cllrs J Whibley, K Bloxham, M Chapman, A Dent, S Gazzard, M Hartnell, P Millar, G Pratt, B Taylor and T Wright.

There were no votes against and no abstentions.

RESOLVED

That, having considered the draft Statement of Gambling Policy (Appendix B to the report), the Committee approved the Licensing Service to start the formal public consultation process that is required by the legislation.

The vote on the proposal by Cllr Millar regarding development of a Local Area Profile with a view to consideration for a no casino policy in the future was taken by roll call.

The following Members voted in favour of the recommendation; Cllrs J Whibley, K Bloxham, M Chapman, A Dent, S Gazzard, M Hartnell, P Millar, G Pratt, B Taylor and T Wright.

There were no votes against and no abstentions.

RESOLVED

That the Licensing Authority commissions a piece of work on local area profiling with regard to gambling with a view to considering a no casino policy in the future.

8 Temporary Taxi Policy report

The Licensing Manager presented his report which updated the Committee with amendments to the Temporary Covid Taxi and Private Hire Licensing Policy and sought approval to continue its need until 31 December 2021.

It was noted that feedback from the taxi trade showed support for an extension to the temporary policy which had assisted licencees during the Covid-19 pandemic.

The vote on the recommendation in the report was taken by roll call. The following Members voted in favour of the recommendation; Cllrs J Whibley, K Bloxham, M Chapman, A Dent, S Gazzard, M Hartnell, G Pratt, B Taylor and T Wright.

There were no votes against and no abstentions.

RESOLVED

1. That the update of the temporary Covid Taxi & Private Hire Licensing Policy be noted
2. That the continuance of this temporary policy that exists in addition to the full Taxi and Private Hire Licensing Policy, being extended to 31 December 2021 be approved.

9 Pavement Policy report

The Licensing Manager presented his report on the update on Pavement Licences – Business and Planning Act 2020.

Members' attention was drawn to point 4.2 of the report regarding permanent café Pavement Licences which were still managed by Devon County Council on highways land. It was noted that the Government had only recently confirmed that the temporary arrangement for Pavement Licences being managed by District Councils would be extended until 30 September 2022.

In response to a question, the Licensing Manager advised that sufficient space must be available for tables and chairs when considering a Pavement Licence. Sitting out consents for tables and chairs on grass were administered by the Streetscene team.

It was agreed that information be made available to ensure that businesses are aware of the continuing arrangements for temporary Pavement Licences.

The vote on the recommendation in the report was taken by roll call. The following Members voted in favour of the recommendation; Cllrs J Whibley, K Bloxham, M Chapman, A Dent, S Gazzard, M Hartnell, G Pratt, B Taylor and T Wright.

There were no votes against and no abstentions.

RESOLVED

1. That the Committee noted the update of the report with regard to the process adopted in July 2020 for issuing temporary Pavement Licences that was due to expire on 30 September 2021, and
2. That the Committee agreed with continuance of the adopted application process, conditions and fee for temporary Pavement Licences as provisions are being extended to 30 September 2022.

The Chair thanked the Licensing Team and the Licensing Manager for his reports.

Attendance List

Councillors present:

J Whibley (Chair)
K Bloxham (Vice-Chair)
M Chapman
A Dent
S Gazzard
M Hartnell
P Millar - attended remotely via the Zoom app
G Pratt
B Taylor
T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Giles Salter, Solicitor
Rebecca Heal, Solicitor
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager
Alethea Thompson, Democratic Services Officer

Councillor apologies:

I Chubb
P Jarvis
T Woodward

Chair

Date: