

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Thursday, 2 September 2021 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)

Councillor Mrs B Brooks, Councillor S Carlton, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker, Councillor Wildgust and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor R White (Vice-Chairman), Councillor L Brazier (Committee Member), Councillor M Cope (Committee Member) and Councillor P Harris (Committee Member)

9 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

10 DECLARATION OF ANY INTENTION TO RECORD MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

11 MINUTES OF THE MEETING HELD ON 10 JUNE 2021

AGREED that the Minutes of the meeting held on 10 June 2021 were a correct record and signed by the Chairman.

12 FORWARD PLAN - OCTOBER 2021 TO SEPTEMBER 2021

AGREED that the Forward Plan for the period 1 October 2021 to 30 September 2022 be noted.

13 REVIEW OF POOL OF POTENTIAL CONDITIONS

The Committee considered the report presented by the Business Manager – Public Protection which sought Members’ comments on the pool of potential conditions that were available for use when considering the appropriate conditions to attach to a licence.

The report set out the three ways in which conditions could be attached to a licence and under what circumstances Members’ would consider applying them, noting the statutory guidance on this matter. A list of the potential conditions were attached as Appendix 1 to the report.

In considering the report a Member suggested that Condition No. 4 relating to the closure of doors and windows during regulated entertainment would be difficult to enforce during the current pandemic. This was acknowledged by the Business Manager.

A Member queried whether there were any conditions available in relation to the use of fireworks. The Business Manager advised that some premises within the district did have conditions relating to the use of fireworks. He also advised of the legalities surrounding their use in that they could be discharged before 23:00 hours on any day and after that hour on 5 November and 31 December only. Members agreed that this should be given consideration noting the potential to frighten livestock in the district's rural areas.

AGREED (unanimously) that:

- (a) the review of the 'pool of conditions' be supported; and
- (b) further consideration be given to:
 - (i) enforcement of proposed Condition No. 4; and
 - (ii) the application of a condition relating to the use of fireworks.

14 UPDATE ON PUBWATCH SCHEMES IN NEWARK & SHERWOOD

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members on the Pubwatch schemes currently operating in the Newark & Sherwood district.

The report set out that Pubwatch was a voluntary organisation set up to promote best practice with its aim being to achieve a safer drinking environment in all licensed premises throughout the UK. There were currently 3 active schemes in the district: Newark; Southwell and Ollerton who met on a monthly basis. Details of the use of Schemelink were included within the report. The report proposed that a number of standing agenda items be produced for each of the schemes, although inclusion of them would be at the discretion of the Chairman of that group.

In considering the report the Chairman advised that she had regularly attended the Newark scheme and that it was her intention to also attend the Southwell and Ollerton schemes. She added that the Chairman of the Newark scheme was to be invited to the next meeting of the Licensing Committee in November.

A Member suggested that it would be beneficial if, when attending, the Chairman or Vice-Chairman took another Member of the Committee with them. The Chairman advised she would consider the suggestion.

A Member referred to previous visits undertaken by Members of the Committee to licensed premises within the Newark area and suggested that this also be considered for the future. The Business Manager advised that this would be difficult to organise at present but would look to organise something for the beginning of 2022.

AGREED (unanimously) that the local Pubwatch Groups be supported.

15 REVIEW OF PAVEMENT LICENCES IN NEWARK

The Committee considered the report presented by the Business Manager – Public Protection which provided Members with an update on the current law with regard to Pavement Licences and the update within the district.

The report set out that the Business & Planning Act 2020 had been enacted to support business with arrangements to trade effectively during the controls imposed as part of the combatting of the coronavirus. Included within the Act was a new legal framework for issuing pavement licences which would complement the existing framework within the Highways Act 1980. Paragraph 3 of the report set out the local picture, advising that 3 licences had been issued within the district. The report also stated that under the Act it was not an offence to trade on the pavement without a licence and therefore there could be no formal enforcement of none licence holders.

In response to a request from a Member that they be provided with a list of those premises which held a licence, the Business Manager advised that they could only provide such a list for licenses issued by the Council and that this would not include those issued by Nottinghamshire County Council under existing legislation.

Members noted the issues created by the two separate issuing regimes and that only the County Council had enforcement powers. They requested that the County be made aware of the licenses issued by NSDC. The Business Manager advised that County had been informed of the licenses issued and it was hoped that they used their enforcement powers again those operating without a licence.

AGREED (unanimously) that the impacts of the Business & Planning Act 2020 with regard to pavement licences be noted.

16 NITROUS OXIDE ISSUES IN LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which provided Members with information on the recreational use of nitrous oxide across the district and any corresponding issues within licensed premises.

It was reported that nitrous oxide was a colourless gas used by dentists as a sedative and anaesthetic agent. It was also used in the catering industry. Paragraphs 2.2 – 2.5 of the report set out how the gas was used other than what it was intended to be used for. It was reported that the supply of nitrous oxide was an offence enforceable by the Police but that it was not illegal to inhale the gas. Whilst the local concerns were reported in paragraphs 2.10 - 2.12 it was noted that there had been no reported incidents in licensed premises.

AGREED (unanimously) that the local position with regard to the use of nitrous oxide be noted.

17 MINUTES OF LICENSING HEARING FOR THE DAPPER SPANIEL

AGREED (unanimously) that the Minutes of the Hearing held on 14 June 2021 in relation to the Dapper Spaniel be noted.

18 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Business Manager – Public Protection in relation to the activity and performance of the Licensing Team between 1 April and 30 June 2021.

In considering the report a Member welcomed the effort made by licensed premises, referring specifically to those in rural areas, who had assisted with the supply of aid to those in need during the pandemic and beyond.

AGREED (unanimously) that the report be noted.

19 TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 APRIL TO 30 JUNE 2021

The Committee considered the report presented by the Business Manager – Public Protection in relation to the Temporary Event Notices (TENs) received between 1 April and 30 June 2021.

The appendix to the report listed all the TENs with Members noting that the number of applications was starting to recover from the previous year due to the pandemic.

AGREED (unanimously) that the report be noted.

Meeting closed at 7.00 pm.

Chairman