

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Broadcast from Castle House, Great North Road, Newark NG24 1BY on Thursday, 3 September 2020 at 6.31 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor R White (Vice-Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks,
Councillor R Jackson, Councillor Mrs S Michael, Councillor
Mrs S Saddington, Councillor I Walker and Councillor K Walker

APOLOGIES FOR ABSENCE: Councillor Mrs I Brown (Committee Member), Councillor S Carlton
(Committee Member), Councillor M Cope (Committee Member),
Councillor P Harris (Committee Member) and Councillor
Mrs Y Woodhead (Committee Member)

REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police & Crime Panels (Coronavirus) (Flexibility of Local Authority and Police & Crime Panel Meetings) (England & Wales) Regulations 2020.

23 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.

24 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.

25 MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2019

AGREED (unanimously) that the Minutes of the meeting held on 5 September 2019 be approved as a correct record and signed by the Chairman.

26 COUNTY WIDE BEST BAR NONE SCHEME FOR 2019/2020

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members as to the findings of the review of the current Best Bar None Scheme (BBN) Scheme.

The report highlighted that following the review it was felt that the element missing from the scheme appeared to be the measurement of customer experience and the enjoyment of the venue and the feeling of it being a safe place to visit. The review also brought to light the duplication between the requirements of the BBN scheme and the legal requirements for holding a licence. Officers from Nottinghamshire, who carried out the review, felt that the scheme should reflect something over and above

the legal requirements. It was reported that the proposed inclusion of customer experience did not form part of the national scheme and therefore discussions had been held with the national executive in this regard. They had responded favourably and asked for a local scheme to be developed for their consideration. The development of a local scheme had been delayed due to the Coronavirus Pandemic and whilst work was ongoing, it was not seen as a priority for local authorities or licensed premises.

AGREED (unanimously) that:

- (a) the outcome of the review of the Nottinghamshire County Best Bar None Scheme be noted; and
- (b) the delay of the scheme to spring/summer 2021 be supported.

27 REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

The Committee considered the report presented by the Business Manager – Public Protection which sought to report to Members the findings of the additional consultation with Parish Councils and the Police on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.

It was reported that additional consultation had been carried out with the parishes listed in paragraph 3.2 of the report following concerns expressed by Members about the responses received to the initial consultation conducted. The responses to the additional consultation were listed within the report. Additional consultation was also carried out with a number of different parishes who had a Drinking in a Public Place Order (DPPO) in place. Due to the delay in progressing this matter as a result of the Coronavirus Pandemic a further round of consultation was carried out at the end of July with the responses received being reported in paragraph 3.11 of the report.

In considering the report and the proposals as listed in paragraph 4.0 of the report, all Members again expressed their concerns about the revocation of the current DPPOs, stating that they provided a useful tool as a deterrent and their removal would increase the potential for alcohol related incidents to increase. Members also advised that from their discussions held with the Police they were in agreement with the retention of the Orders. The Business Manager advised that he had also spoken with the Police, mainly about anti-social behaviour (ASB) and that they were looking to control that through ASB legislation and not alcohol controls.

The Business Manager advised that the old DPPOs were made without a requirement for reviews or assessments to be carried out but that the new PSPOs were evidence based and were subject to review. Members agreed that it better to keep the orders in place to act as a deterrent. It was proposed and seconded that all the current DPPOs as listed in the report remain in place.

AGREED (unanimously) that:

- (a) contrary to Officer recommendation, the DPPOs in place in the following parishes remain in place:

Farnsfield; Balderton; Blidworth; Edwinstowe; Sutton on Trent; and Rufford Country Park;

(b) a Public Space Protection Order be agreed in:

Southwell; Clipstone; Ollerton & Boughton; and Rainworth (as shown on Maps 1 to 4 attached to the report);

(c) the terms of the Order, as noted in paragraph 4.3 of the report, be approved; and

(d) the fixed penalty level for all PSPOs is set at £100.00 reduced to £75.00 if made within 14 days be approved.

28 REGULATION OF DOOR STAFF AT LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought Members’ approval for initiatives aimed at improving the regulation of door staff at licensed premises.

The report set out the criteria that applicants for a Security Industry Authority (SIA) licence have to meet before they are granted a licence and what holders of a licence must do. It was noted that the SIA were the main enforcement authority for the regulation of door supervisors but that it was recognised that local authority licensing staff had an important role to play. It was further noted that local authority staff could be authorised by the SIA to enforce the law with regard to door supervisors and that the Council had duly authorised two Licensing Enforcement Officers to undertake licence checks of door supervisors in the district.

Paragraph 3.0 of the report set out that the number of venues in the district required to provide door supervisors was small compared to some other towns but that occasional reports of poor behaviour by staff were received. Members noted that it was proposed that the Licensing Enforcement Officers would hold annual meetings with door staff and their employing organisation who operate in the district to set out the approach that the Council expected from them. This would have some elements of enforcement but would also take a wider approach and include elements of safeguarding of vulnerable people and the wider promotion of the night time economy.

AGREED (unanimously) that an annual meeting with door supervisors be organised in an appropriate Covid-19 secure manner.

29 BUSINESS & PLANNING ACT 2020 AND IMPLICATIONS FOR LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought Members approval for the implementation of the Business & Planning Act 2020 in relation to pavement licences and other impacts on licensed premises. It was noted that the Act had been introduced to support business with arrangements to trade effectively during the controls imposed as part of the combatting of the Coronavirus Pandemic.

The report set out for Members the background of the new legal framework for pavement licences and the powers that had been given to district and borough councils who would be required to process applications for them. Details of the application process, together with the necessary consultations and conditions were included in the report. Also included within the report was information as to the changes made to the Licensing Act 2003 in relation to off-sales. Paragraph 3.0 of the report set out the proposals, with the introduction of a scheme of delegation, some proposed conditions to be attached to licences and the organisations to be consulted on each application.

In considering the report Members commented on a number of issues. In relation to pavement licences Members stated that these would be acceptable on wide pavements and that a minimum width should be set. The Business Manager advised that it was necessary to consult the Highways Authority for each application and would expect this type of issue to be raised.

A Member raised concern as to the potential hours of operation and that any consultations were properly scrutinised by the relevant organisation. The Business Manager agreed that hours of operation did cause some concern but it was hoped that the extended consultation base would provide responses as to the potential impacts.

The use of glass outside on pavement areas was also raised as a concern, especially during the hours of darkness should they get left on the ground or dropped and smashed. The Business Manager advised that many premises adopted the use of polycarbonate glasses as part of their premise licence. He also added that it was possible to review, amend or add to the conditions attached to a licence.

AGREED (unanimously) that:

- (a) the scheme of delegation set out at Appendix 1 be approved;
- (b) the fee of £50 for application and £25 renewal be approved;
- (c) the standard conditions attached as appendix 2 be approved; and
- (d) the list of consultees as below be approved:
 - Highways Authority
 - Nottinghamshire Police
 - NSDC Planning Business Unit
 - The relevant Town or Parish Council
 - NSDC Environmental Health

30 LICENSED PREMISES AND THE REGULATION OF CORONAVIRUS CONTROLS

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members on the actions taken to implement the coronavirus controls in licensed premises.

The report set out the issues that had arisen subsequent to the closure of all bars, pubs, night clubs and cafes at midnight on 20 March 2020 and the response and actions taken by the Licensing Team of Newark & Sherwood District Council. Also contained in the report were the broad requirements necessary for those premises to

re-open from 4 July, with it being noted that these were guidance and not law. Again, the response and actions taken subsequent to the re-opening of the aforementioned premises were detailed in paragraph 3.0 of the report.

In considering the report Members expressed their thanks for all the work undertaken by Officers, adding that the public must also take responsibility for their own safety.

In relation to the outbreak at the factory located in Newark, a Member queried as to why the premise had not been closed and deep cleaned. The Business Manager advised that whilst employees were testing positive, there was no obvious connections within the actual premises but more so externally. The workers had been required to self-isolate if positive as were those that had been in contact with them. Members agreed that the course of action taken had worked as the number of positive cases had fallen.

AGREED (unanimously) that the actions taken in relation to licensed premises and Covid-19 actions be noted.

31 MINUTES OF LICENSING SUB-COMMITTEES

31a 10 October 2019 - Mccarroll's Barbers

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of McCarrolls Barbers held on 10 October 2019 be noted.

31b 17 June 2020 - RSPB

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of the RSPB held on 17 June 2020 be noted.

31c 4 August 2020 - 29 Appleton Gate

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of 29 Appleton Gate held on 4 August 2020 be noted.

32 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Senior Licensing Officer in relation to the activity and performance of the Licensing Team between 1 January and 30 June 2020.

AGREED (unanimously) that the report be noted.

33 TEMPORARY EVENT NOTICES - JANUARY TO JUNE 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the Temporary Event Notices received between 1 January and 30 June 2020.

AGREED that the report be noted.

34 FORWARD PLAN

AGREED that the following items be added to the Committees Forward Plan for consideration at the next meeting scheduled for 12 November 2020.

- Update Report on the County Wide Best Bar None Scheme
- Update Report on Door Staff at Licensed Premises
- Update Report on Business & Planning Act 2020 and Implications for Licensed Premises, specifically Pavement Licences.
- Test Sales with Supermarkets, including the wearing of face masks

Meeting closed at 7.35 pm.

Chairman