

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 3 JUNE 2019 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER.

Present:

Cllr Allison Bucknell, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Mike Hewitt, Cllr Peter Hutton (Chairman), Cllr George Jeans, Cllr Leo Randall and Cllr Peter Evans

Also Present:

Julie Anderson-Hill (Head of Service – Culture and Operational Change, Waste and Amenity), Emma Batchelor (Public Protection Officer – Licensing), Linda Holland (Licensing Manager), Tom Ince (Amenity Partnership Team Leader), Sarah Marshall (Senior Solicitor), Lisa Pullin (Democratic Services Officer) and Peter White (Enforcement Manager)

13 Apologies/Substitutions/Membership Changes

Apologies were received from Councillors Trevor Carbin, Jim Lynch, Pip Ridout and Ian Thorn.

Councillor Atiquel Hoque was substituting for Councillor Pip Ridout.

Following the annual meeting of Council the following changes to the members of the Committee were noted:

Councillor John Smale off – Councillor Peter Evans on.

Councillor Atiquel Hoque on as substitute Member, Councillor James Sheppard off as substitute Member.

14 Minutes

The minutes of the meeting held on 11 March 2019 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 11 March 2019 be approved and signed as a correct record.

15 **Chairman's Announcements**

The Chairman, Councillor Peter Hutton made the following announcements:

Thank you to all Members for their attendance at recent Sub Committee hearings. Two review hearings had resulted in Premises Licences being revoked by the Sub Committee.

You are all aware that a training session for Members is planned to follow this meeting. For clarity, the training will become the new Agenda item 8 so that the details of what training was presented is noted in the minutes.

16 **Declarations of Interest**

There were no declarations of interest.

17 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting and no press or public were present at the meeting.

18 **Minutes of the Licensing Sub Committees**

Western Area

16/04/19 Application for a Variation to a Club Premises Certificate – Westbury Conservative Club, Alfred Street, Westbury

Resolved:

That the Minutes of the meeting detailed above be approved and signed as a correct record by the Chairman.

19 **Update from the Licensing Authority Working Group**

Julie Anderson-Hill (Head of Service for Culture and Operational Change, Waste and Environment) introduced her Team – Peter White, (Head of Enforcement). Pete explained that the hackney carriages/private hire licensing had previously been part of the Fleet Team, but this had now moved across to sit under him within the Enforcement Team. Tom Ince (Amenity Partnership Team Leader) had moved across to work under Peter. There were currently a team of 4 working on hackney carriage/private hire licensing but two of these staff had only recently commenced and would require a number of months to get them up to a suitable knowledge standard.

It was agreed that a list of Officers within these Teams in particular areas would be shared with Members following the meeting.

The Committee considered the Terms of Reference for the Licensing Authority Working Group which the Working Group had approved at their meeting on 22 May 2019. The Committee confirmed that they were in agreement to adopt these Terms of Reference.

Members asked the following questions;

Q Are the vehicle MOTs sufficient to ensure the safety of the users of taxis in Wiltshire?

A We check that MOTs are in place on the vehicles that we licence, and we do six monthly inspections. We have stricter rigorous standards which are over the current legal requirements.

Q Is there an age restriction on vehicles that are licenced in Wiltshire?

A We are reviewing our current age restrictions on vehicles as it may be that whilst a car could be older, the mileage could be lower and the vehicle could be used as a wheelchair accessible vehicle.

Q Do we have a fleet of taxis that is 100% wheelchair accessible?

A No. As mentioned earlier, we are looking at relaxing some of our age of vehicles criteria to allow older cars that are wheelchair accessible to be used.

Julie gave an update to the Committee on behalf of the Licensing Authority Working Group and highlighted the following:

- The Working Group have met on two occasions since March;
- At the first meeting a number of actions were requested of Officers and updates on progress of these were reported at the second meeting;
- Uber are NOT currently licenced as a private hire operator in Wiltshire, but this does not mean that they cannot operate their service in Wiltshire. Uber take bookings via their office in Bath, where they are licensed, or via their app and subcontract them to Wiltshire licensed hackney carriage drivers/vehicles. A hackney carriage can be used as a private hire vehicle and is not subject to the same operator's licence requirements that a private hire driver would be;
- The law allows a licensed private hire driver and vehicle to work and pick up from anywhere within the Country if the journey is pre-booked;

- The Fleet Licensing Team believe that any driver working for Uber and taking private hire bookings should hold a Private Hire Operators Licence. It is proposed to update the Council's driver and vehicle guidelines to state that any driver or vehicle operating on behalf of Uber must hold the above operator's licence. The Team have contacted the Council's Legal Team for guidance on the above and whether it can be legally implemented. A briefing note for all Members on Uber will be circulated following the meeting;
- The Fleet Licensing Team had confirmation from the Passenger Transport Team that any school contractors based outside of the County must comply with Wiltshire's licensing rules and they will also have an enhanced DBS for each driver;
- Wiltshire is a member of the National Anti-Fraud database and are looking into subscribing to the National Refusal database where they can check if drivers/operators have any suspensions/revocation of any licences;
- Officers were in the process of reviewing the safeguarding training and were working with HR and IT to look to produce an online version of the training which drivers would be requested to come in and complete at a Hub as it was thought that some training may be completed by operators on their behalf. Officers wanted to be assured that it was being completed by drivers;
- The issue of CCTV in vehicles was being looked at with advice being sought from the Council's Legal and Information Governance Teams awaited;
- The taxi tariff/fare levels had not been reviewed since they were agreed in 2014. The costs of licences had risen between 5% and 10%;
- Only one written complaint had been received about the high price of fares in Salisbury. Officers want to work with the trade to ensure that the tariffs work for them and a meeting with the trade was planned for 10 June to discuss this with them;
- Officers were committed to ensure that Wiltshire had the best taxi service for all going forward; and
- It was not yet known when the responses to the Government consultation "Taxi and private hire vehicle licencing: protecting users" that ran from February to April 2019 would be published. It was expected that there may be recommendations arising from this and that we may have already implemented some of them.

The Chairman thanked the Working Group Members for their contributions and acknowledged that there had been a lot of information to take on. He also thanked Officers for their prompt response to the actions raised. A detailed report on behalf of the Working Group would be presented to the Committee at their meeting on 2 September.

A Member expressed surprise that there had only been one complaint from Salisbury in relation to the tariff rates. He felt that Salisbury's night time economy was in decline because of the tariff rates.

Officers confirmed that some verbal complaints had been received from drivers in the Salisbury area about the tariffs and they had been asked to put these concerns in writing, but none had been forthcoming. Officers were planning to engage with the trade representatives at the trade meetings and get the message across that they welcome the views from drivers in all areas.

A Member asked if further letters of complaint were received could the tariffs be lowered, to say tariff 2?

Officers confirmed that the rest of Wiltshire went up to Salisbury's tariff in 2014. Some drivers in other areas in Wiltshire have indicated that they would like a small rise to the tariff rates which is against the Salisbury area view that the fare levels are too high. The fees have gone up, but the tariffs are only a maximum that can be charged. Officers want to work with the trade and may investigate different ways of providing transport where needed, particularly in Salisbury. It could be that Salisbury businesses could support buses that could go to the outline areas of Salisbury or the military bases?

Officers would continue to review the tariff based on evidence, they were also surprised there was only one letter of complaint, but they would need substantive information to consider lowering the tariffs as the operators will then report that they cannot run the business as it would be making a loss.

A Member asked what is stopping Uber coming into Wiltshire? Officers reported that Uber could apply to operate in Wiltshire and they would need to have a base within Wiltshire to do this.

Officers explained how the tariffs work and the charges that can be made depending on the time of the journey. Members were reminded that a journey can be pre-booked and a fare agreed without having to use the meter.

Resolved:

- 1. That the Licensing Committee adopt the Terms of Reference (as below) as recommended by the Licensing Authority Working Group.**

- i) **In relation to hackney carriage and private hire vehicles licensing for Wiltshire the Licensing Authority Working Group will consider/review the following:**
- **Wiltshire's hackney carriage maximum tariffs/fare levels**
 - **The introduction of literacy and language tests for drivers**
 - **Enhanced safeguarding for proprietors**
 - **Use of accessible vehicles for wheelchairs**
 - **Use of CCTV in hackney carriages and private hire vehicles**
 - **The use of enforcement on taxi ranks**
 - **Use of Uber within Wiltshire**
- ii). **To make any evidenced recommendations to the Licensing Committee for improvement/approval as appropriate.**
2. **That the Licensing Committee note the update from the Licensing Authority Working Group.**

20 **Continuous Professional Development for Members - Training**

A training/update session for Members was then held between 11.15 and 12:50pm.

The following Members were present:

Councillors Allison Bucknell, Trevor Carbin (from 12pm), Peter Evans, Sue Evans, Gavin Grant, Jose Green, Mike Hewitt, Atiqul Hoque, Peter Hutton, George Jeans, Leo Randal and Graham Wright.

Enforcement – Scrap Metal

Pete White (Enforcement Manager) gave details of the role of the Enforcement Team and in particular their working into scrap metal dealer licensing and enforcement. A copy of the slides referred to is attached as Appendix 1.

Temporary Events Notices

Linda Holland (Licensing Manager) gave an overview of TENS. A copy of the slides are attached as Appendix 2.

Licensing Act Hearings

Linda Holland (Licensing Manager) and Sarah Marshall (Senior Solicitor) gave an overview of Licensing Hearings. A copy of the slides are attached as Appendix 3.

Appendix 1 - Scrap Metal Licensing and Enforcement

Appendix 2 - Temporary Events Notices

Appendix 3 - Licensing Act Hearings

21 **Dates of Future Committee Meetings**

Members noted the date of future meetings of the Licensing Committee as detailed below, all to start at 10.30am

2 September 2019

2 December 2019

2 March 2020.

22 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 12.55 pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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Enforcement Service

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Peter White

03 June 2019

Scrap Metal

What do we do?

- The Enforcement Team are the principal authority to investigate and prosecute identified environmental and highway offenders, including reports from the Police for resolution. Current team composition; 6 officers (2 x FTE Churchfields; 2 x FTE Kennet House; 2 x FTE Melksham)
- Principal support of all relevant legislation
- Fly-tipping investigations including; formal interviews under caution, case files, fixed penalty notices, prosecutions and covert camera surveillance operations
- Enforce littering offences
- Controlled waste duty of care documentation inspections
- Service of Statutory Notices
- Advise/educate businesses and public on their waste responsibilities

What do we do?

- Abandoned vehicles
- Unauthorised encampments
- Vehicles for sale on the highway
- Obstructions and encroachments on the highway
- Joint Intelligence/Operational partnership working
- Street trading consent
- **Scrap metal dealer licensing and enforcement**

Scrap Metal Dealers Act 2013

- Site and collectors licence valid for 3 years
- Substantially improved powers
- Licences can be refused/revoked based on suitability of applicant
- Police, EA & Council can inspect sites and prosecute for not being registered and not keeping records
- Offences for buying scrap metal for cash
- Includes someone carrying on the business as a motor salvage operator
- Scrap collectors must by law display photo licence in vehicle windscreen



Licensed Dealers

Licensed Sites & Collectors to date (Wiltshire):

Site:	25
Collectors:	16

- 3 year renewal period due October 2019
- Increase of applications received due to well publicised convictions of unlicensed dealers



Scrap Metal Enforcement Actions

Enforcement Stats July 2018 to date:

Prosecutions (unlicensed collector):	7
Fines, Costs & Victim Surcharge total:	£11,596
Pending Prosecutions (with legal):	3
Pending investigations:	4





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Temporary Event Notices

June 2019





What is a Temporary Event Notice?

- A temporary event notice can be used for a one off event such as a summer fete or a birthday party in a village hall.
- They can also be used to apply for an extension of hours or additional licensable activities in a premises that is already licenced.
- The event must involve no more that 499 people at any one time including staff and performers.
- The event can last no more than 168 hours (7 days) with a minimum of 24 hours between events at the same premises.

Who can apply?

- Individuals over 18.
- Personal Licence holders are able to apply for up to 50 TENS per year.
- Non-personal licence holders can apply for 5.
- Each single premises can have up to 15 TENS per year.



How many TENs did we receive last year?

2160

Applying for a TEN

- 10 clear working days before the event.

Fri 13 th	Sat 14 th	Sun 15 th	Mon 16 th	Tue 17 th	Wed 18 th	Thur 19 th	Fri 20 th	Sat 21 st	Sun 22 nd	Mon 23 rd	Tue 24 th	Wed 25 th	Thur 26 th	Fri 27 th	Sat 28 th
Day 0	*	*	Day 1	Day 2	Day 3	Day 4	Day 5	*	*	Day 6	Day 7	Day 8	Day 9	Day 10	Event Day

- The form must be completed in **black ink** and CAPITAL LETTERS.
- They are £21
- A copy of the TEN must also be sent to the police at least 10 working days before the event.
- Where the applicant is aware that there may be crime and disorder issues that the Police will wish to consider, it is suggested that additional details are provided in addition to the minimal information that the application form requires.

Applying for a Late TEN

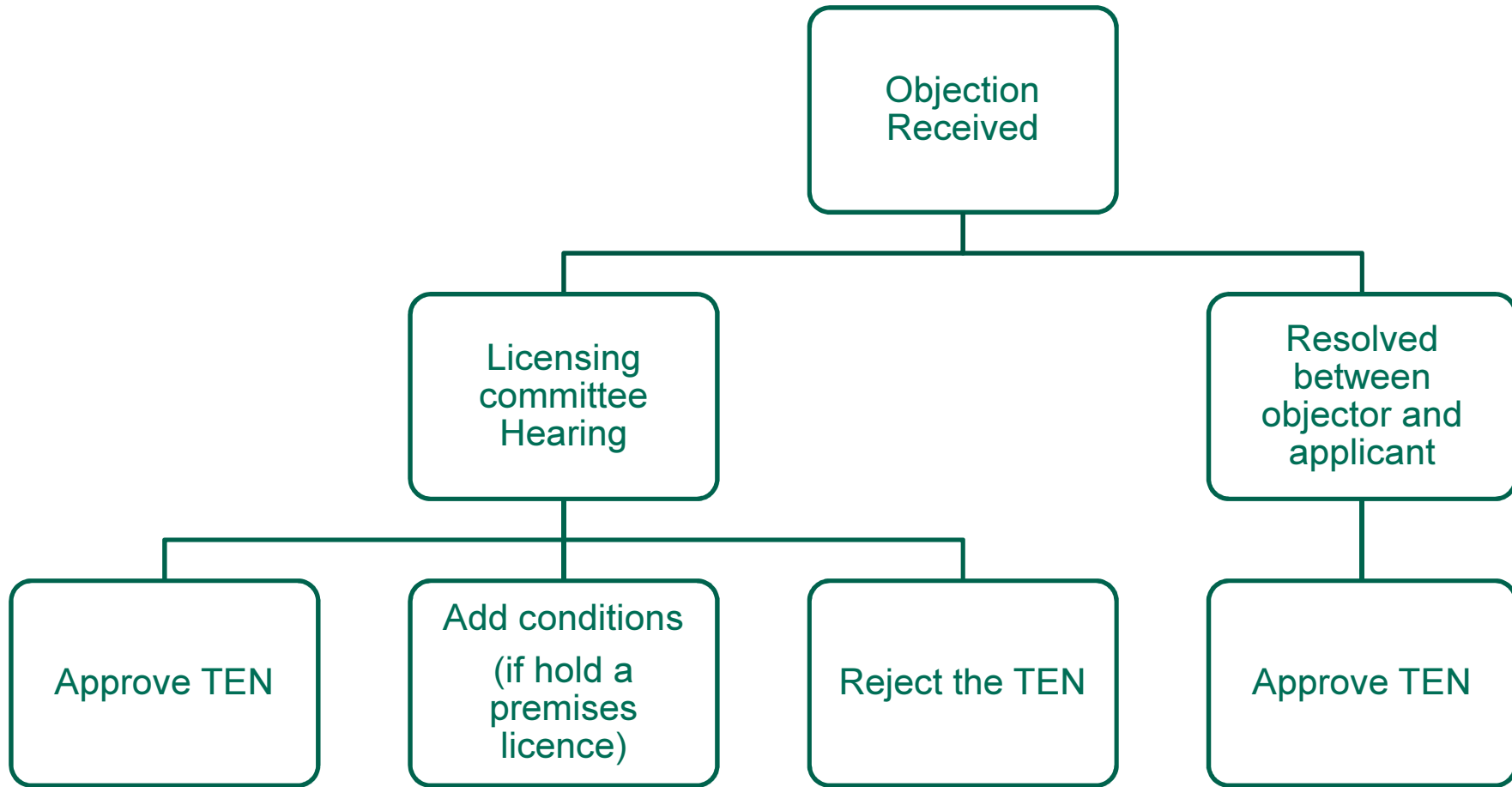
- 5 clear working days before the event (but not earlier than 9 clear working days).
- 2 late TENs per year. If you hold a personal licence, the limit is 10.
- Late TENs count towards the total number of permitted TENs.



Can anyone object?

- Both Police and Licensing Authority exercising Environmental Health functions have three working days to object
- The objection must be on the grounds of any of the four licensing objectives.
- If there are objections to late TENs a counter notice will be issued which cannot be appealed.

Objection process



Once the application is received

- The Licensing Authority can object if the number of TENS issued in any year by either the applicant, or the premises have been exceeded.
- If no objections are received then the event can take place.
- If objections are made these will either need to be resolved or taken to a hearing which will determine whether the event will be: permitted, with or without conditions (if a licence is already in place) or prohibited.
- If there are objections to late TENS a counter notice will be issued which cannot be appealed.

Withdrawing notices

- Temporary notices can be withdrawn by the applicant.
- Both the Licensing authority and the police should receive a withdrawal notice no later than 24 hours before event.

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LICENSING ACT 2003 Hearings




June 3rd 2019

Key Objectives

The Act is designed to meet the Government's four key **Licensing Objectives**:-

- Prevention of crime & disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Types of licenses and hearings we determine ?

Licensing Act 2003 Licence		LN/0000XXXX
ISSUING LOCAL AUTHORITY	 Where everybody matters	
PART 1 – PREMISES & LICENCE HOLDER DETAILS		
POSTAL ADDRESS OF PREMISES, OR IF NONE, ORD/ANCE SURVEY MAP REFERENCE OR DESCRIPTION		
Dog and Duck		
NAME, (REGISTERED) ADDRESS AND CONTACT DETAILS OF HOLDER OF PREMISES LICENCE		
Mr Will Beer Ale House, Bottle Lane		
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER		
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL		
Mr James Cann 99 Swansea Lane, Barking,		
ISSUING AUTHORITY AND PERSONAL LICENCE NUMBER HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL		
Colchester Borough Council 992365		
WHERE THE LICENCE IS TIME LIMITED - THE DATES AND TIMES		
Not Applicable		
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND /OR OFF SUPPLIES		
ON and OFF the premises		
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED		
Yes - The provisions of Section 145 of the Licensing Act 2003 apply		

- Premises Licences
- Personal Licences
- Licence Reviews
- Variation of Licences

Licensable Activities

- the sale by retail of alcohol



- the supply of alcohol by or on behalf of a club to a member of the club



- provision of regulated entertainment



- provision of late night refreshment



What happens next ?

- Where no representations are made the licence must be granted as applied for, subject only to the conditions consistent with the operating schedule.
- Where representations are made the applications must be referred to the Councils Licensing Committee through the area Licensing Sub Committee to be determined within the statutory timescales.

Who can make a representation ?

Responsible authorities

- Wiltshire Police
- Wiltshire Fire & Rescue
- Planning
- Enforcing agency for health & safety
- Trading Standards
- Child protection agency
- Licensing Authority
- Public Health
- Any other persons

Representations can be in favour of, or against an application

On what grounds can a representation be made?

Representations must be:-

- Made in writing clearly stating reasons for objection
- Linked to at least one of the key licensing objectives
- Specific to the premises and the application
- Within the legal consultation period (28 days)

Representations that fail to comply with the requirements of the Act cannot be considered and are deemed irrelevant and must be rejected.

Hearing Details: The Licensing Act 2003 Hearings Regulations

- **Schedule 1:** Timescales depending on the type of hearing The Licensing Act 2003 Hearings Regulations. *Where the hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.*
- **Schedule 2:** Persons to whom notice of hearing should be given.
- **Schedule 3:** Documentation that should be supplied with notice of hearing.

Licensing Officers have a responsibility to:

- Check validity of the representation's
- Advise applicant valid representation's received.
- Contact Democratic services to ask for a hearing to be arranged (at the earliest opportunity)
- If possible offer to mediate between the parties
- Advise all parties of date and time of hearing
- Assemble hearing report and associated documentation

Following receipt of notice of hearing

A party should advise the authority:

- Whether they intend to attend or be represented at the hearing; if they wish additional person to appear at the hearing, they must request permission for any such persons to appear.
- Whether they consider a hearing to be unnecessary
- *Prescribed time scales apply*

Hearing Report Templates

WILTSHIRE COUNCIL
NORTHERN AREA LICENSING SUB COMMITTEE
DATE OF MEETING 29th November 2012

Application for Review of a Premises Licence: WOMAD Charlton Park Estate
Charlton Park Malmesbury, Wiltshire SN16 9DG

1. Purpose of Report
- 1.1 Supplementary report to Licensing Officer's report dated 12th July 2012 to outline additional information, following two previous adjournments of this review hearing.
2. Additional Information
- 2.1 Additional papers have been submitted by Wiltshire Police on 16th November 2012 in support of their review application.
- 2.2 The previous two hearings dates have been set aside to enable ongoing negotiations / discussions between Wiltshire Police and World in the Park Limited to take place.
- 2.3 Wiltshire Police have proposed a number of additional conditions they wish to see applied to the operating schedule of World in the Park Limited licence to address their concerns, World in the park Limited have issued their own counter proposals, at the time of writing this report no agreement has been reached between the parties. However discussions are continuing.
- 3.0 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

Report Author: Mrs Linda Holland
Senior Public Protection Officer (Licensing) North and West,
linda.holland@wiltshire.gov.uk, Tel: 01249 706410
Date of report 20th November 2012

Agenda Item 5

WILTSHIRE COUNCIL
NORTHERN AREA LICENSING SUB COMMITTEE
4TH JUNE 2013

Police and Environmental Health Authority Objection Notice: Received in
respect of Four Temporary Events Notices for WOMAD Charlton Park,
Malmesbury Wiltshire SN16 9DG

1. Purpose of Report
- 1.1 To determine the Objection Notices received from Wiltshire Police and Wiltshire Council Environmental Protection team for four Temporary Events Notices in respect of WOMAD Charlton Park Malmesbury Wiltshire.
2. Background Information
- 2.1 Four Temporary Events Notices were served on the Licensing Authority and Wiltshire Police on Thursday the 16th May 2013 in respect of WOMAD Charlton Park Malmesbury Wiltshire. The Notices were not accepted until payment was received on Friday the 17th May.
- 2.2 If the police or the Environmental Health Authority believe that allowing the premises to be used in accordance with the TEN's will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN's.
- 2.3 An objection notice was received by the Licensing Authority from Wiltshire Police and Wiltshire Council Environmental Protection team on Wednesday the 22nd May 2013.
- 2.4 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the objection notices.
- 2.5 In accordance with Section 105 of the 2003 Act the Licensing Authority must, having regard to the objections give a counter notice on the basis of the objection, if it considers it appropriate to do so for the promotion of a licensing objective. Alternatively, it may impose on the Temporary Event Notice one or more of conditions that are on the existing premises licence for the same premises.

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Licensing Committee

- Under the Act, Licensing Authorities must form a Licensing Committee consisting of at least 10 members but no more than 15.
- A minimum of 3 Members form a Licensing Sub-Committee to determine applications
- To be able to participate in a Licensing hearing the members are required to have training commensurate with their role

Briefings

- **NOT** a 'practice' for the licensing hearing!
- What do you need to know for the informal briefing ?
- What should be contained in the précis of the report ?



Quasi-judicial body and natural Justice

- *The LA03 Licensing Committee (or an officer when acting under delegated powers) sits as a **quasi-judicial** body , therefore the rules of natural justice must always be followed:*

- Anyone affected by a decision has a right to be heard;
- No one should be a judge in their own cause
- The Council must not fetter its discretion by pre-judging (or pre-determining) an issue
- The Committee must consider each application on its merits (even if it appears to fly in the face of the Statement of Licensing Policy)



Licensing Committee and Sub-committees - Procedures

Can decide on own procedures subject to Regulation 21

- The procedures should be laid down
- Available to all
- Followed
- Kept up to date

Wiltshire Council has adopted its own hearing procedure

Composition of the Licensing Committee

Chair of the Committee:

- Should keep order
- Should explain Committee hearing procedures and ensure that they are followed
- Should announce the decision

Officers

Licensing Officer

- Reads out a précis of the report
- Explains any technical issues
- Is **not** a prosecutor
- Should not try to influence decision making in the absence of the applicant

Legal Officer – Clerk for the Committee

- Advises the sub committee on procedure and standing orders
- Advises on legal issues and retires with committee

Committee Clerk

- Ensures all papers are in order
- Takes minutes / record of hearing
- Records decision

Determining applications

Where an application is considered by the Sub Committee, the Committee will hear evidence from the:-

- Applicant and/or his appointed Solicitor or agent
- Responsible Authorities
- Persons who have made a valid representation



Determining applications

- Members of the Sub-Committee may ask any question of any party or other person appearing at the hearing
- Officers, responsible authorities, applicant and interested parties attending the hearing may also ask questions of persons in attendance
- Hearsay evidence is permitted but will all be given less weight than direct evidence
- Hearing is 'Inquisitorial' - to gather information
- No 'cross examination'

Closing Submissions

- The Chair will invite the applicant, and any parties making representations, or those representing any of them to briefly summarise their points if they wish.
- The Chair will confirm with each party that they are satisfied they have said all they wish to.
- The committee will disregard any information, which is not relevant to the application, representation or the promotion of the key licensing objectives

Deliberation and Decisions

- The Sub-Committee will retire to deliberate in private session
- Sub-Committee will **only** be accompanied by their Legal Advisor and their Committee Clerk

Basis of Decision Process

Each application that comes before Sub-Committee must be considered based on:

- Its own merits
- Promotion of the four licensing objectives
- Councils Statement of Licensing Policy; the Licensing Act and Regulations and any Guidance issued by the Secretary of State

Three Types Of Conditions

- **Proposed Conditions** - From a prospective licensee's or certificate holder's risk assessment which should be carried out prior to application. These are translated into steps recorded in the operating schedule.
- **Mandatory Conditions** – Included in every licence and or club premises certificate.
- **Imposed Conditions** – Discretion of licensing authority engaged following receipt of relevant representations.

Proposed Conditions

- Conditions that are necessary for the promotion of the four licensing objectives:
- Should emerge initially from a prospective licensee's or certificate holder's risk assessment.
- These are recorded in the operating schedule.
- Members will take into account the proposed conditions both during the hearing and whilst making their determination
-

Imposed Conditions

Licensing sub committee may only impose conditions that are:

- Appropriate to promote one or more of the four licensing objectives and enforceable
- Proportionate and premises specific
- Avoids duplication of other statutory provisions, however if these do not adequately address specific issues, supplementary measures may be necessary to promote the licensing objectives. i.e. to monitor noise nuisance.

Proportionality

- Licensing conditions must be tailored to size, type and characteristics and activities taking place at the premises concerned.
- Conditions must be proportionate and properly recognise significant differences between venues.

Clear wording

- Licensing Conditions must be expressed in an unequivocal and unambiguous terms to avoid legal disputes
- It must be clear to the holder of the licence or club certificate, to enforcement officers and to the courts what duty has been placed on them licence holder in terms of compliance
- When composing conditions the licensing sub-committee must consider how the condition can be enforced.

Basis of Decisions

- **All** determinations must include the **reasons** for the decision to grant or to revoke and any conditions placed upon the licence (if granted) and the licensing objective to which they relate
- Decisions will generally be given orally at the hearing and followed up in writing in a formal decision notice.

Notification of Determination

- Decision notice given in writing to all parties to the hearing within 5 working days
- Gives information on the appeal process
- Published on the Council Website

DECISION NOTICE
Northern Area Licensing Sub Committee
Decision made on 6 January 2012
In respect of an application for a Review of the
Premises Licence made by Ms L Penfold for the
Guildhall Bar, Malmesbury

Decision:
The Northern Area Licensing Sub Committee has
resolved to amend the Premises Licence for the Guildhall
Bar, Malmesbury as follows:

The Provision of Licensable Activities:

Films
Monday to Saturday 11.00 hrs to 23.00 hrs
Sunday 12.00 hrs to 23.00 hrs

Indoor Sporting Events
Monday to Saturday 11.00 hrs to 23.00 hrs
Sunday 12.00 hrs to 23.00 hrs

Live Music
Sunday to Saturday 20.00 hrs to 23.00 hrs

Recorded Music
Sunday to Saturday 20.00 hrs to 23.00 hrs

Performances of Dance
Monday to Saturday 11.00 hrs to 23.00 hrs

Appeals

- All parties have the right to appeal against the Council's decision
- Appeals must be made within 21 days of receipt of the decision notice to the magistrates court.



ANY QUESTIONS?

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