

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 2 SEPTEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Leo Randall and Cllr Pip Ridout (Chairman)

Also Present:

Cllr Peter Hutton

13 Apologies

Apologies were received from Councillors Nick Blakemore, Allison Bucknell and Simon Jacobs.

Councillor Bucknell was substituted by Councillor Bill Moss.

14 Minutes

The minutes of the meeting held on 18 February 2013 were presented. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

15 Chairman's Announcements

Through the Chair, the Service Director (Public Protection) announced details of the restructure of Licensing Services as a result of the council voluntary redundancy programme and other reviews. It was confirmed that the changes would be operational in nature, and that the role of the Committee itself would not be altered.

The Committee expressed its gratitude to all those staff that were leaving the council, and wished them well for the future. The need to maintain frontline Licensing services was stressed, and the challenge for the team to handle increased workloads noted.

The Cabinet Portfolio Holder for Public Protection, Councillor Peter Hutton, endorsed the comments of the Service Director, stating he had been very impressed by the professionalism of staff toward councillors and the public during challenging times, and reassured the Committee that concerns raised had been noted and would be managed appropriately.

Additionally, an update on statistics relating to Licensing Services was provided.

16 **Declarations of Interest**

There were no declarations.

17 **Public Participation**

There were no questions or statements submitted.

18 **Minutes of the Licensing Sub-Committees**

The draft minutes of all Licensing Sub-Committees between the 18 February 2013 meeting and the current meeting of 02 September 2013 were presented for consideration.

It was,

Resolved:

To **APPROVE** the minutes of the following Licensing Sub-Committee meetings:

Eastern Area

08.04.13 Application for an amendment to the Premises Licence at the Royal Oak, Easterton

15.04.13 Application for a Premises Licence, Ludgershall Development Centre, Ludgershall

Northern Area

12.04.13 Application for a Provisional Statement, SN15, 17a Station Hill, Chippenham

23.05.13 Application for a Variation to a Premises Licence, Reel Cinema, Marshfield Road, Chippenham

04.06.13 Applications for Temporary Event Notices, WOMAD, Charlton Park, Malmesbury

Southern Area

08.04.13 Application for a Premises Licence, Durrington Development Centre, Durrington

17.07.13 Application for a Variation of a Premises Licence, Eastern Chillout, Fisherton Street, Salisbury

Western Area

25.01.13 Application for a Review of a Premises Licence – Trowbridge Cricket & Sports Club, Lower Court, Trowbridge

16.04.13 Application for a Premises Licence; Edington Farm Shop & Three Dagers Brewery Bar, Edington

22.04.13 Application for a time limited Premises Licence by Sunrise Festival 2013 Ltd, Thoulston Park Golf Club, Thoulston, Chapmanslade

19 Review of Wiltshire Council's Statement of Licensing Policy

On 14 September 2012 the Licensing Committee considered a report on the new tools available to the Council when licensing premises in the county. At the time that the report was written the secondary legislation was not available and therefore the new tools could not be considered for inclusion into any subsequent review of the Councils Statement of Licensing Policy.

During the last twelve months three significant consultations have been carried out by the Home Office and the Department for Culture Media and Sports which have had further influence and change on Licensing legislation.

The Public Protection Manager (Licensing) therefore presented a report on the review of the Council's Statement of Licensing Policy. It was noted that government guidance had been reissued seven times since 2009 as part of the legislative changes that needed to be accounted for in the review. It was also stated that Area Boards would be added to the list of consultees for the review, and that where evidence suggested it was necessary, special policies could be created for specific areas, including but not limited to Milford Street in Salisbury as listed in the report.

A discussion followed, where it was confirmed that the Statement of Licensing Policy would need to be completed and approved for adoption by Full Council by November 2014, and that initial consultation was to begin as soon as the Committee approved it. Details were also sought regarding government proposals for licensing fees to be set more locally, and it was stated that for some areas fees might increase, while other area might see a decrease.

At the conclusion of discussion, it was,

Resolved:

To note the report and task Maggie Rae (Corporate Director) to carry out the next steps within the next twelve months as follows:

- **The Council must prepare and publish a new Statement of Licensing Policy before November 2014.**
- **All changes to licensing statute must be considered and included in the preparation of the Councils Statement of Licensing Policy.**
- **In the interest of giving communities a stronger say Area Boards should be added to the list of consultees when the statement has been prepared.**
- **Consideration should be given to the introduction of locally set fees when the statute allows.**
- **Emphasis must be given to the early engagement of applicants with the Licensing Authority and all Responsible Authorities where new Festival applicants are concerned.**
- **Further analysis of the available data and evidence in support of the adoption of a Special Policy for the Milford Street area of Salisbury needs to be carried out and a consultation process completed with all interested parties over a twelve week period.**

20 **Further Harmonisation of Hackney Carriage and Private Hire Licensing**

On 26 May 2010 the Licensing Committee considered and agreed a proposed set of harmonised conditions, administrative and enforcement arrangements for licensing hackney carriages (taxis), private hire vehicles, drivers and operators throughout Wiltshire. Further steps have now been proposed to finalise the process of harmonisation across the county.

The Head of Public Protection presented a report updating arrangements and recommending the introduction of a single zone for Wiltshire Council and one tariff which will apply throughout the single zone. Currently four zones existed, three of which were similar. Informal consultation had begun with taxi licence holders, and formal consultation would begin should the Committee approve it.

Additional proposals were to include a “zero tolerance” policy for alcohol and smoking, including a prohibition on the use of electronic cigarettes by drivers only.

A debate followed, where the enforceability of any “zero tolerance” policy in practical and legal terms was raised, and whether the inclusion could serve as a statement of positive intent at the least. There were discussions regarding

previous recommendations for smokers to utilize electronic cigarettes as a means to quit smoking only for drivers to be banned from using them, as well as the presence of electronic cigarettes undermining enforcement of genuine cigarettes due to the difficulties for officers to determine easily which were being used.

The difficulty of merging the four current zones into one was raised, and it was stated that following two and half years of a unified council area, although not without challenges, the process in harmonising tariffs would be less arduous and indications that those affected would be more receptive.

At the conclusion of debate, it was,

Resolved

That the Licensing Committee agree to:

- 1) The addition outlined in the condition D22 “No Smoking Policy” to include the use by drivers of electronic cigarettes.**
- 2) The inclusion of a “zero tolerance” statement on alcohol use by drivers, and,**
- 3) The principle of the future introduction of a harmonised zone for the whole of the Wiltshire Council area and one harmonised tariff to apply throughout the zone, and that formal consultation with the trade is commenced.**

21 Urgent Items

With the agreement of the Committee, the Chairman suggested that at all future meetings, there should be an agenda item to update Committee members on completed licensing applications, hearings and reviews.

Verbal updates were provided on several licences, including the WOMAD Festival, Sunrise Festival, Chalk Valley and SN15 17A Station Hill Chippenham.

22 Dates of Future Committee Meetings

The dates of the future meetings of the Committee were confirmed as:

2 December 2013

3 February 2014

(Duration of meeting: 10.30 am - 12.25 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic & Members' Services, direct line 01225 718504, e-mail

kieran.elliott@wiltshire.gov.uk

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