

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 30 NOVEMBER 2010 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Trevor Carbin (Reserve), Cllr Rod Eaton, Cllr Mark Griffiths, Cllr George Jeans, Cllr Bill Moss, Cllr Nina Phillips and Cllr Bill Roberts

Also Present:

Mandy Bradley (Service Director – Public Protection), John Carter (Head of Environmental Protection and Licensing), Alissa Davies (National Management Trainee), Kate Golledge (Licensing Team Manager North and West), Roger Hodgkinson (Senior Solicitor) and Lisa Pullin (Democratic Services Officer)

10. **Apologies**

Apologies were received from Councillors Peggy Dow, Jose Green and Jon Hubbard. Cllr Trevor Carbin was substituting for Cllr Hubbard.

11. **Minutes**

The minutes of the meeting held on 26 May 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 26 May 2010.

12. **Chairman's Announcements**

Possible additional meeting of the Licensing Committee in January 2011

The Licensing Team will be advertising a public notice for a hackney carriage tariff increase in the West area within the Wiltshire Times on 3 December 2010. There will be a 14 day consultation period in which we may get objections; if these objections are not withdrawn we will need to put this before the Licensing Committee as soon as possible. The proposed date for an additional meeting of the Licensing Committee would be Monday 17 January at 10.30am.

Licensing and Localism Conference

The Chairman and Vice-Chairman of the Committee attended the Licensing and Localism Conference on 20 October 2010 in London. The Conference was addressed by Philip Kolvin who was advocating the Purple Flag Scheme which aims to raise the standard and broaden the appeal of centres between 1700 and 0600. The scheme is managed by the ATCM working alongside the Purple Flag Advisory Committee - a partnership of key stakeholder groups, including central and local government, police, business and consumers. A copy of the leaflet was available if required.

13. **Declarations of Interest**

There were no declarations of interest.

14. **Public Participation**

There were no members of the public present at the meeting.

15. **Minutes of the Licensing Sub-Committees**

The Committee received the Minutes of the following Licensing Sub-Committees:

Northern Area

25.05.10

08.06.10

12.07.10

02.08.10

Southern Area

22.07.10

Western Area

18.06.10

04.10.10

Resolved:

That the minutes of above Sub-Committees be noted and signed by the Chairman.

16. **Improving Communications Between Town Centre Licensed Premises**

Sgt Allan George was unable to be present at the meeting and it was agreed that he would be invited to give a presentation on the bid for radios for door staff in Chippenham to a future meeting of the Committee.

17. **Review of Statement of the Licensing Act Policy**

John Carter (Head of Environmental Protection and Licensing) introduced the report which formed the review of the Council's Statement of Licensing Policy since it was approved by Council on 1 December 2009.

Key points raised included:

- The Coalition Government is reviewing the Licensing Act and the Home Office issued a consultation paper in July to which the Council gave a response (attached as Appendix 2 to the report);
- It is likely that the changes to the Licensing Act will be fully implemented in 2012;
- In January new legal powers were introduced to enable Councillors to be included as interested parties and this allows them to call in licensing applications to hearing and review;
- New mandatory conditions were introduced in April and October this year;
- Changes have been made to the out of hours response service and since its introduction in February there have been no complaints received out of hours relating to noise from licensed premises in the Salisbury city centre area;
- Since June a new Wiltshire Licensing Tasking Group has started meeting on a monthly basis and they gather and share evidence on alcohol related crime and disorder; and
- As the Council's Licensing Policy has only been in place for 12 months, there have been no appeals lodged in respect of decisions made by the Sub-Committees and in view of the changes to be made by the Government it would be best not to review the Policy at this time as it would require full consultation.

Resolved that the Committee:

1. **Note the review of the Council's Statement of Licensing Policy and agree to continue the use of the existing statement.**

2. **Carry out a review of the Policy within 6 months of the implementation date of changes to the Act and any associated legislation.**

18. **Review of Existing Street Trading Controls**

Alissa Davies introduced her report which informed Members of the current policies for controlling street trading and made them aware of the legal process for introducing a harmonised street trading scheme across the Wiltshire Council area.

Key points raised included:

- Currently there is no harmonised street trading policy for Wiltshire, this is due to former District Councils choosing to control street trading in different ways;
- The options available include a consent street trading scheme, a Licence street trading scheme and a Prohibited street (trading) scheme. Alissa gave details of the positives and negatives for each option;
- The preferred scheme for Wiltshire being proposed was a consent street trading scheme which would provide a flexible means of controlling street trading activity. There is a scope for the fees charged for a consent to cover the costs of administration and enforcement and it would allow greater scope for local decision making;
- A harmonised scheme was required to prevent illegal trading, to provide a fairness across the county and to be able to tackle highway issues caused by certain street traders; and
- Within a consent street trading scheme, local charity events and church fetes which are non profit making organisations can be exempt.

Resolved:

That the Head of Environmental Protection and Licensing be tasked to produce an appropriate single council-wide consent street trading scheme by April 2011.

That the Committee agree to consider the details of the proposed consent street trading scheme at its next meeting on 5 April 2011, before recommending it for resolution to full Council in May 2011.

19. **Guidance on Fit and Proper Persons**

Kate Golledge (Licensing Manager North and West Wiltshire) introduced her report which outlined the need for a robust policy regarding consideration of criminal records for new and existing Hackney Carriage drivers, Private Hire drivers and Operators.

Key points raised included:

- In order to achieve consistency and avoid the risk of successful legal challenge, the Council needs to have a clear policy for the consideration of criminal records;
- The proposed policy for the relevance of convictions for new applicants and the guidelines of the relevance of convictions and the suspension or revocation of existing Hackney Carriage and Private Hire driver licences were attached as Appendices 1 and 2 to the report;
- It is proposed that the Licensing Sub-Committee form a panel to hear any appeals against the issuing of penalty points under the Wiltshire Council scheme where a driver is facing suspension or revocation of their licence; and
- That Licensing Officers can issue “penalty points” onto a Hackney Carriage licence for drivers and the Police issue “penalty points” onto a DVLA driver licence.

Resolved that:

1. **The Licensing Committee approves the policy and guidance on the relevance of convictions for Hackney Carriage drivers, Private Hire drivers and Operators as attached to the report.**
2. **That the Licensing Sub-Committee form the panel to hear any appeals against the issuing of penalty points under the Wiltshire Council Scheme where a driver is facing suspension or revocation of their licence.**

20. **Feedback of the Training Event held on 24 September 2010**

Members of the Committee commented that the training received by Philip Kolvin QC in September 2010 was excellent and extremely useful.

The Committee had a discussion on the view (from Philip Kolvin) that Licensing Officer's should make recommendations to Licensing Sub-Committees.

The consensus of the Committee was that they would prefer not to have recommendations from Licensing Officers. Members relied on the advice of the Licensing Officer but it was for the Sub-Committee members to tease out all of the relevant information needed for them to make an informed decision regarding each application.

21. **Date of Next Meeting**

Resolved:

That the next meeting of the Licensing Committee will be held on 5 April 2011 at 10.30am.

Note

Pending the outcome of the consultation for a Hackney Carriage tariff increase in the west area, there may be an additional meeting of the Licensing Committee required and this would be held on Monday 17 January 2011 at 10.30am.

22. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am to 11.40am)

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

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