

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

As the Council now has the executive ability to act in licensing matters, and is not confined to a quasi-judicial role, will consideration now be given to including licensing policy in a Cabinet portfolio, and to a revision of officer responsibilities to provide for a more active approach?

Response

Section 7 of the Licensing Act 2003 provides that all matters relating to the discharge by a licensing authority of its licensing functions are referred to the Licensing Committee established under s.6 of the Act. That committee then arranges for some of those functions to be discharged by its sub-committees or officers as appropriate. Even with the recent changes to the Licensing Act brought about by the Police Reform and Social Responsibility Act 2011, there is no provision for any Licensing Act functions to be the responsibility of the Executive. In addition the retention of the licensing policy as a Committee matter allows members to have a real influence on all licensing matters.

The Police Reform and Social Responsibility Act 2011 amended s.13(4) of the Licensing Act so as to make the licensing authority itself a 'responsible authority' thereby allowing it to object to applications and call for reviews. This will require a separation of roles within the Licensing Team (as set out in paragraphs 9.17 - 9.18 of the revised statutory guidance) and an amendment to the scheme of delegation to allow officers to make representations on applications on behalf of the licensing authority. These amendments and reviews are in hand.

