

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 11 DECEMBER 2017 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Mike Hewitt, Cllr Peter Hutton (Chairman), Cllr Leo Randall and Cllr Robert Yuill

Also Present:

Asifa Ashraf (Solicitor), Emma Batchelor (Public Protection Officer), Danial Farr (Compliance Officer), Ian Brown (Head of Environment Services), Linda Holland (Licensing Manager), Sarah Marshall (Senior Solicitor), Charlotte May (Litigation Team Leader), Lisa Pullin (Democratic Services Officer), Tom Ward (Public Health Specialist) and Ceri Williams (Head of Prevention of Harm)

11 Apologies/Substitutions

Apologies were received from Councillors Jeans and Ridout. Councillor Peter Evans was substituting for Councillor Ridout.

12 Minutes

The Minutes of the meeting held on 13 March 2017 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 13 March 2017 be approved and signed as a correct record.

13 Chairman's Announcements

As this was the first meeting since the elections in May 2017, the Chairman welcomed all Members of the Licensing Committee and thanked all previous Members of the Committee for the work and for attending the Licensing Sub Committee hearings. He introduced Charlotte May (Litigation Team Leader) who was observing the meeting.

14 **Declarations of Interest**

There were no declarations of interest.

15 **Public Participation**

No questions had been submitted from the public prior to the meeting and there were no members of the public present at the meeting.

16 **Minutes of the Licensing Sub Committees**

Eastern Area

01/08/17 Application for a Variation of a Premises Licence
The Greyhound, High Street, Bromham, Chippenham

Northern Area

31/05/17 Application for a Variation of a Premises Licence
Tesco, Unit 5a Hathaway Retail Park, Foundry Lane,
Chippenham

Southern Area

20/06/17 Application for a Premises Licence
Snack Van, Lay-by off Packway, Larkhill, Amesbury

Western Area

15/08/17 Application for a Premises Licence
Four Seasons Coffee Shop, 3 Market Street, Trowbridge

Resolved:

That the minutes of the meetings detailed above be approved and signed as correct records.

17 **Equality Act 2010**

Ian Brown (Head of Environment Services) referred to the report circulated with the Agenda which informed members of the commencement of Sections 165 and 167 of the Equality Act 2010 which came into force on 6 April 2017. These sections impact on the Council's hackney carriage and private hire driver and vehicle licensing regime. Ian highlighted the following:

- Although there is no obligation for Council's to create and maintain a list of designated vehicles for disabled users, the Government strongly recommend that local authorities do this as there is a risk of challenge if it does so without good reason;
- The powers under the Act are more robust and would allow us to convict and fine anyone who breaches the duties under Section 165 and have consideration as to whether they remain a fit and proper person to hold a taxi or private hire driver licence. Any appeals for a revocation of licence are heard by the Magistrates Court;
- Under Section 167 the requirement would be for the Council to have a list of all designated vehicles that is made available on the Council's website to assist travellers in making informed travel choices when looking to find wheelchair accessible vehicles in Wiltshire; and
- Feedback from the trade on the proposals had been mostly positive. Larger firms currently need to provide 1 wheelchair accessible vehicle in 10 and the Council try to encourage more than 1 in 10.

Committee members raised the following:

Q If someone refuses to carry a passenger without reasonable excuse would you issue them with penalty points and then go on to consider if they were fit and proper person to retain their licence?

A Yes if drivers refused to carry passengers, penalty points would be issued and if these totted up it would be likely that their licence would be revoked.

Q Would the Committee get to see the amended guidance for approval?

A The guidelines are currently under review and would be amended in line with the DfT recommendations and brought to a future Licensing Committee for approval.

Q How do we intend to communicate with groups of wheelchair users? I would like to see the Council doing engagement with user groups – Perhaps once the list is prepared it could be highlighted at Area Boards with a list being circulated and shared within Chairman's announcements.

A Yes, we can prepare details for Area Boards.

Q Could we ensure that all vehicles clearly display that they are wheelchair accessible – perhaps with a sticker or logo being displayed?

A Yes this can be arranged.

The Committee all agreed that they would like for these changes to be communicated to all relevant groups and the Area Boards as discussed. It was then:

Resolved:

That the Licensing Committee:

- 1) Agree the implementation of the powers available to the Council in Sections 165 and 167 of the Equalities Act 2010 and their addition to the Council's Guidelines for taxis and private hire drivers and vehicles, in line with the Department for Transport statutory guidance.**
- 2) Authorise officers to:**
 - i) Create a list of designated vehicles and make available to the public.**
 - ii) Publish the list of designated vehicles for the Equality Act 2010 on the Wiltshire Council website.**
 - iii) Consider exemptions on medical grounds in line with the Department of Transport Guidance based on medical evidence submitted by drivers from their doctors saying that they are unfit to fulfil their duties outlined in Section 165 of the Equality Act 2010.**
 - iv) Implement the change, giving drivers 56 days to submit their exemption request, from date of 1 February 2018 to comply with Section 165 of the Equality Act 2010.**
 - v) All applicants for hackney carriage and private hire driver licences, received after the implementation date will be required to submit exemption request at the time of application.**
 - vi) Prepare amended Guidance for future consideration by the Licensing Committee.**
 - vii) Communicate the information on wheelchair accessible vehicles to user groups and via Area Boards.**

18 Update on Public Spaces Protection Orders

Tom Ward (Public Health Specialist – Community Safety and Substance Misuse) provided a verbal update to the Committee on Public Spaces Protection Orders (PSPO's). He highlighted the following:

- There are currently 7 PSPO's in place in Wiltshire – Calne, Chippenham, Devizes, Durrington, Malmesbury, Trowbridge and Warminster with Salisbury shortly to be made;

- The team would be working with the 8 town and city councils to work on signage for each area that was relevant for their location. The proposed signage is *attached as Appendix 1 to these Minutes*. It was hoped that the Town Councils would share the costs of the new signs;
- The Orders gave Police the powers to ask people to stop drinking within the designated areas; and
- Once the new signage was in place this would be communicated to the Area Boards so that this information could be passed on.

Resolved:

That the update on Public Spaces Protection Orders be noted.

Appendix 1 to Minutes - Proposed Signage

19 Update on the Licensing Service

The Committee were referred to the update on the Licensing Service which had been prepared by Linda Holland (Licensing Manager). Linda highlighted the following:

- Prevention of harm is a key element when planning an event and much more focus this year had been on military/terrorist threats – how this could be dealt with is built into the planning process;
- The number of licensing applications received is up on last year – these had been for cafes expanding to add alcohol to their licences. More applications for TENS were also received and this process is now smoother as the applications can be completed online through the GOV.UK website;
- Following concern that a number of Town and Parish Councils were unsure on which grounds they could support or object to an application we updated the guidance notes on making a representation and the link to this is sent on the email when they are notified of applications. We also had to firmly advise that the 28 day consultation deadline is fixed and cannot be extended to fit in with Parish Council meetings;
- The Licensing team had undertaken inspections of all betting shops over the last few months. The Council's Statement of Gambling Policy was due for renewal by January 2019 and a report would be prepared for the March 2018 meeting of the Committee to outline the consultation requirements and members involvement in the process;

- A briefing paper on the work of the ESAG group would be prepared for the March meeting of the Committee:
- Since the beginning of 2016, Wiltshire Council has seen an increase in Animal Boarding licences and Licensing have taken the opportunity to review the fees and charges to reflect this growth also to include dual licensing of some properties. In October 2018, there will be new regulations coming into effect that aim to modernise the current licensing and welfare regime for four different animal licences. Licensing officers will work with the holders of the effected licences to help with their understanding regarding any impact the changes may impose.
- In relation to the suspension of licences (currently 27 in long term suspension), Members asked for a list of those to check if any were in their area and if they had any local knowledge that may assist with contacting any licence holders.

Members asked for an updated list of Council and Wiltshire Police Licensing Officers to be circulated so that they knew who to contact with any queries. Linda Holland agreed to forward this to Lisa Pullin for circulation.

A Member requested an update on environmental enforcement actions within Waste & Environment:

It was reported that there had been two successful prosecutions – one for carrying out waste disposal without a licence for which a £1,000 fine was awarded. Another was a joint investigation with the Environment Agency which uncovered environmental offences and resulted in an award to pay back £2 million under proceeds of crime legislation.

Members wished to express their thanks to all Officers for their hard work.

Resolved:

That the Committee note the Licensing Update.

20 Dates of Future Committee Meetings

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

12 March 2018
 4 June 2018
 3 September 2018
 3 December 2018.

21 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 - 11.20 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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Restricted alcohol consumption area



NO ALCOHOL

It is an offence to drink alcohol in this area, or to refuse to surrender it, when asked to do so by a police officer or other authorised person.

Maximum penalty= Arrest and £500 fine

This Order made by Wiltshire Council covers the following area:

[insert list of areas]

It is an offence for any person in a public space within this area to drink alcohol or anything which a police officer or other authorised person, reasonably believes to be alcohol. Accordingly, an “authorised person” means a person who has been authorised by Wiltshire Police or Wiltshire Council.

A police officer or other authorised person may require any other person to surrender anything in the other person’s possession which is, or which the officer or other authorised person reasonably believes to be, alcohol, or a container for alcohol.

Any person, who without reasonable excuse commits an offence, shall be liable on conviction to a maximum fine of £500.

The above requirements shall not apply to (i) an event for which Wiltshire Council has issued a licence to serve alcohol or (ii) an unlicensed event where prior written permission to serve alcohol has been given by Wiltshire Police to the organisers.

**Public Spaces Protection Order
Anti-social Behaviour, Crime and Policing Act 2014**

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