

LICENSING COMMITTEE

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 7 SEPTEMBER 2011 AT COUNCIL CHAMBER, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Allison Bucknell (Substitute), Cllr Peggy Dow, Cllr Rod Eaton, Cllr Jose Green, Cllr Malcolm Hewson, Cllr Jacqui Lay, Cllr Bill Moss, Cllr Nina Phillips (Vice Chairman) and Cllr Jonathon Seed (Chairman)

Also Present:

Mandy Bradley (Service Director, Public Protection), Cllr Trevor Carbin, John Carter (Head of Public Protection – Food and Environment), Steve Clover (Head of Public Protection – Commercial and Communities), Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing), Lisa Pullin (Democratic Services Officer) and Paul Taylor (Senior Solicitor)

18. Apologies for Absence and Changes to Committee Membership

Apologies were received from Cllr Mark Griffiths, Cllr George Jeans and from Cllr Bill Roberts who was substituted by Cllr Allison Bucknell.

There had been some changes to the membership of the Committee since Annual Council on 17 May 2011. Cllr Malcom Hewson is a new member, Cllr Jacqui Lay is now a full member, Cllr Jon Hubbard is now a substitute member and Cllr Liz Bryant is a new substitute member.

19. Minutes of the Last Meeting

The minutes of the Licensing Committee meeting held 5 April 2011 were presented and it was,

Resolved:

To approve and sign the minutes of the meeting held on 5 April 2011 as a correct record.

20. **Chairman's Announcements**

The Chairman made the following announcements:

1. **Additional Minutes of Licensing Sub Committees for signing**

Three additional sets of Licensing Sub Committee minutes that were not available at the time of Agenda dispatch are presented for confirmation; these are Northern Area Licensing Sub Committee 21 March 2011 and 11 May 2011 (2 day hearing) and 21 June 2011 and Western Area 1 August 2011.

2. **Licensing Sub Committee Visits**

This subject was raised at the last meeting of the Committee. It is the Officer's view that site visits should be considered on an application by application basis.

For existing licences, the location would usually be known by one or all of the Members. For new applications and one off events an informal site visit could be arranged prior to the hearing if Members consider this to be necessary. The initiative for this clearly lies with Members.

3. **Protocol for informing the local member on Licensing Act applications**

The following protocol will be operated for informing the local member when a Licensing application is received:

When an application is received by the Licensing Department or a Counter Notice is issued in respect of a TENS application then this notification will be added to the Wiltshire Council website and each week in the Elected Wire is a link to all Licensing applications that have been received. The local Councillor whose division it affects will then be personally notified either by telephone or email by the Licensing Team and advised of how they may make a relevant representation.

A Councillor can become an interested party by making a relevant representation within the statutory time limits and then can speak at any subsequent Licensing Sub Committee hearing. Also a Councillor could be requested to be the spokesperson on behalf of another person/s that has made a relevant representation and speak at a Sub Committee hearing to express the views of that person.

4. **Legislation Changes – Tobacco Vending Machines**

From 1st October 2011, the law will change to make it illegal to sell tobacco products directly to the public from vending machines in England. Guidance has been prepared on ending tobacco sales from vending machines in England

for businesses with vending machines on site and was circulated as a handout at the meeting.

5. Update on Organisational Changes

There have been a number of changes to the structure of the Public Protection Service and Mandy Bradley, Service Director gave an update to the Committee on those.

Mandy circulated to the Committee a revised structure chart and contact details for those Officers involved in Licensing in each of the areas. The structure had been reshaped so that there were now two Heads of Service. John Carter had moved across to Food and Environment and Steve Clover (introduced at the meeting) managed Commercial and Communities which Licensing now comes under.

Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing) was to be the first point of contact for Licensing.

The Chairman wished to record a vote of thanks to John Carter who had led the Licensing team since April 2009.

Members of the Committee requested a briefing of how the new roles would work in practice and requested that the intranet contact directory be populated with information on each officer's area of responsibility.

21. Declarations of Interest

There were no declarations of interest made.

22. Public Participation

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

23. Minutes of the Licensing Sub Committees

The Minutes of the Eastern Area Licensing Sub Committees held on 23 March 2011 and 15 June 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

The Minutes of the Northern Area Licensing Sub Committees held on 21 March 2011/11 May 2011 (2 day hearing), 7 April 2011, 18 April 2011, 21 June 2011, 9 August 2011 and 11 August 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

The Minutes of the Southern Area Licensing Sub Committee held on 16 May 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

The Minutes of the Western Area Licensing Sub Committees held on 25 May 2011, 28 June 2011, 18 July 2011 and 1 August 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

24. **Single Council-Wide Consent Street Trading Scheme**

The Committee received an overview of the report from Kate Golledge (Public Protection Manager North and West) and were informed of the results of the second two week public consultation carried out on a revised single council wide street trading consent scheme.

Kate highlighted the following:

- That there was a stepped legal process to follow to introduce a street trading consent scheme to Wiltshire; and that additional recommendations would be put forward to enable this process to commence;
- The Committee would need to recommend to Council that they adopt powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to apply to the Wiltshire Council area. The Council would then need to state their intention to designate all streets in the Wiltshire Council area as consent streets;
- That a second two week public consultation took place between 26 July and 12 August 2011 and that the revised scheme incorporated the changes requested by the Committee at their meeting on 5 April 2011;
- A meeting took place between the Licensing Manager and representatives of the Neighbourhood Service Team to ensure that any

changes to the scheme did not duplicate any existing powers available to Wiltshire Council Highways Officers to control trading on the highway;

- It was likely that the scheme would not be in place until 1 April 2012 following completion of all the relevant steps;

The Committee then considered the revised draft of the Harmonised Street Trading Scheme (Appendix 1 to the report) in detail, and it was,

Resolved:

1. To make the following amendments to the revised draft of the Harmonised Street Trading Scheme:

- (i) **Glossary – page 1. Definition of ‘street’ to be changed to the statutory definition ‘includes any road, footway or other area to which the public have access with or without payment’. Also change Consent street to read ‘*Consent street. A street in which street trading is prohibited without the consent of the Council.*’**
- (ii) **Page 3 – add the text marked in italics:**

As a matter of Council policy a Street Trading Consent will not be required for the following activities:

- **Trading on private land (including land owned, leased or maintained by a town/parish council) where this is not a road, road lay-by, car-park or industrial estate with public access (*vehicular or pedestrian*) or within 10 metres of any road, road lay-by, car-park or industrial estate with public access (*vehicular or pedestrian*)**
 - **trading in a market run by Wiltshire Council (*for current information on Council run markets please visit www.wiltshire.gov.uk/communityandliving/markets*)**
- (iii) **Page 5 – Add a footnote which gives details of Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 as referred to in the text.**
 - (iv) **Page 6 – Under bullet point entitled Daily Street Trading Consent remove the following text ‘The Council charges a higher fee for consent to trade on Saturdays.’**
 - (v) **Page 7 – Under Consultation on applications replace ‘Ward Councillors’ with ‘Divisional Councillors’ and replace ‘Members of the public’ with ‘Placing the information in the public domain via the Wiltshire Council website – www.wiltshire.gov.uk’**

- (vi) **Page 7 – Amend the text in bold under consultations on applications to read ‘Full consultation will not take place on applications for Block Street Trading Consents for community events, although if necessary the Authorised officer may informally approach any of the consultees.’**
- (vii) **Page 8 – Under bullet point entitled ‘Avoidance of nuisance’ add ‘litter’ to the list. Under bullet point entitled ‘Planning Permission’ add clarification that planning permission relates to a change of use application. Add a new bullet point entitled ‘Existing consents’ – The location of any existing consents will be taken into account when considering applications. Also remove last sentence on page 8 ‘Equal weight will be applied to all criteria’.**
- (viii) **Page 14 – Add a footnote to give details of the legislation referred to in relation to offences.**
- (ix) **In Appendix 2 (pages 17/18) which relates to the Street Trading fees the tables be amended to read as follows –**

Town traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£ 2800
Daily Street Trading Consent	£ 35 per day
Block Street Trading Consent	£ 40 per day

All other traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£1400
Daily Street Trading Consent- all week days including bank holidays	£15 per day
Block Street Trading Consent	£40 per day

- (x) **That wording be added to the scheme in an appropriate place to give information on the legislation on the sale of vehicle on the highway.**

- (xi) That wording be added to the scheme in an appropriate place to give information on the reasons why an application may be declined.
- (xii) That any relevant provisions be added to the Guidelines to comply with the Council's Equality Act duties.
- 2. That the Licensing Committee support the changes proposed by the Licensing Team and Neighbourhood Services to produce an integrated and co-ordinated response to the issues raised by the public consultation.

That the Licensing Committee recommend to Council on 8 November 2011:

- 3. That they adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to apply to the Wiltshire Council area.
- 4. That they adopt the revised Consent Street Trading Scheme as presented.
- 5. That they state their intention to designate all streets in the Wiltshire Council area as consent streets.

25. **Selling Alcohol Responsibly - Age Verification Schemes**

The Committee received an introduction to the report from Mandy Bradley, (Service Director, Public Protection) which provided a background and context to the age verification requirement under the Licensing Act in terms of the sale and supply of alcohol.

Mandy suggested some revised wording for the revised guidance on age verification (appendix 1 to the report) as suggested by Cllr Mark Griffiths (who was not able to be present at the meeting) and Committee members. These changes were agreed by the Committee and it was,

Resolved:

- 1. That the Committee note the report.
- 2. Agree to the amended revised guidance on age verification that will be given to Licensees to read as follows:

'The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

This must as a minimum require individuals who appear to the responsible person to be under the age of 18 years of age to produce on request (before being served alcohol) acceptable age verification bearing their photograph, date of birth, and a holographic mark.

Examples of acceptable age verification include:

- **A form of age verification which meet the criteria laid out above such as Touch2id**
- **Photo card driving licences**
- **Passports**
- **Proof of age cards bearing the PASS hologram (E.g. Validate or CitizenCard**

The premises licence holder or club premises certificate holder must ensure that staff (in particular staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy applied by the premises.

This condition does not exclude best practice schemes such as Challenge 21 or Challenge 25 which require individuals who appear to be under an age which is greater than 18 to provide an acceptable form of age verification.'

26. Proposed Amendments to Hackney Carriage and Private Hire Vehicle Guidelines

The Committee noted the report from Jo Quartley (Public Protection Officer – Licensing) which suggested amendments to existing guidelines for hackney carriage/private hire vehicles in response to concerns expressed by the trade.

Resolved:

- 1. That the Committee agree to the proposed amendments to existing guidelines (as detailed in the report) for hackney carriage/private hire vehicles with immediate effect.**
- 2. That where minor amendments are necessary through legislative changes, authority be given to the Licensing Manager to make those changes to the guidelines without recourse to the Licensing Committee.**

27. Dates of Future Committee Meetings

The dates of the future meetings were confirmed as:

Monday 6 February 2012
Tuesday 8 May 2012
Monday 12 November 2012.

Meetings would commence at 10.30am with venues to be advised.

28. **Urgent Items**

There were no urgent items for consideration.

(Duration of meeting: 10.30am – 12.00pm)

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

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