

## LICENSING COMMITTEE

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### DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 17 MARCH 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, 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:

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Emma Seria-Walker (Public Health Consultant), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

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#### 1 Apologies

Apologies were received from Councillors Allen, Caswill and Jacobs and from Ian Brown (Head of Environment Services). Councillor Moss was substituting for Cllr Jacobs.

#### 2 Minutes

The minutes of the meeting held on 5 November 2013 were presented to the Committee.

#### **Resolved:**

**That the minutes of the Licensing Committee meeting held on 5 November 2013 be approved and signed as a correct record.**

#### 3 Chairman's Announcements

That Chairman made the following announcement:

**Clarification on which Members can sit on a Licensing Sub Committee hearing**

The Licensing Act 2003 requires the Council to establish a licensing committee to exercise its licensing functions. The licensing committee may then arrange for the discharge of some of those functions to licensing sub committees, made up of three members. The Licensing Act itself does not deal with who can sit on those sub committees.

Under the Council's constitution, members are selected to serve on individual Licensing Sub Committees by the Associate Director Corporate Function and Procurement having regard to a number of criteria. One of those is that the Councillors selected are not the representative for the area in which the premises concerned are situated. The reason for this is to try to avoid any arguments as to whether there may be any actual or apparent bias on the part of any member.

A Council decision can be challenged on the basis that, even if there was no actual bias on behalf of any of the decision-makers, there was the appearance of bias. The test for this is whether 'a fair-minded and informed observer would conclude that there is a real possibility of bias'.

The Council's view is that, in order to address the issue of apparent bias, it is appropriate for the division member for the premises concerned not to participate in a licensing sub committee hearing, but that, in general, it is reasonable for members representing adjoining divisions to do so. This approach is consistent with that taken by many other authorities and is in line with LACORS guidance issued at the time the Act came into force.

#### 4 **Declarations of Interest**

There were no declarations of interest.

#### 5 **Public Participation**

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

#### 6 **Minutes of the Licensing Sub-Committees**

The draft minutes of all Licensing Sub Committees between the 20 August 2013 and 17 January 2014 were presented for consideration.

It was,

#### **Resolved:**

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

### **Eastern Area**

**20.08.13 Application for a Premises Licence - The Vaults, Devizes**

### **Southern Area**

**29.11.13 Variation to a Sex Establishment Licence – My Amazing Fantasy, 105 Fisherton Street, Salisbury**

### **Western Area**

**18.09.13 Review of Premises Licence – Club Ice, Westbury**

**22.10.13 Application for a Premises Licence – Waterhouse, Waterhouse Lane, Monkton Combe, Bath**

**07.01.14 Variation of a Premises Licence – Favourite Chicken & Ribs, 3 Market Street, Trowbridge**

**17.01.14 Variation of a Premises Licence – Harveys Nightclub and Sports Bar, Church Street, Trowbridge**

## **7 Update on the Changes to the Licensing Service**

Linda Holland (Public Protection Team Leader) presented an update on the changes to the Licensing Service as at March 2014. She highlighted the following points:

- That the Licensing Team now consists of herself as Team Leader and 7 Licensing Officers (not full time equivalents) although two of these Licensing Officers would be leaving in March which would leave the team under resourced for a period of time;
- Out of 509 transactions dealt with by the Licensing Team during 1 January and 1 March 2014, three of these had resulted in the need for a decision to be made by the Licensing Sub Committee;
- There had been recent press interest in the euthanasia of lions at Longleat and the team were able to confirm to the press that no breaches of the licence had occurred and that Wiltshire Council had no concerns over those events;
- The Hackney Carriages and Private Hire Vehicles function transferred over smoothly to Neighbourhood Services on 1 March 2014 – an experienced member of the Licensing Team had been employed as a

Compliance Officer from 10 March to aid ongoing progression of the taxi service within the Fleet service;

- Thanks should be expressed to the Neighbourhood Team following the smooth transition of the Street Trading and Street Collections service to them;
- Three computerised systems had migrated to one combined system and there had been some problems with historical data not transferring across;
- Officers are working proactively to work with troubled licenced premises at an early stage when issues arise with residents and management of licences. Linda was providing training to new licencees of Wadworths and was looking to extend this out to other local breweries;
- Linda and her team would be happy to attend meetings of Community Safety Partnerships to discuss what to do with any potential problems with licenced premises and link in with Area Boards as relevant;
- Councillor Bucknell enquired if there could be a mini toolkit for members of what they could do to assist and try and alleviate problems. They often have concerns from the constituents and would like to work with officers. Linda agreed that this was a great idea and perhaps they would have a meeting to explore this further; and
- The team were aware of the changes to the clubs in Amesbury opening and closing and changing hands and the need for future provision when the Army personnel and their families are relocated in the next few years. Meetings would be taking place with the trade to minimise the impact on the community and to ensure adequate provision.

## 8 **Licensing Update**

Linda Holland (Public Protection Team Leader) presented updates on the following issues:

### Licensing Policy Review

Wiltshire Council's Licensing Policy has to be updated every 5 years and the last one was agreed on 1 December 2009.

A draft of the revised Policy was being prepared and Linda informed the Committee that this would be circulated to them via email in the next week for their comments. At the Committee's next meeting on 28 April the draft Policy would need to be approved for consultation and following that would commence a 3 month consultation exercise in early May 2014.

After the consultation a final draft Policy would be prepared to be considered by the Committee at the 8 September meeting and then recommendation of the Policy by full Council would be requested at the meeting on 21 October 2014.

#### Consultation on Implementing a Cumulative Impact Area in Salisbury

Linda explained that Cumulative Impact Area (CIA) policies were introduced as a tool for licensing authorities to limit the growth of licensed premises in a particular area. If a CIA policy was to be adopted this would create a presumption that where representations are received in respect of any applications for new or varied licences with the CIA those applications will be refused or granted subject to certain conditions unless the applicant can demonstrate that there will be no adverse cumulative impact on the area.

In order to gain the views of residents and businesses within the proposed area in Salisbury a consultation is running from 27 January to 20 April 2014. Subject to this consultation and agreement by Councillors a CIA in Salisbury could be in place by Christmas 2014. To date 35 responses have been received with 27 in favour of the proposal.

#### Events in Wiltshire 2014

Linda referred to the list of possible events for Wiltshire for 2014. She had been informed that the Nomansland Festival for 4-6 July had been withdrawn. Work was being undertaken by her team to engage with the event organisers so that the relevant advice and assistance can be provided.

If members required more information about a particular event or wished to attend with officers at the events, this would be welcomed and they should contact Linda and/or her team.

The issue of engagement with local Councillors was raised to assist with the application for and planning of these events.

#### Night Time Levy

Linda reported that a report on Night Time Levies (NTL) was considered by the Committee in September 2012 which outlined the changes to the legislation and the new powers that were to be enacted as a result of the Police Reform and Social Responsibility Act, 2011.

Since then the guidance has been updated which outlines a number of exemptions that licensing authorities may consider. Wiltshire Council has made a commitment to Business Improvement Districts (BIDs) with a number of areas already being signed up to this. If we were to implement the NTL this would mean that some businesses will be required to pay additional charges.

Members considered whether Wiltshire Council should go out to consultation on this issue and noted that very few other local authorities had implemented NTLs following consultation. The general view was that this would entail a lot of work for officers for not much benefit.

**Resolved:**

**Not to pursue the introduction of Night Time Levies for Wiltshire by going out to public consultation at this time.**

Military Rebasing

The following update was unfortunately missed off the Agenda –

“The Army Rebasing programme will see more than 4,000 army personnel and their families (6,000 – 8,000) relocate to Wiltshire over the next five years, in Tidworth, Ludgershall, Bulford and Larkhill.

The increase number of military personal has the potential to have an impact on the licensed premises operating in the night time economies of the areas that will be frequented by the soldiers. The Licensing team will be working in partnership with, purple flag, pub watches, community safety groups and the licensed premises to ensure there is no detrimental impact on the towns and villages from any enhanced use of licensed premises, and actively seek to promote a positive outcome to the military re-basing.

A Health Impact Assessment has been undertaken to look at all the possible impacts on the community etc, which will inform service development as well as support licensing efforts in terms of targeting etc.”

It was also noted that college students would be moving into the former RAF Lyneham base and so consideration would need to be given to the facilities available in the surrounding areas (Calne and Royal Wotton Bassett). This should include a good offering of facilities and not just be drinking establishments. Meetings should be arranged with local licensees in preparation for this.

9 **Sex Establishment Licensing Policy and Conditions**

Linda Holland presented a report which explained that a recent variation application for a Sex Shop was received and the consultation process was carried out in line with the current policy. A member of the Licensing Authority raised questions at the time as to whether there should be a wider consultation process in some circumstances, particularly where the application is in an urban area.

Following this Linda suggested ways in which the Council's current Policy in relation to Sex Establishments could be amended to take regard of the Member's concerns.

It was noted that there were now only two sex establishments in Wiltshire – one in Salisbury and one in Trowbridge.

The Committee discussed this were minded to accept the second proposal – namely that "The Licensing Committee agrees to amend the policy to widen the consultation process to include neighbouring local divisional members where the premise is located close to the border of two wards. It would be for the Licensing Officer to determine whether such additional consultation should be carried out in any particular case".

It was then suggested that a weekly list of all licensing applications could be circulated to Councillors electronically (as is the case with planning applications) and then the onus is on Councillors to check this list and see if they have any items in their area. The Committee agreed to trial this on a temporary basis until the next meeting (28 April 2014). Linda Holland reported that in light of the new combined computer system this would be possible and that she would look into the possibility of splitting up the information into North/South/East/West areas.

**Resolved:**

**That Licensing Committee members receive a weekly electronic list of all licensing applications that are received on a trial basis until 28 April 2014.**

10 **World Cup 2014 Update**

Linda Holland reported that following the briefing note prepared by Roy Bahadoor in the Agenda the Government had just released a two week consultation document which considers a relaxation of licensing hours whilst England games are being played during the Football World Cup tournament. She did not feel that this was particularly helpful as most premises were open to 11pm/12am already and other team's games might also want to be enjoyed by Wiltshire's residents.

Details of the consultation would be sent out to Councillors after the meeting so that they could make their own responses to it. The deadline was for responses would be 26 March 2014.

Linda reported that it would be very likely that premises would use Temporary Events Notices to cover the extension of the hours. TENs could now cover a 7 day period and these would likely be applied for during the World Cup period.

Councillor Hutton, Portfolio Holder for Licensing wished to express his thanks to Roy Bahadoor for his preparation work and stated the importance of linking in

with individual Councillors to engage with the licensees in their area to find out their plans and to assist the officers. He also suggested that the trade be asked to consider using plastic glasses during this period for the sake of public protection.

## 11 **Update on Hackney Carriage and Private Hire Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which updated the Committee on the changes in the delivery of the Council's Hackney Carriage and Private Hire Licensing service since the internal reorganisation of the function following the voluntary redundancy programme in 2013. He highlighted the following points:

- Thanks to be given to colleagues in the licensing team for their support during the transition period;
- A number of improvements had been made and good feedback had been received on the new appointment system for taxi drivers whereby they could make mutually convenient appointments to deal with the necessary paperwork, etc;
- A new quarterly newsletter to all operators and drivers had been well received and members requested that this be shared with them via the Elected Wire; and
- Formal consultation would be instigated into the commencement of one single tariff for the County following the approval in principle which was given by the Committee in September 2013.

Councillor Hutton (Portfolio Holder) reported that he had attended meetings with the trade and the importance of engagement with the users. He wished to thank Jo Hulbert for her support during the transition.

Councillor Bucknell questioned the process followed when applicants for licences had relevant unspent convictions. Previously at the District Council this decision whether to grant a Licence would be made by a Licensing Sub Committee. Andrew Saxton reported that he believed that this would now be a delegated officer's decision, but would confirm and let Councillor Bucknell know.

**Resolved:**

**That the update be noted.**

## 12 **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:



- Monday 28 April 2014
- Monday 2 June 2014
- Monday 8 September 2014
- Monday 8 December 2014.

13 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am to 12.00pm)

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