

## **LICENSING COMMITTEE**

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### **MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON THURSDAY 5<sup>TH</sup> NOVEMBER 2009 AT 9.30 PM AT COUNTY HALL, TROWBRIDGE**

#### **Present:**

Councillor R Beattie, Councillor P Dow, Councillor R Eaton, Councillor Mrs J Green, Councillor M Griffiths, Councillor J Hubbard, Councillor G Jeans, Councillor W Moss (Chairman), Councillor Mrs N Phillips, Councillor B Roberts

#### **Apology:**

Councillor Mrs D Allen, Councillor J Seed

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#### **7. MINUTES**

The minutes of the meeting held 18 June 2009 were confirmed as a correct record and signed by the Chairman.

#### **8. MEMBERS' INTERESTS**

None were declared.

#### **9. PUBLIC PARTICIPATION**

No members of the public wished to speak.

#### **10. LICENSING AND JOINT WORKING WITH THE POLICE**

The Committee received a presentation from Chief Inspector C Dibble and Chief Inspector D Bennett on the licensing function from the police point of view and the work being undertaken to improve co-operation between the police and Wiltshire Council, as licensing authority, in order to better achieve the objectives of the Licensing Act 2003.

Chief Inspector Bennett would shortly be retiring and would then take up the newly created post of Licensing Manager for Wiltshire Police to help move forward the process.

Chief Inspector Dibble answered questions from councillors about various aspects of the police involvement with the licensing process.

The chairman thanked the police for their useful and interesting presentation.

## **11. MINUTES OF LICENSING SUB-COMMITTEES**

The committee received the minutes of the following Licensing Sub-Committee meetings.

### Northern Area

29<sup>th</sup> July 2009

### Southern Area

27<sup>th</sup> May 2009, 30<sup>th</sup> July 2009, 26<sup>th</sup> August 2009 & 18<sup>th</sup> September 2009.

### Western Area

14<sup>th</sup> July 2009 X 2, 30<sup>th</sup> July 2009, 3<sup>rd</sup> August 2009, 10<sup>th</sup> August 2009, 25<sup>th</sup> August 2009 & 8<sup>th</sup> September 2009.

### **Resolved:**

That the minutes be received and noted.

## **12. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

The committee received a report describing the work undertaken since the draft licensing policy was considered by the Implementation Executive on 13<sup>th</sup> May 2009 and outlining two options relating to the “terminal hour” issue which affected the former Salisbury District Council area.

The legal position with regard to the adoption of a terminal hour was explained to the committee in detail and it was confirmed that the police were not in favour of such a policy as this would mean all licensed premises closing at the same time leading to an unacceptable strain on police resources.

In order to bring the old Salisbury District Council area into line with the rest of Wiltshire a new out of hours response service would be established to deal with complaints.

Councillors were reminded that under the transitional legislation for new unitary authorities the Council was required to adopt a Statement of Licensing Policy by 1<sup>st</sup> April 2010. The existing four former district council policies remained in force until such time as the new licensing policy was agreed.

The committee was reminded that the licensing policy would only come into play when objections were made on licensing applications or reviews were held. Should no objections be received then the application would be granted as applied for in compliance with the legislation.

The report set out in detail the requirements of the legislation, its' aims and objectives as they related to the proposed Statement of Licensing Policy.

In addition the report set out the requirement for the Council to formally adopt procedural rules for use by the Licensing Sub-Committees charged with dealing with various matters under the legislation. A suggested set of procedural rules was appended to the report.

Councillors were of the opinion that paragraph 6.2 of the procedural rules should be amended by the deletion of the words "voiced through the Chairperson" and that paragraph 6.2 as amended should be re-numbered 6.1 and paragraph 6.1 should become paragraph 6.2.

**Resolved:**

- a) That the committee approves the procedural rules for licensing sub-committee hearings as amended by the committee.
- b) That the Licensing Committee approves the Statement of Licensing Policy and recommend that Council adopts the Statement of Licensing Policy in accordance with the provisions of the Licensing Act 2003.

**13. LICENSING FUNCTIONS – AMENDMENTS TO THE CONSTITUTION**

The committee received a report setting out amendments that were required to the scheme of delegation and the terms of reference of the Licensing Committee in the Council's Constitution before the full review of the Constitution was commenced in January 2010.

The meeting was informed that at present the remit of the Licensing Committee, as stated in the Constitution and scheme of delegation, did not include all the functions of the Public Protection Service and lacked clarity on the responsibilities of the Licensing Committee itself.

The meeting was informed that for many of the licensing functions, as set out in the appendix to the report, there was no role for the committee as the right of appeal against any officer decision was direct to the Magistrates' Court. It was nevertheless necessary for there to be clarity in the council's Constitution for the avoidance of any doubt when dealing with these quasi judicial matters.

**Resolved:**

- a) That the committee notes the amendments to the Constitution regarding various licensing functions as set out in appendix 1 to the report and recommends that Council adopts the amendments.
- b) That Council be recommended to amend the terms of reference of the Licensing Committee to read as follows: "To deal with all of the Council's responsibilities under the Licensing Act 2003 and Gambling Act 2005, and all other licensing functions carried out by the public protection service as set out in the same appendix 1 to the report.

**14. URGENT ITEMS**

No urgent items were considered.

**PART 2**

**Items considered whilst the public were not entitled to be present  
None.**

Chairman  
2009

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