

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY, 16 SEPTEMBER 2004**

**MEMBERS**

\* Cllr J S Beer - Chairman

\* Cllr B E Carson - Vice-Chairman

\* Cllr R J Carter

\* Cllr M C Ramsay

\* Cllr P H Cook

\* Cllr S L Rankin

\* Cllr S M Fairman

\* Cllr G Rothwell

∅ Cllr D W May

\* Cllr M F Saltern

∅ Cllr C M Pannell

\* Cllr J W Squire

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance:

Cllr J Brazil

L.1/04 **CHAIRMAN'S ANNOUNCEMENT**

The Chairman welcomed Members to the inaugural Licensing Committee meeting.

L.2/04 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr S M Fairman declared a personal interest in item no.4 (see minute L.3/04) due to her being the treasurer of a village hall but remained in the meeting and took part in the discussion.

L.3/04 **DRAFT STATEMENT OF LICENSING POLICY**

Consideration was given to a report which sought the Committee's views on the South Hams 'Draft Statement of Licensing Policy'.

The report informed Members that as a result of the Licensing Act 2003, additional responsibilities had been placed on Local Authorities with respect to the sale and supply of alcohol, public entertainment and the supply of hot food after 11.00pm. The Council would be responsible for administering a new licensing system from 7 February 2005. It was noted that all applications would be judged on their own merits but would also be in line with the Councils 'Statement of Licensing Policy'. In

addition to providing a framework for Members to work within when assessing applications and dealing with any objections, the Statement would provide guidance to applicants on how the Council would interpret their application in line with the four licensing objectives:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The new legislation required Councils (as the new Licensing Authorities) to write their own Licensing Policies demonstrating what would generally be expected from applicants to achieve the licensing objectives. Once a consultation exercise had been undertaken, it was intended that a further report be submitted to Members before the policy be adopted by Council at its 16 December 2004 meeting.

The Licensing Manager provided Members with two presentations. The first presentation was an overview of the Licensing Act 2003, with the second summarising the Council's Draft Statement of Licensing Policy.

During these presentations, particular reference was made to:-

- (a) the prevention of crime and disorder. A Member questioned whether the Committee would have any powers to prevent bottles being removed from premises or alternatively enforce the use of plastic bottles. In response, officers advised that a condition could be imposed on a premise whereby only plastic bottles be used;
- (b) the prevention of public nuisance. With regard to the extent a licensee held responsibility for the dispersal of customers, it was noted that the courts would decide and each case would be considered on its own merits;
- (c) the operating schedules. Members were advised that a licence would only be granted if an applicant had demonstrated in their operating schedules that suitable and sufficient measures had been identified and would be implemented to achieve the licensing objectives;
- (d) the role of enforcement. Officers envisaged that the role of enforcement would fall within the remit of the Council. Some Members advised that they would feel uncomfortable if expected to monitor licensable activities in their wards. Officers advised that this subject would be revisited;

- (e) the affect on Village Hall activities. It was agreed that guidance notes would be issued to all Village Hall representatives advising of the impact and affects of the new Licensing Act 2003. The notes would also provide an indication of best practice for Village Halls and appropriate action to be taken.

The Committee proceeded to consider the draft statement as it was detailed in the report. During discussion on the draft statement, the following points were raised:-

- (a) **Description of the Licensing Authority Area (Page 5 of the Statement)** – Members felt that, for clarity and accuracy, parts of the wording of the description should be amended. For example, the words ‘has been designated’ should be replaced with ‘*is designated.*’ In addition, it was believed that reference should be made in the policy to both the district being a tourism area, which was popular with families and overseas visitors and the population swell during the summer months;
- (b) **Page 7, Para 1** – Members believed that this paragraph could be misinterpreted and reference needed to be made to the crime statistics being national;
- (c) **Licensing Objectives (Page 8)** – it was noted that, to emphasise these points in the Policy, each objective should be highlighted either by emboldening or underlining;
- (d) **The Prevention of Public Nuisance (Page 9)** – Members held the view that licensees should have a degree of responsibility towards ensuring the prevention of public nuisance;
- (e) **Legislation (Page 10)** – the Committee felt that it would be beneficial for it to have access to a brief summary of the Acts to which the Council was bound to have regard when making licensing decisions;
- (f) **Saturation Areas (Page 16)** – Members believed that they could not consider whether there should be any designated saturation areas until crime statistics had been received and assessed. Members agreed to review this item at the next meeting when the relevant data had been obtained;
- (g) **Children and Licensed Premises (Page 18)** – it was noted that the age for children being allowed into a bar area, which was exclusively or mainly used for the sale of alcohol, was to be raised from 14 to 16 under the new Act. The difficulty of monitoring in this field was highlighted with particular mention being made to the feasibility of checking that criminal record checks had been carried out on all persons involved with supervising activities to under 18s or vulnerable adults. Further, it was a requirement that these checks had been entered into a

register and kept on the premises. Officers predicted that a licensing enforcement policy would be required, with a 'lighter touch' being applied to those premises which were shown to be well managed and maintained;

- (h) **The Licensing Process (Page 22)** – in response to concern expressed, it was noted that, once a practice session was undertaken by Members, the licensing process would become more understandable. Officers intended to arrange an in-house training session before the Council became responsible for administering the new licensing system on 7 February 2005. The session would include Members consideration of mock licensing applications;
- (i) **Drugs (Page 25)** – the Committee expressed its dissatisfaction with the opening paragraph. Members felt that the wording should be more robust and include the following statements: 'that drug use is not *acceptable in licensed premises*' and to '*prevent the sale and consumption of drugs.*' Officers advised that it would be difficult for premises to eradicate drug usage and that reference should be made in the policy to effective control. Furthermore, an opportunity needed to be available whereby free water be accessible, should drugs have been taken by an individual prior to entering a premise;
- (j) **Capacity (Page 26)** – Members queried whether measures could be imposed whereby licensees knew how many people were in a premise at any given time. In response, the Committee was advised that each premise would have a risk assessment undertaken via an inspection, as officers were aware of the need to have effective measures for capacity. If a risk assessment found there to be too many people in a premise, a licence could be reviewed. Members enquired as to whether a paragraph could be incorporated into the Policy referring to Members being allowed to accompany officers on an inspection. Further, a sentence be added to the Policy whereby Members should not be permitted to offer advice to licensees;
- (k) **Amusements With Prizes Machines (AWP's) (Page 28)** – the Committee was informed that it was proposed that the granting of permits for up to two AWP's would be delegated to officers, with applications for more than two AWP's being determined by a Licensing Sub-Committee. It was noted that there was no proposed AWP policy at present and the need for an AWP policy could be reviewed after three years.

The Chairman concluded the Meeting by advising Members to contact the relevant officers if they had any further questions or queries on the Policy or issues that had arisen from the Meeting. In addition, if Members were interested, the opportunity could be explored to visit the Licensing Court of Plymouth, to witness how the licensing process currently worked.

**RECOMMENDED**

That Council be **RECOMMENDED** that the Licensing Committee has considered and made comments on the Draft Statement of Licensing Policy, as part of the consultation exercise and will reconsider the Policy prior to the Council meeting on 16 December 2004.

(Meeting commenced at 9.00 am and concluded at 12.20 pm).

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Chairman