

## SWT Special Licensing Committee

Monday, 29th November, 2021,  
6.15 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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**Members:** Mark Lithgow (Chair), Janet Lloyd (Vice-Chair), Marcus Barr, Paul Bolton, Simon Coles, Andrew Hadley, John Hassall, Marcia Hill, Sue Lees, Craig Palmer, Anthony Trollope-Bellew, Ray Tully, Brenda Weston, Keith Wheatley and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Declarations of Interest**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**3. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

**Temporary measures during the Coronavirus Pandemic**  
Due to the temporary legislation (within the Coronavirus Act

2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

**4. Statements of Licensing Policy for the Licensing Act 2003 and Gambling Act 2005**

(Pages 5 - 8)



**ANDREW PRITCHARD  
CHIEF EXECUTIVE**

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

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For further information about the meeting, please contact the Governance and Democracy Team via email: [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

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# Somerset West and Taunton Council

## Licensing Committee – 29 November 2021

### Statements of licensing policy for the Licensing Act 2003 and Gambling Act 2005

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

#### 1 Purpose of the Report

- 1.1 The Council has a statutory duty to adopt policies in relation to the licensing of gambling and alcohol, entertainment and late night refreshment. These describe how the Council exercises its functions as the 'Licensing Authority'.
- 1.2 Further work is required to ensure the process of adopting the policies can withstand legal challenge.

#### 2 Recommendations

- 2.1 Members resolve that the Licensing Manager carry out a four week consultation with statutory consultees for each of the proposed policies.

#### 3 Risk Assessment

- 3.1 The Corporate Risk Register makes reference to 'national law and policy'; that 'failing to meet an existing legislative requirement or fail to implement new requirements' puts the Council at risk of financial and/or reputational damage.

#### 4 Background and Full details of the Report

- 4.1 The Licensing Act 2003 regulates the supply of alcohol, public entertainment and late night refreshment. The Act requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years. A statement of licensing policy was prepared and a consultation took place for eight weeks, beginning on the 16<sup>th</sup> of July 2019.
- 4.2 Much like the Licensing Act 2003, the Gambling Act 2005, responsible for regulating various forms of gambling such as betting, bingo, gaming machines and lotteries, requires the Licensing Authority to adopt a 'statement of licensing principals', which is must then review every three years. One was prepared and a consultation took place between the 16<sup>th</sup> of July and 23<sup>rd</sup> of September 2019.
- 4.3 The Licensing Committee approved the two prepared policies at its meeting on the 20<sup>th</sup>

of March 2020. Unfortunately, efforts to have the policies formally adopted by Full Council shortly after did not come to fruition.

- 4.4 Given the consultations took place over two years ago, the Council's Legal Advisor has recommended that a second, albeit shorter, consultation should now be carried out to ensure that the Council can demonstrate the process has been proper and is able to withstand legal challenge. This would allow consultees to state whether their position has changed since the last consultation.

## **5 Links to Corporate Strategy**

- 5.1 The contents of this report relate to statutory duties of the Council.

## **6 Finance / Resource Implications**

- 6.1 Were the council to proceed in adopting the two proposed policies without a second consultation, the decisions of the licensing authority would be vulnerable to legal challenge. Any successful challenges against such decisions would result in the council having to cover its own legal costs as well as that of any challenger.

## **7 Legal Implications**

- 7.1 It is a legal requirement that the Licensing Authority publishes and reviews, at the relevant points in time, the two licensing policies mentioned in this report, in order to fully meet the statutory responsibilities. Failure to do so can undermine the authority when exercising its decision making and enforcement functions.

## **8 Climate and Sustainability Implications**

- 8.1 There are no direct carbon/environmental impacts arising from this report.

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 The four licensing objectives under the Licensing Act 2003 are:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 9.2 The continued work of the Licensing Authority to achieve and promote these objectives further supports the role of the Council in maintaining community safety and safeguarding vulnerable members of society.

## **10 Equality and Diversity Implications**

- 10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the

authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications**

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

## **12 Partnership Implications**

12.1 No partnership implications were identified.

## **13 Health and Wellbeing Implications**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

## **14 Asset Management Implications**

14.1 No asset management implications were identified.

## **15 Data Protection Implications**

15.1 No data protection implications were identified.

## **16 Consultation Implications**

16.1 As explained already in this report.

## **17 Scrutiny Comments / Recommendation(s)**

17.1 This matter is the responsibility of the Licensing Committee and Full Council.

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

**Reporting Frequency: Ad-hoc**

### **Contact Officers**

Name	John Rendell
Direct Dial	01823 219491
Email	<a href="mailto:j.rendell@somersetwestandtaunton.gov.uk">j.rendell@somersetwestandtaunton.gov.uk</a>

