



## Licensing Committee

**Date:** Thursday, 30 May 2024  
**Time:** 4.00 pm  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

**Members (Quorum: 3)**

Derek Beer (Chair), Louise Bown (Vice-Chair), Matt Bell, Les Fry, Jill Haynes, Jack Jeanes, Cathy Lugg, Craig Monks, David Morgan, Emma Parker, Val Potheary, David Shortell, Claudia Webb, Kate Wheller and Sarah Williams

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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### Agenda

Item		Pages
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>MINUTES</b>	5 - 8
	To confirm the minutes of the meeting held on 28 November 2023.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

#### 4. PUBLIC PARTICIPATION

Representatives of town or parish councils and members of the public who live, work, or represent an organisation within the Dorset Council area are welcome to submit either 1 question or 1 statement for each meeting. You are welcome to attend the meeting in person or via MS Teams to read out your question and to receive the response. If you submit a statement for the committee this will be circulated to all members of the committee in advance of the meeting as a supplement to the agenda and appended to the minutes for the formal record but will not be read out at the meeting. **The first 8 questions and the first 8 statements received from members of the public or organisations for each meeting will be accepted on a first come first served basis in accordance with the deadline set out below.** Further information read [Public Participation - Dorset Council](#)

All submissions must be emailed in full to [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) by **8.30am on Friday 24<sup>th</sup> May 2024**

When submitting your question or statement please note that:

- You can submit 1 question or 1 statement.
- a question may include a short pre-amble to set the context.
- It must be a single question and any sub-divided questions will not be permitted.
- Each question will consist of no more than 450 words, and you will be given up to 3 minutes to present your question.
- when submitting a question please indicate who the question is for (e.g., the name of the committee or Portfolio Holder)
- Include your name, address, and contact details. Only your name will be published but we may need your other details to contact you about your question or statement in advance of the meeting.
- questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.
- all questions, statements and responses will be published in full within the minutes of the meeting.

#### 5. APPOINTMENT OF LICENSING SUB-COMMITTEES

9 - 22

To meet the requirements of the Constitution, at the first meeting of the Licensing Committee after each Annual Council, the Committee is required to review and appoint such sub-committees as it considers appropriate for the effective operation of the Council's licensing duties.

#### 6. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be

recorded in the minutes.

**7. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There are no exempt items scheduled for this meeting.**

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## LICENSING COMMITTEE

### MINUTES OF MEETING HELD ON TUESDAY 28 NOVEMBER 2023

**Present:** Cllrs Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Mike Barron, Derek Beer, Susan Cocking and Brian Heatley

**Apologies:** Cllrs Les Fry, Cathy Lugg, David Morgan, Kate Wheller and Sarah Williams

**Also present:** Cllr Jon Orrell (Ward Member)

**Officers present (for all or part of the meeting):**

Aileen Powell (Licencing Team Leader), Elaine Tibble (Senior Democratic Services Officer), John Newcombe (Service Manager for Licensing & Community Safety), Lara Altree (Senior Lawyer - Regulatory) and John Miles (Democratic Services Officer)

**Officers present remotely (for all or part of the meeting):**

27. **Minutes**

The minutes of the meeting held on 11 October 2023 were confirmed and signed.

28. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

29. **Public Participation**

There were no questions or statements from the public.

30. **Statement of Gambling Licensing Policy 2024-2027**

The Service Manager Licensing & Community Safety introduced the report and advised that Dorset Council, as Licensing Authority under the Gambling Act 2005, was required to publish a Statement of Gambling Licensing Policy at least every three years. The revised policy had been published in draft format, for a period of public consultation and the Committee was requested to review the responses received during the consultation and consider the proposed amendments to the policy.

There were just minor amendments to the policy, the Service Manager Licensing & Community Safety advised that due to the deadline dates for the implementation of the policy, officers had not been able to do a 12 week consultation but it had been full and proper and considered the views of a wide range of people and

organisations, he highlighted the proposed changes to the committee members, in particular at 13.27 of the policy to address proposed measures for protecting and supporting vulnerable people within the regulatory remit of the Licensing Policy.

In response to one of the consultation comments, the Service Manager Licensing & Community Safety addressed the matter of Gambling Support Services and the revised figures recently published by the Gambling Commission which were higher than first estimated. He sought to liaise with Dorset Health colleagues to look at what support was available for Gambling Addictions and to ensure that it was adequate and in the right places.

In response to member questions the Service Manager Licensing & Community Safety advised that there were a number of bodies part financed by the gambling industry and there had been some in roads, but gambling was still a big problem, he was keen to look at what was being done locally and look at what further resources and improvements could be implemented.

### **Proposed by Cllr Andrews, seconded by Cllr Heatley**

#### **Decision:**

- 1) That the responses received during the consultation period had been reviewed and**
- 2) The proposed amendments to the draft Statement of Gambling Licensing Policy considered.**
- 3) That the Licensing Committee recommends that Full Council adopts the draft Statement of Gambling Licensing Policy.**

### **31. Statement of Licensing Policy - review of Cumulative Impact Area**

The Service Manager Licensing & Community Safety presented the report and explained that the policy used to be reviewed every three years but following a relaxation of the rules was now reviewed every five years.

However, the Statutory Guidance issued under section 182 of the Licensing Act 2003 advised that any Cumulative Impact Area(s) (CIA) contained within the policy were reviewed, as a minimum every three years.

CIAs were designated to cover particular areas of stress amounting from a proliferation of licensed premises. The Statement of Licensing Policy contained one CIA in Weymouth Town Centre. There was a rebuttable presumption that any new applications, or applications to substantially alter existing permissions, would be refused unless the applicant could demonstrate to the Authority that the proposals would not add to the existing problems in the area.

Licensed premises had suffered since Covid and large numbers were closing in England and Wales. and officers had been having a bit of a re-think. A four-week consultation had revealed that 80% of respondents were in favour of retaining the CIA and some suggested expansion to other areas.

The Service Manager Licensing & Community Safety proposed a full review of the CIA to determine if it was working, did it restrict growth, should it be expanded etc. Alcohol disorder had fallen and if Dorset Council wanted to attract investment to the town then a full review was recommended to obtain statistics and further evidence. Weymouth was a safe place to go out at night time and a number of measures were already in place to support the night time economy.

There was a worrying trend of premises closing and in response to member questions the Service Manager Licensing & Community Safety re-iterated that there were a large number of good and robust licenced premises and he wanted to bring Weymouth back to it's heyday and encourage investment to the night time economy. There had not been many refusals for new applications as the CIA did deter new investment.

Councillor Jon Orrell, the Ward Member addressed the committee in support of keeping the CIA in place. He mentioned the evolution of drinking culture which had become more family friendly in recent years.

**Proposed by Cllr Andrews, seconded by Cllr Heatley**

**Decision:**

- 1. The responses received during the consultation period were reviewed and**
- 2. the review of the Cumulative Impact Area contained within the Statement of Licensing Policy was considered.**
- 3. To make recommendations to Full Council in relation to the Cumulative Impact Area contained within the Statement of Licensing Policy.**
- 4. That a further report into the long term effects of retaining the Cumulative Impact Area be commissioned as part of the next policy review.**

**32. Urgent items**

There were no urgent items.

**33. Exempt Business**

There was no exempt business.

**Duration of meeting:** 10.00 - 10.43 am

**Chairman**

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## Licensing Committee

30 May 2024

### Appointment of Licensing Sub-Committees

#### For Decision

**Portfolio Holder:** Cllr Gill Taylor, Public Health, Environmental Health, Housing, Community Safety and Regulatory Service.

**Local Councillor(s):** All Councillors

**Executive Director:** Jan Britton, Executive Lead for Place

Report Author: Aileen Powell  
Title: Licensing Team Leader  
Tel: 01258 484022  
Email: aileen.powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** To meet the requirements of the Constitution, at the first meeting of the Licensing Committee after each Annual Council, the Committee is required to review and appoint such sub-committees as it considers appropriate for the effective operation of the Council's licensing duties.

**Recommendations:** That five sub-committees be appointed consisting of three councillors each for consideration of matters relating to the Licensing Act 2003, Gambling Act 2005 and to undertake functions in relation to other licensing matters including hackney carriage and private hire vehicles, drivers and operator licences etc.

**Reason for Recommendation:** To ensure compliance with the Constitution.

#### 1. Background

1.1 In order to meet the requirements of the Constitution, at the first meeting of the Licensing Committee after each Annual Council, the Committee is required to review and appoint such sub-committees as it considers appropriate for the effective operation of the Council's licensing duties.

- 1.2 The Committee is therefore asked to appoint five sub-committees consisting of three councillors each for the consideration of matters in respect of the Licensing Act 2003 and the Gambling Act 2005. The sub-committee(s) will also undertake functions in relation to hackney carriage and private hire vehicles, drivers and operator licences and sexual entertainment venue licences.
- 1.3 The Chairman of the licensing sub-committee(s) will be selected by the members of the sub-committee present at the meeting. If a member of the sub-committee is unable to attend there are powers for substitutes to be appointed to that sub-committee, provided that the substitutes are councillors on the Licensing Committee.
- 1.4 In order to meet the requirements of the Constitution the Committee is requested to confirm the appointment of sub-committee(s) as set out in Appendix 1.
- 1.5 For information the functions/powers of the Licensing Committee and its Sub-Committees together the delegations to Officers are set out in Appendix 2.

2. **Financial Implications**

There are no additional financial implications arising from decisions in relation to this report.

3. **Natural Environment, Climate & Ecology Implications**

There are no adverse implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations. Any implications arising from specific licensing decisions will be addressed within the relevant reports.

4. **Well-being and Health Implications**

There are no adverse well-being and health implications arising from decisions in relation to this report. Any implications arising from specific licensing decisions will be addressed within the relevant reports.

5. **Other Implications**

There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. **Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Low

7. **Equalities Impact Assessment**

Not applicable.

8. **Appendices**

Appendix 1 Table for sub-committee appointments

Appendix 2 Relevant sections from the Council's Constitution.

9. **Background Papers**

Dorset Council Constitution

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## APPENDIX 1 - TABLE FOR SUB-COMMITTEE APPOINTMENTS

### Sub-Committee A

Political Group	Name
LibDem	Derek Beer
Conservative	David Shortell
Labour	Kate Wheller

### Sub-Committee B

Political Group	Name
LibDem	Louise Bown
Conservative	Jill Haynes
LibDem	Matt Bell

### Sub-Committee C

Political Group	Name
LibDem	Jack Jeanes
Conservative	Val Pothecary
Independent	Les Fry

### Sub-Committee D

Political Group	Name
LibDem	Sarah Williams
Conservative	Cathy Lugg
Conservative	Craig Monks

### Sub-Committee E

Political Group	Name
LibDem	David Morgan
Conservative	Emma Parker
Green	Claudia Webb

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## Appendix 2

### The Licensing Committee and Sub-Committee role/terms of reference

6.	<b>Licensing Committee</b>	1.	<p>To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including (for the avoidance of doubt) the determination of any application, suspension or revocation. However, this does not include the exercise of any powers for the purpose of:</p> <ul style="list-style-type: none"> <li>(a) any matter relating to the registration of common land including the variation of rights of common;</li> <li>(b) any matter relating to the registration of any town or village green; and/or</li> <li>(c) a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.</li> </ul>	A.	<p>To make recommendations on any policy matter relating to any function delegated to the Licensing Committee but for which the Licensing Committee does not have a power of determination.</p>
		2.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Licensing Act 2003. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.</p>		
		3.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Gambling Act 2005. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy</p>		

			Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.		
		4.	To determine any matter relating to any function of the Council referred to the Licensing Committee for determination but which is not itself a licensing function (as defined by the Licensing Act 2003).		
		5.	To exercise all non-executive functions of the Council arising in relation to the licensing (including for the avoidance of doubt the determination of any application) and enforcement of the manufacture and/or storage of explosives.		
	<b>Licensing Sub-Committee</b>	6.	<p>With the exceptions of determining proposed policy and determining any fee payable, power to determine any application or any other matter arising pursuant to:</p> <ul style="list-style-type: none"> <li>(i) the Licensing Act 2003; and /or</li> <li>(ii) the Gambling Act 2005,</li> </ul> <p>that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including:</p> <ul style="list-style-type: none"> <li>(a) the holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005;</li> <li>(b) the determination as to whether a hearing needs to be held;</li> <li>(c) the determination as to whether a representation is a relevant representation;</li> <li>(d) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions; and</li> <li>(e) the determination of the appropriate procedure to follow in relation to the determination of any matter, provided</li> </ul>		



			that regard is had to any procedure that may have been adopted by the Licensing Committee.		
		7.	<p>With the exceptions of determining proposed policy and determining any fees payable, power to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including:</p> <ul style="list-style-type: none"> <li>(a) any driver, vehicle, operator or proprietor licence;</li> <li>(b) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and</li> <li>(c) any application for a private hire plate exemption.</li> </ul>		

## Part 3 – The Scheme of Delegations – Functions of the Council

### LICENSING COMMITTEE

#### 8.1 Role/Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for:
  - (i) the discharge of the Council’s licensing, certification and registration functions; and
  - (ii) the determination of any application relating to the manufacture and/or storage of explosives; that is not dealt with through the use of any other mechanism.
- (b) The Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005).
- (c) The Licensing Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

#### 8.2 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Licensing Committee shall be appointed by Full Council unless Full Council otherwise determines.

#### 8.3 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.

- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.
- (e) There shall be no power to appoint substitutes to the Licensing Committee.

#### 8.4 Licensing Sub-Committees

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.
- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (c) Substitutes may only be appointed to a Licensing Sub-Committee from the membership of the Licensing Committee.
- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

#### 8.5 Delegated powers and powers to recommend of the Licensing Committee

- (a) The Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

#### Delegated to Licensing Sub-Committees by Licensing Committee - 24 May 2023

- (1) To delegate to the Licensing Sub-Committee the power to determine applications for sexual entertainment licences that attract objections.

## Part 3 – Scheme of Delegations – Officer Scheme of Delegations

160	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
161	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
162	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
163	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	<p>* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt:</p> <ul style="list-style-type: none"> <li>(a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and</li> <li>(b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.</li> <li>(c) To determine suspension or revocation of a Hackney Carriage or Private Hire vehicle driver’s licence, with immediate effect subject to prior consultation with the Chair or Vice Chair of the Licensing Committee</li> </ul>

Delegated to officer by Licensing Committee- 24 May 2023

- (2) To delegate to the Executive Director of Place the power to issue a Notice (Statement of Conditions) in circumstances where the Police or the Council's Environmental Protection Team have submitted an objection to a Temporary Event Notice (TEN) requesting that conditions from the Premises Licence for the venue be added to the TEN and the applicant for the TEN agrees to those conditions being added to the TEN.
- (3) To delegate to the Executive Director of Place in consultation with the Chair and Vice Chair of the Licensing Committee, the power to determine applications for plate exemptions to private hire proprietors.

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