



# *Upton Lovell*

## Licensing

### CONFIRMATION OF LICENSES

Mr Read applied for the confirmation of the new beer license granted to Robert Bishop, Swindon – Granted. Mr Ravenhill applied for a confirmation of the new beer license of John Cockbill, Swindon; of the public-house license of David Augustus Cramp, Somerset Arms, Maiden Bradley; of the beer, wine and spirit license of John Thorne, grocer, Heytesbury; and of the new beer license of Mr F. J. Line, Upton Level – Granted – the last one being postponed for the production of testimonials.....

*(Devizes and Wiltshire Gazette – Thursday 17 October, 1872)*

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### WILTS ADJOURNED SESSIONS

#### THE LICENSING QUESTION

The special Committee appointed at the Marlborough Sessions to consider and frame regulations for carrying out the provisions of the new Licensing Act, made the following report:-

The Court of Quarter Sessions, taking into consideration the shape and size of the county of Wilts, and the convenience of the public, decided at the last sessions that there should be two licensing committees, one for the northern portion, the other for the southern portion of the county. We are now required to report our opinion, (1) on the composition of these committees, (2) on the mode of procedure adopted in them, (3) on the business to be done in them.

I. We recommend that the number of members appointed to these two committees shall be equal in number to the petty sessional divisions of the county, and shall consist of eight for the north and seven for the south, exclusive of the chairman and ex-chairman of the several quarter sessions, who shall have a seat in both committees.

We propose that the area of jurisdiction assigned to the northern committee be the portion of the county included in the petty sessional divisions of Calne, Chippenham, Cricklade, Devizes, Malmesbury, Marlbo', Melksham, and Swindon, and the area assigned to the southern committee to be Salisbury and Amesbury, Hindon, Warminster, Westbury and Trowbridge, Everley and Pewsey, Whorwelsdown and Bradford, and that the following Justices be appointed to serve during the current year on the licensing committees :- For the

north, C. Wyndham, esq., Sir John Awdry, Major Prower, F.A.S. Locke, esq., Sir Hungerford Pollen, bart., Nelson Goddard, esq., David Archer, esq., T. J. Heathcote, esq. For the south, E. Hinxman, esq., Alfred Seymour, esq., M.P., the Marquis of Bath, H. G.G. Ludlow, esq., Col. Heathcote, Col. Wellington, T. B. Saunders, esq.

The current year will end on the 1<sup>st</sup> day of next October Sessions, when a fresh appointment will have to be made. For the future we think that the best course would be that the Justices in each petty session should name one of their body to serve on the licensing committee for the north or south, according to their locality as above stated, and send up such names to the Clerk of the Peace to be laid before the Court. We recommend that a meeting of each of the two committees be held annually on the first Tuesday in the north and the first Wednesday in the south (not being less than 7 or eight days severally) after the 29<sup>th</sup> Sept. in each year, and that the place of meeting be at the New Hall, Chippenham, in the north, and the Council House, Salisbury, for the south. The Clerk of The Peace being by statute clerk to both committees, must issue the summons to both accordingly, and if at any time business should arise requiring that a meeting of either should be held he must take the directions thereon of the Chairman of the year.

The Act contains provisions for a joint committee of county and borough justices, but it leaves the appointment of them to the several licensing committees.

II. With regard to the rules of procedure, we think that they should be analogous to those of the Court of Quarters Sessions, that the applicant should appear either in person or by counsel in their professional dress, that the notices required should be proved by evidence as fully as they would be in an original motion, and that the record of what may have been alleged for or against any applicant for a new license at the preceding petty session should be produced by the Clerk if these Sessions or a certificate by him.

III. It is to be observed that the only cases which the licensing committee is authorised to hear and determine are applications for confirmation of new licenses granted by the petty sessions. The licensing committee has no power to entertain an appeal against a decision of a petty sessions or postponing a license. It may be convenient also to remind justices acting in petty session at the next general licensing day that it will still be their business to hear and determine applications for the granting of a new license just as much as it was their business before the late Act passed, but that Act prescribes that such granting shall not have effect till it shall have been confirmed by the licensing committee.

We think that the two committees should have power to award costs in whole or in part to either party and to determine the person to whom such costs should be paid as they may think just and proper, on the same scale as are allowed by the County Quarter Sessions. The committees should have power to adjourn from time to time, and from place to place; we also think that five days (clear) notice should be given to an applicant requiring confirmation of a grant of a license of an intention to oppose such confirmation before the licensing committee.

T. S. Estcourt, Chairman.

A question having been raised with regard to the employment of counsel in applications for new licenses, the Chairman expressed his belief that if they admitted attorneys it would lead to an abandonment of the sessions by the Bar. They had not, as yet, allowed attorneys to appear at the Sessions, and it should not be forgotten that each applicant for a license had a right to appear in person. If there were special circumstance in the case, the applicant ought to be represented by counsel.

Sir John Awdry said the keeper of every Lunatic Asylum had to employ counsel to make application for his license; and he did not see why the same rule should not be applied in the case of publicans. In the event of any serious question arising, it was advisable for counsel to conduct the case. If the magistrates sitting in Petty Sessions had approved if a house, there could be no objection to the applicant appearing in person.

Mr Lopes said it was, of course, a great advantage to the Court to have every doubtful question thoroughly discussed by counsel. Those who had carefully watched the progress of business at the Sessions must have seen that there was very little left for counsel, and he for one should be sorry to see them driven off. Their minds were refreshed by every recent case tried in the Superior Courts, and it was, therefore, of great advantage to Courts of Quarter Sessions to have cases thoroughly argued by them.

The Chairman said the suggestion that attorneys should be employed did not seem to meet with approval.

Mr Nelson Goddard had no wish to press the question. He had thrown out the suggestion because he knew the matter had been discussed out of doors.

The report was then received and adopted, and a beer license was granted to Mr F. J. Lines, of Upton Lovell, who inadvertently failed to produce the necessary certificates of character at the last Marlborough Sessions.

*(Devizes and Wiltshire Gazette – Thursday 14 November, 1872)*

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