

AGENDA

Meeting: Licensing Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Monday 17 October 2022

Time: 10.30 am

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Peter Hutton (Chairman)	Cllr Andrew Davis
Cllr Allison Bucknell (Vice-Chairman)	Cllr Ruth Hopkinson
Cllr Steve Bucknell	Cllr George Jeans
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Daniel Cave	Cllr Tim Trimble
Cllr Kevin Daley	Cllr Robert Yuill

Substitutes:

Cllr David Bowler	Cllr Dr Brian Mathew
Cllr Ernie Clark	Cllr Charles McGrath
Cllr Jon Hubbard	Cllr Dr Nick Murry
Cllr Bob Jones MBE	Cllr Stewart Palmen
Cllr Jerry Kunkler	Cllr Nic Puntis

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 7 - 18*)

To confirm and sign the minutes of the meeting held on 20 June 2022 (copy attached).

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Monday 10 October 2022** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Wednesday 12 October 2022**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Licensing Appeals Update**

To receive an update on any appeals lodged against Licensing Sub Committee decisions.

7 **Minutes of the Licensing Sub Committees** (*Pages 19 - 74*)

To receive and sign the minutes of the following Licensing Sub Committees:

Eastern Area

- 08.03.22 Application for a Variation of a Premise Licence at The Crown Inn, Chandlers Lane, Bishops Cannings, Devizes
- 18.08.22 Application for a Premises Licence – Kaleidoscope Arts and Music Festival, unnamed field, Lower Road, Erlestoke, Devizes

Northern Area

- 30.11.21 Application for a Variation of a Premises Licence - The Pear Tree, Purton, Swindon

Southern Area

- 11.10.21 Application for a Variation of a Premises Licence – Tinga, 4a-4b, Endless Street, Salisbury
- 26.01.22 Review of a Premises Licence – The New Inn, 10-16 High Street, Amesbury – *TO FOLLOW*
- 31.03.22 Application for a Premises Licence – The New Inn, 10-16 High Street, Amesbury - *TO FOLLOW*
- 03.08.22 Application for a Premises Licence – West Barn Lodge, Fovant, Salisbury
- 06.09.22 Application for a Variation of a Premises Licence – The Chapel, 34 Milford Street, Salisbury – *TO FOLLOW*

Western Area

- 07.02.22 Application for a Temporary Event Notice – Trowbridge Cricket Club, 20 Lower Court, Trowbridge

8 **Update on behalf of the Licensing Team (Pages 75 - 84)**

Linda Holland (Licensing Manager will give an update/overview on behalf of the Licensing Team to the Committee, the update is attached.

9 **Update from the Taxi Licensing Team (Pages 85 - 92)**

Tom Ince (Principal Compliance Officer) has prepared the attached Taxi Licensing update as at June 2022.

10 **Update on Fulfilment of Passenger Transport Unit Contracts** *(Pages 93 - 94)*

Adrian Weissenbruch (SEND and Passenger Assistant Transport Manager) has prepared a brief update on the current fulfilment of Passenger Transport Unit Contracts.

11 **Wheelchair Accessible Vehicles** *(Pages 95 - 96)*

The attached update has been prepared on Wheelchair Accessible Vehicles (WAV) as requested by the Committee.

12 **Proposed Changes to Wiltshire Councils Hackney Carriage Licensing Zone Structure** *(Pages 97 - 110)*

The report seeks to provide the Licensing Committee with the relevant information to make an informed decision on allowing the Taxi Licensing Team to implement a single licensing zone for Hackney Carriages within the Wiltshire Council area.

13 **Review of Consultation Feedback on the Council's Proposal to Increase Tariff 1 by 10% for Hackney Carriages** *(Pages 111 - 118)*

Adrian Hampton (Head of Highway Operations) has produced a briefing note which informs the Licensing Committee of the feedback resulting from the consultation undertaken on the proposal to increase Tariff 1 by 10% for Hackney Carriages in Wiltshire following significant fuel price rises during 2022.

14 **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

5 December 2022

6 March 2023.

15 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

This page is intentionally left blank

Licensing Committee

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 20 JUNE 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman),
Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Kevin Daley, Cllr Andrew Davis,
Cllr Ruth Hopkinson and Cllr Tim Trimble

Also Present:

Linda Holland (Licensing Manager), Tom Ince (Principal Compliance Officer), Sarah
Marshall (Principal Solicitor) and Lisa Pullin (Democratic Services Officer)

Members of the Public

Adrian Berridge
Steve Berridge

41 **Apologies/Substitutions**

Apologies were received from Cllrs George Jeans and Pip Ridout and from
Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

42 **Minutes**

Apologies were received from Cllrs George Jeans and Pip Ridout and from
Adrian Hampton (Head of Highway Operations).

There were no substitutions or membership changes.

43 **Chairman's Announcements**

The Chairman gave details of the fire exits to be used in the event of the alarm
sounding and made the following announcements:

The Chairman referred to an update from DS Louise Morley which she gave on
30 March 2022 and confirmed that he would circulate it to the Committee
members following the meeting:

[Update from DS Louise Morley to Licensing Committee as at 30 March 2022](#)

Tom Ince and I caught up today to discuss information sharing between the police and the Compliance Team, I also invited DS Scott Barrett to the meeting as he runs the Exploitation Desk in our Intelligence Development Unit.

The three of us discussed how we can best share information and intelligence both ways whilst ensuring GDPR, the necessity for information sharing and accurate record keeping.

Scott's Intelligence desk focuses at Child Exploitation, Adult Sexual exploitation and another team in Intel focuses on County Lines, I felt it would be of benefit to all of us to build a closer working relationship.

The Plan:

- 1 I have provided Tom with the link to our 'Partner agency intelligence sharing form'. Tom will share this with his team and plans to share information such as complaints of inappropriate behaviour of drivers.
- 2 I have also invited Tom to our Joint Intelligence Cell that occurs on the first Wednesday of every month. This meeting enables partners to discuss current matters of interest and to seek intelligence/support from each other.
- 3 I have agreed that myself and a member of the Intelligence Development Unit will accompany Toms Team the next time they are tasked with night time enforcement. This will be an opportunity for us to engage with the taxi drivers to spread awareness of VAWG, CSE, ASE and County Line and to encourage the reporting of concerning behaviour.

It was a very productive meeting and I'm sure we will come up with more ideas as we progress. Will update the Licensing Committee on 12 September 2022.

Platinum Jubilee Celebrations

The Chairman wished for congratulations and thanks to be passed on to all Council Officers involved with the licensing and other arrangements involved with the Queen's Platinum Jubilee celebrations in June.

Cllr Pip Ridout

The Committee wished to pass on their thoughts and best wishes to Cllr Pip Ridout who was currently unwell.

44 **Declarations of Interest**

There were no declarations of interest.

45 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting.

Adrian Berridge of Starline Taxis in Warminster attended the meeting to make a statement in relation to Agenda item 9 (Proposed Changes to Wiltshire Council's Hackney Carriage Fee Structure). This statement was heard just prior to the item being discussed is shown below in the minutes.

46 **Licensing Appeals Update**

Linda Holland (Licensing Manager – Public Protection) reported that there were currently no valid appeals that had been lodged in relation to any decisions made by the Licensing Sub Committees. Linda was aware that some hearings could take between 6 and 9 months to be heard by the Magistrates Court.

The Chairman asked Linda Holland to give a brief update on licensing activity. Linda highlighted the following:

- The number of TEN's applications to date was 506 which was 80% up on the same time last year and higher than pre-Covid levels – the majority of these TENS were for events over the Platinum Jubilee weekend;
- Feedback from those in the licensing trade was that for the Platinum Jubilee weekend their premises were not as busy as they anticipated they would be;
- There were a number of large events coming up – Chalke Valley History Festival, live music events at Longleat and Bowood. Highways had been working hard with Longleat to ensure that previous traffic problems do not happen again after their large events;
- There had been 15 licensing Sub Committee hearings in the last 12 months – Officers wished to thank the Members involved with those hearings and particularly those who were involved with the Film Classification hearings;
- Officers were seeing an increase in the number of complaints of activities/events taking place at licenced premises, including residential complaints from those premises who were using their outside areas late into the evening and it would seem that there was now less tolerance for events in residential areas;

A Committee Member asked if Linda could arrange for there to be some publicity and awareness raising in relation to the Temporary Events Notices (TEN's) and suggested that the Area Boards could be used to share this information and for the public to be made aware of how little control the Council have in relation to TEN's unless an objection is made by the Police or Council's Environmental Health Team. Linda Holland agreed to look at getting some information out in time for autumn/Christmas events via the Area Boards.

The Chairman asked about the football World Cup. It was confirmed that this would be during November/December 2022 and it was suggested that

information could also be shared via the Area Boards to raise awareness of this too.

47 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were presented to the Licensing Committee:

Classification of a Film

- 10/05/22 Classification of a Film “You can’t get there from here”
- 16/05/22 Classification of Films for Ignite Film Festival, Marlborough
- 24/05/22 Classification of Films for Ignite Film Festival, Marlborough

Eastern Area Licensing Sub Committee

- 09/03/22 Application for a Premises Licence – Lower Park Farm, Whistley Road, Potterne, Devizes

Northern Area Licensing Sub Committee

- 05/04/22 Application for a Premises Licence – The Hop Garden, Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon
- 26/04/22 Application for a Premises Licence – Live at Lydiard, Park Farm, Lydiard, Swindon

Resolved:

That the above Licensing Sub Committee minutes be approved and signed as a correct record.

48 **Update on behalf of the Taxi Provision Working Group**

Cllr Allison Bucknell (Chair of the TPWG) reported that the Working Group had met on 14 March and 9 May 2022 and the notes of those meetings were attached to the Agenda. Cllr Bucknell highlighted the following:

- That when the Working Group last met on 9 May 2022 they had felt that Officers had a good handle on what was required to improve the numbers of taxi drivers in Wiltshire and following the targeted recruitment campaign this was seeing the number of applications rise. They had agreed to recommend that the Working Group be suspended for the time being and resurrected with the agreement of the Licensing Committee should the need arise;

- That the Working Group had raised concerns on the delays caused by DBS checks (usually by the local Police force) level. Cllr Steve Bucknell had been asked to raise this with the Police and Crime Panel;
- That the Working Group wished to ask the Licensing Committee to consider investigating the ways in which the provision of Wheelchair Accessible Vehicles could be extended for the public;

This was briefly discussed by the Committee and it was agreed to delegate this to Tom Ince (Principal Compliance Officer) to look into further and then share his observations with the Licensing Committee via email, taking into account the recent legislation changes.

Cllr Allison Bucknell then asked Tom Ince (Principal Compliance Officer) to give a brief update to the Committee on the progress made by the Working Group. Tom highlighted the following:

- There were concerns over the fulfilment of the SEN contracts and some contracts had been handed back to the Council. With the driver recruitment campaign they have certainly seen more interest and in fact the new driver levels were up to where they were before the pandemic. In May there were 32 applications received, although the overall driver numbers had risen by about 5 as there were a number of drivers also leaving the trade;
- They had also seen interest for the Passenger Transport Unit (PTU) contracts come from drivers and firms out of the County with some private hire interest. Whilst Officers were pleased that there had been interest to help the Council fulfil the contracts, the preference was to recruit Wiltshire drivers to keep the industry in Wiltshire going. Officers had been in contact with the Council's Communications Team and had agreed to keep the recruitment campaign going to encourage more Wiltshire drivers join the industry;

A Committee Member asked if drivers needed to be licenced to be able to drive for the Wiltshire contracts? Tom Ince confirmed that drivers did need to be licensed as a private hire or hackney carriage vehicle to undertake contracts. Tom was also aware that some drivers operate under Section 19 permits but was not sure that this was the correct/preferred way to proceed. He felt that the preference would be for them to be a Public Service Vehicle operator or a hackney carriage licenced driver. Drivers for the contracts do not have to be working for an operator and can work on their own as long as they meet all off the licensing and vehicle requirements. The Committee member reported that he also had concerns about Section 19 permits and would feed those concerns back to Tom outside of the meeting.

A Committee Member expressed concern about hearing that some operators had handed back contracts to the Council as they were not financially viable with the rising fuel costs etc and asked what the extent of the problem was? Tom Ince reported that when he last met with the PTU Team he was told that it

was OK and that he hadn't flagged this but there was concern that from September with the rising fuel costs and the anticipated rise of numbers of passengers requiring transportation that this could be a struggle.

The Chairman asked for an update to be prepared by the Passenger Transport Unit for the next Licensing Committee meeting on 12 September 2022.

A Committee Member felt that we should be using our available contracts as a mechanism to attract people in to be taxi drivers for Wiltshire and they could also join to be part of our overall all taxi infrastructure fleet.

Resolved that:

- 1. That the Licensing Committee note the minutes of the meeting of the Taxi Provision Working Group held on 14 March and 9 May 2022 and the update received at the meeting.**
- 2. That the Licensing Committee agreed to suspend the meetings of the Taxi Provision Working Group and resurrect this with the agreement of the Licensing Committee if required.**
- 3. That Tom Ince be delegated to look into ways in which the numbers of Wheelchair Accessible Vehicles could be increased and report back to the Licensing Committee at their next meeting.**
- 4. That the Licensing Committee receive an update from the Passenger Transport Unit Team on the numbers of contracts being fulfilled/not fulfilled.**

49 **Proposed Changes to Wiltshire Council's Hackney Carriage Fee Structure**

Mr Adrian Berridge of Starline Taxis in Warminster attended the meeting to make a statement in relation to the proposed changes to the Hackney Carriage fee structure and highlighted the following:

- Their concern was the low 5% proposed tariff one increase which they did not feel would touch the sides to help them keep afloat with all of the rising costs and they would be suggesting an increase of 20%;
- If their losses continued they would only be able to use their overdraft for so long before they would be forced to make a hard decision as to whether they could continue to trade;
- They had been carrying out a number of PTU contracts since 1990 and they were aware that because of the low numbers of Wheelchair Accessible Vehicles (WAV) in Wiltshire it was the case that children were late for school because of the lack of vehicles. It was the case for them that they had to run empty from Warminster to Melksham to collect children and young people who required a WAV. Other operators who

had WAV's were quoting large fares. For each operator every 10th vehicle has to be a WAV and Starline were one of the main suppliers of WAV in a 20 mile radius

- Starline Taxis rely on the PTU contracts, but the Council's requirements for them to have a vehicle less than 5 years old means that this is a cost of approximately £15k for each vehicle and the costs associated with the driver obtaining a licence and the relevant checks;
- Starline currently worked across two counties and they were aware that Mendip put vehicles in Wiltshire and there was also the issue of the cost of second hand cars arising as a result of the Covid pandemic and for WAV there was a minimum spend of £25k per vehicle;
- With the current tariffs at 10:30pm Wiltshire is the most expensive provider, but from 11pm they are then not the most expensive;
- That they had only had a 30p increase in the last 7 years; and
- Because of the microchip shortages and then knock on effect of prices for cars, could the Council look at any possible leeway for the age of cars being admitted on first registration?

A Committee Member asked if the Council's current policy on cars having to be less than 5 years old on first registration could be reviewed as he was aware that the Police use cars that are older and can have 200k miles on the clock.

Tom Ince responded that Bristol City Council ask for 3 years at first registration and that allowing older vehicles would be contrary to the Council's climate emergency and would be a step backward. The Chairman encouraged Mr Berridge to put forward all of his concerns and suggestions into the consultation as if there was a request and rationale for a review of the Policy (collected via the consultation) then there would be more evidence of a need for this review to be undertaken.

The Chairman thanked Mr Berridge for his statement to the Licensing Committee.

Tom Ince referred to the report that was circulated with the Agenda which sought to provide the Licensing Committee with the relevant information to make an informed decision on whether hackney carriage fares in Wiltshire should be raised or remain at the same level and highlighted the following:

- A number of operators/drivers had approached the Taxi Team as the recent fuel crisis was having an effect on them and that they wished for the mileage rates to be increased, not having had such an increase since 2015. Officers had carried out a benchmarking exercise to see where Wiltshire sit compared with other neighbouring local authorities and if

there was scope to look to increase the taxi fares. After reviewing the data they found that Wiltshire was bang on average with them being neither the most expensive or cheapest;

- The research showed that at 10.30pm and at 2am the cost of a 3 mile journey in a standard vehicle saw them at the highest and top half of charges. They felt that there was scope to increase the tariff 1 fare as they would cover the largest percentage of journeys with tariff 1 covering 7am to 10pm. They had considered a rise of 2.5% but felt that there would not be much of an impact for this charge increase. They then agreed to put forward a suggested rise of 5%. The Committee were reminded that they also need to take into account the public feedback that and they would say that taxis are already too expensive. Whilst Mr Berridge had suggested a 20% increase it was felt that this was too high as there has to be a balance of the needs between operators and customers;
- It was felt that tariff 1 covered the bulk of the journeys and in current times there was less night time economy and need for taxis later on as people were not going out as much as they used to. The graphs shown on pages 73 and 74 showed that when the proposed 5% increase was added that Wiltshire was still not the most expensive, nor would they want to be. They wished for the taxi provision to be viable and sustainable for operators and cost effective for the public too. They would need to balance both sides of the argument and that is why they were recommending the 5% increase;

The Chairman wanted to raise that the Council don't legally have to consult with the taxi trade in relation to a fare increase, but thought that this was important in this case and would like to seek the views of the 800+ drivers but that they did need a starting position and at the present time this was a 5% increase. The Chairman would wish for Officers to go out to consultation later this week as it was hoped that any changes could be put in place as soon as possible.

A Committee Member stated that he would be concerned to vote against what the taxi service representative was saying as he would not wish for there to be a collapse of their services and that he felt common sense would be to go out to consultation at the figure of 20% as they suggest and that it was very important to consult with the trade.

Tom Ince felt that some operators/drivers would be in support of the rise and so would not be, and that if a 5% increase would not touch the sides then they may need to rethink that figure.

A Committee Member noted that the benchmarking was undertaken between March and May 2022 and that since then there had been a rapid fuel price increase having an impact and suggested that perhaps there could be some flexibility for exceptional circumstances for instance if fuel prices were to reach £x that could trigger an increase in fares and then they could fall again if fuel prices drop – would that be possible?

Tom Ince advised that for legal compliancy they would need to advertise any proposed changes for two weeks and also to consider that if the tariff 1 was to be increased by 20% this would also have to be factored into the PTU contracts so they would need to be aware and conscious of other knock ons of increases. So whilst there was flexibility to change the fares, this would have to be advertised and there was also the cost for drivers to change the meters. They did not wish to make this onerous for drivers but did want to get it right for as many as possible. There was scope to review the tariffs and it was suggested that this be done on an annual basis.

The Committee Member highlighted that the PTU contracts were subject to negotiation, but acknowledged that any increase to the costs of the Council would not be budgeted for and that they did not wish for this to undermine the consultation feedback.

A Committee Member felt that something needed to be done now and asked about the costs/practical aspects of implementing a change with the costs to the Council and the operators.

Tom Ince reported that for a Council owned fleet vehicle there was a cost of 33p per mile to run that vehicle. Taxis were able to charge £2.40 per mile on top of the flag rate. The Committee Member thought that it would be useful for operators to share their running costs with the Council as that would be more meaningful to Officers as they don't know what those costs are. Although Tom Ince felt that these would vary from operator to operator. There was a risk that if there was no increase there would be no taxis running as it become financially unviable for them or it could be that it rises would mean that some passengers could not afford to use a taxi.

A Committee Member suggested that a 10% increase proposed would give operators something decent to work with and of course that could be the maximum that they could charge, and they were able to agree a lower price for fares. He felt that only a 5% increase would see a similar request come to the Committee in 6 months time and that it would be better to put forward the 10% proposed increase now.

A Committee Member suggested that the use of older vehicles could bring down the operational costs. Tom Ince reported that the Council had declared a climate emergency and they wished to drive up the standards of vehicles and not use older cars with likely more emissions.

Tom Ince felt that they needed evidence from the trade, with figures based on their operational costs and would wish for them to make a suggestion on a percentage increase.

A Committee Member reported that one of his constituents that lives in rural area with no bus service was currently having to spend £90 on taxis. A 10% increase to that person who is disabled and on benefits could mean that taxi travel was no longer an option.

A Committee Member was concerned that there was not a level playing field issues with the issues. Because of the number of owner drivers, this was not helping with the provision of WAV as this is only needed for operators over 10 vehicles. Because we are the Local Authority responsible for providing the PTU journeys he was concerned that contracts could be returned and not being able to transport our young people and vulnerable adults. Whilst he was not happy with the proposed 5% he was not sure what he would be happy with and felt that this was a difficult decision.

The Chairman reminded that the consultation was a key element to all of this and then it would need to be given due consideration.

A Committee Member reminded that the proposed tariff increase only related to hackney carriage journeys and that was the maximum fare that could be charged. Journeys with private hire vehicles could be negotiated. Her priority was to consult with operators for the minimum of 2 weeks and then look to get something in place for operators which may impact residents – a fuller consultation to all residents would delay any changes and that would be a whole new piece of work to start. She felt that it was prudent to do something now and consider that there may be more work to do, this could be phase 1 and phase 2 could be a deep dive to look at the work and consider the a relaxation on the age or mileage of vehicles and look at other factors to make the Wiltshire taxi offer more sustainable.

A Committee Member asked about the consultation timescale. Tom Ince reported that they would look to work with the Communications Team to get the consultation out as soon as possible, but that it would be at least July before they would be reviewing any responses.

A Committee Member felt that an evidence led consultation should be carried out and that the Licensing Committee should review the findings as it was acknowledged that different operators would have different costs. She felt that something should be done now and then a date set for a detailed report to come back to the Licensing Committee to consider.

Tom Ince reminded of the cost to the Council to implement any changes (advertising of proposed changes etc) and the cost to operators to make those changes on their meters.

A Committee Member felt that the Council were reacting slowly and after hearing that one of Wiltshire's providers is losing £5k a month it may be that operators will be lost if there is a delay. He felt that it was important to make the right decision as soon as possible. Tom Ince agreed that the any decision made has to work for the licensing trade.

A Committee Member asked for there to be a second part to the recommendation to include asking the trade/operators/drivers for ideas on how running costs could be reduced and then consideration could be given to what

changes could be made to our policies/procedures to assist taxi drivers with this.

A Committee Member proposed that the consultation be carried out on the basis of a recommendation to raise tariff 1 fares by 10% and this was duly seconded.

After it was put to the vote it was

Resolved:

- 1. That the Licensing Committee ratifies the Taxi Licensing team decision to increase Tariff 1 fares by up to and including 10% for Hackney Carriages and that this proposal is put out to a 14 day consultation.**
- 2. That the Taxi Licensing Team look at what additional support they can provide to help operators reduce their operating costs with possible amendments to the Council's policies and procedures.**

50 **Dates of Future Committee Meetings**

Members noted the future meetings of the Licensing Committee, all to commence at 10.30am:

12 September 2022
5 December 2022
6 March 2023.

51 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

Eastern Area Licensing Sub Committee

MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 MARCH 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Steve Bucknell, Cllr Jerry Kunkler and Cllr Stewart Palmen

Also Present:

Cllr Tim Trimble (Wiltshire Council), Tessa Isaacson (Public Protection Officer), Sarah Marshall (Senior Solicitor), Kieran Elliott (Democracy Manager – Democratic Services), Adam Ford (Applicant), Gary Chivers (supporting Applicant), Kent Baxter (supporting Applicant), Jason Tunnicliffe (supporting Applicant), Tina Beattie (supporting Applicant), Cllr Peter Balls, Potterne Parish Council (Relevant Representation), Cllr Richard Clark, Potterne Parish Council (Relevant Representation)

7 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Jerry Kunkler as Chairman for this meeting only.

8 **Apologies for Absence**

There were no apologies.

9 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications”.

10 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

11 **Declarations of Interest**

There were no interests declared.

12 Licensing Application

Application by Mr Adam Ford a Time Limited Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB.

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a time limited premises licence, presented by Tessa Isaacson (Public Protection Officer – Licensing) for which one relevant representations had been received. The application was for the following licensable activities:

- Live and recorded music outdoors at specific times and dates set out in the report.
- Provision of late night refreshment for specific times and dates set out in the report.
- Sale of retail of alcohol (on off sales) for specific times and dates set out in the report.
- Hours premises open to the public for specific times and dates set out in the report.

It was stated that there were four options available to the Sub-Committee:

- To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- To exclude from the scope of the application any licensable activity.
- To refuse to specify a person as the designated premises supervisor.
- To reject the application.

It was confirmed a condition had been agreed between Environmental Health and the applicant in respect of music noise levels. No responsible authority had made a representation in objection to the application.

The Chairman invited the Applicant to introduce their application

The following parties attended the hearing and took part in it:

On behalf of the Applicant

Adam Ford – applicant

Gary Chivers – in support of applicant

Kent Baxter – in support of applicant

Jason Tunnicliffe – in support of applicant

Tina Beattie – in support of applicant

Relevant Representations

Councillor Peter Balls – Potterne Parish Council

Councillor Richard Clark – Potterne Parish Council

Applicant's Submission

Mr Adam Ford (supported as applicant by Gary Chivers, Kent Baxter, Jason Tunnicliffe and Tina Beattie) spoke in support of the application, highlighting the following points:

- All required information had been provided with the application.
- All relevant and responsible authorities were satisfied with the application and its preparations for the event.
- He was happy to meet further with Public Protection and others to answer any queries.
- He was confident the Scooter Rally would be a safe event which had been properly planned and prepared for.

Sub-Committee Members' Questions

In response to Members' questions the following points of clarification were given:

- In response to questions on the signage that would be displayed advising people not to travel to the event through Whistley Lane and if people ignored this, the Applicant explained that social media would be used to promote the event and how to come to the site and every effort would be made to encourage people to approach from Devizes.
- It was confirmed the proper route to the site would be given to people when purchasing tickets and the route would be advertised as much as was possible, although there was no legal way to stop people using the other route.
- In response to when any signage would be taken down, it was confirmed this would take place on the Sunday immediately upon the ending of the event, and that this could be included as a requirement in the Event Management Plan.
- It was confirmed that risk assessments could be included in the risk management plan at the site officer, and that risk assessments would be updated especially in the week setting up.
- It was confirmed the total allowable capacity was 2000. A few hundred scooters were anticipated. It was stated the premises licence could go beyond that, but the applicants were focusing on numbers which could be acceptably managed.
- It was confirmed there would be cars and camper vans visiting the site. As tickets had not yet been sold the numbers were estimates, but camper van numbers would be capped as it was necessary to know how much space they would take up.
- Details were sought on the marquee and late night music, and it was stated there was capacity for around 150 for the marquee, with around

250 for that aspect of the site. Music would stop at 2300, and marshals would be on site 24 hours a day to ensure there would not be continued noise disruption on the site.

- It was confirmed live and recorded music would be from the stage areas. The marquee area would primarily be for seating and discussion in the shade.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- It was anticipated that around 90% of attendees would have prebooked a ticket. Provided the event was not at capacity people could purchase tickets at the gate.
- The event would be advertised locally as much as possible, and everyone who had prebooked would be advised of how to approach the event from the preferred direction. Most of those who had not prebooked would have discovered the event on social media, which would also advise of the route.
- In response to concerns around camper vans and potential blocking of Whistley Lane for emergency vehicles, it was confirmed camper vans would be required to have prebooked so numbers would be known, and they would definitely be provided information on the route to take, for reasons of access and space on the site. Those in a van which had not prebooked would not be admitted to the event.
- In response to the scenario of people coming from the village itself, notwithstanding signage, it was confirmed if they had a valid ticket they would be permitted access to the site, but marshals would be directing people and signage could be placed further away to discourage arrival from that route.

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Councillors Peter Balls and Richard Clark from Potterne Parish Council spoke regarding the application, highlighting the following points.

- The Parish Council was unanimous in its objection to the application, as it had been for previous applications on the site.
- Other large events did take place in the village, including at the Cricket Club and at another farm site, and the Parish Council welcomed appropriate events. However, whilst it was not opposed to the nature of the event of the Scooter Rally, the location was considered inappropriate and unacceptable for such an event for the reasons set out in the written submission.
- The road leading to the site was 2 miles long and utilised as a 'rat run' by significant numbers despite the single track lane for one mile.

Resurfacing and repair to the earth bank had taken place in previous years due to vehicle damage.

- Once past the single track part the road widened to a section known locally as 'the races'. Just recently the road had been closed for four hours by police due to the most recent accident there.
- The Parish Council was surprised the police had not put in a representation given some comments from a local policeman at that scene.
- Anyone coming to the event from the south would be likely to use Whistley Lane if they did not have a ticket, and the concern over larger vehicles using it such as camper vans remained.
- The access talked of from the A361 is a dangerous crossing onto a dual carriageway, with local villages already discussing with Wiltshire Council how to improve safety.
- It was accepted the Event Management Plan would direct no left turns from the site, but the concern was more those arriving than leaving.
- It was stated local businesses would not see any benefit from the holding of the event.
- The main concern was the access and not being able to guarantee people arriving through Whistley Lane, as a matter of public safety.
- The second aspect of concern was public nuisance. It was stated there were a larger number of houses on Caen Hill and from previous events it was considered these would be affected by the noise.
- The Parish Council was also concerned if the application were granted further events would take place. It considered using the site unsafe.

Sub-Committee Members' questions

In response to Members questions the following points of clarification were given:

- It was confirmed there was a major concern regarding those arriving who did not have tickets. Alternative approaches from the south required a significant detour which the Parish Council was not confirmed people would take.
- It was stated it would be unfortunate for the event if they closed it off to those without prebooked tickets.
- In response to a question on whether a marshal could be in place on the corner turning onto the lane to stop camper vans, it was said this would cause a major tailback and would not be safe.
- The current use of the lane, without passing places, was explored, and the potential large increase for the event notwithstanding instructions to not do so, as there was no legal mechanism to prevent this.
- It was stated the Parish Council received no formal representations opposed to the event, with one email supporting it, although it was stated a number of people anecdotally made their views to the parish council. It was stated the applicants had not briefed the parish council specifically, and licensing applications were not as widely advertised as planning applications. For previous events objections came after the event.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given:

- Details were sought of Parish Council meetings, with the Applicant stating they had offered to meet with the council.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- That the Parish Council did not object in principle to the event proposed to take place, only to the acceptability of the site under the licensing objectives.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- That they were confident in the suitability of the site, had held events before and had a good plan for the proposed event.
- That the event would be positive for Potterne and the surrounding area and the plan would ensure it took place safely.

Points of Clarification Requested by the Sub-Committee

The following points were clarified for the Sub-Committee

- The Public Protection Officer confirmed that the application had been advertised in line with the requirements of the Licensing Act including through notices and local newspapers.

The Sub-Committee then adjourned at 1100 and retired with the Senior Solicitor and the Democratic Services officer to consider their determination on the licensing application.

The hearing reconvened at 1130.

The Senior Solicitor advised following noting of the decision that she gave general legal advice to the Sub Committee in respect of the licensing objectives, traffic and safety.

It was,

Resolved:

At its meeting held on 9 March 2022, the Eastern Area Licensing Sub-Committee ("The Sub-Committee") resolved to GRANT the Time Limited

Premises License for Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB as applied for and to include the timings detailed below;

Licensable Activity	Timings	Days
Live music (outdoors)	18:00 – 23:00 14:00 – 23:00	Friday 29 July 2022 Saturday 30 July 2022
Recorded music (outdoors)	14:00 – 23:00 13:00 – 23:00	Friday 29 July 2022 Saturday 30 July 2022
Provision of late night refreshment	23:00 – 00:30 23:00 – 00:30	Friday 29 July 2022 Saturday 30 July 2022
Sale by retail of alcohol (on off sales)	12:00 – 00:00 12:00 – 00:00	Friday 29 July 2022 Saturday 30 July 2022
Hours premises open to the public	10:00 – 00:30 10:00 – 00:00 08:00 – 12:00	Friday 29 July 2022 Saturday 30 July 2022 Sunday 31 July 2022

Including the following conditions:

- 1. The Music Noise Level (MNL) 15 min LAeq, should not exceed 100dB(A) at 3m from the stage or source of music.**
- 2. That appropriate road signs be placed in the surrounding area to include a sign at Church Corner directing scooter rally traffic to not access the event from Whistley Road, Potterne.**

Along with any mandatory conditions required by the Licensing Act.

Parties

The Applicant:

Mr Adam Ford (supported as applicant by Gary Chivers, Kent Baxter, Jason Tunncliffe and Tina Beattie) made representations at the meeting that all necessary information had been provided with the application, there had been no objections from any Responsible Authorities, and that mitigation measures were included within the Event Management Plan in order to satisfy the licensing objectives.

Responsible Authorities:

There were no representations from the Responsible Authorities

Relevant Representations:

There was one representation received, from Potterne Parish Council, regarding the Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder, and Protection of Children from Harm. This was in respect of traffic safety implications from use of the site, disruption from live music from the site and the impact from sale of alcohol across the dates requested, and impact on children attending the site or nearby. Councillors Peter Balls and Richard Clark on behalf of the Parish Council made representations stating that whilst they did not object to the event, the site was unsuitable for the event in question and could not be appropriately mitigated to meet the licensing objectives of public safety and prevention of public nuisance.

Reasons for the Decision:

In reaching its decision, the Sub-Committee took account of and considered all of the documentary and oral evidence from all parties including the Applicant and the Potterne Parish Council who made a relevant representation..

The Sub Committee noted the concerns raised by the Parish Council at the hearing relating to public safety and public nuisance in particular concerning the safety implications arising from additional traffic along Whistley Road in order to access the event and concerns regarding attendees accessing the site without prebooking tickets, the additional noise impact of camper vans and large vehicles using Whistley Road.

The Sub Committee was satisfied that the Applicant had demonstrated appropriate mitigation to satisfy the licensing objectives. The detailed Event Management Plan submitted to the Licensing Authority included various conditions to manage the site for the duration of the event, and provided details of the management of the marquee and stage areas. A condition was also been agreed in respect of noise management, and details were provided of the available capacity of the site, booking arrangements, in particular the requirement for those with camper vans to pre-book in advance, steps taken to advertise the preferred route to access the site, and that this would be emphasised to everyone who purchased a ticket in advance.

Given the smaller numbers who would likely attend on the days without a ticket, the nature of the event taking place across several days meaning there was unlikely to be a continuous series of significant arrivals and departures to and from the event, the use of marshals and 24/7 monitoring on the site, and the lack of any objection from the police or fire services, the Sub-Committee were satisfied with the Applicant's promotion of the four licensing objectives.

The Sub Committee considered an additional condition was necessary regarding the display of additional road signage and the Sub Committee considered that concerns raised by the Parish Council had been appropriately addressed.

The Applicant informed the Sub Committee that he was willing to work further with the Licensing Authority and the Parish Council and to take further steps if required to alleviate any further concerns.

Finally, the Sub Committee noted the Police and Environmental Health had not made a representation.

The Sub Committee having heard the representations took the view that the Applicant understood the impact of public nuisance on local residents and that the Applicant had confirmed to the Committee through its evidence that it would take steps to ensure the promotion of the licensing objectives in particular the prevention of public nuisance for this event.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

(Duration of meeting: 1015-1130)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504 , e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

Eastern Area Licensing Sub Committee

**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 18 AUGUST 2022 AT SALISBURY ROOM - COUNTY HALL,
BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

Present:

Cllr Ernie Clark, Cllr Stewart Palmen and Cllr Peter Hutton

And Cllr Tim Trimble as substitute

Also Present:

Applicant/Applicant's Representatives

Matilda Matcham Bear – Applicant
Henry Markes – On behalf of Applicant
Gabriel Shenoy – On behalf of Applicant

Making Representations

Cllr Caroline West – Erlestoke Parish Council
Polly Doyle – Clerk of Erlestoke Parish Council

Wiltshire Council

Sarah Marshall – Principal Solicitor
Terésa Isaacson – Public Protection Officer (Licensing)
Lisa Alexander – Senior Democratic Services Officer
Matt Hitch – Democratic Services Officer

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought. On the nomination of Councillor Clark, seconded by Councillor Palmen, it was:

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 to 10 of the agenda pack).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Kaleidoscopic Events Ltd for Premises License for the Kaleidoscope Arts and Music Festival in respect of an unnamed field accessed via Lower Road, Erlestoke, Devizes, Wilts, SN10 5UF.

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a premises licence, presented by Terésa Isaacson (Public Protection Officer – Licensing) for which one relevant representation had been received. The application was for the following licensable activities:

- Live music (indoors and outdoors) at specific times and dates set out in the report.
- Recorded music (indoors and outdoors) at specific times and dates set out in the report.
- Provision of late night refreshment (indoors and outdoors) for specific times and dates set out in the report.
- Sale of retail of alcohol (on sales) for specific times and dates set out in the report.

It was noted by the Sub Committee that there were four options available to them:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Ms Matilda Matcham Bear
- Mr Henry Markes – Designated Premises Supervisor
- Ms Gabriel Shenoy – Agent for the Applicant

Relevant Representations

- Erlestoke Parish Council in objection to the application

Responsible Authorities

No Responsible Authority has made a representation in connection with this Application.

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chairman invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Ms Matcham Bear, and her representatives, Mr Henry Markes and Ms Gabriel Shenoy, spoke in support of the application, highlighting the following points:

- Kaleidoscopic Events Ltd were a Wiltshire based company and had previously held a successful event on the same site.
- No noise complaints were received about a similar event they held at the same site last year.

- Around 300 tickets had been sold for the 2022 event so far but all the security and safety precautions were designed for a maximum attendance of 800.
- The sound speaker company being used at the event was different to the one employed for the event in 2021. The Applicant felt that the change would enable them to have greater control over noise as they would employ their own sound engineer.
- The closest dance tent to a residential property would be further away than it was at their previous event on the site and the speakers would be facing away from the property.
- The event would be finishing at midnight on Thursday and Sunday nights, earlier than on the Friday and Saturday nights.
- Mr Markes confirmed that he had spoken to Wiltshire Council's Public Protection team about the site boundaries. He had also spoken to the resident living closest to the site and they confirmed that they could hear the noise at night during last year's event but did not find it disturbing.
- It was planned to monitor noise pollution at the site boundaries.
- Mr Markes would brief staff on the Licensing Act 2003 and its objectives before the event.
- Alcohol would only be served in the arena itself and security guards would prevent attendees from taking drinks outside.
- Security guards would remain on site at all times during the event.
- Mr Markes was saddened to hear of the damage caused to a local resident's wall on the night of their event the previous year.
- The car park would be locked at 9pm, so that anyone wishing to drive their vehicle after this time would need to request a key. It was felt that this measure would reduce the risk of drink driving incidents.
- The car park being locked would not impede the emergency exits.
- Further details about the proposals were included in the Event Management Plan.

Sub Committee Members' questions

The Event Management Plan was not included in the agenda pack, so had not been considered by the Sub Committee. In response to questions from Members about the number of attendees at the event, the Applicant offered to submit it in evidence. Members of the Sub Committee agreed to receive the plan and the meeting was adjourned at 10:50am to allow them time to consider

the document. The meeting resumed at 10:57am. Erlestoke Parish Council confirmed that they had seen the Event Management Plan but had not received the documentation relating to risk management.

In response to questions from Members the following points of clarification were given:

- There had been around 450 attendees at the event held last year.
- Based on current ticket sales it was not anticipated that there would be more than 600 people attending the event, but numbers would be capped at 800. All of the security measures in place were designed for a maximum of 800 people.
- When questioned about whether there were plans to provide drug amnesty bins, Mr Markes said that they did not plan to have one but were happy to provide one if it was recommended to do so.
- Clarification was sought about whether tickets would be available to buy on the day. The Applicant noted that they only planned to sell tickets on the day for the locals' night on 1 September but not on the other days of the event.
- When Members queried what the event organisers would do if there were a large number of tickets still available, the Applicant stated that would continue to sell tickets online if the number already sold was very low. However, if the number of tickets sold was close to 800, sales would be suspended on the day, even if the maximum capacity of 800 had not been reached.
- In response to a question about why advertising for the event suggested that there would be up to 2,000 ravers in attendance, the Applicant explained that they had originally planned for a larger event and that their website had now been updated.
- Given the use of the term rave in the marketing, and the resulting press coverage, the Chairman highlighted that Wiltshire Council does not support raves and only supports well managed events. Regardless of the decision made by the Sub Committee, it would not be an indication of support for a rave.
- It was confirmed that the planned ending of live music on Thursday 1 September was 23:59 and that 11:59 was a typo on page 21 of the Agenda Pack.
- The organisers would be carrying out their own noise monitoring by employing a sound engineer.
- When asked whether residents on Lower Road had been consulted about the event, Mr Markes stated that he had spoken to a number of residents.

- Further information was sought about the plans for extreme weather conditions and the threshold for abandoning the event. Mr Markes reported that there had been heavy rainfall at the event last year, so they were confident that the site was suitable. He also mentioned that they were not planning to put up any high tents on the site, so the ones being used would be resistant to high winds. Furthermore, he explained that evacuation points were in place for events such as fires.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- Representatives from Erlestoke Parish Council raised concerns about the impact of the event on livestock in the area, including alpacas grazing in the nearby village of Coulston. Mr Markes explained that he had spoken to a nearby landowner about the impact of noise on their horses, but he was unaware of the alpacas.
- When asked whether it was normal for events of this type to run until 2:30 or 3am, Mr Markes confirmed that bar would stop serving half an hour before the music to ensure that the event ended in a timely manner. Recorded music and the sale of alcohol would end earlier on Thursday 1 and Sunday 4 September than the other nights.
- Confirmation was sought about whether the event was planned to be a one off. The Applicant confirmed that their application was for a one-off event. It was possible that they would apply to hold similar events in future, but these would not necessarily be on the same site.
- Erlestoke Parish Council representatives then asked about what the management plan would be in the event that far more people turned up on the site than was anticipated and they were unable to control numbers. Mr Markes explained that they would call the emergency services in the event that there was a risk that their security staff could be overwhelmed.
- Further details were sought about the Police presence at the event. Mr Markes confirmed that he had been told to expect that there would be an officer on site but had not yet been given details of the specific timings.
- Erlestoke Parish Council representatives asked if they could receive a copy of the Risk Management Plan by email and Ms Shenoy stated that she would be happy to email them a copy.
- It was highlighted that Erlestoke Parish Council's litter pick had found a large amount of rubbish on the roads surrounding the site after the 2021 event, so they asked whether the litter pick for the 2022 event would

extend beyond the boundaries of the site. Mr Markes confirmed that their current plan was to conduct a litter pick within the site boundaries, but they would be happy to extend it.

- It was asked whether Erlestoke Parish Council would be invited to a review of the event. Mr Markes stated that it would be an internal review but he would contact Wiltshire Council after the event to discuss noise levels, as was done after the 2021 event.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Cllr West from Erlestoke Parish Council, explained that they were a small village of around 150 people, so had concerns about a large rave being held in their community. They clarified that they would not object to holding a well-managed event. However, they did not wish to see an event that was similar to a rave that could have a negative impact on local residents, including children and the elderly. The Parish Council then reiterated their concerns about litter, noise pollution and the impact on livestock. They also reported that a vehicle had crashed into a wall in the early hours after the event held in 2021, causing around £2,000 worth of damage.

Sub Committee Members' questions

In response to questions from Members the following points of clarification were given:

- The Chairman reiterated that Wiltshire Council did not support raves and did not feel that it was a suitable term to describe the event.
- Members asked if there was definitive proof that the damage to a local resident's wall had been caused by a person attending Kaleidoscopic Events Ltd's event on the site in 2021. Cllr West explained that the owner of the property did not catch the license plate of the vehicle, as it failed to stop after the collision, so it was not possible to confirm that the damage was caused by someone attending the event.

Questions from the Applicant:

The Applicant did not have any questions for Erlestoke Parish Council, but Mr Markes did say that he understood the points raised in their representation. He clarified that it was not the Applicant's intention to hold a rave and that they planned to have a well organised and managed event. Dancing would take place, but also other activities including pottery.

Closing submissions from those who made relevant representations

Erlestoke Parish Council did not make a closing submission.

Applicant's closing submission

The Applicant did not make a closing submission.

Points of Clarification Requested by the Sub Committee

The following point was clarified for the Sub Committee:

- The Applicant did not have any plans to release helium balloons on the site.

The Sub Committee then adjourned at 11:20am and retired with the Principal Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:45am.

The Principal Solicitor advised that she gave no significant legal advice to the Sub Committee other than to reiterate the four licensing objectives.

The Eastern Area Licensing Sub Committee RESOLVED:

The Eastern Area Licensing Sub-Committee **RESOLVED** to **GRANT** the application for a Premises Licence made by Kaleidoscopic Events Ltd as applied for to **include the activity and timings** and subject to one condition, as below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Live music (indoors and outdoors)	19:30 – 23:59 12:00 – 18:00	Thurs 1 Sept Sat 3 & Sun 4 Sept
Recorded music (indoors and outdoors)	19:30 – 23:59 17:00 – 03:00 14:00 – 03:00 14:00 – 23:59	Thur 1 Sept Fri 2 Sept Sat 3 Sept Sun 4 Sept

Provision of late night refreshment (indoors and outdoors)	23:00 – 02:00	Fri 2 Sept
	23:00 – 02:30	Sat 3 Sept
	23:00 – 23:30	Sun 4 Sept
Sale by retail of alcohol (on sales)	19:30 – 23:30	Thur 1 Sept
	17:00 – 02:30	Fri 2 Sept
	12:00 – 02:30	Sat 3 Sept
	12:00 – 23:30	Sun 4 Sept

Subject to the following Condition:

There will be noise monitoring undertaken on the site at the start of the event at regular intervals and in accordance with the Event Management Plan presented to the Sub-Committee by the Applicant at the hearing on 18 August 2022.

Informative for the Applicant

- I. In the interest of the protection of livestock – the applicant should inform all attendees that no Helium Balloons or Fireworks will be permitted during the event.
- II. The Applicant to confirm to the Parish Council that they will undertake litter picking outside of the event space immediately after the event.
- III. The Applicant will ensure the provision of Drug Amnesty Bins, to be managed by Security at all points of entry to the site.

Reasons for the Decision

In reaching its decision, the Sub Committee took account of and considered all of the documentary and oral evidence received from all parties including the Applicant, Kaleidoscopic Events Ltd, and Erlestoke Parish Council, who made a relevant representation. The Sub Committee took account of and considered the Event Management Plan presented to the Sub-Committee at the hearing. The Sub-Committee heard from the Applicant that the event was an Arts and Music Festival which included craft stalls and the numbers attending would be no more than 800. The Applicant also confirmed to the Council that references to a rave on their website was incorrect. The Sub-Committee noted the concerns of the Parish Council regarding the potential impact of noise on a small village and litter and the Applicant's confirmation to the Sub-Committee that noise monitoring would be undertaken during the event and they would speak with the Parish about picking up litter in areas outside of the field where the event will take place.

The Sub Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties were informed they have the right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

The parties were also informed that a Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line , e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

Northern Area Licensing Sub Committee

MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 30 NOVEMBER 2021 AT THE LARGE HALL, CALNE TOWN HALL, THE STRAND, CALNE SN11 0EN.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Kevin Daley

Also Present:

14 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

- **To elect Councillor Allison Bucknell as Chairman for this meeting only**

15 **Apologies for Absence/Substitutions**

There were no apologies for absence.

16 **Procedure for the Meeting**

The Chairman asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 to 10 of the Agenda refers).

17 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

18 **Declarations of Interest**

Cllr Allison Bucknell declared that due to Cllr Jacqui Lay's illness she was currently covering the Purton community area as a Wiltshire Councillor, but had received no expressions of interest from any local residents or parties re the Pear Tree, Purton.

19 **Licensing Application**

Application for a Variation of a Premises Licence in respect of The Pear Tree, Purton made by Venue Catering and Events Ltd

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a variation of a premises licence, presented by Jemma Price (Public Protection Officer – Licensing) for which 20 relevant representations had been received. The application was for the following licensable activities:

Addition of a Noise Management Plan (NMP) to be approved by the local authority to mitigate noise nuisance for local residents.

Supply of alcohol for consumption ON and OFF the premises, Monday – Sunday inclusive.

The supply of alcohol for residents and their bona-fide guests 24 hours daily, Monday to Sunday inclusive.

The supply of alcohol within all areas inside and out as per the property boundaries, as per the attached site plan.

Late night refreshment – 23:00hrs to 05:00hrs Monday to Sunday inclusive.

Regulated Entertainment indoors (both live and recorded music) 10:00hrs to 01:00hrs, Monday to Sunday inclusive (but subject to reduced hours as detailed within their specific sections).

Acoustic music outdoors until 19:00hrs.

Removal of Annex 2A – Converted conditions.

Licensable Activity	Timings	Days
Live music (Indoors and Outdoors)	10:00hrs to 01:00hrs	Monday to Sunday
Recorded Music (Indoors and Outdoors)	(Indoors) 10:00hrs to 19:00hrs	
Non-Standard Timings	(Outdoors)	Monday to Sunday

New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.	10:00hrs to 01:00hrs (Indoors) 10:00hrs to 19:00hrs (Outdoors)	
Provision of late-night refreshment (Indoors and Outdoors)	23:00hrs to 05:00hrs	Monday to Sunday
Sale by retail of alcohol for consumption both ON and OFF the premises		
Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.	10:00hrs to 01:00hrs	Monday to Sunday

It was noted by the Sub Committee that there were three options available to them:

To grant the licence as applied for.

To modify the conditions of the licence.

To reject the whole or part of the application.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

Angus Hastie – CEO, The Pear Tree, Purton

Carl Bruder – Applicant's Solicitor

James Rankin - Applicant's Barrister

Scott Bradbury – Bar Manager, The Pear Tree, Purton

Sarah Sweeney – DPS, The Pear Tree, Purton

Relevant Representations

Stephen Lloyd - 8 Church End, Purton

Sue Jenks - Old Coach House, Church End, Purton

Mike Tedstone, - 3 Church End, Purton

David Nettleton - 4 Church End, Purton

Ray Thomas - Purton Parish Council

Mary Nettleton - 4 Church End, Purton

Chris Jenks - Old Coach House, Church End, Purton

Responsible Authorities

Tessa Hares - Environmental Health Officer (EC&P), Public Protection, Wiltshire Council

Linda Holland – Licensing Manager, Public Protection, Wiltshire Council

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant Mr Hastie and Mr Rankin spoke in support of the application.

James Rankin advised that:

That the applicant apologised to local residents for the issues that occurred, and that a letter that had been sent to local residents had been poorly written and was inexcusable.

That there was a genuine desire to find common ground to address the problems that had arisen.

That moving the music from the Orangry to the Bartlett room had made a positive change, and that the applicant should have spoken with Licensing officers at that stage.

That the applicant felt that any couples booking the venue, then arranged the event - this event then did not need a licence and was non-ticketed.

Off sales – that if a wedding was pre-paid, then the alcohol was provided, and then did not need a licence, bar sales would however still be licensable.

That the views of the residents were now noted by Mr Hastie.

That there had been a number of wedding events after the ending of the first lockdown were there had been some anti-social behaviour, but that Mr Hastie had made changes to try and appease the local residents.

That the acoustic report, contained on page 152 of the agenda pack was outlined.

That the applicant was keen to build bridges with local residents.

Angus Hastie advised that:

He hadn't appreciated the manner that the Pear Tree had dealt with local residents re noise issues.

That better lines of communication had now been instigated, with residents having Angus Hastie's phone number and email address.

That he was looking at how the Pear Tree dealt with issues internally.

That the Pear Tree now had a dedicated phone line for the duty managers to have on them at all times – for an immediate response to issues raised by local residents.

The Noise Management Plan, contained on page 152 of the agenda pack was outlined.

That the Pear Tree had responded in a very positive manner to the issues that had been raised.

That the business only had a viable future if it could exist happily with local residents.

That work was ongoing re an acoustic fence, with maybe adding a Cotswold stone wall to further help deaden noise from the venue.

That car parking outside the premises on the verges on public highway outside of the venue shouldn't happen again – that guests would be asked to move if parked there in future.

That the venue looked at a better way of handling the booking local taxi operators, with people asked to wait in the building when using taxis after an event.

Sub Committee Member's questions

Noise management plan – do you have a version with all amendments contained?

a. Not at the moment, a completed plan would be drawn up.

lawn terraced area – would it be mapped out, it seems a bit vague?

a. Yes, this would be mapped out. A defined area was mapped out for consumption of alcohol, looking at estate fencing to encourage guests to remain in those areas.

Are you aware that you can only have one DPS?

a. Yes

Where was the smoking area?

a. After 10:30pm the smoking area was the courtyard, contained in the built up area.

The other parties were asked if they had any questions for the Applicant.

Stephen Lloyd – Would background levels of noise be defined, could you carry on a normal conversation?

a. There was no set defined level of what was background music.

Would there be a defined event finishing times?

a. Yes, by 12:30am.

Peter Andrews – Risk assessments, we have seen none of these – what's happening on this?

a. Not covered under this licensing Hearing.

David Nettleton – Noise Managements Report – why propose an outside area for alcohol consumption where people would obviously gather?

a. The venue would have dedicated staff monitoring this situation.

Sue Jenks – That the Pear Tree was in a quiet rural area, not an urban area.

Relevant representation to address the Sub Committee in support of their representation were then given.

Peter Andrews – That sound levels of 95db would cause harm to staff working at the Pear Tree.

How would noise limiters work with live bands etc?

Acoustic fencing would only reduce noise on a minimal level.

Stephen Lloyd – That the acoustics of the area were difficult.

That there were concerns re people leaving walking when they were drunk.

Would like to see a defined db level for the outside area.

Sue Jenks – That this business would cause noise issues.

That residents felt that the Pear Tree had devalued their homes.

The noise from the Pear Tree that we objected to was people noise, not music. The venue hadn't focussed enough on human noise, there was still noise even when people were asked to tone their behaviour down.

Mike Tedstone – That there were concerns re mis-selling, that the Pear tree was something that it isn't - not a substantial building in its own grounds as its billed on their web site. The owners need to recognise that the premises was totally un-suitable for large outdoor events.

David Nettleton – That the closeness of the venue and residential properties could not be stressed enough.

That the venue had continued to operate as if it had the respective licenses.

That environment noise assessment had not been fully implemented – noise levels outdoors had been un-acceptable on multiple occasions.

That there was no confidence that the venue could properly manage noise issues.

Ray Thomas- Purton Parish Council – That the Parish Council have received multiple complaints re human and music noise from the Pear Tree

That the Parish Council understood that the business needed to be viable to trade, but not at the cost of the local residents.

Mary Nettleton – Was not expecting the venue to management changes in the future in a positive way.

That the venue management acted like they could do what they wished.

That there were concerns that as soon as the good weather returns guests would be back outside making a noise nuisance again.

Chris Jenks – Had concerns that nothing in the proposal would lead to any positive changes being made.

Tessa Hares - Environmental Health Officer (EC&P), Public Protection, Wiltshire Council advised that:

That there were concerns re the noise survey report.

That Wiltshire Council were un-aware of who was carrying out the survey until the report was received.

That the noise survey monitoring was un-attended and un-verified.

That the survey report does not cover what is needed in the opinion of Wiltshire Council.

That Wiltshire Council officers would have been happy to work with the Noise Consultant carrying out the survey.

That Wiltshire Council noted the concerns re human noise.

That further monitoring was required – a different scenario when more people were outside, and the need to monitor real noise.

Questions to Tessa Hares

How long would you expect to resolve these issues?

a. Would need to work with the noise monitoring consultant to carry out further noise monitoring – 3 months would be reasonable.

Had the noise consultants worked with Wiltshire Council officers, might we have had a different outcome?

a. Yes

Angus Hastie advised that the venue had encountered issues trying to get the results of the Consultant's findings due to him being ill.

Linda Holland – Licensing Manager, Public Protection, Wiltshire Council advised:

That it was hard to understand why the venue did not think that all the changes made to the premises would not need any licence amendments.

That the venue should have been more aware of their obligations re licensing regulations.

That the venue's Section 172F licensing does not appear to have been carried out in accordance of the regulations.

Queries re the revised Pear Tree building plans.

Was disappointed with the level of engagement with local residents.

Expected strong robust management of the premises.

The Applicant and his representatives had no further questions for those in attendance who made relevant representations.

Those in attendance that had made relevant representation were given the opportunity to make any closing submissions.

Peter Lloyd – that the applicant’s company owned twelve similar businesses, but couldn’t follow the said rules, was not confident that they would make the necessary changes to the Pear Tree and the way that it was managed in future.

There were no more questions or points of clarification from any party.

The hearing was then adjourned to allow the Members of the Sub Committee to deliberate.

Decision

The Northern Area Licensing Sub Committee RESOLVED to GRANT the application for the variation of the Premises Licence as detailed below and subject to the following conditions:

Licensable Activity	Timings	Days
Live music (Indoors and Outdoors)	10:00hrs to 00:00 (Indoors) 10:00hrs to 18:00hrs (Outdoors)	Monday to Sunday
Recorded Music (Indoors and Outdoors)	10:00hrs to 00:00 (Indoors) 10:00hrs to 18:00hrs (Outdoors)	Monday to Sunday
Non-Standard Timings New Year’s Eve to be extended from the normal terminal hour on New Year’s Eve (into New Year’s Day) until the normal commencement hour on New Year’s Day.	From 00:00 until 01:30	Monday to Sunday
Provision of late-night refreshment (Indoors and Outdoors)	23:00hrs to 00:30hrs	Monday to Sunday

<p>Sale by retail of alcohol for consumption ON the premises</p> <p>Non-Standard Timings New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 00:00hrs</p> <p>From 00:00 until 01:30</p>	<p>Monday to Sunday</p>
<p><i>Hours open to the public (not licensable)</i></p>	<p>10:00hrs to 00:30hrs</p>	<p>Monday to Sunday</p>

Subject to the following conditions:

1. ON sales only are permitted in the areas marked in green and red on **Plan 1**, the area marked in purple on **Plan 2** and the area marked in green on **Plan 3**
2. Amplified Live and recorded music will not be permitted indoors in the area marked in red on **Plan 1**.
3. Non-amplified live and recorded music at a background noise level is only permitted in the area marked red on **Plan 1** and the area marked in purple on **Plan 2**.
4. Training
 - a. All members of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act, conditions of the Premises Licence, the Noise Management Plan connected with this premises and its licensing conditions and the promotion of quiet departure of all patrons. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.
 - b. All training undertaken by staff members shall be fully documented and recorded and should be completed bi-annually.
 - c. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written

records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

- d. All staff shall be trained - including regular refresher training - in personal licences, first aid, how to identify drunk or drug impaired customers and conflict management training. This training shall be repeated at least bi-annually and written records of the training kept and made available to police and authorised officers of the Licensing Authority on request.

5. Age Restricted Sales

- a. All members of staff shall have training in age restricted sales including regular refresher training. Written records of this training shall be kept on the premise and made available to Police and authorised officers of the Licensing Authority on request.
 - b. A live working bar compliance folder to include incident logging and a refusals log to be made available to the Licensing Authority and Wiltshire Police on request.
 - c. The premises to have in place proof of age requirements for bar sales, Challenge 25 (passports, driving licence or approved ID) to be in place.
6. The premises will be responsibly managed at all times.
 7. All events will be carefully managed to minimise the impact on neighbouring residential properties.
 8. There will be zero tolerance to drunken anti-social behaviour.
 9. Security checks of all public areas to be undertaken throughout each event.
 10. The Designated premises supervisor or a personal licence holder to be present on site during any event.
 11. The converted conditions contained in Annex 2A of the licence LN/000003080 are removed.

12. CCTV

- a. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
- b. CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements.
- c. A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times that the premises

are open to the public. This staff member will be able to show police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested.

- d. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31 days.
13. The premises shall operate a zero tolerance policy to drug use and have a drugs policy in place and all staff to be trained in the implementation of the policy. The policy should be made available to police and authorised officers of the Licensing Authority on request.
14. The premises shall ensure clients attending the premises are aware of closing times and have made suitable provision for transport.
15. The premises to ensure all public areas to have sufficient lighting.

16. Management of Noise

- a. The approved Noise Management Plan shall be implemented and adhered to prior to and during all events.
- b. The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan by 28 February 2022.
- c. A noise management Plan shall be submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. It shall be reviewed every 3 months and to include controls for music, (live, recorded, unamplified) and people noise.

Noise management plan must also include:

- target sound levels at key monitoring points close to the boundary with residential premises to allow the Pear Tree to undertake their own validation monitoring during events to ensure that noise controls are working.
- written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.
- The noise limiter level shall be set by agreement with the Environmental Health Officer's recommendations. The noise limiter must be set at a level where music is not audible at residential dwellings.

- d. Any music played outside shall not be audible at the premises boundary.
 - e. Windows and doors shall be kept closed when there is music for entertainment in the Orangery.
17. Any late-night refreshment to be restricted to indoors only.
18. A dedicated telephone number will be made publicly available and will be manned during operating hours of the premises.

The Applicant

The Applicant's representative informed the Sub Committee that they had carried out changes to the premises and outside area of the premises in order to carry out events including weddings and were seeking to vary the licence and to extend the licence area and conduct those events. Since the Licensing Authority had made contact with the Applicant, events since September had been conducted by way of TENS.

The Applicant's representative accepted that weddings carried out during the summer of 2021 had created a public nuisance and disturbance to residents who resided close to the premises.

The Applicant offered a sincerely apology to those residents for doing so. The Applicant's representative noted that two responsible authorities had made representations and on the day of the hearing spoken to the Environmental health officer regarding the provision of a suitable and appropriate Noise Management Plan.

Responsible Authorities

There were two representations from the Licensing Authority and Environmental Health. regarding the operation of the licence and events which took place over the Summer of 2021 and the public nuisance (noise) which had severely impacted local residents.

Representations

Representations were received from eighteen residents including Purton Parish Council regarding the public nuisance arising from the events which had taken place over the Summer 2021 and events operated under TENS during the Autumn 2021.

Reasons

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and Councillor who spoke to the representation made by Purton Parish Council.

The Sub Committee having heard the representations took the view that the Applicant understood the implications arising from the public nuisance that had arisen during the summer and the impact on local residents and that the Application had confirmed to the Committee through its evidence that it would undertake various steps in future to ensure the promotion of the licensing objectives in particular the prevention of public nuisance. The Sub Committee made clear to the Applicant the implications arising from any failure to promote the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

It should be noted that the Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence in accordance with the provisions of section 51 of the Licensing Act 2003. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

20 **Further submission on behalf of Representation 9**

(Duration of meeting: 10.40 am - 4.00 pm)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612 , e-mail kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 OCTOBER 2021 VIA AN ONLINE TEAMS MEETING.

Application for a Premises Licence by Damiee Ltd in respect of Tinga, 4a and 4b, Endless Street, Salisbury, SP1 1DL

Present:

Cllr Trevor Carbin, Cllr Ernie Clark and Cllr Robert Yuill

Also Present:

Sarah Marshall, Senior Solicitor
Lisa Alexander, Democratic Services Officer
Lisa Pullin, Democratic Services Officer
Katherine Edge, Licensing Officer
Mr Hancock – Applicant
Rep 1
Rep 2
Rep 3

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were none.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – 6 of the Agenda refers).

4 Chairman's Announcements

There were no Chairman’s announcements.

5 Declarations of Interest

There were no interests declared.

6 **Licensing Application**

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a new premises license in respect of Damiee Ltd, presented by Katherine Edge (Public Protection Officer – Licensing) for which 4 relevant representations had been received.

The application was for the following:

Licensable Activities	Timings	Days
<u>Provision of regulated entertainment</u> Recorded Music	12:00 – 00:00hrs	Sunday - Saturday
Sale by retail of alcohol ON and OFF Sales	12:00 – 00:00hrs	Sunday – Saturday

It was noted by the Sub Committee that there were four options available to them:

1. To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the designated premises supervisor.
4. To reject the application.

The following parties attended the hearing and took part in it:

Statement on behalf of the Applicant

Mr Hancock – Daimee Limited

- He has been running licenced premises in Salisbury since 2009 and he and his wife are Directors of 3 Licensed Premises in Salisbury and he is also the Salisbury Pubwatch Manager.
- He also runs other large events in Salisbury Market Square, which involved working alongside the Salisbury City Council to host an outside experiential event with a licensed bar.

- Having been born in Salisbury, he has a big appreciation of the local community.
- He has never received any complaint for any of his Licensed Premises.
- The business employees 40 young people.
- He aims to grow the Tinga business already operating on Salt Lane.
- Hospitality has been under extreme pressure due to Covid.
- He has been asked to be one of the brand ambassadors, representing hospitality to drive the economy.
- The Application is for a Mexican restaurant, similar to that in Salt Lane, but a bigger version. There has been some confusion earlier on. He confirmed the premises is not a night club.
- Alcohol sales on and off from 12:00 – 00:00hrs.
- Music from 12:00 – 00:00hrs.
- He has amended the original timeframe (10:00 – 02:00hrs).
- Times in line with current planning restrictions – which he is now aware of.
- Following extensive conversations with the Senior Environmental Health Officer (EHO), he added a further 3 conditions, in line with the advice.
- He has also now written a detailed Noise Management Plan.
- The EHO has not made a representation against this application.
- He has responded to all representations made and prides himself in working in harmony with local residents.
- Some responses to our letter he finds uncollaborative.
- No evidence submitted to support the claims raised.
- Lack of understanding and experience he has; it is a legal requirement for him to control people outside of the venue.
- The key points raised within the representations, focused on music and specifically the noise base music would have for residents. He has addressed this aspect in the Noise Management Plan and agreed to install a noise limiter. An EHO will come and visit to monitor/set that.

- He has weekly visits with the Police and they have never experienced fighting at Tinga since opening.
- Off site sales – may not be understood. They would not be selling alcohol in open containers to be consumed outside the venue.
- The concerns around possible loud conversations from visitors congregating outside to smoke, wait for taxis etc are addressed by measures within the Noise Management Plan. They will do everything as set out in the plan.
- Other venues in the surrounding area, have a licence with longer hours. The kebab shop opposite is open until 02:00 – 03:00hrs on a Saturday. They may not sell alcohol in the kebab shop, but they are proposing to close 3 hrs earlier than them.
- What they have applied for is in line with a previous tenant, the Thai Restaurants hours.
- They are combatting the decline in economy – and providing employment.
- They have an open-door policy and are willing to speak to any one at any time.

Questions from the Sub-Committee:

- The Noise Management Plan is very comprehensive, could you clarify the waste management aspect, as we know that the discharge of bottles in to skips can cause a lot of noise, would staff be restricted to emptying waste between set hours?

Answer: If there are a lot, we could look at a cut off time and if 23:00hrs is considered too late for emptying waste then I would be happy to consider this. Could hold glass in containers in the building overnight and empty in the morning. We already do this in Salt Lane, when morning staff come in they empty.

- With regards to the supervision of those outside, is this to be done by supervisors, if so what is their role and what else would they would do?

Answer: The structure would be for one General Manager and four Supervisors, with always 2 on shift. We use an application called Trail which is used by all large establishments. Behind the bar there is a tablet where the app is live all of the time. It can be programmed with tasks that must be completed as a set time, these can include, toilet checks and noise checks etc. We would allocate the Supervisors to monitor the people outside. There would be a front desk where all visitors would have to wait to come through. CCTV will also monitor who is outside.

- Maps show function rooms on first floor, what would they be used for?

Answer: The plans were from the previous landlord; we didn't want to change the layout – they currently show private dining – we do not plan to have a function room upstairs. The upstairs will be used for upstairs dining, we do get requests for 10+ to eat, we have the option upstairs to accommodate larger dining groups. We have no plans to put a DJ in.

Questions from those that made relevant representations:

- Rep 1 – The circumstances of my comments of people being outside, refer to a very hot night. We stopped outside and saw the group part, half to the Pheasant and half to Tinga, their doors were wide open.

Answer: There is no evidence that this happened. Our monitoring is very accurate and professional – we run events in the market square and have never had a complaint.

- Rep 2 – Would you have disco music upstairs, as disco beat does get outside of buildings.

Answer: No we won't have that.

Statements from those that made a Relevant Representation:

Rep 1 – Sarum Lodge resident

- They have lived in Sarum Lodge on the corner for approx. 19 years.
- They and other residents have concerns under public nuisance due to associated street noise.
- When a Thai restaurant was open there was noise through the building, presumably emanating through the windows. The ventilation has to be switched off at a set time under conditions.
- They recognise disco type music won't be played. The base beat does cause concern and they would not want to experience that again until midnight every night.
- The Applicant states that he will monitor people leaving to smoke etc, and it is understood what he has said about this already being done at other premises, but what authority will his staff have outside of the building as, only the Police have authority to do that.
- Some outside noise was beyond what level of normal conversation should be. They suggested that Endless Street is narrow and one way and flanked on each side by 3 storey buildings, when traffic noise has died down after 21:00hrs, there should be a balance between a hospitality and the residential need. They are asking to reduce to 23:00hrs (from 00:00) by just one hour.

There were no questions from the Sub-Committee
There were no Questions from the Applicant.

Rep 2 - Sarum Lodge resident

- Rep 1 has set out some of their concerns very clearly – they also want it to be recognised that more accommodation has been approved for the area too.

Legal Officer – Informed the parties and the Sub Committee that the Sub Committee is unable to consider any Planning matters.

There were no questions from the Sub-Committee
There were no Questions from the Applicant.

Rep 3 - (on behalf old Sarum Lodge residents)

- They are the Chairman of the Residents Association, there are 47 apartments in the block, the 6 residents that face Endless Street all have concerns.
- In a city centre location, sometimes hearing noise from commercial businesses is expected, but it is a matter of getting the balance right.
- Their concern is of excessive noise, from those leaving and exiting to smoke outside.
- The comments of the Applicant today and in his letter to residents has gone some way to address our concerns.
- In the Applicant's letter there was no mention of the use of the upper room would be used for parties. If they had not insisted on the hearing, they would not be aware of what is in the Noise Management Plan.
- People leaving at the end of the evening means the noise is likely to continue for a further 30 mins after the closing time.
- The cap on max of smokers to 6 outside, how would that work. Once someone has left the premises, the Applicant has no control over their behaviour. He cannot prevent people from asking a taxi to collect them from outside.
- When the general surrounding town centre noise is low, after 21:00hrs, we want to strongly request that the license closing time be no later than 23:00hrs on any day of the week.
- In his proposed Noise Management Plan, it states that smokers would be asked to smoke at the side of the building, nearest to 8 Endless Street. It is hoped that the Applicant's intention should be to direct them as far as possible towards the A Plan building, which is a business premises not a residential one.
- They congratulate the Applicant on running these successful licensed businesses and look forward to working with him to make sure there is good will on both sides.

There were no questions from the Sub-Committee

There were no Questions from the Applicant.

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited;

Closing submissions from Applicant

In their closing submission, the following points were highlighted:

- Thanks to all that gave feedback today, we will work with an open door policy to make sure we address concerns.
- A closing time of 00:00hrs is very appropriate and in line with commercial and residential business in the area. The square has premises that are licensed until midnight and there are also flats around there.
- The kebab shop attracts people until much later – waiting for their food to be cooked. Not heard about complaints from that.
- No experience of people waiting outside after their meal. The premises is a restaurant not a pub.
- Groups upstairs – not sure about the concern – whether there are many small groups or one large groups the music will be the same.
- The EHO has no concerns and the Noise Management Plan is in place.
- Management of people outside – suggest that an understanding can be sought through the Licensing Officers about what our powers are – we have the experience to manage this

Points of Clarification Requested by the Sub Committee

The following points were clarified for the Sub Committee:

- Regarding the smoking point for guests, not sure where no.8 came from, possibly a typo. They would be directed to the A Plan building and not next to the residents.
- Smokers outside would be capped at 6, this can be managed.
- Confirm that between the hours of 23:00 – 00:00 this would be a winding down time. Commercially the 00:00 is needed and this would enable things to be wrapped up and closed.

The Sub Committee then adjourned at 11.50hrs and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12:30hrs.

The Senior Solicitor advised that she gave the following relevant legal advice to the Sub Committee:

- Brief advice on the definition of waste, in that it would include the emptying of bottles, as set out in the Noise Management Plan.

Resolved:

The Southern Area Licensing Sub Committee agreed to GRANT the Premises Licence in respect of Damiee Ltd, Tinga, 4a and 4b, Endless Street, Salisbury SP1 1DL, as applied for.

Reasons for the Decision;

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties in addition to the oral submissions presented at the hearing and made on behalf of the Applicant, and those parties who had made relevant representations.

The Sub Committee noted the concerns raised by the parties who had made a representation at the hearing relating to public nuisance, with regards to noise and the proximity of the premises and associated outside spaces in relation to their residential dwellings. The Sub Committee noted that the applicant owned and ran other licensed establishments and large events within the city where the applicant had stated to the Sub Committee that it had never received noise complaints.

In addition, as this license related to a new premises it was not possible to provide any evidence which could be presented to support claims that the running of the restaurant would cause a public nuisance.

The Applicant had provided a detailed Noise Management Plan which included reference to the installation of a Noise Limiter Device if requested by the Council to be installed for all regulated entertainment and, a restriction to the hours permitted for any waste clearance, as between 08:00 – 23:00hrs only. The Sub Committee noted that this would include recycling or disposal of glass which had been raised as a possible noise concern, and in turn, having restricted hours for waste clearance would minimise any disturbance which may be caused.

The Applicant confirmed that the use of the first-floor area would be for dining accompanied by background music and that there was no intention to hold party events with a DJ.

The Sub Committee was satisfied with the clarification on the external location for guests to smoke, which would be outside of the 'A Plan' commercial business, and not outside of the residential windows of Sarum Lodge. The Applicant acknowledged that he was willing to work with the local residents to alleviate any concerns should they arise and was an experienced business owner and event organiser and as such he had worked closely with the Responsible Authorities on a Noise Management Plan.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties were informed of the right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

The parties were informed that a Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.30 am - 12.35 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

This page is intentionally left blank

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 3 AUGUST 2022 AT THE GUILD HALL, MARKET PLACE, GUILDHALL SQUARE, SALISBURY SP1 1JH.

Application made by J Hitchings Partners for a Premises Licence in respect of West Barn Lodge, Fovant, Salisbury, Wilts, SP3 5LL

Present:

Cllr Trevor Carbin, Cllr Kevin Daley and Cllr Robert Yuill

Also Present:

Sarah Marshall – Principal Solicitor, Wiltshire Council

Emma Hyde – Public Protection Officer, Licensing, Wiltshire Council

Kevin Fielding – Democratic Services Officer, Wiltshire Council

38 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

39 Apologies for Absence/Substitutions

There were no apologies.

40 Procedure for the Meeting

The Chair explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 5-11 of the agenda pack refers).

41 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

42 Declarations of Interest

There were no interests declared.

43 **Licensing Application**

Application for a Premises Licence West Barn Lodge, Fovant, Salisbury,
Wiltshire, SP3 5LL

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a Premise Licence, presented by Emma Hyde - (Public Protection Officer – Licensing) for which one relevant representation had been received. The application was for the following licensable activities:

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily
Recorded Music (indoors)	17:000 – 00.00 daily
Late Night Refreshment (indoors)	23.00 – 00.00 daily
Sale of Alcohol (on sales)	08.00 – 00.00 daily

It was noted by the Sub Committee that representation 6J (contained in the agenda pack) had withdrawn and therefore was no longer valid.

It was noted by the Sub Committee that there were the following options available to them:

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

Applicant: Barney Hitchings - J Hitchings Partners

Relevant Representations

Mrs M Ferris, 4 West Farm Cottages, Fovant, Wiltshire, SP3 5LJ

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

It was noted that no representations were received from the Responsible Authorities.

The Chairman invited the Applicant to introduce their application.

Applicant's submission

The Applicant (Mr Barney Hitchings) spoke in support of the application, highlighting the following points:

- That the applicant had spoken to the then two objectors to try and allay their concerns to the proposed application.
- That since meeting with licensing officer, it had been agreed that proposed events would now end at midnight and not 2am.

Sub Committee Member's questions

Were sound assessments to be carried out to monitor noise?

The Applicant confirmed that yes, a noise limiter will then be fitted, and would be looking into which doors and windows should remain closed to help with noise limitation.

How would PA equipment be sited within the venue?

The Applicant confirmed that a decibel meter would be fitted within the venue and that any speakers would be facing south and west during events.

Would landscaping bunds be used to deflect noise?

The Applicant stated that trees could be planted in due course if required to help alleviate noise issues.

Would the venue have an open public bar?

The Applicant stated the venue would be used for private events only and wouldn't be opened as a public bar.

Note: The Applicant provided some interior photos of the barn which were accepted by the Sub Committee to add context to the discussions.

Questions from those who made a relevant representation

It was noted that Mrs M Ferris was not in attendance at the hearing. The Chairman read out aloud the written objection from Mrs Ferris contained in the agenda pack

There were no representatives of Responsible Authorities present.

Applicant's closing submission

In his closing submission, the Applicant advised that fruitful discussions with the objector had been held, with reassurances that there would not be live and recorded music every weekend.

Points of Clarification Requested by the Sub Committee

No points of clarification of the Applicant's final submission were requested by the Sub Committee.

The Sub Committee then adjourned at 11am and retired with the Principal Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:25am.

The Principal Solicitor advised that she had given no significant legal advice to the Sub Committee.

The Chairman announced the decision of this Sub Committee:

DECISION

Southern Area Licensing Sub Committee

Decision made on 3 August 2022

Decision:

That the Southern Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence in respect of West Barn Lodge, Fovant made by J Hitchings Partners as applied for and to include the timings detailed below and subject to the following conditions:

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily
Recorded Music (indoors)	17:000 – 00.00 daily

Late Night Refreshment (indoors)	23.00 – 00.00 daily
Sale of Alcohol (on sales)	08.00 – 00.00 daily

Conditions:

- 1. That the applicant will fit a noise limiter and the provision of regulated entertainment (live and recorded music) is carried out strictly in accordance with the Noise Management Plan prepared by the applicant and agreed by the Licensing Authority by 4 October 2022.**
- 2. That Noise levels from regulated entertainment or any amplified music shall not exceed LAeq25dB (5 mins), nor NR Curve 20 when measured at the boundary of any noise sensitive receptor.**
- 3. Any openings (doors and windows) shall be closed when any amplified music takes place**

Reasons:

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the applicant Mr Barney Hitchings and Mrs M Ferris who had made a relevant written representation which was read out to the Sub Committee by the Chair.

The Sub Committee considered the detailed representations made by the Applicant regarding the merits of his application and the steps the Applicant intended to take to ensure the promotion of the Licensing Objectives. The Applicant confirmed to the Sub Committee that he will fit a decibel meter and would ensure any speakers are facing south and west during events. The Sub Committee also considered and noted the concerns raised by Mrs M Ferris relating to noise from live and recorded music and noise from vehicles at closing time.

The Sub Committee noted no relevant representations were received from the responsible authorities.

In reaching its decision, the Sub Committee took account of all representations made and was satisfied with the steps that the applicant proposed to promote the licensing objectives.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003; the Licensing Act 2003 (Hearings) Regulations 2005, the four Licensing Objectives; the Revised Guidance 2018 issued under Section 182 of the Licensing Act 2003 and the Licensing Policy of Wiltshire Council.

Right to Appeal

The parties were informed that the Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

The parties were informed that a Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence in accordance with the provisions of section 51 of the Licensing Act 2003. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

(Duration of meeting: 10.30 - 11.30 am)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 FEBRUARY 2022 AT THE KENNET ROOM, COUNTY HALL, TROWBRIDGE

Application by Trowbridge Cricket Club for a Temporary Event Notice (TEN's) at 20 Lower Ct, Trowbridge BA14 8QD

Present:

Cllr Trevor Carbin, Cllr Ruth Hopkinson, Cllr Peter Hutton and Cllr Tim Trimble

Also Present:

Sarah Marshall – Senior Solicitor, Wiltshire Council
Emma Hyde – Public Protection Officer (Licensing), Wiltshire Council
Susie Vowles – Senior Public Protection Officer (EC&P). Wiltshire Council
Kevin Fielding – Democratic Services Officer, Wiltshire Council

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

Apologies were received from Mr Elias Cole – Applicant.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 5 to 10 of the Agenda refers).

It was noted that as the substitute Sub-Committee member, Cllr Ruth Hopkinson would remain in the hearing but only as an observer.

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Trowbridge Cricket Club for a Temporary Event Notice (TEN's) at 20 Lower Ct, Trowbridge BA14 8QD

It was noted by the Sub Committee that the applicant Elias Cole was not in attendance.

Emma Hyde - Public Protection Officer, Licensing, Wiltshire Council outlined the application for a temporary event notice made by the Adventure Cinema of 46 Salop Place, Penarth, Vale of Glamorgan, Wales CF64 1HP for an event at the Trowbridge Cricket Club

Points made included:

That a Temporary Event Notice ('TEN') was first served on the Licensing Authority and Wiltshire Police on Friday 21st January 2022.

That if the Police or the Environmental Health Authority believed that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives, they must give the Premises User and the Licensing Authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

That an objection notice was received by the Licensing Authority from the Environmental Health Authority on Tuesday 25th January 2022 for the Temporary Event Notice.

That in accordance with Section 11 of the Licensing Act (Hearings) Regulations the Licensing Authority may extend a time limit provided for in these Regulations for a specified period where it considered this to be necessary in the public interest. A TEN hearing was required to take place within seven working days from the day after which consultation ended. However due to Wiltshire Council officers being unable to source committee members within the time frame required the hearing was moved to Monday 7th February 2022.

That a TEN application was served on the Licensing Authority by Mr Elias Cole. The TEN covered the period of 23rd September 2022 until 25th September 2022 to include the following times on each day:

- Friday 23rd September – 18:00 – 22:30
- Saturday 24th September - 18:00 – 22:30
- Sunday 25th September – 18:00 – 22:30

The TEN included licensable activities covering the sale by retail of alcohol, and the provision of regulated entertainment.

That in 2021 outdoor cinema events had taken place at this location under a Temporary Events Notice during which the council had received numerous public nuisance complaints.

The Chairman thanked Emma Hyde for outlining her report to the Sub-Committee.

Susie Vowles - Senior Public Protection Officer Wiltshire Council outlined her objection.

Points made included:

That because six complaints had been received from local residents and local councillors about the similar event held in July 2021, as a Senior Public Protection Officer, Ms Vowles felt she had no other option but to submit a representation to this TEN application.

That the venue was not ideally suited to hold outdoor events of this nature, due to it being surrounded by residential properties, and therefore it was extremely likely that this department would receive further noise complaints about this event also.

That she had spoken to the Cricket Club management last year about the open air cinema events, who were aware of the sensitivity to local residents having historically received a noise abatement notice.

That the applicant was not happy that complaints had been received at the previous cinema event held in July 2021.

That Environmental Officers had requested that the level of cinema noise level was lowered.

That the venue was not a very good setting for an outdoor cinema

That historically local residents had been unhappy re noise with the Cricket Club.

That it was felt that the organiser should have been more pro-active re lowering the sound level.

That it was felt that the previous complainer would complain again.

The Chairman thanked Ms Vowles for outlining her objection to the Sub-Committee.

Panel Questions to Ms Vowles

Monitoring – surprised that noise monitoring wasn't carried out re the noise management plan.

a. That a noise management plan had been submitted – a standard plan with monitoring carried out.

What were the concerns re noise?

a. Concerns were re the volume of the cinema screen – not voices etc.

Were there any ideas how the applicant would avoid future issues?

a. Perhaps run the cinema sound at a slightly reduced volume.

Surprised that there were no complaints re the public leaving the venue after the events had finished.

That it would appear that the Environmental Health officers had headed off further complaints by being on site during the event.

That the applicant appeared to have learned lessons from the 2021 event.

The Sub Committee then adjourned at 3:15pm and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 3:30pm

The Senior Solicitor confirmed that she gave no significant legal advice to the Sub Committee.

Decision

That the Western Area Licensing Sub-Committee at its meeting held on Monday 7 February 2022 considered the objection notice submitted by the Environmental Health Authority. The Sub-Committee has decided not to issue a counter notice in respect of the Temporary Events Notice (TEN) and therefore allow the TEN as follows:

Outdoor cinema event at the Trowbridge Cricket and Sports Club, Lower Court, Trowbridge, Wiltshire, BA14 8PX on the 23rd, 24th and 25th September 2022.

Licensable Activity	Timings	Days
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30hrs	Friday 23 September 2022
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30hrs	Saturday 24 September 2022
The sale by retail of alcohol and the provision of regulated entertainment	18:00hrs - 22:30 hrs	Sunday 25 September 2022

Informatives for Applicant

That a recommendation that noise monitoring be undertaken by the applicant at the first evening's event on Friday 23 September 2022 due to the location of the premises to residential properties.

That a recommendation that the Applicant provide a designated telephone phone number to be made available to local residents including Town Councillors.

That a recommendation that the letter drop offered by the Applicant will include Town Councillors.

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from the parties including the Applicant and oral submissions from the Environmental Health Officer at the hearing on 7 February 2022.

The Sub Committee noted this was an application for a TEN for a three-day outdoor cinema event, similar to an event which had taken place at the Trowbridge Cricket Club in July 2021. Environmental Health confirmed they had received six complaints about the 2021 event. The Sub Committee also noted that the venue had in the past received a noise abatement notice but both the Applicant and the venue (the Cricket Club) appear to the Sub Committee to have learned lessons from the 2021 event and were aware of the sensitivity to local residents. No evidence of crime and disorder had been provided to the Sub Committee and no objection notice was received from the Police.

The Sub Committee took the view the Applicant would need to be more proactive in its noise monitoring for this event. The Sub Committee noted that the Event was taking place later in the year (in September) and the Applicant had also offered (i) earlier finish times (when compared with the 2021 event), (ii) a letter drop to all residents in the local area ahead of the event and (iii) improved noise management.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties were informed of their right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

7 Close

(Duration of meeting: 2.30 - 3.35 pm)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

Update on the Licensing Service: September 2022

To update the Committee on the work of the Licensing Team

This year has posed a number of significant challenges to the Licensing Team with workloads unsustainably high during many months, and this trend has continued through the summer.

Officers have also carried out visits to premises and festivals continuing even as we returned to business as usual, complaints are now being received expressing concern about licensable activities, music events and noise from licensed premises.

Partnership Working

Public protection managers are attending quarterly meetings with Police colleagues to ensure we are working in collaboration addressing any relevant concerns and complaints relating to businesses in Wiltshire. These meetings ensure a cohesive multi-agency response across the county to multi-disciplinary issues.

Both agencies now have a clearer picture of how the hospitality industry are operating, we are making decisions on when to carry out any additional evening / weekend working in partnership to make best use of resources, however all agencies are still carrying out their own positive work.

Further proactive work will be carried out prior to the World Cup in November, offering words of advice and guidance to ensure the football is enjoyable for all and any issues are limited by the early engagement.

The Immigration Service have visited the county over the past few months carrying out engagements with a number of premises, to ensure workers are not being exploited or working illegally.

Enquiries and complaints

All the teams in public protection have seen an upturn in the number of enquiries and complaints we are receiving.

While some in the Licensed industry have sought to vary their offerings to their customers by adding food, extending into previously unused or underutilised areas of their property this expansion is not always been welcomed by local residents, who now believe they are unduly impacted by these changes. Whether that be the increase in traffic, people noise or entertainment taking place under the de-regulations.

There has been a notable number of premises who however well intentioned did not realise they required planning permission for the substantive changes they have made, and this has led to difficult conversations and engagement with aggrieved parties when we advise that Licensing is unable to intervene unless the licence if being used; is breached.

Licensing recognise this is a difficult time for Wiltshire businesses, with the impact of economic climate and the retention of staff playing a role in the ability of some premises to be sustainable.

Operationally

The Licensing Team like most of Public Protection are frequenting the offices more, inspections are being undertaken face to face. Evening and weekend intelligence/enforcement visits are being carried out where necessary.

Fetes, festivals, and large scale events

Wiltshire has seen the return of a significant number of festivals and events taking place in the first nine months of this year including, local community fetes, sporting, theatre shows, outdoor cinema shows taking place.

Wiltshire continues to be a popular venue for festivals and other large scale events. Prevention of harm is a key element when planning an event; Licensing Officers are involved in considerable pre event work guiding organisers in managing their own event to lessen the impact on the local community and emergency services of Wiltshire. By early intervention and positive engagement, we seek to guide and educate organisers around managing alcohol consumption levels, drug prevention, antisocial behaviour, and the wellbeing of all at events.

Wiltshire welcomed the return of its largest festival Womad at the end of July during one of the very hot spells we have been experiencing.

Additional advice was passed on to organisers of events during the extreme episodes we have experienced asking them to ensure further measures within any medical provisions to deal with excess heat were implemented to cover dehydration, heat stroke, and sunburn. That there was additional / sufficient available drinking water for all attendees. Increased fire checks should be undertaken due to dry grass and bushes.

Some events are supported through the Event Safety Advisory Group (ESAG). This is a forum where the organisers of events meet with the responsible authorities including the emergency services to discuss details of the event and any potential issues and are offered multi-agency advice. The aim of these meetings is to promote well-run, safe events in Wiltshire.

Hearings

In 2022 to date (end of September) 10 hearings have taken place, in comparison to 8 in 2021 in the same period. Thank you to all Members and colleagues who have enabled the due legal process to continue during these busy times.

Temporary Events Notices

This year has seen a steady increase in the number of temporary events notices received by the council, levels are returning to somewhere near pre covid levels.

Month Received	2020	2021	2022
January	119	3	67
February	121	10	88
March	77	18	134
April	6	50	150
May	8	67	289
June	31	126	187
July	40	156	142
August	38	163	159
September	17	136	133
Total	427	729	1349

The attached Temporary Events notice briefing note for Area Boards will be circulated shortly.

Animal Licensing

As part of the 2018 Animal regulations, inspectors must be suitably qualified to carry out animal activity inspections; prior to the first lockdown all relevant council licensing officers had attended one of the five day courses run by The Pet Industry Federation in London. The final requirement being to pass a series of assignments linked to the five welfare needs across the differing premises and species now covered by the regulations. Covid has made this task difficult as the assignments must be linked to physical inspections across the spectrum of premise types, all of our Licensing Officers have or will shortly achieve the level 3 certification.

The lockdowns saw an increase in dog owning with puppies in high demand which saw a phenomenal increase in the price for certain breeds. This seems to have now settled down, unfortunately the downside of the explosion in puppy sales is now being felt in a surge in stray dogs and dogs and other pets being handed in to animal sanctuaries as the effects of the current economic climate is affecting some people's ability to care for their animals.

Officers have recently been proactively investigating a number of complaints regarding possible unlicensed Dog Breeders in Wiltshire, this has involved colleagues and external agencies following up possible welfare and other related issues. Licensing are also reiterating the message to purchasers to do their homework and only buy a puppy from a licensed breeder. The checks carried out on a breeder seeking to be licensed by a local authority should where possible ensure that welfare of the puppies and mother has been managed appropriately.

Officers have visited a number of travellers sites engaging with the occupiers to give out leaflets and advice about dog breeding and animal welfare.

There are currently 25 licensed breeders in Wiltshire.

All Licensing Officers are now currently undertaking unannounced inspections to all the higher risk premises awarded a 1 and 2 star rating. On a few of these inspections, visits we are discovering issues and concerns, which in turn is leading to further action such as warnings, suspensions, and possible revocation.

Zoo Licensing

A **zoo** licence is required if a premises is displaying wild animals to the public for at least 7 days a year, in any place that's not a circus or pet shop. A new **zoo** licence is valid for four years, renewals are valid for six years.

Wiltshire Currently has two Zoo's

Longleat safari park
Butterfly World

Hope Nature Centre has been granted a Full Dispensation by the Secretary of State based on the small number of the kinds of animals kept in the Zoo and therefore the Act does not apply.

Longleat safari park had its required periodical zoo licence inspection in early July this year. The inspection was undertaken by 2 Secretary of State appointed DEFRA inspectors, a Wiltshire Council appointed Zoo vet and two council Licensing Officers, the inspection took 2 very long days looking at all aspects of the animal park.

The inspectors looked at the :

- Health, welfare, and safety of public and animals including measures for prevention of escape
- Education regarding biodiversity
- Conservation research, education, and training
- Captive breeding and repopulation or reintroduction of species into the wild.

Under The Zoo Licensing Act 1981

The following three different types of inspections are required

- periodic
- special
- informal

Periodic inspections

Wiltshire Council undertake periodic inspections after we have granted a licence.

For new licences we are required to carry out:

- the first inspection during the first year
- the second inspection no later than six months before the end of the fourth year

For renewed licences or a new licence for the holder of an existing licence, Local Authorities are required to carry out:

- the first inspection during the third year
- the second inspection no later than six months before the end of sixth year

Special inspections

Wiltshire Council will carry out a special inspection if we think it necessary because of:

- a periodical report
- any representations made to us, or a properly constituted body concerned with any aspect of the zoo management or its animal welfare
- an informal inspection
- any other circumstances which call for an investigation

Informal inspections

Wiltshire Council is required to carry out an informal inspection once in any calendar year where we haven't carried out any other inspection.

Making our City Safer Event

Licensing Officers Andy Noble and Katherine Edge attended the Making Our City Safer event at the Guildhall in Salisbury on Saturday 1st October where they had set up a stall promoting Pubwatch, Ask Angela, information around alcohol health provided by Turning Point the commissioned substance misuse provider, Animal Licensing and Event Planning information.

Many elements of this event of the Salisbury Plan are similar to those of the Purple Flag in Salisbury around street scene, education and support to the trade and customers within the night time economy with particular emphasis on woman's safety.

Keynote Speakers included: Dame Vera Baird DBE KC Former Victim's Commissioner; Wiltshire PCC and Ch Supt Sarah Robbins (lead for violence against women). Links into this work here: <https://www.wiltshire-pcc.gov.uk/your-pcc/campaigns/safer-nights-charter---survey-toolkit/>

Photos of the event can be found here: [20221001 Soroptimists](#)

Latest Team News:

Licensing is currently seeking to recruit to two vacancies within the team as:

Technical support officer Vikki Bilella is moving to another Council department at the end of the month.

Licensing Officer Jemma Price is leaving the authority at the end of December.

Emma Hyde recently started maternity leave and had a baby girl at the end of September 2022.

Licensing Officers

Carla Adkins	01249 706438	carla.adkins@wiltshire.gov.uk
Roy Bahadoor	01249 706439	roy.bahadoor@wiltshire.gov.uk
<i>Emma Hyde (currently on maternity leave)</i>		

Teresa Isaacson	01249 706413	teresa.isaacson@wiltshire.gov.uk
Katherine Edge	01225 713559	katherine.edge@wiltshire.gov.uk
Lisa Grant	01380 826332	lisa.grant@wiltshire.gov.uk
Jemma Price (<i>leaving at the end of the year</i>)	01249 706436	jemma.price@wiltshire.gov.uk
Andy Noble Temporary Licensing Officer	01249 706402	Andy.noble@wiltshire.gov.uk

Technical Support Officers

Lesley Elven	01249 706555	publicprotectionnorth@wiltshire.gov.uk
Julie Macey	01225 716681	publicprotectionwest@wiltshire.gov.uk
Lauren Cuggy	01249 706555	publicprotectionnorth@wiltshire.gov.uk
Vikki Bilella (<i>moving departments at the end of October</i>)	01249 706555	publicprotectionnorth@wiltshire.gov.uk

Useful links:

[Licences and permits - Wiltshire Council](#)

[Licensing Act 2003: statutory guidance - GOV.UK \(www.gov.uk\)](#)

[Licensing Act 2003 - Councillor's handbook \(England and Wales\) | Local Government Association](#)

[Follow Public Protection](#)

**Linda Holland – Licensing Manager Public Protection
1st October 2022**

Area Board Briefing Note – Temporary Events Notices

Service:	Place – Public Protection – Licensing
Date prepared:	7 September 2022
Further enquiries to:	Linda Holland, Licensing Manager
Direct contact:	Linda.holland@wiltshire.gov.uk

At a recent Licensing Committee meeting Members requested a briefing to note for Area Boards to raise member and public awareness around the use and control of Temporary Events Notices under the Licensing Act 2003.

What are Temporary Events Notices and how are they used:

A Temporary Event Notice (TEN) is a standalone permission which permits licensable activities (sale of alcohol and regulated entertainment) for a short period of time., for a maximum of 168 hours (7 days) for any one event. They were introduced as part of the Government’s light touch approach to the regulation of licensable events.

A Temporary Event Notice may be used to cover outside functions, extensions to licensed hours for licensed premises, charity events, weddings, off sales at market, etc.

A TEN is not an application for a licence and the Council as Licensing Authority does not approve the application it merely permits the event.

Who can apply for one ?

Anyone over 18 years of age can apply for one, within certain restrictions

Temporary Event Notices are subject to following restrictions:

- no more than 20 events or 26 days to be granted for any premises / location within a calendar year (increased for 2022/2023 following Covid)
- a **personal licence holder** may apply for a maximum of 50 events in a calendar year
- a **non-personal licence** may only apply for a maximum of 5 events in a calendar year
- no two temporary event notices can be applied for the same premise without a break period of 24 hours between events
- no more than 499 persons may attend at any one time, including all staff and performers
- no temporary event notice can exceed 168 hours / 7 days in time.
- any associate, relative or business partner of the premise user is considered to be the same premises user in relation to the restrictions.

If any of the limitations are exceeded the application will be rejected by the Licensing Authority. If the applicant still wants to go ahead with the event and there is sufficient time for the required legal process, they can apply for a premises licence or club premises certificate.

There are two types of Temporary Events Notice

Standard temporary event notices

Served on the Licensing Authority and responsible authorities a minimum of 10 working days prior to an event, with the required fee of £21.

The 10 working days' notice does not include bank holidays or weekends and does not count the day the application is received or the day that the event starts.

Late temporary event notices

A late temporary event notice is one served 5 - 9 days working days before the event. With the required fee of £21.

The 5 working days' notice does not include the day the notice is given or the day of the event. The same working day restrictions apply, it does not include bank holidays or weekends.

Number restrictions apply to late temporary events notices

A personal licence holder is limited to **10 late** temporary event notices each calendar year and a non-personal licence holder is limited to **2 late** temporary event notices each year.

Who can object to a temporary events notice?

Only Wiltshire Police and the council's Environmental Pollution and Control Team in Public Protection can object to a temporary event notice if they consider the event would undermine any of the 4 licensing objectives as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm.

The Licensing Team, the public and other public bodies are **not** permitted by the Licensing Act to have a view or object to any Temporary Events Notice.

Once a temporary event notice is submitted, both responsible authorities have a maximum of 3 working days to submit an objection to the Licensing Authority.

On a standard temporary event notice if an objection is received then the Licensing Authority will arrange a Licensing Sub Committee hearing to determine the notice. A hearing will take place to decide to approve, add conditions or reject the notice.

On a late temporary event notice, if an objection is received the temporary event notice will be rejected and a counter notice issued, and the event will not be authorised.

What powers does the Licensing Authority have to stop a permitted temporary event once it has started?

Licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation for example: to deal with a statutory nuisance.

How many temporary events notices does the council receive annually?

Year	Number	Explanation
2018	2210	
2019	2171	
2020	427	Impacted by Covid
2021	586	Impacted by Covid
2022	1234	Up to 7 th September

Useful links

[Temporary event notices - Wiltshire Council](#)

[Temporary Events Notice \(England and Wales\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

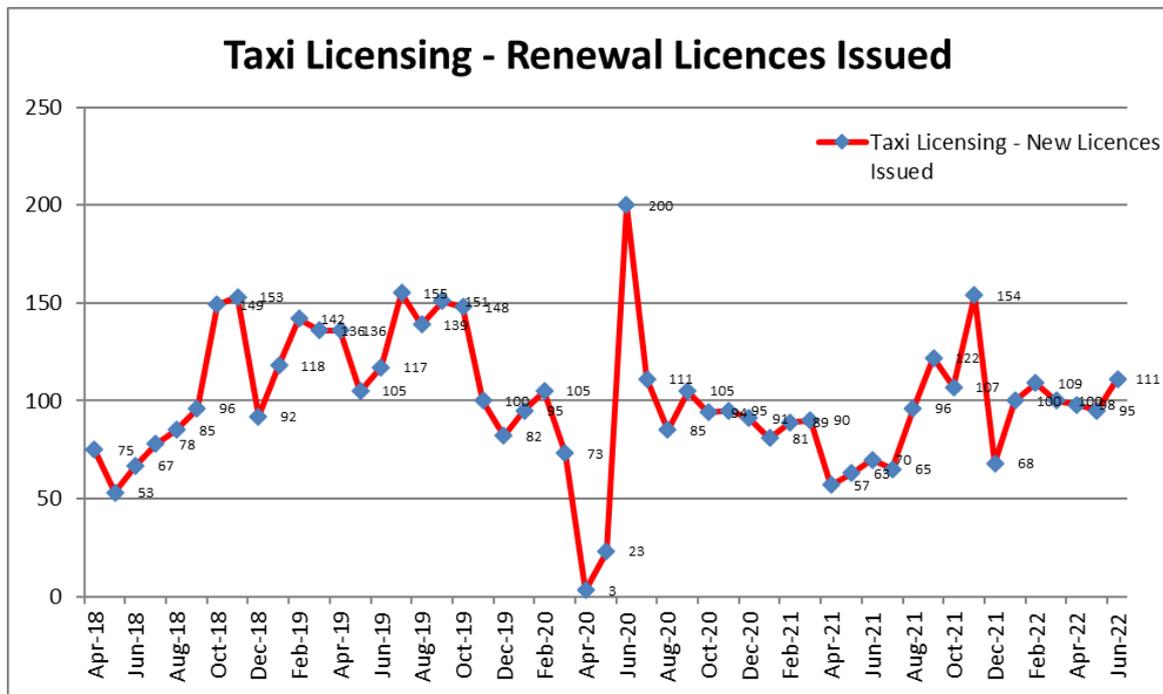
This page is intentionally left blank

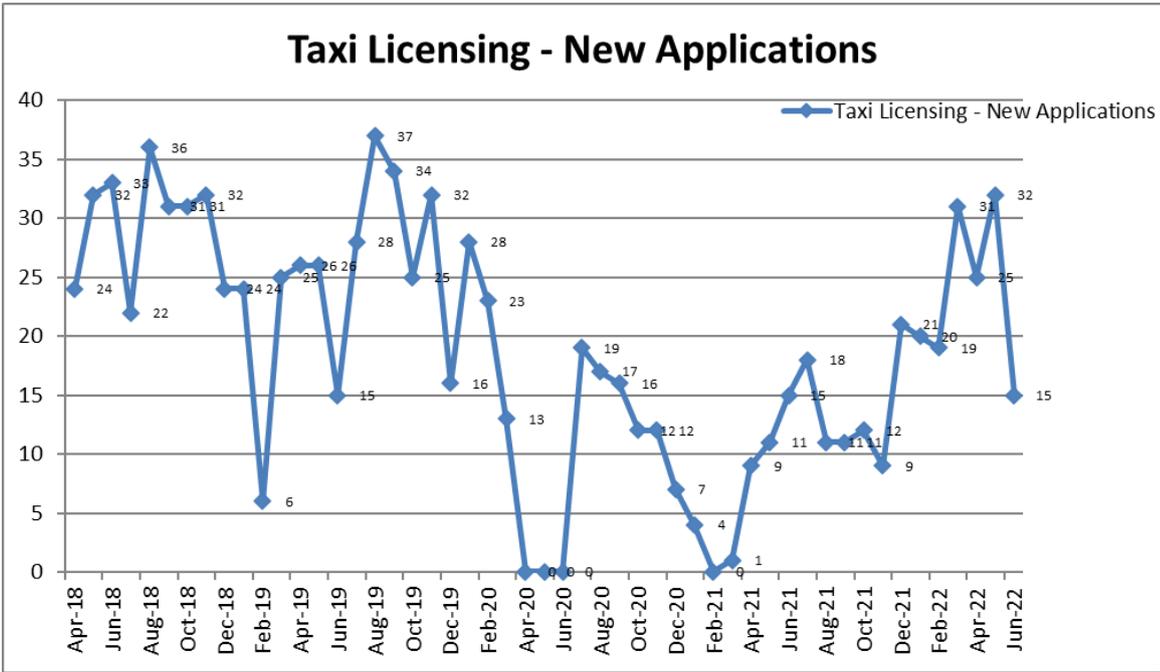
Monthly Taxi Licensing Report – June 2022

1.0 Licensed Drivers

Driver and vehicle numbers have stabilised over 2022 following both showing month on month declines between 2020 and 2021. Drivers are reporting higher levels of business now the economy is beginning to recover. The fall in drivers and vehicles is being seen at a national level as drivers move into the more stable delivery industry.

New driver and vehicle applications have fallen since the start of the pandemic however the team are starting to see a recovery in numbers of new applicants and levels are back to those seen pre pandemic. The team processed 15 new licence applications and 111 renewals during June 2022. It should be noted that a reducing number of licence applicants and holders would reduce the Council's income from taxi licensing in the short term, however the team do expect this to bounce back as part of the wider economic recovery. The new driver numbers are down following an issue with the Council's DBS team, the issue has now been resolved but resulted in fewer new driver licences being processed during June.





The chart below shows the total number of licences produced each month. Driver licences are issued for one or three years, most drivers opt for a three year licence. 2019 saw a large number of drivers renew and is behind the increased numbers for 2019. 2020 numbers were below those seen historically, however numbers have climbed steadily during 2021 and 2022 levels are expected to be high. The number of new applications has risen over the last 3 months to a level seen prior to the pandemic, it is hoped new applications will continue to increase as business picks up and the economy recovers. Whilst new applications are up overall driver levels remain flat as older drivers leave the industry.

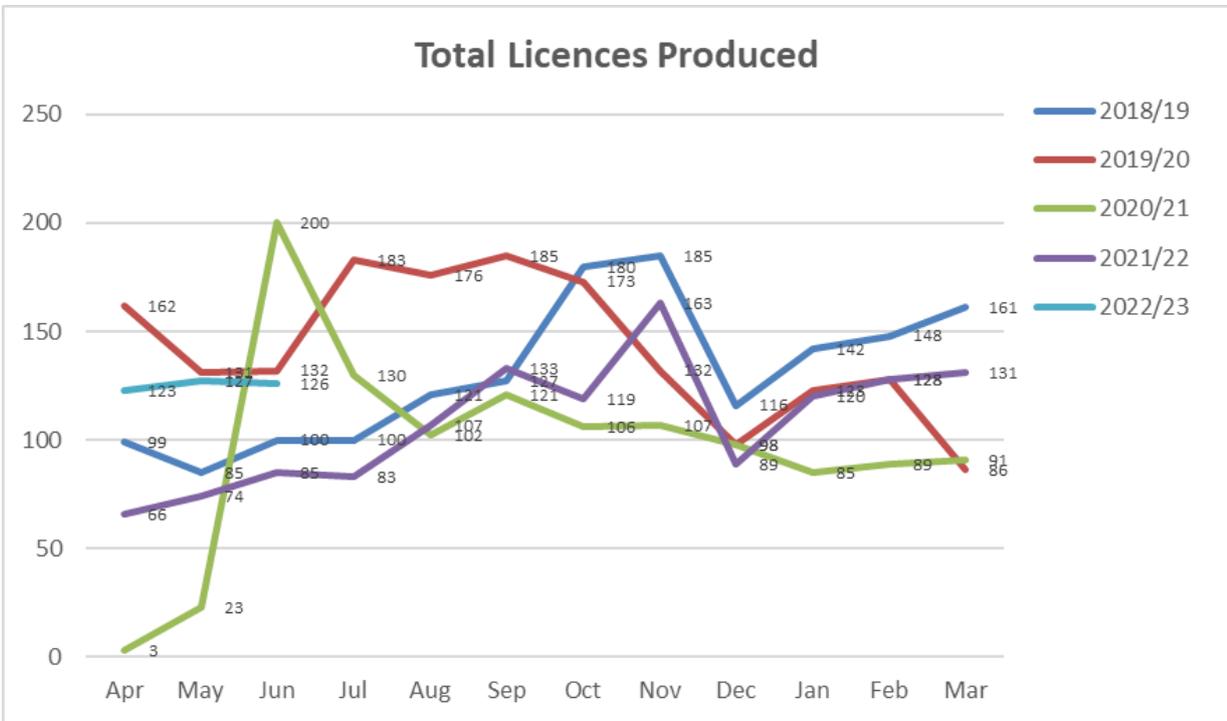


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of June 2022 was 674, a decrease of 7 on the previous month. 143 were licensed in the North area, 75 in the East, 277 in the South and 179 in the West. Over the year April 2019 to April 2020 the number of hackney carriage drivers fell 44, for the same period in 2020 to 2021 driver numbers fell 89 demonstrating the effect of the pandemic. The number of private hire drivers rose by 12 over the same period, April 19 to April 20 giving an overall fall in driver numbers of 32 for 2019-20. For the period April 2020 to 2021 private hire driver numbers fell by 35 giving an overall for of 124 between April 2020 and April 21. Numbers of hackney carriage drivers fell by 79 for the period April 21 to April 22 as the pandemic still effected the industry. Over the same period private hire drivers fell by one giving an overall fall between April 21 and April 22 of 80. This is far better than the 124 fall during the same period the previous year but the fall in drivers continues to put pressure on PTU. Coronavirus and lockdown restrictions have seen a reduction in hackney carriage drivers of 187 over the period March 2020 to June 2022, representing a fall of 22%, this appears to be in line with the national average. It is noted that driver numbers have stabilised over the last 3 months.

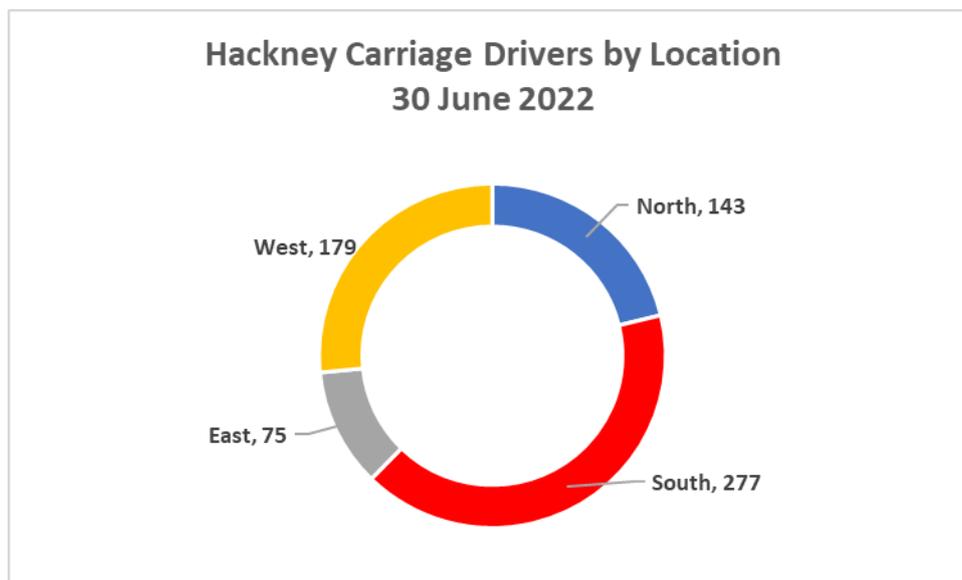
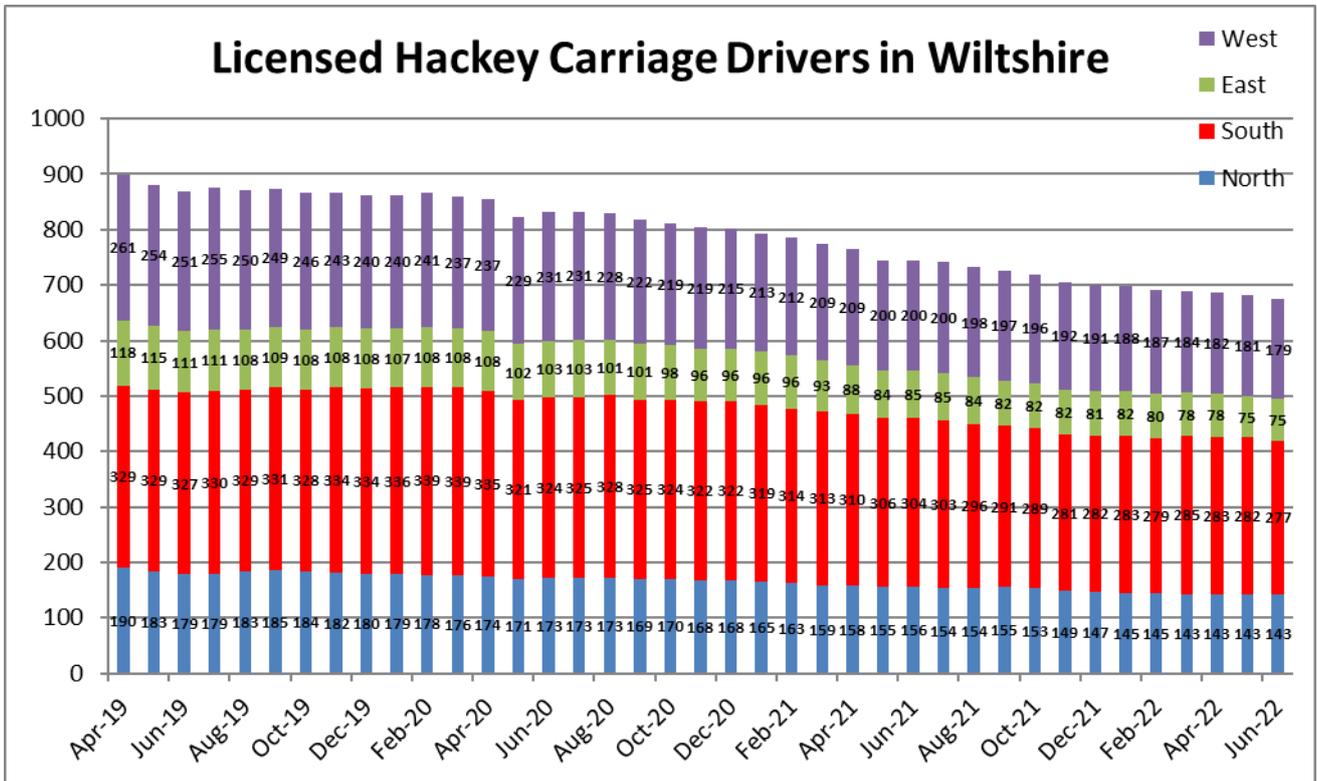


Fig.2

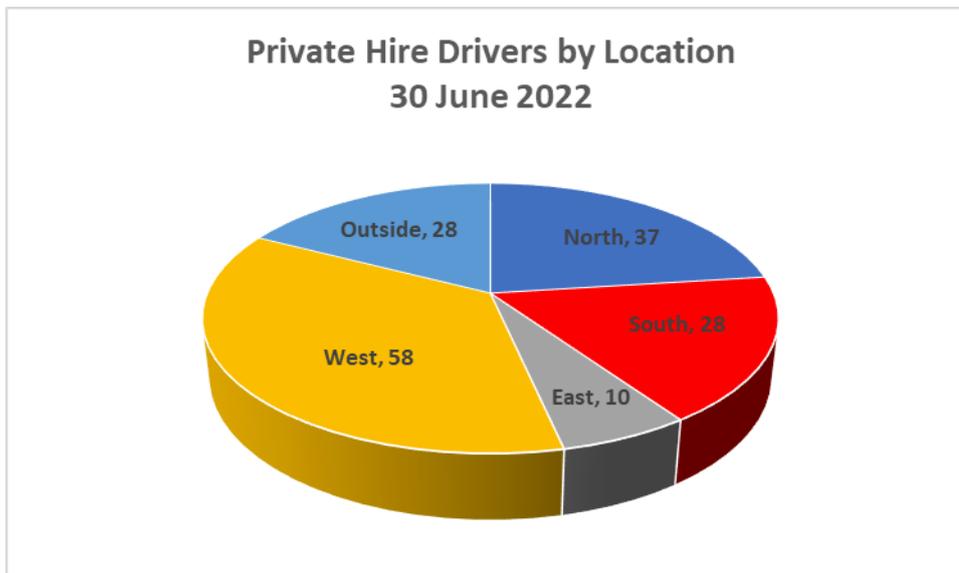
The graph below shows the monthly variation in hackney carriage driver numbers during 2019/20 and 2021/22. During June 2022 numbers fell by 7, numbers in the North and East stayed the same whilst the South fell by 5 and West by 2 when compared to the previous month.

Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 82 in the West, 47 in the North, 43 in the East and 52 in the South. The West is clearly the worst affected area.

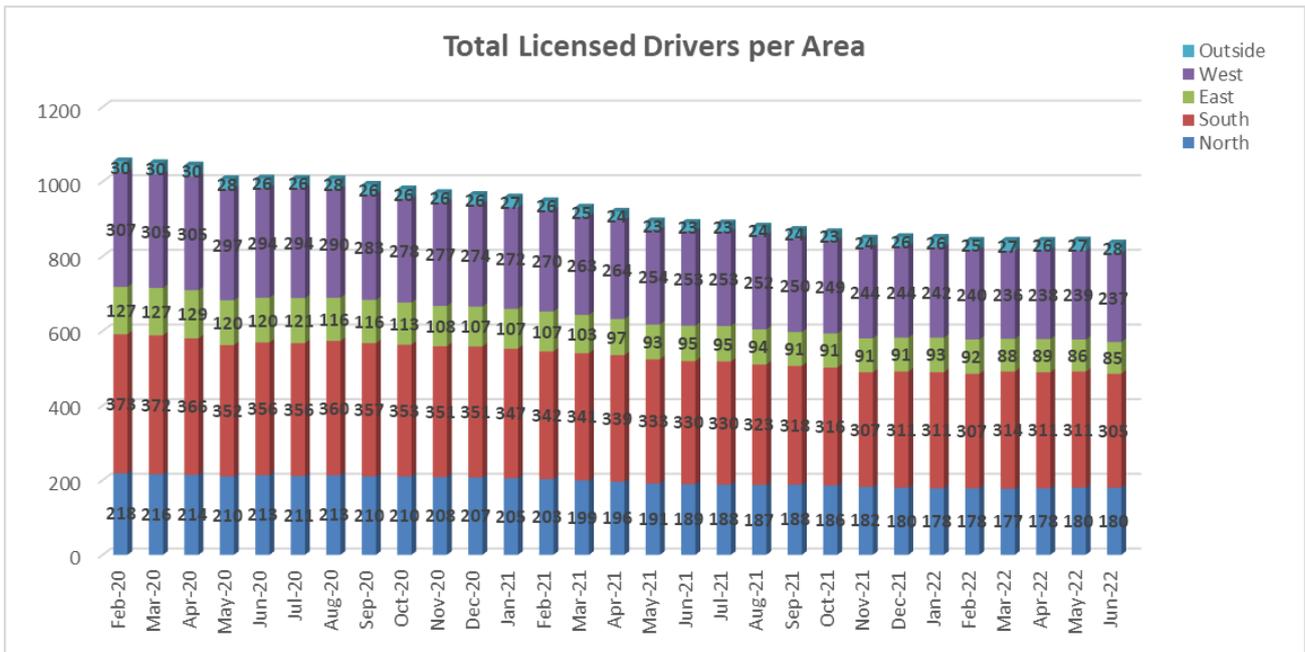


The team also license private hire only drivers, these totalled 161 as at the end of June 2022, a decrease of 1 over the month, bringing the total number of drivers licensed to 835, a decrease of 8 on the previous month.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country. It is interesting to note that we have more private hire drivers living outside of the county than in the east of the county and in similar numbers with the South area. For information, the area in which the private hire drivers are registered is as follows;



The graph below shows total driver numbers since February 2020, the month prior to the pandemic.



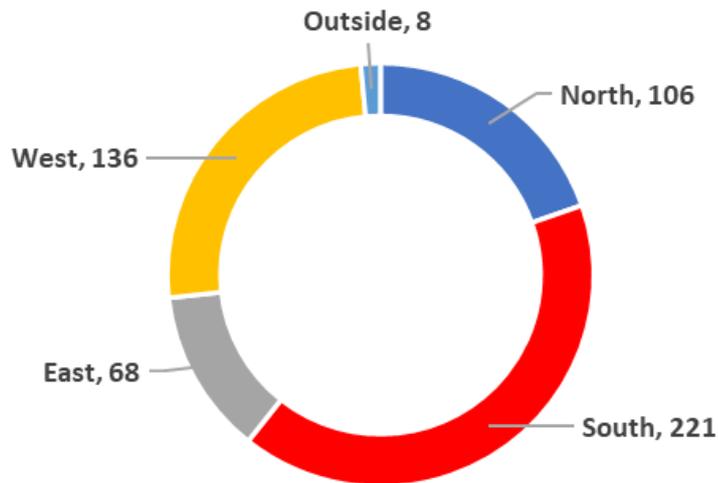
Since April 2019 the number of hackney carriage drivers has fallen by 225 and the number of private hire drivers has fallen by 17, an overall fall of 242 drivers or 23%. However 215, a large percentage of the reduction of 242 drivers has occurred since the first national lockdown in March 2020 as a result of Covid-19.

2.0 Licensed Vehicles

At the end of June 2022 the taxi licensing team licensed a total of 769 vehicles, the same number as the previous month. The impact of lockdown and the Covid restrictions had taken effect and vehicle numbers had dropped for 8 consecutive months prior to May 2021, it was hoped numbers would stabilise after restrictions were lifted but this is taking longer than expected although the team feel numbers have stabilised over the last three months and are beginning to rise. The vehicle split is as follows, 539 hackney carriage vehicles and 230 private hire vehicles, hackney carriage numbers rose by 1 and private hire vehicle numbers fell by 1 over the month when compared to the previous month. Of the 769 vehicles licensed 13.7% or 105 vehicles are wheelchair accessible. It should be noted that 30% of licensed private hire vehicles are wheelchair accessible compared to 6% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

The chart below shows the location split of all hackney carriage vehicles.

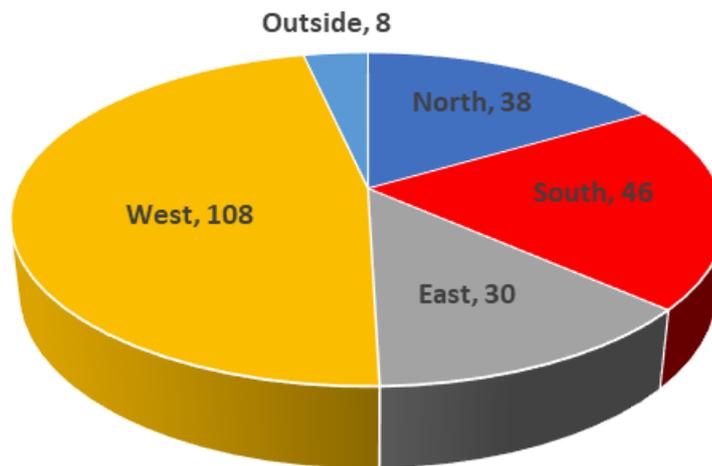
Hackney Carriage Vehicles by Location 30 June 2022



The team also license private hire only vehicles, as advised above these totalled 230 as at the end of June 2022.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country if they wish. For information, the area in which the private hire vehicles are registered is as follows;

Private Hire Vehicles by Location 30 June 2022



Between April 2019 and June 2022 the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 165, the number has reduced by 164 or 19% since the first Coronavirus lockdown was announced in March 2020, this is in line with national trends.

3.0 Enforcement actions

The team continue to proactively enforce the Council’s policies in relation to taxi licensing, ensuring we have a visible presence on the rank, however staff sickness during the period March to June 2022 has seen the level of enforcement reduce over the month. On 30 June 2022 night time enforcement on the ranks was undertaken with Wiltshire Police who communicated with drivers to spread information on their campaign on reducing violence against women and encouraging drivers to report concerning behaviour. The team issued penalty points to on 24 occasions during March 2021, the highest monthly total ever recorded. The enforcement officers also undertook drive by inspections and rank visits within our towns to identify potential issues.

Penalty points were issued 6 occasions during June 2022 for;

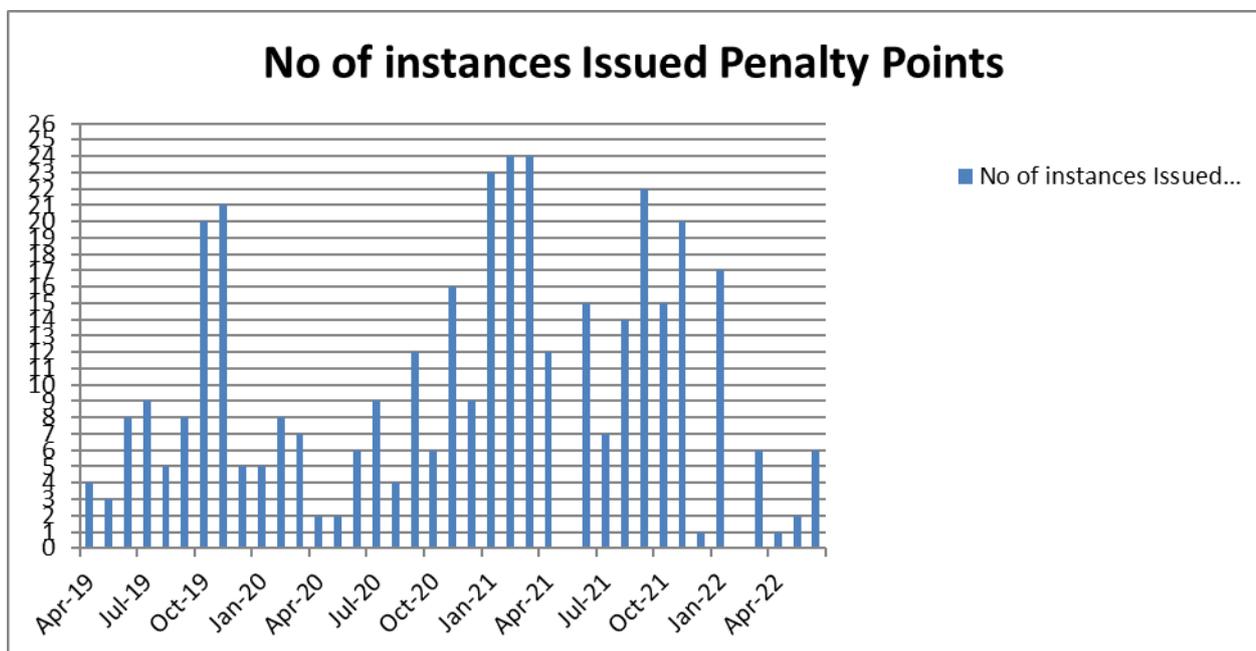
- 5 – Failure to be with the vehicle on a rank
- 1 - smoking in a vehicle.
- 1 – Parking on double yellow lines
- 1 – Failure to wear a drivers badge

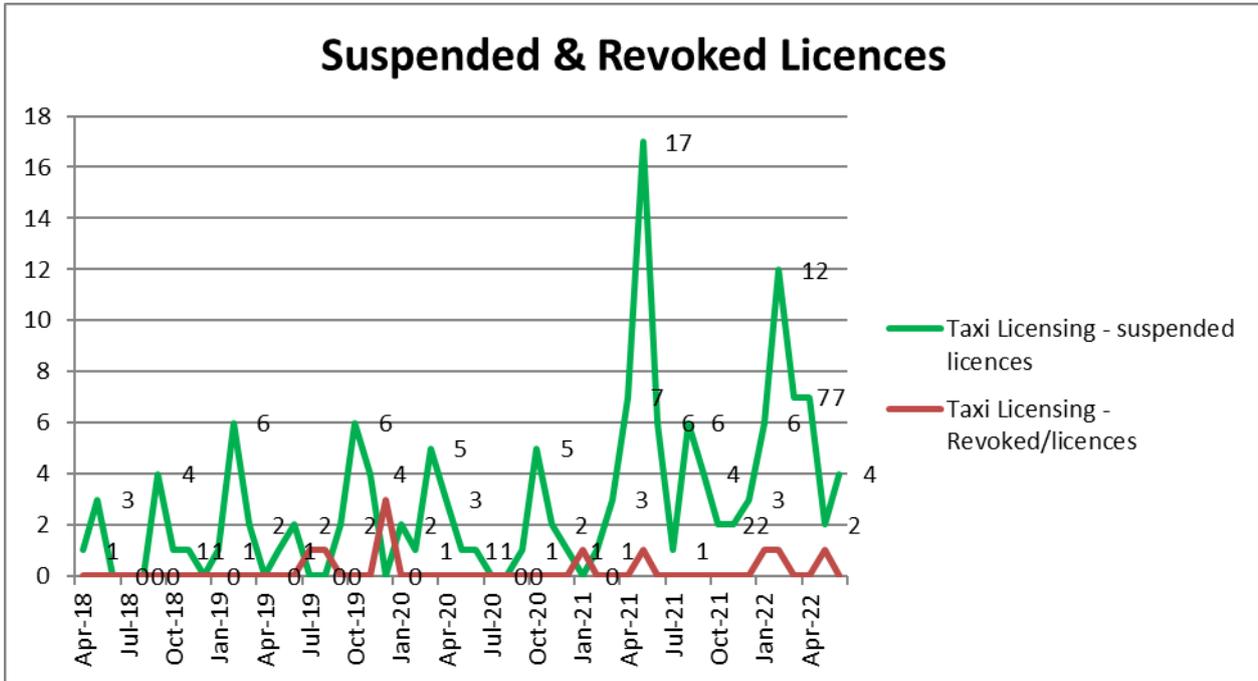
The Council operates an internal penalty points scheme under which a driver will be suspended if they reach 12 points in a rolling 12 month period.

The graph below shows a trend of enforcement as the team effectively manage our driver database.

The Team suspended four drivers and revoked none during June 2022.

An issue had been identified with the latest Government advice on DBS checks and the team worked with the Council’s DBS team on a solution during June which was achieved.





The implementation of a new schedule of fare and tariffs for hackney carriages was completed on 04 January 2022. A report was presented to Licensing Committee on 20 June 2022 recommending a 5% increase to tariff 1 in light of the record fuel prices that are currently being seen. Licensing Committee requested that the Taxi Licensing Team consult with the industry on a 10% rise to Tariff 1. The consultation commenced on 29 June 22 and will finish on 13 July 2022.

The team presented the report after undertaking a fare benchmarking exercise with our neighbouring local authorities as a number of drivers and operators have requested fare increases in lieu of the escalating fuel prices.

The team continue to work on updated driver and vehicle guidelines in line with government advice which will further enhance standards within Wiltshire for the benefit of service users and the industry in general. The team are considering the impact of the proposed 2020 Environment bill which will place requirements on Local Authorities to manage air quality. This may impact taxis and our guidelines around vehicle age and emissions. The Council has also signed an agreement with DEFRA to provide regular licensed vehicle data via a weekly upload to fulfil its obligations under the 2019 Air Quality Regulations. The upload file has been created by IT and the first upload took place in February 2020.

The current Coronavirus pandemic has hit the taxi industry very hard and all local authorities have seen reducing driver numbers. The team believe numbers are stabilising and are working with our colleagues in Passenger Transport Unit on initiatives to encourage recruitment of new drivers in Wiltshire.

Tom Ince
Principal Compliance Officer
August 2022

Update on the fulfilment of Passenger Transport Unit contracts

- Currently 35 students without transport due to lack of Drivers/Licensed Vehicles. Expected to increase.
- Operators continuing to hand contracts back as Drivers leaving the industry. One operator will be handing back 5 contracts between now and Easter due to drivers leaving.
- Growth in demand for transport continues. More students without transport to be expected on current form.
- Advertising campaign has had lots of interest and enquiries for new drivers, need to confirm if that's being followed through by stats from Licencing.

Adrian Weissenbruch
SEND and Passenger Assistant Transport Manager

6 October 2022

This page is intentionally left blank

Wheelchair Accessible Vehicles (WAV) update

Tom Ince attended the recent Department for Transport seminar on WAV vehicles and the taxi industry, there were around 10 other Local Authorities present. The overwhelming message from all areas was not around the number of WAV vehicles but the drivers refusal to take fares. It seems that across the Country WAV owners are happy to complete school contracts and then park the vehicle up.

We believe this is the issue in Wiltshire, as of 26 September 2022 there were 101 WAV vehicles, 13.2% of our fleet. 30% of private hire vehicles in Wiltshire are WAV but only 6% of hackney carriages.

Some local authorities do have a policy that all new hackney carriage vehicles must be WAV but Tom would question the amount of rank work that comes from clients who require a WAV. Most will be prebooked and therefore it is more important to have more PH WAV vehicles.

We currently operate a policy for operators that 1 in every 10 vehicles must be WAV, a small number of other authorities had a 1 in 5 requirement. These are all possibilities but we must understand the demand for WAV vehicles in Wiltshire before changing our policies as any change to mandate WAVs would have a significant impact on the industry and could actually lead to less vehicles being available. We are not receiving lots of complaints from the public that WAV vehicles are not available. Work needs to be undertaken before a full answer can be provided.

Adrian Hampton
Head of Highway Operations
30 September 2022

This page is intentionally left blank

Wiltshire Council

Licensing Committee

17 October 2022

Subject: Proposed Changes to Wiltshire Council's Hackney Carriage Licensing Zone Structure

Cabinet Member: Cllr Dr Mark McClelland – Transport, Waste, Street Scene And Flooding

Executive Summary

Wiltshire Council has a statutory responsibility under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 to licence and oversee hackney carriage and private hire vehicle services.

Hackney carriages can pick up passengers from a rank or the street without being pre-booked. Hackney carriages in Wiltshire are currently licensed for a specific zone and cannot pick up a fare outside of their zone, unless it is pre-booked. Hackney carriages are restricted to working within their zone.

Private hire vehicles licensed in Wiltshire can operate anywhere in the county as their work is pre-booked, their work is not restricted by zone; however, they are not permitted to pick up off ranks or be flagged down in the street.

The existing zones in Wiltshire are geographically placed in the North, East, South and West reflecting the old district council zones. The Council has a legal obligation to offer vehicle owners an inspection at a location within their zone. This means that the Council is currently operating four workshops to facilitate taxi licensing. These workshops are located at Riverway Depot - Trowbridge, Kennet House Depot - Devizes, Parsonage Way Depot - Chippenham and Churchfields Depot - Salisbury. The Riverway and Parsonage Way workshops have been temporarily closed due to infrastructure issues. Both workshops will require investment if they are to reopen.

On 7 March 2022 Licensing Committee gave approval for a consultation with the industry on proposals to create a single licensing zone for hackney carriages in the Wiltshire Council area.

Following completion of the industry consultation and evaluation of the results it is proposed to move to a single licensing zone within Wiltshire, this will allow the Council to centralise all taxi licensing operations at the Kennet House Depot, Devizes, in line with the Fleet Services strategy of relocating from Horton Road depot Devizes to Kennet House to centralise their service. The county currently has a single fees and charges schedule for hackney carriages covering the Wiltshire Council area and moving to a single zone will help align all elements of taxi licensing. The Kennet House Depot has been identified as the most appropriate central location within

Wiltshire as part of the Council's depot review project. There are efficiencies and potential future facility management savings for the Council in centralising taxi licensing in Kennet House, Devizes and removing the requirement to invest in the four workshops and associated office space.

There are also benefits to the taxi industry. Moving to a single zone would provide hackney carriage drivers with the ability to work anywhere within the county and would result in a reduction in dead miles and more efficient fuel usage, in line with the Council's carbon reduction commitment.

A single zone would allow Wiltshire Council to move to one workshop, maximising the use of the one workshop.

A single zone would also provide staff efficiencies and reduce non-productive time by reducing officers travelling time which is currently spent travelling to all four geographical areas of the county.

The Kennet House workshop has been refurbished as part of the Council's Fleet and Depot strategies and is available to take on all the taxi licensing work. If the Council were to retain its current model of four areas and four workshops the workshops in Riverway, Churchfields and Parsonage Way are old and outdated and will require refurbishment at significant costs to the Council if they are to continue in their current guise.

A move to a single zone would mean hackney carriage vehicles from the existing North, South and West zones having to travel further for their vehicle inspections. However, this only occurs twice a year so the burden on vehicle owners is not significant. It is anticipated the benefits of working anywhere in the County and the reduction of 'dead' miles would negate the additional distance to attend two appointments per year.

The Council believes this is a realistic and acceptable expectation.

Proposal

It is proposed that the Licensing Committee authorises the Taxi Licensing team to implement a single licensing zone for hackney carriage vehicles across Wiltshire and that all licensed vehicle inspections are undertaken from Kennet House Devizes.

If approved by the Licensing Committee the single licensing zone will come into effect on 1 January 2023.

Reason for Proposal

- (i) To ensure that the Taxi Licensing service operates in the most effective and efficient way for the Council, saving the Council future workshop refurbishment

costs. Reducing the future funding requirement and assisting the Council in meeting its mid-term financial plan.

- (ii) To bring Taxi Licensing in line with the Fleet Services strategy of centralising services at Kennet House, Devizes.
- (iii) To provide greater options for income generation for hackney carriage licence holders by allowing them to work anywhere within Wiltshire.
- (iv) To make the taxi service provision easier for the public to understand e.g. they can use any taxi at any time.

Sam Howell
Director, Highways & Transport

Wiltshire Council

Licensing Committee

17 October 2022

Subject: Proposed Changes to Wiltshire Council's Hackney Carriage Licensing Zone Structure

Cabinet Member: Cllr Dr Mark McClelland – Transport, Waste, Street Scene And Flooding

Purpose of Report

1. To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on allowing the Taxi Licensing Team to implement a single licensing zone for Hackney Carriages within the Wiltshire Council area.

Relevance to the Council's Business Plan

2. Taxi Licensing is relevant to several areas of the Council's Business Plan.
 - **Growing the economy** – Increasing the area drivers and operators can work in may provide opportunity for new business and employment across Wiltshire. This in turn provides access to goods, services and other businesses throughout Wiltshire. A thriving taxi industry can support all forms of retail and the night-time economy as well as the most vulnerable in society.
 - **Building strong communities** – Provision of a centralised taxi licensing process can reduce costs for the Council. Funds saved can be reinvested into other services or more taxi enforcement that will have a direct benefit on Wiltshire residents.
 - **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access and choice in relation to taxis and transport within their local area. Providing an opportunity for social inclusion by having the freedom to travel.

Main Considerations for the Council

3. The Taxi Licensing Team undertook a consultation with the trade on proposals to introduce a single licensing zone for hackney carriages between 6 May and 10 June 2022. Response rates were very low with only 34 responses being received, 23 via the questionnaire sent directly to all drivers and vehicle owners and 11 through the Council's consultation portal. For information, the number of licensed hackney carriage drivers at the time of consultation was

681, with 531 licensed hackney carriage vehicles. Questionnaires were sent directly to every driver and vehicle owner. The response rate equates to 5% of drivers.

4. Of the 34 responses, 28 were received from drivers and 6 from operators. Responses varied significantly between areas; a summary of driver responses is shown below:

Drivers	North	South	East	West	Overall
	6	14	4	4	28
Yes	4	3	3	3	13
No	2	11	1	1	15
Yes	67%	21%	75%	75%	46%
No	33%	79%	25%	25%	54%

The 28 driver responses indicate that of all licensed drivers (681), 1.9% of drivers supported the proposals and 2.2% were against the proposals. Of the 6 responses received from operators 5 were against the proposals and 1 supported them. It is clear that the South responders were against the proposals whilst those in other areas generally supported them.

5. 12 public responses were received via the consultation portal, 9 supported the proposals stating they believed it provided greater flexibility and efficiency and 3 were against the proposal.
6. Responses from the trade represented 192 vehicles or 36% of licensed hackney carriages. It should be noted that 3 large operators accounted for 153 or 80% of the vehicles represented and those operators were against the proposals. Two were based in the South and one in the West.
7. Of the vehicles represented, 4% were in favour of the proposal and 32% against with 64% not proving a response. A breakdown on the results is shown below:

HC vehicles by Area 31 May 22					
	N	S	E	W	Overall
	107	221	68	135	531
Vehicles Represented					
Yes	17	1	4	1	23
No	6	129	1	33	169
	23	130	5	34	192
Response rate	21%	59%	7%	25%	36%
Yes	16%	1%	6%	1%	4%
No	6%	58%	1%	24%	32%

8. The reasons for not supporting the proposals were placed into four broad categories:
- (i) Distance, cost and travelling time to the inspection site – 9

- (ii) Drivers not knowing the area they are working in – 6
 - (iii) Overload of taxis in certain areas – 3
 - (iv) Difficulty with the knowledge test – 3
9. Given the low response rates to the consultation it was difficult to draw accurate conclusions. Feedback indicates that larger operators do not support the proposals, this may be due to the additional fuel costs of sending larger numbers of vehicles further for inspection. It is hoped this would be offset by greater income earning opportunities and flexibility of working but operators do not believe that being able to work across the entire authority area rather than just one zone is an advantage.
 10. Drivers were evenly split, with 46% of responders supporting the proposal and 54% against. When the numbers for the South are taken out 71% of responders supported the proposal and 29% were against. The South were very much against the proposal with 79% of the South responses not supporting the proposal.
 11. The changes will open up competition throughout the county, some operators will view this positively whilst some will see it as a negative. The Council may suffer negative press coverage and reputational damage if the change is implemented. The Kennet House Depot is the most central in the county with equal journey times for all areas. This ensures that the Kennet House Depot can be reached within one hour from most areas within the county. Please note that on average each vehicle is subject to two inspections per year.
 12. It is proposed to retain the workshop facilities at Churchfields Depot as a back-up site. This workshop will be used by Fleet for inspecting Housing Service vehicles but in an emergency could be used for taxi inspections. The proposal, therefore, allows the Council to remove the duplication of office space and equipment across two depots and removes the requirement for future spend on taxi licensing at two of the four depots currently used.
 13. There are no staff savings as a result of this proposal; however, staff will have additional time to focus on the key objectives of licensing which are safeguarding the public and increased enforcement. Additional time created by reduced officer travel will be used to ensure all driver and vehicle documents and checks are up to date such as DBS, Medical, MOT, Insurance and Safeguarding training checks.
 14. The depot review project, led by Highway Operations, aims to ensure that each is used effectively. This project allows us to deliver this objective in respect of taxi licensing and is in line with the overall Fleet Services strategy of centralising Fleet at Kennet House, Devizes.
 15. The move to a single use depot in Devizes will improve current health and safety standards and customer experience. At present, in the Riverway, Churchfields and Parsonage Way depots there is no dedicated waiting area. Kennet House has a separated waiting facility for taxi drivers that also provides an area where they can view their vehicle being inspected.

Background

16. The Local Government (Miscellaneous Provisions) Act 1976, Section 50(1) currently dictates the Council must have vehicle inspection facilities available in each zone for which hackney carriages are licensed.
17. The Council currently has inspection facilities in four depots which are used one day a week on average. The Depots are as follows:
North – Parsonage Way Depot, Chippenham (Wednesday)
South – Churchfields Depot, Salisbury (Thursday)
East – Kennet House Depot, Devizes (Monday)
West – Riverway Depot, Trowbridge (Tuesday)

The number of vehicle inspections completed in each area based on two inspections per year at present is shown below:

North: 292
South: 534
East: 196 (these vehicles will be unaffected by the change)
West: 488

18. It should be noted that our current inspection facilities at Parsonage Way Depot in Chippenham are unavailable due to the site being modernised to a salt store. These inspections have been temporarily moved to Kennet House Depot in Devizes. As of January 2022, our inspection facilities in Riverway are also unavailable due to structural issues and an inoperable inspection ramp. This leaves the service without inspection facilities within the North and West Zones and, as such, the Council could face legal challenge due to the current zoning requirements or a considerable investment in facilities.
19. Wiltshire Council became a Unitary Authority in April 2009. The Unitary Authority amalgamated the four former District Councils along with Wiltshire County Council.
20. Although Wiltshire Council has been a unitary authority since 2009 taxi licensing continues to operate in four separate zones: North, South, East and West based on the old district council areas.
21. The Local Government Act 1972 Schedule 14, Part II, Para 25 allows the Council to merge the existing zones into a single zone that would cover the whole of the Wiltshire Council area.
22. Following the formation of Wiltshire Council, extensive consultation was carried out with both the public and the taxi trade. From this a unified set of guidelines, policies and procedures for hackney carriage and private hire licensing were approved by the Licensing Committee on 26 May 2010 and introduced across the Wiltshire Council Zones on 1 October 2010.
23. The consultation in 2010 proposed to amalgamate the existing four tariff structures in to one tariff structure and one zone throughout the council area.

However, due to the complications of creating a one tariff structure it was agreed that more consultation should take place on these proposals.

24. On 3 September 2013 the Licensing Committee agreed at its meeting to further consult on the move to one tariff and one zone across the Wiltshire Council area. A consultation was carried out with the trade from 23 June 2014 for 8 weeks. Following this, the Licensing Committee agreed at its meeting on 8 December 2014 to advertise the proposal for one tariff across the four zones but to keep the existing four zones.
25. In May 2015 the Council introduced one tariff structure that covered each of the existing zones throughout the council area with the intention to take this a step further and move to one zone for Wiltshire Council in the future.
26. The Department of Transport (DfT) best practice guidance for taxi licensing was issued in March 2010 and recommended the abolition of zones. This was chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice. For example, if fifty taxis were licensed overall by a local authority only twenty-five of them entitled to ply for hire in each of two zones. It can be potentially confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency and reduce carbon emissions due to taxis being able to pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
27. The Council has a single set of policies and guidelines covering all zones. A single schedule of fares and tariffs is also in operation across Wiltshire. Creating a single licensing zone and licensing vehicles for the whole of the Wiltshire area will bring the above components of taxi licensing into line and standardise taxi licensing across the county.

Safeguarding Implications

28. Moving to a single zone and one office does not have any additional safeguarding implications.

Public Health Implications

29. The proposal to centralise taxi licensing and move to a single zone across the whole of Wiltshire has potentially positive public health implications as taxis would be more readily available across the county. A single zone would assist in protecting the vulnerable in our society as there will be less confusion over tariffs and which vehicles can or cannot pick people up.

Environmental and Climate Change Considerations

30. There are potential environmental or climate change considerations arising from this report proposal. It will reduce carbon emissions. This is because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
31. The proposal would reduce the mileage of staff travelling between depots, thus reducing the Council's carbon footprint; however, this would be offset by licensed vehicle owners and new applicants having to drive further for appointments, it should be noted this occurs only twice per annum. The reduction in staff mileage would reduce the Council's overall carbon footprint. Staff mileage to the depots in a non-Covid environment is approximately 16,500, this is anticipated to drop to 8,600, a decrease of 8,000 miles. The impact on the Council's staff carbon footprint would be a reduction of approximately 2 tonnes of CO2 per annum.

Corporate Procurement Implications

32. There are no direct procurement implications arising from this report.

Equalities Impact of the Proposal

33. The impact of these proposals is assessed as 'medium' against the Council's statutory responsibilities.
34. The new zone would allow drivers to work anywhere within the county, creating a level playing field for all. Basing the service in Devizes will have a negative impact on some who would have to travel further than others to attend an appointment; however, this only occurs twice per annum, so the Council does not consider the move unreasonable.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

35. Budget pressures may not allow the current model of delivering the service to continue and sufficient funding may not exist for equipment to be replaced or procured resulting in non-delivery of the service. This could lead to a legal challenge from the industry as the Council is legally required to provide inspection facilities in all zones for which vehicles are licensed.
36. The Council will continue to deliver the service in a less efficient way by working from multiple locations one day per week.
37. Three of the existing depots have no safe area for drivers to wait whilst their vehicles are inspected, which requires considerable investment to provide and ensure health and safety requirements are met.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

38. There is the possibility of negative press coverage and reputational damage as licence holders in some areas view the proposal as a reduction in service as they travel further to fulfil appointments.
39. Licence holders may migrate to a specific area which may create an oversupply of taxis in one area and an undersupply in others. The Council believes that demand and supply will level out this problem over time; however, it does note that the increased options and competition in some areas may have a negative impact on some taxi operators. It is believed that the move will drive up standards in the longer term.

Financial Implications

40. There are no staff savings under this proposal. The only additional costs associated with the implementation of a single zone relate to advertising the proposals, a cost of approximately £5,000. At present, this cost is unbudgeted; however, there is currently a small underspend on the overall budget and so can be covered.
41. There are future opportunities to utilise the workshop for other activities in the Council by centralising the Taxi Licensing service to a single zone. This allows the Council to deliver the service from one location instead of four and removes the future funding improvement requirements.
42. The Riverway Depot's workshop requires considerable investment, there are structural issues with the roof and the building itself is unusable. Under the emerging Depot Plan the Riverway buildings are proposed to be demolished in 2026. This short time period results in the repairs being unjustifiable and the building has been closed for safety reasons. Whilst costs have yet to be established the repairs are estimated to be over £0.05 million for the repair. The Parsonage Way Depot has been converted to a salt store and the workshop will require investment to re-establish the facility. Due to the taxi operation requiring a separate area from the salt store, the workshop has remained closed. The emerging Depot Plan post 2030 is proposing a new site in the North. This would include a workshop if required, but this would have considerable capital implications at that time.
43. The depot review programme has identified the level of usage of each taxi inspection area cannot justify the cost of the equipment required to maintain four workshops. It would be far more efficient and cost effective to work from a single depot/workshop.

Legal Implications

44. The Council has a legal obligation to advertise the proposed changes for two weeks. There are no legal reasons that would stop the Council implementing the proposed single zone.

45. There is no legal requirement for the Council to consult with the industry; however, the Council has undertaken an informal and non statutory consultation with the industry on the proposal. As advised above the low level of response received from the industry makes it very difficult to draw accurate conclusions.
46. The Local Government Act 1972, Schedule 14, Part II, Para 25 dictates any change to the existing hackney carriage zones would have to be advertised in the local press for two consecutive weeks served, and not later than the date on which the advertisement is first published. This is to be served on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting to allow the public and drivers to raise objections.
47. The cost of advertising the proposal would be approximately £5,000; at present this is not covered by the service area budget.
48. If the service is moved to a single zone model it should be implemented during the 2022/23 financial year. This will allow the Council to communicate and work with the industry in relation to the proposals.

Options Considered

49. The following options have been considered:

Leave the existing hackney carriage zones in place (Under the current arrangements)

Benefits	Risks
No costs incurred with carrying out advertising and notification.	Council must have vehicle inspection facilities in each zone. Inspections carried out one day a week in each zone. Each depot requires inspection facilities which include ramp and workshop facilities. Two of the four workshops are currently out of action and require significant spend to make them fit for purpose
Less travelling time for drivers and vehicle owners, an inspection facility in their local area.	Staff lost time travelling between depots.
	Does not support the Council's Business Plan expectation for staff to reduce their carbon footprint.

Move to one zone for hackney carriage licensing throughout the Wiltshire Council area

Benefits	Risks
Long term costs greatly reduced	Cost of advertising proposal
Reduction in staff carbon footprint	Trade likely to be unhappy with travelling to inspection facilities outside of their current area but it should be noted on average each licensed vehicle would only have to do this twice a year. It should also be noted that drivers in the North and West have been doing this for at least six months as the Parsonage Way and Riverway workshops are currently out of action.
Reduction in staff travel time	
Reduction in staff mileage	
Reduction in costs of having to provide a workshop and inspection facilities in each zone	
Reduction in dead miles for taxi drivers dropping off outside their current zone	

Conclusion

50. To ensure the future sustainability of the taxi licensing function it is more cost effective for Wiltshire Council to deliver the service from a single location. A backup site in Churchfields will be retained but not used to day-to-day taxi inspections. The move to a single zone will reduce the number of offices and workshops used by 75%, saving the Council future spend to bring two workshops to up to date standards. The proposals will allow drivers to work anywhere within the county, providing them with more flexibility and income earning opportunities.

Proposal

51. It is proposed that the Licensing Committee authorises the Taxi Licensing team to implement a single licensing zone for hackney carriage vehicles across Wiltshire and that all licensed vehicle inspections are undertaken from Kennet House Devizes.

Reasons for Proposal

52. To:
- (i) Ensure that the Taxi Licensing service operates in the most effective and efficient way for the Council, saving the Council future workshop refurbishment costs. Reducing the future funding requirement and assisting the Council in meeting its mid-term financial plan.
 - (ii) Bring Taxi Licensing in line with the Fleet Services strategy of centralising services in Kennet House Devizes.

- (iii) Provide greater options for income generation for hackney carriage licence holders by allowing them to work anywhere within Wiltshire.
- (iv) Facilitate the taxi service provision easier for the public to understand e.g. they can use any taxi at any time.

Sam Howell
Director, Highways & Transport

Report Authors:

Jo Hulbert & Danial Farr
Fleet Compliance Officers
Jo.hulbert@wiltshire.gov.uk and Danial.farr@wiltshire.gov.uk

Tom Ince, Principal Compliance Officer
Tom.ince@wiltshire.gov.uk
Tel: 01380 826334

Adrian Hampton, Head of Highway Operations
Adrian.hampton@wiltshire.gov.uk

September 2022

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None

This page is intentionally left blank

Briefing Note for Licensing Committee 17 October 2022

Service: Enforcement, Highways Operation
Further Enquiries to: Tom Ince (Principal Compliance Officer)/Adrian Hampton (Head of Highway Operations)
Email address: tom.ince@wiltshire.gov.uk or Adrian.hampton@wiltshire.gov.uk **Date**
Prepared: 12 September 2022

REVIEW OF CONSULTATION FEEDBACK ON THE COUNCIL'S PROPOSAL TO INCREASE TARIFF 1 BY 10% FOR HACKNEY CARRIAGES

1.0 Purpose

1.1 The purpose of this Briefing Note is to brief the Licensing Committee on the feedback resulting from the consultation undertaken on the proposal to increase Tariff 1 by 10% for Hackney Carriages in Wiltshire following significant fuel prices rises during 2022. This Briefing Note also details a proposed recommendation to be actioned following the consultation. Licensing Committee granted Taxi Licensing with the authority to implement a 10% increase at the 20 June 2022 Committee meeting; however, any rise greater than 10% must be referred back to the Licensing Committee for approval.

2.0 Background

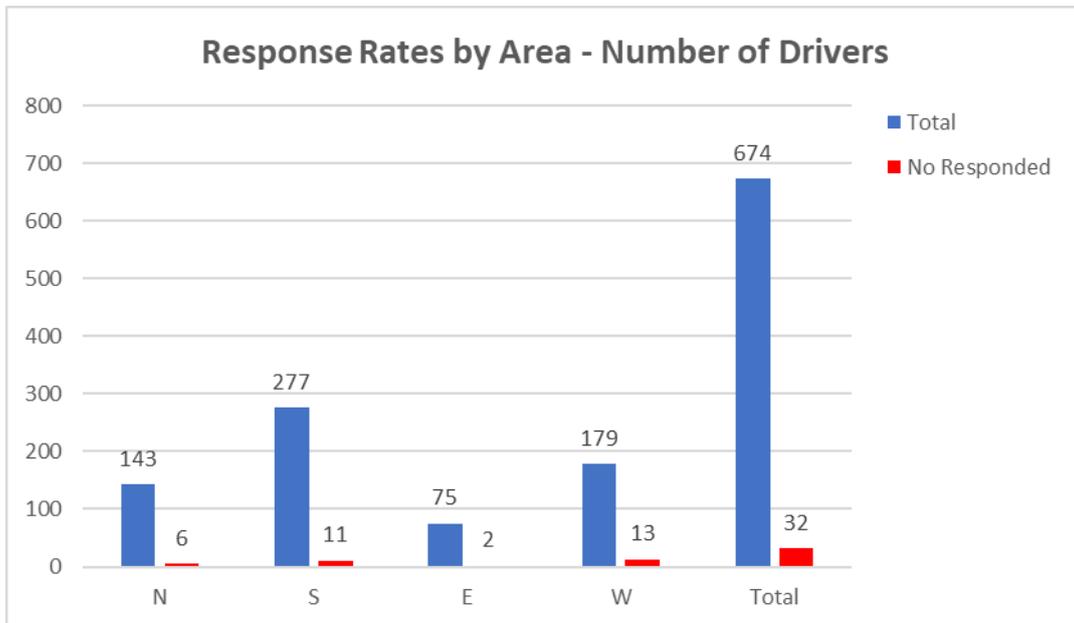
- 2.1 It was agreed at a meeting of the Licensing Committee on 20 June 2022 that the Taxi Licensing Team would undertake a consultation with the industry on proposals to increase the Tariff 1 mileage fare by 10% for hackney carriages in the Wiltshire Council area.
- 2.2 The proposals would address the issues created by the significant fuel price increases absorbed by the industry during 2022 and the overall rising costs of vehicle parts and maintenance.
- 2.3 The fares have not risen significantly since 2015. Following this consultation Taxi Licensing will implement an annual review of taxi fare levels with the next review of fares being conducted during Quarter 1 in 2023. Any agreed changes of fares will be implemented on 01 April 2023 and on 01 April in subsequent years. The increase proposed under this proposal is separate from the annual review process.

3.0 Consultation Feedback

3.1 The level of feedback was very low despite drivers and vehicle owners being emailed directly. A total of 32 responses were received from 674 hackney carriage drivers via the questionnaire sent directly to licence holders which is considered to be very low.

3.2 Of the 32 responses, 53% supported the proposal for a 10% increase to Tariff 1 whilst 41% were against, 6% put forward no opinion, only feedback. It should be noted that 32 responses represent 5% of all hackney carriage drivers and the percentage supporting falls to 2.5% and against as 1.9% when compared to overall hackney carriage driver numbers.

3.3 The graph below highlights the low level of responses which make it difficult to draw accurate conclusions:



3.4 Of the 32 driver responses, 17 (53%) were in favour and 13 (41%) against with 2 (6%) providing no opinion. The split of drivers from each area is shown below along with the overall % of 'for and against' responses:

Drivers	North	South	East	West	Overall
	6	11	2	13	32
Yes	1	8	0	7	16
No	5	2	2	5	14
Yes	17%	73%	0%	54%	50%
No	83%	18%	100%	38%	44%
Overall HC drivers as of end June 22					
	N	S	E	W	Total
Total	143	277	75	179	674
No Responded	6	11	2	13	32
Response rate	4%	4%	3%	7%	5%

- 3.5 It is difficult to draw conclusions from the above results. It should be noted, as advised above, that response rates were very low with only 2.5% of all hackney carriage drivers supporting the proposals and 1.9% against them.
- 3.6 Responses received represented 123 vehicles, 23% of hackney carriage vehicles. It should be noted that the two large operators who responded represented 96 vehicles or 78% of those vehicles represented or 18% of overall vehicles.
- 3.7 Of the vehicles represented by responses, 89% were in favour and 11% were against the proposal when compared to total hackney carriage vehicles, as shown below.

HC vehicles by Area 30 June 22					
	N	S	E	W	Overall
	106	221	68	136	531
Vehicles Represented	8	66	6	43	
Yes	7	64	0	38	109
No	1	2	6	5	14
	8	66	6	43	123
Response rate	8%	30%	9%	32%	23%
Yes	7%	29%	0%	28%	21%
No	1%	1%	9%	4%	3%

- 3.8 The reasons for not supporting the proposal can be placed into six broad categories. The list below highlights the number of times they were raised:
- Would like to see a bigger increase – numbers quoted varied between 15-100% (4)
 - Increasing Tariffs will result in customers not using taxis (3)
 - Reduce the cost of licences rather than increase fares to help customer (3)
 - Increase school contract prices (2)
 - Only just paid to change meter - will the Council cover the cost this time (2)
 - We should be deflating prices to encourage customers to ditch cars and use taxis (1)
- 3.9 For those supporting the proposal the most popular comments were:
- Tariff 2 should also increase (5)
 - School contract prices should also increase (3)
 - Would like to see a bigger increase (2)
 - Only just paid to change meter - will the Council cover the cost this time (2)
 - Taxis should be supported with grants like buses (2)
- 3.10 The Council also asked for ideas on how it could support the industry through the current economic difficulties. Ideas suggested were:
- Remove the tinted window restriction for vehicles – all factory fitted vehicles now have tinted windows. It costs £2000 to change them.
 - Reduce Licensing Fees.
 - Allow older vehicles to be licensed.
 - Ensure there is an annual fare review.
 - Increase school contract prices to a level where they allow us to recover costs.
 - Introduce a £50, 1-year starter licence to encourage drivers into the trade.

3.11 We had only one objection following advertising the 10% increase in Tariff 1 for Taxis. The implementation was deferred whilst this objection was considered.

3.12 The table below details the objection received and officer comments:

Objection Received	Officer Comments
There was a rise in taxi fares implemented in January this year.	This was only 20p on the flag rate, there has been no increase of the mileage rate since 2015.
Council Contracts were raised by 3.75% in May.	PTU contracts are separate, not all drivers undertake them.
Reports to the Licencing Committee (20 June 22) stated "It must be noted that all public feedback to date is that taxis are too expensive and that increasing fares may have a negative impact on driver income levels. There is a risk that by requesting a fare increase drivers' price themselves out of the market." and that was when initially considering only a 5% rise.	The Licencing Committee requested we consult on 10% following representation from the trade at the meeting.
Reports to the Licencing Committee (20 June 2022) repeated "The overriding principle of licensing is the protection of members of the public. If the taxi service is deemed too expensive usage will drop. Wiltshire Council would encourage people to use licensed drivers who have been properly vetted.	All drivers are properly vetted.
To the Licencing Committee (20 June 2022) "Taxi Licensing believe an increase in cost will reduce the number of journeys undertaken by hackney carriage and in the long-term decrease income for operators/drivers. This view may not be shared by all drivers and operators who clearly believe they need a rise in the fare rates."	Half of drivers want the rise and half do not – any rise would be the maximum fare; they do not have to charge it.
10% on a specific tariff is an arbitrary figure and reflects nothing of the cost to the industry.	No, it is based on the fare levels of neighbouring authorities.
Inflation is expected to be embedded at least in the medium term, so will the Council be reviewing in October when Gas bills rise, and March when another huge rise comes in.	The Council has committed to an annual review of fares in Q4 Jan – Mar.
The customer is also suffering a "cost of living crisis" and an increase will only add to their financial pressure	We must have a taxi service that is viable for the industry.

Tariff 1 customers, where this rise is targeted, are those who potentially are the least able to afford the rise. Daytime customers are predominantly older customers and low-income families. Other tariffs are targeted at those with disposable income where a taxi is deemed a luxury and not a necessity.	We must have a taxi service that is viable for the industry if we are to support those traveling.
Business should look at all areas of cost saving, changing working practices etc. before going to the customer for an increase.	Without an increase since 2015, the inflationary costs mean fares must be considered to ensure we must have a taxi service that is viable for the industry
The Council has recently, by its actions, acknowledged that there is a problem in the industry with illegal practices of overcharging. They should not be rewarded with a rise.	No, we have not acknowledged an issue and have provided advice on what can be charged.
There is a 20% reduction in taxi drivers since Covid - I would posit that many of these were because financial help was not available to them due to working cash in hand and so not existing with HMRC. Whilst this is being addressed by a legal requirement to provide HMRC details (also acknowledging the problem) when applying for a badge, this has already flushed out some existing drivers who have 'had to register' before renewing!!	This is an opinion.
The Council is aware of Companies that were "paid up" for Contracts during Covid to support the industry, but this was not passed on to the drivers. Again, malpractice within the industry.	PTU consideration.
Hackney Carriage drivers can go fully private hire with no meter and charge "what they like ", in agreement with the customer.	PH cannot pick up from ranks or the street so limit the extent of their trade.
PTU itself does not wish to pay the full meter fare and will pay the lowest price as THEY feel that offers value for money to the taxpayer.	PTU should achieve best value for the Council as the work is guaranteed.
The industry is NOT calling for this. Of the over 670 hackney carriage drivers, only 32 responded to the consultation (4.77%) Only 16 accepted the proposal or 2.38 % of the industry. 12 voted against and 4 did not offer an opinion. In reality 92.95% of the industry offered no opinion.	This could be interpreted in a number of ways. Ultimately Licensing Committee felt the industry fare rates should rise for Tariff 1.
If the aim is to support the industry, then the Council can look at fee structures and implementation.	That is what the Council has conducted.
There is no option in the public announcement to contact by email. The process of writing a letter adds a barrier	The requirements are set out by law.

to the public airing an objection.	
------------------------------------	--

4.0 Conclusion

- 4.1 Given the low response rates, 5% of hackney carriage drivers and 23% of vehicles represented, it is very hard to draw conclusions from the consultation.
- 4.2 Feedback indicates that larger operators do support the proposals, but there is concern amongst some drivers that increasing prices will drive customers away and result in lower levels of business.
- 4.3 Drivers were fairly evenly split, with 53% of respondents supporting the proposal, 41% against and 6% providing no opinion. However, in the context of overall drivers, 2.5% supported the proposal and 1.9% were against it.
- 4.4 The most commented issues appear to be that the increase should be larger, that Tariff 2 should also be included and that school contracts fees should be raised to allow drivers to cover cost.
- 4.5 Tariff 2 was not included as the teams benchmarking exercise as this indicated it was in line with other authorities. The proposed 10% rise is based on the results of our benchmarking exercise. The Council also has to consider the public and set fare levels at a rate which allows the industry to grow but is also affordable for the public.
- 4.6 A number of respondents cited the fact that meters had only just been updated in January 2022 and requested the Council cover the cost of any meter upgrade if the proposed change is implemented. Each meter costs £35 to update and with 539 hackney carriage vehicles currently licensed the cost to the Council would be £18,865. This would be an unbudgeted spend and therefore this option is not possible for the Council.
- 4.7 The implementation of the 10% increase in tariff for taxis was deferred to consider a comment received following the advertising of the increase notice, this has now been completed.

5.0 Proposal

- 5.1 The low level of responses indicated that drivers were not overly concerned about the proposal. It is with this in mind, and in view of the fact that the fares have not increased significantly since 2015, the decision is to implement the proposed 10% increase to tariff 1 only.
- 5.2 This proposal is approved by the Head of Service - Highways Operations and the relevant Director/Member and will look to be implemented over the next two months.
- 5.3 A communication will also be prepared for the taxi industry to advise of the changes and the proposed timetable for implementation.
- 5.4 The Licensing Committee also requested the consultation to ask the trade how the Council can support it with its costs. Several ideas were put forward which have resulted in the following work projects to be undertaken by Taxi Licensing:
 - Undertake a benchmarking exercise regarding tinted windows in taxis – what do other authorities do? The Council must not lose sight of why our policy is in place which is to promote public safety.

- Ensure an annual review of fares is conducted between January and March each year with any changes implemented as of 01 April each year.
- Undertake a benchmarking exercise to evaluate our current fee levels.
- Review the viability of implementing a one-year starter licence.

Any changes to existing policies following the above work will be subject to approval by the Council's Licensing Committee and a relevant report will be produced for review.

Briefing Note produced by Adrian Hampton, Head of Highway Operations

Email: adrian.hampton@wiltshire.gov.uk

This page is intentionally left blank