

AGENDA

Meeting: Licensing Committee

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

Date: Monday 17 June 2024

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 Allison Bucknell (Vice-Chairman)

Cllr Steve Bucknell

Cllr Trevor Carbin

Cllr Daniel Cave

Cllr Sam Charleston

Cllr Kevin Daley

Cllr Andrew Davis

Cllr Ruth Hopkinson

Cllr Jerry Kunkler

Cllr Tim Trimble

Cllr Robert Yuill

Substitutes:

Cllr David Bowler

Cllr Jacqui Lay

Cllr Dr Brian Mathew

Cllr Charles McGrath

Cllr Stewart Palmen

Cllr Nic Puntis

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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](#).

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AGENDA

1 **Apologies, Substitutions and Membership Changes**

To receive any apologies and to note details of any substitutions and membership changes.

2 **Minutes** (*Pages 7 - 20*)

To confirm and sign the minutes of the meeting held on 4 March 2024 (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 June 2024** 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 June 2024**. 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 21 - 36)

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

Eastern Area Licensing Sub Committee

19.03.24 Application for a Premises Licence – Bishops Cannings, Cricket Club, Coate, Devizes

Western Area Licensing Sub Committee

01.02.24 Application for a Premises Licence – Westbury Pizza Limited, 8 Westbury Mall, Edward Street, Westbury

8 **Update from Passenger Transport Team**

Jason Salter (Head of Service – Passenger Transport) will give an update on behalf of the Passenger Transport Team at the meeting.

9 **Update from the Taxi Licensing Team** (Pages 37 - 42)

Tom Ince (Principal Compliance Officer) has prepared the attached update on behalf of the Taxi Licensing Team as of May 2024 and will give an overview of the update to the Committee at the meeting.

10 **Update from Public Protection Licensing Team** (Pages 43 - 48)

Claire Francis (Public Protection Manager – Community Protection) has prepared the attached update on behalf of the Public Protection Licensing Team and will give an overview at the meeting.

11 **Statement of Licensing Policy** (Pages 49 - 112)

The report of Claire Francis (Public Protection Manager – Community Protection) asks the Committee to note the results of the consultation undertaken and proposed amendments to the Council's draft Statement of Licensing Policy and comments it for approval by Full Council on 22 October 2024.

12 **Gambling Statement of Principles** (Pages 113 - 170)

The report of Claire Francis (Public Protection Manager – Community Protection) seeks to inform the Committee of the need to review, consult and adopt a new Gambling Statement of Principles by 1 January 2025 and to seek approval to commence the consultation process.

13 **Dates of Future Committee Meetings**

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

16 September 2024
2 December 2024

17 March 2025.

14 **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.

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Licensing Committee

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 4 MARCH 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Steve Bucknell, Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Kevin Daley, Cllr Andrew Davis, Cllr Jerry Kunkler, Cllr Stewart Palmen (substitute), Cllr Tim Trimble and Cllr Robert Yuill

Also Present:

Frank Cain (Legal representative), John Carter (Head of Service – Public Protection), Claire Francis (Public Protection Manager – Community Protection), Tom Ince (Principal Compliance Officer), Jonathan McLaughlin (Legal representative), Stephen Melville (Safer Streets Co-Ordinator – OPCC) and Lisa Pullin (Democratic Services Officer)

1 Apologies and Substitutions

Apologies were received from Cllr Ruth Hopkinson and from Jason Salter (Head of Service – Passenger Transport Unit).

Cllr Stewart Palmen was substituting for Cllr Ruth Hopkinson.

2 Minutes

The minutes of the meeting held on 4 December 2023 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 4 December 2023 be approved and signed as a correct record.

3 Chairman's Announcements

The Chairman welcomed Claire Francis (Public Protection Manager – Community Protection), and Stephen Melville (Safer Streets Co-Ordinator – OPCC) to the meeting.

The Chairman highlighted that the Council had won the Environmental Campaign of the Year Award at the Keep Britain Tidy Awards for its work to reduce fly-tipping in the county at an awards ceremony in York on 29 February and congratulated the teams involved on behalf of the Committee.

4 **Declarations of Interest**

There were no declarations of interest.

5 **Public Participation**

No questions or statements had been submitted to the Committee from the public in advance of the meeting.

6 **Licensing Appeals Update**

There were no known Licensing Sub Committee appeals pending.

7 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committee were approved:

Western Area Licensing Sub Committee

11.12.2023 Application for a Premises Licence, Asda Express, East Street Service Station, 80 East Street, Warminster

Resolved:

That the minutes of the meeting detailed above be approved and signed as a correct record.

8 **Safer Streets Fund Update**

Stephen Melville (Safer Streets Co-Ordinator) from the Office of the Police and Crime Commissioner presented an overview of the Safer Streets Fund initiative and highlighted the following:

- The Safer Streets Fund launched in 2020 and the Government has invested £120 million through four rounds of funding. Round 5 launched in July 2024 and Police force areas were offered the opportunity to bid for up to £1 million to deliver a range of interventions. Police and Crime Commissioners (PCC's) were invited to submit up to three proposals for their areas, consulting relevant local authorities and other partners in their area. The proposals that were submitted were assessed by the Home Office to ensure they met the terms of the scheme;
- Stephen had been in post as the Safer Streets Co-Ordinator for 2 months now. It was not yet known if there would be a round 6 of funding with the pending general election and how a new government might want to fund such initiatives;
- Discussions with the Home Office began in August/September 2023 which had meant that there was a very short time frame to get out and gather evidence, and then submit the bids to the Home Office for approval. Just under £1 million was claimed for Wiltshire and Swindon, previous projects

could not be repeated. For round 5 there was a focus on neighbourhood crime – burglaries, robberies, vehicle theft, anti-social behaviour and tackling violence against women and girls, this was initially introduced in 2021 in response to the Sarah Everard case, and had continued through round 4 to into round 5;

- In December 2023, the Home Office notified that there would be reduction in the funding available which meant that each Police force area would have a reduction of £180,000 from the original allocation for the 2024/25 year. Consideration had to be given as to where this money could be saved and there was consultation with local authorities and partners to look at how the outcomes could still be met. The OPCC agreed to provide investment of £50k to cover some of the shortfall and to reduce the impact on providers and the intended outcomes of the funding. It was decided not to try and commission new services but to adapt existing projects with efforts to achieve outcomes but accepting that some impact on delivery would be inevitable;
- Project 1 included Night Time Economy (NTE) Wardens for Trowbridge and Salisbury from 8pm to 4am, CCTV in Chippenham and Salisbury and Community Action Initiatives for Swindon;

A Trowbridge Committee member asked about the stakeholder engagement that had been undertaken prior to this project as he felt that Trowbridge might have preferred funding towards CCTV. Stephen reported that he was not involved in the bid process so would not be able to advise on that. He further highlighted that the timescales were short and that funding was prescriptive to submit bids within a certain date. He assured the Committee that there would have been consultation with the local community and local authority. Crime data would also have been considered and he would be happy to follow this up to provide further information outside of the meeting with the member.

- It was explained that a NTE Warden would be a visible guardian presence providing support to service users of the night time economy primarily but not exclusively women. They were not to replace Street Pastors but were an extra layer of presence/support and they would look to develop partnerships with them and would be meeting with the neighbourhood policing teams. This service had been launched in Salisbury on 24 February with the start in Trowbridge to be confirmed and the relevant communications would be shared;

The Chairman recalled that there had been Taxi Marshalls in the past and asked if the taxi trade knew about the NTE Wardens and if there would be a link with them. Stephen reported that they were hopeful that this would be the case with the NTW Wardens being able to put any vulnerable females into a safe taxi to get them home and there would be communications around that too.

A Committee member commented that Salisbury had been successful with Street Pastors but expressed concern about back up/response times from the Police if this was required and cited some previous past experience of this.

Stephen commented that much of the work of the NTE Wardens was preventative with their hopefully being no need for Police intervention.

A Committee member commented that the Police response times had made improvements over the last 3 years. As Chair of the Police and Crime Panel he urged members not to criticise the Police without hard facts of response times and to be reassured that the PCC holds them to the fire on this.

A Committee member remarked that they were pleased to see more CCTV for Salisbury and asked about the locations. Stephen confirmed that there would be 4 mobile cameras and they were currently seeking permission for them to be sited in the hot spot areas and that they would be integrated into existing systems and shared with Town/City Councils.

- Project 2 included a sex worker outreach project in Swindon, a one off project to erect fencing around Salisbury Playhouse fire exit to prevent anti-social behaviour, target hardening with the Bobby Van in Chippenham, Salisbury and Swindon, Iprovefit – mentoring for young people in Wiltshire and Swindon and the introduction of Crimestoppers Zones in hotspot areas in Swindon;
- Project 3 was SMASH leading youth engagement sessions in Chippenham and Salisbury as a large number of anti-social behaviour nuisance and environmental offences are from those under age 25 and it was understood that youth workers have a key role to play in creating positive relations with young people and their communities;
- The funding for the projects could not be repeated each year, the initiative could be moved to cover another area but there could not be funding to continue the same thing in an area; and
- Updates on the progress of the round 5 funding as at February 2024 were shared.

A Committee member acknowledged the funding for NTE Wardens in Trowbridge and asked what would happen when the funding comes to an end and expressed concern that there had been no discussion with the Town Council who would have preferred funding for CCTV. Stephen reported that if this initiative was successful and a benefit for Trowbridge then different funding sources could be considered.

The Chairman asked what a 'good' outcome would look like and with who/where would that information be shared. Stephen reported that the outcomes would be shared with the Home Office and the partners involved with the project. There was quarterly reporting on all projects.

A Committee member expressed concern that it was too late to leave it until the end of the funding period (March 2025) to decide whether or not the projects should continue and how they would be funded. She felt that it would not be prudent for a project to end and then having to restart it – she asked if there

was project plan with recommendations going to the PCC as to whether the success criteria of the projects had/would be met. Stephen commented that a number of projects had been commissioned but that they didn't know what any future Government's response would be to Home Office recommendations. Stephen offered to provide updates outside of the meeting to those that wished to receive them.

The Committee member who is the Chair of the Police and Crime Panel empathised with the message from the meeting that there seemed to be a lack of coordination with the Safer Streets initiative and the city/town and parish councils and would raise this at the next meeting to see what could be done to improve this. However, he noted that the Home Office funding had to be agreed within a tight turnaround but felt it might have been easier to apply for funding with there being city/town/parish council input on the areas of concern in their areas too.

A Committee member asked about the Safe Spaces project as a safe place for vulnerable people to go to and asked if there was any way that something like that could be reinstated. John Carter (Head of Service – Public Protection) reported that the Safety at Nights Charter does cover certain aspects but acknowledged that this was not for children and those vulnerable during the daytime and whilst that used to come under his remit this was an issue yet to be addressed. Stephen Melville reported that the Safe Spaces still exist a lot during the day in Salisbury and that there were now the NTE Wardens who could look at reducing the risk for the vulnerable females particularly at night.

The Chairman thanked Stephen for his presentation and suggested that an update be provided to the Committee in six months' time.

Stephen offered the committee to contact him via email regarding the project processes etc and he would provide responses where he could - stephen.melville@wiltshire.police.uk

Resolved: That the Committee

- 1. Note the update on the Safer Streets Fund initiative.**
- 2. Receive a further update on the Safer Streets Fund initiative at their meeting in September 2024.**

9 Update from the Passenger Transport Team

Jason Salter (Head of Service – Passenger Transport Unit) was unable to attend the meeting but it was agreed that he would prepare an update to share with the Committee following the meeting.

Post meeting note – Below is the update that was shared with the Committee members following the meeting:

Update from Passenger Transport

- Wiltshire Council is currently able to fulfil all of its home to school transport contracts.
- During January 2024 we had 169 taxi / private hire providers registered through the Dynamic Purchasing System (DPS) with Passenger Transport to operate contracts on its behalf. We undertook an exercise to contact those operators (87) who are licensed with Wiltshire Council, but not registered with our Dynamic Purchasing System (DPS). This resulted in a further 14 providers being on boarded.

QRoutes

What is QRoutes?

- QRoutes is a cost effective, cloud-based tool for planning SEND, mainstream school and adult social care transport. Planners can generate quality results in minutes, meaning provision can be re-optimised as and when requirements change.
- It helps finding the most efficient and cost-effective routes for transportation. Using advanced algorithms and data analysis this software minimizes travel distance, time, and fuel consumption. To determine the best sequence and pick up order, it involves analysing several factors, including distance, traffic, vehicle capacity, given maxim travel time, students' individual requirements, etc.
- This software provides not only operational planning but also valuable insights. By means of generated solutions or what-if scenarios, strategic decisions can be made based on valuable data presented in PowerBi.
- We have purchased an enhanced version this for a 2 year arrangements at £30k per annum

Benefits of Using QRoutes

- Produces high quality results - better than "human planners", but taxi co-ordinators can use their expertise to improve results further.
- Transport Team can re-plan provision quickly throughout the year.
- Brings all coordinators up to the same high productivity level.
- Minimalizing the time, the planning team spent manually mapping out routes with Google Maps from hours to minutes thanks to the automation process the platform provides.
- By using QRoutes there is an assurance that we will always get the most effective output.
- The system captures data fed into it and produces information about the network you are providing so that you can see where it is performing well / not so well and take remedial action accordingly
- We have managed to turn off 8 taxi routes across the network with a saving of around £150k per annum

Example of QRoutes potential

- Since January 2024, 2 schools in Salisbury (Salisbury Springfield South and Salisbury Pembroke Park) were merged and the new SAIL School was created on the site of the former Salisbury Police Station. - all students were moved to the new establishment. An additional 20 students were transported from other schools across the county.
- Challenges:
 - Limited numbers of taxi operators.
 - Limited numbers of available Passenger Assistants
 - Short period of time for preparation (since definite names of students were given and school start date).
 - High end students' needs joining this school.
- Goals:
 - Transport to be ready from day one.
 - Provide Passenger Assistants for each journey.
 - Keep number of journeys to the minimum considering students' individual needs and school's suggestions.
 - Minimizing cost implication to the council.
 - Creating journeys as efficient as possible.

Resolved:

That the Committee await and then note the update on behalf of the Passenger Transport Team.

10 **Update from Taxi Licensing Team**

Tom Ince (Principal Compliance Officer) referred to the taxi licensing update that was circulated with the agenda and highlighted the following:

- The team had been busy since the last meeting in December 2023 with the processing of 21 new licence applications and 81 renewals during January 2024. They had been experiencing some delays with the DBS process for some drivers with enhanced checks taking from a week or so to months, although this was out of their control. With the quick return of a DBS check the turnaround of a driver being licenced could be a month which was positive;
- The changes to the requirements for tinted windows was implemented on 1 January 2024 following approval at the last meeting and this has been well received by the trade who had been lobbying for this change for some time;
- The team would be introducing the single licensing zone for hackney carriages in Wiltshire with effect from 1 April 2024. Recently published guidance from the Government supports the removal of smaller licensing zones and the creation of a single zone to cover an authority's area. This move would give more opportunities for work and cut the number of 'dead' miles;

- There had been some push back from drivers in the South area because this would mean that they would have to travel for their 6 monthly MOT vehicle checks to be carried out in Devizes. It had been agreed that it was not cost effective to operate the workshop in Salisbury and the other areas had had to travel to Devizes for their MOTs for the last two years. The workshop was available for vehicle inspections currently for 4 days a week, but this could be increased to 5 days a week if there was a demand for that;
- The team continued to proactively enforce the Council's policies in relation to taxi licensing by carrying out inspections at the taxi ranks and it was hoped that the recent staff sickness issues were now behind them so that there would be a visible presence at the ranks. The messages received from drivers included that footfall was down and the trade would not be viable without school contract work and that the night time economy had struggled since Covid; and
- The Government published best practice guidance in November 2023 and this places a lot of emphasis on accessibility to taxi ranks and taxi services and the team would be undertaking a rank review across Wiltshire's major towns to look at the level of accessibility, number of dropped kerbs, and shelters to wait in etc.

It was confirmed that the ranks would be assessed to see if they were in the right places and if alterations would need to be made for the installation of electric charging points – this would be a big challenge for the Council.

The Chairman asked Tom Ince to comment on the recent story in the press about a Chippenham resident being refused access to a taxi with his assistance dog. Tom reported that the Council's policy on this was clear and that it was unlawful for the driver not to carry the passenger and his assistance dog. The driver was unclear as the dog was not marked as an assistance dog and he was unclear on his requirements to carry an unmarked assistance dog. Following an investigation, it was recommended that there be clearer wording included in the Council's policy to explain what is expected of the drivers and that a disabled passenger does not have to prove that their dog is an assistance dog.

In response to a number of general questions from the Committee Members the following was clarified:

- Uber do not currently operate in Wiltshire but always (as well as any other operators) have the option to apply to do so;
- Regarding the review of accessibility of taxi ranks this would be carried out with Town and Parish Councils if they were looking to re-site the ranks as well as working with the Highways Team and they would also involve stakeholder groups and the Area Boards to get their feedback as to what they would want to see although they would not be able to make promises

about what could be achieved and there would also be a cost/benefit analysis; and

- The Council does not mandate the use of card payments and it is up to individuals/operators to decide if they take cards and cash as payment for fares.

Resolved:

That the Committee note the Taxi Licensing Team update.

11 **Update from Public Protection Licensing Team**

John Carter (Head of Service – Public Protection) referred to the Public Protection Licensing Team update that was circulated with the agenda and highlighted the following:

- The licensing fees and charges for 2024/25 were confirmed at the Full Council meeting on 20 February 2024 – the fees under the Licensing Act 2023 are statutory and not subject to change unless the Government amend regulations permitting amendments. There were a number of locally set fees which were approved by Members, and these would all come into force from April 2024;
- Apologies to Members that the weekly updates of licensing applications had not been circulated since Linda Holland's departure at the end of November, but these had now been reinstated, being sent out by Technical Support Team;
- In January 2024 a letter had been received from the Minister of State for Crime, Policing and Fire regarding local authorities licensing and planning functions and the differences between the two. The Government intended to further strengthen the Section 182 guidance by providing detailed advice on practical ways that local licensing and planning regimes can collaborate and to provide further support for applicants on the importance of early identification of potential difficulties across the two regimes when making a licensing application. When further details were published this would be shared with the Committee;
- The consultation for Martyn's law officially known as the Terrorism (Protection of Premises) Bill was running from 5 February to 18 March 2024. The bill would impose requirements in relation to certain premises and events to increase their preparedness for, and protection from, a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place at the premises – relevant updates would be provided to the Committee when available;
- One of Wiltshire's two zoos recently received their inspection with a secretary of state appointed inspector and licensing officers in attendance.

Dangerous Wild Animal Licences had been renewed using the conditions that were previously acknowledged by the Committee. Information was awaited on the impact of new legalisation for the Animals (Penalty Notices) Act 2022 and a primate licensing scheme under the Animal Welfare Act which was expected to come into force in 2026 subject to parliamentary processes;

- It became a criminal offence to sell, transfer, exchange, gift or advertise XL Bully dogs from 31 December 2023. The Council had not licensed any breeders for these types of dogs. The Licensing Officers and Dog Wardens were working closely with the Police to monitor the impact of these changes, with the Police leading on the identification of XL Bullies that should now be registered;
- A service wide restructure had been taking place for the Public Protection Service since late November which had resulted in significant management changes to the service including the licensing team which would deliver savings for the current and next financial year. Claire Francis had been appointed to a new post in structure as the Public Protection Manager for Community Protection with responsibility, amongst other things for the licensing team from 5 February. An Assistant Team Leader/Principal had also been recruited last week who had been promoted from the role of Licensing Officer. This would mean that there would be a review of the Officer areas and the Committee would be kept updated on any changes to these; *(A copy of the updated structure chart is attached as Appendix 1 to the Minutes)*
- The Public Protection Service would be moving to a new database from April 2024 called Arcus Global. This had been a long term project and would open up opportunities to speed up how applicants apply for licenses and start to automate some of the licensing processes; and
- The Local Government Association had produced a range of tips and advice sheets for members of their Council's licensing committees which they may find helpful – [Licensing committee: councillor tip sheets hub | Local Government Association](#).

In response to a number of general questions from the Committee Members the following was clarified:

- Suitable licensing training and induction guidance would be considered for the new Councillors following elections due in May 2025 with clarity on the differences between the determination of licensing and planning applications;
- The team would be working towards the ability to look at current and previous licenses online with the new Arcus system, but this would not be in place from April 2024 – there was scope for many developments which

would be added in time with them determining which areas would have the most interest initially; and

- A Councillor briefing note that would also be shared with Town and Parish Councils would be prepared to explain what was needed in terms of licensing for events and members were encouraged to share this with their constituents and to point them in the right direction if they had local knowledge of planned events.

Resolved:

That the Committee note the update on behalf of the Public Protection Licensing Team.

Appendix 1 to Minutes - Public Protection Service Structure Chart

12 **Wiltshire Council's Statement of Licensing Policy**

Claire Francis (Public Protection Manager – Community Protection) referred to the report which sought to inform the committee of the need to review, consult and adopt a new statement of Licensing Policy by November 2024 and to seek the Committee's approval to commence the consultation process. Claire then highlighted the following:

- The Council's current statement of licensing policy came into effect in November 2019 and the Council would need to be in a position to formally adopt a revised policy by 9 November 2024; and
- The first draft of the policy had been prepared with the list of the planned changes detailed at appendix 2 to the report which mostly related to legislation and guidance changes over the last few years. The public consultation would run for 6 weeks, and the policy must be consulted on with specific stakeholders listed in the Home Office guidance which would include licence holders, Police, Fire and Rescue, businesses and residents of the area. The Council would also include city/town/parish councils and area boards. The feedback would be collected via an online survey to make it easier to make comments and to analyse results, there would also be paper copies too. The findings from the consultation would be shared with the Committee at their next meeting in June.

In response to a number of general questions from the Committee Members the following was clarified:

- The Chambers of Commerce could also be sent the information about the consultation; and
- Officers would review paragraph 2.4 of the draft policy (Door supervisors/stewards) in relation to what/when DBS checks would be required.

Frank Cain (Legal Advisor) suggested that the second paragraph in section 1.1 of the draft policy be amended to read as follows to provide clarity:

This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary. Any **material** amendments will be subject to consultation.

Resolved: That the Licensing Committee

- 1. Instruct Officers to carry out a 6 week consultation process on the proposed Statement of Licensing Policy for 2024-2029.**
- 2. Notes that at the next meeting in June 2024, the Committee will be required to further consider recommending the finalised statement of Licensing Policy to Full Council for adoption.**

13 Dates of Future Committee Meetings

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

The Chairman reported that the date for the June meeting would be pushed back and Committee would be advised of the new date as soon as possible.

Post meeting note – Next meeting will be held on 17 June 2024
16 September 2024
2 December 2024.

14 Urgent Items

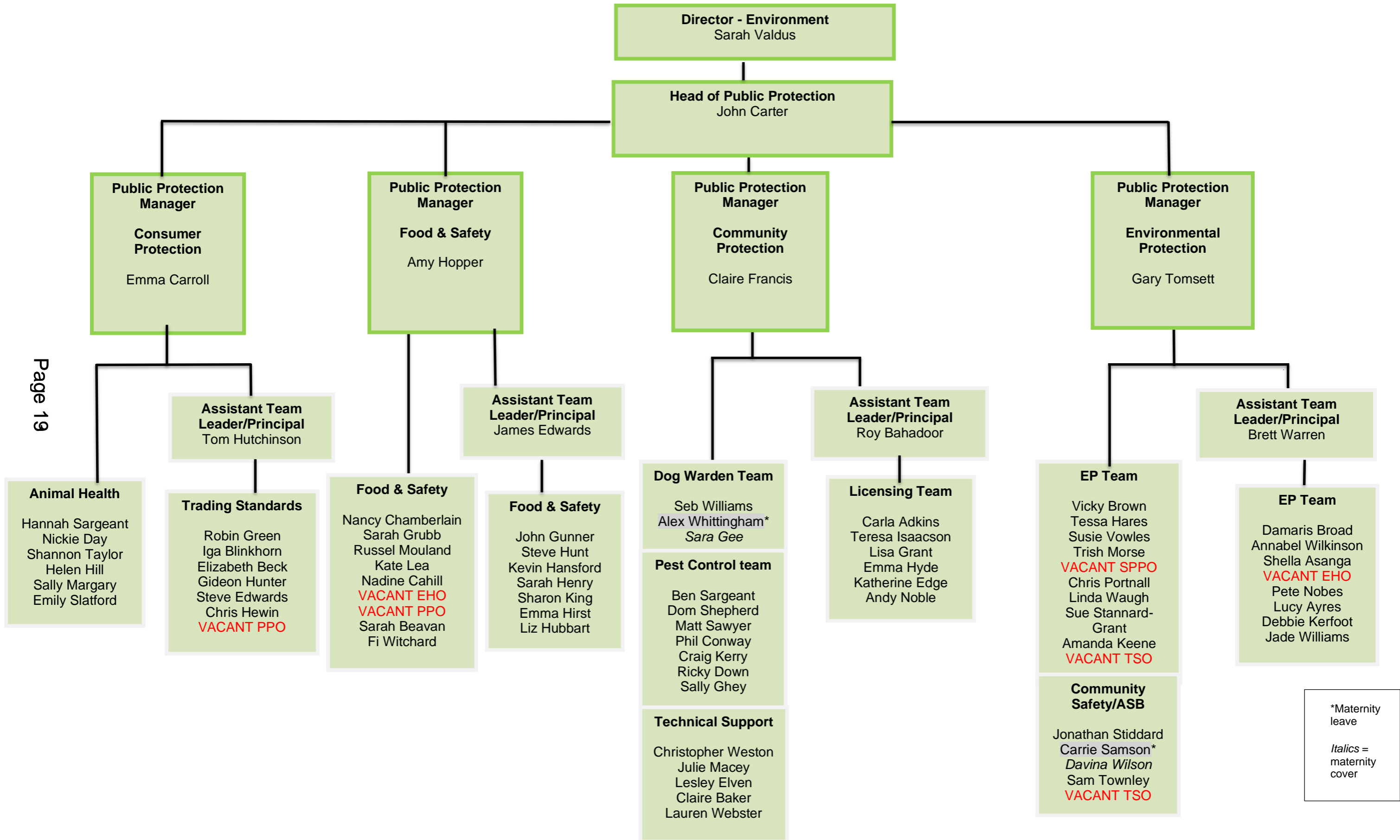
There were no urgent items.

(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

Public Protection Service (February 2024)



*Maternity leave
Italics = maternity cover

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Eastern Area Licensing Sub Committee

**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 19 MARCH 2024 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA
ROAD, TROWBRIDGE, BA14 8JN.**

Present:

Cllr Trevor Carbin, Cllr Andrew Davis and Cllr Peter Hutton

Also Present:

Max Hirst, Kieran Elliot, Jonathan McLaughlin, Teresa Isaacson, Claire Francis

13 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.

14 Apologies for Absence/Substitutions

There were no apologies or substitutions.

15 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 reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes (other than those representing public bodies and Responsible Authorities).

The Chairman then 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).

16 **Chairman's Announcements**

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

17 **Declarations of Interest**

There were no interests declared.

18 **Licensing Application**

**Application by the owner of Bishops Cannings Cricket Club
for a Premises Licence in respect of Bishops Cannings Cricket Club,
Coat, Wiltshire, SN10 3LB**

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 Teresa Isaacson (Public Protection Officer) for which two relevant representations had been received. The application was for the following licensable activities:

- Sale by retail of alcohol (on sales only)

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

1. Grant the application, 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 refuse the application in whole or in part.

The Public Protection Officer (Licensing) gave details of the appeals procedure for the parties following a decision made at the Sub Committee hearing.

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

On behalf of the Applicant

Representation 1 – Spaniels Bridge Road, Coate
Representation 2 – Spaniels Bridge Road, Coate

Relevant Representations

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

Applicant's submission

The Applicant spoke in support of the application, highlighting the following points:

- The Applicant was confident that the application would not impact any of the licensing objectives.
- The Applicant described the cricket club as very busy, with many different games a week including youth team. It was detailed that guests could often be in attendance from 9am until night-time.
- The Applicant felt it would be appropriate to provide increased hospitality, however stressed there would not be a bar and drinks would be supplied prepackaged from a fridge.

Sub Committee Member's questions

In response to the Sub Committee Members questions to the Applicant, the following points of clarification were given:

- That there would be no draft beer. Only canned drinks or wine would be sold and would be decanted into plastic glasses.
- That there was "zero intention" of hosting parties, and that the landlord precludes them from having any non-cricket related activity.
- That there were 16 Years left of a 25 Year lease.

Questions from those who made a relevant representation.

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

There were no questions asked by representations to the applicant.

Submissions from those who made relevant representations.

Those who made representations highlighted the following concerns:

- It was stated that there was a considerable amount of noise during the evenings which would be made worse.
- The potential for excessive drinking.
- The risk of guests bringing their own alcohol, which could lead to higher states of drunkenness and disruption.
- That there was a local pub nearby which they could use instead which would benefit the community as well as keeping disturbance down.

Sub Committee Members' questions

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

No questions were asked by the Sub Committee to those who made representations.

Questions from the Applicant:

No questions were asked by the Applicant to those who made representations.

Closing submissions from those who made relevant representations.

In their closing submission, those who made representations questioned whether the Applicant was always present to witness the goings on at the club and ensure the potential issues they had raised would not occur.

Applicant's closing submission

In their closing submission, the Applicant assured that they were almost always present at the club within reason.

Points of Clarification Requested by the Sub Committee

No points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 10:14 and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 10:42.

The Senior Solicitor advised that he gave legal advice regarding the four licensing objectives particularly in relation to the prevention of public nuisance.

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of BISHOPS CANNINGS CIRCKET CLUB, COAT, WILTSHIRE, SN10 3LB be GRANTED for the licensable activities shown below:

| Licensable Activities | Days | Timings |
|---|------------------|---------------|
| Sale by retail of alcohol (ON sales) | Monday to Sunday | 12:00 – 20:00 |
| Hours open to the public (<i>Not a licensable activity</i>) | Monday to Sunday | 12:00 – 20:30 |

With the following informative:

To notify attendees, including away teams and supporters, that no alcohol is to be brought onto site, with a notice to be displayed on site to this effect.

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted:

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives.

The Sub Committee considered that no representations were received from any Responsible Authorities.

The Sub Committee could only hear evidence concerning the licensing application and the promotion of 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

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written 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. 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 09:45 – 10:45)

The Officer who has produced these minutes is Max Hirst of Democratic Services, direct line 01225 713015 , e-mail committee@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 1 FEBRUARY 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN IN RESPECT OF APPLICATION FOR A PREMISES LICENCE FOR WESTBURY PIZZA LTD AT 8 WESTBURY MALL, EDWARD STREET, WESTBURY.

Present:

Cllr Allison Bucknell (Chairman), Cllr Peter Hutton and Cllr Stewart Palmen

Also Present:

Applicant

Mr Sancolcar

Those who made a relevant representation

Cllr Matthew Dean and Cllr Gordon King

Mr Julian Sandoe

Wiltshire Council Officers

Carla Adkins (Public Protection Officer – Licensing)

Frank Cain (Legal Representative)

Kieran Elliott (Democracy Manager)

Jonathan McLaughlin (Legal Representative)

1 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.

2 Apologies for Absence/Substitutions

No apologies were received. There were no substitutions.

3 Procedure for the Meeting

The Chairman drew attention to 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).

4 **Chairman's Announcements**

There were no announcements.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application for a Premises Licence in respect of Westbury Pizza Ltd at 8 Westbury Mall, Edward Street, Westbury

Licensing Officer's Submission

Following introductions of all those present, Carla Adkins, Public Protection Officer (Licensing), introduced her report as detailed in the agenda, for a premises licence for the above applicant and location. Three relevant representations had been received. The application was for the following licensable activities:

| Licensable Activity | Timings | Days |
|----------------------------|---|-------------|
| Late Night Refreshment | 23:00 – 00:00 | Mon-Wed |
| | 23:00 – 01:00 | Thur |
| | 23:00 – 03:00 | Fri-Sat |
| | 23:00 – 02:00 | Sun |
| | Non-Standard timings – An additional hour on public holidays, bank holidays and national sporting events. | |

It was noted by the Sub Committee that there were 3 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.

It was explained that an initial representation from a local resident had been withdrawn, following discussion with the applicant. The remaining representations had raised issues pertaining to crime and disorder, and public nuisance.

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

On behalf of the Applicant

Mr Sancolcar – the applicant.

Relevant Representations

Cllr Gordon King, Westbury East Division, on behalf of Westbury Town Council, in objection.

Cllr Matthew Dean, Westbury West Division, in objection.
Julian Sandoe, on behalf of Harford Properties Ltd, in objection.

The written representations were included within the agenda pack.

The Chairman then invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Mr Sancolcar, spoke in support of the application, highlighting the following points:

- He was looking to expand the business by extending hours beyond 11pm.
- Only one objection had been received from a local resident, but after speaking with them they had withdrawn their representation.

Sub Committee Member's questions

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

- The applicant was looking to take additional business on occasions of national sporting events, but this term was not specifically defined as to what events would be covered.
- The applicant would be willing to place additional bins for customers outside the premises to address any concerns around littering, however it was clarified that their intention was to close the premises from 11pm and the additional hours would be for delivery orders only, so there should not be additional littering as a result.
- The applicant was anticipating 15-25 orders for the period after 11pm.

Questions from those who made a relevant representation

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

- Details was sought on how many orders at present were placed on the phone or website, it was stated most orders were placed online.
- It was stated that the restaurant delivered to Westbury, Bratton, Dilton Marsh, Trowbridge, and Warminster, with most business from Westbury.
- It was stated most orders at present were delivery, with approximately 10 pickup orders in a day.
- There was a query around planning requirements of the premises. Legal Services confirmed that the purpose of the meeting was to consider the request for a late-night refreshment licence and matters outside that were beyond the scope of the meeting.

- There was a further question around the provision of bins at the property.
- In relation to potential disturbance, the applicant stated he had addressed the sole concern which had been raised with him by a resident. He stated that after 11pm the front door would be closed, the restaurant light would be turned off, and delivery drivers would collect from the rear.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Representation 1 – Cllr Gordon King on behalf of Westbury Town Council

- It was noted the written representation had been made in respect of the application as submitted, and that the applicant had clarified at the meeting further regarding no collection orders after 11pm.
- Public health and public protection grounds were raised regarding potential litter, nuisance, and that Pizza is unhealthy and leads to long term health conditions.
- It was reported that Westbury has high anti-social behaviour as reported by the police

Representation 2 – Cllr Matthew Dean

- It was stated he had received representations from local residents, who had asked him to speak on their behalf.
- He was the operator of a public house a short distance from the site, but the application would have no effect on his business positively or negatively, and he was attending as a Wiltshire and Town Councillor only.
- It was accepted that the area was a busy urban area with a certain level of noise and disruption, but had also been subject to levels of anti-social behaviour. What was acceptable at 11pm would not be at 1am or beyond.
- It was argued the level of pickup orders were significantly higher than as estimated by the applicant in his submission.
- The delivery service was busy, with significant engine and door noise. It was accessed from a narrow road and parking often caused obstruction.
- It was argued the business would be more appropriately located in a trading estate than an area of dense, deprived housing.
- Concerns were raised around the impact of lighting late at night.
- It was argued the local Neighbourhood Policing team may not have responded to the police licensing officer regarding the applications.
- It was stated local residents were opposed to the application.

Representation 3 – Julian Sandoe on behalf of Harford Properties Ltd

- It was explained the company managed dozens of flats in the area in addition to a café and a vacant office unit which was being converted to residential use.
- It was argued the requested extension of hours was unnecessary, and the increase in local trade would create a focal point for disruption.
- It was stated the company received frequent complaints about delivery drivers using car parking spaces without residents' consent, and he had needed to complain to the restaurant.

Sub Committee Members' questions

In response to the Member's questions to those that made relevant representations, the following points of clarification were given:

- The Chair stated that healthiness of food was not a relevant consideration.
- It was noted that the police had not submitted a representation objecting to the application. It was claimed that the police would confirm objections if they were present, but it was clarified by the Public Protection Officer that the police were consulted on every licensing application and had dedicated licensing officers to provide responses, and no concerns had been raised by the police to the application.
- In response to queries on the number of representations and stated concerns from the area, it was said that matters had been raised directly with the town council, and that the street in question was a regular place for reports of public disorder.
- Clarification was sought and information provided on the location and orientation of residential properties in the area in relation to the premises, including Angel Mill, Edwards Street and others, and on other activity in the area such as the nearby tax rank not being in use after 9pm and lack of parking enforcement.
- It was reiterated that although no representations had been received by the licensing team from residents in respect of the application, that those making a representation at the meeting stated they had received many complaints or objections.
- Details were sought around improper use of resident parking spaces and enforcement, and it was stated if matters persisted a barrier system might need to be implemented. It was stated clamping or fining vehicles was not available as an option.

Questions from the Applicant:

No question was made from the applicant to those who had made relevant representations.

Closing submissions from those who made relevant representations

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

Representation 3 – Julian Sandoe on behalf of Harford Properties Ltd

- No further points beyond those raised at the meeting and in the written submissions.

Representation 2 – Cllr Matthew Dean

- There were already problems at the site and extending hours up to 3am would be unreasonable to residents and was not justified, nor were other businesses nearby operating such hours. It was argued the location of the premises had a negative impact on residents.

Representation 1 – Cllr Gordon King on behalf of Westbury Town Council

- No further comments to add, but in concurrence with the points raised by Cllr Dean.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- The restaurant would be closed at 11pm and a film placed on the door to reduce light impact.
- Delivery drivers would use the back door. They had and would be told not to park in resident spaces.
- One resident in Laverton consented to use of their parking space, and so the applicant's had access to 2 spaces, which were often used by other people.

The Sub Committee then adjourned at approximately 13:30 and retired with the Solicitor and the Democracy Manager to consider their determination on the licensing application.

The Hearing reconvened at 1400. The Solicitor advised that he gave the following legal advice to the Sub Committee:

- Advice regarding the licensing objections, balancing the desire of the business to grow against impact on residents, and any potential mitigations offered.

Decision

Arising from consideration of the report, the evidence and submissions from all parties, and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy, and the Licensing Act 2003, the application for a Premises Licence in respect of Westbury Pizza Ltd -at 8 Westbury Mall, Edward Street, Westbury, is GRANTED as set out below:

| Licensable Activity | Timings | Days |
|----------------------------|----------------|------------------|
| Late Night Refreshment | 23:00 – 00:00 | Monday-Wednesday |
| | 23:00 – 01:00 | Thursday |
| | 23:00 – 02:00 | Friday-Saturday |
| | 23:00 – 00:00 | Sunday |

Subject to the following conditions

As proposed by the applicant and imposed by the Sub Committee

The licence for late night refreshment activity will apply only for delivery orders, not collections.

As imposed by the Sub Committee

No customer access to the premises after 23:00 on any day of the week.

Reasons for the Decision

In reaching its decision, the Sub Committee took account of the Applicant clarifying in response to queries raised at the Hearing that they were only requesting a premises licence for late night refreshment as it applied to delivery orders only, and not collection orders. This was relevant in particular in relation to concerns raised regarding the application leading to an increase of littering and anti- social behaviour. It was noted that any concerns to that effect relating to current operations was not a relevant consideration, as the Sub Committee was focused on the request for late night refreshment hours.

The Sub Committee took account of the representations raising concerns regarding the proposed increase in hours leading to an increase in anti-social behaviour but noted that no objections had been raised by the Police as a Responsible Authority and specialists in the field, or any other relevant Responsible Authorities. Accordingly, it did not consider there was sufficient justification to reject the application on that basis.

Although there had been references made at the Hearing to concerns of local residents to the proposal, the Sub Committee noted only one representation had been submitted by a local resident, and that this had been subsequently withdrawn. If those individuals or bodies who had submitted a representation had been made aware of other concerns from the area, these could have been provided as part of their own representations, or those raising those concerns with them should have been encouraged to respond directly to the consultation on the application. Lacking this, the Sub Committee had no additional direct evidence on which to base a decision other than the written and verbal representations it had been provided with.

Considering such representations as had been received and enumerated further at the Hearing, the Sub Committee took account of concerns of noise and light disturbance late at night in a densely populated area including from parking of delivery drivers, with details provided of the orientation of the buildings and streets around the application site. It did not consider these raised

significant issues in relation to the licensing objectives, taking note of the conditions agreed or otherwise able to be imposed.

Having heard and read evidence from the representative on behalf of the Applicant and considering the written and verbal evidence submitted by those who had made relevant representations, the Officer's report, and noting that there had been no representations made by any of the Responsible Authorities, the Sub Committee found no evidence to demonstrate that the application would adversely impact on the Licensing Objectives. The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the Guidance issued under Section 182 of the Licensing Act 2003; and the Licensing Policy of Wiltshire Council.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be granted and that such a decision was reasonable and legally sound. Taking account of the issues raised in the Hearing and representations received, they imposed conditions to ensure the licence related to delivery orders only, and that customers would not be permitted on the premises after 11pm.

However, the Sub Committee sought to balance the reasonable desire of the applicant's business to expand operations with the impact on the local residents. They did not consider it necessary to grant additional operating hours for major national sporting events, noting that the government was able to issue Orders or guidance regarding licensing activities on such occasions. It determined the requested hours, up to 3am at the weekend was not appropriate at this time given the concerns made but noted that the Applicant was able to submit further applications in the future, and how they managed with the new hours would be relevant to any determination on such an application, should one be made.

Right to Appeal

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they 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 written 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.

(Duration of meeting: 12.30 - 2.00 pm)

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

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Taxi Licensing Update for Licensing Committee – May 2024

1.0 Licensed Drivers

Driver and vehicle numbers have increased over the last 12 months and the team are dealing with significant numbers of new driver applications, driver numbers rose by 81 or 11% over the 12 months of 2023. In the first four months of 2024 numbers only rose by 3.

The team processed 34 new licence applications and 69 renewals during April 2024. It should be noted that an increasing number of licence applicants and holders would increase the Council’s income from taxi licensing.

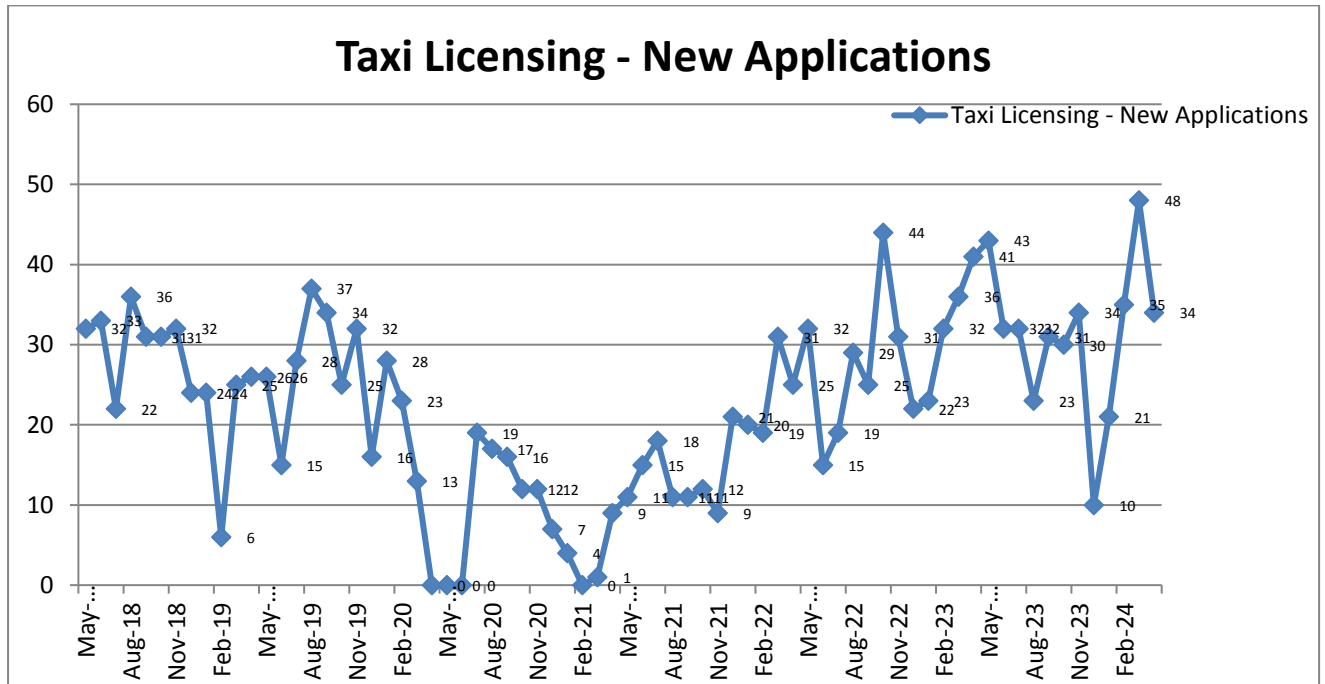
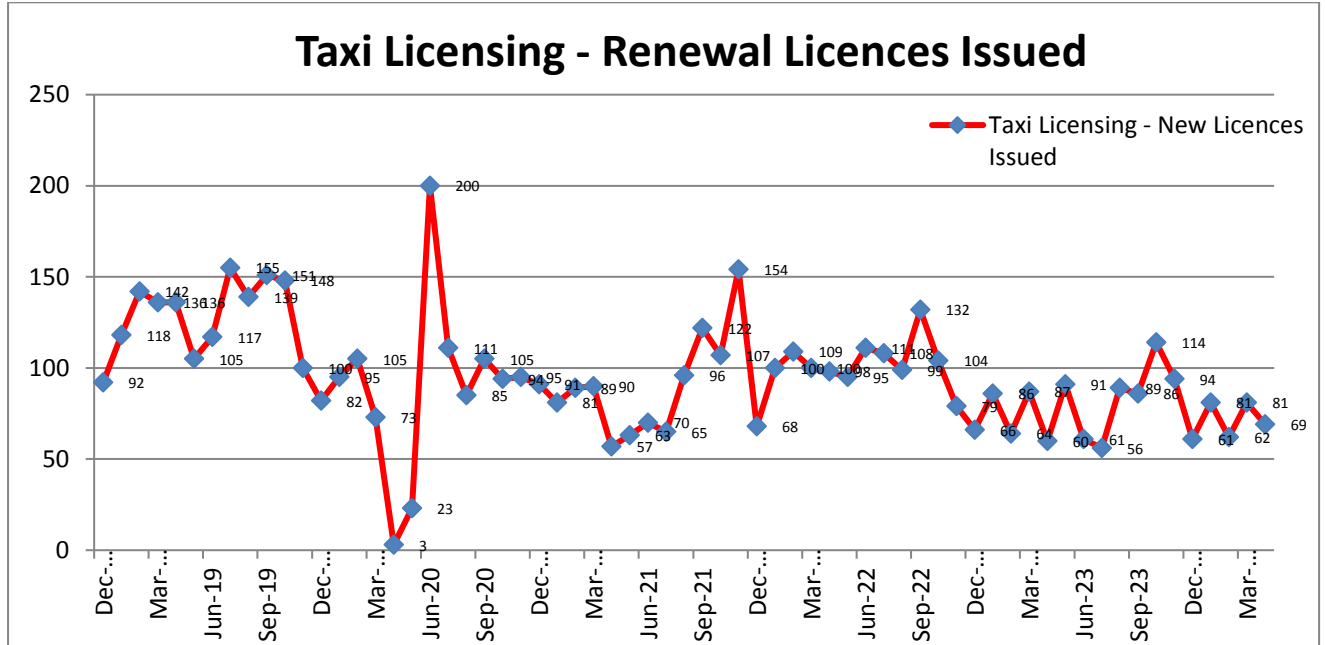


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of April 2024 was 684, up 3 on the previous month but only 1 on this time last year. 136 were licensed in the North area, 79 in the East, 299 in the South and 170 in the West. The level of drivers continues to put pressure on PTU and whilst numbers are rising, they are not rising faster enough to meet the increased SEND demand Passenger Transport are experiencing.

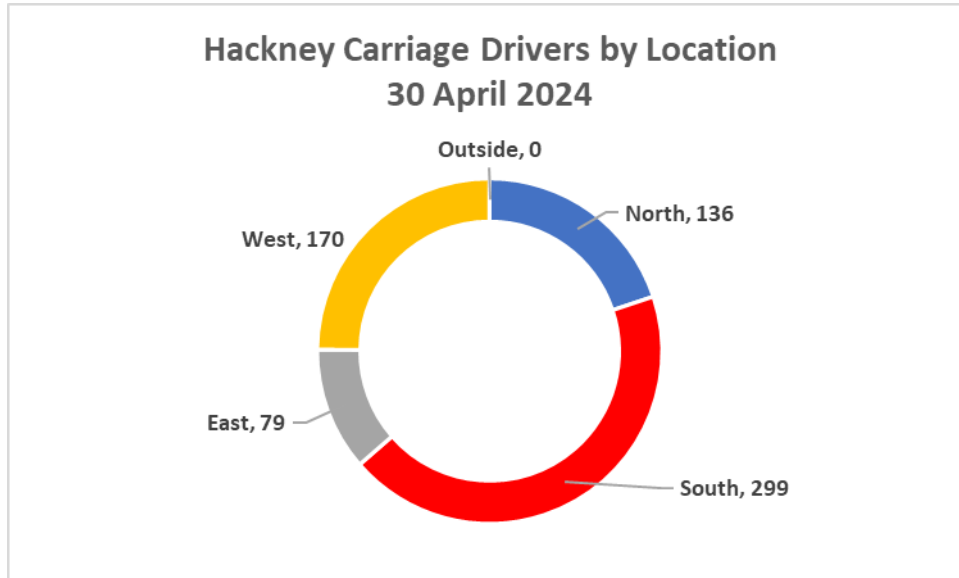
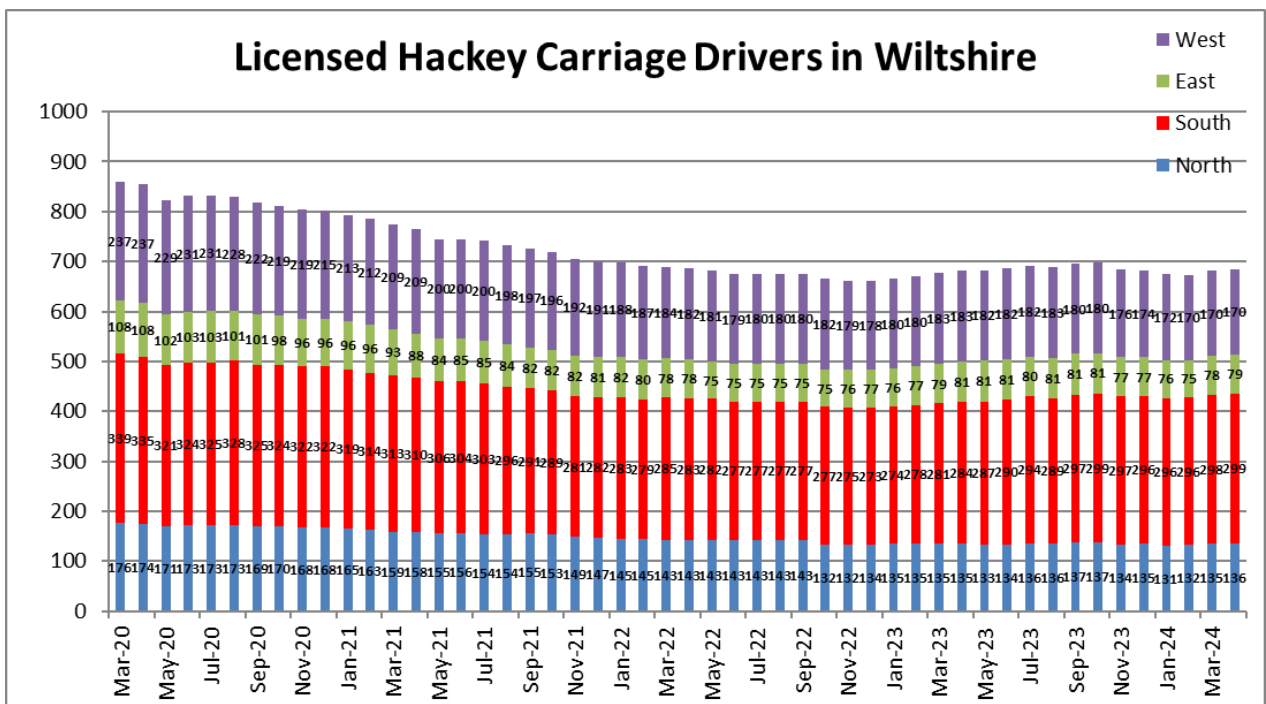


Fig.2

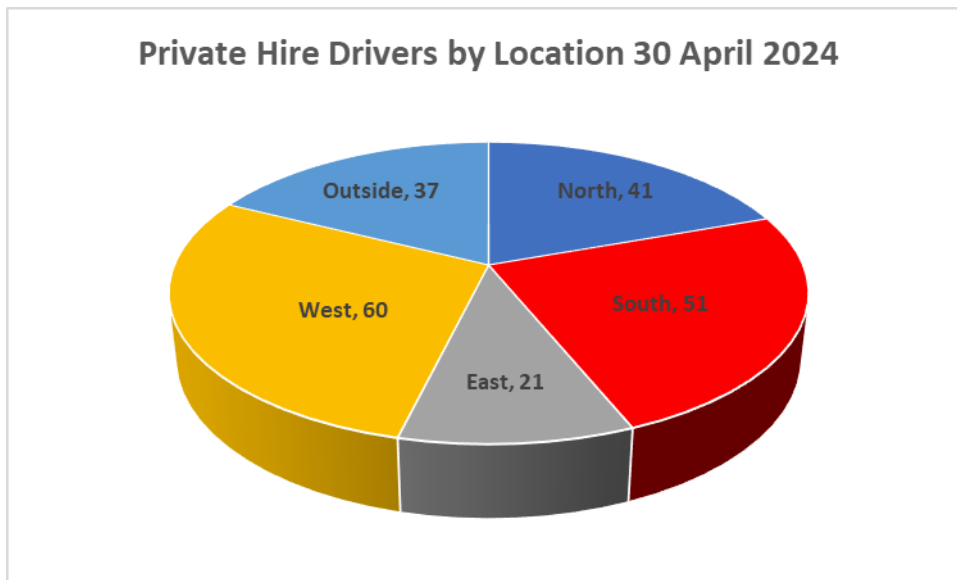
The graph below shows the monthly variation in hackney carriage driver numbers between March 2020, the start of the Covid-19 pandemic and now. During April 2024 numbers moved as follows, numbers in the South rose by 1, the North rose by 1, the East rose by 1 and the West stayed the same when compared to the previous month.

Since April 2020, the beginning of the Covid-19 pandemic, Hackney Carriage driver numbers have fallen in all areas, down 91 in the West, 54 in the North, 39 in the East and 31 in the South. The West is clearly the worst affected area.

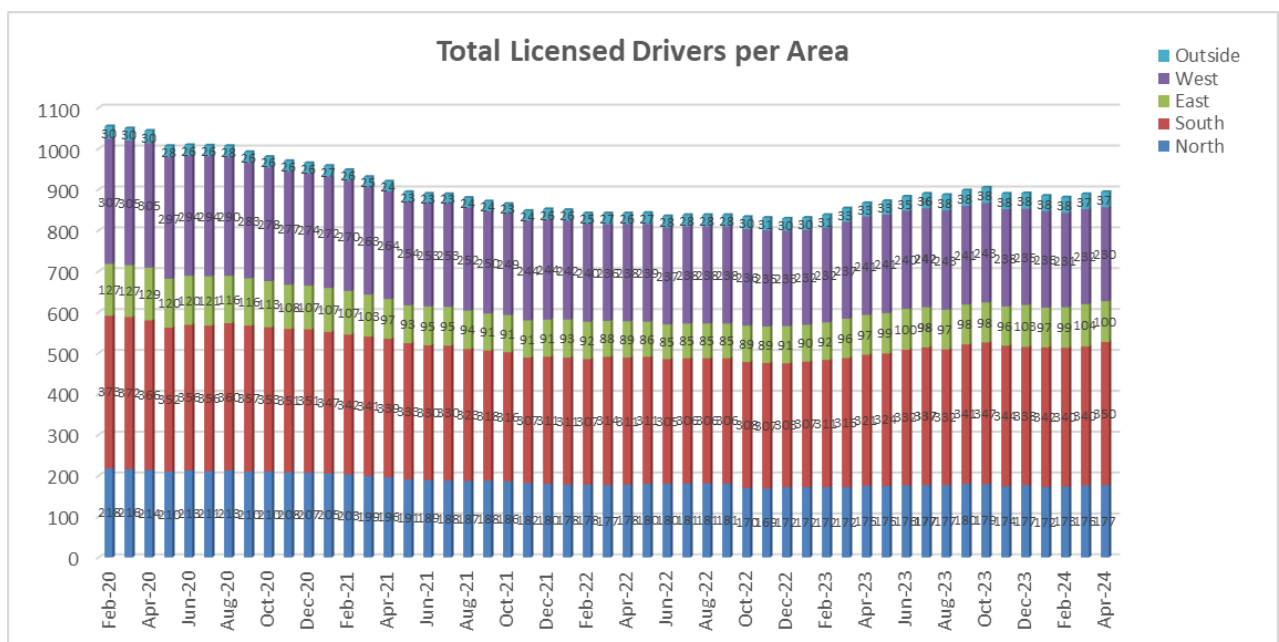


The team also license private hire only drivers, these totalled 210 as at the end of April 2024, up 2 on last month and 26 on this time last year, bringing the total number of drivers licensed to 894, an increase of 5 on the previous month.

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. Recent best practice has provided the authority with the power to ask applicants from outside the area where they intend to undertake the majority of their work, if they will not be working in Wiltshire, we now have the power to refuse the application. 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.

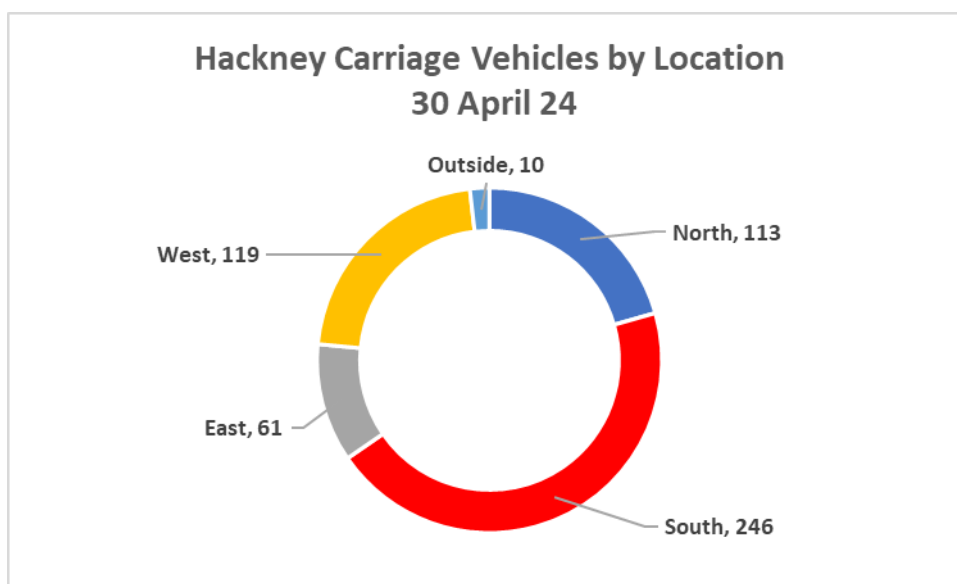


Since April 2019 the number of hackney carriage drivers has fallen by 194 and the number of private hire drivers has risen by 32 an overall fall of 162 drivers or 15%.

2.0 Licensed Vehicles

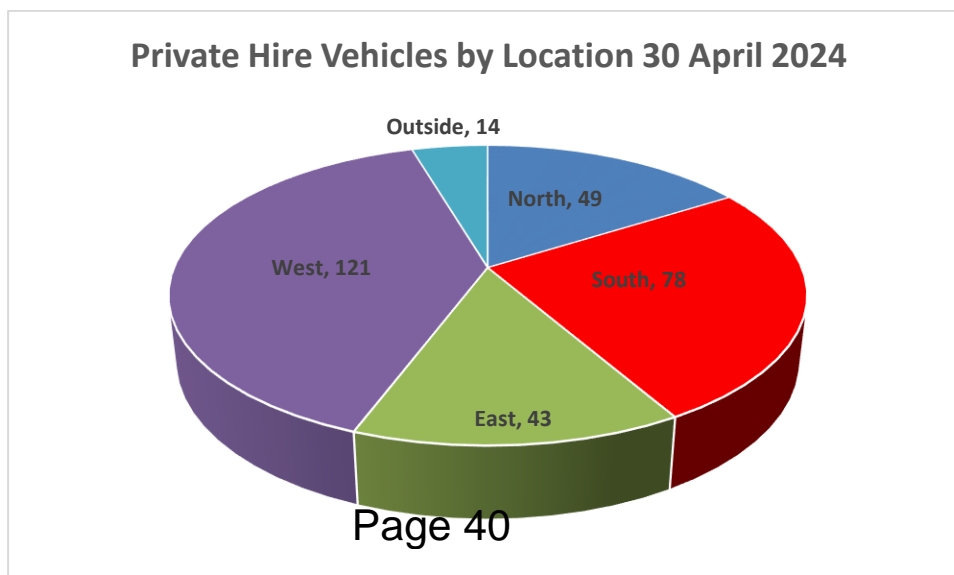
At the end of April 2024, the taxi licensing team licensed a total of 854 vehicles, vehicle numbers broke through 800 for the first time in 2 years in February 2023. Vehicle numbers were up 5 on the previous month. The team feel numbers have began to increase over the last three months and are continuing to rise, however we are still well down on the 1050 vehicles licenced at the time of the first lockdown, given the fall in footfall in our town centres the team feel it is unlikley vehicle numbers will return to pre-pandemic levels. The vehicle split is as follows, 549 hackney carriage vehicles and 305 private hire vehicles, hackney carriage numbers rose by 4 and private hire vehicle numbers rose by 1 over the month when compared to the previous month. Hackney carriage vehicle numbers are beginning to rise following the change to the window tint requirements on 1 January 2024. Of the 854 vehicles licensed 13.2% or 113 vehicles are wheelchair accessible. It should be noted that 28% of licensed private hire vehicles are wheelchair accessible compared to 5% 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.



The team also license private hire only vehicles, as advised above these totalled 305 as at the end of April 2024.

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;



Between April 2019 and April 2024, the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 208, the number has reduced by 184 or 20% 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, a new team member is due to start on 1 May 2024 which will improve our visibility on the ranks and in towns. The team issued penalty points to on 24 occasions during March 2021, the highest monthly total ever recorded.

Penalty points were issued to 6 drivers during April 2022, 3 for speeding and 3 for failing to be with their vehicle.

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 Team did not revoke or suspend any drivers during April 2024.

The team also completed a significant number of DBS checks during April 2024.

The team continue to work on updated driver and vehicle guidelines in line with new government advice and best practice released in November 2023 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, and the team are reviewing the possibility to removing the current age criteria in relation to licensing vehicles and making the criteria emissions based.

The team introduced a single licensing zone for hackney carriages in Wiltshire with effect from 1 April 2024.

Tom Ince
Principal Compliance Officer

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Public Protection's Licensing Team update **17 June 2024**

Euros 2024

The government has confirmed that an order has been issued to provide venues in England and Wales with the option to extend licensing hours on the day of any semi-final (scheduled for 9 and/or 10 July) involving a home nation team and on the day of final of the tournament (14 July) should a home nation team be participating for two hours from 11pm until 1am the following day for consumption of alcohol on the premises and provision of late night refreshment in licenced premises to celebrate the England and/or Scotland team(s) reaching the semi-finals and/or the final of Euro 2024.

For the avoidance of doubt, if neither of these teams reach the semi-final, then normal licensing hours will apply on 9 and 10 July. If either, or both, teams reach the semi-final, but neither team is in the final, normal licensing hours will apply on 14 July.

This order will only apply to the on-sale of alcohol (i.e. consumption of alcohol on the premises). It will not apply to the off sale of alcohol (i.e. consumption of alcohol off the premises).

The team are all carrying out unannounced visits to licenced premises ahead of the Euros to offer advice and support. These visits will be carried out across Wiltshire and will be based on the Officers own knowledge of premises likely to be showing the football games.

Consultation to make it easier for hospitality businesses to sell alcohol to drink in licensed pavement areas

Businesses such as pubs and restaurants are licensed to sell alcohol for customers to drink on the premises ('on-sales').

During the COVID-19 pandemic, the government passed regulations allowing them to sell alcohol for takeaway, delivery and to drink in licensed pavement areas ('off-sales'), without changing their licence.

The regulations expire on 31 March 2025. This consultation sets out permanent options for alcohol licensing after this date. [Alcohol in licensed pavement areas \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/alcohol-in-licensed-pavement-areas)

Event Management

The Licensing and Food Safety team have met with the Longleat management team to discuss the events they have planned this year and to agree an inspection protocol. Various events are planned this year, and we are keen to engage at the earliest opportunity.

Event Safety Advisory Groups (ESAGs)

The ESAG group is a multi-agency group, which provides advice and guidance to event organisers, particularly for events that have the potential to pose a significant risk to the safety and wellbeing of participants, spectators, and the public.

We have organised ESAG's for WOMAD, Existence Festival, and the summer solstice at Stonehenge and Avebury this year and will potentially have more for other larger events in Wiltshire. These meetings offer a really useful way for various enforcement agencies for example Police, Fire service, Environmental Protection and highways to understand more about an organisers plans and to ask questions to ensure the event will be safe and well organised.

Team updates

The team restructure was completed in March, with Roy Bahadoor appointed as Principal Licensing Officer. Roy has quickly embraced the new role and is working on reviewing procedures and the Statement of Gambling Policy as well as maintaining his usual day to day work.

As Roy will be carrying out day to day management of the Licensing Officers there has been a few changes to the areas the Officers will be covering these are included in Appendix A.

The Public Protection service sadly saw the retirement of John Carter as Head of Service at the end of May 2024, the recruitment for this position is likely to take place in the next 3-6 months.

New ICT system

The Public Protection Service will be moving to a new database called "Arcus Global". This has been years in the planning and will open opportunities to speed up how applicants apply for licenses and will start to automate some of the licence processes. We are aiming to minimise disruption to the service delivery, the data was extracted on 24 May from the current system and there will be about 3 weeks until the new system is switched on.

The system should be going live the week beginning the 17 June. A huge well done to Carla Adkins and Lisa Grant who have worked on the licensing element of the system, with all the processes involved for licensing this has required a huge amount of commitment and dedication.

You may note a slight change to the weekly licensing application email as we are using a temporary Excel system while we move to the new system

Useful information from the Local Government Association

The Local Government Association has produced a range of tips and advice sheets for members of their Council's licensing committee which may be helpful. Please see the link below.

[Licensing committee: Councillor tip sheets hub | Local Government Association](#)

Officer Areas – Updated May 2024

| Officer | Area |
|--|-----------------------|
| | |
| Lisa Grant 01380 826332 lisa.grant@wiltshire.gov.uk | Royal Wootton Bassett |
| | Marlborough |
| | Pewsey |
| | |
| Teresa Isaacson 01249 706413 teresa.isaacson@wiltshire.gov.uk | Devizes |
| | Calne |
| | Corsham |
| | |
| Carla Adkins 01249 706438 carla.adkins@wiltshire.gov.uk | Warminster |
| | Westbury |
| | Malmesbury |
| | |
| Roy Bahadoor 01249 706439 roy.bahadoor@wiltshire.gov.uk | Chippenham |
| | |
| | |
| Kat Edge 01225 713559 katherine.edge@wiltshire.gov.uk | Southern Wiltshire |
| | Salisbury |
| | |
| Andy Noble 01249 706402 andy.noble@wiltshire.gov.uk | Southwest Wiltshire |
| | Tidworth |
| | Stonehenge (Amesbury) |
| | |
| Emma Hyde 01249 706414 Emma.hyde@wiltshire.gov.uk | Melksham |
| | Bradford on Avon |
| | Trowbridge |

Technical Support Officers

| | | |
|-----------------------|--------------|--|
| Lesley Elven | 01249 706435 | publicprotectionnorth@wiltshire.gov.uk |
| Julie Macey | 01225 716681 | publicprotectionwest@wiltshire.gov.uk |
| Lauren Webster | 01249 706555 | publicprotectionnorth@wiltshire.gov.uk |
| Claire Baker | 01225 716655 | publicprotectionwest@wiltshire.gov.uk |

Claire Francis
Public Protection Manager – Community Protection
June 2024

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Wiltshire Council

Licensing Committee

17 June 2024

Statement of Licensing Policy

Purpose of Report

1. To ask the Licensing Committee to note the results of the consultation undertaken and amendments to the Councils Draft Statement of Licensing Policy (in relation to the Licensing Act 2003).
2. That the Licensing Committee commends the Draft Statement of the Licensing Policy in relation to the Licensing Act 2003 to Full Council for approval at its meeting on 22 October 2024.

Relevance to the Council's Business Plan

3. The Statement of the Licensing Policy supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

Background

4. The Council's current Statement of Licensing Policy came into effect on the 10 November 2019 and will cease to have effect on the 9 November 2024. The Council must be in a position to formally adopt a revised policy with effect from November this year.
5. The council have carried out a consultation in accordance with the specific legal requirements set down in the Licensing Act 2003. The report details the consultation comments and seeks approval from the committee to recommend approval to Full Council.

Main Considerations

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm
7. The Home Office guidance requires the Statement of Licensing Policy to be reviewed at least once every 5 years.

Consultation

8. The consultation for the Statement of Licensing policy commenced on 17 April and closed on 29 May 2024. Consultation comments were captured using an online form, with two comments received via e-mail.
9. The list of consultees included: -
 - All licensed premises
 - Town and Parish Council
 - Wiltshire and Dorset Fire and Rescue
 - Wiltshire Police
 - Wiltshire PCC
 - All Wiltshire Council members
 - Director of Public Health
 - Advertised extensively through the Councils' social media channels.
 - Press releases on 17 April and 20 May 2024.
10. A total of 35 responses were received, with most comments received from the residents of Wiltshire. Additional comments were received from license holders, Pub Watch members and Town/Parish Councils. The feedback showed that most respondents supported the policy. All comments were reviewed, and the policy updated to reflect the comments received. A copy of all the comments and responses are included as Appendix 1 and the updated final draft of the Statement of Licensing Policy is included as Appendix 2.

Overview and Scrutiny Engagement

11. As yet there has been no engagement with the Council's Overview and Scrutiny function, as this is a mandatory review of the Statement of Licensing Policy.

Safeguarding Implications

12. The licensing policy proposal includes one of the key objectives of the Licensing Act 2003 which is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

13. The Statement of Licensing Policy ensures the licensing objectives are supported which will ensure that over consumption of alcohol and the associated harms will be minimised in Wiltshire.

Procurement Implications

14. There are no procurement implications associated with the Statement of Licensing Policy.

Equalities Impact of the Proposal

15. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Environmental and Climate Change Considerations

16. The Committee could include within the Policy review additional wording to encourage environmental and climate awareness amongst licensed premises. This is being included in other local authority policies and would raise awareness of this important issue with guidance on how license premises could work towards The Climate Change Act (2008) which sets a carbon reduction target for the UK, of 34% by 2020 and 80% by 2050 based on 1990 levels. The policy could include an additional paragraph on Promoting Environmental Best Practice in Licensed Venue.

Workforce Implications

17. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

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

18. Criticism of the Council and compromise of the reputation of Wiltshire Council. Lack of clarity for licence holders on licence expectations.

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

19. There are no risks identified from the proposed draft licensing policy.

Financial Implications

20. There are no additional financial implications contained within the draft Licensing Policy.

Legal Implications

21. The provisions contained within the Licensing Act 2003 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Licensing Act itself is compatible with the Human Rights Act, there remains an obligation on the Council as the Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Statement of Licensing Policy. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Licensing Act 2003 in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the

reputation of the Council and for building trust and confidence in its service provision.

Options Considered

23. The adoption of a revised Statement of Licensing Policy by November 2024 is a statutory requirement, so there are no other legal options apart from adoption.

Proposals

24. That the Licensing Committee recommend the final draft Statement of Licensing Policy to Full Council for adoption.

Sarah Valdus
Director – Environment

Report Author: Claire Francis Public Protection Manager – Community Protection
Claire.francis@wiltshire.gov.uk 01249 706309

Date of report 4 June 2024

Appendices

1. Consultation Summary – 17 April – 29 May 2024
2. Final draft Statement of Licensing Policy 2024-2029
3. Summary of changes to the 2019-2024 Licensing Policy

Background Papers

- Licensing Act [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Home Office – Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023
- https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Consultation Summary – 17 April to 29 May 2024

Appendix
1

| Respondent | Response | Comment |
|--|---|---|
| General | | |
| A person who lives in Wiltshire | Where agricultural land is being considered for licensing, priority should be given to food production, not other uses | The licensing policy only focuses on the requirements of the licensing legislation, this would be a planning matter. |
| Trustee of village hall which has a premises licence | <p>Please number the pages and associate page number with each section in contents list.</p> <p>While the document is very comprehensive there is no "Policy Statement" that I could find. I suggest you add such or highlight it if I missed it!</p> <p>Shadow licenses .. please expand to include taking out TEN if premises (for example a Village Hall) refuses use of own (alcohol) license. Not because of any specific instance but be useful to clarify.</p> | <p>The report has been written with paragraphs to make it easier to navigate and for updates to be made without needing to also change page numbers.</p> <p>The document is the Statement for licensing policy so the whole document should be considered as the policy.</p> <p>The following paragraph has been added to 6.4 "Similarly, premises such as village halls, which already hold a premises licence, may wish to permit the use of the facilities but do not wish to be responsible for the licensable activities. The premises licence holders may therefore request a person to use a Temporary Event Notice (see 6.6) to authorise the licensable activities instead of utilising the premises licence. In such situations the premises licence holder should assure themselves that the premises user has sufficient measures in place to appropriately manage the activities".</p> |
| Salisbury Pubwatch | Needs to be tweaked to include Night Stewards from PCCs office and also to update current position with Martyn's Law | Comments noted on Night Stewards. The stewards do not cover the whole of Wiltshire and are specific to certain towns only. |

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| | | Martyn's Law has been updated, the consultation has not closed and the draft Bill information included in the final Draft. |
| Premises Licence Holder | <p>Dates need updating - 1.1 still refers to a review in 2024 when presumably that should read 2029.</p> <p>Section 7.4 please use a gender neutral term for the police officer or inspector (may not be a "he").</p> <p>Appendix C is not clear - there doesn't seem to be a route for "Yes" if the notice was given correctly.</p> <p>Temporary Event Notices. I understand that TENs are no longer required for events of 499 or under unless that involve sale of alcohol, but I couldn't see this covered in this document.</p> | <p>Noted and updated.</p> <p>Noted and updated.</p> <p>Noted and updated.</p> <p>Appendices F and G include exemptions via the Legislative Reform (Entertainment Licensing) Order 2014 and The Live Music Act 2012. Although some exemptions may apply, it doesn't mean that all TENs are no longer required. Guidance for entertainment exemptions are also listed on the TEN form and guidance notes to assist the premises user.</p> |
| Business owner Salisbury | <p>Please note the following typos in the above document.</p> <p>Contents List 4.1 Heading Odor should read Odour</p> <p>Para 4.4 Noise sub para 2 , second sentence there is a 'd' missing on encouraged.</p> <p>Para 6.6 TENS PARA 4 does not read right.</p> <p>The police or environmental health may issue an Objection Notice where they consider that any of licensing objectives may be undermined.</p> | <p>Updated</p> <p>Updated</p> <p>Small change to add the word "team"</p> |
| Trowbridge Town Council | Can you please confirm that there is nothing in the draft licensing policy which would place any new restrictions on the licence held by the Town Council for the area including The Town Park and Fore Street? | There are no substantial changes to the draft policy from the current one policy that would impact on the licence held. |

| 1.0 Introduction | | |
|---------------------------------|--|--|
| A person who works in Wiltshire | <p>The policy focuses almost entirely on restrictive practices and does little to promote developing businesses and supporting them to be viable, the only the clear aspects are how there are more barriers required which fails to do much to meet the stated aim. Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties.</p> <p>How can you promote businesses to develop and thrive instead of burdening them which leads to the loss of viable businesses.</p> <p>Already explained, policy burden leads to poor and unfair outcomes for all stakeholders.</p> | <p>Policy reviewed and noted that 1.4 Licensing Function refers to the “<i>The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in Wiltshire. It will assist all applicants in endeavoring to meet their aspirations within the law</i>”</p> |
| A person who lives in Wiltshire | <p>It says in the intro that This statement takes effect from 1 November 2019 and will be scheduled for review in 2024.</p> <p>It says in 1.3 that The consultation process was conducted between April 2019 and August 2019 by way of an email to those identified and also via publication on the council’s website. Responses received were listed on a matrix document and each point made was given due consideration.</p> <p>Approach to smoking and vaping enforcement and the links to licensing particularly with the smokefree generation proposals</p> | <p>Updated with the correct dates.</p> <p>Smoking and vaping is not covered by the Licensing Act 2003.</p> |
| Chair Parish Council | <p>Parish Councils to be consulted for payment for profit events or matters likely to cause community disruption or concerns</p> | <p>Weekly Licensing applications are circulated to relevant authorities and elected members of Wiltshire Council.</p> |
| A person who lives in Wiltshire | <p>There is a problem with the way application notices are displayed informing local residents of applications. Apparently notices are put up by the applicant. This leaves it open for applicants to display them in unobscured places where they may not be seen by the majority of people. They are also easily removed by the general public for</p> | <p>All premises applications are required to advertise by putting up blue signs outside the proposed site for 28days as required in the legislation. Evidence of the sign in situ is checked by the Licensing officer. A notice is also posted in local newspapers and on the</p> |

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| | <p>whatever reason. Thought needs to be given to more substantial notices being erected in very prominent positions. This would mean, in an open space for instance, all exits and entrances to that area should have. Notices which can be seen from outside of the whole of the open space, even if it is just a small area in the open space being applied for not just on the outside of that space, i.e. a cafe in a park, it should be displayed on all gates to the park, not just outside the cafe in the park. Also, there should be regular checks on the notices, several times a week, to check they have not been moved. Where there is an information board in an open space or park a notice should be displayed on this and permission sought from the council to display it under the lock3d glass if that is the case. It really shouldn't be up to local residents to have to remain vigilant all the time checking online and in the press for applications. Anyone living directly adjacent to the application site should be written to otherwise this discriminated against people who may not have the internet or be able to afford to buy local newspapers regularly. Having to rely on these plus notices displayed on site discriminates against less able bodied people who may not be active and would therefore not see them. Local residents used to be written to about applications including planning applications and it should return to that system. Also, looking at the flow charts online with this consultation the question of notices is sorely lacking from most of them and mentioned inadequately on others. It is a major part of the application process and local residents deserve the right to be kept fully informed without having to be constantly searching and checking all the time. Wiltshire council needs to take control of the placement of physical notices and checking whether they are still in place to avoid misuse of the process by applicants and mean minded people who remove them. The notice period also needs to be longer than 28 days because by the time the application is made and then notices go up, they are not actually in place for 28 days. I would be grateful if you would consider the points I have raised. Many thanks.</p> | <p>council's website. A list of all licensing applications is sent to elected members weekly.</p> <p>Unlike planning legislation, it is not a requirement for the council officers to erect the signs and based on officer resources this would not be possible. We have noted your comments and will discuss further with the team whether there are other options to increase the visibility of the notices.</p> |
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| 4.4 Noise | | |
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| A person who lives in Wiltshire | Regards to only "encouraging" event management techniques to avoid public nuisance. This should be mandatory not encourage? | <p>It can't be mandated, especially for TENs as this is a simplified process. 4.4 is a subsection/consideration of 4.0 which notes that the LA expects applicants to demonstrate within their operating schedule (for a premises licence) how they intend to prevent public nuisance.</p> <p>The LA will consider the adequacy of the proposed measures and where the operating schedule does not sufficiently address the prevention of public nuisance the LA will consider all reasonable conditions recommended by responsible authorities.</p> |
| 4.9 Fly posting, flyers and graffiti | | |
| A person who lives in Wiltshire | Business that fly tip or fly post and are convicted, should lose their premise license. | Any person or authority can apply for a review of a premises licence if there is sufficient reason and evidence to do so relating to the undermining of the licensing objectives and premises licence conditions. |
| 5.0 Protection of Children from harm | | |
| Live, work and run my own business in Wiltshire | I'd like to see stronger wording around risk and other assessments, for instance "must" have a policy around employing youngsters rather than "should consider having...." | The wording has been changed to "the Licensing Authority will expect..." rather than the "applicants should" this ensures compliance with the guidance. |
| 6.6 Permitted temporary activities (TENS) | | |
| Resident of Wiltshire | The section on Temporary Events Licences needs to be beefed to include how the 4 objectives of the Licensing Act 2003 need to be addressed by the applicant for a TEN. | <p>The system for Temporary Event Notices (TENS) is intended as a light touch process. The carrying on of licensable activities within the statutory permitted limits of a TEN is not carried out by way of an application, but by way of the premises user giving notice to the licensing authority of the event.</p> <p>The premises user should consider the licensing objectives when giving a TEN. The police and environmental health can intervene on grounds of</p> |

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| | <p>In my experience at say a fair a stall holder selling alcohol can readily obtain a TENS and then sell alcohol all day resulting in drunken people abusing other people. There is no effective policing or monitoring of TENS, the Event organiser has no powers to close down a TEN licensee. TENS can be requested and operated by people with ZERO knowledge of the Licensing Act 2003. Also, there is confusion between neighbouring Principal Authorities as to whether a Personal Licence Holder needs a TENS or not at an event.</p> <p>Also Appendix C appears to have missing arrows.</p> | <p>any of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits are exceeded.</p> <p>The prescribed form for a TEN does not include a section for licensing objectives (unlike a premises licence application). Section 182 Guidance 7.6 notes that premises user <u>should</u> consider the promotion of the licensing objectives. The LA is unable to tell applicants that they have to include this with their notice.</p> <p>6.6 has been reviewed and updated.</p> <p>The police are consulted on all TENS allowing any issues to be monitored, the licensing authority also record details of all TENS allowing events to be monitored if required. TENS have statutory requirements which are followed by Wiltshire Council. Identified issues may result in objections from the police for future TENS.</p> <p>It is an offence to sell alcohol to anyone who is drunk. Unable to comment on other authorities. All alcohol sales must be covered by a TEN or premises licence. A personal licence on its own does not authorise alcohol sales.</p> <p>Appendix C updated</p> |
| <p>Personal Licence Holder</p> | <p>It is detailed, clearly structured to help you understand the requirements, covers the four licencing objectives.</p> <p>Regarding TENS, recommendation of at least one month's notice and the suggestion that any less and events may be rushed and haphazard, is unfair. Most people who put on events are</p> | <p>Comments noted</p> <p>The draft policy makes clear that its is recommends that at least one month notice is given these events. The reason a month is recommended to suggested is</p> |

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| | professional, very experienced and used to working to short timeframes. The statutory notice period is at least 10 days and that should be applied in Wiltshire to allow well manage but shorter notice events. | to allow time for any comments to be fed back to the applicant. Section 6.6 has been reviewed and updated to make this clearer. |
| A person who lives in Wiltshire | My consideration is that all temporary event notices applied for by an existing licensed premises where conditions are attached to the current license these conditions are automatically extended onto the TEN. the rational for this is simple. Once a temporary event notice comes in force then all existing conditions attached to a current license lapse. | A TEN does not have conditions unless a hearing is held, following an objection by police or environmental health, and the licensing authority may impose conditions attached to the premises licence or club premises certificate if one is held at the location of the event. |
| A person who lives in Wiltshire | Proposal states: 'The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or over burdensome'. However, if the conditions are necessary to safeguard public amenity they need to be implemented or the license refused. TENS: proposal states, 'Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission' however the flow chart appendix C makes no reference to this desire. It should be clear that local consultation with neighbours and elected members is necessary. TENS procedure and process is unfairly weighted in favour of the applicant as it is difficult for representations to be made. | The legislation for TENS does not make it a legal requirement for neighbours and elected members to be consulted by the applicant. All relevant elected members received a weekly list of licence applications. The flow chart demonstrates the statutory process. Appendix C flow chart has been updated. |
| A person who lives in Wiltshire | The issue is that even under a TEN application local people can be affected by noise and environmental issues but there is no duty to consult local people so the regulations and the policy is of little merit. How are TEN applications regulated for their safety eg fire risk from camping to local neighbourhood? How are they monitored for numbers actually attending? What are the repercussions for any | The police and environmental health are the only bodies able to object to a TEN. Environmental Health will give consideration to the scope of the TEN and potential impact. Anything with a history of issues/complaints would be scrutinised in more detail. Environmental Health are consulted on TEN's. There are not sufficient resources to check each event for |

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| | breaches? | <p>numbers. The responsibility lies with the applicant to manage the events safely and comply with the requirements. Complaints are investigated.</p> <p>6.6 updated, includes responsibility.</p> |
| A person who lives in Wiltshire | <p>My consideration is that all temporary event notices applied for by an existing licensed premises where conditions are attached to the current license these conditions are automatically extended onto the TEN. the rational for this is simple. Once a temporary event notice comes in force then all existing conditions attached to a current license lapse.</p> <p>I think it would be useful for residents to be made aware why they have no right to object to a temporary event notice application.</p> | Noted, the procedure for TENs are set out in statute, this section has been updated. |
| | TENs procedure and process is unfairly weighted in favour of the applicant as it is difficult for representations to be made. | <p>The statutory guidance must be followed for TENs which only requires statutory consultees to be consulted these are Police and Environmental Health. TENs were intended as a light touch process for the premises user to give notice of small scale licensable activities, without the need for a premises licence.</p> <p>Section 6.6 reviewed and updated.</p> |
| A person who lives in Wiltshire | I am participating in this consultation because of my recent experience with the licencing committee. I became aware of a licence application for a new premises opening in my village. The application was for the sale of alcohol for consumption on and off the premises from 9am until 11pm, 7 days per week, and also for music to be played for the same times. You will now be probably thinking that a new public house was being proposed, but you would be wrong. This application was for a farm shop. I have no problem at all with farmers selling their own produce from the farm, but this did not seem to be what a normal farm shop would seek to do. I contacted Wiltshire Council with my concerns that this could create | <p>All new licence applications are consulted by advertising on blue notices, in local newspapers, and on the council's website. This is carried out in accordance with the statutory guidance and legislation. The ten responsible authorities are sent a copy of the application. Elected members and town/parish councils for the area are also made aware.</p> <p>The licensing authority cannot directly inform neighbouring residents or businesses of a new</p> |

| | | |
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| | <p>a very serious noise problem, and I found out that I was the only person who had raised an objection. So my first question is: were the neighbours of this new premises made aware of the application. If not, I think they should have been. Very shortly after WC received my comments, I was contacted by one of you officers. They told me they had been in touch with the applicant, who had agreed to opening hours of 9am till 6pm and late night opening on a maximum of 16 (from memory) days each year, as I had suggested. So my second question is: would this have happened without my intervention? I believe the licencing committee should have looked at this application, and said 'this is not logical or appropriate for a new farm shop'. If I had not objected would it just have been nodded through?</p> | <p>application.</p> <p>Regarding potential noise nuisance, the Environmental Protection team, as a responsible authority, will review the application and give consideration to the potential impact.</p> <p>If no relevant representations against an application are received, and/or no comments which have led to the applicant amending the application, then the application will be granted as applied for per the Licensing Act 2003.</p> |
|--|---|---|

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Statement of Licensing Policy

The Licensing Act 2003

2024 - 2029

Date policy adopted:
Policy adopted by: Council
Date policy implemented:
Next review period:

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Appendix A – Premises Licence/Club Premises Certificate – New Applications

Appendix B – Premise Licence/Club Premises Certificate – Variations

Appendix Ba – Premises Licence/Club Premises Certificate – Minor variations

Appendix C – Temporary Event Notice

Appendix D – Personal Licences

Appendix E – Review Process for Licensed Premises and Club Premises Certificates

Appendix F – De-regulation Order

Appendix G – Live Music Act 2012

Appendix H – Glossary

1.1 Introduction

This statement has been prepared having regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary. Any amendments will be subject to consultation.

This statement takes effect from **XXXXX 2024** and will be scheduled for review in **2029**.

The licensing regime implemented by the Act and operated by Wiltshire Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this statement include:

- personal licences
- premises licences – including provisional statements
- variations
- transfers
- interim authorities
- temporary events
- club premises certificates
- designated premises supervisors
- reviews.

1.1 Purpose and Scope

This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions under the Licensing Act. These include policy formulation, administration, monitoring, and enforcement activities. The latter will include working with and sharing permitted data with other regulatory and enforcement agencies.

The following will also be relevant to the way in which the licensing authority exercises its functions under the Act:

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.
- The solicitor to the council will ensure that the Committee in its role as a quasi-judicial Committee acts in accordance with the rules of 'natural justice' and ensure the Committee acts and appears to act fairly and approaches all matters before the Committee with an open mind during hearings or reviews.

- The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted.
- The impact of the activities taking, or proposed to take, place at a licensed premises on businesses or individuals who are likely to be affected by it.
- The licensing authority, on behalf of the council, may notify parties they consider appropriate such as divisional councillors, town and parish councils of relevant applications.
- There is no presumption that any application for a licence under the Licensing Act will be granted.

1.2 Key Aims

The key aims of this statement of licensing policy are for the council as the licensing authority to:

- Promote and give precedence to the licensing objectives.
- Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties.
- Secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in Wiltshire.
- Integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce alcohol harm
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help
 - reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on Emergency Services
 - continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
 - endeavour to reflect the diversity of Wiltshire through its blend of urban and

- rural settlements
- give direction to applicants, so that they can make informed decisions in respect of their own ventures.

1.3 Consultation

In reviewing this statement the licensing authority consulted widely with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between April and May 2024 by way of an email to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

1.4 Licensing function

The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the council's area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. The licensing authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in Wiltshire. It will assist all applicants in endeavoring to meet their aspirations within the law.

The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime. It is, however, recognised that the licence holder has limited control over individuals once they are away from the premises.

The licensing authority recognises that the diverse range of licensed premises throughout Wiltshire makes a major contribution to attracting both initial and repeat visitors to both the historic localities, and diverse venues.

The licensing authority acknowledges that circuses can fall on the edge of the licensing regime depending on the nature of their show. The Legislative Reform (Entertainment Licensing) Order 2014 removed the requirement for the need of circuses to be licensed between 08.00 and 23.00, providing that the circus is of a traditional nature, i.e. it is a travelling circus which takes place within a moveable structure.

1.5 Licensing objectives

The council will carry out its statutory duties under the Licensing Act 2003 as the licensing authority and have due regard to the licensing objectives.

It is important to note that all objectives have equal importance in the implementation of this policy.

The Licensing objectives are:

- the prevention of crime and disorder

- public safety
- the prevention of public nuisance and;
- the protection of children from harm

The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only to conditions which reflect the operating schedule and any mandatory conditions. Most premises do and will operate without any significant concerns to the licensing objectives. However, where there is a relevant representation, the application will usually proceed to a hearing, following which the licensing authority may take such steps as are necessary to promote the licensing objectives, as provided for in the Act.

The following sections set out the licensing authority's policy relating to the four licensing objectives. It is emphasized that these objectives are the only matters which can be taken into account by the Licensing Committee and they will pay particular attention to them at a hearing, when determining applications and applying any conditions. A hearing must be called when relevant and valid representations are made by any person or responsible authority, based upon the four licensing objectives.

1.6 Planning Conditions Applicable to a Premises

The Licensing Authority is mindful that the licensing and planning regimes must be kept separate and determined in accordance with the respective legal and policy frameworks.

An application for a premises licence or club premises certificate, or a variation to either, will normally only be granted where the activity to be authorised by the application is a lawful planning use, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by that consent.

The 2018 NPPF 'Agent of Change' principle establishes that where a new land use is introduced into an area, the impact should be managed by the person/business that introduces the new use, eg introducing noisy premises into a quiet location or vice-versa. This will be relevant when considering measures necessary to uphold licensing objectives at hearings.

2.0 Prevention of crime and disorder

The council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder throughout Wiltshire, consistent with its statutory duty under section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014. The council as a member of the Wiltshire Community Safety Partnership will work with relevant partners to utilise legislation as required to prevent crime and disorder issues.

Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

The council expects the premises licence, or club certificate holder to take steps to control excessive consumption and drunkenness on their premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on the premises and elsewhere after customers have departed. Licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities. The licensing authority expects all applicants to consider a number of key conditions, where relevant to the type of licensable activity being proposed:

2.1 Toughened/safety glasses

Standard annealed glass bottles and drinking containers used in the leisure and hospitality sectors to supply alcoholic and non-alcoholic drinks may be used as weapons inflicting serious harm during incidents of disorder. Police evidence indicates that incidents are particularly likely in or within the immediate vicinity of a pub, club or nightclub. It is suggested that where the application relates to the sale of alcohol on the premises, the applicant considers measures to prevent glass bottles or glasses being taken off the premises.

In particular this is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond 11pm. Possible exceptions would be facilities for hotel residents and their guests or a restaurant where the bar is primarily provided for restaurant customers.

Outside licensed premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance. Therefore the policy also applies to any premises where outside areas are provided for consumption of alcohol, particularly where the outside area is in or adjacent to a public place.

The licensing authority believes that the use of safer alternatives to annealed glass i.e. polycarbonate “glasses” will help promote public safety and the prevention of crime and disorder in licensed venues.

2.2 Pubwatch

The licensing authority recognises the value of Pubwatch schemes and will therefore play a supportive role and attend meetings as appropriate. Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises. Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority encourages all licensees to actively participate in their local Pubwatch scheme and is keen to support the development of more schemes where there is a demand.

2.3 Information sharing and reporting incidents

As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for the next meeting. Licensed Premises are often favoured for criminal activities such as child sexual exploitation, modern slavery, human trafficking, drug dealing and violence. Any issues of crime and disorder should be reported as soon as possible to Wiltshire Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Wiltshire Police and other agencies. Wiltshire Police and Wiltshire Council work in partnership to target those individuals who cause crime and disorder. Drink Banning Orders (sec 1-14 Violent Crime Act 2006), Exclusion Orders (sec 1 Licensed Premises Act 1980), Public Space Protection Orders (sec 59-68 Anti-Social Behaviour, Crime and Policing Act 2014) and any replacement powers will be utilised to assist in the perception of crime and disorder. Information about relevant orders against persons will be shared with premises. Licence holders are also expected to assist in preventing crime and disorder by notifying Wiltshire Police of any persons who breach orders relevant to their premises.

2.4 Door supervisors/stewards

Any person engaged at licensed premises to carry out security activities including the prevention of access to or the physical ejection of a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.

The licensing authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the licensing authority may impose a condition that an agreed number or ratio of licensed door supervisors must be employed at the premises

either at all times, or at such times as certain licensable activities are taking place.

In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and general safety awareness. These individuals must not carry out security activities, and would not be required to hold an SIA licence. If they were employed to undertake duties involving children then the applicant should consider whether the relevant level of disclosure check is appropriate.

Front line staff should receive relevant training in conflict management and basic first aid training.

The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives.

2.5 Dispersal policy

Every venue whether a pub, club or bar should prepare and implement a dispersal policy working in partnership with other venues within the vicinity through mechanisms such as Pubwatch. Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises. This should be prepared in consultation with the licensing authority and police and reviewed regularly and staff should be trained in how to implement this policy.

2.6 Outside drinking

Some premises may wish to supply alcohol for consumption in an outside area such as on the pavement adjacent to the premises or in a beer garden. In such circumstances, we expect applicants to include all outside areas within their proposed plan, and to consider the risk associated with outside drinking and include measures in their operating schedule to uphold the licensing objectives.

The licensing authority also expect licence holders to exercise control over their customers, particularly in instances where the outside drinking takes place on the pavement to which the public has access. If the licence holder fails to exercise such control, enforcement action may take place and the licence be reviewed.

2.7 Drugs in premises

The licensing authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises, but it is recognised that conditions may need to be attached to the premises licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The licensing authority expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the licensing authority and/or police

involved in such an initiative.

The licensing authority expects licensees to permit access for drugs analysis equipment and staff so that random drug tests can be carried out on the skin of persons wishing to have access to the licensed premises, in addition to the staff and contractors employed at the premises.

Psychoactive substances are those intended for human consumption that is capable of producing a psychoactive effect. These substances prior to May 2016 were more commonly known as “legal highs” and included items such as Nitrous Oxide (NOS), Spice and Black Mamba amongst others. It is a criminal offence to produce, supply or sell

psychoactive substances. The Psychoactive Substances Act 2016 amends the Licensing Act 2003, creating new powers of entry relating to any of the offences mentioned above. These offences are also considered “relevant offences” in relation to Personal licences.

It is expected that licensees have a written drugs policy for their premises or event which staff are fully trained in.

2.8 Drink Spiking

Drink ‘spiking’ is when alcohol or drugs are added to someone’s drink without their knowledge. Spiking a drink is illegal and subject to high maximum sentences if a person is found guilty. The UK has seen a recent rise in the incidences of spiking in licensed premises.

We expect applicants and licence holders to consider the risk associated with spiking on their premises and recommend that measures to deal with this risk are included within their existing drug policies such as:

- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating schemes such as ‘Ask for Angela’ to encourage customers to seek help if they suspect drink spiking has occurred.
- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.

2.9 Immigration and modern slavery

Modern slavery is the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, and abuse of vulnerability, deception or other means for the purpose of exploitation. Individuals may be trafficked into, out of or within the UK, and they may be trafficked for a number of reasons including sexual exploitation, forced labour, domestic servitude and organ harvesting.

Forced labour is a situation in which victims are forced to work against their own will under the threat of violence or some other form of punishment. Labour exploitation is placing a

worker under extremely poor conditions such as very low wages, being forced to work long hours, having their movements supervised, living in very poor conditions and having their identification documents taken away to prevent them from leaving.

As of April 2017, the Immigration Act 2016 introduced a “Right to Work” test for personal licence and individual premises licence holders (where the licence permits alcohol sales and late-night refreshment). The Home Office Immigration Enforcement department became a responsible authority of the Licensing Act 2003.

Premises licence holders, as employers, have a duty to ensure that their employees have a right to work in the UK. The Licensing Authority will work with Immigration Enforcement to ensure that people are not illegally brought into the UK to be exploited as cheap labour in licensed premises.

Any offences committed under the Immigration Act are considered relevant offences for the purposes of a personal licence and are notifiable to the Home Office in the same way that other relevant offences are notifiable to the Police.

3.0 Promotion of public safety

The public safety objective is concerned with the physical safety of the people performing in and staff and customers using the relevant premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the Wiltshire Council’s Health and Safety Section and/or Dorset and Wiltshire Fire and Rescue Service as the most relevant responsible authorities for guidance. Other organisations such as the Event Safety Advisory Group will be able to offer advice. Contact details for these authorities/groups are available from the licensing authority.

Wiltshire Council promotes the use of community initiatives such as Purple Flag which has been awarded to Chippenham. Wiltshire Council aspires to support similar schemes across the county.

3.1 CCTV

CCTV has a role to play in stopping and deterring crime and anti-social behaviour in certain hotspots and is also used as an evidence and detection tool. However, surveillance cameras should only be used if necessary and proportionate, in addition:

- When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner’s Office. Any proposed blanket requirement to attach surveillance camera conditions to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.

- Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in any particular case. For example, it is unlikely that a surveillance camera condition would be justified for a trouble-free community pub.
- Where a licence responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.
 - The public must have confidence that surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
 - CCTV recordings should be kept for a minimum of 31 days and shared with the licensing authority and Wiltshire Police upon request.

3.2 Martyn's Law (Protect Duty)

Martyn's Law will improve protective security and organisational preparedness across the UK by mandating, for the first time, those responsible for certain premises and events to consider the terrorist risk and how they would respond to an attack.

The bill is the legislative response to the findings of the Manchester Arena Inquiry.

It is designed to reduce the risk to the public from terrorism by the protection of public venues increasing national security and personal safety.

The proposed Bill will place a requirement on those responsible for certain publicly accessible locations used for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health, and education to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The government have indicated that publicly accessible locations with a capacity of more **than one hundred people** will need to undertake simple yet effective activities to improve protective security and preparedness.

Those activities will include completing free training, raising awareness and cascading information to staff. As well as completing a preparedness plan.

Publicly accessible locations with a capacity greater than **eight hundred people** will also be required to produce a risk assessment and security plan, considered to a 'reasonably practicable' standard.

Please see the following website sites for up-to-date information regarding the possible implications and / or requirements for your premises / location:

- [counter terrorism pages on GOV.UK](#)
- training and resources available from the [Protect UK website](#)

3.3 Alcohol consumption

The council expects all premises licence holders to take all necessary steps to control consumption and drunkenness on their respective alcohol licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities. The premises licence holders must also be aware of the dangers of over consumption of alcohol and the risk of vulnerability to their customers.

3.4 Alcohol harm reduction

Communities, agencies and businesses are ultimately best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, between crime and health agencies and licensing authorities. Under the Government's national 10yr Drugs Strategy – Harm to Hope, Local Authority areas are required to form a Combating Drugs Partnership (CDP) which is responsible for delivering the national ambitions. Wiltshire has its own Substance Use Strategy, which drives local activity which is monitored through a robust delivery plan and outcomes framework.

The licensing authority will continue to work alongside their partners on a countywide and local level. Groups such as licensing tasking will continue to formulate the basis of partnership work and will have clear aims and objectives to ensure they are fit for purpose. This group will sit within the governance of Wiltshire Community Safety Partnership and will feed into local initiatives such as Pubwatch, Purple Flag, and other new schemes as and when required.

3.5 Public health

The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

As there is not a specific licensing objective related directly to health within the current legislation, health bodies, when making a representation, are most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Anonymised data can be collected about incidents relating to specific premises or areas when representations are made.

Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises.

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies.

3.6 Health and safety

By law the applicant or operating company must have a health and safety policy when five or more persons are employed. This policy must be brought to the attention of those employees.

Employers must also record the results of risk assessments and ensure a robust tailor made health and safety action plan, is in place for both staff and customers. Applicants should have these documents available at the request of licensing authority or any other responsible authority.

3.7 Occupancy limits

It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises. The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives. It is recommended that premises assess and set limits appropriate to their premises/event.

3.8 Positive campaigns to promote public safety

The Licensing Authority will actively promote campaigns which help to reduce or remove risks to vulnerable people who visit or work in licensed premises. Examples of this would be the "Safety at Night Charter" and "Ask for Angela" schemes. The voluntary safety charters aim is about taking practical steps together to make Wiltshire and Swindon safer at night. The Ask Angela scheme aim is to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to get the attention of staff members who can help separate them from the company of someone with whom they feel unsafe due to that person's actions, words or behaviour.

Licensing Officers seek to work closely with landlords to encourage positive engagement with such campaigns and to help promote and explain the importance of keeping the public safe.

4.0 Prevention of public nuisance

Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the rights of others, for example, how noise from playing music interferes with another person's right to sleep.

The Act requires, and the licensing authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.

When appropriate on application or review the licensing authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

When an operating schedule does not sufficiently address the prevention of public nuisance the licensing authority will consider all reasonable conditions recommended by responsible authorities to prevent public nuisance. In some locations it may be necessary to limit opening hours or the times of other licensable activities.

Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours of 11pm and 5am when a premises licence would be required.

Applicants should carefully consider how they intend to promote the prevention of the public nuisance objective in their operating schedule. This can include several considerations:

4.1 Odour

The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/ or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance.

Most commercial kitchens will require a mechanical extraction system, and the type and size will depend on the size of the cooking facility, type of food prepared and type of cooking appliances used. The applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.

Controlling odour from waste and bottle storage areas is entirely down to good management practice which involves using sealed waste bins big enough to hold all waste, which can be thoroughly cleaned and are regularly emptied.

When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.

4.2 Lighting

Outdoor artificial lighting is used for a number of reasons, including work, recreation, security, safety, advertising, display and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort and may cause driving

problems by glaring into drivers' eyes or competing with signs and other traffic signals.

4.3 Waste/litter

Licensed premises of all types can potentially cause public nuisance from litter and waste. There are a number of laws relating to proper waste collection and disposal, not least of which is the “duty of care” to ensure any waste is properly contained and controlled while in the operator’s possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, it may cause people to slip, trip and injure themselves, and it may harm the reputation of the licence holder’s business.

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

4.4 Noise

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises’ direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both direct and indirect noise will be of greater importance between 11pm and 7am. Specific types of noise each need different consideration when reducing their impact on public nuisance.

Small outdoor multiday music festivals (often where camping is also involved) can quickly become a source of public nuisance, organisers of such events are advised to contact the Environment Control and Protection noise team at an early stage. Organisers are encouraged to employ event management techniques similar to larger scale events to avoid public nuisance, these can include considering the suitability of the location, the geography, limiting amplifier output, duration or direction.

4.5 Entertainment

Appropriate control measures are needed for premises that operate late at night (after 11pm) and/or have regular entertainment or when the entertainment takes place in the open air or within a marquee. Steps should be taken or proposed to be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Specific consideration of control measures must be given to sensitive locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the

wider public, such as passers-by and people using public facilities.

4.6 Disturbance from customers

Appropriate steps must be taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance and anti-social behaviour. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside a premises.

Particular consideration now has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, Wiltshire Council encourages premises where practical to do so to minimise congestion on pavements.

Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However, it must be noted that noise and disturbance from customers outdoors can cause public nuisance outside of these times.

4.7 Plant and equipment

Steps should be taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning and refrigeration equipment.

4.8 Servicing

Steps should be taken or proposed to be taken to prevent noise from servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.

4.9 Fly posting, flyers and graffiti

Steps should be taken to prevent fly posting and litter problems arising from the distribution of flyers advertising the premises or events at the premises. The applicant should endeavour to reduce the use of promotional leaflets and only hand flyers directly to the public. Flyers should not be left on vehicle windscreens. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards. The applicant should also remove any graffiti and fly posting from their surfaces as soon as it appears.

5.0 Protection of children from harm

For the purposes of this policy the licensing authority considers anyone less than 18 years of age to be a child or young person unless otherwise agreed.

The licensing authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:

- the extent to which it is proposed that children be admitted to the premises;
- whether it is proposed that unaccompanied children will be admitted;
- if they are, the type of regulated entertainment provided whilst children are present;
- The specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
- That an unaccompanied young person (i.e. somebody under the age of 16 who is not accompanied by a person over the age of 18) must not be allowed into any premises which are "exclusively or primarily used for the supply of alcohol for consumption on the premises".
- That staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.

Whether or not premises with a mixed use are "exclusively or primarily used" is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.

Where it is appropriate and permissible within the law, the Licensing Committee should impose conditions that restrict young people from entering all or part of any premises licensed to supply alcohol:

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult
- where there is a history of crime and disorder
- where the premises are in a high-risk area e.g. close to school; in an area with a history of underage sales; in an area with anti-social and criminal behaviour linked to persons under 18.

Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the schedule should specify in sufficient detail the measures and management controls proposed to protect children from harm.

The licensing authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18-year-old patrons.

5.1 Safeguarding the Vulnerable

It is an expectation that premises operators consider safeguarding for all vulnerable people both children and adults and consider including appropriate conditions which support / assist keeping vulnerable people safe.

5.2 Age verification underage sales on/off premises

There is now a mandatory condition on all premises licenses (in the case of alcohol supply) to have adequate age verification systems in place. This could be through the use of a Challenge scheme i.e. “challenging anyone who looks under 25 to prove their age by use of an approved means of identification”; such a scheme to be advertised and enforced on the premises.

The licensing authority supports and may condition an appropriate age policy in licensed premises. Licensees will need to demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided should be properly documented so that there is an adequate audit trail and records are available for inspection.

The following are examples of identification used:

- Passport
- Photo-card driving licence
- PASS card
- Official identity card issued by HM forces

Details of training provided to members of staff to prevent underage sales should be recorded in a log. Additionally, when a retailer does refuse the sale of alcohol this should be recorded in a ‘refused sales log’. These documents should be kept available for inspection by a police officer or authorised officer of the licensing authority.

5.3 Proxy sales

Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

5.4 Children and cinemas/theatres

The licensing authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. In the event that the licensing authority is asked to stipulate an age category for a film, video etc. that has not been dealt with by the BBFC, the licensing sub-committee or its

delegated officers may view the film etc. and use the BBFC published guidelines on categorisation as a 'benchmark' in reaching their decision, which will then become a condition.

In considering any application, the licensing authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where performances are for unaccompanied children in theatres and cinemas and relevant representations are received in response to an application/review, the licensing authority may impose conditions requiring an adequate ratio of adult attendants (over 18 years and relevant criminal record check).

5.5 Child Sexual Exploitation (CSE)

Licensed Premises are often used as a place to exploit and abuse victims of CSE. They provide an ideal environment for the grooming and sexual exploitation of children and young people. As part of the grooming process adults may meet young people or take them to licensed premises, to develop a relationship of trust and make them feel special by giving them 'treats' such as meals or alcohol, or by involving them in adult parties. A premise could be misused for this kind of activity by the people who are socialising or working there.

Under the Licensing Act 2003, premises licence holders and designated premises supervisors have a legal responsibility to make sure that children and young people are protected from harm at their premises.

It is expected that licence holders will take all reasonable steps to promote safeguarding from CSE in their premises. Such steps may include but are not limited to; having a written children and young person's risk assessment to be used in conjunction with the premises operating schedule. It is important for staff to be mindful of areas that are not always supervised or covered by CCTV, for example toilets, beer gardens and play areas.

For premises that provide a delivery service (e.g. a takeaway under a licence for late night refreshment), licence holders should enforce a code of conduct to promote safeguarding when deliveries are made to unaccompanied children.

Staff should be trained on how to recognise indicators of CSE and be confident in their knowledge on how and what to report to the Police. It is expected that any incidents or suspicions are also recorded by the licence holder or their managers in the premises' incident book. if appropriate to do so.

It should be noted that not all exploitation of children in licensed premises is of a sexual nature and children and young people may also be exploited criminally, which could involve children being coerced or manipulated into criminal activity such as drug dealing. Licence holders can find more information regarding child exploitation from the Wiltshire Safeguarding Vulnerable People Partnership www.wiltshiresvpp.org.uk

6.0 Licensing process

A licensing committee, sub-committee, or licensing officers acting under delegated authority, may carry out the powers of the licensing authority under the Act, in accordance with the council's scheme of delegation.

Many of the licensing procedures are largely administrative with no perceived areas of

contention. In the interests of efficiency and effectiveness licensing officers generally carry these out.

The licensing authority ensures that all officers and members who deal with applications have received adequate training for their role under the Licensing Act 2003.

A sub-committee of the licensing authority deals with applications and the review of a licence, where there are relevant representations.

When determining applications, the licensing authority has regard to any guidance issued by the relevant government department. In particular, account is taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community e.g. single or multiple day events at outdoor event arenas in Wiltshire. Any conditions imposed on licences do not seek to discourage such entertainment, but are aimed solely at promoting the licensing objectives.

6.1 Application for premises licences and club premises certificates

The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

Applicants should make themselves aware of the council's statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

Applicants will be encouraged to make themselves aware of any relevant planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule.

When determining applications the licensing authority will have regard to Section 182 (of the act) and other relevant guidance issued.

Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the council's licensing team and the various responsible authorities early in the planning stages in order to reduce the risk of confusion and disputes arising. The licensing authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.

The Section 182 guidance 8.35-8.37 makes reference to outdoor spaces and whether they are used for off sales or on sales. There is no requirement to show consumption areas for off sales on the plan of the premises, but consumption areas for off sales must be made clear on the application form. For consideration by all parties it is recommended that all areas of consumption are marked on the plans. Areas used but not marked on the plans could have the potential for undermining the prevention of public nuisance.

6.2 Electronic applications

Applications with the exception of personal licences and review applications can be submitted online. The applicant needs only to submit one application to the licensing authority. Once the application is deemed valid and the fee paid then the licensing authority is responsible for circulation the application to the other statutory/ responsible authorities.

Paper applications will need to be copied by the applicant and submitted to the responsible authorities by post.

6.3 Licence conditions

Licensing relates to the control of licensed premises, and other events within the terms of the Act. As part of this control, conditions may be attached to licences, and the various other permissions, which focus on matters falling within the control of individual licence holders.

Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.

The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave.

The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or over burdensome. The licensing authority does not implement any standard conditions. Conditions may be attached as appropriate given the circumstances of each individual case. Conditions will not be attached where adequate legislative control exists.

6.4 “Shadow” Licences

Nothing within the 2003 Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person. (Section 2, Licensing Act 2003). The s.182 Guidance further provides at paragraph 8.19, “There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.”

Shadow Licences may occur where for example a Landlord seeks to protect the Premises Licence by creating a ‘shadow licence’ where the licensed premises is operated by a tenant. Shadow licences are usually created on the same terms as the existing premises licence.

When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence or may seek to impose a ‘cooling off’ period before trading can begin. Responsible authorities are also able to review the shadow licence whenever the original licence is under review. It must always be clear to the responsible authorities as to which licence is in operation to avoid two individuals trading within the same licensed area at the

same time under a different premises licence.

Similarly, premises such as village halls, which already hold a premises licence, may wish to permit the use of the facilities but do not wish to be responsible for the licensable activities. The premises licence holders may therefore request a person to use a Temporary Event Notice (see 6.6) to authorise the licensable activities instead of utilising the premises licence. In such situations the premises licence holder should assure themselves that the premises user has sufficient measures in place to appropriately manage the activities.

6.5 Licensing hours

The licensing authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and / or anti-social behaviour takes place. There is no presumption within the legislation for longer opening hours.

In considering all licence applications, the licensing authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and/or public disorder and has regard to all the circumstances of the case.

Where no representations are received an application is approved as applied for. Where a hearing or a review takes place the licensing authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area. In addition, the licensing authority may in the case of an application, refuse to grant a licence and at a review, revoke an existing licence. Throughout the application process consultation with relevant partners is welcomed and encouraged.

The licensing authority recognises that having fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing authority aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as “zoning”), as this can lead to the significant movement of people across boundaries in search of premises opening later.

Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

6.6 Permitted temporary activities (TENS)

The Licensing Act 2003 provides a simplified process for small-scale events (no more than 499 people in attendance at any one time) which can be held under the authority of a Temporary Event Notice (TEN).

The system for TENs is intended as a light touch process. The carrying on of licensable activities within the statutory permitted limits of a TEN is not carried out by way of an application, but by way of the premises user giving notice to the licensing authority of the event.

There are various restrictions in respect of both individuals and premises, and event organisers are strongly advised to obtain advice well in advance of the event. If restrictions are exceeded a Counter Notice (refusal) will be issued and the event will not be acknowledged. The guidance notes and form are available on the Council's website:- [Temporary event notices - Wiltshire Council](#).

In practice the minimum statutory timescales for TENs are unlikely to be sufficient. If the notice is not submitted early enough, then there may not be time for any concerns to be resolved. Event organisers are therefore advised to give as much notice as possible. The licensing authority recommends that at least one month's notice is given to help organisers plan their events safely. In the event that a hearing is held, and a Counter Notice is issued by the Licensing Authority, it is unlikely that there will be sufficient time for any appeal to be heard by the Magistrates.

The premises user should consider the licensing objectives when giving a TEN. The police and environmental health can intervene where they consider that any of licensing objectives may be undermined. In such circumstances, the police or environmental health may issue an Objection Notice and the Licensing Sub-Committee will consider the objection by way of a hearing. If the Objection Notice relates to a "late TEN" a Counter Notice will be issued making the TENs notice invalid, as there is not sufficient time to hold a hearing for a late TEN. The licensing authority may only otherwise intervene if the statutory permitted limits are exceeded.

Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission. If there is a history of complaints, following investigation, this may lead to future events being objected to by either the police or environmental health.

The responsibility of the event lies with the organisers, who are therefore strongly advised to ensure that adequate safety measures (including the recorded findings of a fire risk assessment) are in place in relation to any temporary event.

Event organisers should be aware that authorisation of licensable activities under a TEN does not remove their requirement to ensure that all other permissions are in place, e.g. consent to use the land or relevant planning permission.

A flow chart for TENs is attached as Appendix C.

6.7 Large scale events

These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organizer / applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application

being submitted.

It is expected that the applicant will consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event. Details should be provided of (although not limited to):

- 6.7.1.1 Roles and responsibilities of the event organiser
- 6.7.1.2 Crowd management
- 6.7.1.3 Contractor management
- 6.7.1.4 Electrical, gas and water supply
- 6.7.1.5 Temporary structures
- 6.7.1.6 Fire safety
- 6.7.1.7 Medical and first aid provision
- 6.7.1.8 Site accessibility
- 6.7.1.9 Traffic Management (including blue routes)
- 6.7.1.10 Security staff/stewards/marshals
- 6.7.1.11 Incident management
- 6.7.1.12 Health and Safety management for members of the public
- 6.7.1.13 Welfare provision for members of the public

The licensing authority requires they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.

Wiltshire Council has an established Events Safety Advisory Group (ESAG). This includes relevant council officers, representatives of the emergency services and the voluntary first aid sector. ESAG's aim is to advise on safety at public events held throughout Wiltshire, regardless of whether or not a premises licence or a temporary event notice is required. Event organisers are encouraged to make contact with the Licensing team for advice at the earliest opportunity when planning their community events.

6.8 Delegation of decision making

One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure efficient and cost effective service delivery.

The Act itself requires that applications be granted unless a representation or objection is raised. Where a function is delegated to an officer they will be responsible for liaising with the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to proportionate and necessary conditions. Where objections/representations are made, the officer will liaise with the applicant, those making the representation and the responsible authorities to see if a settlement is possible to overcome the representations without the need for the matter to go before the licensing subcommittee. Only where issues are raised which cannot be agreed will the application be referred

through to the licensing sub-committee for determination.

Whilst contested licensing applications are quasi-judicial in nature, the licensing sub-committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.

The licensing sub-committee will determine each case on its individual merits whilst taking into consideration the terms of this policy document. Where the licensing sub-committee determines that it is appropriate to attach conditions to a licence or certificate, it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

The licensing authority will expect the applicant to have had due regard to the contents of this policy and the attached appendices that provide guidance only.

A decision of the licensing authority can be the subject of an appeal at the magistrates' court. As a consequence, the licensing authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the licensing authority would expect the applicant to carefully consider the issues of concern before doing so.

6.9 Application for personal licences

The Police and Home Office Immigration will have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

An individual may seek a personal licence regardless of whether they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

Holders of a personal licence must hold a recognised licence qualification, be over 18 and not have any relevant convictions and have the right to work. Proof of a licensing qualification together with a basic disclosure not older than 4 weeks, 2 endorsed photos of the applicant are required as part of the application process.

Applicants with unspent criminal convictions for the relevant offences set out in the Licensing Act 2003 are encouraged to first discuss their intended application with the police and the licensing authority before making an application.

Where an applicant has unspent convictions for relevant offences, the licensing authority must notify the Police. The licensing authority must grant a personal licence where the Police do not object to the application and the application meets all the requirements.

The licensing authority and police may arrange a joint interview with a prospective personal licence holder to discuss the circumstances surrounding their conviction(s). Ultimately, the police may be minded to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before the licensing sub-committee who will determine the application.

Wiltshire licensing authority will be the 'relevant licensing authority' for all personal licences when first granted to the applicant residing in Wiltshire, regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to allow the Licensing Authority to suspend, for up to 6 months, or revoke a Personal Licence upon a Personal Licence Holder being convicted of a relevant offence, foreign offences, or civil penalties for immigration offences.

The Licensing Authority has adopted these discretionary powers.

If the licensing authority becomes aware that a personal licence holder has been convicted of a relevant offence, a foreign offence or paid an immigration civil penalty, the licensing authority would normally seek to suspend the licence for a period of up to six months or consider revoking the licence

6.10 Delegation to premises supervisors

The designated premises supervisor need not be physically on the premises at all times when there is a supply or sale of alcohol, but the licensing authority expects that there will be an appropriate authorisation system in place, in line with the Section 182 (or other) guidance regarding the sale of alcohol at the licensed premises.

Where a designated premises supervisor is to be newly specified, the premises licence holder will apply to the licensing authority (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role, and notify the police of the application.

The police are able to object to the designation of a new premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective. Similarly, the police are able to object where a designated premises supervisor is first appointed or transfers to a particular premises, and this combination gives rise to exceptional concerns; such as where a personal licence holder who has been allowed by the courts to retain their licence, despite convictions for selling alcohol to minors transfers to premises which has a degree of notoriety for underage drinking.

The Act provides that the applicant may apply for the individual to take up the post of

designated premises supervisor immediately, and in such cases the issue would be whether the individual should be removed. The licensing sub-committee considering the matter must confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected.

7.0 Enforcement

The licensing authority will seek to work actively with the police in enforcing licensing legislation. It expects the police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required. A joint enforcement protocol is in place with the police and other statutory agencies. These protocols provide for the targeting of agreed problem and high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always have regard to the licensing objectives.

The licensing authority will promote 'good practice' in relation to the operation of licensed premises. It will work closely with stakeholders so as to achieve on-going improvements in standards over reasonable periods of time, in the belief that this is in the long-term interests of owners, operators, employees, customers and neighbours alike.

In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the licensing authority and all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged. Any government advice or requirement in relation to enforcement will be taken into account.

A graduated response is affected where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches and consistent lower-level pattern of continued problems are likely to attract prosecution and/or a review of the licence.

Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency. Complaints against licensed premises, allegations of unlicensed activities, and the breach of licence conditions will be investigated by Public Protection Officers.

The licensing authority will refer to the Public Protection Enforcement Policy when considering enforcement. This policy is reviewed every two years and can be found on the council's website: www.wiltshire.gov.uk.

Under the Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011, the licensing authority must suspend a premises licence or club premises certificate if the holder has failed to pay the authority the annual fee. This does not apply if the failure

to pay the fee, when it was due, was because of an administrative error or the holder informed the authority in writing at or before the fee was due that they were disputing liability.

7.1 Inspection of licensed premises

The licensing authority aim to inspect premises on a risk-based approach to secure compliance with the Licensing Act 2003 and to promote the licensing objectives.

Authorised officers will have the discretion as to which premises require a 'during performance' inspection and the frequency when they are undertaken. Where appropriate, joint visits will take place encompassing a number of relevant agencies.

Licensed premises will be risk-rated by the licensing authority so as to develop a proportionate and targeted inspection program.

7.2 Complaints regarding licensed premises

The licensing authority will investigate or refer to other relevant agencies/council services complaints received against licensed premises where appropriate, normally providing that the complainant's personal details and the nature of the issue(s) must be provided from the outset. For certain matters, the complainant may be encouraged to raise the issue of concern directly with the licensee.

In exceptional circumstances the personal details referred to above may not be required, whilst the facts of the complaint are referred onto the police.

7.3 Reviews of licences

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or any other person. The Section 182 guidance will be used to ensure that all matters for review are considered appropriately. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious. However, matters involving the following may be considered as serious shortcomings by the licensing sub-committee at their hearings:

- use of licensed premises for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crimes
- use of licensed premises for the sale and/or distribution of firearms
- evasion of copyright in respect of "pirated" films and music
- underage purchase and/or consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography
- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- the closure of the premises by a senior police officer, or an environmental health officer due to noise nuisance
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods

- the use of licensed premises for the sale of stolen goods
- where the police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- where serious risks to public safety have been identified, and the management is unable or unwilling to correct those
- where serious risks to children have been identified e.g. repeat underage sales
- significant or repetitive breaches of licence conditions/licensing law
- failure to act on previous warnings/advice/uncooperative attitude towards authorised officers.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by the licensing authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:

- the modification of the conditions of the licence
- the exclusion of a licensable activity from the scope of the licence
- the removal of the designated premises supervisor
- the suspension of the licence for a period not exceeding three months
- the revocation of the licence.

7.4 Other powers and legislation

A senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, may issue a closure notice where there is evidence that a person has committed the offence of persistently selling alcohol to children at the premises in question, and the officer considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. A closure notice will prohibit sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Where the licence holder decides to accept the prohibition, it must take effect not less than fourteen days after the date on which the notice was served at a time specified in the closure notice. Closure notices may be served by police officers, trading standards officers and community support officers.

Anti- Social Behaviour, Crime and Policing Act 2014 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. The 'test' is a lesser one than required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

The licensing authority also recognises that there are other tools and powers at their, and their partner agencies', disposal. All powers are subject to change and amendments, in particular by the Anti-Social Behaviour, Crime and Policing Act 2014. More details can be made available on request to the licensing authority.

Other statutory requirements and opportunities for control, for example relating to planning, building regulations, fire safety, nuisance and health and safety, may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the licensing authority's Licensing Officers.

Premises referred to in an application for a licence or certificate should have planning permission granted for that use and be compliant with, or have arrangements in place to be compliant with any conditions attached to the planning permission. It is however recognised that licensing applications should not be a re-run of a planning application and the two regimes are entirely separate.

The licensing team will liaise with the relevant planning authority as appropriate.

The Immigration Act 2016 amends the Licensing Act 2003 to provide Immigration Officers with enforcement powers. An Immigration Officer will be able to issue an "illegal working closure notice" for up to 48 hours if he or she is satisfied, on reasonable grounds, that an employer operating at the premises is employing a person who does not have the correct work status.

The closure notice prohibits access to the premises unless authorised in writing by the immigration officer.

An application to the Court for a compliance order must be made by the immigration officer and heard within 48hrs after service of the closure notice. The Court may issue the compliance order if satisfied, on the balance of probabilities, that an illegal worker was working on the premises and that it is necessary to make the order to prevent the employer at the premises from employing illegal workers.

The Court can make an order which includes, prohibiting the access to the premises; requiring right to work checks to be carried out; requiring right to work documents to be produced and specifying times for an immigration officer to enter the premises. A compliance order can have effect for a maximum of 12 months, but the immigration officer may apply for this to be extended.

The Court will notify the licensing authority of the order and the licensing authority must then review the premises licence.

If an offence is committed in relation to the compliance order, the court can impose a prison sentence for up to 51 weeks or a fine.

The licensing authority will have regard to the European Convention on Human Rights particularly:

- Article 6 - entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal and
- Article 8 - the right to respect for home and private life; and
- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions, as they may interface with the licensing objectives.

8.0 Other licensing authority powers

8.1 Cumulative impact policy

In the Secretary of State's Section 182 guidance on the Licensing Act 2003, 'Cumulative Impact' is defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The number, type and density of licensed premises within an area may be such as to give rise to serious problems of crime, disorder and/or public nuisance.

The locality within which licensed premises are, or may be, located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primary consideration will be given to the direct impact of the licensed activity on those living, working or enjoying the local environment.

Licensing law is not a mechanism for the general control of any anti-social behaviour being displayed by patrons once they have left the curtilage of the licensed premises. Other more specific legislation should be used. However, when issues can be linked to customers from a particular premise or area, then the licensing authority may consider it relevant to the licensing framework.

In some areas there may be concentrated numbers of licensed premises that can lead to problems with the licensing objectives in the area itself or even some distance away. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributory factor to, a particular problem; it is the cumulative impact of all the premises that causes problems for a wider area.

All applications will be considered on their own merits, and no restriction of numbers will be imposed by this policy.

However, the licensing authority may receive representations from a responsible authority or an interested party that the cumulative impact of the existing licensed premises or the granting of new licences will lead to an area becoming 'saturated' to the detriment of the locality because of the impact on the licensing objectives over and above the impact of the individual premises. In these circumstances the licensing authority may consider that it needs to have a special policy in place.

8.2 Late night levy

Following the introduction of the Police Reform and Social Responsibility Act 2011, the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value.

After a night out, members of the public will often migrate to premises offering late night refreshment on their way home. The culmination of over-intoxicated people in a small space often leads to public nuisance from people fighting, shouting and dropping litter. Under the Policing and Crime Act 2017, the government can implement legislation to bring late night food venues into the scope of late night levies. Late night levies are a means through which local councils and police forces can raise funds to help pay for additional enforcement required to deal with increased public nuisance around these premises.

The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

8.3 Early morning restriction order (EMRO)

Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it appropriate for the promotion of the licensing objectives they can make an early morning alcohol restriction order.

An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

9.0 Links to strategies and plans

The Wiltshire Community Safety Partnership is a statutory partnership, which includes a number of local partners. Together the partnership oversees the development of various Wiltshire strategies, in particular:

- Wiltshire Drugs and Alcohol Strategy
- Health and Wellbeing Strategy
- Joint Strategic Needs Assessment
- Strategy to prevent and tackle serious violence
- Wiltshire Domestic Abuse Strategy.

To obtain a copy of any of these documents please contact the licensing authority.

10.0 Further advice and guidance

Can be obtained from Wiltshire Council's Licensing Team and on the licensing pages of the council's website: www.wiltshire.gov.uk

Home Office

www.gov.uk/government/organisations/home-office

The Purple Guide

The Events Industry Forum

[The Events Industry Forum](http://www.theeventsindustryforum.co.uk)

British Institute of Inn keeping (BII)

www.bii.org.uk

British Beer & Pub Association (BBPA)

www.beerandpub.com

Association of Licensed Multiple Retailers (ALMR)

www.almr.org.uk

Association of Convenience Stores

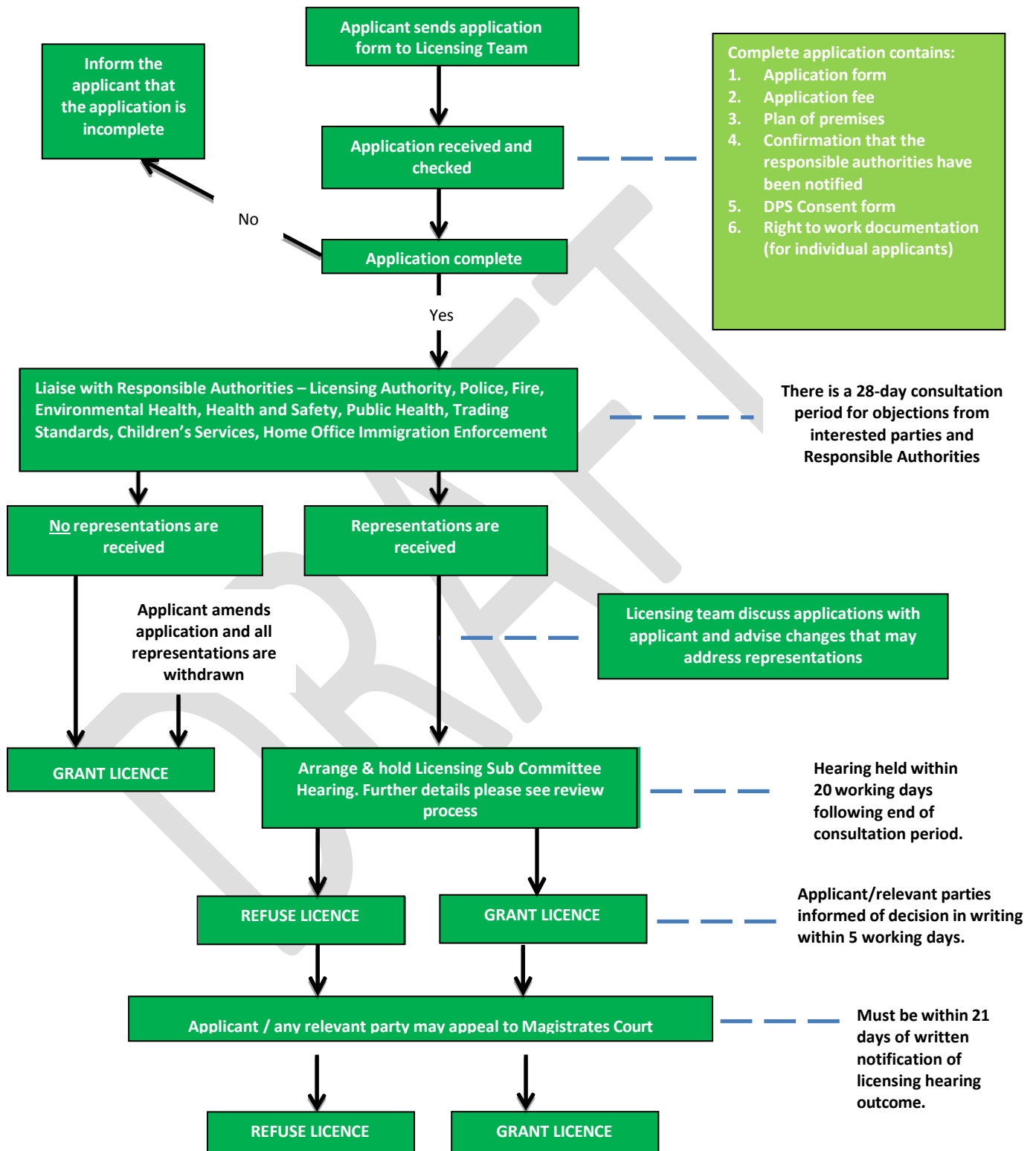
www.acs.org.uk

Portman Group

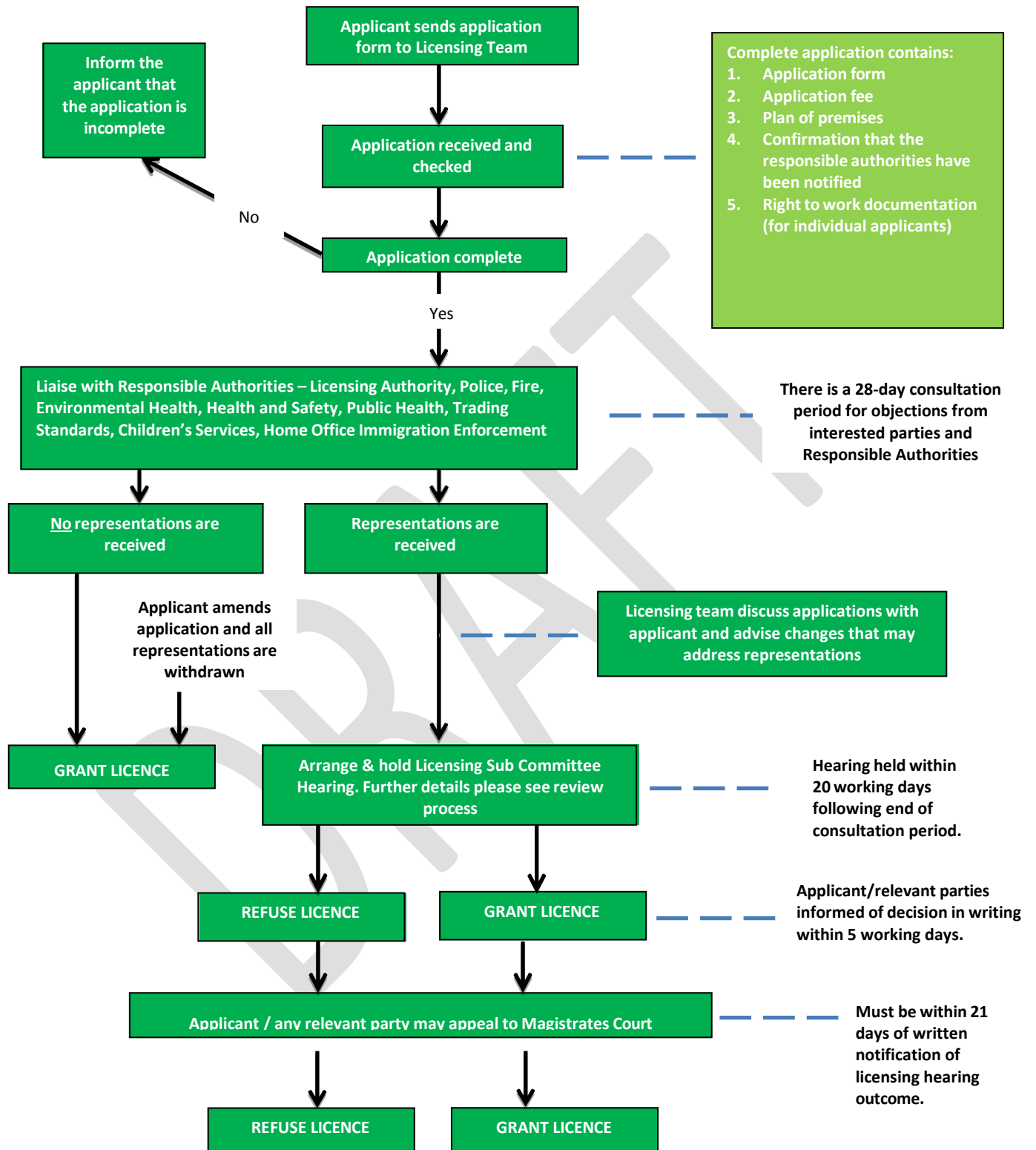
www.portmangroup.org.uk

11.0 Appendices

APPENDIX A – Premises Licence/Club Premises Certificate – New Applications

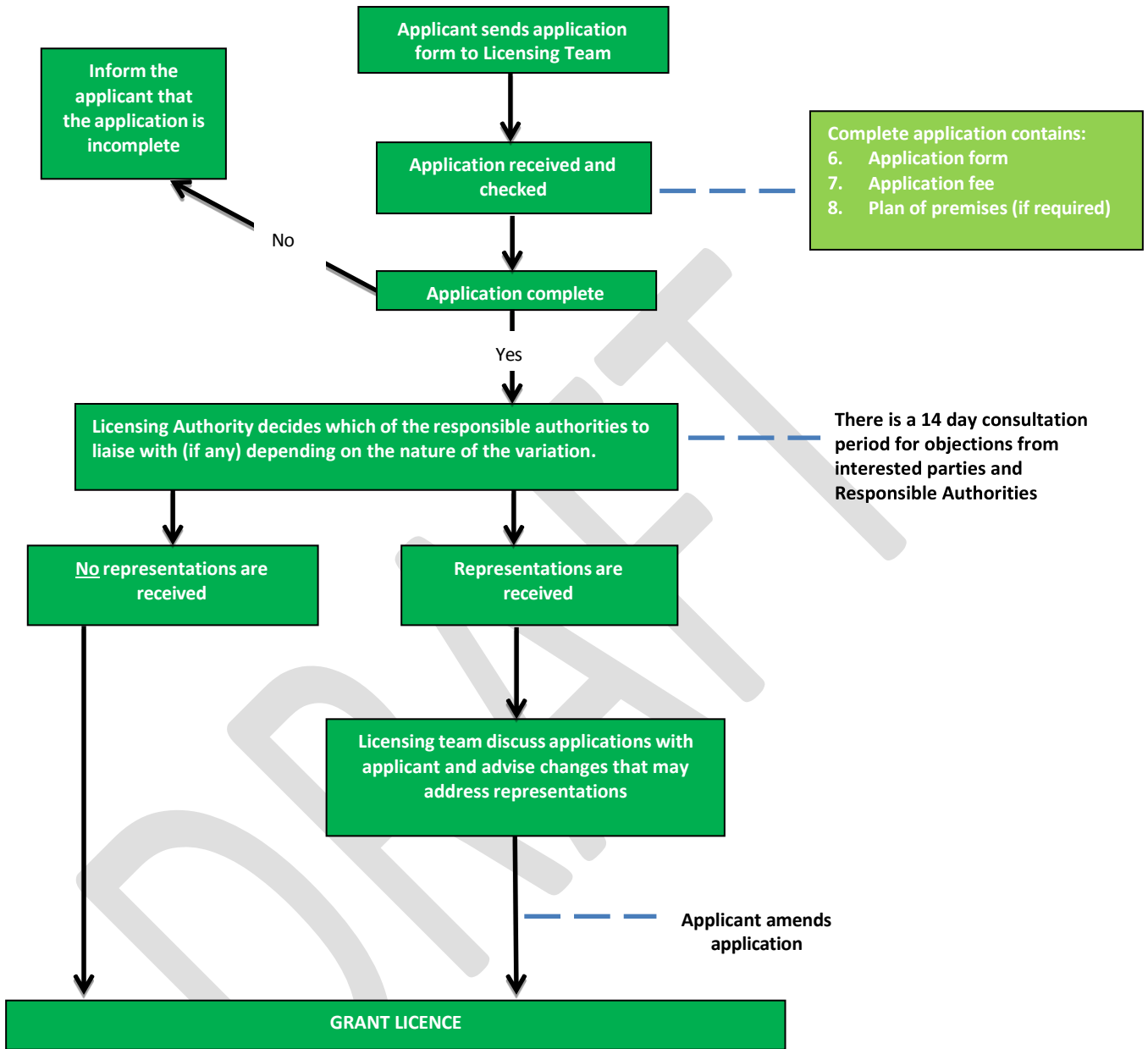


APPENDIX B – Premises Licence/Club Premises Certificate – Variations



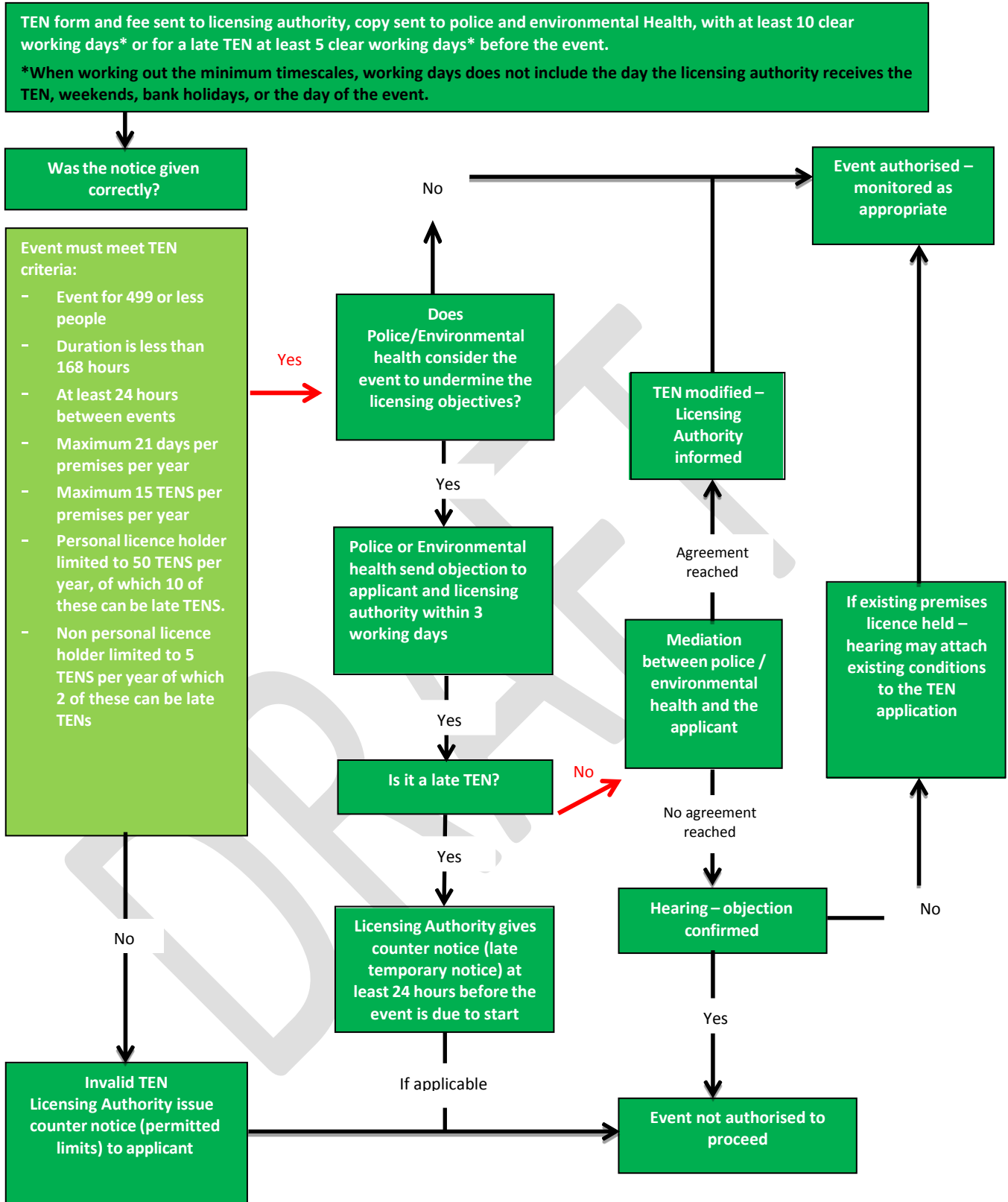
If the request is to substantially change the original licence – a new application must be submitted. Variations of name, address or DPS are covered by a separate process.

APPENDIX Ba – Premises Licence/Club Premises Certificate – Minor Variations

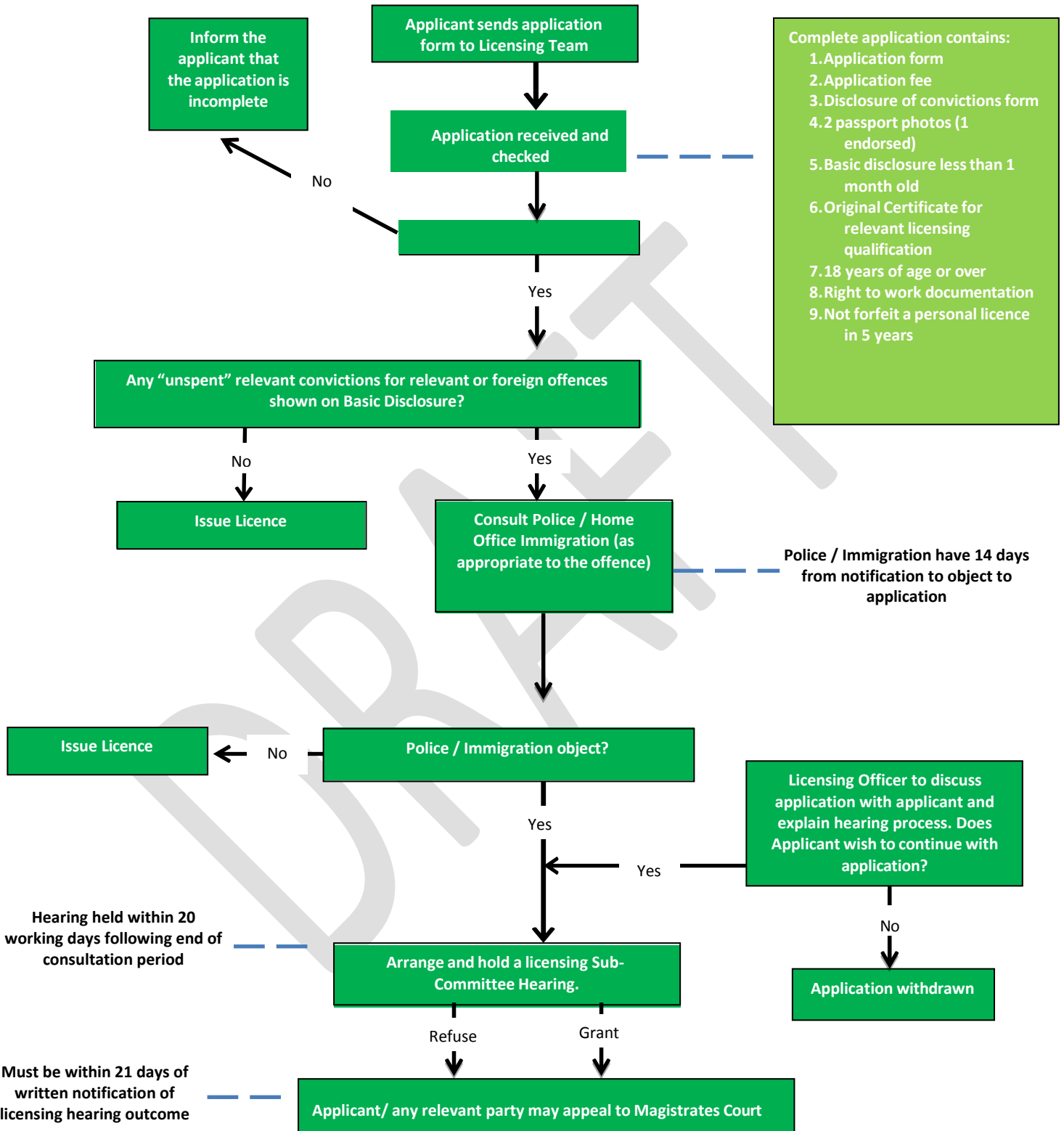


It is important to note that there is no hearing process for minor variations; however Licensing Officers should give regard to any representations received.

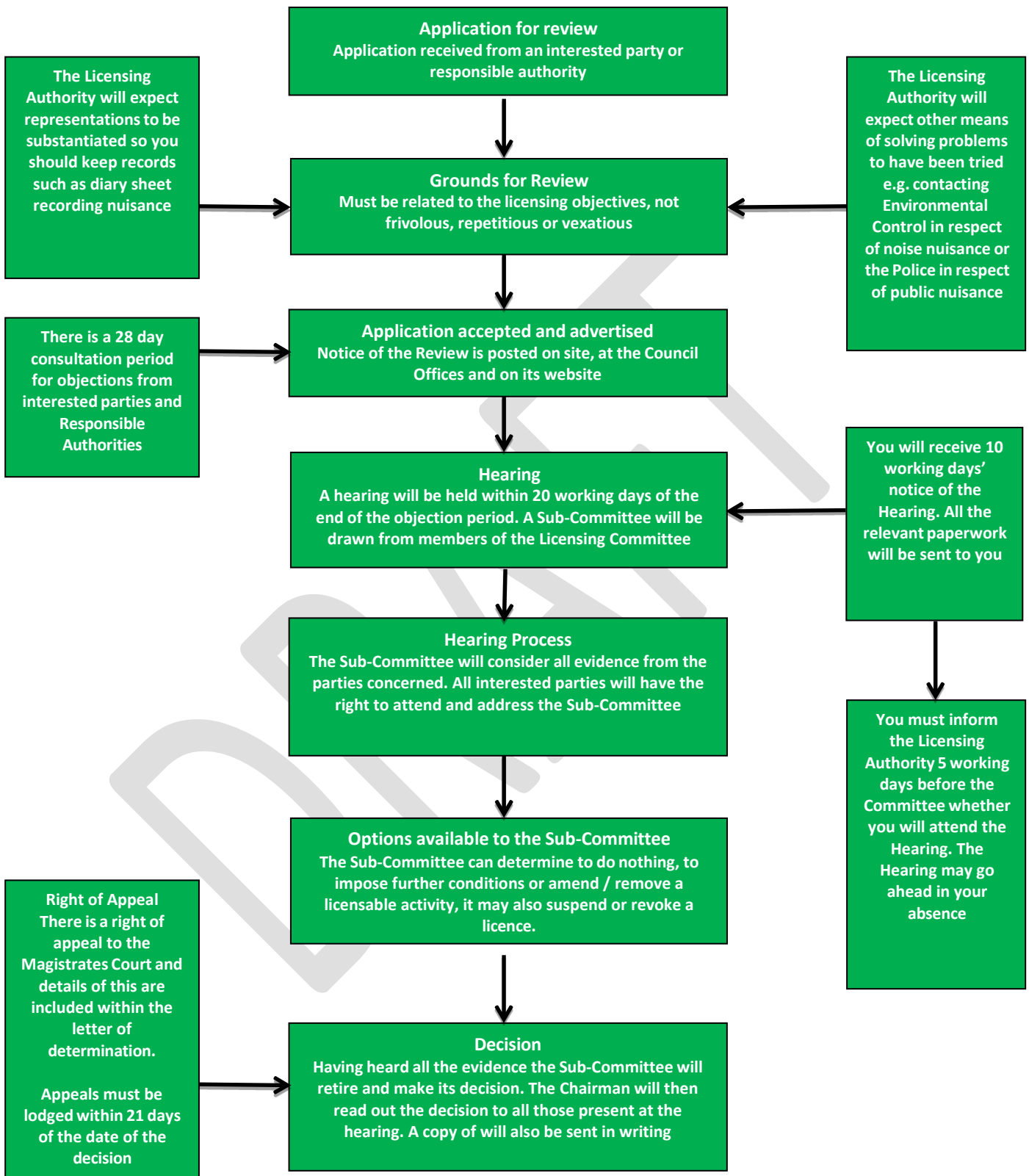
APPENDIX C – Temporary Event Notice



APPENDIX D – Personal Licence – New Applications



APPENDIX E – Review Process for Licensed Premises and Club Premises Certificates



APPENDIX F – The Legislation Reform (Entertainment Licensing) Order 2014

In April 2015 the Legislation Reform Order was introduced to remove the regulatory burden of the Licensing Act 2003 so that certain entertainment activities in defined circumstances no longer require a licensing authority to have granted an authorisation before they can take place. As such the Licensing Act 2003 was amended to deregulate the following entertainment:

Live music in relevant alcohol licensed premises and workplaces

The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.

Recorded music in relevant alcohol licensed premises

Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.

Live and recorded music exemptions

- Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500

Travelling circuses

Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

Greco-Roman and freestyle wrestling

Greco-Roman and freestyle wrestling will be deregulated between 08:00-23:00 for audiences of up to 1000 people.

Cross-activity exemption

The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

A licence to sell or supply alcohol would still be required, and any controls in place in relation to the alcohol licence would remain. Furthermore, the exemptions will not extend to adult entertainment. The background and policy position on adult entertainment was set out in the 2011 consultation, and there was a strong consensus in the consultation responses that existing restrictions on sexual entertainment should be maintained.

APPENDIX G – Live Music Act 2012

The Live Music Act took effect from 1 October 2012, and since 6th April 2015 now applies to recorded music, and covers larger audiences.

The Act disapplies live music related conditions if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting 'on sales';
- The premises are open for the sale or supply of alcohol for consumption on the premises;
- Live or recorded music is taking place between 8am and 11pm;
- If the live music is amplified or recorded, the audience consists of no more than 200 people

Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.

"Live Music" includes vocal and instrumental music and also karaoke singing. Pre-recorded videos played on karaoke machines are likely to require authorisation for "Films" but if only the words to the song are displayed then no authorisation is required.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003 if it takes place between 8am and 11pm, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents and these are:

- Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm;
- If the Premises Licence doesn't presently authorise live or recorded music, the Licensing Authority can add conditions to the Premises Licence as though the live or recorded music were regulated entertainment authorised by that Premises Licence, again to apply between 8am and 11pm
- The Licensing Authority can determine that live or recorded music at the premises is a licensable activity and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance

The Live Music Act removed the need to licence entertainment facilities completely - regardless of time or audience size. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not be licensable once the Act comes into effect. Health & safety law will of course continue to apply.

The Live Music Act does not remove the requirement for permission to play live and recorded music from PPL PPR.

APPENDIX H – Glossary

The following comprises a glossary of terminology used within the statement of licensing policy. Terms defined at length within the Licensing Act 2003 have generally not been included.

Alcohol harm reduction strategy

A strategy issued by the Government aimed at identifying initiatives and priorities, which may help in the promotion of the licensing objectives.

Appropriate representations

See 'Relevant Representation'.

Basic disclosure check

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks. A DBS check may be needed for certain jobs or voluntary work particularly when working with children.

Club premises certificate

A certificate authorising the use of premises by a qualifying club for one or more club activities.

Community Safety Partnership

A partnership comprising relevant sections of the council, the police and other interested parties, established to develop a strategy for the reduction of crime and disorder in the area.

Cumulative impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Designated premises supervisor

The individual specified in the premises licence as the premises supervisor.

High volume vertical drinking establishments

A licensed premise that targets, persons wishing to consume a number of drinks, often with minimal seating to maximise room for customers.

LACORS/TSI code of best practice on test purchasing

The Code of Best Practice on Test Purchasing issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Trading Standards Institute (TSI). The code gives guidance as to the test purchasing of alcohol by trading standards officers.

Licensing committee

The committee established by the licensing authority to discharge the licensing functions of the authority.

Licensing hours

The hours during which authorised licensable activities, take place.

Licensing tasking

A Wiltshire based multi-agency meeting where premises causing issues are raised, discussed and

actions decided.

Natural justice

In English Law this is the technical term for a rule against bias and the right to a fair hearing.

Operating schedule

A prescribed document which must accompany any application for a premises licence or a club premises certificate, setting out the nature of the proposed licensable activities, the proposed trading hours, and the steps envisaged promoting the licensing objectives, amongst other things.

Personal licence

A licence which authorises an individual to supply or authorise the supply of alcohol in accordance with the premises licence.

Premises licence

A licence authorising premises to be used for one or more licensable activities.

Proportionality

The principle under which, in the licensing context, only appropriate conditions can be imposed on licensable activities, taking specific account of the size, style, and characteristics of such activities taking place at the premises concerned.

Pubwatch scheme

An agreement reached by a group of licence-holders in a particular locality to counter, on a collective basis, those who threaten damage, disorder, and violence or use or deal in drugs in their premises. Normally, action consists of agreeing not to admit or serve individuals who cause such problems.

Purple Flag

Purple Flag is the “gold standard” for town centres at night, it aims to raise standards and improve the quality of our towns and cities between 5pm and 5am.

Qualification approved by DCMS

A licensing qualification accredited by the Secretary of State.

Quasi-judicial

Is an entity or a function, generally of a public administrative agency, which has powers and procedures resembling those of a court of law or judge, and which is obligated to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

Relevant offence

Any offence listed in Schedule 4 of the Licensing Act 2003.

Relevant representation

A representation regarding the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives.

Responsible authorities

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises

licence. 1 April 2019:

- the chief officer of police
- the local fire and rescue authority
- the local authority with responsibility for public health
- the local enforcement agency for the Health and Safety at Work etc. Act 1974
- the local authority with responsibility for environmental health
- the local planning authority
- a body that represents those who are responsible for or interested in matters relating to the protection of children from harm
- the local weights and measures authority (trading standards)
- the Home Office Immigration Service
- the relevant licensing authority and any other licensing authority, in whose area part of the premises are situated.

Safer clubbing

Guidance issued by the Home Office giving advice to nightclub owners, dance event promoters and local authority licensing departments on how to ensure the health and safety of persons attending dance events.

Special policy

A policy setting up a rebuttable presumption that applications for new premises licences or club premises certificates will normally be refused whenever relevant representations are received as to the cumulative impact on the licensing objectives.

Terminal hours

The times at which authorised licensable activities should cease.

Zoning

The adoption of fixed terminal hours in designated areas.

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| Section | Title | Comment |
|-----------------|--|---|
| Contents 4.1 | | Spelling updated to Odour |
| 1.6 | Planning conditions applicable to an application | New section - Includes “Agent of change” principal. Includes recognition that a licence will only be granted where the activity to be authorised has lawful planning use as evidenced by a valid planning consent. That the hours sought to not exceed those authorised by consent. |
| 2.6 | Outdoor Drinking | New section - to cover consumption of alcohol in outside areas. Applicant to include these areas in the proposed plan and include measures to uphold the licensing objectives. |
| 2.8 | Drink Spiking | Updated - Applicants and licence holders to consider the risk associated with spiking of drinks on their premises. |
| 3.2 | Martyn’s Law (Protect Duty) | New section – Updated |
| 3.4 | Alcohol harm reduction | Additional paragraph added about the Governments 10 year drug strategy and the local authority’s work on CDP |
| 3.8 | Positive campaigns to promote public safety | Example of public safety campaign “Ask Angela” & “Safety at Night Charter” |
| 4.4 | Noise | Missing 'd' added to encourage. |
| 4.5 | Entertainment | Additional wording “Specific consideration of control measures must be given to” |
| 5.1 | Safeguarding the Vulnerable | New section with expectation that premise operators consider safeguarding of vulnerable people. |
| 6.2 | Electronic applications | Details that application can be made electronically and that the licensing authority will circulate to statutory/responsible authorities. Or if a paper application, then the applicant must send paper copies to the responsible authorities. |

| | | |
|------------|---------------------------------------|--|
| 6.4 | “Shadow” Licenses | Additional paragraph added “Similarly, premises such as village halls, which already hold a premises licence, may wish to permit the use of the facilities but do not wish to be responsible for the licensable activities. The premises licence holders may therefore request a person to use a Temporary Event Notice (see 6.6) to authorise the licensable activities instead of utilising the premises licence. In such situations the premises licence holder should assure themselves that the premises user has sufficient measures in place to appropriately manage the activities”. |
| 6.6. | Permitted temporary activities (TENS) | Please note this paragraph has been rewritten following feedback from the consultation. |
| 6.9 | Application for personal licences | Details expectations for personal licence holders. Covers unspent criminal convictions. Adoption of discretionary powers to deal with a personal licence holder being convicted of a relevant offence. |
| 7.4 | Other powers and legislation | Removed “he” and “the officer” Removal of the word “new” |
| Appendix c | Temporary Event Notice | Updated |

Wiltshire Council

Licensing Committee

17 June 2024

Gambling Statement of Principles

Purpose of Report

1. To inform members of the Licensing Committee of the need to review, consult and adopt a new Gambling Statement of Principles by December this year, and seek the Committee's approval to commence the consultation process.

Relevance to the Council's Business Plan

2. The Gambling Statement of Principles supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

Background

3. The Council's current Gambling Statement of Principles came into effect on 1 January 2022 and will cease to have effect on the 31 December 2024. The Council must be in a position to formally adopt a revised policy with effect from 1 January 2025. In order to satisfy the specific legal requirements, set down in the Gambling Act 2005, the Council needs to carry out a consultation process on the proposed Gambling Statement of Principles.

Main Considerations

4. The first draft of the Statement of Principles can be found at Appendix 1 to this report for consideration and approval is sought to carry out the required public consultation for 6 weeks.
5. It is a statutory requirement that the Gambling Statement of Principles must be approved by Council as this is not a function that can be delegated to the Licensing Committee.
6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting three licensing objectives, namely:
 - preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime,
 - ensuring that the gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. The Gambling Act requires the Gambling Statement of Principles to be reviewed at least once every 3 years.

Consultation

8. The Statement of Principles must be consulted on with specific stakeholders listed in the Gambling Commission guidance, this includes chief officer for the police, gambling businesses and residents of the area. The proposal is to run a 6-week consultation process with results and feedback collected via an on-line form. There will also be paper copies available on request.
9. The consultation will be promoted via social media sites, directly to premises holding gambling licenses and through press releases.
10. The results of the consultation will be reported back to the Licensing Committee on 16 September 2024.

Overview and Scrutiny Engagement

11. As yet there has been no engagement with the Council's Overview and Scrutiny function, as this is a mandatory review of the Gambling Statement of Principles.

Safeguarding Implications

12. The Gambling Statement of Principles proposal includes one of the key Licensing objectives which is 'protecting children and other vulnerable persons from being harmed or exploited by gambling' Wiltshire Council's Child Protection Team are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

13. The Gambling Statement of Principles ensures the licensing objectives are supported by controlling access to lotteries and premises where gambling and betting takes place thereby minimising the associated harm in Wiltshire.

Procurement Implications

14. There are no procurement implications associated with the Gambling Statement of Principles.

Equalities Impact of the Proposal

15. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Environmental and Climate Change Considerations

16. The Committee could include within the Policy review additional wording to encourage environmental and climate awareness amongst licensed premises. This is being included in other local authority policies and would raise awareness of this important issue with guidance on how license premises could work

towards The Climate Change Act (2008) sets a carbon reduction target for the UK, 34% by 2020 and 80% by 2050 based on 1990 levels.

Workforce Implications

17. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

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

18. Criticism of the Council and compromise the reputation of Wiltshire Council. Lack of clarity for gambling licence holders on licence expectations.

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

19. There are no risks identified from the proposed draft Gambling Statement of Principles.

Financial Implications

20. There are no additional financial implications contained within the draft Gambling Statement of Principles.

Legal Implications

21. The provisions contained within the Gambling Act 2005 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Gambling Act itself is compatible with the Human Rights Act there remains an obligation on the Council as Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Gambling Statement of Principles. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Gambling Act in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Options Considered

23. The adoption of a revised Gambling Statement of Principles by January 2025 is a statutory requirement, so there are no other legal options apart from adoption.

Proposals

24. That the Licensing Committee instructs Officers to carry out a 6 week consultation process on the Draft Gambling Statement of Principles 2025-2027.

25. The Licensing Committee note that at its meeting in September 2024, the Committee will be required to consider recommending the finalised Gambling Statement of Principles to Full Council for adoption.

Sarah Valdus
Director – Environment

Report Author: Claire Francis Public Protection Manager – Community Protection
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Date of report 4 June 2024

Appendices

1. Draft Gambling Statement of Principles 2025-27
2. Summary of changes to the Draft Gambling Statement of Principles.

Background Papers

- Gambling Act 2005 [Gambling Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Gambling Commission – Guidance to licensing authorities [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://gamblingcommission.gov.uk)

Wiltshire Council

Gambling Act 2005

Statement of Principles

2025 - 2027

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1.0 Introduction

Wiltshire is a predominantly rural county with a population of approximately 510,300, situated in the Southwest of England. Wiltshire Council is made up of 18 area boards and has 98 elected councillors.

Although centrally divided by the large expanse of Salisbury Plain there are highly populated areas such as Salisbury, Chippenham and Trowbridge contrasting the many hamlets and villages spread across the county.

The county of Wiltshire has three National Landscapes: part of the Cotswolds to the north, Cranborne Chase & West Wiltshire Downs in the southwest and the North Wessex Downs in the central and eastern parts of the county. It is home to world renowned cultural and heritage destinations such as Stonehenge and Avebury Stone Circle as well as a number of National Trust properties and other important stately and country homes. It is also home to internationally established World of Music Arts and Dance Festival (WOMAD) along with a number of other long-established events.

There are currently 34 licensed gambling premises in Wiltshire comprising of: five Adult Gaming Centres, 27 Betting Shops, a Bingo premises and Salisbury Racecourse. There are also three Unlicensed Family Entertainment Centres and numerous premises with permits or notifications for Gaming Machines.



2.0 Overview

The Gambling Act 2005 provides the regime for the licensing and regulation of commercial gambling in the UK. It is intended to regulate the provisions for gambling and the use of premises for gambling.

The Act defines three types of gambling;

- Gaming,
- Betting, and
- Promoting a lottery.

A variety of licences and permits allow for these gambling activities to take place.

The task of granting these is shared between the Gambling Commission and licensing authorities. The Gambling Commission approves the operating and personal licences; the licensing authorities approve the premises licences and other permissions.

The licensing authority is not responsible for online (remote) gambling. This is regulated by the Gambling Commission.

When carrying out its responsibilities in relation to the Gambling Act 2005, the licensing authority will always take into account the three licensing objectives;

- preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime,
- ensuring that the gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Wiltshire Council licensing officers recognise the potential impact that gambling could have and will seek to maintain safe environments for the communities of Wiltshire. We will work closely with partner agencies and Premises Licence Operators/ Holders to not only assist with the growing local economy, but to also ensure that together we do all we can to protect vulnerable persons from harm.

2.1 Statement of Gambling Principles

The licensing authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'.

It is a requirement of the Gambling Act 2005 to publish and consult on a statement of the principles which we propose to apply when exercising our functions. This policy statement will remain responsive to emerging risks and can be reviewed at any time prior to the statutory three-year deadline.

In reviewing this Statement of Principles all necessary bodies and relevant stakeholders were consulted. The consultation process was conducted between XXXX and XXXX by way of direct communication to those identified and also via press releases and social media on Wiltshire Council's website.

It should be noted that this statement of principles does not override the right of appropriate persons to make an application, make representations about an application, or apply for a review of a licence, in accordance with the statutory requirements of the Gambling Act 2005.

2.2 Licensing Authority Functions

The functions, under the Gambling Act 2005, will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or officers acting under the delegated authority of the council.

Licensing authorities are required under the Gambling Act 2005 to:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant Permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres;
- Issue Prize Gaming Permits;
- Register Small Society Lotteries below prescribed thresholds;
- Receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Issue Provisional Statements;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

When regulating gambling within Wiltshire, the licensing authority will take into consideration the interests of the public, guidance from the Gambling Commission and the three licensing objectives; but will not take into account demand, need or moral objections for gambling when considering applications submitted. The premises location, layout and size are factors that will be considered, along with the style of the operation.

2.3 Delegated Powers

Wiltshire Council licensing officers will be responsible for issuing licences and permits for applications where no representations are received; and when representations are received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place.

Licensing officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and reviews of premises licences or permits when representations have been received. For those instances where representations have been made by an Interested Party and/or a Responsible Authority a hearing will be arranged, and a Licensing Sub-Committee will sit to determine the outcome of the application.

The Licensing Sub-Committee will be made up of three Councillors from the Licensing Committee. Councillors will not participate in Licensing Sub-Committee hearings for applications within their own areas.

For the full table of Delegated Powers see Appendix A.

2.4 Exchange of Information

The licensing authority will act in accordance with the provisions of the Gambling Act 2005 in relation to the exchange of information; it will also ensure that the Data Protection Act 2018 is not contravened.

As permitted in the Gambling Act 2005, the licensing authority will work closely and share information with Wiltshire Police, HM Revenues and Customs, the Secretary of State and other enforcement officers.

Those wishing to make a representation will be informed that their details will be forwarded to the Applicants, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000, in order to allow negotiation between the parties. If a hearing is held, it should be noted that their details will form part of the public document.

2.5 Declaration

In producing the final Statement of Gambling Principles, the licensing authority declares that it will consider the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission and any responses from those consulted.

3.0 Licensing Objectives and Social Responsibility

The licensing authority will have regard to the licensing objectives as set out in the Gambling Act 2005 when exercising its functions.

The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

There is an expectation that gambling operators work together with the licensing authority to ensure compliance with the licensing objectives. If an operator fails to satisfy the licensing authority that risks are sufficiently mitigated, it may be considered appropriate for there to be a review.

An individual is responsible for their own gambling; however, the licensing authority wishes to stress that although it acknowledges this, it also recognises that the applicant/operator has a “duty of care” to patrons.

3.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will take the lead role in the prevention of gambling being a source of crime. The Gambling Commission are responsible for ensuring the suitability of an operator before issuing an operating licence.

If the licensing authority becomes aware of any information whilst carrying out its delegated functions, which could question the appropriateness of an applicant, it will ensure that this information is shared with the Gambling Commission.

The location of a premises will be given great consideration by the licensing authority when looking at promoting this licensing objective. If there are concerns over a premises location, due to problems with disorder or high crime levels for example; in order to prevent that premises from becoming a source of crime, the licensing authority will consider whether additional conditions should be attached to the licence. While determining the additional conditions consideration will be given to the operator’s own risk assessment and/or the local area profile for that area.

If the licensing authority feels that the operator of any given premises is not doing all they could or should do to prevent persistent or serious disorder in the vicinity of their premises, it will bring it to the attention of the Gambling Commission.

3.1.1 Money Laundering

Money laundering in the gambling sector takes two main forms:

- Exchanging money acquired criminally for money that appears to be legitimate or 'clean' by gambling on low risk outcomes.
- The use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).

It is expected that all Gambling Premises are aware of risk factors in relation to this activity, for example to be mindful of a pattern of increasing spending, the spending being inconsistent with the apparent source of income or unusual patterns of play and have procedures in place to comply with The Proceeds of Crime Act 2002 and other relevant legislation.

3.2 Ensuring the gambling is conducted in a fair and open way

The Gambling Commission is primarily responsible for ensuring that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:-

- Operating and Personal Licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by Operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public;
- machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The licensing authority does not deal with issues related to fairness and openness frequently. This is due to the fact that they are usually matters concerning the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

This will differ with Tracks, as Track owners will not necessarily hold an operating licence, therefore the licensing authority will adopt a different role.

If the licensing authority suspects that a gambling activity in Wiltshire is not being conducted in a fair and open way, the information regarding the concern will be brought to the attention of the Gambling Commission.

3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines. The ability of the licence holder to ensure supervision of the premises, in particular the use of the machines is considered of great importance to the licensing authority.

The Gambling Commission does not seek to disallow particular groups of adults from gambling in the same way that it does children, therefore the Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who spend more money and/or time gambling than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling, for example, because of health problems, learning disability, or substance misuse relating to alcohol or drugs.

The licensing authority will consider, on a case-by-case basis, whether any further unique considerations are required in relation to protecting vulnerable persons at a particular premises. These will be balanced against the aim to permit the use of premises for gambling.

While carrying out its delegated functions this licensing authority will look at the physical attributes of a premises, to ensure that these do not inhibit the operator’s ability to comply with this licensing objective. An applicant/operator may be requested by this Licensing Authority to make changes to their premises (structure or layout) or put in place additional measures to mitigate the perceived risks. This Licensing Authority will ensure that any changes contemplated are proportionate.

3.3.1 Gambling and Public Health

Gambling is now becoming recognised as a public health concern. A recent report, Wardle, Reith, Best, McDaid and Platt (2018) *Measuring gambling-related harms, A framework for action*, has sought to define the harms of gambling, highlight the areas of concern and determine the cost it has to society. As stated in the report “having a better understanding of the social costs of harms would allow more detailed assessment of the scale of (public) resources needed to reduce harms”.

They propose a definition;

“Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society.

These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling may be short-lived but can persist, having longer-term and enduring consequences that can exacerbate existing inequalities.”

Although public health are not currently a responsible authority for the Gambling Act 2005, the licensing authority will consult with the public health team within Wiltshire Council when considering risks associated with gambling within the local communities. There is an expectation that all gambling premises within Wiltshire do all they can to manage their social responsibility commitments in protecting patrons from harm.

3.4 Social Responsibility

The licensing authority is committed to ensuring that all gambling facilities offered within the county are delivered with full commitment to social responsibility and public protection.

It will take particular regard to the below points, when looking at whether a premises is being socially responsible when providing gambling facilities:

- The way the premises manages the prevention of underage gambling and supervises its patrons in the use of the gambling facilities;
- Supporting those who wish to self-exclude, including the potential use of the Multi Operator Self Exclusion Scheme, and providing suitable problem gambling materials;
- Premises having meaningful customer interactions with all customers and recording the incidents of this;
- Having a robust local area risk assessment that staff are aware of and that is reviewed on a regular basis;
- Staff receiving training on social responsibility ensuring the importance is understood.

Wiltshire Council is aware that Child Sexual Exploitation (CSE) and Grooming are becoming more evident in today’s society. It is the expectation of the licensing authority that gambling premises staff are mindful when promoting the third licensing objective and raise or share any concerns to ensure that we are doing all we can to protect the vulnerable in our community.

4.0 Local Area Risk Assessment

The Gambling Commission's current [Licence Conditions and Codes of Practice](#) requires that, under the social responsibility code, licensed operators assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, operators must take into account relevant matters referred to in this policy document.

See Appendix C for guidance on the licensing authority's expectation on how a local area risk assessment should be completed.

4.1 Risk Assessment Triggers and Reviews of Assessment

During the lifetime of a gambling premises there will be times when the risk assessment needs to be reviewed and amended following the initial risk assessment. It is the licensing authority's expectation that the gambling operator conducts a review at regular intervals or following certain prompts, such as; a variation of a premises licence, when a significant change has occurred in the local area, when the Licensee has made a significant change to the premises that would impact the risk the premises could pose or that may vary the management of those risks. A significant change could be a temporary change however despite the temporary nature of the change the risk assessment would need to be amended accordingly. The licensing authority may also request a review of a risk assessment if it is felt necessary.

The licensing authority will not request an up-to-date risk assessment each time it is reviewed by the operator however it considered best practice if the operator share their risk assessment if asked.

The risk assessment provided by the gambling operator should clearly state the present areas of concern at the premises and the measures introduced to counteract them. If completed diligently and comprehensively, this will assist both the premises and the licensing authority by reducing the concerns that we may have with a premises.

4.2 New/Variation of a Premises Licence

Each time an application for a new premises licence or an application to vary an existing premises licence is submitted, a local area risk assessment must be provided with the application.

4.3 Significant changes in local circumstances

Changes can occur in the local area regularly. The licensing authority would consider the following to be significant changes in local circumstances (this list is not exhaustive):

- Any building developments or conversions in the local area that would change the number of people visiting the area and the makeup of those people.
- Any increase or decrease in Military accommodation, facilities or training centres.

- Any educational facilities in the area or the building of new facilities whether it be a significant extension or conversion of a current school/college etc. or a new build.
- Any changes to the local provisions of public transport;
 - Changes to timings of buses or train services for example services going later into the evening;
 - Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
 - Any changes to the location of taxi ranks in the area.
 - Road diversions which involve the re direction of traffic.
- Other gambling premises in the area or new gambling premises seeking permission to open in an area.
- Any current pawn brokers or pay day loan businesses in the area or the opening of a new facility.
- Any facilities for vulnerable groups or the development of facilities for vulnerable groups in close proximity to a gambling premises.

4.4 Significant changes to the premises

It is highly likely that cosmetic improvements will take place throughout the lifespan of a premises, it would be up to the gambling operator to decide whether these changes would be classed as significant.

The following would be considered by this licensing authority as significant changes to a premises, some of which could result in the need for a variation to the premises licence (this list is not exhaustive):

- A refurbishment of a premises or building works in a premises that would result in the relocation of facilities.
- A change to the entrances or exits of a premises;
 - Location of the entrances or exits,
 - Change in the direction the doors open,
 - Change in the way round the doors are used i.e. a swap of an entrance to become an exit or vice versa.
 - Change in the material used to make the door.
- A change to the internal policies or procedures of the operator which could result in the need to amendments of control measures and/or staff retraining.
- A change to the levels of staff in the premises or the opening times of the premises.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/ or the provision of late-night refreshment (Licensing Act 2003)
- A difference in the gambling facilities that are available at a premises;
 - Increase or decrease in self-service machines,
 - The use of handheld gaming devices,
 - Different category of gaming machines.
- The transfer of a licence to a different gambling operator, consideration will be required in relation to the policies and procedures of the new operator.

4.5 Local area risk factors

It is essential for this licensing authority that the gambling operator understands their local area and those who frequent it. The sphere of influence of the premises also needs to be considered when looking at the risk assessment, as this could increase what is meant by local area.

The list below shows some examples the operator that may wish to consider (this list is not exhaustive):

- Makeup of the local area surrounding the gambling premises;
 - Residential/commercial,
 - Other gambling operators in the area,
 - Large scale events held in the area that could increase the number of people or vary the makeup of population for a time.
- Demographic of population;
 - Residents/workers/visitors/professionals/families/young or ageing population,
 - Socio-economic make-up of the area.
- Facilities in the local area;
 - Transport and parking facilities i.e. bus stops, taxi ranks, train station,
 - Educational/community buildings,
 - Hospitals/mental health facilities,
 - Job centres,
 - Children's homes or care facilities,
 - Specialised housing for vulnerable people,
 - Gambling addiction support facilities/ alcohol or drug support facilities,
 - Hostels or support services for the homeless,
 - Pawn brokers or pay day loan businesses,
 - The area is frequented by children or young people at varying times of day.
 - Presence of rough sleepers.
 - Unemployment rates for the area and within a certain age group.
 - Type and rates of crime in the area that could impact the premises.
 - High number of people who have self-excluded themselves from other gambling premises.

4.6 Gambling operational risks

The risks associated with the gambling operation relate to the policies and procedures the business has in place. These should take into consideration all relevant legislation and guidance. Due to the potential generic nature of such documents, the licensing authority considers it important that these risks are looked at on an individual premises basis.

The list below shows some examples that the licensing authority would wish the operator to consider (this list is not exhaustive):

- Hours of operation for a premises - possible impact in the night time economy,
- Number of staff employed at a premises at any one time/lone working policy,
- Training provided to staff,

- The operation of the gambling business;
 - Policies and procedures,
 - Use of account/loyalty cards,
 - Support provided to customers, any intervention programmes,
 - Security provision in place at the premises,
- What local advertising will take place for the premises,
- What products and facilities the premises are going to provide for gambling.

4.7 Premises design risks

The design of a premises can assist greatly in the operators' ability to manage identified local risks. Lack of planning in layout and design can result in an increase in risks at a premises.

4.7.1 Interior design risks

Depending upon the type of gambling premises and the facilities on offer, the licensing authority believes that the internal layout of the premises is a very important factor to consider. A simple design of the internal area can lessen a number of risks and offer the premises vital opportunities to better manage their business.

The list below shows some examples the operator that may wish to consider (this list is not exhaustive):

- Position of internal CCTV cameras, the length of which recordings are kept.
- Use of mirrors in a premises to be able to view all areas of the premises and around obstructions, such as support pillars, machines or advertising screens.
- Positioning of gaming activities in the premises.
- The segregation of different gambling activities in the premises.
- Design of premises to allow gaming machines to be in line of sight of staff.
- Location of the staff area where money is taken for gambling activities.
- Distances between gambling facilities within a premises.
- Number of and locations of cash machines.
- The location of information displayed in the premises by the operator.
- The location and use of marketing materials within the premises.
- Fixtures and fittings used in the premises.

4.7.2 Exterior design risks

The external area of a premises can offer the operator valuable advertising therefore the design and frontage of the premises needs to be taken into consideration for this risk assessment. The licensing authority would wish the operator to have particular regard to the licensing objectives when determining the risks related to the exterior of the premises.

The list below shows some examples the Operator that may wish to consider (this list is not exhaustive):

- Use of glass in the shop frontage,
- Use of shutters on the entrances/exits or window frontage,
- Use of external CCTV cameras covering entrances/exits,
- Use of high quality CCTV to enable identification of banned persons.
- Use of CCTV or other aids i.e. mirrors
- Fitting screens or other materials to obscure the view from the street into the premises to prevent vulnerable persons having sight of the gambling activities,
- Use of advertising/marketing materials.

When undertaking any changes to the premises, the operator may need to consult with Wiltshire Council's Planning Department to determine whether planning permission is required. Building Control may also need to be involved for structural alterations.

As with any changes that occur within a premises layout, all relevant risk assessments should be updated, for example Fire and Health and Safety.

4.8 Control measures

When risks are identified, control measures must be considered and put in place to lessen the potential impact the risk will have. The level of the risks identified will directly impact what type of control measures should be put in place; some risks may require a combination of systems, design and physical measures.

The licensing authority expects that gambling operators ensure that staff are aware of the measures that are put in place and are trained adequately to guarantee compliance. Records may be kept by the operator in relation to this as part of their due diligence defence.

4.8.1 Systems

When looking at systems as a control measure, reference is made to the policies and procedures established at the premises by the gambling operator. Some of the systems put in place will be specific to the company and therefore generic to all premises held by them, however others may be created purposely for an individual premises in order to alleviate the risks in that local area.

4.8.2 Design

It is expected by the licensing authority that the design of a premises is thoroughly considered and changes made as necessary in order to mitigate potential risks; such changes could be the location of certain facilities such as gaming machines, cashier counters, positioning of cameras and general layout.

4.8.3 Physical

The licensing authority expects an operator to consider physical measures to address an identified risk factor, these could be;

- Intruder/panic alarm system
- CCTV cameras
- Mirrors
- Window and door shutters or security doors
- Safes with time locks
- UV lights in toilets
- Lighting in all areas of premises (not to allow any dark corners).

4.8.4 Licence conditions

As all new or variation applications for a premises licence require a local risk assessment to be submitted as part of the application, any control measures stated within the risk assessments may form part of the conditions on a gambling licence.

4.9 Local Area Profile

There is no statutory requirement for licensing authorities to undertake a local area profile and this authority has decided not to do so at the time of producing this policy statement.

This decision will, however, be reviewed should it be determined by the licensing authority that risks identified within Wiltshire deem it necessary.

Applicants and existing gambling operators should, therefore, take their own steps to identify risks, for example, by consulting with any relevant responsible authorities and liaising with other gambling operators in the area where necessary.

5.0 Types of Premises

The definitions of premises are correct at the time of publishing this document.

5.1 Adult Gaming Centres (AGC)

An Adult Gaming Centre (AGC) is a gambling premises, for those over the age of 18, that makes available gaming machines of Category B, C and D.

For the licensing authority to accept an application for an AGC, the operator must already hold a “Gaming Machines General Operating Licence (Adult Gaming Centre)” with the Gambling Commission.

The licensing authority will need to be satisfied that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice. As no one under the age of 18 is permitted to enter an AGC, the licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

Where an AGC is located in a Motorway Service Station the licensing authority will pay particular attention to entry points and how an operator will control these to safeguard children who are using the site and therefore may be able to gain access to gambling.

5.2 Betting Premises

The Gambling Act 2005 defines betting as the making or accepting of a bet on the outcome of a race, competition or other event or process. Whether this is for the likelihood of anything occurring or not occurring; or whether anything is or is not true. A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is ‘fixed odds betting’ whereby the customer bets a stake to win a fixed amount calculated by the odds available.

For the licensing authority to accept an application for betting premises, the operator must already hold the appropriate operating licence with the Gambling Commission.

The licensing authority expects betting premises to have particular regard to social responsibility and the protection of children and vulnerable persons from harm, and that this is reflected in any application submitted.

5.2.1. Gaming Machines

Betting Premises are permitted to have a total of four gaming machines available for use. These can be Category B2, B3, B4, C or D; the total number can either be all the same category or a mixture of categories.

5.2.2. Self Service Betting Terminals (SSBTs)

Under the Gambling Act 2005 a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. These SSBTs are often made available in Betting Premises as a substitute for placing a bet, on live events, over the counter. As SSBTs merely automate the process that can be conducted in person, the Gambling Act 2005 exempts them from regulation as a gaming machine. They therefore do not count towards the number of gaming machines a premises is allowed, they also do not have to comply with any stake or prize limits.

As stated in Section 181 of the Gambling Act 2005, licensing authorities have the power to restrict the number of SSBTs, their nature and the circumstances in which they are made available in a premises by attaching a condition to the Licence.

The licensing authority will exercise this power if it was felt that the premises was not able to demonstrate that it was promoting the licensing objectives, namely the protection of children and vulnerable persons, or acting in accordance with the social responsibility codes.

5.3 Bingo

Bingo does not have a statutory definition in the Gambling Act 2005, however there are two types of bingo most frequently played, cash bingo and prize bingo.

5.3.1. Children and Young Persons

If the licence holder allows, children and young persons are permitted to enter Bingo premises; however, they are not permitted to take part in Bingo or play on category B or C machines.

Anyone under the age of 18 years old cannot be employed in providing any facilities for gambling on a Bingo premises. However, young persons, aged 16 and 17, may be employed in Bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

5.3.2. Gaming Machines

A premises licence granted for a Bingo premises will permit the holder to make available for use a number of Category B3/B4 machines equal to 20% of the total number of machines available for use. There is no limit on the number of Category C and D machines that can be made available.

As stated above, if the licence holder permits children and young persons into the premises and Category B or C machines are made available for use, the licensing authority will require that the premises does the following;

- The category C and/or B machines must be separated from the rest of the premises by a physical barrier which is effective to prevent access, other than through a designated entrance;
- The access to the area where the machines are located is supervised at all times;
- It is arranged so that the area can be observed by persons responsible for supervision, or CCTV which is monitored;

- The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.

5.4 Casinos

The licensing authority has not passed a resolution not to issue Casino Licences under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

5.5 Licensed Family Entertainment Centres

The Gambling Act puts Family Entertainment Centres (FECs) into two classes; Licensed and Unlicensed. Unlicensed Family Entertainment Centres are covered by a permit (See the Permit Section for further details).

A licensed FEC is classified as ‘premises’ and only premises that are wholly or mainly used for making gaming machines available may hold an FEC premises licence.

The Gambling Commission considers that it is not permissible for gaming machines which should be contained within the FEC premises, to be located in corridors and walkways which form part of the larger building. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, and motorway service stations or similar, as this exposes young people to ambient gambling that the Act was designed to prevent.

For the licensing authority to accept an application for an FEC, the operator must already hold a “Gaming Machine General Operating Licence (Family Entertainment Centre)” with the Gambling Commission.

A premises licence granted for a licensed FEC will authorise the holder to make available for use any number of category C and D machines.

If category C gaming machines are made available for use on the premises of an FEC then the gaming machines must be;

- separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance,
- supervised at all times to ensure children or young persons do not enter the area, and/or,
- arrange so that the area can be observed by persons responsible for supervision, or CCTV which is monitored.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Clear separation between machines is needed in licensed FECs to make certain that children are not permitted access to Category C machines.

There is an expectation from the licensing authority that all applicants of an FEC will demonstrate that they can promote the licensing objectives and comply with the Codes

of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

5.6 Tracks

The Gambling Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- a horse racecourse
- a greyhound track
- a point-to-point horse race meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

The licensing authority is aware that tracks differ greatly from other premises and may be subject to one or more premises licence. The track operator themselves may not be required to hold an operating licence, this may be due to the fact that the individual bookmakers at the track will be required to hold their own operating licences.

The licensing authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling. It is noted that children will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. It is therefore expected that the premises licence applicant demonstrates suitable measures to ensure that children do not have access to adult-only gaming facilities. The need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The individual applicant will need to be mindful when applying for a licence of offering measures to meet and promote the licensing objectives. This list is not exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV or Notices/Signage;
- Location and supervision of entrances/machine areas;
- Physical separation of areas;
- Specific opening hours;
- Self-exclusion schemes;

- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

It may be appropriate for the applicant to provide the following to support an application and to assist the licensing authority to fully understand the application they have submitted:-

- Proof that measures are in place to promote the third licensing objective and to guarantee compliance;
- Specify what proposals have been made to administrate betting (it would be recommended that specific areas are set aside for this function)
- Detailed plan of the track and grounds which identify;
 - any fixed betting facilities;
 - areas that will be specifically used by 'on course' operators on race days;
 - the location of any gaming machines;
 - any temporary structures that will offer betting facilities;
 - mobile betting facilities and other proposed gambling facilities that are not already marked.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

5.6.1. Gaming Machines

The presence of a premises licence on a track does not provide automatic entitlement for gaming machines. This licence can be held without any corresponding operator's licence. However track owners holding both a track premises licence and a Gambling Commission operators licence – pool betting (in effect Dog tracks only) may site up to four gaming machines within categories B2 to D.

Some tracks qualify for an alcohol licence and therefore have automatic entitlement to two gaming machines category C to D, subject to a notification (see 8.1).

Each application will be decided upon on a case-by-case basis, as due to the size and nature of a track premises there are significant problems with the potential abundance of machines that could be located. The licensing authority may look to moderate the number of machines or change the location of machines in order to meet the licensing objective which protects children from harm. Children are allowed to play Category D machines at tracks; however, the location of any adult gaming machines throughout the track premises will need to guarantee that they are situated where children would be excluded.

6.0 Permits

The Gambling Act 2005 introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.

The licensing authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

6.1 Alcohol Licensed Premises Gaming Machine Permits

The licensing authority may issue gaming machine permits for any number of category C or D machines in alcohol licensed premises. Where a permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines under section 282 of the Gambling Act 2005. This is covered in Section 7 of this document.

If a premises wishes to have more than two gaming machines, then it needs to apply for a permit. The licensing authority will consider each application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The licensing authority considers that “such matters” will be decided on a case-by-case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

The licensing authority has an expectation that the applicant will put sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

In determining an application, the licensing authority will have regard to the licensing objectives. They may also take account of any other matters that are considered relevant to the application. It should also be noted that the holder of the permit must comply with the codes of practice issued by the Gambling Commission about the location and operation of the machine [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice-section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

The application does not require notification to the Gambling Commission or police before determination, however, the licensing authority will on occasion notify the Gambling Commission and police should there be cause to do so.

The licensing authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. When the application has been granted, the licensing authority will issue the permit as soon as possible.

When an application is going to be refused the applicant will be notified as soon as possible, setting out the reasons for refusal. The licensing authority will not refuse an

application or grant it for a different number or category of machines, without notifying the applicant of the intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.

As well as issuing permits, the licensing authority is also able to cancel permits. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Gambling Act 2005 has been committed. Before it cancels a permit, the licensing authority will notify the holder, giving 21 days notice of the intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

When the licensing authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined. A permit will also be cancelled by the licensing authority if the holder fails to pay the annual fee unless failure is the result of an administrative error.

Where a person applies to the licensing authority to transfer the alcohol premises licence under the Licensing Act 2003, they will also need to apply separately for the transfer of the gaming machine permit.

6.2 Club Gaming and Club Machine Permits

The Gambling Act 2005 creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- Members clubs (including Miners' Welfare Institutes) and;
- Commercial clubs

This is an important distinction in respect of the gaming that may take place.

The Gambling Commission Guidance states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A Members' Club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include Working Men's Clubs, branches of Royal British Legion and clubs with political affiliations."

A Commercial Club is a club established for commercial gain, whether or not they are actually making a commercial gain; for example these could be commercial snooker clubs or clubs established as private companies and clubs established for personal profit.

The Commission and the police may object to the permit being granted. If any valid objections are made, the licensing authority will hold a hearing (unless consent has been given to dispense with it).

The licensing authority may only grant or refuse a permit, but may not attach any conditions to a permit. The licensing authority will inform the applicant, the Commission and the Police of the outcome of the application and of any objections

made.

The application may only be refused on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years
- e) an objection has been lodged by the Commission or the police.

If the authority is satisfied that (a) or (b) is the case, it must refuse the application.

If a premises already holds a Club Premises Certificate under the Licensing Act 2003 they may apply for Club Gaming and Club Machine permits under the fast-track procedure. Fast track means that there is no opportunity for the Gambling Commission or Police to object to the application and this Licensing Authority has reduced grounds upon which it could refuse the application.

The grounds on which an application under this process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Gambling Act 2005,
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming,
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Unless a permit is surrendered, lapses, or is renewed, it will have effect for ten years. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited, or it lapses. A permit will lapse if the holder of the permit stops being a club, or if it no longer qualifies under the fast-track system for a permit. The licensing authority will inform the police and the Commission when a permit has been surrendered or lapsed.

Permits may be amended to meet changing circumstances. The licensing authority will only refuse a variation if on consideration of a completely new application it would refuse the permit.

The licensing authority will cancel the permit if it is found that:

- the premises are used wholly by children and/or young persons, or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Before cancelling a permit, the permit holder will be given at least 21 days' notice of the intention to cancel by this licensing authority and will consider any representations that may be made. The licensing authority will hold a hearing if it is requested by the permit holder and will comply with any other procedural requirements set out in

regulations.

If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The licensing authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Neither a club gaming permit nor club machine permit can be issued for a vessel or vehicle.

6.2.1 Club Gaming Permit

A Club Gaming Permit is available to members' clubs but not commercial clubs. It allows the club to offer equal chance gaming, games of chance and up to three gaming machines in total of categories B3A, B4, C or D, only one machine can be of category B3A.

When applying for a club gaming permit (without the fast-track process), the club must provide considerable evidence to the licensing authority of activities other than gaming taking place in order to prove that it meets the requirements of a Club under the Gambling Act 2005.

The licensing authority expects that holders of club gaming permits comply with the statutory conditions having regard to the code of practice concerning the location and operation of gaming machines to ensure that no child uses a category B or C machine on the premises - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

A licensing officer may visit the premises if necessary, before granting the permit in order to better understand how the club will operate.

6.2.2 Club Machine Permit

A Club Machine Permit is available to members' clubs and commercial clubs. It allows the club to offer equal chance gaming and up to three gaming machines in total of categories B3A, B4, C or D, only one machine can be of category B3A (B3A not permitted for commercial clubs).

The licensing authority will need to be satisfied that the gaming on offer meets the conditions set out in the Gambling Act 2005 and the relevant regulations;

- participation fees must be within the limits prescribed in the regulations,
- prizes must be within the limits prescribed in the regulations.

Club Machine Permit Holders need to comply with the code of practice issued by the Gambling Commission in relation to the location and operation of machines - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

6.3 Prize Gaming Permits

Gaming is defined in the Gambling Act 2005 as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

The licensing authority will require an applicant to set out the types of gaming that they are intending to offer and demonstrate that they understand the limits to stakes and prizes that are set out in regulations and the gaming offered is within the law.

Further information may be sought from an applicant who applies for a prize gaming permit, such as:-

- the location of the machines along with any notices that may be positioned throughout the premises on a scaled plan;
- age verification scheme;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises;
- details of number of staff employed;
- evidence of public liability insurance documents;
- other policies or procedures in place to promote safeguarding of children and vulnerable persons from harm;
- commitment to enable data sharing e.g. the number of self-exclusions and underage attempts to gamble.

The licensing authority can grant or refuse an application for a permit but cannot add conditions. The permit may only be granted if the police have been consulted on the application, as the police may wish to object to the application.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

If a permit is granted, the licensing authority will issue it as soon as is reasonably practicable. The permit will have effect for ten years, unless it ceases to have effect, lapses, or is renewed. The permit may also cease to have effect if it is surrendered by the holder.

The licensing authority will not refuse an application until notification has been given to the applicant of the intention to refuse and the reasons for it, and they have been given the opportunity to make representations orally or in writing or both.

If the permit holder is convicted of a relevant offence under the Gambling Act 2005, the court may order the forfeiture of the permit. The court must notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order.

6.4 Unlicensed Family Entertainment Centre

Unlicensed Family Entertainment Centres (uFEC) can offer any number of category D machines. UFECs are premises which are 'wholly or mainly' used for making gaming machines available a permit cannot therefore be granted for an entire shopping centre for example. Permits cannot be issued in respect of vessels or vehicles.

An application for a permit can only be made by a person who occupies or plans to occupy the premises; if the applicant is an individual, he or she must be aged 18 or over, also applications for a permit cannot be made if a premises licence is in effect for the same premises.

Due to the nature of uFECs and their appeal to children and young persons, the licensing authority will give consideration to the suitability of the applicant and what measures are being proposed to mitigate the risk associated with protecting children from being harmed or exploited by gambling.

As part of this it is expected that the applicant ensures that children do not have 'direct access' to adult premises and are not attracted to adult only areas. Although there is no definition of 'direct access' the licensing authority will consider what is appropriate on a case-by-case basis. It may consider the below as proportionate;

- Partitions should be permanently fixed between premises and should not be transparent;
- A gaming/skills with prizes machine or any other machine should not form the partition or any part of the partition;
- Minimum height for partitions should be 1.75 metres and a maximum of 0.15 metres from the floor.

The licensing authority may grant or refuse an application for a permit, but cannot add conditions.

When the licensing authority considers an application for an uFEC it shall have regard to the Gambling Act 2005 guidance and the licensing objectives. Further information may be sort from the applicant so that the licensing authority can be assured that they can demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs,
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act),
- that employees are trained to have a full understanding of the maximum stakes and prizes.

The additional information requested could include;

- the location of any cash machines and category D machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- information regarding the number of category D machines (space between machines needs to be considered for public safety);
- confirmation that applicants are aware of the limits of stakes and prizes that comply with the regulations and the law;
- proof of staff training that will be undertaken and records kept, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises;
- demonstrate that policies or procedures in place to promote safeguarding of children from harm, in this instance the harm does not refer solely to harm from gambling but also to include harm from any child protection issues;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises and the appearance of the premises externally;
- details of the number of staff employed;
- evidence of public liability insurance documents,
- commitment to data sharing e.g. the number of self-exclusions etc.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the police have been consulted on the application. When a permit has been granted the licensing authority will issue it as soon as reasonably practical.

An application may be refused by the licensing authority if the applicant is unable to meet the requirements. If it is the intention of the licensing authority to refuse the application the applicant will be notified in writing setting out the reasons why. The applicant will be given opportunity to make representations orally or in writing or both. Applicants will have the right to appeal against the licensing authority's decision of refusal.

If the permit holder is convicted of a relevant offence the Court may order the forfeiture of the permit, in this instance the Court will inform this Licensing Authority of the forfeiture order.

This Licensing Authority will only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse,
- renewal would not be reasonably consistent with the licensing objectives.

The licensing authority will consult with the police and will if applicable be made aware of any concerns that have arisen during the life of the permit.

7.0 Small Society Lotteries

A lottery is a form of gambling that has three essential elements; a payment is required to participate; one or more prizes are awarded; and those prizes are awarded by chance. There are two categories that they can fall into; licensed lotteries that require an operating licence from the Gambling Commission and exempt lotteries (including small society lotteries registered with the licensing authority).

Exempt lotteries are defined as:

- Small society lotteries.
- Incidental non-commercial lotteries.
- Private lotteries.
- Work lotteries.
- Residents' lotteries.
- Customer lotteries.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and the website - [Types of lottery you can run without a licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/types-of-lottery-you-can-run-without-a-licence).

Organisers of raffles or lotteries must follow the legislation contained within the Gambling Act 2005 to ensure that the lottery arrangements are legal. The licensing authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.

Small Society Lotteries are promoted for the benefit of a non-commercial society. Such societies are organisations that have distinct aims and objectives. For a society to be non-commercial it needs to be established and conducted:-

- for a good cause;
- for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity; and
- for any other non-commercial purpose other than that of private gain.

When an application is made, the applicants will need to inform the licensing authority of the purpose in which the society was originally established, and the society will need to declare that they represent a bona fide non-commercial society and have no relevant convictions. Further information may be sought from a society by the licensing authority.

An application will be refused by the licensing authority if:-

- an applicant has held an operating licence that has been revoked in the preceding 5 years;
- or they have applied for registration of an operating licence in the preceding 5 years that has been refused.

Applications may also be refused by the licensing authority if they are of the opinion that:-

- The applicant is not a non-commercial society;

- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.
- Previous lottery returns have not been provided as required.

When an application is going to be refused the society will have an opportunity to make a representation against the decision. The licensing authority will notify the society of the reasons for the refusal in writing.

The licensing authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

If the licensing authority is of the opinion that the lottery registration of a society needs to be revoked, due to a reason that they would refuse the application if it were being made at the time, they will inform the society in writing. They will outline the evidence that has led to the decision being reached to allow the society the opportunity to make a representation.

The licensing authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

Where the required annual fee is not paid by the due date, the licensing authority may cancel the small society lottery registration. It is the society's responsibility to ensure the annual fee is paid by the due date.

8.0 Other types of Gambling

8.1 Notification of Gaming Machines

There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The Premises Licence Holder (under the Licensing Act 2003) is required to notify the licensing authority by completing the requisite application form and paying the prescribed fee. A new notification needs to be submitted after every transfer of Premises Licence Holder.

The Designated Premises Supervisor is responsible for the supervision of gaming and there needs to be compliance with the Gambling Commissions code of practice - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](http://gamblingcommission.gov.uk)

The licensing authority will look to remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

9.0 Temporary and Occasional Use Notices

9.1 Temporary Use Notices

It is an offence to provide facilities for gambling unless either the required permissions are in place, or an exemption applies. One such exemption is for the holder of an operating licence to notify a Temporary Use Notice (TUN) to the relevant licensing authority. This is not a permanent arrangement, but allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling. A TUN may also apply to a vessel, whether moored or moving. A TUN may not be given in respect of a vehicle.

A Temporary Use Notice permits the use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Such as;

- operate a casino,
- provide facilities for the playing of bingo,
- make a gaming machine available for use,
- provide other facilities for gaming, or
- provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets).

A TUN may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards TUNs as set out in the Gambling Act 2005 and Gambling Commission guidance.

9.1.1 Meaning of premises

Section 218 of the Gambling Act 2005 refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice.

The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months. A set of premises may be the subject of more than one Temporary Use Notice in a period of twelve months provided the maximum aggregate for which the Temporary Use Notices have effect does not exceed 21 days.

In considering whether a place falls within the definition of 'a set of premises', the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

9.1.2 Objections to TUNs

The licensing authority will be minded to object to a TUN if they feel that the licensing objectives would be undermined. If it is felt that Temporary Use Notices are resulting in allowing regular gambling to take place in a place that could be described as one set of premises, the licensing authority will object. Consideration will be taken as to whether the gambling should not take place, or only with modifications.

The licensing authority will ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.

If objections are received, the licensing authority will hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice.

If the licensing authority considers that the TUN should not have effect, after a hearing has taken place or has been dispensed with, it will issue a counter-notice. The licensing authority will apply the same principles for issuing a counter notice as when determining premises licence applications.

If the licensing authority gives a counter-notice, it will give reasons for doing so and will copy the counter-notice to all those who received copies of the TUN. If the licensing authority decides not to issue a counter-notice, the TUN will take effect.

9.1.3 Endorsement of the notice

If no objections are made within 14 days of the date of the notice, the licensing authority must endorse the notice as valid and return it to the person who gave it.

The person who gives a TUN may notify the Licensing Authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any unelapsed period of time will not count towards the 21-day maximum for a TUN having effect on the premises.

The TUN needs to be prominently displayed at the premises when the gambling is taking place. It would be considered an offence not to produce the notice endorsed by the licensing authority when requested to do so by a Constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

9.1.4 Maximum period

The licensing authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. The applicant will be consulted if a counter notice is to be required in order to ensure that the restrictions being imposed do not result in an unworkable event or a failure to comply.

9.2 Occasional Use Notices (OUN)

Where there is betting on a Track, on eight or less days in a calendar year (1st January to 31st December), the Gambling Act 2005 allows this to be undertaken by an Occasional Use Notice instead of a full premises licence.

9.2.1 Definition of a track

The Gambling Act 2005 defines a track as any premises on any part of which a race or other sporting event takes place or is intended to take place. This means it is not restricted to just horse racecourses or dog tracks. They also do not need to be a permanent fixture, land only used temporarily can qualify provided that races or sporting events either do take place there or will take place there. Land that has a number of uses can also qualify for an OUN as long as one of those uses is for a track. The definition of what constitutes a track will be considered on a case-by-case basis by the licensing authority.

9.2.2 Use (and misuse) of OUNs

Occasional Use Notices are intended to be able to permit Gambling Commission licensed betting operators, to use tracks for conducting betting, provided that the event upon which the betting is to take place is of a temporary, infrequent nature. The use of an OUN means that the track does not require a betting premises licence. However, an OUN does not allow betting operators to provide gaming machines at the track. Non-commercial, fund-raising race nights can be run as betting events at sporting venues under the authority of an OUN, whether or not the sporting event on which the bets are taken is held at that venue. The sporting event on which the bets are or will be taken also need not be taking place at the same time as the betting under the OUN.

9.3 Travelling Fairs

The Gambling Act 2005 defines a Travelling Fair as 'wholly or principally' providing amusements. A Travelling Fair may provide facilities for gambling via gaming machines without a Permit as long as it is purely an ancillary amusement.

An unlimited number of Category D machines are permitted however the higher Category B and C are not allowed. The machines must be sourced from a Gambling Commission licensed supplier and those working with the gaming machines at the Travelling Fair must be at least 18 years old.

A Travelling Fair cannot be on a site that has been used for fairs for more than 27 days. The statutory maximum of 27 days is per calendar year and not a 12-month period. It applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9.3.1 Prize Gaming and Travelling Fairs

Travelling Fairs, under the Gambling Act 2005, are also able to provide equal chance gaming without a Permit as long as it is purely an ancillary amusement. Young persons and children may participate in equal chance gaming.

Conditions for Travelling Fairs offering equal chance gaming;

- the limits on participation fees must be complied with, as set out in regulations;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated;
- the result of the game must be made public in the premises on the day that it is played;
- prize amounts must not exceed the amount set in the regulations if a money prize or the prescribed value if a non-monetary prize; and,
- the participation in the gaming must not entitle the player to take part in any other gambling.

The licensing authority will be responsible for making the following decisions in relation to Travelling Fairs;

- a) whether the statutory definition of a Travelling Fair is met,
- b) whether the gambling facilities provided at the fair are in fact an ancillary amusement,
- c) whether Category D machines and/or equal chance prize gaming without a Permit is to be made available for use at Travelling Fairs in this county.

10.0 Premises Licence Applications

The Gambling Act 2005 defines a premises as “any place”. It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Areas of a building that are artificially or temporarily separate cannot be properly regarded as different premises.

The licensing authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Applicants should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

10.1 Provisional Statements

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that is:-

- Expected to be constructed
- Expected to be altered; or
- Expected to acquire a right to occupy

Provisional statements are dealt with in the same way as premises licence applications. Representations may be made by responsible authorities and interested parties, and there is a right to appeal.

An application for a provisional statement differs from an application for a premises licence in as much as those applying for a provisional statement do not have to fulfil the same criteria as those applying for a premises licence. In order to apply for a premises licence the applicant must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have the right to occupy the premises. These criteria do not have to be in place at the time of submitting a provisional statement application.

As a provisional statement can be applied for without the applicant having the right to occupy the premises the licensing authority will accept more than one provisional statement for a premises.

Once a provisional statement has been granted, the licensing authority will be restricted by what it will consider when the premises licence application is submitted for the same premises.

When a premises licence application is made following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances.

In addition, the licensing authority may refuse the provisional statements (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional licence stage; or
- which, in this authority's opinion, reflect a change in the operator's circumstances;
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the licensing authority will discuss any concerns they have with the applicant before making a decision.

10.2 New/Variation Applications

There is an expectation that the applicant offers their own suggestions for how they intend to promote the licensing objectives on their application. These may be used as conditions and placed on the licence if appropriate. This list is not exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

The licensing authority will take into the consideration the following factors when looking at premises licence applications, however they will be considered on a case by case basis:-

- Premises location including its immediacy to local schools; children's centres or centre's used by vulnerable persons; residential areas that have a high populations of children and vulnerable persons; and areas of deprivation where children and vulnerable persons reside;
- Premises layout and design;
- Installation of security features, such as CCTV or location of cash registers and safes;
- Staff training in all areas that are appropriate to the promotion of the licensing objectives;
- Policies and procedures for age verification;

- Possibility of crime and disorder associated with a licence being granted at a given premises;
- Local Area Risk Assessment for premises (came into force April 2016).

10.3 Fees

Licence fees are set within the prescribed maximum levels in accordance with [The Gambling \(Premises Licence Fees\) \(England and Wales\) Regulations 2007 \(legislation.gov.uk\)](#). Fees for permits and other services will be as set by the Secretary of State.

Information concerning the fees charged by Wiltshire Council for premises licence applications, permits and other permissions will be made available to the public via Wiltshire Council's website – <http://www.wiltshire.gov.uk/licences-permits-gambling-fees-charges>.

In accordance with the Gambling Act 2005, failure of a premises to pay the prescribed fee will result in this licensing authority revoking the licence. In relation to permits, the licensing authority will cancel the permit if the holder fails to pay the annual fee due. This will not occur however, if the failure of payment is attributed to an administration error.

10.4 Conditions

The licensing authority's decisions regarding placing conditions onto an individual premises licence will be made on a case-by-case basis. Any conditions attached to licences will be:-

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In a hearing, the licensing authority may also consider it appropriate to add further conditions to the licence that are proportionate to the application, each application being considered on its own merits. Licence conditions applied at a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

10.5 Plans

The licensing authority is minded to consider the [Premises Licence and Provisional Statements Regulations](#), guidance issued under section 153 of the Act, and the Commission's codes of practice when considering what it will accept in relation to a plan.

The Gambling Act 2005 states that a premises, except a track, needs to provide a plan that 'must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'.

The licensing authority will require more information than this to be included on the plan so that it can make an informed decision on applications, the plan is a way for the applicant to demonstrate how they intend to meet the requirements and promote the licensing objectives, therefore applicants will be asked to provide further information or resubmit plans if they are felt to be insufficient.

It is expected that as well as what is required in the Regulations, the applicant may also include the locations of the following where appropriate (this list is not exhaustive);

- Counter and other staff areas;
- Gaming machines and the location of the different categories;
- Self-service machines;
- Cash machines;
- Toilets accessible to the public;
- The position of gaming activities in the premises and any potential segregation between different types of gaming;
- Any obstructions i.e. pillars, advertising boards, machines etc.;
- Position of internal CCTV cameras/monitor or mirrors that may be used for line of sight;
- Any fixtures within the premises.

10.6 Door Supervision

Section 178 of the Gambling Act 2005 sets out a definition of 'door supervisor' and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.

If the licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example, by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. In this instance the licensing authority will impose a condition on the premises licence to this effect.

In relation to Casinos and Bingo premises, contract staff that are to be employed as door supervisors will need to be licensed by the SIA. However, in house employees working as door supervisors are exempt from that requirement.

10.7 Representations

For a representation to be relevant it needs to relate to one of the three licensing objectives and be made by a responsible authority or interested party. Wiltshire Council licensing officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious.

Representations made in relation to demand or competition will not be accepted as relevant. Moral objections to gambling will also not be accepted. Representations will not be considered relevant if the issues raised can be dealt with by other legislation.

When a valid representation against an application has been received by the licensing authority, we may arrange for a meeting to take place with the applicant and the person who made the representation in order to try to reach an agreement.

If this is not an appropriate course of action or an agreement cannot be reached, then the matter will be taken to a licensing sub-committee hearing for a decision.

If it is the case that a representation is rejected, then the person who made the representation will be informed in writing that it will not be considered. The decision of the licensing officer that the representation is not accepted cannot be appealed against.

10.8 Responsible Authorities

Responsible authorities will be notified by the licensing authority of all premises licence applications and are entitled to make representations in relation to these applications if they are relevant to the licensing objectives.

Section 157 of the Gambling Act 2005 defines those authorities as:

- Gambling Commission
- Police
- Fire Service
- Local Planning Authority
- Environmental Health
- Child Protection Services
- HM Revenue and Customs
- In relation to a vessel;
 - a Navigation Authority,
 - the Environment Agency,
 - the British Waterways Board,
 - the Secretary of State.
- A licensing authority in whose area the premises is situated that is, the council itself and also any adjoining council where premises straddle the boundaries between the two.

The contact details of all the responsible authorities under the Gambling Act 2005 are available via Wiltshire Council's website – <http://www.wiltshire.gov.uk/licences-permits-gambling> or attached as Appendix B.

10.9 Interested Parties

Interested parties can make representations in respect of licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as:-

- a) a person or persons who lives sufficiently close to the premises and is likely to be affected by the authorised activities,
- b) a business or businesses whose interests might be affected by the authorised activities, or
- c) an individual or group who represents persons who satisfy paragraph (a) or (b).

Councillors and Town/Parish Councils that cover the area that would be likely affected by the specific premises will be considered as interested parties. If individuals wish to approach their local Councillor to ask them to represent their views no specific evidence of being asked to represent an interested person will be required by the licensing authority.

Other than these however, the licensing authority will require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.

11.0 Compliance and Enforcement

11.1 Inspection

The licensing authority inspects premises in Wiltshire to ensure compliance using a risk-based approach. We will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks. However, licensing officers are also-permitted to use their discretion.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

Joint visits may take place with responsible authorities or other agencies where relevant.

11.2 Powers of Entry

Wiltshire Council licensing officers are authorised to inspect gambling premises in order to assess compliance with the terms and conditions of the premises licence.

Licensing officers have powers to;

- Enter any gambling premises or premises where gambling is believed to be taking place,
- Use reasonable force in order to enter the premises for inspection purposes, should it be necessary,
- Inspect any part of the premises, any machine or other thing,
- Question any person on the premises,
- Access any written or electronic record which is kept on the premises, or require that a copy is provided,
- Remove or retain anything if they reasonably believe that it constitutes or contains evidence of the commission of an offence under the Gambling Act 2005, or a breach of a term or condition of the premises licence.

It should be noted that it is an offence if a person, without reasonable excuse, obstructs or fails to cooperate with an authorised local authority officer who is exercising powers under Part 15 ('Inspection') of the Gambling Act 2005.

It is also an offence to provide false information without reasonable excuse to the authorised licensing officer.

11.3 Complaints

The licensing authority will investigate all complaints received related to gambling activities or premises.

Licensing officers will refer complaints to or liaise with other relevant agencies/council services, as appropriate, in order to address complaints.

11.4 Enforcement

The licensing authority is responsible for ensuring the compliance of licences and permits, along with any relevant Gambling Commission codes of practice, in Wiltshire. The Gambling Commission is the enforcement body for operating and personal licences and is responsible for regulating online (remote) gambling.

The licensing authority is guided by the Gambling Commission's guidance for local authorities when it comes to the enforcement action to be taken against premises. The action will be:-

- Proportionate
- Accountable
- Consistent
- Transparent
- Targeted

11.5 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the application for review is accepted.

The request for a review will be determined as appropriate if it is in accordance with, any relevant code of practice or guidance issued by the Gambling Commission, with Wiltshire Council's Gambling Statement of Principles and is relevant with the licensing objectives.

The licensing authority will also initiate a review of a licence if;

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of the principles set out in the licensing authority's statement of policy
- there is evidence to suggest that compliance with the licensing objectives is at risk
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

Upon review of a premises licence, the licensing authority will have regard to the application for review and any relevant representations, and take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:-

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (for example, relating to opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

Appendix A – Table of Delegations of Licensing Functions

| Matter to be dealt with | Full Council | Licensing Committee or Licensing Sub Committee | Officers |
|---|--------------|--|--|
| Three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee Setting - when appropriate | X | | |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Consideration for calling a review | | | X |
| Review of a premises licence | | X | |
| Application for club gaming /club machine permits | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |

| Matter to be dealt with | Full Council | Licensing Committee or Licensing Sub Committee | Officers |
|--|---------------------|---|-----------------|
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |
| Determination as to whether a person is an Interested Party | | | X |
| Determination as to whether representations are relevant | | | X |
| Determination as to whether a representation is frivolous, vexatious or repetitive | | | X |
| Consideration for actions to be taken against illegal gambling | | | X |

Appendix B – Responsible Authorities

Wiltshire Council Licensing Authority

Public Protection – Licensing
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: publicprotectionnorth@wiltshire.gov.uk

Wiltshire Constabulary Licensing Officer

Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire
BA14 7EP

Email: LicensingE@wiltshire.police.uk

Wiltshire Council Environmental Health

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: publicprotectionwest@wiltshire.gov.uk

Wiltshire Council Planning Department

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: Developmentmanagement@wiltshire.gov.uk

Dorset & Wiltshire Fire and Rescue Service

Five Rivers Health and Wellbeing Centre
Hulse Road
Salisbury
SP1 3NR

Email: fire.safety@dwfire.org.uk

Wiltshire Council Child Protection

Integrated Frond Door Service
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: Integratedfrontdoor@wiltshire.gov.uk

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Email: info@gamblingcommission.gov.uk

HM Revenue & Customs

National Registration Unit
Betting and Gaming
Portcullis House
21 India Street
Glasgow
G2 4PZ

Email: nrubetting&gaming@hmrc.gsi.gov.uk

Appendix C – Local Area Risk Assessment Guidance

Undertaking a local area risk assessment

The licensing authority has an expectation that the local area risk assessment will be carried out methodically at a gambling premises; to ensure that there is thorough consideration for all the possible risks.

The gambling operator carrying out the assessment should consider the risks associated with;

- the local area,
- the gambling operation, and
- the design of the premises both internally and externally.

When the risks have been identified, the licensing authority would envisage that appropriate control measures proportionate to the risks will be considered and implemented. Some of these control measures may already be in place as part of the policies or procedures of the business however both the risks and the control measures should be documented within the assessment. The licensing authority considers it beneficial for the document to state who would be responsible for putting the control measures in place and recording when they have been completed.

Who should undertake the assessment?

The gambling operator has the responsibility of completing the local area risk assessment; however this could be delegated to a competent assessor.

Whoever is tasked with the completion of the document should have an understanding of, the business and how they currently operate or intend to operate, the local area where the premises is situated and its design.

If the local area risk assessment is not completed thoroughly it could result in the operator breaching the provisions of the licence conditions and codes of practices submitted by the Gambling Commission.

Step 1: The local area

For the operator to be able to correctly identify the local risk factors relating to the premises it first must understand what makes up the local area. Certain gambling premises may have a larger sphere of influence than others therefore the local area could be larger than first thought for certain premises.

Step 2: The gambling operation

For this section of the assessment, the licensing authority expects the assessor to look at the gambling operators' policies and procedures and decide whether these procedures;

- a) result in a risk at the premises based on the local area, or
- b) mitigate risk already identified in the local area and therefore could be used as a control measure.

Step 3: The design of the premises

The design of a premises can assist greatly in the operators' ability to mitigate and manage identified local risks. It is important that the assessor looks at the risks of both the internal and external design and considers these with reference to the local risks already recognised.

Step 4: Control measures

When all the risk factors have been acknowledged, the licensing authority now expects that the assessor will ascertain suitable and appropriate control measures to mitigate the risks identified. The four categories of control measures; systems, design, physical and licence conditions should be considered. For some risks it may be that a combination of control measures are needed to neutralise the risk identified.

Completed assessment

Once the risk assessment has been completed and the control measures documented, they then need to be implemented at the premises. This may involve changes to the layout or design, staff training or changes in procedures. It should be documented when they have been actioned. The licensing authority expects a copy of the risk assessment to be kept on the premises, reviewed regularly, and made available to staff and authorised officers.

Appendix D - Useful Support Contacts

Gamble Aware

www.begambleaware.org

GamCare

<https://www.gamcare.org.uk>

Freephone: 0808 8020 133

WhatsApp Chat: 020 3031 8881

Email: info@gamcare.org.uk

Gamblers Anonymous UK

<http://www.gamblersanonymous.org.uk/>

Domestic Abuse

<https://www.victimsupport.org.uk/help-victims/ive-been-affected/domestic-abuse>

Women's Aid

<http://www.womensaid.org.uk/>

Samaritans

<http://www.samaritans.org/>

Step Change

<http://www.stepchange.org/Howwecanhelpyou/Debtadvice.aspx>

Citizens Advice Bureau

http://www.adviceguide.org.uk/wales/debt_w/debt_help_with_debt_e.htm

National Debt Line

<https://www.nationaldebtline.org/>

Gov.uk

<https://www.gov.uk/options-for-paying-off-your-debts/overview>

Money Advice Service

<https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

Turning Point

<http://www.turning-point.co.uk>

ARA (Recovery for All)

<https://www.recovery4all.co.uk>

Gambling Statement of Principles Draft 2024-29 – Summary of changes

Appendix 2

| Section | Title | Comment |
|--|-------|---|
| Contents page | 7.0 | Small Society – the word Lotteries has been added Removal of Appendix “Local Area Profile” and renumbering |
| Introduction | 1.0 | Updates to area information and number and type of premises |
| Overview | 2.0 | New paragraph added to clarify that online gambling is the responsibility of the Gambling Commission. |
| Delegated Powers | 2.3 | Added about Councillors will not participate in sub committees for their own areas. |
| Licensing Objectives and Social Responsibility | 3.3 | Clarification on vulnerable persons group. |
| Local Area Risk Assessment | 4.0 | Additional paragraph regarding The Gambling Commission’s License Conditions and Codes of Practice. |
| New/Variation of a Premises Licence | 4.2 | Clarification about when a local area risk assessment is required. |
| Significant changes to the premises | 4.4 | Removal and replacement of a paragraph regarding significant change and Licensing Act 2003 premises. |
| Local area profile | 4.9 | Wording updated to remove the requirement for the local authority to undertake a local area profile and to require applicants and gambling operators to make their own assessments where necessary. |
| Permits | 6.0 | Insertion of hyperlink to the Code of Practice. |
| Small Society Lotteries | 7.0 | Updated on what is an exempt lotteries and link to the gambling commission guidance website and advice for organisers to ensure lottery arrangements are legal by taking their own legal advice. Additional paragraph regarding cancelling the small society registration if annual fee is not paid. |

| | | |
|------------|--|--|
| Appendices | | Removal of Appendix "Local Area Profile" and renumbering |
|------------|--|--|