

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.

		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 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 28 days 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>

	<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		
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>

	<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>
Personal Licence Holder	<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>

	<p>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.</p>	<p>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.</p>
<p>A person who lives in Wiltshire</p>	<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>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.</p>
<p>A person who lives in Wiltshire</p>	<p>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'</p> <p>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.</p> <p>TENS procedure and process is unfairly weighted in favour of the applicant as it is difficult for representations to be made.</p>	<p>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.</p> <p>The flow chart demonstrates the statutory process.</p> <p>Appendix C flow chart has been updated.</p>
<p>A person who lives in Wiltshire</p>	<p>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.</p> <p>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</p>	<p>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.</p> <p>Environmental Health are consulted on TEN's. There are not sufficient resources to check each event for</p>

	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>

	<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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