

# AGENDA

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**Meeting:** Licensing Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Monday 13 September 2021

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Lisa Pullin, Tel 01225 713015 or email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk), of Democratic Services, County Hall, Bythesea Road, Trowbridge.

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## Membership:

Cllr Peter Hutton (Chairman)  
Cllr Allison Bucknell (Vice-Chair)  
Cllr Steve Bucknell  
Cllr Trevor Carbin  
Cllr Daniel Cave  
Cllr Kevin Daley

Cllr Andrew Davis  
Cllr Ruth Hopkinson  
Cllr George Jeans  
Cllr Pip Ridout  
Cllr Tim Trimble  
Cllr Robert Yuill

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## Substitutes:

Cllr David Bowler  
Cllr Ernie Clark  
Cllr Jon Hubbard  
Cllr Bob Jones MBE  
Cllr Jerry Kunkler

Cllr Dr Brian Mathew  
Cllr Charles McGrath  
Cllr Dr Nick Murry  
Cllr Stewart Palmen  
Cllr Nic Puntis

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

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

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

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

# AGENDA

## 1 **Apologies/Substitutions/Membership Changes**

To receive any apologies and details of any substitutions.

To note any changes to the Committee membership.

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

To confirm and sign the minutes of the meeting held on 1 March 2021 (copy attached).

## 3 **Chairman's Announcements**

To receive any announcements from the Chairman.

## 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 1 working day 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 6 September 2021** 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 8 September 2021**. 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 **Minutes of the Licensing Sub Committees** (*Pages 21 - 68*)

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

**Eastern Area Licensing Sub Committee**

21.06.2021 Application for a Variation of a Premises Licence – The Marlborough, 90 High Street, Marlborough

**Northern Area Licensing Sub Committee**

27.04.2021 Application for a Club Premises Certificate – Calne Bowls Club, The Pavillion, Hill Croft, Calne

**Southern Area Licensing Sub Committee**

13.04.2021 Application for a Variation of a Premises Licence – Green Hill Farm Caravan and Campsite, New Road, Landford, Salisbury

**Western Area Licensing Sub Committee**

08.06.2021 Application for a Variation of a Premises Licence – Woolley Grange, Woolley Green, Bradford on Avon

06.07.2021 Application for a Variation of a Premises Licence – The Prestbury Sports Bar, The Close, Warminster

7 **Wiltshire Council's Statement of Gambling Principles** (*Pages 69 - 136*)

The report of Linda Holland (Licensing Manager – Public Protection) asks the Licensing Committee to note the consultation undertaken and amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005) and to commend the Statement of Gambling Principles to Full Council for approval at its meeting on 19 October 2021.

8 **Update on the Licensing (Public Protection) Service** (*Pages 137 - 142*)

Linda Holland (Licensing Manager – Public Protection) has prepared an update on behalf of the Licensing – Public Protection Team which is attached for the Committee's information.

9 **Update on Taxi Licensing Service** (*Pages 143 - 152*)

Tom Ince (Principal Compliance Officer) has prepared an update on behalf of the Taxi Licensing Team which is attached for the Committee's information.

10 **Update on Proposed Changes to the Taxi Tariff Schedule for Hackney Carriages** (*Pages 153 - 154*)

Tom Ince (Principal Compliance Officer) has prepared an update on the proposed changes to the Taxi Tariff Schedule for Hackney Carriages which is attached for the Committee's information.

11 **Dates of Future Committee Meetings**

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

6 December 2021

7 March 2022.

12 **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

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#### MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 1 MARCH 2021 AT ONLINE MEETING.

##### Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Kevin Daley, Cllr Peter Evans, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr George Jeans, and Cllr Pip Ridout

##### Also Present:

Adrian Hampton (Head of Highway Operations), Linda Holland (Licensing Manager), Tom Ince (Principal Compliance Officer), Sarah Marshall (Senior Solicitor), Lisa Pullin (Democratic Services Officer) and Peter White (Enforcement Manager)

##### Others present

Mr Martin Thomas – Tisbury Community Benefit Society  
Mr Paul Rae – Tisbury Community Benefit Society

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#### 20 Apologies/Substitutions/Membership Changes

Apologies were received from Councillors Mike Hewitt and Ian Thorn.

#### 21 Minutes

The minutes of the meeting held on 7 September 2020 were presented to the Committee.

##### **Resolved:**

**That the minutes of the meetings held on 7 September 2020 be approved and signed as a correct record.**

#### 22 Chairman's Announcements

As this was the last meeting of the Committee before the Elections in May, the Chairman wished to thank all Members for their attendance at meetings and Sub Committees and all Officers for their support.

#### 23 Declarations of Interest

There were no declarations of interest.

## 24 **Public Participation**

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

Mr Martin Thomas was present to make a statement in relation to Agenda item 7 (Proposed Changes to Wiltshire Council's Street Trading Consent Scheme). Mr Thomas spoke in his capacity as chair of the Management Committee of Tisbury Community Benefit Society:

- The Tisbury Community Benefit Society support the proposal to make changes to the Council's Street Trading Consent Scheme;
- There had been positive engagement with Council Officers (Tom Ince and Tracy Morris for which they were very grateful) to enable them to progress their initiative - "Tis the Future" which was a community-owned, community-run, mobile, electric, zero-waste, no plastic, refill shop. Street Trading Consent licences for pitches in Tisbury, Semley and Dinton had already been granted;
- They intended to apply for more consents to allow them to establish a schedule of visits to every community in the Tisbury area over time. They had written to 25 parish councils and village shops, seeking an invitation to visit their communities. The responses received to date had been very positive with the areas confirming that they would wish for them to trade in their areas; and
- The initial problem for them had been that the Council's current Street Trading Consents are based on the primary assumption that they would be trading from one pitch but their business was one that would be moving around – the current scheme was not aimed at their type of operation.

The Chair thanked Mr Thomas for his comments, particularly the praise around the engagement of the Council Officers which he would ensure was passed back to the teams involved.

Mr Paul Rae who as also present at the meeting was invited to add any comments:

- He reported that he was in support of what Mr Thomas has already stated thought that the news that the communities they aspired to trade were interested was very positive. They had had their first trading session in Tisbury at the weekend which was a great success, helped by the good weather and it was a joy to see the reaction of people with what they were doing.



25 **Minutes of the Licensing Sub Committees**

**Southern Area**

20/01/20 Application by Keystone Entertainment Ltd for a Variation to the Premises Licence at The Bank Cocktail Lounge & Events, 18 High Street, Amesbury (Circulated within Agenda supplement 1)

**Western Area Licensing**

04/08/20 Application for a Variation of a Premises Licence – The White Hart, Lane End, Corsley, Warminster

19/08/20 Application for a Premises Licence – Wicker Hill Food Stores, 1b Wicker Hill, Trowbridge

**Resolved:**

**That the minutes of the Sub Committee meetings detailed above be approved and signed as correct records by the Chairman.**

26 **Proposed Changes to Wiltshire Council's Street Trading Consent Scheme**

Tom Ince (Principal Compliance Officer) referred to his report which sought to provide the Licensing Committee with the relevant information to make a decision on the proposed changes to Wiltshire Councils approved Street Trading Consent Scheme. Tom highlighted the following:

- The current Street Trading Consent Scheme did not currently accommodate those wishing to operate on a round, trading at multiple locations for more than 15 minutes within a single day/week, such as ice cream sellers and village fish and chip rounds;
- Officers had researched how other local authorities operate street trading and they had identified four authorities were operating short term static consents or mobile consents that allowed traders to trade in multiple locations for more than 15 minutes or a single location for a reduced time and rate, allowing traders to apply cost effectively for multiple locations. Advice had also previously been taken from the Council's legal team in 2012 on whether a multiple site consent could be offered;
- The proposed changes to the scheme would enable the Council to formalise the arrangements for these types of sellers who may be currently trading on Council land and not currently paying a fee and create a level playing field for traders. The second proposed change is to introduce a short-term static consent that would allow traders to trade from a set location for up to 2 days per week for up to 4 hours per day for a reduced fee; and

- Every effort was made to help support traders and there was the ability to set up a monthly payment plan to pay for the fees.

The following questions were asked by the Committee:

Q How would Officers establish which traders from outside of the Wiltshire area that come in to trade within Wiltshire would comply with the new proposed scheme?

A Officers will approach known ice cream van traders to inform them of the proposed changes and they would also contact the neighbouring authorities to inform them of our changes and ask them to notify their known traders. The Council were reliant on the other authorities responding to them, but they would also look to use Council Officers whilst out and about on their business to check with any vendors they see that they have the appropriate consents in place. The Council would also often hear from existing traders if a new trader appeared and did not have the appropriate consent, once in place the scheme becomes self-policing.

Q If the changes to the Street Trading Scheme were to be agreed, how often would a consent be reviewed?

A A consent would roll over (subject to payment of the annual fee) unless any queries or complaints were received about that trader. If any complaints were received Officers would aim to work with the trader and complainant to attempt to find a solution and if the concerns could not be addressed, then the consent could be revoked.

Q My concern is about the knock-on effect on current traders, you are encouraging traders who wish to stay longer than 15 minutes at a location to seek private land to trade from. At the moment they are trading all over the place on private land, so I assume we are not affected by this. Only if traders want to use Council land, I assume this will then apply. Is there any way of bringing in the proposals more slowly as we are hopefully recovering from the Covid crisis so that existing traders could apply over more time as those traders have already got a lot on their plate?

A If the proposals were approved today, Officers would undertake a 30-day consultation which would involve the local Town and Parish Councils and it was hoped that this consultation would hopefully highlight any other traders in each location. Obviously, the Council are not aware of all traders. The possibility of a phased implementation plan could be considered, and Officers could look at a communications plan so that the new options could be put to existing private traders. These traders are usually trading on private land as the cost of an annual street trading consent is quite high and some traders may only need a consent for Friday and Saturday evenings for example and with this reduced fee available for a more flexible consent they may wish to take this up.

Q How many traders could this affect if they now have to be licenced?  
What is the size of the potential knock on effect?

A The latest information we have is that there are approximately 20 ice cream sellers and less than 10 fish and chip van village runs which are currently trading on private land.

Q Would businesses, such as the Tisbury business have to predefine their locations?

A Yes, the schedule of locations has to be agreed up front.

Q Where I live at the moment there seems to be a different food trader each week, but they are selling from private land so I assume the benefit for this new consent is that they are able to park in more places for longer amounts of time?

A Yes.

Q I am concerned for the local milk stations etc as they need to be 10 metres off the public highway – we were told previously when this scheme was approved in 2012 that it would not affect those selling “from the farm gate”. I have heard of a farmer in another county being unable to leave out an honesty box to sell his eggs. Are milk and eggs etc still able to trade as long as they are 10 meters from the highway?

A There is a specific exemption for goods sold from farms etc that derive from the premises and so these sellers would not be affected and there would be no change for them.

Q What about those that are selling milk on a third parties land – this is a green issue that the Council should be supporting. Will these proposals impact on them and would they need to apply for a consent?

A Officers had previously sought legal advice in 2012 on this issue and the interpretation from legal was that where traders are trading from private land but within 10 meters of the highway, as long as any customers were not using the highway to park then a consent would not be needed.

Q What about electric vehicle charging points – as this can be a business would they need to apply for a consent?

A Electric vehicle charging points don't come under street trading – they are managed by the Fleet Team.

Q What about the in town and out of town trading. If a business was going to Trowbridge and then on to a village location what would they be charged?

A It depends on the locations that they are trading from. We have stated that you cannot mix the consent and you would need to apply for both an in

town and out of town if those are the locations you wish to cover. The consents allow for multiple locations but not a mix of in and out of town locations.

A Committee member felt that there could be reputational damage to the Council when more traders hear of the proposals. Tom Ince reported that no one was necessarily damaged by the proposals as traders can still trade for 15 minutes at a time without the need for a consent. No one is compelled to pay the consent fees if they chose to carry on as they have been doing. It could possibly affect some ice cream sellers who stay in a location for more than 15 minutes.

Q Would ice cream sellers need to apply for a consent?

A Yes if they would if they wished to utilise trading from Council owned land for more than 15 minutes.

Q Was consultation carried out with the existing traders prior to the submission of these proposals?

A No.

Q What would happen if a trader wanted to trade at more locations?

A Each consent would cover up to 10 locations and if they wanted more, they would have to apply for another consent for up to 10 locations at a time, i.e. up to 20 locations would require two consents.

Q Is it possible for traders to purchase the more expensive “in town” trading consent and use that trade in and out of town and not have to pay both consent fees?

A I agree this is a sensible compromise and is something that could be considered.

*The possibility of being able to purchase an “in town” trading consent which could be used both in and “out of town” was checked with the legal representative who confirmed that it would need to be clearly and carefully worded but this could be accepted as an amendment to the proposal. Tom Ince agreed that Officers would be happy to include the amendment to the proposal.*

A Committee member commended officers for the report and how they had approached the issue following the request received from the public. She felt that the Council were looking to support traders and that competition was there to ensure that the public get a good service. .

The Chair highlighted the need to ensure that there was a strong and clear communications plan about these proposals to enable clarity about what traders could/could not do.

**Resolved:**

**That the Licensing Committee agree to revise the Wiltshire Council Street Trading Consent Scheme from 1 April 2021 as below:**

- 1. Introduce a Mobile Consent that would allow traders to trade from up to 10 (pre-arranged) locations, up to 3 hours per week (per location).**

The cost of the annual consent is proposed at £ 2,066 for 'in town' trading and £1,103 for 'out of Town' trading. These fees represent a 50% reduction on the annual static street trading fee due to the reduced number of working hours available to traders. For those wishing to trade at up to 10 'in town' and 'out of town' locations they would only need to purchase an 'in town' trading consent and not both consents.

- 2. Introduce a Short-Term Static Consent that would allow traders to trade from a set location for up to 2 days per week for up to 4 hours per day for a reduced fee.**

The cost of annual consent per location is proposed at £1,500 in town and £800 for out of town.

- 3. That a strong and clear communications plan is shared to ensure that all traders/prospective traders understand the changes to the Trading Consent Scheme.**

## 27 Taxi Licensing Update

Tom Ince (Principal Compliance Officer) referred to the Taxi Licensing update that was circulated with the Agenda and highlighted the following:

- The taxi industry had been severely affected by Covid with driver and vehicle numbers continuing to fall. Following the announcement of the third lockdown on 4 January 2021 all face to face appointments for new drivers were suspended until 22 February. The team devised Covid secure processes for both driver and vehicle licensing renewals to continue unchanged, so as to minimise the impact on drivers and vehicle owners but firms were being doubly hit as Officers were not able to licence new drivers at the present time. Officers would ensure that those new drivers currently waiting to be processed would be given priority appointments once the restrictions were eased, hopefully from 12 April 2021;
- As at the end of January 2021 there were 793 hackney carriage drivers and 165 private hire drivers. These numbers dropped again in February by a further 10. It would seem that it is hackney carriage drivers that are leaving the industry (as these would sit at the rank to wait for customers). Private hire vehicles are pre-booked. Private hire numbers were relatively stable;

- The drop in driver numbers had impacted the Council's Passenger Transport Unit who co-ordinate the 700 school transport contracts. When vehicle numbers are down to 800 potentially that will have an impact on availability of drivers/vehicles to fulfil the journeys. However, Officers from both teams meet regularly to ensure those contracts are not negatively impacted.
- Officers were still carrying out enforcement work but encountering some resistance from drivers. Following the increased enforcement since October 2019 a greater number of penalty points and formal notices had been issued. During January 2021, the team issued penalty points on 23 occasions – the highest monthly total, as well as undertaking drive by inspections within Wiltshire towns to identify potential issues. 11 vehicles were found not to have an MOT, although it was accepted that some of these vehicles were not being used and drivers had forgotten to get the required 6 monthly MOT;
- In the South of the County there were issues reported of there being too many taxis in the centre of Salisbury as a result of the lack of passing trade and there being little or no need for airport/hotel journeys. Some drivers had been parking inappropriately on double yellow lines or in loading bays and this was being challenged by those in the area and Officers were carrying out enforcement to rectify this;

A Committee member asked about the drivers having vehicles without an MOT and asked if it was because they were not using the vehicle or that they were unable to have a test carried out in the lockdowns? Tom Ince explained that there had been a leeway to extend MOT's during the first lockdown in 2020, but this had since changed, and MOTS were able to be carried out. It was a requirement for taxis to have an MOT every 6 months and if they were not using the vehicle or the vehicle had not had an MOT for the plates to be surrendered.

A Committee member thanked Officers carrying out proactive enforcement work to maintain a good taxi provision for Wiltshire. She expressed concern in the decline of vehicles/drivers as taxis are an important public transport service for the county and that this might have a critical impact on the school transport provision when schools reopen. She asked at what point do Officers consider that the situation is seriously critical with the declining numbers and was there scope for the Council to employ their own taxi drivers to ensure that the service could be relied on?

Tom Ince reported that his team meets with the Passenger Transport Unit every month and that they were guided by them to be able to manage and fulfil contracts that they have. They worked together to see where the gaps were and Tom's team had been working with the trade to support them and signpost them to grants available to them and give them assistance to be able to submit claims and support to keep them going. Tom was not sure whether the Council would want to licence their own taxi drivers and that would need some consideration.

The Committee member felt that when jobs are sparse as they currently are, some will consider being a taxi driver as it is a way of earning money in these difficult times. She asked if there was anything that Councillors could do to get the message out that more drivers were needed as they are the links to the local communities.

The Chair highlighted the need for strong communications around this to keep the trade/public and that the Council do what they can to facilitate as many vehicles/drivers to become licensed to meet demand.

The Chair asked if there was clear guidance on the Council's website of the expectations of a taxi driver so that it is clear for all applicants and the training required etc. Tom Ince confirmed that there was guidance on the website and that it clearly explained the process. They were in the process of starting to review and update the safeguarding training to incorporate recent County Lines issues.

A Committee member who had just viewed the taxi pages on the Council's website said that the first thing you saw was a taxi complaint form and suggested that perhaps this could be reviewed so viewers see a positive message on their first click onto that page.

**Resolved:**

**That the Licensing Committee note the update on Taxi Licensing.**

28 **Licensing Update**

Linda Holland (Licensing Manager) gave a verbal update to the Committee on behalf of the Licensing team and highlighted the following:

- 2020 had posed significant challenges to the Licensing Team and businesses and this had continued into 2021. Workloads were unsustainably high during many months and this trend would continue on the re-opening of the economy;
- The stop start nature of last year and having to be directed by restrictions, numerous regulations and guidance documents had impacted all of the businesses that the Council licence;
- From July 2020 when the hospitality industry reopened, businesses had to adapt to the new ways of working and comply with restrictions that they did not understand and Officers had the task of understanding all of the changes to be able to relay the information to the trade on what they could and could not do. It had been very difficult with the constant changes to the guidance – It had been a challenge for all, and the industry did an amazing job to get back on their feet;

- Officers had also carried out visits to premises, particularly ones that had raised concerns with non-compliance of the regulations; these visits would continue when restrictions have lifted to ensure compliance for the safety of the all;
- There had been good partnership working with Public Protection managers attending meetings 3 times a week with Police colleagues to ensure that there was collaborative working to address Covid concerns and complaints relating to businesses in Wiltshire. The partnership working had been a learning curve but had proved to be a huge success with Officers being able to spread the workload so that not all were having to go out to the same premises – so that the licencees get good service from us to ensure that the public are safe;
- During the first 2 weekend re-openings in July 2020, the Licensing Team was supported by colleagues from Public Protection in conjunction with the Police to carry out visits to over 300 premises to engage with and address any issues. Only a handful were found to be struggling with compliance. This would be a challenge again in April this year as businesses re-opened as they desperately try to build up their businesses again. However, sometimes the public don't always want to do what they should with their behaviour being challenging for the premises to manage;
- Once the reopening's were confirmed, Officers would be able to plan their response working in conjunction with the Police. Initially venues were only able to open to patrons outside and noise disturbance to residents may be one of the issues to address;
- Wiltshire Police, and the local authorities had been operating the 4 E's – Engage, Explain, Encourage, Enforce, but as the pandemic has continued, the Licensing Team had moved into the 4<sup>th</sup> E for serious breaches or where previous engagement has taken place. New tools then became available and Officers were able to issue Improvement Notices and Covid Restriction Notices. Following a Police visit; the first fixed penalty notice was issued for a private party taking place on New Year's Eve contrary to the business restrictions regulations. The £1,000 FPN had been paid;
- To support local business, colleagues from the Food and Health and Safety Teams had sent out over 600 letters sent out to give more guidance on what they need to do to safely reopen and given them links to signage and posters to ensure that they have all the tools that they need;
- In relation to animal licensing, in 2020 over 300 premises received an extension to their licence. Virtual inspections were completed where possible. Officers were still able to carry out outdoor visits to commercial premises but were not entering private houses unless it was safe to do



so. Inspections would pick up again when the lockdown was ended but obviously many premises were not currently trading. Officers were doing what they could to support this industry as it would be needed again when lockdown eased;

- Annual fees for premises licences were not collected during the first lockdown, but the collection recommenced in October 2020 and only a few payments were still being chased. The numbers of applications in 2020/the impact on the industry was not quite so marked but this may be seen in 6 to 9 months from now. In 2020 20 premises surrendered their licences compared to 7 in 2019 and 9 in 2018. In 2020 67 premises applications were received compared to 53 in 2019. A number of new applications have included those wishing to operate their businesses from their homes, e.g. takeaways and hampers selling alcohol for home delivery. 40 licences were suspended in 2020 compared to 19 in 2019. Two thirds of those in 2020 asked for their licences to be suspended so that they did not have to pay their annual fee which ranges from £70 to £250 depending on the rateable value of the property;
- The extension by the Council to animal licences was exceedingly well received by the licence holders with 212 replying and utilising the opportunity to extend their licence. During the lockdowns nationally there had been an increase in dog owning with puppies in high demand. There were currently 25 licenced breeders which was an increase of 6 on the previous year;
- As part of the regulations, all inspectors must be suitably qualified by October 2021 to carry out animal activity inspections. All Wiltshire's licensing officers had now attended the course for the professional programme in inspecting licensable activities involving animals;
- The pandemic had had a significant impact on festivals and events taking place in Wiltshire. Since the Governments roadmap to ease back to "normal" had been announced Officers had been extremely busy with information requests about whether events could now go ahead. However, at the present time the announced dates were only proposed and there was a lack of detail provided as to what would be expected of event organisers going forward; and
- Officers were unable to give any clarity on what maximum numbers and restrictions may be required for large scale events and had to advise that events going ahead would be at the organisers own risk as the dates of the releasing of restrictions were not fixed and could be subject to change. This obviously brought uncertainty for many and there would be a reluctance to commit to spending money if it was not guaranteed that it could go ahead – it was all still unknown and it would be wrong for officers to give false hope as to the possibly of planned events being able to go ahead.

The Chair wished to pass on thanks to all Officers on behalf of the Licensing Committee for all of their work in these very challenging times. The Chair agreed that the challenge to Officers would be to assist businesses with reopening and managing larger scale events. He asked that there be clear communications published in line with current guidance to ensure that all were aware of their obligations and asked if information could be prepared for new Councillors following the elections in May to assist them with the queries that they were likely to receive.

Linda Holland confirmed that a Licensing overview would be provided for all Councillors with specific training for those who would be serving on the Licensing Committee.

A Committee member reported that he had been talking to licensees in his area and they had previously experienced difficulties with customers entering their premises without a mask and trying to get served from the bar. He noted that there was no information from the Government yet as to what the restrictions would include once pubs, etc were able to reopen and asked if it was expected that marquees would be used from April and would they have to have sides on them and how did this relate with smoking laws?

Linda Holland reported that all marquees had to comply with smoking regulations and be no more than 50% enclosed (so have at least 2 sides uncovered). A number of marquees were used before Christmas and Officers had had to give some advice about their use and some had had to be removed for safety concerns. They were aware of most premises that were using gazebos but also received information from communities if they were concerned around them, most of the sensible licence holders ask for guidance about what they can/cannot do and some premises had had to be advised.

The Chair commented that the Council have a strong and robust licensing policy and event organisers should be advised to contact their local communities before their planned events to reduce any problems and complaints. There should be engagement with the Council and their local residents by event organisers.

A Committee member asked about the possibility of flexibility for extending the dates for festivals, etc. Linda Holland responded that this would depend on the licence held – she would be as flexible as the law allowed. A minor variation to a licence could be applied for at a cost of £89.

A Committee member suggested that Councillors could consider how they could informally police events and direct them to support to ensure that events were Covid secure so that all those attending events in Wiltshire were safe. Councillors had a vested interest to keep their eyes and ears open to ask their communities to tread carefully and not create any risks with their events. Councillors were concerned with a potential risk arising from people from outside the county attending events which are not Covid secure.

Linda Holland agreed that the public are looking forward to having fun this year out in the fresh air and that there would be others coming in from other areas to our events. All event dates are still “proposed” and there were no guarantees that they would be able to go ahead as they can only happen when it was safe to do so.

The Chair asked for an update on festivals and large-scale events to be provided at the next meeting.

**Resolved:**

- 1. That the Licensing Committee note the update on behalf of the Licensing Team.**
- 2. That an update on festivals and large-scale events be provided at the next meeting on 7 June 2021.**

29 **Dates of Future Committee Meetings**

The next meeting of the Committee would be held on 7 June 2021 at 10.30am. Depending on what training was to be provided as part of the corporate induction, the next meeting may also include some specific Committee training.

30 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.08 pm)

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

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## Eastern Area Licensing Sub Committee

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### MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 21 JUNE 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE, THE MARLBOROUGH, 90 HIGH STREET MARLBOROUGH

#### Present:

Cllr Allison Bucknell, Cllr Kevin Daley and Cllr Pip Ridout

#### Also Present:

#### Applicant/Applicant's Representatives

Jason Kalen – Applicant  
Zoe Benson – On behalf of Applicant

#### Wiltshire Council

Kevin Fielding – Democratic Services Officer  
Sarah Marshall - Senior Solicitor  
Lisa Pullin - Democratic Services Officer  
Jemma Price – Public Protection Officer - Licensing

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#### 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 Chair for this meeting only.**

#### 2 Apologies for Absence/Substitutions

There were no apologies or substitutions.

#### 3 Procedure for the Meeting

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

#### 4 Chair's Announcements

The Chair apologised for the technical difficulties with the live stream at the beginning of the meeting which had caused a slight delay to the start of the meeting. There would be no live stream of the hearing due to the technical difficulties. A recording of the hearing would subsequently be uploaded on the Council's website.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

**Application by Food Drink Rooms Ltd for a variation of a Premises Licence in respect of The Marlborough, 90 High Street, Marlborough**

**Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) for which determination was sought for an application for a variation of a Premises Licence which was presented by Jemma Price (Public Protection Officer – Licensing). One relevant representation had been received from local residents. The application was for the following licensable activity:

- To permit the Sale of Alcohol for consumption ON the premises in the outside bar
  - Sunday to Thursday 11:00hrs to 23:30hrs
  - Friday and Saturday 11:00hrs to 00:00hrs

Miss Price reported the following to the Sub Committee:

- On 21 April 2021, an application for a variation to the existing premises licence granted on 21 October 2005 was received and accepted as a valid application. On 5 May 2021 the consultation period was extended until 26 May 2021 due to the application not being advertised correctly;
- During the consultation period, one relevant representation was received from local residents, Mr and Mrs Harvey-Evers expressing concerns about public nuisance and crime and disorder;

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

1. To grant the variation to the licence as applied for.
2. To modify the conditions of the licence.
3. To reject (refuse) the whole or part of the application.

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

**On behalf of the Applicant**

- Jason Kalen – Applicant
- Zoe Benson – On behalf of the Applicant

**Relevant Representations**

Mr and Mrs Harvey-Evers who had made a relevant representation were not present at the meeting.

The Chair advised that all the written representations had been read by the members of the Sub Committee in advance of the meeting.

The Chair then invited the Applicant to introduce their application.

**Applicant's submission**

Jason Kalen (Applicant) spoke in support of the application, highlighting the following points:

- The outside space at The Marlborough had always been used by people to enjoy food, drinks, and background music under the existing premises licence;
- A wooden structure which they had called The Chalet had been built in the outside area to provide patrons shelter from the elements;
- The current capacity of The Chalet was 26 people and the application sought was a variation to allow alcohol to be served from the outside bar set up inside The Chalet. Currently patrons were able to use all of the outside area of the premises, but drinks were only provided from inside the premises;
- The Applicant had attempted to speak to those who made a relevant representation, but this was not forthcoming;
- The Applicant was aware that on 12/13 April 2021 a noise complaint was received by local residents, but this was not caused by The Marlborough as they did not open until 14 April 2021;
- In the last 9 years the Applicant was not aware of any official complaints that had been received in respect of the premises and that there may have been some local confusion with the public that a new area was to be added to the outside area, but this was not the case;
- The Applicant was trying to adapt his business to pick up after Covid and comply with all of the current regulations. There was no wish to create a

disturbance to local residents and it was felt that with The Chalet in use any noise disturbance would be reduced;

- For the first 5/6 days The Chalet was in use the Applicant had carried out noise monitoring of their background music and had set markers on the volume control not to exceed:
- The Chalet was close to a boarding house for Sixth Form students; however Marlborough College had not raised any concerns with the application; and
- The Chalet was situated on the top tier terrace which was within the boundary and the area had been used for a long time.

### **Sub Committee Member's questions**

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

- The roof to The Chalet was retractable as they had wished for something that would provide ventilation if needed. A breathable plastic had been used and the Applicant had done this for cost reasons and the flexibility to be able to remove the whole structure if this was not a success and the area was to be returned to just an outside terrace area;
- The rest of the lower outside area of the premises would remain as it with tables and chairs set up and only obviously be used in dry weather; and
- The Chalet was currently already in use as a seating area and table service was provided from the main bar – the difference would be if the variation granted was the ability to serve alcohol from The Chalet and not just from the main bar inside the premises.

### **Responsible Authorities' submissions**

There were no Responsible Authorities present as no representations had been submitted.

### **Submissions from those who made relevant representations**

Mr and Mrs Harvey-Evers live on the High Street, Marlborough had made a representation with their concerns relating to public nuisance arising from the congregation of people in the late evening and use of flood-lighting; harm to children arising from the location of the outside area the subject of the variation being adjacent to a school boarding house and crime and disorder arising from people leaving other licenced premises on the High Street and causing noise and disorder. Mr and Mrs Harvey-Evers were not in attendance at the hearing. In Mr and Mrs Harvey-Ever's absence the Chair of the Sub Committee went through their concerns as raised in their representation with the Applicant to



enable the Applicant to provide a response for the Sub Committee. The Applicant responded as below:

- There would be no increase in the noise of people congregating outside of the premises as this was already the current practice as the space was already in use;
- There would be no change to the flood lighting, nothing would be changing. The back car park was already flood lit – the fire brigade were happy with the lighting and nothing was to be added to the existing lighting;
- Whilst metered sound checks were not carried out once the Applicant had begun to use The Chalet they visited the nearby block of residential house and could only hear the music when it was turned up so loud that you would not be able to bear it in The Chalet;
- Bow Belles, another premises in the vicinity have their own music and the Applicant suspected it was their loud music that was the source of the noise complaint earlier in the year;
- Background music for the lower part of the terrace/garden would continue as it always had, and the background music would be separate in The Chalet;
- The beer garden was already in place before Marlborough College converted the neighbouring premises into a boarding house. The college had spoken to the Applicant before submitting their planning application and so obviously felt that it was not an issue as it was 6/7-bedroom house that was only used for 6<sup>th</sup> formers and older for part of the year; and
- The Applicant confirmed that the application was not seeking to extend the licensing area or timings to enable more patrons to possibly cause more noise nuisance when vacating the premises.

### **Applicant's closing submission**

In his closing submission, Jason Kalen (Applicant) highlighted the following:

- The outside area was not new, it would not cause an increase in the customers that come into the premises and it was not felt that it would increase any nuisance by those leaving at night;
- The application was to solve a logistical issue and give them the ability to serve alcohol from the outside area. It was hoped that the regulations currently in place for table service only would soon end and that patrons are able to go up to a bar to purchase their drinks and provide the income to allow the business to stay afloat and continue.

### **Points of Clarification Requested by the Sub Committee**

The Chair confirmed that the Sub Committee would be considering the application as set out in the Agenda papers.

The Sub Committee then adjourned at 11.10am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11.22am.

The Senior Solicitor advised that she gave no significant or relevant legal advice to the Sub Committee

### **Decision:**

**The Eastern Area Licensing Sub Committee RESOLVED to GRANT the application for a Variation to the Premises Licence to include the activity and timings detailed below:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (for consumption ON the premises) in the outside bar	11:00hrs to 23:30hrs	Sunday to Thursday
	11:00hrs to 00:00hrs	Friday and Saturday

### **Reasons**

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from the parties and the oral submissions received from the Applicant, Mr Jason Kalen at the hearing.

The Sub Committee considered the representations made by the Applicant regarding the merits of his application, namely that there would be no change to the use of the outside area, but if granted the variation would provide the Applicant with the ability to be able to serve alcohol from the outside bar located within The Chalet.

The Sub Committee also considered the concerns raised in the written representation from Mr and Mrs Harvey-Evers but after hearing from the Applicant, the Sub Committee did not feel that the concerns raised by Mr and Mrs Harvey-Evers were justified as the outside area was (and has been for many years) already in use and the Sub Committee were not provided with any evidence that the granting of the variation would lead to an increase in any public nuisance, crime and disorder or harm to children. No representation was received from Marlborough School. No evidence of any complaints made in

relation to The Marlborough were submitted to the Sub Committee and the Sub Committee noted that no relevant representations were received from the responsible authorities.

It was further noted by the Sub Committee that The Marlborough is in close proximity to another establishment with a Premises Licence that makes use of its outside area – The Bow Belles at 84 High Street, Marlborough.

In reaching its decision, the Sub Committee took account of all representations made both written and at the hearing and was satisfied with the steps that the Applicant proposed to promote the licensing objectives. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the variation to the Premises Licence were granted, the likely affect would be that one or more of the licensing objectives would be undermined.

In particular, the Sub Committee gave weight to the following matters below:

- That none of the responsible authorities had raised concerns or made representations about the application; and
- The outside areas of the premises were already in use and had been for many years.

The Sub Committee further noted that if subsequently, there was evidence of noise nuisance, anti-social behaviour, public safety issues or similar arising from the use of the premises for the licensable activities with the potential effect of undermining the licensing objectives then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

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

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence except for the most compelling circumstances.

(Duration of meeting: 10.40 - 11.25 am)

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## Northern Area Licensing Sub Committee

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### MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 27 APRIL 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A CLUB PREMISES CERTIFICATE, CALNE BOWLS CLUB, HILLCROFT, CALNE SN11 8JR

#### **Present:**

Cllr Stewart Palmen (Chair), Cllr Allison Bucknell, Cllr Peter Hutton, Price and Marshall

#### **Also Present:**

Sarah Marshall – Senior Solicitor, Wiltshire Council  
Jemma Price – Public Protection Officer, Licensing, Wiltshire Council  
Lisa Pullin – Democratic Services Officer  
Kevin Fielding – Democratic Services Officer

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#### 8 **Election of Chair**

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

#### **Resolved:**

**To elect Councillor Stewart Palmen as Chair for this meeting only.**

#### 9 **Apologies for Absence/Substitutions**

There were no apologies.

#### 10 **Procedure for the Meeting**

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

#### 11 **Chair's Announcements**

There were no Chair announcements.

12 **Declarations of Interest**

There were no interests declared.

13 **Licensing Application**

**Application for a Club Premises Certificate; Calne Bowls Club Ltd, Calne Bowls Club, Hillcroft, Calne, SN11 8JR**

**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 Club Premises Certificate, presented by Jemma Price (Public Protection Officer – Licensing) for which one relevant representation had been received. On 23 February 2021 an application for a Club Premises Certificate was received and accepted as a valid application. The application was for the following licensable activities:

The sale by retail of alcohol for consumption on the premises, 12:00hrs to 22:00hrs Monday to Friday and 10:00hrs to 22:00hrs Saturday to Sunday.

The Sub Committee was informed by the Public Protection Officer that this was an application under s.72 of the Licensing Act 2003. It was noted by the Sub Committee that there were three options available to them:

- i. To grant the Club Premises Certificate as applied for.
- ii. To modify the conditions of the Club Premises Certificate.

To reject the application in whole or in part

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

**On behalf of the Applicant**

- Mr Grugeon – Calne Bowls club
- Mr Wicks – Calne Bowls club

**Relevant Representations**

- Ms Fiona Cottrill - local resident in objection to the application

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

The Chair invited the Applicant to introduce their application.

### **Applicant's submission**

The Applicant/s Mr Mr Grugeon and Mr Wicks spoke in support of the application, highlighting the following points:

- That in the past, Calne Bowls Club members had bought alcohol at the neighbouring Calne Recreation Club but the cost of Recreation Club membership had now risen to a prohibitive price which was now making it difficult for the Bowls Club to use this facility.
- Calne Bowls Club had decided to apply for their own alcohol licence so that it would be easier for members and guests to enjoy a beer or glass of wine after a bowls match

### **Sub Committee Member's questions**

Cllr Allison Bucknell highlighted agenda item 6a on page 18 of the agenda pack where it was noted by the Sub Committee that the applicant had omitted to tick a box on the form under part 2 of the Club Operating Schedule with reference to the supply of alcohol to members to the club, although the intention was clear from the remainder of the application (which was completed in full), that it was the applicant's intention for alcohol to be supplied to both members of the Club as well as guest. The Applicant confirmed to the Sub Committee that this was a typographical error and it was his intention for alcohol to be supplied to both members of the Club as well as their guests.

The Applicants representation regarding the application was accepted by the Sub Committee and Ms Cottrell.

The Chair sought legal advice from Sarah Marshall – Senior Solicitor, Wiltshire Council and on receiving that advice the the Sub-Committee were happy with the explanation of the applicant given at the hearing that this was simply an error on his part whilst completing this section of the the application form and it was his intention for alcohol to be served to both members of the club and their guests. .

Cllr Peter Hutton requested assurances that the Bowls Club were not looking to hold outside functions, the applicant advised and confirmed to the Sub Committee that there would be no outside functions at the Club.

### **Questions from those who made a relevant representation**

Fiona Cottrill - When will the club finish serving alcohol, and when will people leave?

***The Applicant confirmed that that between 6-9pm, the club would have matches, then a supper and a drink, with a finish of proceedings around 10pm or before. The venue is a bowls club not a drinking venue.***

### **Relevant representations**

There was one representation Ms Fiona Cotrill, a resident living in the vicinity of the premises regarding the prevention of public nuisance and the possible issue of increased noise levels if patrons drank outside during the Summer months

### **Questions to Fiona Cotrill from the Sub Committee**

Had you realised that the Recreation Club Licensing hours were later than the licence that that the Bowls Club I had applied for?

***Yes, the Recreation Club noise is not usually a problem.***

Do you understand that the licence applied for by the Bowls Club is for members and guests?

**Yes**

### **Questions to Fiona Cotrill from the Applicant**

Had you ever complained to the Bowls or Recreation Club about noise, (because Recreation Club hosts discos and live music)

***More concerned about the Bowls Club members and guests leaving during the late evening. Would be more than happy for the Bowls Club licence to have an end time of 9pm rather than 10pm***

### **Applicant's closing submission**

That the Bowls Club was not large enough for large groups to use as a social/party venue, the club just wanted to play bowls and go home. The neighbours have raised no concerns about the club.

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

The Hearing reconvened.



## **Announcement of Decision**

The Senior Solicitor confirmed that she had advised the Sub Committee that the application was for a Club Premises Certificate for an alcohol licence for the supply of alcohol to both members and their guests of the Calne Bowls Club. This was understood by the Sub Committee and Ms Cottrell who raised no objections.

## **The Determination**

**The Northern Area Licensing Sub Committee RESOLVED to GRANT the application for a Premises Licence to include the activity and timings detailed below:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
Sale by retail of alcohol (for consumption ON the premises)	12:00hrs to 22:00hrs	Monday to Friday
	10:00hrs to 22:00hrs	Saturday to Sunday

## **Reasons for Decision**

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant Mr Wicks and Ms. F Cottrell who made a relevant representation at the hearing.

The Sub Committee considered the detailed representations made by the Applicant regarding the merits of his application and the steps the Applicant intended to take to ensure the promotion of the Licensing Objectives. The Sub Committee also considered the concerns raised at the hearing by Ms Cottrell relating to patrons causing noise and anti-social behaviour whilst drinking outside. No evidence of complaints regarding the noise of patrons attending Bowls Club was submitted to the Sub Committee and the Sub Committee noted no relevant representations were received from the responsible authorities. It was further noted by the Sub Committee that the Bowls Club is located adjacent to another establishment with a Club Premises Certificate – the Calne Recreation Club.

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

The Sub Committee had carefully considered the objections to the application, received from the local resident. However, it was established law that any decision to refuse the grant of a club premises certificate had to be evidenced

based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted, the likely affect would be that one or more of the licensing objectives would be undermined.

In particular, the Sub Committee gave weight to the following matters below:

- That none of the responsible authorities had raised concerns or made representations about the application
- That this was a new application for a club premises certificate with no history of any public nuisance on the premises

The Sub Committee further noted that if subsequently, there was evidence of noise nuisance, anti-social behaviour, public safety issues or similar arising from the use of the premises for the licensable activities with the potential effect of undermining the licensing objectives then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18 and 72); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

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

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence except for the most compelling circumstances.

(Duration of meeting: 10.00 - 11.20 am)

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## Southern Area Licensing Sub Committee

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 13 APRIL 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - GREEN HILL FARM CARAVAN AND CAMPSITE, NEW ROAD, LANDFORD, SP5 2AZ**

### **Councillors Present:**

Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Jose Green

### **Also Present:**

#### Applicants

Ross Birkett, General Manager - Applicant  
Sean Power, Operations Director – Applicant

#### Others in attendance

Richard Higgins – Relevant Representation  
Sam Smith – Relevant Representation  
Stephanie Hildon – Relevant Representation  
Gemma Wilks – Relevant Representation

#### Wiltshire Council Officers:

Katherine Edge, Public Protection - Licensing  
Emma Batchelor, Public Protection - Licensing  
Sarah Marshall, Senior Solicitor  
Lisa Moore, Democratic Services Officer

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### 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**

There were none.

### 3 **Procedure for the Meeting**

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

4 **Chairman's Announcements**

There were none.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

**Application by Lovat Parks Ltd for a Variation to a Premises License in respect of Green Hill Farm Caravan and Campsite, New Road, Landford, SP5 2AZ.**

**Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a variation to a premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 5 relevant representations had been received. The application was for the following licensable activities:

- Consolidate two premises licenses in to one LN/8223 and LN/42197
- Extend the licensable area
- Extend current alcohol trading hours
- Include the addition of Film Indoor

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

- i) To grant the licence as applied for.
- ii) To modify the conditions of the licence.
- iii) To reject (refuse) the whole or part of the application.

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

**On behalf of the Applicant**

- Ross Birkett – General Manager
- Sean Power – Operations Director

**Relevant Representations**

- Richard Higgins local residents in objection to the application

- Sam Smith local residents in objection to the application
- Stephanie Hildon local residents in objection to the application
- Gemma Wilks local residents in objection to the application

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

The Chairman invited the Applicant to introduce their application.

### **Applicant's submission**

The Applicant and his representatives (Ross Birkett, Raoul Fraser & Sean Power) spoke in support of the application, highlighting the following points:

- The site currently had 2 licences, these were for the café bar (2019) and the shop (2019).
- The applicant wished to consolidate the licenses and have an all year round license, rather than be limited to seasonal.
- Efforts had been made to strengthen the promotion of the Licensing Objectives, including reduced guest numbers, , reduced touring, less vehicular traffic, and increased warden activity on the park.
- The park had a different demographic, and now included lodges.
- The park was in a better position than it had been in the previous 2 years to ensure the objectives were met.
- The change to trading during all 12 months of the year would not alter the activity on the site as the existing 2 licenses already covered all of the months jointly.

### **Sub Committee Member's questions**

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

- The park re-opened the previous day, operating under Covid regulations, some customers were using their own facilities. The site had 46 lodges 30 touring pitches and 15 tent pitches.
- The number of customers on site was less than in 2019.
- Touring had been reduced by half. Some areas of the site had been changed to allow larger areas for individual pitches, which resulted in less customers.
- Work had been carried out throughout the winter to improve the standard of the pitches and reduce the level of traffic on the park. There had been

a reduced footfall of 50%. It was not considered to solely be due to covid, and attendance figures were not expected to return to the pre-Covid level.

- The capacity of the clubhouse was explained (20 x seating under cover & 50 x outdoor seating).
- There had been no noise complaints reported to the Local Authority during the Managers time at the park (since 2019). The Park wardens issues a noise warning at 11pm to residents, who walk the park at 11pm.
- The park had a 24hr phone line which was provided to all customers staying on site. This was monitored out of hours, by the warden who also lived on site. In addition there was a 24/7 text SMS line available for customers on site.
- Receptions were open until 8pm and the telephone number for out of hours was also publicised on the website for neighbouring residents to use.
- Last year an open day for local residents was held
- Some tree clearance had taken place, some of this was described as removal of brash and dead trees, following a tree survey. There had also been an extensive planting programme, by Hilliers Nursery who had been on the park for the last 3 months and consultation with an Ecologist who was working with the park to introduce new species to the park.
- The onsite bar was for guests only.

### **Questions from those who made a relevant representation**

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

- The planting put in seemed quite small, how long before they reached a size where they could create a sound barrier?

**The trees planted had to be put in at 1 meter to achieve a maximum growth. It was expected to take 16 – 18 months before they would create a screen. However there had been more noise than usual due to recent development on site, in a normal year when customers were present, the park had not been aware of noise complaints.**

- Nearby resident had concern regarding the visibility of those going in and out of the site, which had not been an issue in previous years.



**Concern was raised regarding the comparison of attendance figures during the quieter Covid period to future figures as it was felt that the last year did not truly reflect the situation.**

- The map shown of the site and numbered pitches did not reflect the figures provided during the presentation made by the park.

**The park confirmed that they had not applied to add 85 lodges to the campsite. However; they stated that planning applications were dealt with by the Board of Lovat, and not the manager at the park.**

*The Chairman noted that the Panel would look at the incremental changes of what a variation would entail.*

- Notice was drawn to the front field at the site which it was stated could accommodate additional pitches, not currently included in the figures.

**The option for group bookings had been removed from the website. With regards to the winter period, there were 55 seasonal owners who stayed between September to March. Tents were rarely used through the winter and the pods were rarely booked when it was cold. The main concern of the park was to be able to facilitate coffee, pastry and a beer in the months through winter.**

- The removal of the trees now meant that noise permeated across the field to neighbouring properties, from 6.45am onwards. The site shop which had been moved, closed at 6.00pm and was approximately 42m from the original old timber building.

**It was stated that the shop was now 217m from one of the neighbouring properties.**

*The Chairman noted that the Panel could only look at the additional elements that would be brought about if the application were to be approved and for noise to be a public nuisance it had to be substantial.*

### **Responsible Authorities' submissions**

There were no representatives of Responsible Authorities present.

### **Those who made relevant representations submissions**

A summary of the points raised were:

- The removal of trees and shrubs between the campsite and local residents increased visibility of the campsite and associated lights and noise and had removed the natural sound barrier. Photos from pages 81 – 85 were explained.

- The relocation of the Off-License building meant it was now closer to neighbouring residents. There had been a lack of communication or consultation from Green Hill Farm.
- The noise disturbances which were now present from 6:45am had been previously subdued by natural shrub surroundings.
- The re-planted screening was ineffectual
- There were requests for an acoustic barrier
- There was a discussion on the size of the park as there was confusion over size of the park. Objections were raised on noise.
- During lockdown, residents had not walked past the site as normal, and had therefore missed the notices and were unaware of the changes at the park. They also did not live close enough to the campsite to have received a letter.
- Nearby residents had not previously been aware that the campsite was there, but last year this changed due to the excessive noise levels.
- Looking on the map, those who made representations accepted it appeared the residents were a long way away, but noise travels and due to the removal of the tree and shrub acoustic barriers the site noise could now be heard. With several hundred guests there, it was felt that the noise would be significant.
- Complaints to the Parish Council ('PC') had been made and included in the minutes of its meetings.

*The Chairman advised those who made the representations that that unfortunately complaints to the PC were not the same as complaints made to the Council's Public Protection team.*

- The consideration of future use and future numbers of visitors was requested as the site with fixed lodges and caravans would see more all year-round use. There was a lack of transparency of future use and plans for the site. The area had benefitted from totally dark and silent skies previously and concerns were raised that the forest would not be totally dark or silent in the future. Access to the open forest from the campsite was also a concern with regards to potential burglaries and thefts from forest access side to neighbouring properties.
- The Lovat boss was not respectful of the local needs and should come to park.

### **Sub Committee Member's questions**

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

- Planning applications by the campsite had taken place during the lockdown. It was stated that because of this the neighbouring residents had been unaware.
- A number of the points made by those who made representations concern planning issues and are not relevant to Licensing or the licensing objectives and therefore cannot be considered by the Sub Committee.

### **Applicant questions:**

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

- It was noted that one of the neighbouring residents owned and ran shops which were licensed to sell alcohol.
- The detail of the map was incorrect.
- The campsite hoped that after today the local residents would feel able to come to them to raise any concerns directly and would be invited to walk around the park to discuss matters.
- The applicant informed the Sub Committee that how they inform residents of open days may change and they may look at letterbox drops in the future.

### **Closing submissions from those who made relevant representations**

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

- Noise was a key factor
- Future plans and attendance figures for the Park were not transparent
- The lack of communication with residents.
- The loss of dark skies and quietness of the forest.

### **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- Some of the objections were planning matters rather than licensing.
- The campsite already had a license to sell alcohol
- The park had less numbers on site than previously.

- They had learnt from residents feedback.
- The park now specialised in luxury caravans and mobile homes.

**Points of Clarification Requested by the Sub Committee**

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

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

The Sub Committee reconvened at 13:15.

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

The Southern Area Licensing Sub Committee,

**RESOLVED:**

**To GRANT the application by Lovat Parks Ltd for a Variation to a Premises License in respect of Green Hill Farm Caravan and Campsite as detailed below;**

- 1. A Variation to license LN/8223 to consolidate the two previous premises licenses (LN/8223 & LN/42197)**
- 2. To extend the licensable area – as per plan submitted**
- 3. To extend alcohol trading hours to those set out in the table below and increase to all year round.**
- 4. To include the addition of Film Indoors between 09:00 – 22:00hrs**

**AND to include the activity and timings detailed below;**

<b>Licensable LN/8223 - Green Caravan and &amp; Reception Shop</b>	<b>Activities Hill Farm Campsite</b>	<b>Timings</b>	<b>Days</b>
- Alcohol - Campsite	ON/OFF Sales:	11:00 – 23:00	Monday – Sunday
- Alcohol - Shop	ON/OFF Sales:	11:00 – 23:00 12:00 – 18:00	Monday – Saturday Sunday

**AND subject to the following additional conditions:**

- 1. That the out of hours 24/7 number be made available to local residents**
- 2. Sales of alcohol be restricted to site residents only**
- 3. A Log of noise complaints will be kept by the Applicant**

### **Reasons for Decision**

The Sub Committee carefully considered the representations received from local residents. However, it was established law that any decision to refuse the grant of a premises licence had to be evidenced based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted in accordance with the application and the imposition of the conditions referred to above that one or more of the licensing objectives would be undermined.

In reaching its decision, the Sub Committee took account of and considered all the written evidence and representations in addition to the oral arguments presented at the hearing and made on behalf of the Applicant, and parties who had made relevant representations. The Sub Committee also took account of the photographic evidence contained on the Agenda pack and referred to during the hearing.

The Sub Committee noted the concerns raised by the parties who made representations at the hearing relating to public nuisance, with regards to noise and lighting. Several of the concerns raised by the parties were found by the Sub Committee to be outside of the remit of Licensing because they concerned planning or highway matters or a statutory nuisance and which would need to be dealt with separately by Planning or Environmental Health.

The Sub Committee noted no noise complaints had been received by the Responsible Authority - Environmental Health. The Chair also clarified the scope of the variation as applied for and explained that as the Applicant already held licenses to sell alcohol, at both the shop and the on-site bar, it was only the impact of the hours and days/months of the year applied for as an addition to the premises licence which could be considered.

The Applicant acknowledged that there was scope for improved communications with neighbours living near to the Campsite and welcomed further discussions outside of the hearing to discuss concerns and invited those who made representations to a walk on the Campsite to alleviate their concerns. The Sub-Committee took the view that it would be appropriate to require the applicant to ensure a 24/7 phone line was made available to local residents in addition to the campsite guests which would enable any future incidents should they arise, to be reported and addressed efficiently.

This along with a log of any noise complaints received by the Campsite, would create a documented reference which could be provided should it be required by the Responsible Authority.

The Sub Committee noted that if evidence of noise nuisance arose from the use of the premises for the licensable activities in future then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

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

#### Right to Appeal

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

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

7 **Appendix 1 - Licence Variation Application & Premises Plan**

8 **Appendix 2 - Current Premises licenses**

9 **Appendices 3, 3a & 3b - Representations and Maps**

10 **Appendices 4, 4a and 4b - Representations**

(Duration of meeting: 11.00 am – 1.20pm)

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## Western Area Licensing Sub Committee

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### MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 8 JUNE 2021.

#### **Present:**

Cllr Ernie Clark, Cllr Peter Hutton and Cllr Stewart Palmen

#### **Also Present:**

Sarah Marshall – Senior Solicitor, Wiltshire Council  
Emma Batchelor – Public Protection Officer (Licensing), Wiltshire Council  
Lisa Pullin – Democratic Services Officer  
Kevin Fielding – Democratic Services Officer

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#### 1 **Election of Chair**

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

#### **Resolved:**

**To elect Councillor *Peter Hutton* as Chair for this meeting only.**

#### 2 **Apologies for Absence/Substitutions**

No apologies were received.

#### 3 **Procedure for the Meeting**

The Chair explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 5 to 11 of the Agenda refers). The Chair informed the parties that two Councillors – Cllr Hopkinson and Cllr Yuill would be observing the hearing (and not taking part) for training purposes only.

#### 4 **Chair's Announcements**

There were no announcements.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

**Application for a Variation of a Premises Licence; Woolley Grange Hotel,  
Woolley Green, Bradford On Avon, Wiltshire, BA15 1TX**

**Licensing Officer's Submission**

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

- To Increase the licenced area to include the Glamping Field and Outdoor Pool where a Restaurant/ Bar will be sited as the current licence

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

- Grant the application, on the terms and conditions applied for.
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
- To reject the application in whole or in part.

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

**On behalf of the Applicant**

- Ms Clare Hammond – Manager
- Mr Simon Maguire – Operations Director

**Relevant Representations**

- Mr Tim Darsley - local resident in objection to the application
- Mrs Caroline Watson - local resident in objection to the application



## **Responsible Authorities**

- There were none

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

The Chair invited the Applicant to introduce their application.

## **Applicant's submission**

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

- That the hotel was looking to provide a high end glamping experience at their family friendly hotel.
- That the pricing of the drinks menu would not promote anti-social drinking.
- That security would be employed in the evening to ensure that nothing got out of hand.
- That any meals served would be finished by 9:30pm in a family friendly manner.
- That there would be some background music, with occasional guitar music also presented.
- That the glamping area should be regarded as part of the existing hotel and not a separate entity.
- That tests carried out by the hotel did not evidence any additional noise or disturbance.
- That the glamping pods built were facing away from the respondents dwellings.

## **Sub Committee Member's questions**

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

- Could residents of the clamping pods bring their own alcohol – *there were no rules preventing guests from bringing alcohol but the hotel does however charge corkage on these drinks.*
- What would stop a guest using a glamping pod from inviting friends to join them that were non-residents - *this would be monitored by the*

*security on duty to ensure that there was no excessive noise and other pod guests were not disturbed.*

- *Were there any restrictions on car movements at night – once guests were in residence, cars would not be moved. The staff car park is situated further away.*

### **Questions from those who made a relevant representation**

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

Tim Darsley – were glamping pods playing music and were any wedding events taking place when these tests were carried out?

**The glamping site was fully booked with 5 pods and a generator in use. The noise monitoring was carried out from Grange view – no audible noise was heard.**

### **Relevant Representations**

Mrs Watson

The application is not appropriate for this part of Woolley and will lead to disturbance in a quiet rural area.

You can hear residents using the swimming pool, so you would be able to hear noise from the glamping pods. The pods were also missing from photos submitted by the applicant.

Concern was raised about the tests but Mrs Watson confirmed she did not recall any noise on Saturday night from the glamping field.

The photos sent did not show the pods which can be seen from the residential properties. The 24 hour provision is inappropriate and not in keeping with the Woolley Grange Hotel.

The wedding market will attract party goers and late noise. With the camping/glamping young children do not go to bed early.

There will be camping in groups and could be 40 – 50 people gathering for a wedding. People will bring their own alcohol to have a good time.

The application does not indicate the position of tents. 165m from the Grange but it didn't show how close it was to people living in the area.

Mr Darsley

Getting a clear picture of what the hotel was applying for in its application had been vague. That in his view adding a whole new field was not a variation of the licence – the hotel and clamping should be two separate licences.

He raised concerns regarding the lack of time limits for food and drink.

He raised concerns regarding the applicant promoting a lively outdoor setting with music and food, with no limits to members of the public attending. Potentially it could be a new outdoor pub in Bradford on Avon.

### **Sub Committee Members' questions**

The Sub-Committee had no questions for Mr Darley and Mrs Watson.

### **Questions from the Applicant to Mr Darley and Mrs Watson**

Stephen Graham to Mrs Caroline Watson

- 24 hour service of alcohol was not part of the application.
- The construction noise was not the same as hotel/background noise, or normal background music etc.
- That only yourself and Mr Darsley had objected. The 3 other residents of Grange View had not raised any objections
- – ***Caroline Watson – the three other residents of Grange View were older people who were not computer literate and were not aware of the plans of the Woolley Grange hotel.***

### **Closing submissions from those who made relevant representations**

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

- Mrs Caroline Watson – Concerns re the wedding services offered which would not be family orientated
- Mr Tim Darsley – There are lots of reassurances from the applicant but he had not seen any formal amendments to the application.
- That food and drink appeared to be available 24/7 at the hotel.

### **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- Mr Stephen Graham – That the Wooley Grange Hotel was a good business and that its plans would not cause issues to the respondents and neighbours.
- Mr Simon Maguire – That glamping was fully part of our family oriented target market. That the Wooley Grange Hotel respected the concerns of the local residents.

- That the hospitality industry had really struggled during the pandemic and that the hotel was keen to move on.
- That the glamping site would be managed properly to ensure no issues.

### **Points of Clarification Requested by the Sub Committee**

There were no points of clarification requested by the Sub Committee.

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

The Sub Committee asked the Public Protection Officer back at 1220 pm to answer one question regarding the amendment; Were the two people who made representations informed of the amendment to reduce the timings from 24 hours to Monday to Sunday 0900 to 2300

**Ms Batchelor confirmed that they were both informed of the amendment by the applicant before leaving at 12:21 pm.**

The Hearing reconvened at 12:30pm

The Senior Solicitor advised that she gave no significant legal advice to the Sub Committee. The Senior Solicitor confirmed that the Public Protection Officer was required to return answer one question regarding the amendment which was given to the Sub Committee at 1220 pm. There were no further representations by the parties.

### **Decision**

**The Western Area Licensing Sub Committee RESOLVED to increase the licenced area to include the Glamping Field and Outdoor Pool where a Restaurant/Bar will be sited. Monday-Sunday 09:00-23:00hrs**

### **Reasons for Decision**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and representations and oral submissions received from the Applicant and parties who made relevant representations at the hearing.

The Sub Committee also considered the concerns raised at the hearing by Ms Watson and Mr Dursley relating to patrons causing noise and anti-social behaviour whilst drinking outside on the premises. No evidence of complaints regarding the noise of patrons attending the licensed premises was submitted to the Sub Committee and the Sub Committee noted no relevant representations were received from the responsible authorities. However, the majority of the Sub Committee were satisfied there was no evidence before the Sub

Committee that the variation to the licence would either increase the noise or cause anti-social behaviour on the premises. It was further noted by the Sub Committee that no noise complaints had been received by the Responsible Authority - Environmental Health. Several of the concerns raised by the parties were found by the Sub Committee to be outside of the remit of Licensing because they concerned planning matters or a statutory nuisance which were matters for Environmental Health or Planning. The Sub Committee were further satisfied that the parties who had made representations were notified by email of the amendment to the application to reduce the timings from 24 hours to Monday to Sunday 0900 to 2300. The Sub Committee also considered the photographic evidence contained on the Agenda pack.

The Sub Committee further noted that if subsequently, there was evidence of noise nuisance or anti-social behaviour, or similar arising from the use of the premises for the licensable activities with the potential effect of undermining the licensing objectives then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub Committee carefully considered the representations received from local residents. However, it was established law that any decision to refuse the grant of a premises licence had to be evidenced based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted in accordance with the application and the imposition of the conditions referred to above that one or more of the licensing objectives would be undermined.

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

### **Right to Appeal**

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

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

(Duration of meeting: 11.00 am - 12.50 pm)

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## Western Area Licensing Sub Committee

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### DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 6 JULY 2021 VIA MICROSOFT TEAMS IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE – THE PRESTBURY SPORTS BAR, THE CLOSE, WARMINSTER.

#### Present:

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

#### Also Present:

##### Applicant/Applicant's Representatives

Nicholas Pitcher  
Peter Bartley

##### Those who made a Relevant Representation

Trish Morse – Public Protection Officer – Environmental Protection and Control  
Gary Rattray  
Andrew Winter  
Jeff Varker  
Kett McAfee  
Philip Torjussen  
Peter Miles

##### Wiltshire Council

Carla Adkins – Public Protection Officer – Licensing  
Kevin Fielding – Democratic Services Officer  
Sarah Marshall – Senior Solicitor  
Lisa Pullin – Democratic Services Officer

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#### 1 Election of Chairman

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

##### Resolved:

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

#### 2 Apologies for Absence/Substitutions

No apologies were received. There were no substitutions.

#### 3 Procedure for the Meeting

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

#### 4 **Chairman's Announcements**

There were no announcements but there was a short 5-minute delay to commencement of the hearing due to technical issues with the Live Stream.

#### 5 **Declarations of Interest**

There were no interests declared.

#### 6 **Licensing Application**

**Application by Mr Nicholas Pitcher and Mr Peter Bartley for a variation of a Premises Licence in respect of The Prestbury Sports Bar, The Close, Warminster**

##### **Licensing Officer's Submission**

The Sub Committee gave consideration to a report (also circulated with the Agenda) in which determination was sought for an application for variation of a premises licence and which was presented by Carla Adkins (Public Protection Officer – Licensing) for which 16 relevant representations had been received. The application was for the following licensable activities:

- To extend the current licensable area to include the carpark.
- To allow the provision of live music in the carpark on Saturdays, Sundays, and Bank Holiday Mondays between 12:00 and 20:00.

Carla Adkins in her presentation reported the following to the Sub Committee:

- On 6 May 2021, an application for a variation to the existing premises licence was received and accepted as a valid application. Due to a delay by the Applicant in displaying the blue notices outside the premises advertising the application, the consultation period was extended from 3 June to 8 June 2021;
- The premises had benefitted from a premises licence since 21 April 2006 and the current premises licence had been issued on 5 January 2016;
- During the consultation period, 16 relevant representations were received and a petition of 43 signatories were received against the application. Those who had made a relevant representation raised concerns about noise from the music from the car park which could cause a public nuisance;



- During the Covid restrictions, the Applicants had made use of the car park for the consumption of alcohol and amplified live music. The amplified music generated a number of noise complaints to the Public Protection Team from local residents. In response to the complaints the Public Protection Officer explained to the Applicants that the carpark was not covered by the building's premises licence and therefore amplified music was not permitted to take place as the Live Music Act 2012 placed restrictions on amplified live music between 0800 and 2300. After receiving this information the Applicants ceased offering and advertising live amplified music and instead only provided live unamplified music;
- Under the Live Music Act 2012, no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises
  - a performance of amplified live music between 08.00 and 23.00 on any day provided that the audience does not exceed 500 on premises authorised to sell alcohol for consumption on those premises,
- The Public Protection Officer – Environmental Protection and Control had requested that the Live Music Act be disapplied in this case but was advised that this can only be granted at a hearing for a review of a premises licence and not a variation application hearing and an application for a review hearing cannot be submitted within 12 months on the same grounds; and
- The Licensing Officer confirmed that an appeal to the Magistrate's court may be made within 21 days and if an appeal is lodged, the Sub Committee's decision remains valid until it is heard by the Magistrate's court.

It was noted by the Sub Committee that there were 3 options available to them:

1. To grant the variation to the licence as applied for.
2. To grant the application as applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. To refuse the application in whole or in part.

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

**On behalf of the Applicant**

- Mr Nicholas Pitcher
- Mr Peter Bartley

**Responsible Authorities**

- Ms Trish Morse, Environmental Protection and Control, Wiltshire Council

**Relevant Representations in objection to the application**

- Mr Gary Rattray

- Mr Andrew Winter
- Mr Jeff Varker
- Mrs Kett McAfee
- Mr Philip Torjussen
- Mr Peter Miles

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

The Chairman invited the Applicant to introduce their application.

### **Applicant's submission**

Mr Nicholas Pitcher (Applicant) spoke in support of the application, highlighting the following points:

- The use of the car park area of the premises had been encouraged in recent times because of the Covid restrictions and customers had reported that they had enjoyed being able to listen to music and have a drink outside. Tables and chairs were set up in the car park area on occasion outside to facilitate this activity;
- There had been discussions with Trish Morse, Public Protection Officer who gave advice on how the noise levels outside could be reduced – but while it was accepted that it was difficult to reduce the noise level for acoustic music the Applicant would be able to control any amplified music. The intention was that there would be flexibility for music to be played outside on the odd occasion for the customers to enjoy during the summer months; and
- On each occasion, the furniture needed to be taken out and set up and the events did not increase their drinks sales but were enjoyed by their older customers as they liked to be outside in the fresh air and it was not intended for every Friday but to give the applicant flexibility in the summer. The applicant regrets not putting this information on the forms when he made the application, so he didn't get across clearly his intentions.

### **Sub Committee Member's questions**

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

- Concerning a question regarding letting his neighbours know of activities, the Applicant confirmed he planned to publicise any planned events by displaying posters around the premises and in the local area and any such event would only be held on one day over a weekend. The Applicants would inform Mr Varker from the Care Home of any planned events;

- Regarding Temporary Events Notices (TENS), the Applicant was aware he was able to apply for a TEN for an event, but these would not be transferrable in the event of bad weather and they could not decide to change the date from Saturday to Sunday for example to suit the weather;
- The Applicant had attempted to reduce the sound levels by asking a local duo who were playing outside to place their speakers on the ground so that the sound was absorbed by the ground and with recorded music they would be able to control the sound volume levels;
- The Applicant had carried out noise monitoring and had taken a decibel meter outside of the premises and judged that if the sound coming from the premises was taken out by a car passing by this was suitable. The Licensing Officer had advised on the appropriate noise levels and he would now ensure that these were adhered to and they would be ensuring that noise levels in the area would enable patrons to hold a conversation without raising their voices;
- The premises did not attract young clientele and had hosted an 80<sup>th</sup> birthday party. They generally played 60's/70's and 80's music and wished for flexibility in a licence that would allow them to make a decision on a Thursday if the music event would take place inside or outside of the premises that weekend depending on the weather and that way the performers would not miss out on a booking, but just perform in a different area of the premises;

### **Questions from those who made a relevant representation**

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

- Notices of planned events coming up would be displayed although these would be subject to the weather, so that the local residents were aware of these and TV screens may be used outside for large scale sporting events; (*The Licensing Officer confirmed to the Sub Committee that live TV broadcasts were not licensable*)
- If younger people were in attendance at the premises this would likely be because they are part of a family group attending. Children were not allowed on the premises without adult supervision. 18-25-year-old patrons were not encouraged because of the Applicant's experience of them, and they advertised their events via Facebook and the Applicant felt that the younger population were more likely to use Instagram and Twitter;
- There were notices displayed in the premises asking patrons to keep the noise levels down and to respect the neighbours and the Applicant would

remind them of this. The Applicant also asked taxi drivers to drive into the car park area and not stop outside the premises although they continued to park outside the premises. The Applicant stated that Mr Varker from the care home had a contact number to raise any concerns with them and they generally had a good relationship to deal with any concerns raised by Mr Varker;

- In general for a few times a year the car park would be blocked off during an event, but the size of the premises was limited, and they would not be able to host or serve up to 500 patrons. They intended to continue with table service inside and out as this was preferred by customers and that would restrict the numbers they could accommodate. The Applicant stated that he would be happy for a number restriction placed on the licence so that it did not go up to 500 patrons;
- The Applicant confirmed that the premises' demographic was for 50+ year olds although some patrons were in their 40's. The music being played at the premises was not current (up to 1980's) and did not generally attract younger patrons;
- The Applicant monitored noise levels during events and if they had received a phone call/complaint they would reduce it again and then go and check the level outside again. The customers were just happy to be able to enjoy the music outside;
- The Applicant confirmed conversation could take place if loud bands were performing. If a complaint was received the sound level would not only be reduced but the Applicant's staff would be on site to check noise levels and would go outside and if the music could be heard above a car passing, they would reduce the volume levels;
- There may be changes to planned events because of the weather and this may not mean sufficient notice for local residents to make their own plans, but the Applicant offered to email out a list of planned events for local residents so that they were aware of them;
- Any live music would not exceed 3 hours (Applicant indicated that he was happy for this to be included as part of any licence granted) and would be between 2pm and 5pm or 5pm and 8pm; and
- The Applicant confirmed there are two smoking areas used at the back and front so the noise level of people smoking or talking was spread out.

### **Responsible Authorities' submissions**

Ms Trish Morse – Public Protection Officer – on behalf of the Environmental Control and Protection Team who had made a relevant representation highlighted the following:

- That she had visited the premises on 19 May 2021 to discuss the application with the Applicant and at had raised concerns about noise disturbance to local residents. It had been brought to her attention that there had been previous noise complaints when music had been played from the car park location and she felt that if the outside space was to be routinely used for amplified music this would cause noise disturbance to local residents;
- The Applicants had stated that they planned for the amplified live music to be played between the hours of 2pm and 5pm occasionally on selected dates through the year and said there was support from local residents. The Applicants had stated during discussions that the music was planned to be at a level where patrons would not have to shout to hear each other speaking;
- On this basis the Public Protection Officer had recommended that if the application were to be granted that the Live Music Act 2012 should be disapplied for the outside space (to control the timings of live music) and that there should be a number of conditions being attached the licence to include a cap of up to 6 events per year, music only taking place between 2pm and 5pm and that the outside space be managed strictly in accordance with a submitted and approved Noise Management Plan;
- Following the deadline for representations the Public Protection Officer was then advised that the Live Music Act could not be disapplied by a Sub Committee at a variation hearing and the Licensing Authority would be unable to place conditions on the Premises Licence and the 2012 Act could only be disapplied at a licensing review hearing; and
- The Public Protection Officer's view now was that the Environmental Control and Protection Team would object to the application as they considered the car park was not a suitable location due to sound reflecting around the courtyard area and if there were to be frequent music events then the service would be very likely to receive noise complaints from residents who were being disturbed by the noise at those events.

### **Sub Committee Members' questions**

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

- It was likely that if the variation to the licence was granted that there would be a series of complaints from local residents, and this would be more work for the Enforcement Team at Wiltshire Council; and
- If the variation to the licence was to be granted it was likely to cause significant harm and a statutory noise nuisance.

## **Submissions from those who made relevant representations**

### Submission from Mr Gary Rattray

- Mr Rattray informed the Sub Committee that he objected to the variation application. There had been disturbances arising from the music and when the football was shown shouting occurred. The car park was covered in broken glass. He spoke to the Applicant about this, but it appears nothing was done.

A Sub Committee Member highlighted that the variation application was for live music and felt that Mr Rattray's comments were not relevant and that the complaints should be addressed through a different medium.

In response to Mr Rattray's submission, the Applicant expressed his disappointment that the representations made by those that were in support of the application had not been published/shared with the Sub Committee. The Applicant had spoken to the two nearest residents to the premise's car park, and they had stated that they had not been disturbed by the music playing in the car park and another that they had not heard the music when it was really loud and since that time the volume had been reduced further.

The Chairman reported that the hearing would be conducted fairly, and the Sub Committee members would consider all representations and reassured all present that the decision would be based on the evidence before them. It was confirmed that the Sub Committee had not seen the letters in support of the application as they did not relate to the promotion of one or more of the Licensing Objectives and therefore could not be accepted as relevant representations on that basis.

### Submission from Mr Andrew Winter

- The car park of the premises could be seen from his living room windows and previously when amplified music was being played it was of a level where he was not able to concentrate in his home; He had heard a cacophony of bands including contemporary music, not just music from the 1980's. He informed the Sub Committee that he had been forced to close every window shutter in his house due to volume of music and he was unable to hear conversations; and
- The foul language used by patrons had meant that they felt they were unable to entertain guests in the Chantry garden. There had also been instances of men urinating in the vicinity of their herb garden and there had been broken bottles strewn around the route they used to come in and out of their home.

The Applicant responded that he knew of another resident who was saying different things of their experience in the same place as Mr Winter.

### Submission from Mr Jeff Varker

- The residents of Kyngeston Court (care home) had so far tolerated the infrequent music events but there had been concerns had been raised which Mr Varker had not raised with the Applicant. The views of the Public Protection Officer – Environmental Protection and Control had encapsulated their views about the application.

The Applicant wished to reassure Mr Varker that the music events would be a rare occasion.

#### Submission from Mrs Kett McAfee

- A petition objecting to the licence variation on the grounds of preventing a public nuisance had been signed by 43 residents and Mrs McAfee was also representing those residents;
- They ( Mr and Mrs McAfee) made a complaint following the disruptions from the premises over the weekend of 17/18 April 2021. They had not made a complaint before as they wished to support the Applicant and the business during the difficult times with the Covid restrictions but due to the noise level they were unable to hold a phone conversation in their garden and the thought of this this continuing throughout the summer was too much;
- Mr and Mrs McAfee live in direct proximity to the alleyway by the car park and had been affected by the noise from the premises and by taxis arriving and leaving;
- Mrs McAfee represented the 43 petitioners who live with hearing distance of the premises and would be directly impacted by the proposed variation and she stated that she had not spoken to any residents that were in support of the outside licence. There had been overall no communications from the Applicant;
- Mr and Mrs McAfee's concern were not just the potential music events, but the possible screening of sports events which could occur at numerous times over the year, and this would not become just a short-lived solution and that it would change the demographic of the bar and the age group they might attract;
- With the lifting of Covid restrictions there could be up to 500 people and the noise level of people watching live sport would bounce off the walls and create a disturbance. Mrs McAfee felt that the Applicant standing in the street with a decibel reader was not a good representation of the noise heard in their house which was worse upstairs in their property and that this was not a viable mitigation;

- A number of the those who signed the petition were not able to simply leave their homes if they could not cope with the noise – the residents of Kyngeston Court were aged between 50 and 100; and
- Mr and Mrs McAfee's did not support the variation application and urged the Sub Committee to consider what it felt was fair and reasonable and justified on the evidence presented.

The Applicant stated that he had ticked the box for standard hours 1200 to 2000 because at times he likes to vary the hours for live music.

#### Submission from Mr Philip Torjussen

- Mr Torjussen endorsed the views submitted by Mrs McAfee and reported that whilst he did not live in very close proximity to the premises and he could talk to his family sitting next to him, but that he had found it extremely irritating having the background noise from the premises. After working hard it was fair and reasonable for residents to be able to enjoy their outside space and relax;
- If the variation was to be granted, he felt there would be many noise complaints and he felt that as rate payers they would rather the money be better spent rather than having to respond to noise complaints; and
- The music that had been heard previously was not just suitable for 70/80-year-olds. It had been loud and extremely unpleasant on a weekend afternoon and the residents should not have to put up with the disturbance.

The Sub Committee informed Mr Torjussen that they are only permitted to look at the evidence before the Sub Committee, they cannot consider what may or may not have occurred.

#### Submission from Mr Peter Miles

- Mr Miles agreed with previous submission and that his time to relax was mid-afternoon with a siesta and that with the music being proposed to be played between 2pm and 5pm this would not allow people to be able to rest during the afternoon.

#### **Closing submissions from those who made relevant representations**

Mr Gary Rattray, Mr Andrew Winter, Mr Jeff Varker, Mrs Kett McAfee, Mr Philip Torjussen and Mr Peter Miles who had made a relevant representation did not wish to make any closing submissions.

#### **Closing submissions from Responsible Authorities**

Ms Trish Morse (Public Protection Officer) on behalf of from Environmental Protection and Control team did not wish to make any closing submissions.

#### **Applicant's closing submission**



In his closing submission, Mr Nicholas Pitcher (Applicant) highlighted the following:

- He takes on board what we have heard from residents today and apologises for the lack of communication of the intentions of the premises to residents. It had seemed that the events were going well as they had not received any complaints;
- Going forward any music events would not be as loud as they had been previously and the nearest neighbours in The Portway had said they had not been disturbed;
- The premises were in a town centre location and there was a demand for music as people wanted to be able to enjoy themselves in their free time and they were trying to provide this for their customers. The provision was not about making money for them but to provide the opportunity for entertainment to their patrons;
- The views shared at the hearing had been a bit one sided today as the details of those in support of the application had not been shared and the Applicants both had full time jobs and they were just trying to ensure that the premises were cost effective and provide employment and a service to the town. They can still go inside but have lost the flexibility and he does not want to change the hours;
- The planned outside music events would be for up to 3 hours and would be at a quieter level. There was a difference between acoustic and amplified music, but they would be able to control amplified music much more than acoustic as you were not able to turn down the volume of the Band performing; and
- The Applicant would be open to idea to make this more acceptable to residents and suggested a committee or group be set up to discuss any plans and to go through what could be done in the future.

The Chair thanked the Applicant for his submission said that the Applicant's offer of a resident's group was outside the remit of the Sub Committee, but this point be taken up by Officers.

### **Points of Clarification Requested by the Sub Committee**

A Sub Committee Member wished to comment on the suggestion that the hearing was unfair because the letters of support had not been included and confirmed that Members were bound by law as to what could be considered by the Sub Committee and as the letters were not accepted as a relevant representation they could not be shared.

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

The Hearing reconvened at 12:20.

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

- Brief advice was given to the Sub Committee in relation to the Licensing Act 2003 and the promotion of Licensing Objectives and that the Sub Committee members were not able to consider any planning matters.

**Resolved that:**

**The Western Area Licensing Sub Committee RESOLVED to REFUSE the application for a Variation to the Premises Licence which sought to extend the current licensable area to include the car park of the premises and to allow the provision of live music in the car park on Saturdays, Sundays, and Bank Holiday Mondays between 12:00 and 20:00.**

**Reasons for Decision**

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from the parties and the oral submissions received from Mr Nicholas Pitcher, Ms Trish Morse, Mr Gary Rattray, Mr Andrew Winter, Mr Jeff Varker, Mrs Kett McAfee, Mr Philip Torjussen and Mr Peter Miles at the hearing.

The Sub Committee considered the representations made by the Applicant regarding the merits of his application, namely that the local residents would be made aware of planned outdoor events by way of posters displayed in the vicinity of the premises, that these events would be limited in number and that the live music would not extend beyond a 3-hour time period. The Applicant proposed to take measures to limit the volume of the amplified live music by checking the areas around the premises to check the volume was at a level where a normal conversation could be had between patrons.

However, the Sub Committee were not satisfied that the evidence they heard from the Applicant demonstrated that the Applicant would be able to satisfactorily mitigate any noise nuisance arising from amplified music which would cause disturbance to local residents. The Sub Committee concluded that the Applicant was not able to promote the Licensing Objective of the prevention of public nuisance.

In particular, the Sub Committee gave weight to the following matters below:

- That there were strong concerns expressed from the Public Protection Officer that the car park was not a suitable location for live music with sound reflecting around the courtyard area and if there were to be

frequent music events then it was likely that there would be noise complaints from residents.

- Local residents had reported that they had been disturbed by the music on previous occasions whilst on their own premises.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

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

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence except for the most compelling circumstances.

(Duration of meeting: 10.30 am - 12.25 pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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

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**Wiltshire Council**

**Licensing Committee**

**13 September 2021**

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## **Statement of Gambling Principles**

### **Summary**

This report describes the consultation results following the public consultation of the revised Statement of Gambling Principles and highlights the amendments that have been made to the document.

### **Proposal(s)**

#### **It is recommended:**

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the Statement of Gambling Principles (final version) in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 19 October 2021.

### **Reason for Proposal**

The Council must review its Statement of Gambling Principles every three years. The Statement of Gambling Principles is due for review and must be consulted on and ratified by Full Council prior to it coming into force. Following acceptance of the amendments made by this Licensing Committee, a final version of the Statement of Gambling Principles will be required to be submitted to Full Council on 19 October 2021.

Jessica Gibbons  
Director Communities and Neighbourhoods

## **Statement of Gambling Principles**

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### **Purpose of Report**

1. To ask the Licensing Committee to note the consultation undertaken and amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005).
2. That the Licensing Committee commends the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 19 October 2021.

### **Relevance to the Council's Business Plan**

3. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

"People are as protected from harm as possible and feel safe".

### **Main Considerations for the Council**

4. It is a statutory requirement that the Statement of Gambling Principles must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

### **Background**

5. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities in relation to the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:

- 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,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within this Act.

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following guidance from the Gambling Commission.

6. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and is the subject of a consultation process.
7. Due to the nature of the amendments proposed and time constraints, the Licensing Manager sought support by way of a meeting with the Chair and Vice chair of the Licensing Committee, to carry out the consultation of the revised Statement of Gambling Principles.
8. This report advises Members of the consultation that has taken place and outlines the comments received. No further amendments have been made to the Council's revised Statement of Gambling Principles from those proposed and consulted on.

## **Consultation**

9. Consultation period: 12<sup>th</sup> July – 22 August 2021

- 9.1 List of Consultees included: -

- The Gambling Commission
- Wiltshire Police
- Wiltshire Fire Service
- Local Planning Authority
- Environmental Health
- Public Health
- Children and Family Services
- HM Revenue and Customs
- Gamcare
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All licensed gambling premises in Wiltshire
- Town and Parish Councils
- All Wiltshire Council Members.

- 9.2 All statutory consultees have received a link to the full copy of the draft Statement of Gambling Principles. Further, all relevant premises and specific bodies requesting information have been advised of the revised Statement of Gambling Principles and its availability. Finally, a copy of the revised Statement of Gambling Principles was also available on Wiltshire Council's Website.

- 9.3 The Statement of Gambling Principles is a document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises. The revised Statement of Gambling Principles has been based on the requirements of the Gambling Act 2005 and amendments made are limited to update of information and change of an

address as detailed below:

**Page 5, Introduction** - update to the current number and make up of the Gambling Premises in Wiltshire.

*“There are currently 38 Licensed Gambling Premises in Wiltshire comprising of: five Adult Gaming Centres, 29 Betting Shops, a Bingo Hall, and Salisbury Racecourse. There are also two Unlicensed Family Entertainment Centres and a number of premises who hold Permits for Gaming Machines”.*

**Appendix D** - addition of the sentence *'These figures are correct as of 2018, up to date figures will be provided, when a local area profile is requested'* under the Wiltshire Area Profile.

**Appendix E** - updated address for Gamcare.

9.4 There are no changes required as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

9.5 Responses were received during the consultation period, from Amesbury, Melksham and Westbury Town Councils. All in support of the Statement of Principles, two stating other concerns about Gambling in Wiltshire however these do not impact upon the consultation for the statement. These are attached as Appendix 1, 2 and 3 respectively.

### **Safeguarding Implications**

10. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Children's Services Department has been designated as the 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**

11. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

### **Environmental and Climate Change Considerations**

12. There is minimal environmental impact of these proposals.

### **Equalities Impact of the Proposal**

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

### **Risk Assessment**

14. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.



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

15. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

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

16. There are no particular risks identified from any of the proposals.

## **Financial Implications**

17. There are no additional financial implications of the proposals contained within this report.

## **Legal Implications**

18. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. When preparing its Statement of Gambling Principles, the Council is required to consult the Police, Persons representing gambling businesses and Persons representing the interests of the people likely to be affected by Gambling. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles must be approved by Full Council.
19. The Licensing Authority is a high-profile regulatory service important for protecting the public but also for ensuring the balance between development of the leisure industry and economic viability and the protection of communication. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

## **Conclusions**

20. The adoption of a revised Statement of Gambling Principles by 1 January 2022 is a statutory requirement.

## **Proposal**

21. To ask Members to note the consultation undertaken and amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005).
22. That the Licensing Committee commends the Statement of Gambling Principles, as attached at Appendix 2 to this report, in relation to the Gambling Act 2005 to the Council for approval at its meeting on 19 October 2021.

## Reason for Proposal

23. The Wiltshire Council's Statement of Gambling Policy must be reviewed every three years and be the subject of a consultation process.

Jessica Gibbons  
Director Communities and Neighbourhoods

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Report Author: Linda Holland

Licensing Manager – Public Protection  
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01249 706410

1 September 2021

## Background Papers

- Gambling Act 2005
- Gambling Commission Guidance to Local Authorities
- Gambling Commission's Licence conditions and Codes of Practice
- Wiltshire Council's Current Gambling Statement of Principles

## Appendices

1. Response received from Amesbury Town Council
  2. Response received from Melksham Town Council
  3. Response received from Westbury Town Council
  4. Wiltshire Council Statement of Gambling Principles 2022 - 2025
-

## **Appendix 1 – Response from Amesbury Town Council**

Good morning

To confirm, at its meeting on 6 August 2021, Amesbury Town Council resolved its agreement of the proposed principles.

Best wishes

Wendy Bown

Town Clerk

Amesbury Town Council

Wendy Bown

**Town Clerk**

[townclerk@amesburytowncouncil.gov.uk](mailto:townclerk@amesburytowncouncil.gov.uk)

01980622999

### **Amesbury Town Council**

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Tel: 01980 622999

Web: <http://www.amesburytowncouncil.gov.uk>

Email: [townclerk@amesburytowncouncil.gov.uk](mailto:townclerk@amesburytowncouncil.gov.uk)

## Appendix 2 – Response from Melksham Town Council

Good afternoon

Melksham Town Council's Economic Development and Planning Committee have considered the draft Gambling Statement of Licensing Principles document and have agreed the following consultation response:

Members wish to support the proposed two changes and one addition to the policy, the subject of the consultation.

In addition, Members posed the following queries to be submitted as part of the consultation response:

- i. Is there currently a limit to the number of permits which could be issued in a particular conurbation, and if not, could this be considered?
- ii. Could increasing numbers of reasonable steps be taken to safeguard gambling participants in non-remote gambling?
- iii. Signage to safeguard participants outside licensed gambling premises is acknowledged but could such signage be more prominent and numerous inside the premises?
- iv. Could greater use of local gambling support agencies be made?
- v. Could a Pubwatch-type network of licensed gambling premises be established in a locality to encourage proprietors to engage with each other in order to maximise the safeguarding protection of participants?

Kind regards, David

David McKnight B.Sc. (Hons), MCIPR, FCMI

Economic Development Manager

07759 284 266



### **Appendix 3 – Response from Westbury Town Council**

Good afternoon

Please see below our comments for the Gambling Act consultation –

#### **Consultation for the Gambling Act 2005**

Following our Policy & Resources meeting yesterday, Monday 2<sup>nd</sup> August 2021, Westbury Town Council committee members would like to make the following comments –

- Councillors are more concerned with the threat of on-line gambling and of advertising through sports, especially football.
- Westbury Town Council would support more ‘spot checks’ and/or visits, which would include age checks.
- Licenses should be only be given after a full inspection of the premises.

If these comments could be noted accordingly that would be most appreciated.

Many thanks

Kind Regards



**Sarah Barker –**

**Civic & Committee Administrator**

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Mayor's Nominated Charity 2021-2022

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# Wiltshire Council

## Gambling Act 2005

### Statement of Principles

2022 - 2024

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## 1.0 Introduction

Wiltshire is a predominantly rural county with a population of approximately 483,100, situated in the Southwest of England. Wiltshire council is made up of 18 area boards and has 98 Elected Officials.

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.

Wiltshire is a county with 44% of it being made up of areas of outstanding beauty. 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 festivals.

There are currently 38 Licensed Gambling Premises in Wiltshire comprising of: five Adult Gaming Centres, 29 Betting Shops, a Bingo Hall, and Salisbury Racecourse. There are also two Unlicensed Family Entertainment Centres and a number of premises who hold Permits 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.

It should be noted that it falls to the Gambling Commission to licence remote gambling, via operating licences.

When carrying out its responsibilities in relation to the Gambling Act 2005, this 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 on the communities of Wiltshire and will seek to maintain safe environments for the communities of Wiltshire. We will work closely with Partner Agencies, 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

This 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 July and August by way of direct communication to those identified and also via publication

on Wiltshire Council's website. A list of those consulted is available from this Licensing Authority on request.

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 Wiltshire 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 were received; and when representations were received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place.

Wiltshire Council 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 from the same area as the application will not be able to sit on that Licensing Sub-Committee for that hearing.

For the full table of Delegated Powers see Appendix A.

### 2.4 Exchange of Information

Wiltshire Council 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, this Licensing Authority will work closely with 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, Wiltshire Council Licensing Authority declares that it has considered 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

This Licensing Authority will have regard to the licensing objectives as set out in the Gambling Act 2005 when exercising our 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 this 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 this 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 this 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 this 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, this 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 this 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.

This 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 this Licensing Authority will adopt a different role.

If this Licensing Authority suspected that a gambling activity in Wiltshire was/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 this 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 gamble more 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 due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This 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 Operators 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, this 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

Wiltshire Council 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

All Gambling Operators were required to complete a local area risk assessment for their premises from April 2016. Under the Gambling Commission's Social Responsibility Code, Gambling Operators will need to take into consideration of the likely harm their premises could have to the local community. They will need to consider that in relation to the licensing objectives.

See Appendix C for guidance on this Licensing Authorities 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 this 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. This Licensing Authority may also request a review of a risk assessment if it is felt necessary.

This Licensing Authority will not request an up to date risk assessment each time it is reviewed by the operator however it would considered it best practice if the operator shared 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 these. If completed diligently and comprehensively, this will assist both the premises and this Licensing Authority by reducing the concerns that we may have with a premises.

### 4.2 New/Variation of a Premises Licence

When a New or a Variation of a Premises Licence application is submitted a local area risk assessment must be provided with the application.

### 4.3 Significant changes in local circumstances

Changes occur in the local area regularly, this 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.
- An application for a premises licence under the Licensing Act 2003 to increase the activities at a premises for example a licence for the sale of alcohol or adult entertainment at the premises.
- A difference in the gambling facilities that are available at a premises;
  - Increase or decrease in self-service machines,
  - The use of hand held 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 the makeup of 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, this Licensing Authority considers it important that these risks are looked at on an individual premises basis.

The list below shows some examples that this 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 actually 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 this 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. This 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.

This Licensing Authority would request that a Gambling Operator ensures 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 would be expected by this 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

This Licensing Authority would wish 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 New or Variation Premises Licence Applications 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

Wiltshire Council Licensing Authority can provide a profile of the local area to a Gambling Operator upon written request within 28 days.

The profile will include a map of the area with key features in the immediate vicinity will be marked out, for example; hospitals, GP surgeries, schools and higher education buildings, supported accommodation, food banks, job centres and pawn brokers. Any concerns that this Authority has in an area will be clearly stated and the level of risk each possess will be shared with the Gambling Operator.

An example of this can be found as Appendix D.



## 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 this 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.

This 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, this 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 this Licensing Authority will pay particular attention to entry points and how an operator will control these entry points 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 this Authority to accept an application for betting premises, the operator must already hold the appropriate operating licence with the Gambling Commission.

This 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 to this Licencing Authority.

#### 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.

This 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 into 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, this 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;
- access to the area where the machines are located is supervised at all times;
- 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

This 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 this 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; Licenced and Unlicensed. Unlicensed Family Entertainment Centres are covered by a permit (See 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 this 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 permit 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.

This 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 this 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.

This 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.

This 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 this 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 Operators Licence. However track owners holding both a Track Premises Licence and a 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.

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. This 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.

Licensing Authorities 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

Licensing Authorities 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 2 gaming machines, then it needs to apply for a permit. This 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.” This 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.

This Licensing Authority has the 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, this 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 code of practice issued by the Gambling Commission about the location and operation of the machine.

The application does not require notification to the Gambling Commission or police before determination, however, this 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 this 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 granted, the Licensing Authority will issue the permit as soon as possible after that.

When an application is going to be refused the applicant will be notified as soon as possible, setting out the reasons for refusal. This 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.

This Licensing Authority is 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 this 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 this 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 this 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 this Licensing Authority to transfer the alcohol premises licence, 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, this Licensing Authority will hold a hearing (unless consent has been given to dispense with it).

Licensing Authorities may only grant or refuse a permit, but may not attach any conditions to a permit. This Licensing Authority will inform the applicant, the

Commission and the Police of the outcome of the application and of any objections made.

Licensing authorities may only refuse an application 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 or 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. This 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. This Licensing Authority will only refuse a variation if on consideration of a completely new application it would refuse the permit.

This 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. This 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. This 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, but by agreement, 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 this 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.

This 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.

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, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

This 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.

### 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.

This 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.

This 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 this 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.

This 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) are able to 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, this 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' this 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 this 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 this 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 this Licensing Authority will issue it as soon as reasonably practical.

An application may be refused by this Licensing Authority if the applicant is unable to meet the requirements. If it is the intention of this 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 this 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.

This 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 which require registration with the Licensing Authority.

Small Society Lotteries are Lotteries 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 applicants apply to this Licensing Authority, they will need to inform the Licensing Authority 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 this Licensing Authority.

An application will be refused by this 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 this 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. This Licensing Authority will notify the Society of the reasons for the refusal in writing.

This Licensing Authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

If this 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.

This 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.

## 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 2 gaming machines, of categories C and/or D. The Premises Licence Holder 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.

This 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.

#### 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', this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.



### 9.1.2 Objections to TUNs

This 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, this Licensing Authority will object. Consideration will be taken as to whether the gambling should not take place, or only with modifications.

This 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, this 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 this 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. This Licensing Authority will apply the same principles for issuing a counter notice as when determining premises licence applications.

If this 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 this 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

This 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 this Local Authority.

### 9.2.2 Use (and misuse) of OUNs

Occasional Use Notices are intended to be able to permit licensed Betting Operators, with permission from the Commission, 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. This 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.

This 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.

This 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 this Licensing Authority will accept more than one provisional statement for a premises.

Once a provisional statement has been granted, this 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, this 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 this 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.

This 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'. 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, this Licensing Authority will cancel the permit if the Permit 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

This Licensing Authorities 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, Wiltshire Council Licensing Committee may also consider it fitting 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

This Licensing Authority is minded to take note of the Premises Licence and Provisional Statements Regulation 2007, Section 153 Guidance and the Commissions 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'.

This 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 this 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 this 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 this 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 appeasement.

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.

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 Authority Officer that the representation is not accepted cannot be appealed against.

### 10.8 Responsible Authorities

Responsible Authorities will be notified by this 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
- Wiltshire Council Child Protection
- 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 this Licensing Authority.

Other than these however, this 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

This 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 will also be 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 the premises compliance with the terms and conditions of the Premises Licence.

Licensing Officers are 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 to 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

Wiltshire Council 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 get complaints addressed.

## 11.4 Enforcement

This 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.

This Licensing Authority is guided by the Gambling Commission's Guidance for Local Authorities when it comes to the enforcement action we will take 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 this 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; in accordance with Wiltshire Council's Gambling Statement of Principles and is reasonable consistent with the licensing objectives.

This 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, this Licensing Authority will, having 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 (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	

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Licensing Sub Committee</b>	<b>Officers</b>
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](mailto:publicprotectionnorth@wiltshire.gov.uk)

### **Wiltshire Constabulary Licensing Officer**

Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire  
BA14 7EP

Email: [licensingE@wiltshire.pnn.police.uk](mailto:licensingE@wiltshire.pnn.police.uk)

### **Wiltshire Council Environmental Health**

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [publicprotectionwest@wiltshire.gov.uk](mailto:publicprotectionwest@wiltshire.gov.uk)

### **Wiltshire Council Planning Department**

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [Developmentmanagement@wiltshire.gov.uk](mailto: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](mailto:fire.safety@dwfire.org.uk)

**Wiltshire Council Child Protection**

Support and Safeguarding  
Children's Social Care  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**HM Revenue & Customs**

National Registration Unit  
Betting and Gaming  
Porcullis Head  
21 India Street  
Glasgow  
G2 4PZ

Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

## Appendix C – Local Area Risk Assessment Guidance

### Undertaking a local area risk assessment

This 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.

Whoever is 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, this 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. This Licensing Authority considers it beneficial if it was stated who would be responsible for putting the control measures in place and recording when they have been completed.

If the Operator of the premises has requested a Local Area Profile from this Licensing Authority the contents of the profile should be considered within the assessment.

### 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, this 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 premise 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, this 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. A copy of the risk assessment should then be kept on the premises; this Licensing Authority expects this to be reviewed regularly.

## Appendix D - Local Area Profile

Wiltshire Council's Licensing Authority has produced this document as a guide for gambling operators to use when undertaking and preparing their local area risk assessment. This guide is intended for all gambling premises and hasn't been designed with a specific type of gambling premises in mind.

Wiltshire Council Licensing Authority can provide a profile of a specific area to a gambling operator upon written request within 28 days.

This local area profile will identify key characteristics of Wiltshire in the context of gambling-related harm.

The information provided in this document will help to provide an understanding of the potential risks that may be prevalent to gambling premises in Wiltshire.

Included within the profile is a map identifying hospitals, GP surgeries, schools and higher education buildings, supported accommodation, food banks, job centres and pawn brokers. Also mapped are the locations of all the gambling premises within Wiltshire. Any concerns that this Licensing Authority has in an area will be clearly stated.

### Wiltshire Area Profile

*(These figures are correct as of 2018, up to date figures will be provided, when a local area profile is requested)*

Wiltshire's resident population is 488,400 this figure is gradually increasing. Those aged between 30 to 59 years old make up 40% of Wiltshire's population. The third largest age group within Wiltshire, with 100,000 of our 488,400 residents are those aged over 65. Just less than 1% of the population are aged 90 and over. Those aged 18 or under make up 21.9% of our population.

Wiltshire is mostly an affluent county. The average gross weekly pay for people resident in Wiltshire is £553.10 this is slightly above the South West average of £527 a week and just above the UK average of £552.70 a week.

Wiltshire has relatively low unemployment with only 2.9% of persons aged 16-74 being unemployed, compared with the national average of 4.3%.

Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. Just over half of Wiltshire's population (50.7%) work in job areas that include: managerial positions, Senior Officials and Professionals. This is above the UK average of 45.6%.

We currently have 38 Gambling Premises the majority of these are located in Town Centres.

## Wiltshire Council Risk Factors

### **Risk Factor** – New building developments/conversion

Information will be sought specific to the area requested to ascertain whether any large developments or conversions are being planned that could have an impact on the gambling premises. The increase of residents to an area, or the increase of industrial areas will be stated so that the operator understands the potential clientele it may attract. As this could dramatically change the footfall or the type of customer the premises could receive it is important that this is considered in the local area risk assessment.

### **Risk Factor** – Educational Facilities

Those potentially at risk – Children and Young Persons

These locations will be included as they represent areas where children will be present in larger numbers at certain times of the day, it could also increase the number of adults who have to traverse the area. The operator may wish to consider this in relation to the advertising and frontage of the premises.

It would be expected that the premises considers the risk associated with colleges and other higher educational facilities in relation to under age gambling.

This Licensing Authority will carefully consider the type of premises wishing to be located in an area with educational facilities; the operator will need to mitigate these risks.

It would also be appropriate for operators to take into consideration the location of Children's play parks and other such recreational facilities. The proximity of these areas in relation to the premises needs to be considered similarly as above.

### **Risk Factor** – Healthcare provisions

Those potentially at risk – Vulnerable Persons

GP Surgeries, Hospitals and Mental Health facilities will be mapped due to the potential increase in vulnerable persons who would use these services.

### **Risk Factor** - Location of Job centres, Pawn Brokers, Payday Loan companies and Foodbanks

Those potentially at risk – Unemployed and those with financial difficulties/debt

Job Centres will be accessed by members of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time.

This data locates where those with financial difficulties and debt problems are more likely to be present, visiting places where credit is accessed through less secured means, or places where people are so severely financially constrained they cannot afford to buy food. Although pay day loan shops may be accessed by many

members of the population, these locations may serve to pull vulnerable populations with financial and debt problems into an area by providing them with access to unsecured and easy-access finance.

**Risk Factors:** Location of Hostels and Supported Accommodation

Those potentially at risk – Homeless or those suffering from housing instability

There are a variety of support services for the homeless, ranging from temporary accommodation to more mid to long-term supported accommodation representing broader housing instability.

**Risk Factor –** Those currently with substance misuse issues

Those potentially at risk - People with substance misuse problems

The facilities for those struggling with substance misuse may act as a 'pull' for potentially vulnerable people to certain locations. Turning Point has recently commenced a three year contract with Wiltshire Council to support people in Wiltshire with addiction. They provide outreach facilities to enable as many people access to their services as possible. Therefore in coming months and years there may not be any clinics or centres that would draw those with this vulnerability to any specific area.

There could be other areas that attract numbers of vulnerable people who potentially suffer from substance misuse problems which could make them vulnerable in relation to gambling for example areas that are used by rough sleepers.

Details of support agencies can be found in useful contacts Appendix E.

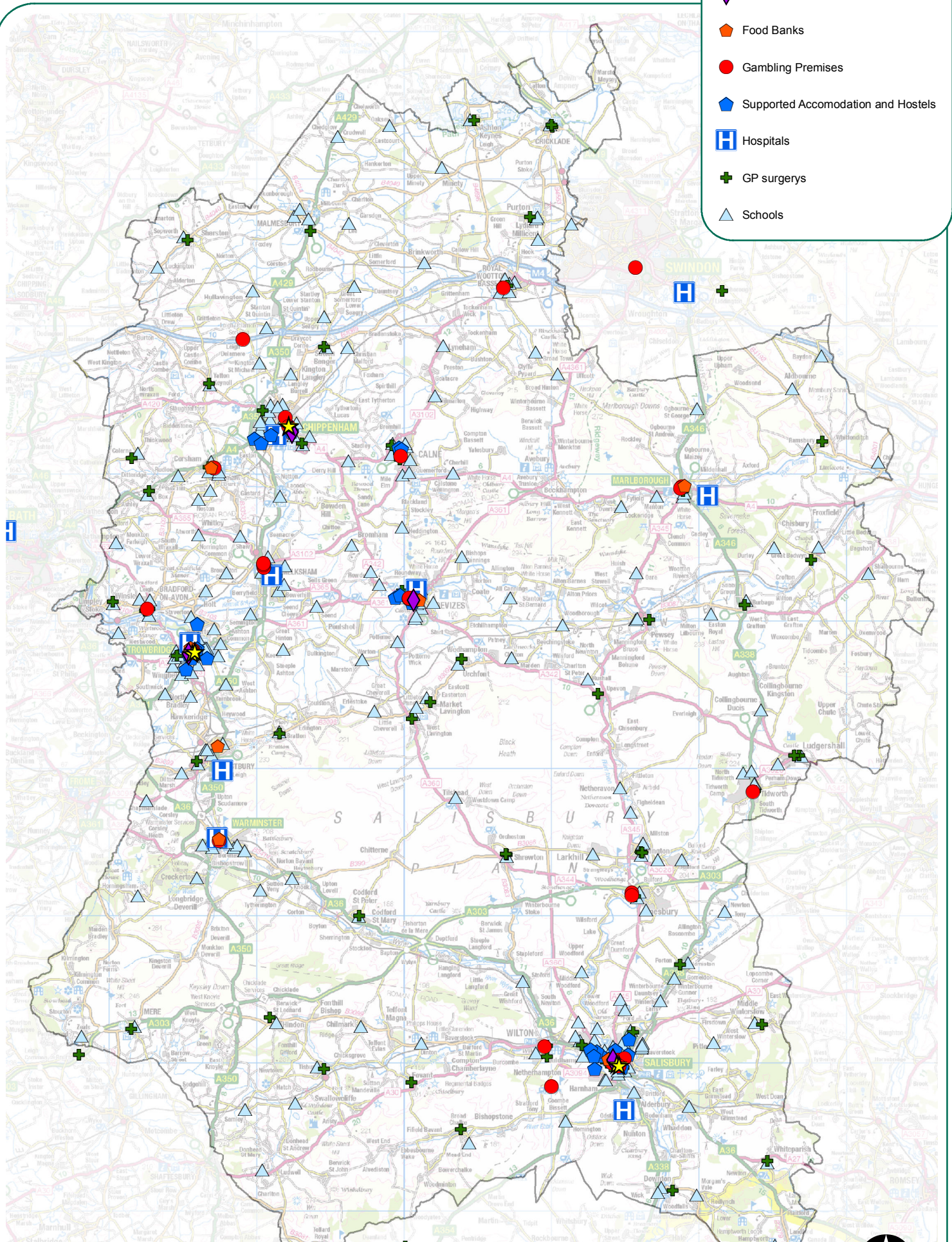
**Risk Factor –** Crime Rates

Crime statistics will be provided upon request to ensure that the figures for the area are up to date.

The map for Wiltshire as a whole is attached to this document and an example of a Town specific map is also attached to this document.

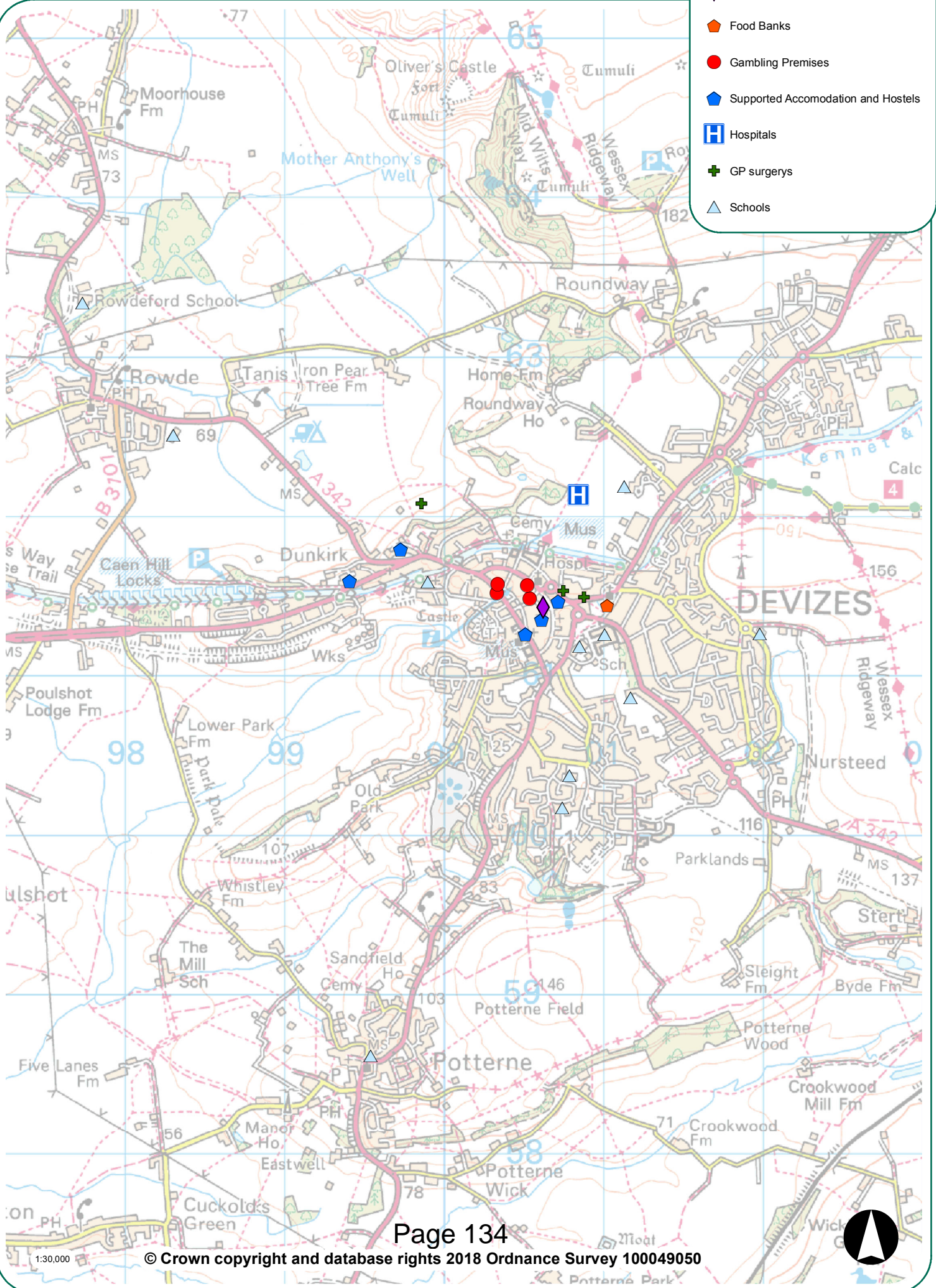
Key Risks

- ★ Pawn Brokers and Payday Loans
- ◆ Job Centres
- 📦 Food Banks
- Gambling Premises
- 🏠 Supported Accommodation and Hostels
- H Hospitals
- ✚ GP surgeries
- △ Schools



**Key Risks**

- ★ Pawn Brokers and Payday Loans
- ◆ Job Centres
- ◼ Food Banks
- Gambling Premises
- ◆ Supported Accomodation and Hostels
- H Hospitals
- + GP surgeries
- △ Schools



## Appendix E - Useful Contacts

### **Gamble Aware**

[www.begambleaware.org](http://www.begambleaware.org)

### **GamCare**

1<sup>st</sup> Floor  
91 – 94 Saffron Hill  
London  
EC1N 8QP

Freephone: 0808 8020 133

Main switchboard: 020 7801 7000

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Website: <http://www.gamcare.org.uk/support-and-counselling/face-face-counselling/find-local-counselling>

### **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](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>

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### Update on the Licensing Service – September 2021

Through the pandemic the licenced sector adapted to the changing restrictions, with a number of premises temporarily closed or operating differently to mitigate the measures imposed on them by the stepped regulations falling from the early part of 2021, with most if not all premises that could open and chose to open operating by the lifting of step four on the 19th of July.

Pubs and nightclubs have been one of the worst affected sub-sectors this is likely a consequence of businesses being closed or disrupted for long stretches at a time. Pubs have been less able to offer a takeaway service when closed and have had partial restrictions, such as earlier closing times and substantial requirements around eating even when open. Nightclubs have remained closed by law since March 2020 until July 2021.

The start of the year again posed a number of significant challenges to the Licensing Team and this has continued in 2021. Workloads have been unsustainably high during many months, and this trend has continued on the full re-opening of the economy. Officers have had the task of understanding all the changes to relay the information to the trade on what they can and can't do; this in turn has been a thought-provoking task and at times unclear and inconsistent with so many changes.

Officers have also carried out visits to premises, particularly ones that may have raised concerns with non-compliance with regulations; these visits continue even as we return to a more business as usual norm as complaints are now being received expressing concern about licensable activities, music events and noise from licensed premises.

#### Partnership Working

Public protection managers are attending a weekly meeting with Police colleagues to ensure we are working collaboratively addressing any relevant Covid concerns and complaints relating to businesses in Wiltshire. These meetings are also being reflexed at a higher level to ensure a cohesive multi-agency response across the county to multi-disciplinary issues.

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

The encouraging outcome from the last 18 months has been the strengthening of partnership working, with agencies supporting each other and heightened awareness of the abilities and boundaries we individually operate within. This means we are working with a common goal to ensure the safety of our communities and to engage and encourage our business to operate in a positive and safe way for their customers.

#### Enforcement

During the past 18 months, Wiltshire Police, and the local authorities have been operating the 4 E's – Engage, Explain, Encourage, Enforce, but as the pandemic has continued, we have moved into the 4<sup>th</sup> E for serious breaches or where previous engagement has taken place.

From March 2020 to July 2021, Public Protection received 1,127 Covid related complaints and 579 enquires across all business types.

## Licensing Applications

New premises applications:	Closed/surrendered licences
2021: 59 (to date)	19 (to date)
2020: 67	20
2019: 53	7

## Operationally

Like most of the population we are still working from home with the very occasional visit into the offices.

The web pages of the licensing service are constantly being updated to reflect the current requirements under the relevant regulations and take note of national and local guidance.

## 2020 Euros

The 2020 UEFA European Championship was a major opportunity to attract customers who wanted to watch live matches in the great atmosphere provided by hospitality venues.

Wiltshire Council Licensing and Wiltshire Police engaged early with licensed premises planning to show the Euro 2020 games, discussing good management practices they needed to consider and have in place to deal with any issues that could have arisen.

The tournament began on 11<sup>th</sup> June and ended on 11<sup>th</sup> July and therefore premises were required to comply with Steps 3 of the Covid regulations following the delayed implementation of step 4 until 19<sup>th</sup> July.

The football passed off with few premises requiring interventions for Covid and licensing compliance issues, Police were operating regular patrols and these focused on identified areas requiring visits.

## Fetes, festivals, and large-scale events

The pandemic has had a significant impact on festivals and events taking place in Wiltshire during the first seven months of this year with numerous events including festivals, local community fetes, sporting, theatre shows, having to be cancelled or re-arranged due to the restrictions under the stepped regulations

The Licensing team and Public Health had been continually overwhelmed with request for information and advice on the ever-changing regulations and guidance documents in relation to events.

As we emerged from the stepped regulations in the middle of July and events could take place with Covid mitigations measures but no restrictions, the number and types of events taking place increased, from music events to wedding receptions, this has also been noted by the increase in the number of temporary licence applications received daily. Although numbers received for August are still down on 2019 by 30% there does seem more confidence from organisers that planned events will attract sufficient members of the public to make them viable.

## 2021 (Date Tens received)

Month	Tens	Late tens		Total
Jan	2	1		3
Feb	8	2		10
March	20	0		20
April	43	7		50
May	64	13		77
June	110	16		126
July	115	42		156
August	112	44		156

## Licensing Sub Committee Hearings

In 2021 to date, six virtual hearings have taken place, in comparison in 2020 when four hearings took place, two of which were virtual hearings. In 2019, seven hearings were required. Thank you to all Members and colleagues who have enable the due legal process to continue during this challenging period.

## Personal Licences

In 2017 changes to the Licensing Act 2003 gave a discretionary power to Licensing Authorities to revoke or suspend a Personal License. Prior to April 2017, only the magistrates' court had the power to revoke or suspend a personal licence where the licence holder had been convicted of a relevant offence.

Licensing Officers are currently consulting on a new process to consider our policy for dealing with personal licence holders who may be convicted of offences, foreign offences, or civil penalties for immigration matters. A summary of a proposed procedure with relevant supporting legislation will shortly be presented to the Committee for consideration. It is proposed to, as far as possible, to follow existing Committee precedent to ensure a straightforward procedure that follows the principles of natural justice.

## Ask Angela Campaign

After the positive engagement by the trade in 2018, Licensing are seeking to relaunch awareness of the 'Ask for Angela' initiative which aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to gain assistance from staff members in order to be separated from the company of someone with whom they feel unsafe due to that person's actions, words, or behaviour.

Pub watches and licensed premises have again indicated their support for this important safety net, and I have asked our communications colleagues to assist with the wider promotion to the public to re inform them of the scheme.



## Animal Licensing

As part of the 2018 Animal regulations, inspectors must be suitably qualified by October 2021 to carry out animal activity inspections; prior to the first lockdown all relevant council licensing officers had attended one of the five-day courses run by The Pet Industry Federation in London. The final requirement being to pass a series of assignments linked to the five welfare needs across the differing premises and species now covered by the regulations. Covid has made this task difficult as the assignments must be linked to physical inspections across the spectrum of premise types, however Licensing is on course to have a number of officers who will have achieved the level 3 certificate by the required date.

During the lockdowns nationally there has been an increase in dog owning with puppies in high demand which has seen a phenomenal increase in the price for certain breeds.

There are currently 25 licensed breeders in Wiltshire.

Animal licensing visits / inspections to both commercial and domestic premises are now being carried out.

One of the interesting premises recently visited was Hope Nature Centre in Southwick nr Trowbridge, where they have continued to improve the premises with new infrastructure, ensuring the welfare of the animals and public are catered for.

The premises currently has an Exhibition of Animals licence under the Animal Welfare Regulations 2018 and extensive work has been carried out for the last couple of years with the APHA (Animal and Plant Health Agency). Following the completed work and a request by the Licensing Authority, the APHA have issued a 14(1)(a) Dispensation Direction under the Zoo Licensing Act 1981, because of the small number of the kinds of animals kept in a Zoo.

## Software Transformation update

The Public Protection Team are currently undertaking a systems transformation to a new software called Tascomi; two Licensing Officers have been delegated to carry out data mapping and configuration for Licensing to ensure that data from the previous system M3 Northgate can be migrated to the new system. As Licensing consists of a large variety of licences and application processes, this task has been very time consuming, challenging, and complicated.

### Latest Team News:

Teresa Issacson has recently returned from maternity leave.

Emma Bachelor recently got married and is now Emma Hyde.

## Licensing Officers

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## Technical Support Officers

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**Linda Holland – Licensing Manager Public Protection**  
**31<sup>st</sup> August 2021**

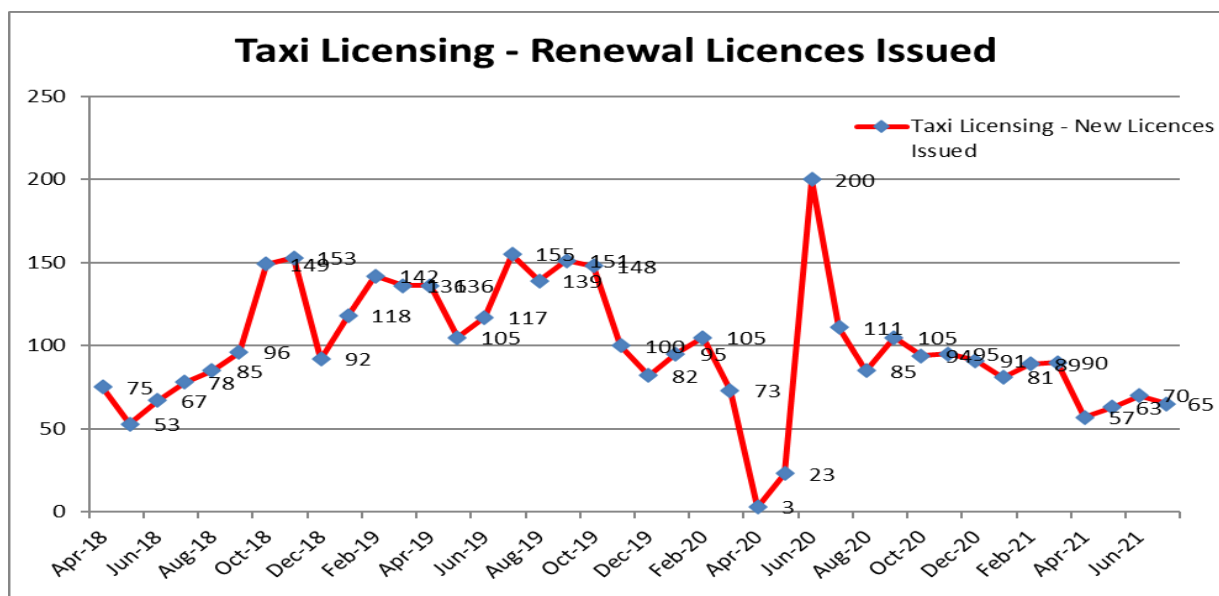
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### Taxi Licensing Update - Licensing Committee – August 2021

#### 1.0 Licensed Drivers

On 19 July 2021 the final stage of the Governments roadmap out of lockdown was implemented, step 4, with additional hospitality businesses being able to open and social distancing measures being reduced. This and other measures have resulted in increased footfall in our high streets, boosting the taxi industry. As a result, drivers are reporting higher levels of business, however the number of licensed drivers fell again in July 2021 making it 12 consecutive months of reducing driver numbers. The fall in drivers and vehicles is being seen at a national level as drivers move into the more stable delivery industry.

New driver and vehicle applications have fallen since the start of the pandemic; however the team are starting to see a recovery in numbers of new applicants but so far this is not sufficient to cover those leaving the industry. As a result the team processed 18 new licence applications and 65 renewals during July 2021 as you can see from the graphs below these volumes are down on those seen historically. It should be noted that the reducing number of licence applicants and holders will reduce the Council's income from taxi licensing in the short term, however the team do expect this to bounce back as part of the wider economic recovery. Taxi Licensing have introduced new processes for driver licence renewal since Covid-19 came to light which allows licences to be renewed remotely, negates the need for the driver to attend the Council office and allows them to provide documents electronically thus making the process far more efficient.



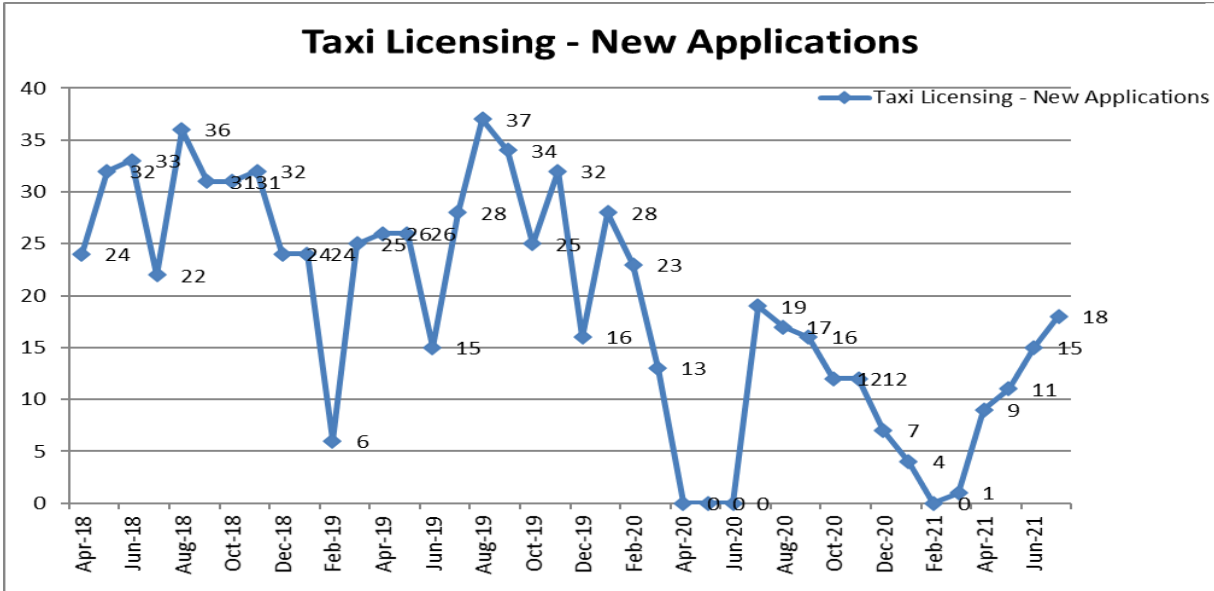


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of July 2021 was 742, a decrease of 3 on the previous month. 154 were licensed in the North area, 85 in the East, 303 in the South and 200 in the West.

Over the year April 2019 to April 2020 the number of hackney carriage drivers fell 44, the number of private hire drivers rose by 12 over the same period, giving an overall fall in driver numbers of 32. However, if we look at the period since the pandemic commenced, we have seen a reduction in hackney carriage drivers of 118 over the period March 2020 to July 2021, representing a fall of 14%, this appears to be in line with the national average, however hackney carriage driver numbers have been falling for twelve consecutive months.

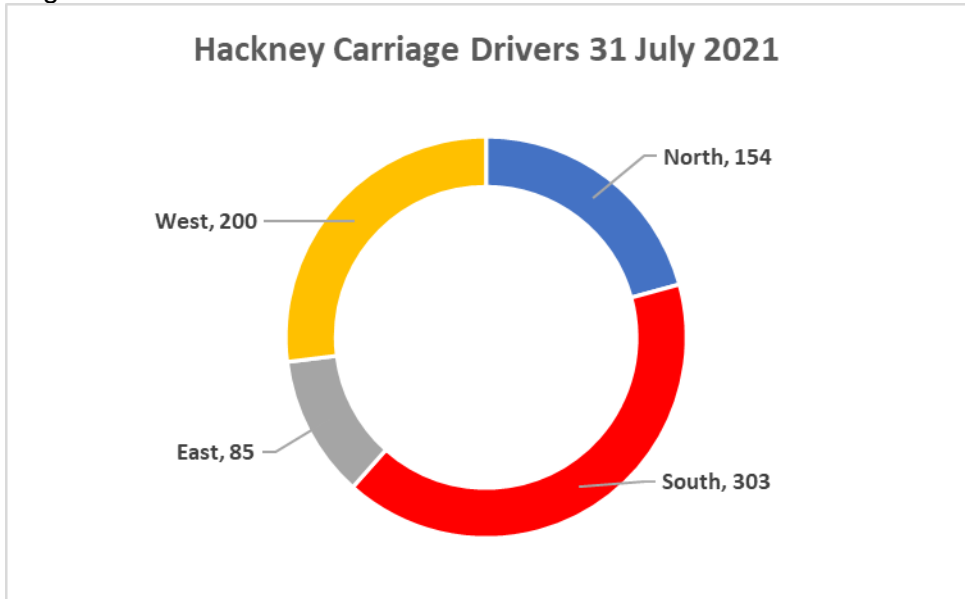
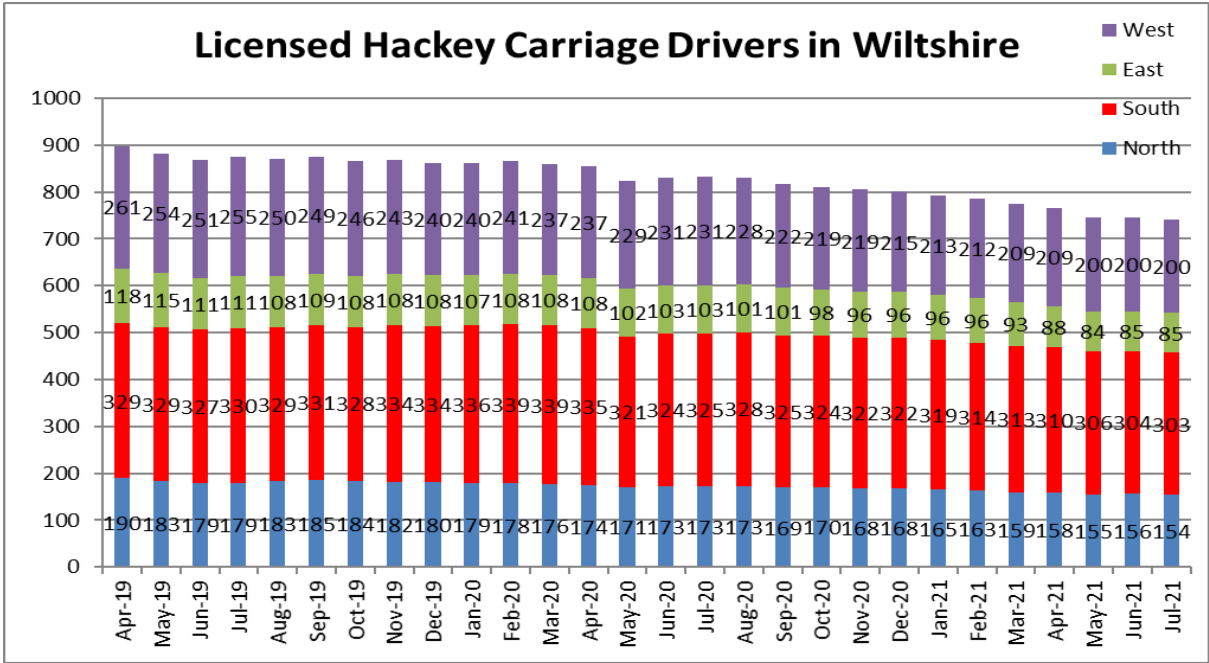


Fig.2



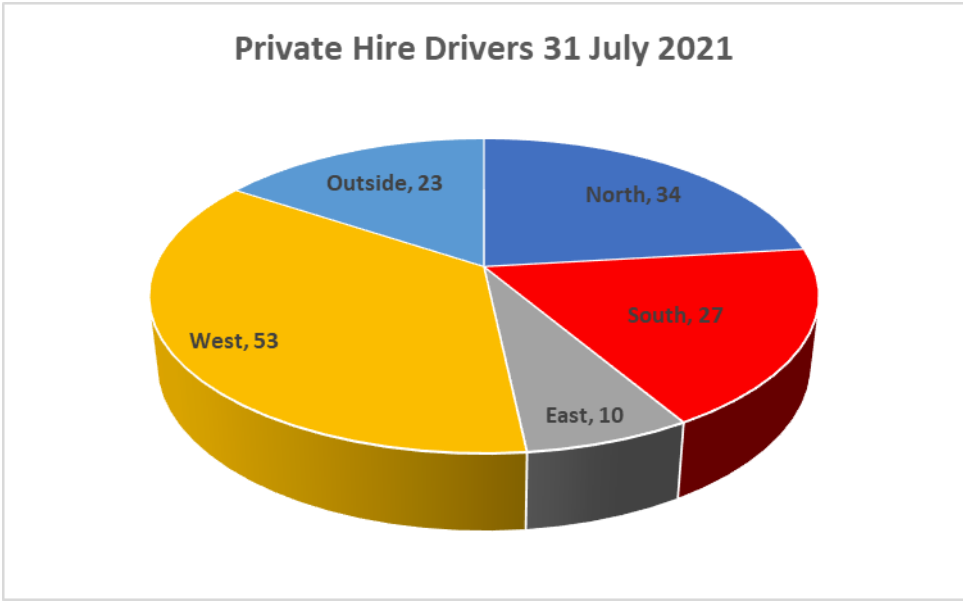
The graph below shows the monthly variation in hackney carriage driver numbers during 2019/20 and 2021/22. During July 2021 numbers fell by 3, numbers in the North fell by 2, the South fell by 1 and the East and West stayed the same when compared to the previous month.

Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 61 in the West, 36 in the North, 33 in the East and 26 in the South. The West is clearly the worst affected area.

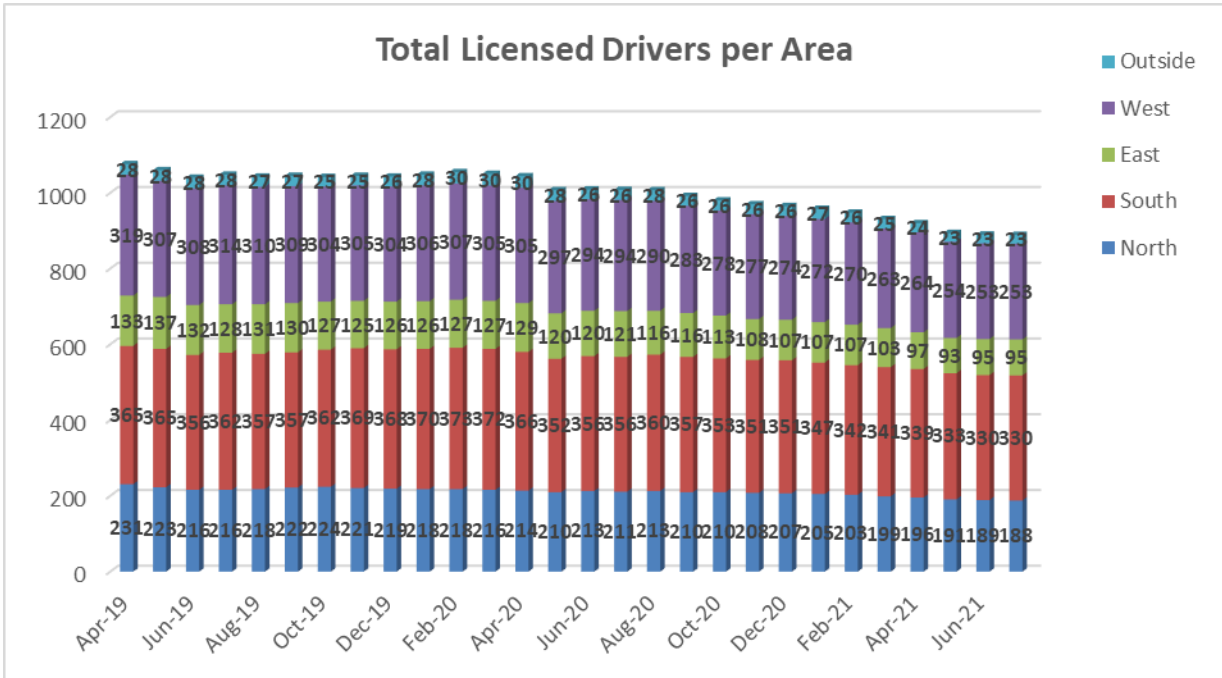


The team also license private hire only drivers, these totalled 147 as at the end of July 2021, an increase of 2 over the month, bringing the total number of drivers licensed to 889, a reduction of 1 over the month.

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



The graph below shows total driver numbers since April 2019.



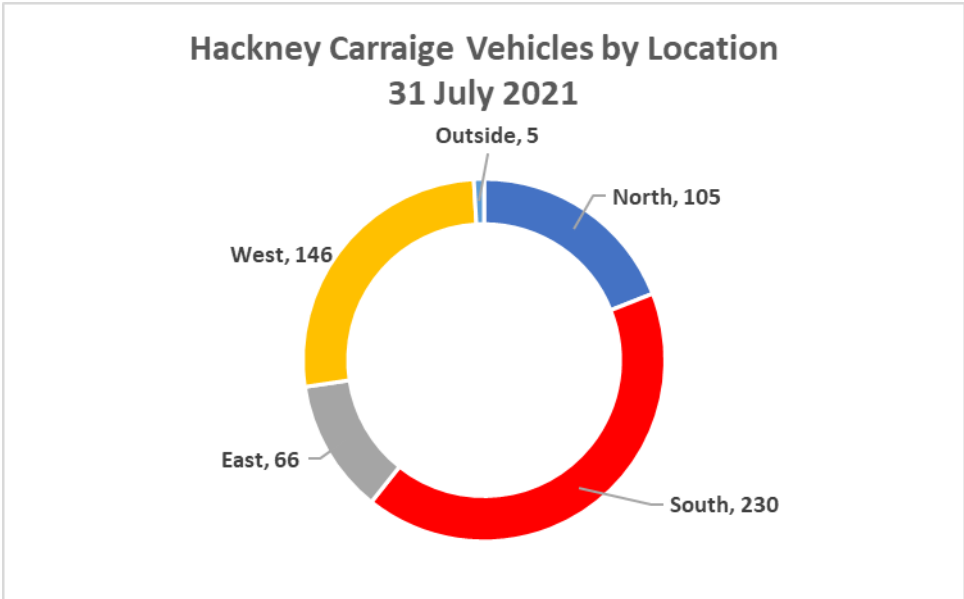
Since April 2019 the number of hackney carriage drivers has fallen by 156 and the number of private hire drivers has fallen by 31, an overall fall of 187 drivers or 17%. However 161 or 86%, of the reduction of 187 drivers has occurred since the first national lockdown in March 2020 as a result of Covid-19. The team are working with the Council’s passenger transport unit as falling numbers of licensed drivers may impact the Council’s ability to fulfill all of its contracts, however the trend in the industry is nationwide and may take time to correct itself.

**2.0 Licensed Vehicles**

At the end of July 2021 the taxi licensing team licensed a total of 768 vehicles, down 9 on the previous month. This is the ninth month in ten that vehicle numbers have fallen. The impact of lockdown and the Covid restrictions has taken effect and vehicle numbers had dropped for 8 consecutive months prior to May 2021, it is hoped numbers are now stabilising. The vehicle split is as follows, 552 hackney carriage vehicles and 216, private hire vehicles, an decrease of 5 hackney carriage vehicles and 4 private hire vehicle over the month when compared to the previous month. Of the 768 vehicles licensed 13.6% or 105 vehicles are wheelchair accessible.

It should be noted that 30% of licensed private hire vehicles are wheelchair accessible compared to 7% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

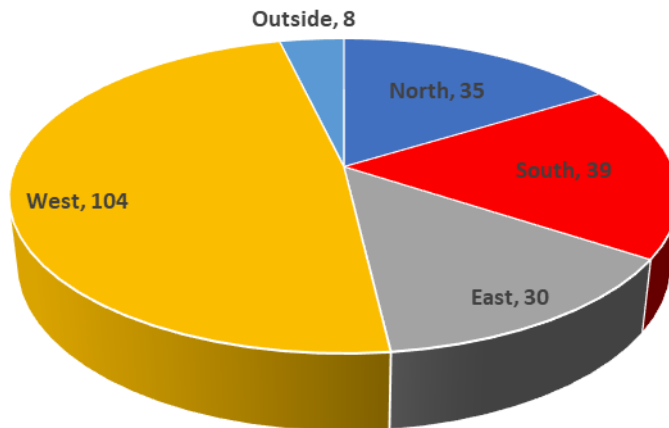
The chart below shows the location split of all hackney carriage vehicles and the area in which they are registered.



The team also license private hire only vehicles, as advised above these totalled 216 as at the end of July 2021.

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

**Private Hire Vehicles by Location 31 July 2021**



Between April 2019 and July 2021 the total number of licensed vehicles, hackney carriages and private hire vehicles decreased by 187. The number has reduced by 161 or 17% since the first Coronavirus lockdown was announced in March 2020, this is in line with national trends but demonstrates the devastating impact that Covid-19 is having on the industry.

### 3.0 Enforcement actions

The team proactively enforces Council policy and legislation in relation to taxis, ensuring we have a visible presence on the ranks. This has resulted in more enforcement and more penalty points and formal notices issued. The team issued penalty points on 24 occasions during March 2021, the highest monthly total ever recorded. The enforcement officers also undertook drive by inspections and rank visits within our towns to identify potential issues.

Penalty points were issued 7 times during July 2021, to 5 drivers and 2 vehicles. The vehicles were issued penalty points for having no road tax.

The drivers were issued points for the following reasons;

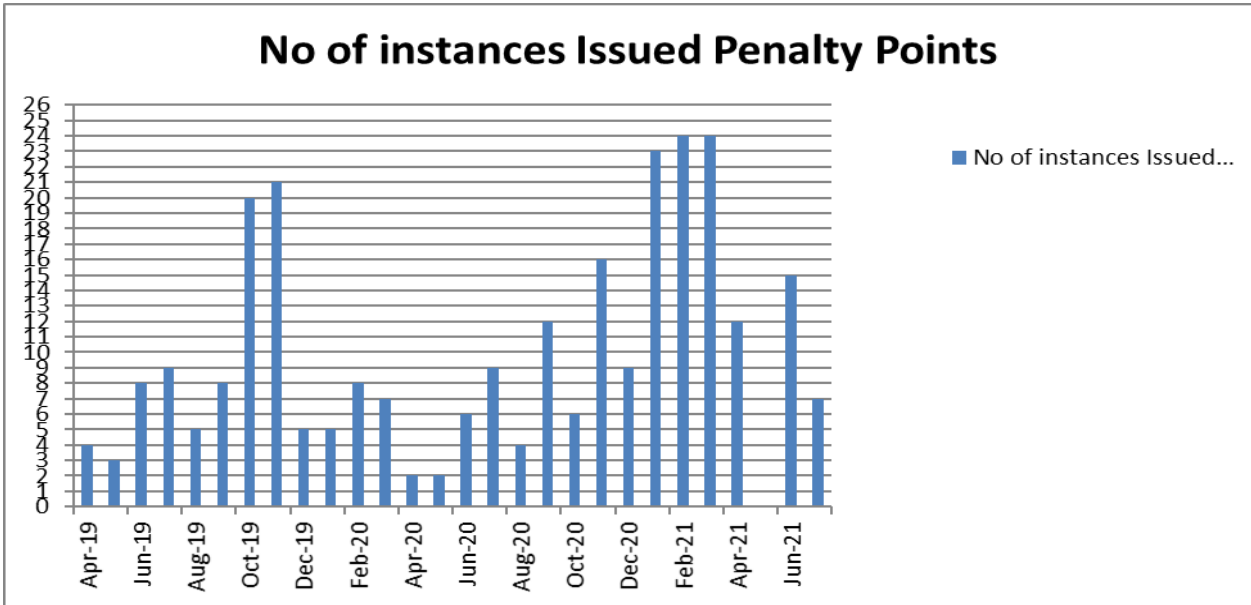
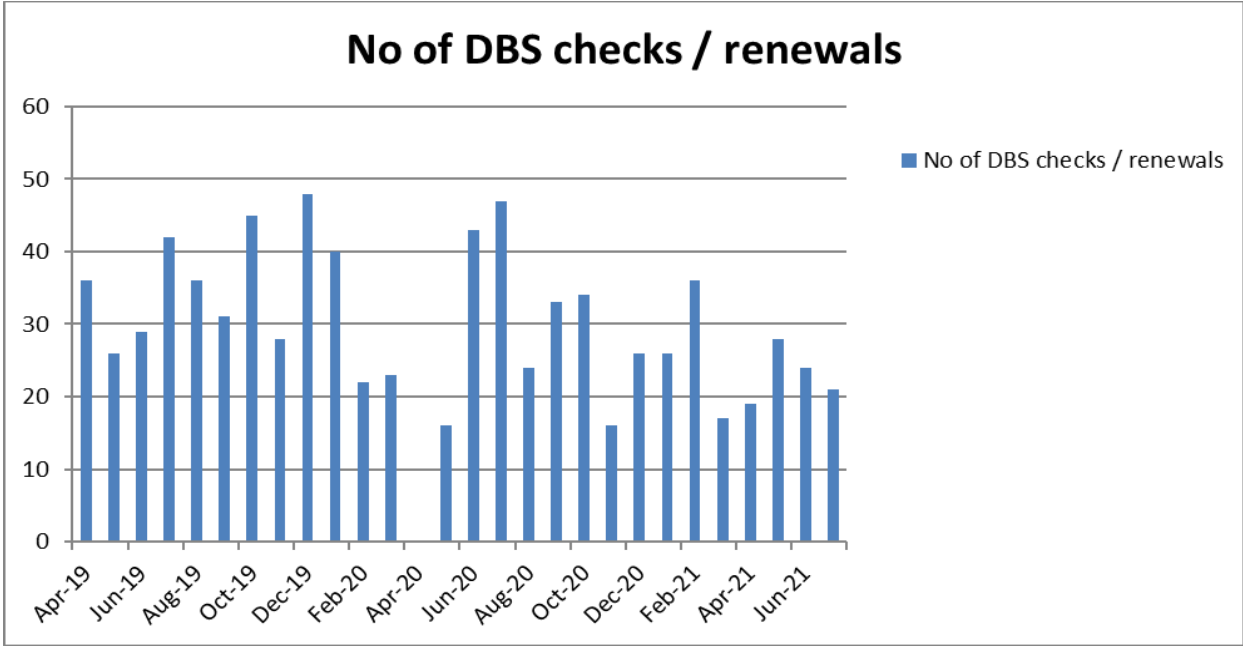
- 2 – No road tax
- 1 – Failure to display their badge
- 1 – Leaving the vehicle unattended on a rank
- 1 – Parking in a disabled bay

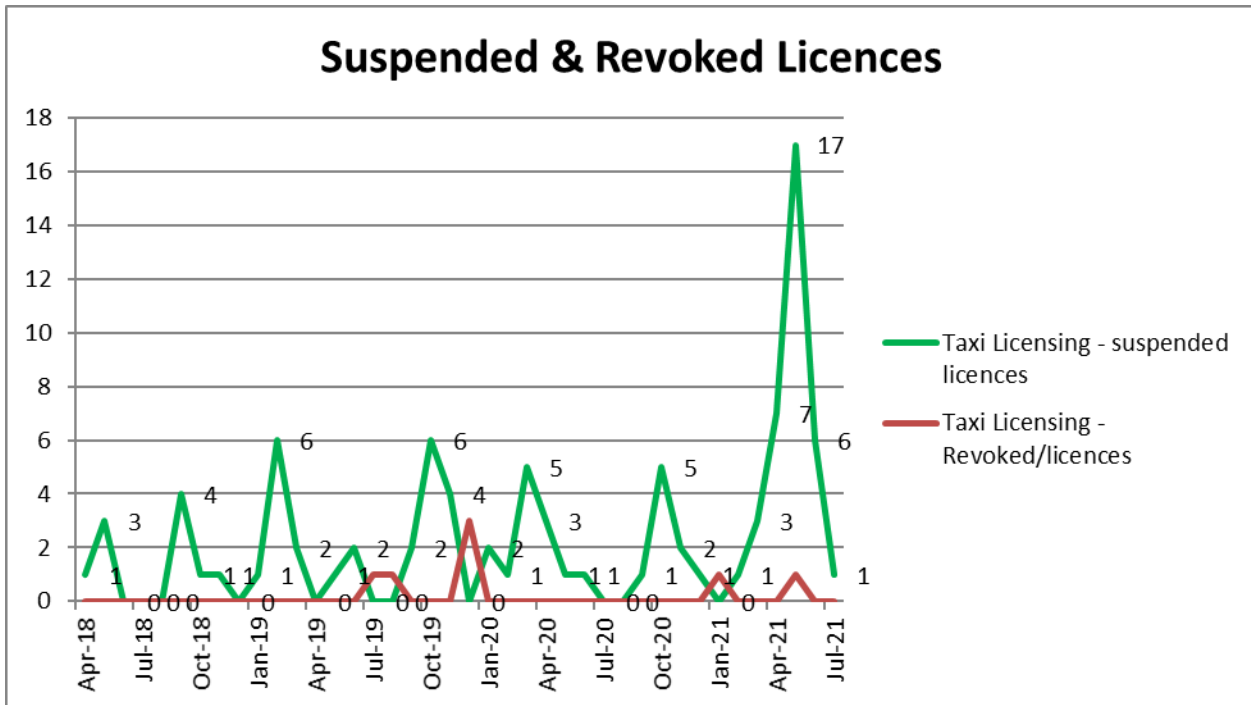
The Council operates an internal penalty points scheme under which a driver's licence will be reviewed if they reach 12 points in a rolling 12-month period.

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

The Team suspended one driver and revoked none during July 2021.

The team also completed 21 DBS checks during July 2021.





The team operates a robust fit and proper person policy which was approved by the Councils Licensing Committee on 03 September 2019. The new policy came into effect on 01 October 2019 and incorporates guidance from the Institute of Licensing and reflects the recommendations proposed in the recent central government consultation on improving safeguarding with the taxi industry.

On 27 January 2020 the team received permission from the Council's Licensing Committee to undertake a public consultation on a new schedule of fares and tariffs for Hackney Carriages. The previous schedule had not changed since 2015 and the proposal follows work with the industry representatives and the late-night economy in Wiltshire. The consultation ran until 20 February 2020 and a report has been compiled to summarise findings. The implementation will be delayed until 2021/22 and a briefing note has been provided to the Licensing Committee for the September 2021 meeting to provide an update on the proposals.

The team continue to work on updated driver and vehicle guidelines in line with the above policy and central government guidance 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 2020 Environment Bill which will place requirements on Local Authorities to manage air quality and this will be factored into a future vehicle policy and our guidelines around vehicle age and emissions. The team are also working with Fleet Services to review the options to reduce emissions within the County's taxi fleet and promote the move to electric vehicles, this work will be undertaken in line with the Council's agreed fleet strategy. The Council provides DEFRA with vehicle data via a weekly upload to fulfil its obligations under the 2019 Air Quality Regulations. The team are also working on a number of initiatives examples of these include a review of the Council's taxi licensing fees, possible implementation of English tests and new safeguarding training as well as evaluating the impact of making CCTV mandatory in taxis and the implementation of a recognised driver qualification.

The team continue to review Government guidance issued in July 2020 on industry standards and will amend current processes and guidelines or seek Licensing Committee approval to do so during 2021, this may involve the Licensing Committee taking a more active role in decisions to revoke or suspend driver or vehicle licences.

The current Coronavirus pandemic has hit the taxi industry very hard with business volumes initially dropping 80% overnight and threatening the very existence of a number of operators and drivers. This has been seen in month-on-month reductions in driver and vehicle numbers, however our falls of 17% for drivers and 17% for vehicles are in line with other local authorities, some of which have reported falls of up to 20%.

The Taxi Licensing Team believe the industry will recover and it will be vital for the Council to support the sector in anyway it can to help the recovery.

**Tom Ince**  
**Principal Compliance Officer**  
**August 2021**

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### Proposed Changes - Taxi Tariff Schedule for Hackney Carriages

#### 1.0 Purpose

- 1.1 The purpose of this briefing note is to brief the Licensing Committee on the latest position in relation to implementing a new schedule of tariffs and fees for hackney carriages in Wiltshire. No decision is required from the Licensing Committee as approval has already been provided for the business area to implement the proposal.

#### 2.0 Background

- 2.1 It was agreed at an extraordinary meeting of Wiltshire Councils Licensing Committee on 27 January 2020 to undertake a public consultation into proposals on a new fees and tariffs schedule for Hackney Carriages in Wiltshire.

The Consultation commenced on 06 February 2020 and finished on 20 February 2020. The details of the proposal were published on the Council's consultation portal for individuals and drivers to feed back on. As part of the consultation all licensed hackney carriage drivers were provided with a copy of the proposals and a driver feedback form and were asked to provide feedback.

- 2.2 After evaluating the feedback and level of response the approved action was to implement Option 2, with a number of amendments. The below details the approved outcome:

- 2.3 For vehicles up to four seats:

- An additional 30p to be added to all flag rates (standing charge)
- Tariff 3 to be amended to only apply on Public Holidays
- Tariff 2 to be implemented from 22:00 instead of the current 22:30 and apply every day apart from public holidays.
- Tariff 1 to end at 21:59 instead of 22:29

For vehicles with more than four seats carrying more than four passengers:

- Tariff 5 to be amended to only apply on Public Holidays
- Tariff 4 to be implemented from 22:00 instead of the current 22:30 and apply all day every day apart from public holidays.
- Tariff 2 to end at 21:59 instead of 22:29.

The impact of the changes are that it will make for cheaper late-night fares after 02.30am, addressing the issues raised in relation to the late night economy. The change to charge tariff 2 and 4 from 22:00 will mean that travel between 22:00 and 22:29 is now slightly more expensive.

- 2.4 In January 2020 the Licensing Committee delegated implementation of the new tariffs to the Taxi Licensing Team. The advertising spend required to advertise the proposed change was unbudgeted for in 2020/21 so implementation was delayed until 2021/2022.

- 2.5 Covid 19 has impacted all industries/sectors and the taxi industry has not been immune to this, experiencing a significant reduction in business. Changes to the tariff would incur a small cost of approximately £20 to adjust every vehicle meter.

- 2.6 It was felt that given the hardship experienced by drivers and vehicle owners since March 2020, to implement this change during the peak of the pandemic would not be supportive of the industry. As the economy begins to recover and return to more “normal” conditions the impact of the tariff changes on vehicle owners and drivers would be more sustainable.
- 2.7 The new tariff of fees will be implemented on 01 January 2022, subject to the normal statutory consultation processes. It is a legal requirement to advertise the proposed changes for 28 days.

### 3.0 Conclusion

- 3.1 Implementation of the proposed changes to the schedule of fees and tariffs for Hackney Carriages will take place on 01 January 2022, subject to the proposals being advertised and standard consultation processes.

**Tom Ince**  
**Principal Compliance Officer**  
**1 September 2021**

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