

## **Update on Public Protection's Licensing Team : 4 December 2023**

### **Statement of Licensing Policy**

The Licensing Act 2003 requires every licensing authority to publish a 'statement of licensing policy' every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. The policy also provides practical clarity to existing and potential licence holders and assists Council officers to correctly apply the legal provisions of the Licensing Act 2003

The Council's current Statement of Licensing Policy came into effect on the 10 November 2019 and will cease to have effect on the 9 November 2024. The Council must be in a position to formally adopt a revised policy with effect from November next year. In order to satisfy the specific legal requirements, set down in the Act, the Council needs to carry out a consultation process on the proposed Statement of Licensing Policy.

The Licensing Team will take the opportunity to revise the content of the policy to reflect the latest guidance issued under the Act and amendments made to the Act itself since the current policy was adopted.

Members are therefore asked to review the current policy and send any initial comments to [john.carter@wiltshire.gov.uk](mailto:john.carter@wiltshire.gov.uk) by the end of January 2024.

<https://www.wiltshire.gov.uk/media/4138/Statement-of-Licensing-Policy-2019-2024/pdf/Statement-of-licensing-policy-2019-2024.pdf?m=637316303240530000>

The first draft of the policy will be presented to Licensing Committee members at the March 2024 meeting for consideration and seeking approval to carry out the required consultation for 6 weeks.

Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for Licensing Committee to consider in June 2024. A revised policy document will be made available in time to ensure the policy is in force by the November 2024.

### **Useful information from the Local Government Association**

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

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

## **Animal Licensing Complaints**

The Licensing Team has recently seen an increase in the number of complaints regarding possible unlicensed animal activities. These complaints often contain little evidence or detail and take an inordinate amount of officer time trying to investigate and corroborate. The team is looking at identifying a clear protocol on what information or concerns we will follow up on to ensure the best outcomes.

The briefing paper that has been submitted for members contains more details on complaints and fit and proper test.

The website has also been updated to reflect the requirements when making a complaint to the Council in relation to animal licensing.

## **Fees and charges**

Licensing is currently undertaking a review of fees and charges to be presented as part of the annual budget meeting in February 2024. The Licensing Act 2003 and a number of the Gambling Act 2005 fees are statutory and not subject to change unless the government amend regulations permitting amendments.

It is worth noting that the number of pubs going out of business due to cost of living pressures and the changes to commercial rateable values of some licensed premises will have a negative impact on the overall level of income for the service.

## **Nitrous Oxide to be illegal from November**

The ban, promised as part of the government's [Anti-Social Behaviour Action Plan](#), which came in to force on 8 November has made nitrous oxide a controlled Class C drug under the Misuse of Drugs Act 1971. An FAQ fact sheet and guidance can be found [here](#) .

Secondary legislation will mean possession of nitrous oxide, where a person intends to wrongfully inhale it – for example 'to get high' – will be an offence. Consequences could include:

- an unlimited fine
- a visible community punishment
- a caution – which would appear on their criminal record
- a prison sentence for repeat serious offenders

## **Licensing hearings**

To date in 2023, we have held 9 licensing hearings.

This includes the application for premise licence for Thoulstone Park which proved to be highly contentious and attracted a considerable number of representations. Several other applications have attracted Town or Parish Council comments.

The Licensing Act 2003 provides that the Council must automatically grant all applications unless it receives an objection relating to the licensing objectives in which case there will be a hearing to decide whether to grant or refuse the application. Each application will be considered on its merits and all relevant objections will be taken into account.

## **Revised guidance statutory 182 guidance issued August 2023**

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/revised-guidance-issued-under-section-182-of-licensing-act-2003)

This Government guidance is provided to licensing authorities in relation to the conducting of their functions under the 2003 Act.

It also provides information to Magistrates' Courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public.

## **TENs information**

The information on Temporary Events Notices has been circulated to all elected members via the weekly application update email and will be forwarded on to Town and Parish Councils for their information.

## **Martyn's Law progresses**

Martyn's Law, more officially known as the Terrorism (Protection of Premises) Bill, featured in the King's Speech and forms part of the Government's legislative programme for the coming Parliamentary year.

The Draft Bill aims to place a duty on qualifying public premises or events to take certain steps to reduce the threat of terrorism to the public, and Government has recently announced its intention to consult on impact on smaller venues before Bill enters Parliament. More information on this will become available as the Bill proceeds.

## **Animal Licensing**

Three Licensing Officers recently attended a recent Hiring of Horse training course and workshop.

## Update on XL Bully ban

The Government laid a statutory instrument to add the XL Bully dog breed type to the list of dogs banned under the Dangerous Dogs Act 1991. The new legislation applies in England and Wales.

From 31 December 2023, breeding, selling, exchanging, advertising, rehoming, gifting, abandoning, and allowing an XL Bully dog to stray will be illegal, and these dogs must be muzzled and on a lead in public.

From 1 February 2024 it will be a criminal offence to own an XL Bully in England and Wales unless the owner has a Certificate of Exemption. Applications will open soon.

Key dates and details are available on gov.uk: [Prepare for the ban on XL Bully dogs - GOV.UK \(www.gov.uk\)](#)

### Abandoned and stray XL Bullies

Local authorities are solely responsible under law for providing a stray dog service which is undertaken in Wiltshire by our Dog Warden team. DEFRA expect local authorities to collect XL Bullies as they would any other stray dog.

DEFRA has advised all local authority stray dog service providers to familiarise themselves with The Chartered Institute for Environmental Health, National Dog Warden Association, RSPCA , [Guidance for handling dogs and the use of equipment to ensure the health and safety of handlers, others and the welfare of dogs](#)

### Enforcement of the XL Bully ban

Local authority enforcement officers (Dog Wardens) will not be expected to formally identify suspected XL Bully type dogs that come into their care.

As is the case with current breed types that are prohibited, the police are expected to be the lead enforcement agency and will investigate for offences under Section 1 of the Dangerous Dogs Act 1991. This includes formally typing suspected XL Bully breed types once Section 1 offences come into force.

As best practice local authorities should work in partnership with police forces to share intelligence and information where appropriate if this relates to a Section 1 offence e.g. Illegal breeding, or if a suspected prohibited breed type is picked up as a stray once the ban is in force. This is done in Wiltshire.

## Licensed XL Bully Breeders

XL Bully breeders should now stop all breeding activity as it will be a criminal offence to sell, transfer, exchange, gift or advertise these dogs from 31 December 2023. Any licensees who are currently licensed to breed these types of dogs must cease breeding from this date. Wiltshire Council has not licensed any breeders for these types of dogs.

It will be illegal to breed from a XL Bully, and also for a XL Bully to be bred from any combination of other dogs.

There is a nine-week period until the ban on selling comes into force to allow puppies that were bred before this legislation was introduced to be legally sold. It will remain the case that puppies must not be sold before they are eight weeks old. Individuals that purchased a puppy before 31 December 2023 that is less than eight weeks old at that point, can still collect it legally when it is eight weeks old.

### **And finally**

Linda Holland officially retires from her role as Licensing Manager at Wiltshire Council on 3 December 2023.

Lin wanted to say a huge personal thanks to all the elected members who have supported the Licensing Team and herself both at District and County level throughout the past 30 plus years, without this support at committee meetings and hearings our role would be so much more difficult. She wishes you all well for the future.

### **Officer Areas News**

OFFICER	AREAS
Lisa Grant & Teresa Isaacson	Royal Wotton Bassett
	Marlborough
	Calne
	Devizes
	Pewsey
Roy Bahadoor & Carla Adkins	Chippenham
	Malmesbury
	Corsham
	Trowbridge
	Westbury
Kat Edge & Andy Noble	Salisbury
	South Wiltshire
	Amesbury
	Tidworth
	Southwest Wiltshire

Emma Hyde	Melksham
	Bradford On Avon
	Warminster

#### Licensing Officers contact details

<b>Carla Adkins</b>	01249 706438	carla.adkins@wiltshire.gov.uk
<b>Roy Bahadoor</b>	01249 706439	roy.bahadoor@wiltshire.gov.uk
<b>Emma Hyde</b>	01249 706414	Emma.hyde@wiltshire.gov.uk
<b>Teresa Isaacson</b>	01249 706413	teresa.isaacson@wiltshire.gov.uk
<b>Katherine Edge</b>	01225 713559	katherine.edge@wiltshire.gov.uk
<b>Lisa Grant</b>	01380 826332	lisa.grant@wiltshire.gov.uk
<b>Andy Noble</b>	01249 706402	andy.noble@wiltshire.gov.uk

#### Technical Support Officers

<b>Lesley Elven</b>	01249 706435	publicprotectionnorth@wiltshire.gov.uk
<b>Julie Macey</b>	01225 716681	publicprotectionwest@wiltshire.gov.uk
<b>Lauren Webster</b>	01249 706555	publicprotectionnorth@wiltshire.gov.uk
<b>Claire Baker</b>	01225 716655	publicprotectionwest@wiltshire.gov.uk

**Linda Holland**  
**Licensing Manager**  
**November 2023**