

# AGENDA

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**Meeting:** Licensing Committee

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

**Date:** Monday 4 December 2023

**Time:** 10.30 am

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

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## Membership:

Cllr Peter Hutton (Chairman)	Cllr Kevin Daley
Cllr Allison Bucknell (Vice-Chairman)	Cllr Andrew Davis
Cllr Steve Bucknell	Cllr Ruth Hopkinson
Cllr Trevor Carbin	Cllr Jerry Kunkler
Cllr Daniel Cave	Cllr Tim Trimble
Cllr Sam Charleston	Cllr Robert Yuill

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## Substitutes:

Cllr David Bowler	Cllr Charles McGrath
Cllr Bob Jones MBE	Cllr Stewart Palmen
Cllr Jacqui Lay	Cllr Nic Puntis
Cllr Dr Brian Mathew	

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## **Public Participation**

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

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

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

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# AGENDA

1 **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

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

To confirm and sign the minutes of the meeting held on 6 March 2023 (copy attached).

3 **Chairman's Announcements**

4 **Declarations of Interest**

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

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Monday 27 November 2023** 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 29 November 2023**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Licensing Appeals Update**

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

7 **Minutes of the Licensing Sub Committees** (*Pages 19 - 88*)

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

### **Eastern Area Licensing Sub Committee**

- 19.04.23 Application for a Premises Licence, The Community Centre, Winterbourne Monkton, Swindon
- 20.06.23 Application for a Premises Licence, Krumbz Café, Kennet Place, Marlborough

### **Northern Area Licensing Sub Committee**

- 26.07.23 Application for a Premises Licence, Calne Bike Meet, Calne Recreation Ground, Off Anchor Road, Calne

### **Southern Area Licensing Sub Committee**

- 25.04.23 Application for a Premises Licence, Victoria Park, Salisbury
- 06.07.23 Application for a Club Premises Certificate, Chalke Valley Cricket Club, Church Street, Bowerchalke
- 02.10.23 Application for a Premises Licence, Hole Farm, Brick Kiln Lane, Alderbury

### **Western Area Licensing Sub Committee**

- 16.10.23 Application for a Premises Licence, Thoulstone Park, Chapmanslade, Westbury

#### **8 Update from the Passenger Transport Team**

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

#### **9 Licensing Team Update (Pages 89 - 104)**

Linda Holland (Licensing Manager) has prepared the attached update on behalf of the Licensing Team as at September 2023 (that was shared with Committee members via email) and as at November 2023. John Carter (Head of Service – Public Protection) will give an overview of the most recent update to the Committee.

#### **10 Briefing Note - Update to the Animal Licensing Decision Making and Enforcement Protocol (Pages 105 - 114)**

Linda Holland (Licensing Manager) has prepared the attached briefing note to advise members and ask them to note the update to the Animal Licensing Decision Making and Enforcement Protocol. John Carter (Head of Service –



Public Protection) will give an overview at the meeting.

11 **Update from the Taxi Licensing Team** (*Pages 115 - 126*)

Tom Ince (Principal Compliance Officer) has prepared the attached Taxi Licensing updates as at July 2023 (that was shared with Committee members via email) and October 2023 and will give an overview of the most recent update to the Committee.

12 **Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor Changes to Taxi Guidelines** (*Pages 127 - 178*)

The report of Tom Ince (Principal Compliance Officer) seeks to provide the Committee with the relevant information to make an informed decision on changing the Council's policy on window tints for hackney carriage vehicles, to bring it in line with those for private hire vehicles and to give approval to adopt a small number of wording changes to the Council's taxi guidelines.

13 **Dates of Future Committee Meetings**

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

4 March 2024

3 June 2024.

14 **Urgent Items**

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

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## Licensing Committee

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### **MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 6 MARCH 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman),  
Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Sam Charleston, Cllr Kevin Daley,  
Cllr Andrew Davis, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr Stewart Palmen  
(Substitute), Cllr Tim Trimble, and Cllr Robert Yuill

#### **Also Present:**

Asifa Ashraf (Senior Solicitor), Linda Holland (Licensing Manager), Tom Ince  
(Principal Compliance Officer), Michael Kersley (Transport Project Co-Ordinator) and  
Lisa Pullin (Democratic Services Officer)

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#### **1 Apologies and Substitutions**

Apologies were received from Cllr Trevor Carbin and from Mike Edgar (Senior Solicitor), Rebecca Wherlock (Principal Solicitor), Jason Salter (Head of Service – Passenger Transport) and DI Troy Smith.

Cllr Stewart Palmen was substituting for Cllr Trevor Carbin.

Cllr Sam Charleston had been appointed to Licensing Committee by Full Council on 21 February 2023 in place of Cllr Pip Ridout.

#### **2 Minutes**

The minutes of the meeting held on 5 December 2022 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 5 December 2022 be approved and signed as a correct record.**

#### **3 Chairman's Announcements**

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

#### **Cllr Pip Ridout**

Thank you to Cllr Pip Ridout for her service to the Licensing Committee and welcome to Cllr Sam Charleston who will be taking up the seat.

## King Charles III Coronation – May 2023

There had been an announcement that there would be a universal extension for all those with alcohol on their premises licence to be able to extend their opening hours on Friday 5, Saturday 6 and Sunday 7 May in recognition of the Kings Coronation.

### 4 **Declarations of Interest**

There were no declarations of interest.

### 5 **Public Participation**

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

### 6 **Licensing Appeals Update**

There were no known appeals pending.

Linda Holland (Licensing Manager) reported that there were no current Licensing Sub Committee hearings planned but there was quite a number of applications coming in across a whole range of licensable activities including new festivals for Wiltshire.

A Committee Member asked if there were any requests for a review hearing likely? Linda Holland reported that there was nothing currently on the horizon that she was aware of.

### 7 **Minutes of the Licensing Sub Committees**

There had been no Licensing Sub Committee hearings since the last meeting on 5 December 2022.

### 8 **Update on Project Vigilant**

DI Troy Smith from Wiltshire Police was unfortunately unable to attend the meeting due to operational issues but had submitted a written update on Project which is attached as Appendix 1 to these minutes.

A Committee Member noted that the Project Vigilant only referred to females and stated that it was not only males that are perpetrators in these types of situations/offences and asked if there could be something included for other vulnerable people?

A Committee Member expressed their disappointment that the Police representative was unable to attend again and asked if this was the case again if someone could be sent in their place?

**Resolved:**

- 1. That the Committee note the update on Project Vigilant attached as Appendix 1.**
- 2. That an update be requested to include what initiatives there were for vulnerable males.**

### **Appendix 1 to the Minutes - Project Vigilant Update**

#### **9 Update from the Passenger Transport Team**

Jason Salter (Head of Service – Passenger Transport) was unable to attend the meeting but had prepared an update to be share at the meeting and this is detailed below:

The number of pupils who are not receiving home to school transport who are entitled is now zero, in the context of supply. This doesn't however mean that the supply issue has been resolved, as taxis from out of county are being used more prevalently, or we are using parents in an increased capacity. The number of licensed taxi drivers remains at a constant, which is nowhere near where it needs to be to manage the growth in this area.

Due to the taxi market not growing in sufficient capacity, the decision has been made by the Passenger Transport Unit to lease vehicles and employ drivers directly in order to meet the growth. As at 6 March 2023, there are currently nine vehicles deployed on home to school transport either owned or leased by Wiltshire Council. Eight of those have been previously deployed through Larkrise school for many years, with one additional vehicle now being used into Silverwood, Rowde. By the end of March 2023, it is expected that a further eight vehicles could be deployed, dependent upon the speed of which drivers receive suitable clearances. Further work in the form of a business case will be completed to determine how many more vehicles and drivers will be required to be supplied by Wiltshire Council to meet the appropriate demand. The market will continue to be tested in this area, through regular procurement, as it is not the desire for Wiltshire Council to provide its own services in this area, it is doing so because the market is unable to support the growth in demand.

Tom Ince (Principal Compliance Officer) confirmed that driver numbers are growing and that Officers were currently contacting other Local Authorities to investigate the possibility of a new "schools only licence" and would report the findings back to the Committee in due course.

A Committee Member asked about the Council owned vehicles and their possible use outside of the morning and afternoon school runs, wondering if there was a wider community use that could be considered? A Committee Member was aware of a responsive transport experience in Pewsey which could possibly be linked into?

A Committee Member was pleased to note that the immediate short term problem of transporting our SEND children to their education settings was solved and agreed that how the Council's vehicle provision could be expanded to be more useful to the community could be explored and that it would be useful to understand what the long term plans are.

The Committee asked for an update to be provided to them following the meeting on the planned use of Council owned vehicles outside of the "school run" provision and on the anticipated shortfall for new pupils transport requirements from September 2023.

A Committee Member wished to pass on thanks to the Taxi Licensing and Passenger Transport Teams for turning the situation around and increasing the driver numbers.

**Resolved:**

- 1. That the Committee note the update on behalf of the Passenger Transport Team.**
- 2. That the Committee receive an update following the meeting on the following:**
  - i) The planned use of Council vehicles outside of the "school run" provision**
  - ii) The anticipated shortfall for new pupils transport requirements from September 2023.**

**10 Update from the Licensing Team**

Linda Holland (Licensing Manager) referred to the Licensing Team update circulated with the Agenda and highlighted the following:

- Recently the Ask Angela campaign had proved particularly successful when a male said the phrase to bar staff in a Trowbridge licensed premises. The staff understood what was required of them and kept the male safe until Police arrived to deal with the situation;
- The "Safety at Night" Charter was a cross county initiative which was launched in Swindon and Wiltshire in November 2022 and seeks to proactively tackle the issue of safety within the night-time economy. Currently 55 venues had signed up to the Charter and Officers were working hard to get more to sign up;
- Following intelligence relating to potential illegal workers at licensed premises in Wiltshire, the Immigration Service had recently conducted a number of visits with several illegal workers being detained for not having the right to work in the UK. The onus was not on the Licensing Team to ensure that staff have the right to work, but on the employer.

- There had been an increase in the number of licensing applications in 2022 which was anticipated after Covid. However, a number of licensed premises had closed and it was likely due to a number of factors including staffing pressures and the current economic climate. 2023 so far had seen a slight growth in applications with a few new wine bars and online sales of alcohol.
- There had not been a huge number of enquiries to Licensing for premises wishing to celebrate the Kings Coronation. There had been some TEN applications but not as many as for the Queen's Platinum Jubilee celebrations. The Government had announced that licensing hours for pubs, clubs and bars across the Kings Coronation weekend would be extended by two hours. The extension from 11pm to 1am would cover the Friday 5 to Sunday 7 May 2023;
- The Government has announced that a new Protect duty (Martyn's Law) will place a requirement on those responsible for certain publicly accessible locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes. This was still in the draft phase and more information would be shared with the Committee and Councillors when it was available.
- The new rules introduced by the Gambling Commission which came into effect on 12 September 2022 seek to ensure that online gambling businesses do more to identify and take action to protect consumers at risk of harm;
- Changes to the Film Classification process were agreed by the Committee in December 2022 and as requested an appeal against a classification process had been set up, the proposed changes to the Council's Scheme of Delegation would be considered at the next Constitution Focus Group and then on to the Standards Committee. The introduction of fees and charges for film classifications from 1 April 2023 was agreed by Full Council in February;
- 2022 saw an increase in the number of complaints received regarding animal welfare and possible unlicensed activities and the team were currently investigating/dealing with several complex cases. The Council offers a voluntary dog walker scheme administered by the Dog Warden team – there was no legal requirement to be part of any scheme; and
- The Licensing Team continued to be busy and with the introduction of new computer software resources were having to be diverted to help with that which was more work than was anticipated. Jemma Price had left the team in December and was replaced by Andy Noble who had previously been working in the team under a temporary contract.

The Chairman wished to pass on this thanks to all of the Licensing team for their work and support to Members and asked if the extended hours for the Kings Coronation would be shared to ensure that Members and the public were aware of this. Linda Holland confirmed that this would be communicated as appropriate.

The Chairman asked that Kevin Oliver (Events Authorising Officer) be asked to provide an update on the current position of applications for the Kings Coronation and that this be shared with the Committee and to all Members.

Following a question from a Committee Member, Linda Holland clarified that the Council's Dog Wardens administer the list of voluntary dog walkers and offer advice about their responsibilities for walking a number of dogs together, but do not find the volunteers to be added to the said list.

The Committee had a number of queries regarding the new Martyn's Law and what the impact might be for premises in their areas and the expectations of those who let out public buildings for events etc. Linda Holland confirmed that the detail of the new law had yet to be determined and that further details would be shared via a Briefing note with all Members as soon as these were available.

A Committee Member reported that he had recently took his cat to a local cattery which he had used many times before. This time a lot more information had been requested from him in relation to the cat's history and vaccinations etc and he wondered if any recent changes in legislation had triggered this? Linda Holland reported that the legislation had not changed, but there was a drive to have all appropriate information about pets to ensure that they could be appropriately cared for and for establishments to do well in their inspections and achieve a high star rating.

**Resolved:**

- 1. That the Committee note the update on behalf of the Licensing Team.**
- 2. That Kevin Oliver be asked to provide an update on applications for the Kings Coronation and that any relevant guidance for Councillors/the public be shared as soon as possible.**

**11 Update from the Taxi Licensing Team**

Tom Ince (Principal Compliance Officer) referred to the Taxi Licensing update for January 2023 circulated with the Agenda and highlighted the following:

- Driver and vehicle numbers had stabilised over 2022/23 following both showing month on month declines between 2020 and 2021. Drivers were reporting higher levels of business now the economy was beginning to recover. The recent driver recruitment campaign had been successful and there was now a significant number of new driver applications (42 as at February 2023);



- There were currently over 800 vehicles with a licence for the first time in two years which was an additional 55 licenced vehicles from July 2022. However as heard earlier from the update on behalf of the Passenger Transport team the number of drivers was not rising quickly enough to keep up with the demand from Passenger Transport. The Taxi Licensing Team had had some staffing issues so they were currently under pressure to process the new applications and there had been some issues with the quality of applications received with some not sending the required documentation etc;
- The team were continuing to work on the introduction of a single licensing zone for hackney carriages in Wiltshire. In order to do this the Council has to adopt Paragraph 25 – Schedule 14 of the Local Government Act 1972, and a report was being prepared for Full Council for this; and
- There was generally a more positive outlook with the Taxi Licensing Team believing that the numbers were stabilising and had been improved following the work with the Passenger Transport Team on initiatives to encourage recruitment of new drivers in Wiltshire. The vacancy within the team had been recruited to and it was hoped that they would soon be back up to full strength to be able to process all applications in a timely manner.

The Chairman asked if there was any update on the vehicle inspection provision. Tom Ince reported that they could currently offer inspections in Devizes and Salisbury and that the move to centralised inspections twice a year to be in Devizes (with Salisbury as a possible back up) would form part of the resolution to move to the single licensing zone for Wiltshire.

A Committee Member asked about the presence of Uber in Wiltshire. Tom Ince confirmed that Uber were not licensed in Wiltshire, however with pre bookings being taken they could obviously travel into Wiltshire to transport passengers.

**Resolved:**

**That the Committee note the update on behalf of the Taxi Licensing Team.**

## 12 **Briefing Note on the Dangerous Wild Animals Act 1976**

Linda Holland (Licensing Manager) referred to the briefing note circulated with the Agenda which sought to inform the Committee of the current procedure with regard to issuing licences under the Dangerous Wild Animals Act 1976 and to advise of the revision of conditions attached to licences from 1 September 2022 to give more specific controls and highlighted the following:

- There were currently 5 premises in Wiltshire who held a licence under the Dangerous Wild Animals Act 1976. Dangerous wild animals are identified in a schedule and anyone wishing to keep one of these animals requires a Licence issued by the Local Authority. If the premises is open to the public over 7 days in a year, then it would be classed as a zoo and a different licence would be required;

- Before granting a licence, an inspection is undertaken by the Licensing Officer and an appropriate competent veterinary surgeon or veterinary practitioner to ensure compliance with the legislation as the animals covered by the Act require extremely specialised care and accommodation. The licensing process ensures that both the animal's welfare and the safety of the keeper and the wider public will be protected; and
- The revised conditions (as shown in Appendix 2 to the report) replaced the existing conditions on any licence granted or renewed from 1 September 2022 which gave more specific control in respect of DWA licensing and standardised the requirements for all licence holders and applicants. Further conditions could be added at the request of the veterinary inspector specific to the premises and species kept.

A Committee Member asked if there was a register of the premises with a DWA licence? Linda Holland confirmed that there was a register but this was obviously not a public register to ensure the safety of those animals.

**Resolved:**

**That the Committee note the update on the Dangerous Wild Animals Act and the updated conditions on licences.**

13 **Refresher of Expectations and Roles/Responsibilities at Licensing Sub Committee hearings**

Officers had been asked to run through the expectations, roles and responsibilities at Licensing Sub Committee hearings as a refresher for Members and Officers.

Officers highlighted the following:

*Prior to the hearing*

- Legal Officer to review the Licensing Officer's report and the agenda documentation prior to despatch for accuracy and appropriate redaction
- Committee Clerk to ensure that all parties to the hearing receive a copy of the Agenda and are aware of the meeting date, time and location

*At the briefing*

- Licensing Officer to highlight the background to the application and the relevant matters to be considered
- Legal Officer to also highlight possible relevant areas to explore at hearing and confirm what is/is not relevant to the application. If required, give guidance on the acceptance or otherwise on late submissions of paperwork/evidence to the Sub Committee

*At the hearing*

- Legal Officer to give any relevant guidance to the Sub Committee and clarify any issues. Ensure that the hearing proceeds in line with the hearing procedure and that matters outside of the licensing remit are not discussed/considered. Ensure that the due process is followed (with Committee Clerk) and that each party has been given a fair opportunity to share their views at the hearing
- Licensing Officer to answer any technical questions

*Making the determination*

- Legal Officer to guide the Sub Committee through the decision process, considering the evidence, giving any relevant legal advice and ensuring that any conditions are proportionate, reasonable and enforceable
- Legal Officer to assist Committee Clerk with drafting of basic decision notice to be read out at the conclusion of the hearing (*and if possible shared with parties to the hearing if required*)

*Following the hearing*

- Legal Officer to review the draft full decision notice prepared by the Committee Clerk and provide the reasoning for the decision
- Committee Clerk to publish the Decision Notice within 5 working days
- Committee Clerk to draft the minutes and send to Legal Officer to approve so that they can be published within 10 working days

Asifa Ashraf (Senior Solicitor) reported that she would be leaving the Council at the end of this week and that it was anticipated that Mike Edgar (Senior Solicitor) would be responsible for Licensing Committee and any Licensing Sub Committees.

14 **Dates of Future Committee Meetings**

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

19 June 2023  
 11 September 2023  
 4 December 2023  
 4 March 2024.

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services,  
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## **PARTNER BRIEFING: PROJECT VIGILANT**

### **PROJECT VIGILANT HISTORY**

Appendix 1

Project Vigilant is an operation developed by Thames Valley Police that deployed plain clothes police officers into the **night-time economy (NTE)** in Oxford. It is a perpetrator focused operation seeking to deploy several disruption tactics to prevent offences taking place.

Project Vigilant was found to be an effective tool to combat sexual offending in the Oxford NTE. As a result of Vigilant deployments, there was a 50% reduction in NTE-related rapes and a 30% reduction in NTE-related sexual assault.

### **VIGILANT WILTSHIRE**

In 2021, Project Vigilant was rolled out in Wiltshire NTE locations. This operation was deemed successful, with important disruption achieved and intelligence obtained surrounding vulnerability and predatory behaviour.

Further NTE deployments are planned for Swindon in 2023 as a result of successful Safer Streets funding bids by the local multi-agency groups. A more fluid approach is forecast for the rest of Wiltshire - whilst not having any one concentration of NTE the size of Swindon's, the county's NTE hotspots are spread over a large geographical area. The plan is to deploy a smaller, more mobile Vigilant team into areas where risk is higher according to where there may be special events and in liaison with CCTV operators, local Policing units, etc.

Vigilant is designed to work with venues and door-staff to raise awareness of the risk of predatory sexual offending in an attempt to increase public safety and increase reporting any sexual offences and drive up intelligence submissions on suspects and risk locations through normal police channels or other agencies such as Crimestoppers.

### **VIGILANT DAY**

An early strategy for the Wiltshire VAWG (Violence Against Women And Girls) team was to refresh and re-focus Project Vigilant so that it not only tackled the NTE, but daytime public spaces like shopping centres and recreational parks where predators can loiter in plain sight and minor criminality and anti-social behaviour can make areas feel unsafe and intimidating.

Units target males who may seek to exploit, assault, harass or intimidate female members of the public who frequent the deployment areas. The method of policing is deliberately intrusive and robust without being aggressive or oppressive.

### **INTENTION**

- Safeguard the vulnerable from sexual violence through proactive disruptive patrols and providing an enhanced response to serious sexual offences
- Identify predatory behaviour by potential perpetrators and prevent further offences through overt intervention
- Gather intelligence around potential perpetrators for future disruption and to assist future investigations

- Deter violence, intimidation and street harassment against women and girls and offer reassurance through a visible uniformed presence
- Provide a robust 'broken windows' policing approach to deter and manage individuals engaged in disorder, anti-social behaviour and petty offences that affect the quality of life of those using the same public space (e.g. aggressive begging, public drunkenness)
- Identify vulnerable persons and safeguard them through engagement and advice – this includes women and girls who may benefit from signposting to support agencies such as SARC (Sexual Assault Referral Centre), drug & alcohol services, mental health services, domestic violence support and local authority housing/homelessness

## Eastern Area Licensing Sub Committee

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**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING  
HELD ON 19 APRIL 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER, IN RESPECT OF AN APPLICATION  
FOR A PREMISES LICENCE – THE COMMUNITY CENTRE, CHURCH LANE,  
WINTERBOURNE MONKTON, SWINDON, WILTSHIRE**

**Present:**

Cllr Trevor Carbin, Cllr Peter Hutton (Chairman) and Cllr David Bowler

**Also Present:**

Applicant

A Trustee of the Winterbourne Monkton Community Centre

Those who made a Relevant Representation

Representation 1 – Residents

Representation 2 – Resident

Wiltshire Council Officers

Mike Edgar (Senior Solicitor)

Max Hirst (Democratic Services Officer - Observing)

Teresa Isaacson (Public Protection Officer – Licensing)

Cameron Osborn (Apprentice Democratic Services Officer - Observing)

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**

There were no apologies or substitutions.

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

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

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

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

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

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

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

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

### 5 **Declarations of Interest**

There were no interests declared.

### 6 **Licensing Application**

**Application by the Winterbourne Monkton Community Centre Trustees for a Premises Licence in respect of The Community Centre, Winterbourne Monkton, Swindon**

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

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises licence presented by Teresa Isaacson (Public Protection Officer – Licensing) for which three relevant representations had been received (two of those representations living at the same address). The application was for the following licensable activities:

- Exhibition of films (indoors only)
- Sale by retail of alcohol (on sales only)



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

1. Grant the application, subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the Designated Premises Supervisor.
4. To refuse the application in whole or in part.

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

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

#### **On behalf of the Applicant**

- A Trustee on behalf of all Trustees of the Winterbourne Monkton Community Centre

#### **Relevant Representations**

- Representation 1 (from two local residents who reside at the same address) in objection to the application
- Representation 2 (from a local resident) in objection to the application.

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

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

A Trustee on behalf of the Winterbourne Monkton Community Centre spoke in support of the application, highlighting the following points:

- That the purpose-built premises had opened in December 2022 with a Premises Licence was being applied for in the main to allow them to be able to provide and run a bar at the premises. This would then give them the ability to raise funds to support the centre and make it a more attractive hiring opportunity for local groups and other events such as parties, variety evenings, funeral wakes, weddings and baptisms etc; and
- They intended to run local events such as talks, bingo, show sporting events and be available to support the village and other local groups as a facility.

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

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

- The hiring of the community centre would not be restricted to local people, so far it had been used for children's parties and used by the village club that meets monthly and by the Church;
- There was a limited catchment area for the village and there was already a pub in the village so they were limited by those likely to attend/hire within the village and that the hall would be available for hire by anyone from anywhere for a suitable function;
- The maximum capacity of the premises was 70 seated and 100 standing;
- Those hiring the hall would be required to sign a hire agreement and need to return the premises back in the clean and tidy manner in which they found it. This would be checked by a Trustee who would then be responsible for securing the premises; and
- If the Trustees were running an event at the premises, they would advertise this and if there was to be an external public event, those hiring the premises would be expected to advertise that.

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

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

- The efforts made to attract businesses and other use of the community centre included advertising in the monthly Upper Kennet newsletter, hall hire websites, a Facebook page and a dedicated website was currently under construction in the hope that this would attract hirers from slightly further afield;
- The number of activities generated by the local community for the hall use were likely to be limited as Winterbourne Monkton was a very small village and in order to make it viable, they would have to attract hirers from outside of the village; and
- Bookings would be accepted from those residing outside of the village but the six Trustees would vet the booking requests and would consider the nature of the bookings that they would accept and would not wish to hire out the premises to any group that were likely to cause any disruption or problems to the local residents as it would be the Trustees who would have to deal with this.

The Chairman reiterated that on advice from the Licensing Officer that consideration of who may hire out the premises was not relevant and not a licensing activity that could be considered at this hearing.

## Submissions from those who made relevant representations

### Representation 1 (two residents residing together)

- Winterbourne Monkton was a small village of around 70 homes and 200 residents. The community centre was gifted to the residents of the village as part of the Old Dairy redevelopment. Photos shared with their representation showed the proximity of their home in relation to the community centre;
- Before they purchased their property, they had understood that the community centre would be used for Pilates/yoga classes and coffee mornings etc and they had sought reassurance for that. They had attended the centre opening event in December 2022 and were now concerned to hear of the intended use of the centre with the subsequent licensing application for usage to a wider audience;
- The car park for the community centre was 13 metres from their front door and as their home office also overlooks the car park, they were concerned about the potential noise disturbance which could be up to 13 hours per day 7 days a week as per the licensing application;
- There was no street lighting in the area and there were concerns around light pollution with the lights from vehicles shining into their property when patrons were arriving and leaving the community centre which infringed on the enjoyment of their property. There was only a post and rail fence between their property and the community centre which offered no screening. The car park was gravelled and so this caused noise disturbance from patrons arriving and leaving the centre;
- The New Inn public house in the village had a late opening licence but this was not currently being utilised and the New Inn was not as close to residential properties as the community centre is;
- There was a difference in the capacity for the community centre with 70 seated being quoted today, but a website advertising the facility stating it was 60 seated; and
- If the community centre was at full capacity that would mean that 50% of entire village could be at the centre at any one time for an event but the current car park would not be able to accommodate that. It was understood that there was a maximum of 20 parking spaces within the car park and there was no other viable parking provision in the nearby vicinity due to the single-track lane leading to the premises. Nuisance parking in the area was a concern to local residents as was the potential for littering with there appearing to be a lack of appropriate waste receptacles at the premises.

## Representation 2 (local resident)

- There was no objection to the community centre aiming to become a self-sustaining enterprise. It was accepted that the hall was perfect for village community events, but it was felt that this should not be at a cost to those that live close to the premises;
- There was concern that the Trustees would simply not know the behaviours of all those hiring the premises and if they would be likely to cause problems to the local residents and after the event would be difficult for the Trustees and local residents to have to deal with;
- There were concerns about parking and where the vehicles for up to 100 patrons would be - that could be up to 50 cars and there was simply no other local safe space in the area to accommodate those vehicles;
- If the premises licence was to be granted and the community centre given the ability to serve alcohol was there a possibility that this be limited to less than the current 13 hours per day applied for to give due consideration to the local neighbours. Could conditions be applied to limit the capacity of attendance at events so that this was more harmonious with those in the village and a compromise achieved with some restrictions to ensure that all are happy and the centre was not causing a problem; and
- Was there a way to be able to address concerns about the community centre's usage in a formal way if there were problems.

The Chairman informed that the Licensing Sub Committee was unable to consider issues relating to highways and parking as part of the application, but that if there were issues in the future these could be referred to the appropriate departments within Wiltshire Council.

The Chairman asked the Public Protection Officer (Licensing) to clarify the rationale for applying for the opening hours for seven days a week. The Officer reported that if the licence was granted the premises would not be able to open for any longer than those hours applied for, but they could decide operationally to open for shorter hours which was probably quite likely. The other option for the Applicants would have been to apply for Temporary Events Notices for events which was not the preference for either the Applicants or the Local Authority as conditions could not be added to a TEN and objections could only be raised by the Police or Public Protection Noise Team.

The Public Protection Officer (Licensing) confirmed that if there were concerns relating to noise/public nuisance issues following the grant of a licence this could be raised with the Council's Public Protection Noise Team to investigate further.

## **Sub Committee Members' questions**

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

- The local resident worked in a home office in the front of the property and there had been some disturbance by lights shining into their property and by the noise caused by vehicles on the gravel car park and there was concern about increased use of the community centre going forward that this disturbance would increase.

The Community Centre Trustee representative reported that he had understood that the car park was to be concreted with a membrane for the grass to grow through but that had been changed to a gravel car park, but they had been advised that over time the gravel would compact and the noise from vehicles on the gravel would reduce.

Following questions from the Chairman, the Trustee representative confirmed that the largest event held to date was the opening event, there had also been children's parties but that they had not yet approached the maximum numbers in the centre. The Trustee clarified that that the original calculations for the numbers that could be seated in the hall was 60, but that the fire risk assessment had calculated this to be 70 seated.

The Sub Committee asked about the information relating to car parking in the guidance that is provided to hirers of the community centre. The Trustee representative confirmed that each booking request was looked at for its suitability and that they were aware of the limitations of the spaces in the car park, that there is no local alternative parking and they would not wish to cause blockages in the nearby area. If a booking for a large event was received, they would explain to the potential hirer the parking situation and what was available to them.

## **Questions from the Applicant:**

There were no questions from the Applicant to those that made relevant representations.

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

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

Representation 1 (two residents residing together)

- There was not a wish to inhibit the use of the community centre but a suggestion that there be a reduction in the days and hours of use for the sale of alcohol and that there be no alcohol served after 22:00, the centre close by 23:00 and that any cleaning to be completed by 00:00 and all parties to have departed the premises by then;

- That there be a formal process for residents to raise any complaints with the Trustees;
- That notification of events be provided to residents two weeks beforehand and that contact numbers of Trustees be provided in the event of any issues;
- That a solution for monitoring of noise was required;
- That parking solutions need to be considered to address the concerns raised by residents and the Parish Council; and
- That there should be visibility of the operating manual for community centre.

#### Representation 2 (local resident)

- The hard work of the Trustees was understood, and it was hoped that the premises was a roaring success and a thriving village hall that pays for itself but that the local residents did not want for there to be any problems that could create a sore within the village; and
- That due to the proximity of local residents, it was believed to be reasonable to limit the timings and that would go some way to help and to perhaps consider if it was relevant to have an alcohol licence in the early days of the week – should the alcohol licence just be restricted for party days as it was felt that this would mitigate the risk for disturbance and that was what they were requesting.

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

In their closing submission, the Applicant highlighted the following:

- If the premises licence was not granted the community centre could still be hired out for parties etc, but this would mean doing this by way of a Temporary Events Notice. Most events can take place without a licence until 23:00;
- If there was an event where alcohol was being served it was likely to have less vehicles using the car park as patrons would be drinking and either walking or getting lifts/taxis home; and
- It was acknowledged that the local pub operated on limited opening hours as they would be unlikely to have customers until 01:00 and there would also be staffing issues – this would be the same for the community centre. There were six Trustees who would be responsible for serving alcohol at the centre and the number of events that they would have

availability to do that would be limited as they all have other things going on.

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

No points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 11.02am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11.38am.

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

### **Decision:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of The Community Centre, Winterbourne Monkton, Swindon be GRANTED for the licensable activities shown below:**

<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
<b>Exhibition of films (Indoors only)</b>	<b>Monday to Sunday</b>	<b>12:00 – 23:00</b>
<b>Sale by retail of alcohol (On sales only)</b>	<b>Monday to Sunday</b>	<b>10:00 – 22:30</b>
<b><i>Hours open to the public (Not a licensable activity)</i></b>	<b><i>Monday to Sunday</i></b>	<b><i>09:00 – 23:00</i></b>

The Sub Committee also wished to include the following informative.

*INFORMATIVE - For events where licensable activity is taking place, these should be notified to the immediate neighbours to the premises no later than 7 days in advance of the event.*

### **Reasons for Decision**

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

at the hearing concerning the anticipated public noise nuisance, particularly from patrons arriving and leaving the premises and considered that by the reduction of the hours for the sale of alcohol each day from 23:00 to 22:30 before the closure of the premises to the public this would limit the public noise disturbance to the local residents.

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives and included an Informative that the nearby residents should be notified of any events to be held at the premises when licensable activity was taking place, no later than 7 days before the event.

The Sub Committee were not able to consider any issues raised concerning parking, light pollution and highway matters as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the licensing objectives.

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

### **Right to Appeal**

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

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

(Duration of meeting: 10.15 - 11.40 am)

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## Eastern Area Licensing Sub Committee

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### MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 JUNE 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Allison Bucknell, Cllr Kevin Daley and Cllr Jerry Kunkler

#### **Also Present:**

#### Applicant

Rowland Meek, Krumbz Café

#### Those who made a Relevant Representation

Representation 1 – Richard Spencer-Williams, Town Clerk, Marlborough Town Council

#### Wiltshire Council Officers

Max Hirst (Democratic Services Officer)  
Lisa Pullin (Democratic Services Officer - Observing)  
Matt Hitch (Democratic Services Officer - Observing)  
Mike Edgar (Senior Solicitor)  
Lisa Grant (Public Protection Officer – Licensing)

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#### 7 **Election of Chairman**

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

#### **Resolved:**

**To elect Cllr Allison Bucknell as Chairman for this meeting only.**

#### 8 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

#### 9 **Procedure for the Meeting**

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

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

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

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

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

10 **Chairman's Announcements**

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

11 **Declarations of Interest**

There were no interests declared.

12 **Licensing Application**

**Application by the owner of Krumbz Café  
for a Premises Licence in respect of Krumbz Café, Kennet Place,  
Marlborough, Wiltshire, SN8 1NG**

**Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises licence presented by Lisa Grant (Public Protection Officer – Licensing) for which one relevant representation had been received from Marlborough Town Council. The application was for the following licensable activities:

- Sale by retail of alcohol (on and off sales only)

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

1. Grant the application, subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the Designated Premises Supervisor.
4. To refuse the application in whole or in part.

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

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

#### **On behalf of the Applicant**

- Rowland Meek

#### **Relevant Representations**

- Richard Spencer-Williams, Town Clerk, Marlborough Town Council spoke in objection to the application.

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

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

Rowland Meek spoke in support of the application, highlighting the following points:

- The Applicant was confident that the application would not impact any of the licensing objectives and that they had agreed to reduce the hours of sale of alcohol and opening hours to match those stipulated by planning conditions to ensure that all relevant parties including the Police were happy. Other measures mentioned included no vertical drinking and training for staff in logging refusals and the Challenge 25 policy.
- The Applicant gave the opinion that the Cinema nearby had a late-night licence and has had no issues or complaints regarding noise and nuisance. The Applicant was not concerned with residents purchasing alcohol from the premises to consume in the nearby park Cooper's Meadow and stressed that there is an off licence and a Waitrose nearer to the park.
- The Applicant highlighted the events that had taken place for the King's Coronation with a temporary notice which received no complaints. The clientele was in general middle-aged, and that the sale of alcohol with their food had been suggested by multiple customers which is the reason for the application.

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

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

- That there are 16 seats in the garden. 8 tables with 4 on the grass and 4 alongside the building. The Applicant was confident that this could be easily managed especially with the installation of CCTV that is being planned.
- The Applicant stated that their base seller was sandwiches and also cakes, sausage rolls and salads. The success in the current food model meant no plans were being made to change the food on offer.
- There was no difference in noise level when the temporary event was held, even with a packed garden and alcohol being served.

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

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

- Part of the garden area is not part of the official lease but had been used by the Applicant for over 10 years and is a community space. The Applicant had contributed to its maintenance by purchasing plants.

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

Representation – Richard Spencer-Williams, Town Clerk, Marlborough Town Council highlighted the following on behalf of the Town Council:

- That there was already a considerable amount of noise and concern was raised at how it could travel from the café across the river.
- There had been significant issues with the consumption of alcohol in the nearby park Cooper's Meadow and the Town Council was concerned that sales from the Café would be taken to the park for consumption.

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

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

- The Town Council's view was that this application would extend where licensing activities are held. The cinema does have a licence, but it is a constructed set up and set back from the high street.

- The Town Council had not re-considered the application based on the reduction in revised hours and proposed condition relating to vertical drinking due to their democratic time plate.

#### **Questions from the Applicant:**

There were no questions from the Applicant to the Town Council representative, but it was stated that vertical drinking not being allowed had been included as a way to appease the concerns of residents.

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

No further points were made by the representative for Marlborough Town Council.

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

In their closing submission, the Applicant highlighted the following:

- Asked for an amendment with regards to vertical drinking.
- Stated that the premises does not have much seating whilst competing with other great businesses and are aiming to maximise their capabilities.

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

No points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 10:39 and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 10:59.

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

#### **Decision:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of Krumbz Café, Kennet Place, Marlborough, Wiltshire be GRANTED for the licensable activities shown below:**

<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
<b>Sale by retail of alcohol (ON and OFF sales)</b>	<b>Monday to Sunday</b>	<b>08:00 – 18:30</b>
<b>Hours open to the public (<i>Not a licensable activity</i>)</b>	<b>Monday to Sunday</b>	<b>08:00 – 18:30</b>

**And subject to the following condition:**

All ON sales of alcohol must be consumed whilst seated at the premises.

**Reasons for Decision**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the representation from Marlborough Town Council at the hearing.

The Sub Committee gave consideration to the anticipated public noise nuisance, particularly from patrons arriving and leaving the premises and felt that by the reduction of the hours for the sale of alcohol each day from 22:00 to 18:30 before the closure of the premises to the public this would limit the public noise disturbance to the local residents.

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives and included a condition that all on sale alcohol must be consumed whilst seated at the premises.

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

**Right to Appeal**

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

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an

Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

(Duration of meeting: 10.15 – 11.02)

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## Northern Area Licensing Sub Committee

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MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING  
HELD ON 26 JULY 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER.

**IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - CALNE BIKE  
MEET, CALNE RECREATIONAL GROUND, ANCHOR ROAD, CALNE**

### **Councillors who Determined the Application:**

Cllr Peter Hutton (Chairman), Cllr Trevor Carbin and Cllr Nic Puntis

### **Also Present:**

#### Applicant/Applicant's Representatives

Jennifer Jennings – Chair - Calne Bike Meet  
Greg Widger - Committee Member – Calne Bike Meet

#### Those who made a relevant representation

Representation 1 – Not present

#### Wiltshire Council Officers

Max Hirst – Democratic Services Officer  
Lisa Pullin – Democratic Services Officer  
Mike Edgar – Senior Solicitor  
Teresa Isaacson – Public Protection Officer (Licensing)

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### 33 **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.**

### 34 **Apologies for Absence/Substitutions**

Apologies were received from Lisa Grant (Public Protection Officer – Licensing) and from the resident who made a representation.

35 **Procedure for the Meeting**

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

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

It was noted that those that had made a representation would not be identified by name within the minutes.

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

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

36 **Chairman's Announcements**

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

37 **Declarations of Interest**

There were no interests declared.

38 **Licensing Application**

**Application by The National Association for Bikers with a Disability (NABD) for a Premises Licence in respect of Calne Bike Meet, Calne Recreational Ground, Anchor Road, Calne**

**Licensing Officer's Submission**

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

- Sale by retail of alcohol (ON and OFF sales only)

- Live Music (Indoors and Outdoors)
- Recorded Music (Indoors and outdoors)
- Performance of dance (Indoors)
- Late night refreshment

It was noted by the Sub Committee that there were 4 options available to them:

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

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

**On behalf of the Applicant**

- Jennifer Jennings – Chair - Calne Bike Meet
- Greg Widger - Committee Member – Calne Bike Meet

**Relevant Representations**

- One local resident in objection to the application was not present at the hearing.

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

- The event planned for 28/29/30 July 2023 had been withdrawn for this year due to the close timings, but they still wished to go ahead with the application for subsequent years.
- There had been misinformation regarding the event leading to the representation and email exchanges with other residents.
- A rigorous Noise Management Plan had been put together and no issues were foreseen if the event was run in accordance with that plan.
- It was assumed and welcomed that a review/wash up of the event would be held afterwards and that if there were any complaints received that the Premises Licence could be reviewed.
- Part of the Event Management Plan was to have a SIA security team and marshals to keep the event secure.
- The event had been advertised as adult only.
- The Applicant had been working with NABD for over 30 years who had plenty of experience running events.

**The Chair sought advice to confirm that the Sub Committee were still able to determine the application even though it was not planned to be held for this year. It was confirmed that this was not a one-off application and was for a rolling Premises Licence for an event to be held for one weekend a year subject to the agreed timings for licensable activity. The Public Protection Officer – Licensing highlighted that it was likely that an Event Safety Advisory Group meeting would be held before each event and an Event Management Plan would need to be submitted for approval in good time for the event.**

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

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

- The intention was to run live music until 22:00 and then recorded music up to 23:00 when everything would then be turned off.
- Only a canned bar would be provided with no glass. Recycling facilities would be available. There would only be glass behind the bar (spirit bottles) which would be decanted into suitable receptacles.
- There would be no performance of dance at all planned and this had been included in error in the application and should be removed.
- There would be no pyrotechnics or fireworks.

- The Applicant was confident they could get 1280 campers into the recreational ground area but they had taken the decision to start smaller with up to 500 campers so they could progress if successful. 25 square metres had been allocated per pitch.
- Amnesty bins were accepted as a good idea from the Sub Committee, but with the caveat that some attendees would have prescription drugs hence the notice about tolerance for those.
- In the advertising for the event, it had been stated that there would be limited numbers and advised pre-booking. The facilities (i.e toilets) had been based on the 500-attendee number.

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

The relevant representee was not present.

#### **Responsible Authorities' submissions**

There were no representatives of Responsible Authorities present.

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

The relevant representee was not present.

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

No further points were made by the Applicant.

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

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

The Sub Committee then adjourned at 10:45 and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:02.

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

#### **Decision –**

**The Northern Area Licensing Sub Committee RESOLVED:**

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises License in respect of Calne Bike Meet, Calne Recreational Ground, Anchor Road, Calne be GRANTED for the licensable activities as shown below:

<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
<b>Sale by retail of alcohol (ON and OFF sales only)</b>	<b>Friday</b>	<b>16:00 – 00:00</b>
	<b>Saturday</b>	<b>18:00 – 00:00</b>
<b>Live Music (Indoors and Outdoors)</b>	<b>Friday and Saturday</b>	<b>19:00 – 23:00</b>
<b>Recorded Music (Indoors and Outdoors)</b>	<b>Friday and Saturday</b>	<b>19:00 – 23:00</b>
<b>remove</b>		
<b>Late Night Refreshment</b>	<b>Friday</b>	<b>23:00 – 05:00</b>
	<b>Saturday</b>	<b>23:00 – 05:00</b>
<b><i>Hours open to the public (Not a licensable activity)</i></b>	<b><i>From 10:00 on Friday to 12:00 on Sunday</i></b>	

**And subject to the following condition:**

That an Event Management Plan is submitted to Wiltshire Council no later than 3 months prior to the event taking place.

The Sub Committee also wished to include the following Informative (if relevant).

That amnesty bins are placed on all the entrances to the campsite at Calne Recreational Ground

**Reasons**

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

The Sub Committee heard no evidence that the Applicants would fail to promote the Licensing Objectives and included an Informative to place amnesty bins at all the entrances to the event site.

The Sub Committee held confidence in the Applicants' ability to follow the Licensing Objectives. Positive comments were made by the Sub Committee regarding the level of detail in the Event Management Plan.

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

### **Right to Appeal**

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

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

The meeting closed at 11:05.

(Duration of meeting: 10:15 – 11:05)

The Officer who has produced these minutes is Max Hirst of Democratic Services.

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

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## Southern Area Licensing Sub Committee

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**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 25 APRIL 2023 AT THE PUMP ROOM, THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.**

**Present:**

Cllr Trevor Carbin, Cllr Jerry Kunkler and Cllr Tim Trimble

**Also Present:**

**Applicant**

- Dave Hancock, Director of The Immersive Group Ltd
- Aimee Hancock, Director of The Immersive Group Ltd
- Colin Holton, Salisbury Live

**Those who made relevant representation.**

- Reps 4, 10, 11 & 13 – Local residents.

**Wiltshire Council Officers**

- Lisa Alexander – Senior Democratic Services Officer
- Mike Edgar – Senior Solicitor
- Katherine Edge – Public Protection Officer - Licensing
- Cameron Osborne – Democratic Services (Observing)
- Max Hirst – Democratic Service (Observing)

**Also in attendance**

Members of the public and representatives from Salisbury City Council.

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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 Trevor Carbin as Chairman for this meeting only.**

**2 Apologies for Absence/Substitutions**

There were no apologies.

**3 Procedure for the Meeting**

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

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

It was noted that those that had made a representation would not be identified by name within the minutes.

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

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

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

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

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

There were no interests declared.

#### 6 **Licensing Application**

**Application for a Premises Licence in respect of Victoria Park, Salisbury, made by the Immersive Group Ltd.**

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

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a new premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 14 relevant representations had been received. The application was for the following licensable activities:

Licensable Activities	Days	Timings
Live Music	Monday to Sunday	10:00hrs – 22:30hrs
Recorded Music	Outdoors	

Sale by retail of Alcohol	Monday to Sunday ON and OFF sales	10:00hrs – 22:30hrs
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It was noted by the Sub Committee that there were 4 options available to them:

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

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

**On behalf of the Applicant**

- Dave Hancock, Director of The Immersive Group Ltd
- Aimee Hancock, Director of The Immersive Group Ltd
- Colin Holton, Salisbury Live

**Relevant Representations**

- Rep 4 - local residents in objection to the application
- Rep 10 - local resident in objection to the application
- Rep 11- local resident in objection to the application
- Rep 13 - 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 and their representatives (detailed above) spoke in support of the application, highlighting the following points:

- The application was for a maximum of five events in one calendar year, with Salisbury Live on 12 August 2023 being the only current confirmed event.
- The Salisbury Live event would be a family event which would include, food, drinks and entertainment, with acts including a mixture of tribute bands and local artists and performances by music students from the local college.
- An Event Management Plan (EMP) would be produced once the premises licence application stage was complete. The EMP would set out further details such as position of the stage and plans for other

aspects of the event such as security, noise management and the provision of toilets to accommodate those attending the event.

- The Applicant had previous experience at holding events around the city and in the city centre and had established recognition for good management and delivery of those events.
- The Applicant had worked with Environmental Health to agree further conditions to alleviate any concerns.
- A proposed brochure was circulated to all present, detailing the schedule for a range of Salisbury Live events throughout the year at other venues, to provide an example of what could be expected at a future event held in Victoria Park.
- A financial deposit arrangement would be agreed with Salisbury City Council (SCC) to cover costs incurred due to the replacement of any plants/trees damaged as a result of the event.
- Entrance to the event would be by ticket only and this would be through designated entrances, with staff from an accredited security company monitoring visitors throughout the event.
- Attendance figures were estimated to be around 1000. It was expected that people attending would walk to the event or travel by bus, as parking on site was limited.

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

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

- An approved security company from Bournemouth would be used to manage the entrances and exits.
- Plastic vessels would be used, all glass bottles would be decanted by the serving staff and no glass would be given out to customers.
- The application was for a maximum of 5 events per year, however only one event was currently planned. The other events when planned may be different than the Salisbury Live event on 12 August 2023. Salisbury City Council would need to grant permission for any event planned before it could go ahead.

### **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 legal requirement for displaying notifications had been met. Some of the notices displayed had been taken down by unknown people.

### **Summary of submissions from those who made relevant representations**

- Lack of notification of the application to local residents with suggestions that a leaflet drop to those around the park would have been a more informative approach to alerting residents of the application.
- Proximity of the live music stage to the local residents.
- Inadequate parking at the site for the numbers expected to attend.
- The provision of a designated Noise Manager to deal with queries on the day of events.
- Safety of children with regards to the sale of alcohol.
- Disturbance to the quiet nature of the residential roads around the park.
- The impact on the alcohol-free zone at the park.
- Damage caused by attendees of the event to shrubs, flowers and new tree planting.
- Disturbance to local residents who would wish to use their gardens or open windows in the summer months.
- The toilet facilities were inadequate for a large scale event.
- The football pitch was used every weekend. The event would cause damage to it.

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

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

- As with any music event, there would be a level of noise created. The proximity of the stage to the surrounding residential area would need to be planned carefully.
- The notices had been displayed in accordance with set procedure. The removal of the notices by unknown parties was beyond the control of the Applicant.

### **Questions from the Applicant:**

There were no questions from the Applicant.

## **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:

- The park was not a suitable location for large scale music events.
- The Applicant should consider the provision of buses to and from the event to alleviate parking issues which it was felt would arise with an expected high attendance.
- There was a historic covenant at the park which restricted how the park could be used. This was a legal matter which may prevent the event from taking place.
- Whether usual users of the park would be able to access it during the event.
- Whether the 'Friends of Victoria Park' volunteer Group or the Tennis Club had been approached to inform them of the event.
- A wider circulation of the finer detail of what was proposed, should the application be granted.
- The disturbance to local residents during the summer months when windows and doors were more likely to be open and people would be using their garden spaces.
- A feeling that there had been a lack of consultation with the residents surrounding the park.

## **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- There had been compliance with all of the requirements, including the erection of the notices.
- Extensive planning was involved in preparation for the events, with opportunities for employment of up to 60 local people.
- Victoria Park was a public space for all to enjoy, the event would increase the number of people able to enjoy the space.
- The application needed to be viable, so was for a maximum of 5 events rather than 1. Only one event had currently been planned.

- There were further hurdles to pass before the event could take place, the license application was the first stage of the process.
- There would be further consultation.
- Toilets/parking/tennis would be planned for and be included in the EMP, which the applicant would be happy to share with residents once it had been produced.
- There was a proven track record of operating in public spaces.
- The event would be planned with the 4 licensing objectives in mind.

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

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

The Sub Committee then adjourned at 11:05 and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:45.

The Senior Solicitor advised that he gave legal advice on the four licensing objectives to the Sub Committee.

**The Southern Area Licensing Sub Committee RESOLVED:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council’s Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of Victoria Park, Salisbury, be GRANTED for the licensable activities as shown below:**

<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
<b>Live Music</b> <b>Recorded Music</b>	<b>Monday to Sunday</b> <b>Outdoors</b>	<b>10:00hrs –</b> <b>22:30hrs</b>
<b>Sale by retail of Alcohol</b>	<b>Monday to Sunday</b> <b>ON and OFF sales</b>	<b>10:00hrs –</b> <b>22:30hrs</b>

**And subject to the following conditions:**

**Additional Conditions (1 – 5 below) proposed by Environmental Protection and Control and accepted by applicant and Conditions (6 – 8 below) applied to the licence by the Sub Committee:**

- 1. Any operation in the park would need to be subject to Salisbury City Council agreeing to hire the space each time and also an Event Management Plan (EMP) being agreed by all relevant authorities.**
- 2. No more than 5 events in a calendar year and events will not take place on consecutive weekends.**
- 3. A Noise Management Plan (NMP) shall be submitted by the premises license holder to the licencing authority least 30 days before the commencement of any event for agreement in writing. The NMP shall be prepared by a suitably qualified person and include details of how all noise related issues will be managed including:
  - i. target noise levels, frequency of measurements and a map/plan to show where measurements will be taken;**
  - ii. details of physical measures required for attenuation of MNL to achieve target noise levels;**
  - iii. management controls;**
  - iv. details of how local residents will be communicated with in advance of the event;**
  - v. complaints policy and procedure.****
- 4. The Noise Management Plan must be adhered to at all times during the event.**
- 5. Alcohol sales, live and recorded music to end no later than 22:30 hrs to allow time for people to leave the site and any packing down and waste clearance to be completed before 23:00 hrs.**
- 6. The 5 events per year be limited to one day events, not to be held on consecutive days.**
- 7. A notice to be visibly displayed during events, with contact details of the named person of responsibility. The location of the notice to be agreed with Salisbury City Council (SCC).**
- 8. All drinks to be served in non-glass receptacles.**

### **Reasons**

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



hearing. The Sub Committee noted the concerns noted in the agenda and raised by the local residents at the hearing concerning the anticipated public noise nuisance, particularly from bands performing at the event, and considered that by restricting the number of events to 5 one day events per year, with the cut off time for music and sale of alcohol each day ending at 22:30 hrs would limit the public noise disturbance to the local residents.

The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives, with information suggesting that the Applicant had a history of good management at previous events around the city, a good working relationship with the local Police Teams, cooperation and liaison between Environmental Health and with the Licensing Authority. These points all indicated that the Licensing Objectives would be upheld if the Licence was granted.

The Sub Committee were not able to consider any issues raised concerning parking or highway matters or matters relating to any legal covenants which may be in place, as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee could only consider evidence concerning the licensing application and the promotion of the licensing objectives.

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

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 the likely affect would be that one or more of the licensing objectives would be undermined. In particular, the Committee was required to (and did) give weight to the following matters:-

- 1) The Applicant had followed the correct process in displaying the blue notices and there was not requirement to individually notify surrounding residents.
- 2) That none of the responsible authorities had raised concerns about the application.
- 3) The approval of an EMP was required prior to an event taking place.
- 4) Salisbury City Council (SCC) would need to grant permission to use the site at Victoria Park, prior to any event taking place.
- 5) It was the responsibility of SCC to ensure that events held at Victoria Park were compliant with any covenant which may be in place.

- 6) Parking was not a relevant licensing consideration and as such could not be taken into account.
- 7) The Applicant had a history of managing large scale events around the city where there were no reported incidents.

The Sub Committee did, however, consider that it was appropriate for the promotion of the relevant licensing objectives, the prevention of public nuisance and Public Safety, to impose additional conditions as detailed above, and also to include a condition for the display of contact details of a named person of responsibility on the day of each event, to ensure there was opportunity for any issues that may arise, to be reported promptly for resolution.

Whilst it was recognised that the music event would create a level of noise which would be heard from the surrounding residential properties, restricting each of the five events to one single day (not to be held on consecutive days), would limit any disturbance to one day across a single weekend.

#### *Informative*

*It should be noted that when conducting a review of a licence the Licensing Sub Committee can only consider concerns which relate to one or more of the statutory four licensing objectives and which are evidenced based.*

#### **Right to Appeal**

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

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

(Duration of meeting: 10.00 - 11.55 am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail [lisa.Alexander@wiltshire.gov.uk](mailto:lisa.Alexander@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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## Southern Area Licensing Sub Committee

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### MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 6 JULY 2023 AT THE PUMP ROOM - THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

#### **Present:**

Cllr Kevin Daley, Cllr Peter Hutton and Cllr Robert Yuill

#### **Also Present:**

#### Applicant

Ms H Souch, Club Secretary & Mr M Willits, Club Fixtures Secretary

#### Those who made a Relevant Representation

Representation 2 – Landlord and Local Resident

#### Wiltshire Council Officers

Lisa Alexander, Senior Democratic Services Officer

Ellen Ghey, Democratic Services Officer (observing)

Mike Edgar, Senior Solicitor

Andrew Noble, Public Protection Officer – Licensing

Katherine Edge, Public Protection Officer – Licensing (Observing)

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#### 12 **Election of Chairman**

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

#### **Resolved:**

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

#### 13 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

#### 14 **Procedure for the Meeting**

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

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

It was noted that those that had made a representation would not be identified by name within the minutes.

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

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

15 **Chairman's Announcements**

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

16 **Declarations of Interest**

There were no interests declared.

17 **Licensing Application**

**Application for A Club Premises Certificate in respect of Chalke Valley Cricket Club, made by Helen Souch, Club Secretary.**

**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 Andrew Noble (Public Protection Officer – Licensing) for which 2 relevant representations had been received. The application was for the following licensable activities:

- Sale by retail of alcohol, On and Off Sales, Monday through to Sunday, from 12:00 hrs to 21:00hrs.

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

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

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

**On behalf of the Applicant**

- Ms Helen Souch, Club Secretary
- Mr M Willits, Club Fixture Secretary

**Relevant Representations**

- Rep 2 – Local Resident

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 Chair invited the Applicant to introduce their application.

**The Applicant's Submission**

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

- The Cricket Club had been at the site for 13 years.
- The lease had been gifted to the Club by the current Landlords mother, who was now deceased. The original owner of the land was supportive of the club and had a good relationship with the Cricket Club.
- The club had applied for a Club Certificate to enhance the control measures around the sale and consumption of alcohol as part of its progression to a higher league.
- There was a strong desire to run the club correctly.
- Currently those attending the games were allowed to bring their own alcohol and consume it whilst watching the game, with no restrictions in place.
- Having a Club Certificate would allow the sale of alcohol which would control when people could and could not drink. There would also be more scope to monitor consumption levels.
- There was no history of alcohol related issues at the club.
- The club had not previously been able to monitor the quantity of alcohol brought to games by the opposition teams.
- The club would prevent attendees bringing their own alcohol once a Club Certificate was obtained.

**Sub Committee Member's questions**

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

- Whilst a Club Certificate would enable the club to exercise greater control over the availability of alcohol, it did not prevent people from bringing their own onto the premises. The club would legally advertise the availability of the bar and the provision of refreshment through the sessions. The club would also operate the Challenge 25 scheme and would notify attendees not to bring their own alcohol to the site.
- There were no previous occurrences of misbehaviour or public nuisance. The Club Certificate would give the best opportunity to control alcohol consumption on the site.

- In addition to the weekly training session and a weekend match, there may be an occasional tournament or event held at the site. There would be no loud music and would attract normal levels of attendance.
- Training records would be kept on site and made available on request to any of the Responsible Authorities. The option for notifications of planned events to be made available to the local residents could be explored to improve communication.
- The Applicant had experience of running pubs and serving in a licensed premises and was aware of the regulations and would abide by them. A responsible person would be nominated once the club bar was open. The hours applied for would cover standard weekly training and match sessions as well as any additional events.
- The bar would sell a mixture of cans of lager/cider and bottles of wine. Cricket rules state no drinking during the game for players.

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

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

- Why was there a need to have alcohol and sell it as a sports club seven days of the week?  
Answer – The Cricket Club was more than just a place to hold a match. Cricket was a social event for the families and friends of the players who come along to support the team. Having a Club Certificate increases the offer and experience for the community to enjoy cricket. The Club Certificate was applied for all seven days so that it covered additional events such as a cricket tournament.
- Sometimes in the morning after a match, several vehicles were left behind. This did not sound like control if cars were left behind.

### **Licensing Officer**

- Allowing people to bring their own is discouraged however it would be within your rights to set your own operational mandate.

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

#### Representation 2

- The first I (the current landlord) knew of the application for a club Certificate was on 2 June 2023, when we saw a poster. There had been no other communication with me or the neighbours prior to this. There then came an email from the Club Chairman on 6 June 2023. In terms of involving the village it had not been good so far.
- The Club Certificate should be limited to matches.
- Car parking was not permitted.

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



There were no questions.

**Questions from the Applicant:**

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

- With regards to engagement with landlady we had always been open and had tried to do that during the first 8 years of Rep 2 being the new Landlady. Then the Club received a solicitor's letter through the door. At that point we realised liaising with her was not an option.
- Happy to discuss the parking issue with her at a later date as it was not a Licensing matter.

**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:

Representative 2

- My main concern was a fear of increased noise due to alcohol consumption.

**Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- The application was not about being able to sell alcohol all hours of the week, for the club it meant having a level of control that was not currently in place.
- The club would be happy to liaise with the community and its local neighbours.

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

No points of clarification were requested.

**Deliberation**

The Sub Committee then adjourned at 11:37hrs and retired with the Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12:00hrs.

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

**Decision:**

**The Southern Area Licensing Sub Committee RESOLVED:**

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Club Premises Certificate under section 71 of the Licensing Act 2003 in respect of Chalke Valley Cricket Club be GRANTED, for the licensable activities, subject to the conditions as set out below:

Licensable Activity	Timings	Days
Sale by retail of alcohol ON and OFF Sales	12:00hrs to 21:00hrs	Monday to Sunday

Subject to the following Conditions (1 to 11):

**The Prevention of Crime & Disorder**

1. The Chalke Valley Cricket Club will open only to members and properly signed in guests. Alcohol sales will be restricted to those individuals and a written record of signed in guests will be maintained. That record will be available to appropriate authorities as required.
2. The cricket pavilion will be maintained to a standard that ensures its reasonable security.
3. Stock of alcohol will be removed from the cricket pavilion out of season.
4. All staff involved in the retail sale of alcohol will complete suitable retail sale of alcohol training.
5. Records of staff training will be maintained and will be available to appropriate authorities as required.

**Public Safety**

6. Cricket pavilion emergency exits will be maintained in a clear and unobstructed state at all times.

**The Prevention of Public Nuisance**

7. There will be no music or other regulated entertainment permitted under this club certificate.
8. Where alcohol is consumed outside, staff operating the bar will regularly monitor member and guest behaviour to ensure excessive noise is not created.

**The Protection of Children from Harm**

9. The cricket club will operate a Challenge 25 scheme.
10. Only recognised original ID documents will be accepted as proof of age.

**11. All staff involved in the retail sale of alcohol will be trained in the check and challenge of customers to minimise the risk of under-age sales.**

With the following Informatives (1 to 3):

1. Regarding condition 4 above – the training record to be made available to the local authority and or responsible authorities upon request.
2. The Club will circulate any rules for the consumption of alcohol to all guests and visiting clubs prior to arrival at the site.
3. When an event is planned to take place outside of the standard fixtures, the Club is to advertise these events on a display board at the club as well as advertising on digital platforms.

**Reasons for Decision**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by those that had made relevant representations at the hearing and in writing, concerning:

- The possibility of an increased noise level generated by those attending the Cricket games, if alcohol was on sale.
- Increased litter generated from the sale of alcohol.

The Sub Committee gave consideration to the anticipated increase in public noise nuisance. It was noted that the club had operated at the site for the last 13 years with no previous history of noise nuisance, despite there currently being no restriction on the consumption of alcohol brought to the site by Members and Guests. It was agreed that the granting of a licence alongside the plan of the Club to refuse attendees from bringing their own alcohol, would only increase control over consumption.

The Sub Committee further agreed that relevant training of all staff serving at the bar in monitoring customers level of consumption and refusing to serve anyone who was intoxicated, would further strengthen the Clubs ability to manage and prevent unwelcomed behaviour from arising.

The Sub Committee noted the concern raised by those that had made a representation, relating to litter being discarded over a fence into their garden, by people attending the cricket games. It was agreed that it was not possible to establish whether such actions, if they occurred, were restricted to attendees of the Club or may have been carried out by members of the public using the public path.

The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives and supported the Applicant's proposed conditions as set out in the application. Further to the conditions, the Sub Committee included informatives which they felt would strengthen relationships between the Club and its neighbours.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 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**

The Applicant and the Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

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

- 18 **Appendix 1 - Club Certificate Application from Chalke Valley Cricket Club**
- 19 **Appendix 2 - Maps A and B**
- 19 **Appendix 3 - Photos of the Cricket Pavilion and Storage Units**
  
- 19 **Appendix 4 - Representations 1 and 2**

(Duration of meeting: 11.00 am - 12.10 pm)

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## Southern Area Licensing Sub Committee

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**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING  
HELD ON 2 OCTOBER 2023 AT THE PUMP ROOM - THE OLD FIRE STATION  
ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.**

**IN RESPECT OF AN APPLICATION FOR A PREMISES LICENSE – FOR HOLE  
FARM, BRICK KILN LANE, ALDERBURY SP5 3EL MAE BY READ FARMING LTD**

**Present:**

Cllr Trevor Carbin, Cllr Peter Hutton and Cllr Robert Yuill

**Also Present:**

Applicant/Applicant's Representatives

Mr Peter Read

Ms Georgina Stewart

Those who made Relevant Representations

Cllr Elaine Hartford – Alderbury Parish Council, Representation 1

Wiltshire Council Officers

Lisa Alexander – Senior Democratic Services Officer

Mike Edgar – Senior Solicitor

Katherine Edge – Public Protection Licensing

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20 **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.**

21 **Apologies for Absence/Substitutions**

There were no apologies.

22 **Procedure for the Meeting**

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

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

It was noted that those that had made a representation would not be identified by name within the minutes.

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

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

**23 Chairman's Announcements**

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

**24 Declarations of Interest**

There were no interests declared.

**25 Licensing Application**

**Application for a Premises Licence – in respect of Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL made by Read Farming Ltd**

**Licensing Officer’s Submission**

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 1 relevant representation had been received. The application was for the following licensable activities:

Licensable Activities	Days	Timings
Provision of regulated entertainment Recorded music and Live Music Similar to any music or dance Indoors and outdoors	12:00hrs – 22:00hrs 11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday Monday – Wednesday Thursday – Saturday
Sale by retail of alcohol ON and OFF Sales	11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Wednesday Thursday – Saturday

		News Year's Eve from 11:00hrs to 01:00hrs on New Year's Day
Late Night Refreshment Indoors and outdoors	23:00hrs – 00:00hrs	Thursday - Saturday

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

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

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

**On behalf of the Applicant**

- Mr Peter Read
- Ms Georgina Stewart (Partner of Applicant)

**Relevant Representations:**

- Alderbury Parish Council 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 (add names) spoke in support of the application, highlighting the following points:

- The Applicant had believed the Application to be fine and had been led to believe that the Parish Council meeting to consider the Planning Application had already been passed and that he was not required to attend. Once it was realised that he had missed the meeting, the

Applicant made contact with the clerk immediately and offered an invite for the Parish Council to visit the site. Following this conversation, the Applicant had heard nothing more from the Parish Council.

- The Applicant was a farmer by family tradition and a Premises Licence holder for over 30 years, having previously run a leisure complex in the Basingstoke area.
- On moving to the site, the Applicant and his family had started to offer stay vacations, with an array of Sheppard huts and holiday lets.
- There was a large barn on the site which was very dilapidated. The Applicant had planning permission for the barn to become an events barn and he had been running it as a wedding barn for a few years.
- Events would include weddings and celebrations of life, but there was no intention to cater for 18 or 21 year birthday parties.
- The Applicant had agreed a set caterer for all of the events.
- Application was for a basic license until 12 midnight
- The local pub had a license until 01:00hrs, with another local pub also having music until 01:00hrs.
- The Applicant noted that flexibility was crucial to the style of business they aimed to run, with weddings being booked during the week not just on weekends.
- The Applicant and his young family lived on the farm, with his children attending the Alerbury school.

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

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

- There had been no TENS applications on the site.
- The Applicant confirmed that the term 'and other events' on the Application form was used to cover events such as charity events, Black tie and jazz bands etc – not a ticketed disco. It was confirmed that they would not be holding a music festival.
- The aim was to offer events that included food, which was why they had recruited a catering company.
- Guests staying at the cottages on the site often visited nearby family, so the Applicant wished to offer family events.
- There would be no large-scale public ticket events.
- There was no intention to hold any events which would impact on the animals on the farm.
- Sale of alcohol on/off was aimed at guests of the cottages etc, who may wish to take a bottle of alcohol back to their accommodation to enjoy. There was no intention to sell alcohol to people coming on to the farm from outside.
- The farm was 140 acres in total.
- Holiday lets have been held over last few years – there have been no events on the farm previously.

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



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

- The Parish Council did not individually invite people to attend meetings, however it was confirmed that they had not said the Applicant did not need to attend.
- The Parish Council had previously supported the holiday lets. When councillor had viewed the barn previously there was no mention of a wedding venue.
- The concern around the Events section and the on/off sale aspects of the application form, had now been explained.

### **Responsible Authorities' submissions**

There were no representatives of Responsible Authorities present.

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

#### **Representation 1**

- The Parish Council was not as concerned with the sale of alcohol on the site, the main concern was related to associated noise, which would travel. Recently, noise from a party on another site had travelled through the village and was all over social media.
- We don't mind one off events, however the application was for a blanket cover, there was nothing to prevent the Applicant from having an event every day.
- The Parish Council wished to safeguard the older residents in Alderbury.
- The ability to have noise in or out of the building was a concern.

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

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

- There were conditions accepted by the Applicant as detailed in the report relating to noise, which would require doors and windows to be closed at 23:00hrs and for a Noise Management Plan to be produced.
- The PC has the right to call in any licensing app – should there be issues.

### **Questions from the Applicant:**

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

- The Applicant had agreed the outside music would be limited to 11pm

- The Applicant and family lived on the farm so were aware how quiet it was in that area. The Longford estate had held a couple of parties recently until 04:00hrs. Those types of events were not helpful to other businesses wishing to apply for license.
- The planning application for the barn when it first went in, had stated it was for events.
- Appreciate the concerns for the older residents however, the nearest place to the farm was on the hill and was also a farm with its residents outside farming until all hours.

### **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:

Representative 1

- The Parish Council was not able to withdraw its objection as decisions had to be taken at a public meeting.
- The Parish Council believed that the barn had been implied to be an area for use by the holiday makers to go and enjoy themselves.

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

- The Applicant was sorry to have missed the opportunity to attend the Parish Council meeting where the application was discussed.
- The Applicant and his family were very much a part of the community and understood the concerns expressed, however felt that there were no grounds to believe the licensing objectives would not be upheld.

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

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

The Sub Committee then adjourned at 10:30hrs and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:00hrs.

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

It was;

### **Resolved:**

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises License in respect of Hole Farm, Brick Kiln Lane, Alderbury SP5 3EL be **GRANTED** for the licensable activities as applied for and set out below:

Licensable Activities	Days	Timings
Provision of regulated entertainment Recorded music and Live Music Similar to any music or dance Indoors and outdoors	12:00hrs – 22:00hrs 11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Monday – Wednesday Thursday – Saturday
Sale by retail of alcohol ON and OFF Sales	11:00hrs – 23:00hrs 11:00hrs – 00:00hrs	Sunday – Wednesday Thursday – Saturday  News Year's Eve from 11:00hrs to 01:00hrs on New Year's Day
Late Night Refreshment Indoors and outdoors	23:00hrs – 00:00hrs	Thursday - Saturday

**And subject to the conditions as applied for, including the 2 previously agreed additional conditions, which are:**

- 1. After 11pm, any amplified music must take place inside the building and all doors and windows must be kept closed except for access and egress.**
- 2. Noise Management Plan to be raised and agreed by the licensing authority at least 28 days prior to hosting the first event with regulated entertainment. Noise from regulated entertainment shall be managed strictly in accordance with the agreed plan.**

### **Reasons**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the Parish Council at the hearing concerning noise and the sale of alcohol.

The anticipated public noise nuisance was associated with loud large scale music events, which the Applicant had confirmed there was no intention of holding at the site. In addition the additional two conditions would ensure that any noise from within the barn would be contained after 23:00hrs, due to the doors and windows being kept closed except for access and egress.

The requirement of a Noise Management Plan would further ensure that noise from regulated entertainment would be managed strictly in accordance with the agreed plan.

The Sub Committee heard no evidence that the Applicants would fail to promote the licensing objectives and included an emphasised the importance of communication with the Parish Council and residents as good practice.

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

#### Right to Appeal

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

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

The meeting closed at 11:15hrs

- 26 **Appendix 1 - Application**
- 27 **Appendix 2 - Relevant Representation**
- 28 **Appendix 3 - Location Map**
- 29 **Appendix 4 - Live Music Act 2012**

(Duration of meeting: 10.00 - 11.15 am)

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## Western Area Licensing Sub Committee

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**MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 OCTOBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMESIS LICENCE AT THOULSTONE PARK, CHAPMANSLADE, WESTBURY MADE BY MR AND MRS HUGHES-HALLETT.**

**Present:**

Cllr Kevin Daley (Chairman), Cllr Trevor Carbin and Cllr Ruth Hopkinson

**Also Present:**

Applicants

Mr Hughes-Hallett  
Mrs Hughes-Hallett

Those who made a relevant representation

Nine individuals that had made a representation were in attendance, including Cllr Bill Parks.

Wiltshire Council Officers

Carla Adkins (Public Protection Officer – Licensing)  
Roy Bahadoor (Public Protection Officer – Licensing (observing))  
Frank Cain (Legal Representative – Consultant Barrister)  
Jonathan McLaughlin (Solicitor (observing))  
Gary Tomsett (Team Leader Environmental Control and Protection (observing))  
Vicky Brown (Senior Environmental Health Officer (observing))  
Lisa Pullin (Democratic Services Officer)  
Matt Hitch (Democratic Services Officer (observing))

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

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

It was noted that those that had made a representation would not be identified by name within the minutes.

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

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

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

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

### 5 **Declarations of Interest**

There were no interests declared.

### 6 **Licensing Application**

**Application by Mr and Mrs Hughes-Hallett for a premises licence in respect of Thoulstone Park, Champmanslade, Westbury**

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

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a premises licence, for which 30 relevant representations had been received. Carla Adkins (Public Protection Officer – Licensing) introduced the report about the application which was for the following licensable activities:

- Plays and films (indoors and outdoors)
- Live and recorded music (indoors and outdoors)
- Performance of dance (indoors and outdoors)
- Sale by retail of alcohol



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

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

The Public Protection Officer (Licensing) then highlighted that the Applicants had agreed to the changes proposed by the Senior Environmental Health Officer, as listed in Appendix 2 of the report, including a stipulation that live and recorded music would cease on the site by 23:00 each day. It was noted that it would be for the Sub Committee to determine whether these amendments should form part of the conditions were the license to be granted. It was clarified that The Legislative Reform (Entertainment Licensing) Order 2014 permitted live and/or recorded music to be played at a licensed premises for on-sales of alcohol under certain circumstances. As long as music was played between 8am and 11pm, to an audience of fewer than 500 people, then it would not be subject to licence conditions.

The following parties attended and took part in the hearing:

**On behalf of the Applicants**

- Mr Hughes-Hallett - Applicant
- Mrs Hughes-Hallett - Applicant

**Relevant Representations**

- Seven local residents in objection to the application
- One local Councillor in objection to the application
- One Parish Council in objection to the application

**Responsible Authorities**

There were no responsible authorities present.

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

The Chairman invited the Applicants to introduce their application.

**Applicants' submission**

The Applicants, Mr and Mrs Hughes-Hallett, spoke in support of the application, highlighting the following points:

- The application should be considered on its own merits and not in relation to previous events held under Temporary Event Notices. It was stressed that the groups that had applied for previous Temporary Event Notices on the site, when noise pollution had occurred, had no connection with the area. Conversely the Applicants' business was focussed on community and sustainability, so it would damage their brand to cause disruption to neighbours.
- Previous events on the site had complied with a noise management plan, although it was acknowledged that this was insufficient to stop disruption to neighbours. The Applicants had learnt from these events and felt it was important to get it right in future.
- The Applicants had rehabilitated Thoulstone Park since it was a disused golf club and had enabled a considerable growth in wildlife. Previously the site had fallen into disrepair, had been vandalised and used by poachers. It was intended to build up to 30 holiday cottages and a commercial space on the site, so it was in the Applicants' interests to minimise noise pollution.
- The Applicants were only aiming for modest changes to the frequency and length of events and were happy to comply with the 11pm cut off for music as suggested by the Senior Environmental Health Officer. Most of what they were planning would not require a licence. They would not be running a night club but would be offering modest music events in the evenings as well as afternoon garden parties.
- The Applicants did not wish to support drug taking, spread litter or do anything to put children at risk. They wished to add amenity to the site and add value to the local community. They were confident that in time their neighbours would be grateful that they had become custodians of Thoulstone Park.

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

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

- The Applicants did not have previous experience of running licensed events. They had used consultants when applying for the licence but not in relation to specific events.
- It would be physically possible to move the marquee around the site, but it was intended that it would remain permanently in its present location.

- The 30 proposed holiday cottages on site would be approximately 400 metres from the marquee. Six of the holiday cottages were very near completion in October 2023. There was no intention to sell the holiday cottages, as they would be let by the Applicants.
- The Applicants were talking to wellbeing organisations about the amenities they could offer to guests staying in the holiday cottages. They stressed that if they ran a film night it would be only because that was something the guests wanted to do and not because it would be imposed on them.
- Thoulstone Park had 150 tarmacked car parking spaces, a legacy of the site's time as a golf club. The former golf club's clubhouse had burnt down and was derelict.
- The Applicants intended to work with Sound Engineers on an event-by-event basis. They felt that it would be inefficient to have an overall noise management plan, as it might not be suitable for specific events. They were unable to put a figure on how many events they expected to take place but confirmed that no events would happen in 2023 and that none were currently booked for 2024.
- The Applicants had no firm plans for the former Spike Bar building close to the derelict clubhouse, but ideas being considered for the existing buildings included using them as an exhibition space, artist's studio, or commercial spaces. There were plans to open a restaurant or café but not for a permanent bar which could be used by local residents.
- Mrs Hughes-Hallett was intended to be the Designated Premises Supervisor but had yet to apply for her personal licence.
- The Applicants had owned the Thoulstone Park for a decade, planting 25,000 trees across the 150-acre site as well as enhancing numerous ponds.
- The Applicants were intending to request a licence only for the marquee area, rather than the entire 150-acre Thoulstone Park site. Their plan was to hold the events in the marquee, but they would also require some of the surrounding area, approximately 50 yards, to be licensed.

The Public Protection Officer (Licensing) clarified that the description of the site being applied for was the marquee and surrounding areas. As such, this would be taken to be the boundary of the 150-acre Thoulstone Park site as listed on page 39 of the agenda pack. Given the size of Thoulstone Park, the Sub Committee raised concerns about the possibility of approving a licence for the entire 150-acre site. The Legal Representative, Consultant Barrister Frank Cain, explained that, if the Applicants wished to revise their application, a map showing a clear boundary of the proposed licensable area would be required. If

the Sub Committee were to proceed without a plan, or it specified that one should be provided at a later date, the updated boundary would need to be put to all parties that had made representations. Following advice from Officers, the Sub Committee felt unable to continue without a clearly defined area and confirmed that they would not be comfortable negotiating a revised boundary during the meeting.

In response, the Applicants offered to amend the proposed licensable area to only the marquee in its present location, as per the map and drawings submitted as part of their application, in order that a clearly defined area could be considered. After receiving assurances that the marquee would not be extended or moved from the location listed in the application, the Sub Committee were content to consider the application as amended.

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

Details were sought by those that had made a relevant representation about the revised application, including what activity would be covered by the licence and where. The following points of clarification were given by the Sub Committee and Officers:

- The Sub Committee would only be considering the revised licensable area, so any activity, such as drinking or the playing of music, outside the marquee would be outside of their jurisdiction.
- The licence, if granted would permit events to take place for up to 499 people, with amplified music and on-sales of alcohol between the hours of 8am and 11pm, within the revised licensable area (the marquee). It would not be permitted to move or extend the marquee. Music played between these hours would be de-regulated and not subject to licensing conditions. Guests staying at the holiday cottages would count towards the capacity limit if they were in attendance.
- There would be no restriction on the number of events that could take place, as the licence would cover 8am to 11pm, 365 days a year. It was confirmed that the recommendations from the Senior Environmental Health Officer about the duration and frequency of events were not binding.
- Any loud music played outside of the marquee would not be considered by the Sub Committee. Complaints about amplified music being played outside of the marquee would instead be a matter for Environmental Health. Carrying out licensed activity outside of any premises without a licence, or without a Temporary Event Notice, would be in breach of Section 136 of the Licensing Act 2003. The prevention of public nuisance was one of the Licensing Objectives.
- A single licensed premises would be able to apply for up to 20 Temporary Event Notices a year. A personal licence holder would be

allowed to apply for more, but no more than 20 could be held at a single venue.

- The application was now only for an indoor licence.
- A private party, such as wedding with a free bar, would not be licensable. A licensable event would require either a Temporary Event Notice or a premises licence, but private events would not be enforceable under the Licensing Act 2003.

As not all of the parties that had made valid representations were aware of the amendment to the proposed licensable area, one representative, who was speaking on behalf of a number of parties, suggested that the meeting be adjourned. A Parish Council representative noted that they would welcome the opportunity to discuss their representation with their Parish Council as not all of their submission was directly relevant to the marquee.

Although concerns were raised by the changes to the area to be licensed by some members of the public that had made representations, the Sub Committee were satisfied that the representations made remained relevant given that the revised proposed licensable area fell within the boundary of the original application and had been explicitly defined. It was noted that those objections to licensable activity taking place outdoors would not be relevant, as they were no longer being applied for. The Sub Committee were content that the substantive issues raised by those objecting to the application, particularly in relation to noise pollution, were still the same.

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

- The Applicants ran Thoulstone Park Ltd.
- The Applicants had not applied for any Temporary Event Notices or specific plans for future events. They did not have a booking to host Get On Festival in 2024.

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

#### Representation 1 - Councillor Bill Parks

- The marquee was constructed of PVC so did not have the necessary acoustic qualities to manage noise pollution. As such, there were questions about whether it was a suitable venue for amplified music and on-sales of alcohol.
- The marquee had multiple exits and it was unclear how the Applicants would be able to prevent attendees migrating outside during events.

- The volume of objections suggested that there was a strong level of feeling in the area about the proposed licence.

Representation 2 – on behalf of 10 people that had made valid representations from Upton Scudamore

- Upton Scudamore was a rural village with no main through road in an elevated position approximately 20 metres higher than Thoulstone Park. There was no natural sound barrier between the village and Thoulstone Park, only open farmland with a public footpath between the two, which was in daily use.
- There were five substantial agricultural businesses in the area with hundreds of animals that could be disturbed by amplified music.
- Excessive noise could have physical and mental health consequences. An event held under a Temporary Event Notice at Thoulstone Park in 2013 had disturbed people in the day and kept them awake at night. The attenuation in the volume of sound passing through a marquee would be limited and it was therefore questionable whether it could be categorised as indoors. The distance noise travelled was also weather dependant.
- A Senior Environmental Health Officer working for Wiltshire Council had stated in 2013 that Thoulstone Park would not be a suitable site for a festival, but this was not noted in the report. The event in 2013 had led to a vast increase in litter, with broken glass and human excrement found near public footpaths. In addition, it had increased demand for car parking in Upton Scudamore and would have caused issues for emergency vehicle access.
- Permitting the requested licence would be an imposition on the community and cause difficulties for local businesses. Hundreds of people would have to endure permanent noise pollution in their homes and gardens.

Representation 3 – Upton Scudamore Parish Council

- An event held at Thoulstone Park under a Temporary Event Notice had caused significant noise pollution despite a noise management plan being in place, to the extent the people could not hold conversations or hear the television in their own homes.
- There would not be sufficient protection in place for residents if events for up to 499 people could be held without further permissions.
- There was a contradiction in the recommendations from the Senior Environmental Health Officer that events could not take place on consecutive days, but events would be permitted lasting up to 48 hours.

- If the licence was granted, a monitored telephone line to the Applicants should be available to allow them to be informed about complaints. There should also be a noise monitoring site in Upton Scudamore.

Representation 4 – on behalf of 11 people making representations (mainly from Chapmanslade)

- It would be dangerous to grant the licence as it was so vaguely worded, and the Applicants had not put sufficient planning into the application.
- It would be accurate to describe the application as permitting a night club as it would allow events to take place 365 days a year. In addition, they would be able to apply for Temporary Event Notices which may permit them to run music festivals until 4am on consecutive nights.
- The capacity of the marquee would be between 300 and 400 based on each attendee having half a square metre of standing room each.
- The comments from the Applicants about their intentions should be disregarded as the number of events may increase if it was commercially successful. Future proprietors may also have different intentions for the premises.
- Noise would be the primary concern and it would effectively be an open-air venue given the limited acoustic protection provided by the marquee. It would be almost impossible to meet Wiltshire Council's policy of ensuring that noise was not audible in sensitive locations if the licence was granted. The festival held on the site in August 2023 provided almost 45 decibel noise but at a low bass level. The noise mitigation measures proposed by the Applicants, such as tree planting and hay bales, would be insufficient and highlighted their lack of experience in event planning.
- Horses would be disturbed in a nearby livery.
- It was more likely to find drug taking at a pop concert than at a village fete. The Applicants had provided no evidence of a drug policy or training for staff on how to deal with drug use on site.
- The volume of people attending could cause dangerous tailbacks on the A36, given that the approach to the marquee was via a short and narrow lane.
- The application included a reference to adult content events. An event was held at Thoulstone Park in 2017 with adult only areas, at a time when the Applicants owned the land, so this could be indicative of the type of events planned.

## Representation 5

- The Get On Festival in August, held under a Temporary Event Notice at Thoulstone Park, had disturbed horses at their livery business. Some customers had stated that they would not bring their horses back again were they to be subject to similar noise levels in future. They work from home, so would not be able to escape the noise. They were concerned about losing their business were the licence to be granted as it would make it harder for them to attract new customers. It was important for horses to have a calm environment.
- Festival goers had slept in their barn in August and left litter on their land. The Applicants had not specified in their application how they intended to deal with the issue of trespassing.
- Smokers would need to leave the marquee, creating a potential fire hazard for nearby agricultural land.
- As there were only 150 car parking spaces were on site it was not clear whether sufficient parking would be available for up to 400 people. The volume of traffic at previous events had meant that they were unable to access their land.
- The application did not take account of the impact on other local businesses and there would be little benefit to the local economy.
- The application was not in keeping with a countryside location and would reduce the quality of life of their children.

## Representation 6

- They had not objected to the original planning permission for the marquee. However, the Applicants had provided assurance at the time that they were not planning to hold music events there as it would not be what holiday makers wanted to happen on the site.

## Representation 7

- The person making a representation stated that their wife was a vulnerable person and was distressed by the noise. They felt that legal advice should be provided about the protection of vulnerable people.

## **Sub Committee Members' questions**



There were no questions from the Sub Committee to those who had made representations. The Sub Committee did confirm that they were unable to consider any issues raised concerning parking or highway matters as they were not related to the promotion of the Licensing Objectives.

#### **Questions from the Applicants:**

There were no questions from the Applicants to those who had made representations.

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

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

Representation 4 – on behalf of 11 people making representations (mainly from Chapmanslade)

- The application should be treated as the application applied for. The licence would permit up to 499 people to attend but the marquee only had a capacity of 400.

#### **Applicants' closing submission**

In their closing submission, the Applicants highlighted the following:

- They recognised the concerns by those who had made representations based on experiences with events held under Temporary Event Notices but felt that many of the comments about their proposals were unfounded. They understood the discomfort created by loud noise and it was imperative for them to ensure that their neighbours were not disturbed.
- A key difference with previous events held under Temporary Event Notices was that they were run by organisers that did not have any links with the local community. As landowners, they had been naïve in the past and had presumed that the groups running these events would have cared about what they had left behind.
- The Applicants were part of the community and cared about the local wildlife and sustainability. It would damage their Thoulstone Park brand if the events held caused upset in the local community.
- Concerns raised by those making representations about the safety of children were insulting.

- They only planned to hold events within a limited area and of limited scale. They had no intention of holding pop concerts, festivals or multiple day events with bass drumming.

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

No points of clarification of the Applicants' final submissions were requested by the Sub Committee.

The Sub Committee then adjourned at 12:10pm and retired with the Consultant Barrister and the Democratic Services Officers to consider their determination on the licensing application.

The Hearing reconvened at 1:15pm.

The Consultant Barrister advised that he gave the following legal advice to the Sub Committee

- The decision should be evidence based and in line with the Licensing Objectives.
- He had seen the proposed decision and believed it to be reasonable, evidence based and legally sound.

### **The Western Area Licensing Sub Committee RESOLVED:**

#### **Decision:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a premises licence in respect of Thoulstone Park, Chapmanslade, Westbury be REJECTED for the following reasons:**

#### **Reasons:**

**The vagueness of the application as to the purposes and events for the premises and the alteration in the licensable area during the hearing meant that the Sub Committee felt that there was insufficient evidence for them to be satisfied that the Licensing Objectives would be promoted.**

Although the Sub Committee received assurances from the Applicants regarding the merits of their application, particularly in relation to their community focus and desire to limit public nuisance, they did not have confidence that the licence being requested indicated that the Applicant had put a comprehensive plan in place to promote the Licensing Objectives. This was particularly the case as that the licence, if granted, would allow events to take place 365 days a year for up to 499 people. The lateness of the changes requested to the licensable area also meant that the Sub Committee did not

have confidence that the Applicants would be able to restrict the consumption of alcohol to that area.

Having heard evidence from the representatives on behalf of parties who had made representations, including the Applicant and the Responsible Authorities, the Sub Committee did not feel there was sufficient evidence to show that the necessary requirements to ensure the Licensing Objectives would be promoted would be met.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be rejected and that such a rejection was reasonable, proportionate and necessary to promote the Licensing Objectives.

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

#### Right to Appeal

The Applicant, any Responsible Authorities and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

The meeting closed at 1:20pm.

(Duration of meeting: 10.00 am - 1.20 pm)

These minutes were produced by Democratic Services, direct 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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## Update on the Licensing Service: July 2023

To update the Licensing Committee on the work of the Licensing Team in 2023.

2023 is proving to be a busy year for the Licensing Team.

### **Festivals and large-scale events**

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

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

A number of high-profile events have taken place again this year, alongside new or expanded events, Wiltshire offers a diverse range of events for our communities and visitors.

There have been a few concerns from local communities and members in relation to a couple of temporary events notices that have been submitted and acknowledged. As members are aware temporary events notices are light touch form of licensing that can only be objected to by Wiltshire Police and / or the Environmental Health - no other parties can have a view or comment in relation to these notifications.

Whilst the huge majority of functions or events held under a temporary events notice pass without concern or impact on local communities those that do are noted and consideration is then given by the relevant agencies to the suitability of any future Tens submitted of a similar nature. It must be pointed out that Council it about a balance between encouraging small, limited events and managing public expectations. Temporary events notices do not require management plans or any other supporting documentation.

### **Licence Tens Applications: 2022/2023**

Year comparison	2022	2023
Temporary Events Notices	829	909
Late Temporary Events Notices	218	230

**See information guidance attached to the bottom of this update.**

### **Hearings**

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

## Annual fees

On 25 April 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premises licenses and club premises certificates if the annual fees are not paid. Previously, non-payment was only recoverable as a civil debt and the premises licence or club premises certificate remained in force even though the fee was not paid. That meant that the premises or club could legitimately continue to trade year after year whilst owing unpaid fees to the Licensing Authority.

*The annual fees (are centrally set by the secretary of state based on the premises rateable value) are due year each on the anniversary of the issue of the licence, whilst there is no requirement for Licensing Authorities to invoice licence holders, Wiltshire alongside most Licensing Authorities issue invoices prior to the payment being due.*

	A	B	C	D	E
Non-domestic rateable value	£0 - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001
New application and variation	£100	£190	£315	£450	£635
Annual charge*	£70	£180	£295	£320	£350

A reminder is sent either by email or telephone to a licence holder if they fail to pay by the due date that the payment is outstanding and that their licence will be suspended if payment is not received.

A suspension notice is then issued to licence holders who have failed to make payment informing that their premises licence is now suspended, and no licensable activities are permitted to take place on the premises until the fee is paid in full. The licence holder is also reminded that while the licence is suspended it is an offence to undertake licensable activity which could, on summary conviction, lead to imprisonment for up to six months and/or an unlimited fine.

The raising of monthly invoices, collection of annual fees and suspending of licences is conducted and managed by the Licensing team with the support of finance colleagues.

Between 1 April 2022 to 31 March 2023, 1651, invoices were raised, and 83 suspension notices have been issued, 33 licences for this period are still in suspense. Most are premises that are currently not trading or changed their activities or operating hours.

## Valuation Office

The Valuation Office Agency (VOA) has updated the rateable values of all business, and other non-domestic, property in England and Wales.

These new rateable values took effect from 1 April 2023. This means that all current licensed premises rateable values will need to be reviewed to see if they have had any impact on their banding under the Licensing Act 2003 for Annual fee payment.

## Licensing Act 2003: regulatory easement

The Licensing Act 2003 allows premises licence holders to sell alcohol for consumption on-site or for consumption off-site or both. In response to the pandemic, the Business and Planning Act 2020 (BPA) provided regulatory easements which enabled holders of licences that only allow sales for consumption on-site to automatically do sales for consumption off-site, without any need to amend their licence.

Provisions in the BPA also temporarily increased the annual number of temporary event notices during 2022 and 2023, from 15 to 20 notices per premises and increase the maximum number of days on which temporary events may be held from 21 days to 26 days per year.

The BPA measures in relation to off sales were due to expire on 30 September 2023 and 31 December 2023 for TEN's notification to Local Authorities in July stated that this was the case.

However, on 14 August 2023 the government released the following statement:

*Government has decided to extend the alcohol licensing regulatory easements relating to off-sales, set out in the Business and Planning Act 2020 (BPA), until 31 March 2025. As you will be aware, the BPA provided that - for a time-limited period - holders of licences that only cover on-sales would automatically be entitled to make off-sales without any need to amend their licence and would be able to serve alcohol in the area covered by any pavement licence that they had, facilitated by a parallel but independent easement to pavement licensing. This extension to Spring 2025 means that businesses will be able to continue to benefit from these provisions for a further 18 months.*

*We recognise that we previously communicated to you that this easement would lapse on 30 September, and we sincerely apologise for any confusion that this has caused. The decision to extend this easement further has been taken after careful consideration within Government. Ultimately, whilst the immediate Covid crisis has passed, the residual effects continue to cast a long shadow, especially for businesses in the hospitality sector that have been adversely affected. The Government has therefore made this decision to ensure the hospitality sector can maximise every opportunity to recover fully from ongoing effects of the pandemic. This extension will alleviate uncertainty over the status of off sales for those premises affected and will allow for long term business planning.*

*The Government's ultimate goal is to create a unified pavement licence that includes licensing consent for the consumption and sale of alcohol in the outside pavement area. During the 18-month period of the temporary extension to the off-sales provision, we will therefore be working on a permanent solution with the Department for Levelling Up, Communities and Housing. We would be grateful for your support on this matter and will be reaching out for further engagement in due course.*

*As you will know, another regulatory easement set out in the BPA related to Temporary Event Notices (TENs); it temporarily increased the annual number of TENs that a licensed premise user can have in respect of a premises from 15 to 20 per year and increased the maximum number of days on which temporary events may be held at such premises from 21 to 26 per year. For the avoidance of doubt, this easement will not be extended, given that the additional TENs provided for in the BPA have been under-utilised. As such, on 31 December 2023, this easement will lapse.*

The government's indication is that a unified pavement licence should include licensing consent for the consumption and sale of alcohol in the outside pavement area is seeking to reduce the administrative burden on cafes, pubs and restaurants having to apply for multiple consents from their council. It is our understanding that local residents and responsible authorities would still be able to make representations on the merits of such a licence, and the terminal hours may differ outside from those inside.

### **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/guidance/revised-guidance-issued-under-section-182-of-licensing-act-2003)

This 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.

**Following on from the recommendations made in relation to the Manchester Arena Inquiry, the Home Office have made amendments to the section 182 Guidance which accompanies the Licensing Act 2003.**

#### 2.10 Counter terrorism and public safety

2.11 Licensing committees may wish to give due consideration to appropriate counterterrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.

2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided [an Annex](#) to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.



## **Gambling Act 2005**

### *CONSULTATION (Summary)*

In April 2023, the “Gambling Act Review” white paper was published setting out the government’s plans for modernising the regulation of gambling in Great Britain. This includes a number of measures to adjust outdated regulatory restrictions applying to premises-based gambling sector. The area of gambling managed by Licensing Authorities.

Restrictions on numbers/supply were originally considered as an important protection in the 2005 Act, but in the light of the availability of remote gambling the characteristics of products and quality of monitoring have assumed greater importance. The proposals that the DCMS is seeking views on include:

Machines in arcades and bingo halls: changing the 80/20 ratio governing higher to lower stake gaming machines to enable venues to better meet customer demands and save on energy costs.

Cashless payments on gaming machines: helping future proof the industry by consulting on the player protections needed to remove the prohibition on the direct use of debit cards on gaming machines.

Introduction of a legal age limit of 18 for certain gaming machines: protecting children and young people by banning anyone under the age of 18 from playing low stake Category D slot machines that payout cash.

Licensing authority fees: ensuring that licensing authorities have the funding they need to perform their licensing and enforcement duties for premises licences.

The purpose of this consultation is to ensure that the government is able to consider a range of views and evidence on this range of proposals before finalising the details of each policy.

The consultation will be open for 10 weeks, closing at 11:55pm on 4 October 2023. Following the closure of the consultation, the government will publish a formal response to set out its decision and reasoning before implementing the changes.

For more in-depth information, the consultation can be viewed following the link below:

<https://www.gov.uk/government/consultations/measures-relating-to-the-land-based-gambling-sector/measures-relating-to-the-land-based-gambling-sector>

## **Animal Licensing**

Two licensing officers attended a recent Zoo licensing course / workshop.

Due to the increase in the number of complaints licensing is receiving often lacking in detail in relation to possible unlicensed animal activities which takes up an inordinate amount of officer time trying to find and collaborate information, licensing is looking at identifying a clear protocol on what information or concerns we will follow up on to ensure the best outcomes.

## Latest Team News

Emma Hyde has returned from maternity this has meant a slight change to the officer's areas.

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

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<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

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<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**  
**Public Protection**  
**1 September 2023**

### **Temporary Event Notice (TEN)**

Temporary Event Notices are used for small scale or one-off events and were introduced by Government as a light touch form of licensing.

A TEN is a time-limited notice, which authorises specified 'licensable activities' at a defined location or 'premises'. A premise may be one room, a series of rooms, a whole building, a field or other open space. One TEN may be sufficient to cover a 'premises' with several areas, but this depends on the types of licensable activity, hours and the numbers attending. The event may last for up to 168 hours (7 days) and no more than 499 people may be on the 'premises' at any one time, including staff. There are limits on the number of applications, which may be made by any one person or in respect of any premises.

A TEN can be used for events involving the following licensable activities:

- Plays or films
- Indoor sporting events, boxing, wrestling
- Live/recorded music
- Performance of dance
- Sale/supply of alcohol
- Provision of late-night refreshment (hot food and drink between 23:00-05:00)

Including the cost of alcohol in the ticket price or requesting 'donations' to cover the cost still constitutes a 'sale' and requires to be authorised by a TENs or a premises licence.

A Tens can also be used to authorise an event outside of the terms of an existing premises licence. Or it can be used to provide authority for an event where there is no existing premises licence.

Each TENs cost £21.00 (statutory fee set by Government) and is non-refundable.

Contentious TENs take up significant officer time that is not covered by the fee.

### **Limitations on events under a TEN**

- Each premises can hold no more than 15 TEN events per calendar year (increased to 20 in years 2022 and 2023 only)
- Maximum total period covered by TENs at any premises is 21 days per calendar year (increased to 26 days in years 2022 and 2023 only)
- No more than 499 people on the premises at any one time for each event
- A TEN event can last up to 168 hours (7 days)
- Must be a minimum of 24 hours between each event notified by the same event organiser at any premises
- Anyone over the age of 18 can submit a maximum of 5 TENs per calendar year, 2 of which can be late TENs
- Personal Licence Holders can submit a maximum of 50 TENs per calendar year, 10 of which can be late TENs
- A TEN is treated as being from the same premises user even if it is given by an associate.

In circumstances where the above criteria are not met, the Licensing Team must reject the TEN and the event will not be allowed to go ahead.

Provided that the criteria set out above are met, only the Police or Environmental Control & Protection Team in Public Protection Service may object to an event covered by a TEN. Where a TEN authorises the supply of alcohol, the notice contains a statement confirming that all such supplies are made by or under the authority of the premises user.

Amongst other things, a TEN must also provide details of the following:

- Details of the licensable activities
- Location of the event and how long it will last
- Times when licensable activities will take place
- Maximum number of people to be allowed on the premises at any one time

Premises may be hired out to organisations/individuals for their own events. Premises owners/operators should be aware that TENS submitted by such persons will be counted under the limits set down in the Act. Wiltshire Council recommends that booking agreements are used. This will ensure that all TENS made in respect of a premises are made with the agreement of the premises owner/operator.

It is an offence to exceed the times or dates specified on an acknowledged TEN.

### **Turnaround times**

A **standard notice** must be submitted at least ten working days before the event.

A **late notice**, which is submitted between nine and five working days before the event. However, if either the Police or Environmental Health object, to a late ten the event will not be permitted and there is no hearing or appeal process.

**The working days do not include the day it is received, the first day of the event or Bank Holidays or weekends. If a TENS is submitted with less than five working days before the event it will automatically be rejected**

If the premises where the event is to be held straddles two or more local authority areas, then a TEN must be served on each council.

### **Requirement for additional documentation**

The event organiser is responsible for ensuring that all reasonable steps are taken to protect the health and safety of staff, volunteers, performers, public and anyone else attending the event who may be affected by the activities being conducted. Risk assessments demonstrate how the event will comply with health and safety law.

In some cases where events are more complex with high visitor numbers or is high profile or high-risk activities may be proposed, it may be appropriate / advisable to compose / produce an Event Management Plan which could / should include plan of the event layout, any noise management plan, traffic management plan if appropriate and risk assessments.

Organisers of such events are often asked to submit / or produce this documentation and therefore is it helpful if it submitted at time as the Tens notification allowing sufficient time prior to the event for relevant officers to review the documentation and comment. There is no legal requirement for these however, it is good practice and demonstrates that organisers have considered what appropriate management / and monitoring systems are required for their event.

## **Objections**

Only the Police and Environmental Control & Protection Team have the right to object to a notice and it is not subject to any other consultation. There is no facility in the Act, for representations by other Responsible Authorities or any other parties. If the Police or Environmental Control believe that allowing the event will undermine any of the licensing objectives, they must give the premises user and Wiltshire Council an objection notice. Licensing objectives are:

- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm

Objections must be made within three working days of receiving the TEN.

With the agreement of the premises user, the Police or Environmental Health can modify the TEN. However, a late TEN cannot be modified. If no agreement is reached, Wiltshire Council must hold a hearing to consider the notice at least 24 hours before the event. The Licensing Sub Committee may decide to allow the event to go ahead as stated in the notice. If the premises already has a premises licence or club premises certificate, existing conditions can be applied to the TEN. Alternatively, the Sub Committee can decide that the event would undermine the licensing objectives and should not take place. In this case, the Council must issue a counter notice. The Licensing Service will issue a hearing decision notice giving details of the reason for the decision made.

The Council receives around 2,000 TEN applications each year, and only those events run under a TEN that raise significant local concerns are subject to officer involvement.

## **Appeals**

An appeal process is available if parties are not satisfied with the decision of the Licensing Sub Committee. This is available to the premises user, the Police and Environmental Control Team. Any appeal must be lodged at the local Magistrates' Court within 21 days of the date the hearing decision was made. However, no appeal may be brought later than five working days before the first day of the event.

## **Complaints**

If an event generates complaints from local residents, responsible authorities etc it will be reviewed by Environmental Health and taken into consideration should any future notification be received for similar events at the same location.

## **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

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<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

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<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**

## **Briefing Note – The Animal Licensing Decision Making and Enforcement Protocol**

### **1. Purpose of Briefing Note**

The purpose of the briefing note is to advise members of the Licensing Committee regarding the 2023 update to the Animal Licensing Decision Making and Enforcement Protocol.

### **2. Background**

As members are aware in 2018 new regulations introduced minimum welfare standards, seeking compliance from all those responsible for boarding, breeding, exhibiting, and recreational use involving animals. They also streamlined previous local authority systems and attempted to provide clarity for both local authorities and business.

The enforcement protocol has recently been updated to remove references to the old legislation repealed by the regulations, and additional information about complaints and the fit and proper test. The protocol endeavours to make it easier for those operating within this industry to understand the Council's decision and enforcement approach.

The Council's Public Protection Service operates a graduated approach to enforcement, and this animal enforcement protocol mirrors the wider public protection enforcement policy where the legislation permits, and it is appropriate to do so.

Under previous legislation breaches of conditions in relation to animal licensing or unlawful trading required local authorities to prosecute and seek the revocation of licence on conviction.

The Animal Activities Regulations allows the local authority to vary, suspend or revoke a licence without the need for legal action, making the process easier to enforce, with the likelihood of an expedited result. The protocol includes these powers.

Licensing Committee members have already given delegated authority to the Head of Service and Licensing Manager to exercise these powers where necessary.

### **3. Inspections**

The licensing team has a system to inspect animal premises to ensure they meet the required standards dependant on the relevant legislation.

Zoos and dangerous wild animal premises have different inspection regimes, licensing requirements and sanctions from premises falling under the Animal Activities regulations. They do not require to be risk rated and have their own specific licence periods and inspections regimes set out in their relevant Acts.

#### Animal Activities Regulations

For premises covered by the regulations the length of a licence can vary between one and three years, dependent on the outcome of the inspection, and the type of licence.

Unfortunately, not all premises meet the standards required under the legislation and some operators struggle to understand the importance of recording their standard work practices to demonstrate compliance.

During the licensed period, the operator receives an unannounced visit by an inspecting officer where a further assessment is conducted, and the operator is reassessed to see if they continue to meet the standards. This is a statutory requirement and provides a consistent approach for all operators.

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

#### 4. Complaints

Valid complaints regarding animal premises will be logged, investigated and appropriate action taken in line with the protocol and the relevant legislation.

Other agencies / bodies have different responsibilities and statutory powers in relation to animal welfare and where / if appropriate complainants will be directed to the most relevant agency.

## **5. Impact on the Licensed Trade**

The protocol seeks to support well run establishments offering advice and guidance to proprietors, whilst ensuring those that are failing are encouraged to put matters right or the Council will take the appropriate action to address the concerns.

The licensing team regularly investigates concerns raised by the public and other license holders regarding possible unlicensed animal operators in the county.

## **6. Conclusion**

The expansion of the legislative framework relating to animal licensing requires a consistent approach by officers when addressing issues found at a premise. This protocol sets out guidance to officers, licensed trade and the public of how matters will be addressed.

Enforcement actions will be undertaken in a reasonable and proportionate way ensuring animal welfare is always the main consideration in any decision-making process. Whilst not seeking to burden licence holders unnecessarily compliance with the legislation is the objective for any premises which falls within the scope of the animal licensing laws.

## **7. Summary**

Changes in legislation have had significant impact on our animal licensing regime. These changes have strengthened and supported the welfare elements of animal licensing, and the increased focus on animal activities has increased demand on resources. Further changes to the regulations like (Lucy's Law) underlines the need for an up-to-date clear protocol to ensure transparency of decision making.

The updated Animal Decision and Enforcement Protocol sets out a clear pathway to decision making regarding enforcement for officers. The Licensing Committee is asked to note the update to the Animal Licensing Decision Making and Enforcement Protocol and continue to support the work of the Licensing Team in carrying out this work.

Linda Holland  
Licensing Manager  
Public Protection

November 2023

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## Animal Licensing Decision Making and Enforcement Protocol

This document constitutes the enforcement and decision-making protocol with regards to animal licensing, which is a statutory function delivered by the Licensing Authority within the Public Protection Service in Wiltshire Council.

This protocol sits below the long established Public Protection Enforcement Policy and will be implemented by authorised officers in the Public Protection Service Licensing Team including the Licensing Team, Animal Health Officers and Dog Wardens. The protocol deals specifically with the following legislation:

- Animal Welfare Act 2006
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Zoo Licensing Act 1981
- Dangerous Wild Animals Act 1976
- Associated Government guidance to the above Acts / Regulations and relevant good practice documents

### Policy

It is Council's aim, to safeguard the welfare of animals that come under the following licensing provisions:

- Providing or arranging for the provision of boarding cats & dogs (which includes home boarding, day crèches, kennels, catteries, arranging and host families).
- Breeding Dogs
- Selling Animals as Pets
- Hiring out of Horses
- Keeping or Training Animals for Exhibition
- Dangerous Wild Animals
- Zoos

Each licence is issued with relevant conditions. Inspections of the premises to which the licence relates are conducted in accordance with the relevant requirements of the applicable legislation. Additional visits may also be made where a complaint is being investigated or where there are concerns regarding the operation of a licence holder.

Inspecting officers will seek to secure compliance with the licence conditions informally by information, advice, and support, both face to face and in writing, and where appropriate will issue written warnings, directions, improvement notices, formal cautions and where necessary prosecute.

In relation to licenses issued under The Animal Welfare (Licensing of Activities Involving

Animals) (England) Regulations 2018 the authority may, without any requirement to the licence holders' consent, decide to suspend, vary, or revoke a licence at any time where it is satisfied that :

- the licence conditions are not being complied with,
- there has been a breach of these Regulations,
- information supplied by the licence holder is false or misleading, or
- it is necessary to protect the welfare of an animal.

Officers may also refuse to issue a licence or renew and in some cases seize the animals.

Enforcement powers are used to secure compliance with legal requirements, their purpose to:

- Ensure that the responsible persons take action to deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.
- Ensure the responsible persons who breach animal welfare requirements are held to account, which may include bringing alleged offenders before the courts.
- Officers, when judging compliance with the law, consider relevant codes and guidance, use sensible judgement about the extent of the risk and the effort that has been applied to counter them.

### **The Principles of Enforcement**

Wiltshire Council believes in firm but fair enforcement of animal licensing legislation. We shall follow the principle of proportionality in applying the law, securing compliance, and will be consistent in approach and targeting of enforcement action. We operate in a transparent manner and are accountable for our actions.

#### **Proportionality**

Proportionality means relating enforcement action to the risks. We will minimize the costs of compliance for business by ensuring that any action we require is proportionate to the risk. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

#### **Targeting**

We will ensure resources are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled.

#### **Consistency**

We will carry out our duties in a fair and equitable manner, by taking a similar approach in similar circumstances to achieve similar outcomes. The Council has arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other enforcing authorities.

#### **Transparency**

We will be open and transparent by helping applicants to understand what is expected of them and what they should expect from inspectors, including distinguishing between statutory requirements which are compulsory and advice or guidance which is desirable but not compulsory.

## **Overlapping Legislation**

If the licensed premise is also considered to be a workplace, then it will be subject to the Health and Safety at Work etc. Act 1974 and relevant regulations. The licence holder will be informed if a joint or separate visit is conducted for assessing compliance with these provisions.

## **Procedures**

### **Operating Without a Licence**

This could occur when a new business starts up or fails to renew a licence. It is an offence to operate without a licence under each relevant provision. The proprietor of such activities will be informed in writing of the breach of legislation, and they will be given an opportunity to apply for such a licence. If they do not use this opportunity and continue to operate an activity that requires a licence and they have no valid reason for why they do not need to obtain such a licence, then appropriate evidence will be obtained for a prosecution for operating without such a licence.

### **Obstruction/Power of Entry**

Authorised officers will always carry their identification and authorisation with them. The relevant statutory provisions provide powers of entry to authorised officers to enter premises to ascertain whether an offence has or is being committed. If an authorised officer is obstructed in performing these duties, then the individual(s) would be informed of the offence at that time and entry will, again, be requested. If they still will not allow entry, then two options are available.

If there are serious concerns regarding the welfare of the animals, then the assistance of a police officer will be obtained. If not, the powers of entry will be explained to them in writing requesting entry within 24 hours. Where appropriate, a warrant to enter the premises will be obtained.

### **Enforcement Procedure**

An officer will consider the most appropriate course of action during routine inspections or following incidents or complaints. In line with the policy the officer will use his/her judgement on what action to take that is namely:

- No action
- To give verbal and written warnings
- Refuse to grant/renew a licence
- Suspension/ variation or revocation of licence
- Serve a simple caution
- To prosecute

### **Animal Licensing Complaints**

The Licensing Team is only able to investigate issues that are covered by licence conditions or if there are concerns that a premises or operator are conducting a licensable activity without the necessary licence in place.

If a member of the public considers that an unlicensed activity is taking place then the Licensing Officer will require evidence of the activity such as photographs, links to web pages which clearly indicate breeding and selling of dogs, animals being advertised for sale or advertising the service of boarding or horse riding. In some circumstances a signed

witness statement that can be used in court maybe required from the complainant.

If insufficient details are supplied, the Licensing Team will not be able to investigate. Not all operators will meet the threshold to require to be licensed depending on the activity they are conducting.

Where there is sufficient evidence to instigate an investigation, a Licensing Officer will be tasked to check the information supplied and take the appropriate action in line with this protocol and the enforcement policy. The officer may also involve any other relevant agency or colleague and may appoint an appropriate veterinary surgeon to support their investigation.

If the complaint relates to specific welfare issues not relevant to the Licensing team the complainant will be directed to the appropriate agency or team to address their concerns.

## **Enforcement Options**

### **Refusal to Grant a Licence**

New licences shall only be granted where the authorised officer is of the opinion that all licence conditions/ requirements have been complied with or met. In cases following a visit or report from a veterinary surgeon/practitioner where the authorised officer has information demonstrating substantial breaches of the adopted licence conditions, or the premises or operator is unable to meet the requirements of the regulations then refusal to renew or grant the licence must be considered.

A letter will be sent to the applicant without delay stating that consideration is being given to refusing the licence setting out the reasons why. Renewal applicants should be given a reasonable time to rectify the breaches before finally refusing the licence. In circumstances where the licence breaches or conditions are so serious as to fail to safeguard the welfare of animals then consideration should be given to removing or refusing the licence immediately. In such cases advice may be obtained from a veterinary surgeon/ practitioner.

### **Initial application, Variation, or modification of licence**

On receipt of an initial application or variation of licence, a visit/ inspection will be made, and other information obtained to ascertain if the conditions will be met. On receipt of information, if it is considered by an authorised officer, taking into account appropriate guidance, that the number or type of animals should be reduced, then the licence holder should be informed of the reasons in writing and the application/licence shall be modified.

In relation to any application received under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 the length of any licence and the star rating of a business is determined using a risk based system. The star rating applied to a business is a reflection of both the level of risk identified and the animal welfare standards seen at the time of the inspection.

### **Fit and Proper Test**

Any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are a 'fit and proper' person and not already disqualified from holding a licence in accordance with the Animal Activities Regulations.

The Council will consider a 'fit and proper person' to be an individual who can demonstrate, upon application, that they have:

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to give reasonable confidence that they can comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to ensure the safety and welfare of any staff and/or members of the public who may be affected by the licensed activity

This does not limit the scope of the fitness and suitability assessment, and the Council may take into account other matters considered relevant to the licensing process.

### **Non-Compliance with Licence Conditions**

For minor breaches, the matters will be discussed with the licence holder and confirmed in writing, if appropriate. For persistent minor breaches or for serious breaches threatening animal welfare, suspension / variation, or revocation of the licence and or prosecution will be considered. The advice of a veterinary surgeon/practitioner may be obtained. All decisions shall consider the principles of enforcement.

### **Seizure of Animals**

This action should only be taken if in the opinion of a veterinary surgeon/ practitioner the safety or welfare of animals is at serious risk and that immediate action is necessary to safeguard their safety or welfare. This may be as a result of long-term neglect or due to severe circumstances posing an imminent risk.

### **Simple Caution**

In cases where there is sufficient evidence of the suspected offender's guilt to give a realistic prospect of conviction, we may, subject to the following, consider issuing a simple caution:

- Would the simple caution be in the interest of the public including seriousness of the offence
- Is there mental illness, impairment, or severe physical illness
- the suspect offender's attitude
- the nature and extent of failures in animal welfare

It should be noted that the use of simple cautions for Local Authority work is currently under review.

### **Appeal Against Refusal/Modification to Grant a Licence**

Where an applicant or licence holder is not satisfied with the officer's decision in refusing or modifying to grant a licence or in the variation of a licence, the applicant may be advised that they may appeal to the Public Protection Manager or Head of Service. They must state their reasons for dissatisfaction in writing.

Following the outcome made by The Licensing Manager/Head of Service and subject to the legislation, a further appeal to either the magistrates court / or first tier tribunal whichever is appropriate can be made within the required times.

### **Decision Making**

When considering the appropriate course of action, the following factors must be considered:

- the principles of enforcement
- the enforcement policy
- compliance with the relevant statutory provisions
- the gap between the actual conditions and the standard expected
- information and advice from authorised veterinary surgeon/practitioner

The adopted conditions and relevant guidance will be used as the basis of the standard required at each licensed establishment.

### **Veterinary Surgeon/Practitioner**

For all licences under this policy, the granting of such is subject to a satisfactory report from a registered veterinary surgeon/practitioner. The veterinary inspector must be experienced with the welfare of the animals concerned. Additional qualifications may be necessary to be deemed competent.

In most circumstances they will come from the same locality, but will be independent to that application, i.e., not their practicing vet. The local authority will authorise such inspectors under the relevant provision. The report given to the local authority will be used in the decision to grant or refuse a licence.

Once the licence has been granted, the frequency of a veterinary inspection is dependent on the type of licence issued. In addition to the routine granting/renewal veterinary inspection, the 'opinion' of a veterinary inspector will always be sought by the authorised officer of Wiltshire Council if there is concern regarding any issue which may affect the welfare of any animal.

### **Local Authority Officer**

Officers of Wiltshire Council will only be authorised under the relevant provisions when they are deemed competent to conduct such tasks.

### **Working with others**

- RSPCA Authorised officers. The Council will liaise with the RSPCA when there are allegations of cruelty to animals.
- Animal Protection Charities. Following receipt of information from such charities appropriate liaison will take place.
- Royal College of Veterinary Surgeons (RCVS). Authorised officers shall liaise with representatives of the RCVS for specific advice as required.
- Planning Authority. Authorised officers will liaise with the relevant planning authority or building control service where there are concerns about the authorised use of premises or construction of buildings.
- Environmental Control and Protection. In relation to any possible noise and /or odour nuisance.

Updated November 2023

## Taxi Licensing Update – Licensing Committee – July 2023

### 1.0 Licensed Drivers

Driver and vehicle numbers stabilised over 2022/23 following both showing month on month declines between 2020 and 2021 due to the Covid-19 pandemic. Numbers have risen during 2023/24, from a low of 829 in December 2022 to the current level of 890. The Taxi Licensing Team, in conjunction with Passenger Transport Unit commenced a driver recruitment campaign in the second half of 2022 and this is now paying dividends with significant numbers of new driver applications, driver numbers have risen by 61 over the last 7 months.

The team processed 107 new licence applications in the last 3 months. It should be noted that a reducing number of licence applicants and holders would reduce the Council's income from taxi licensing in the short term, however the team do expect this to bounce back as part of the wider economic recovery.

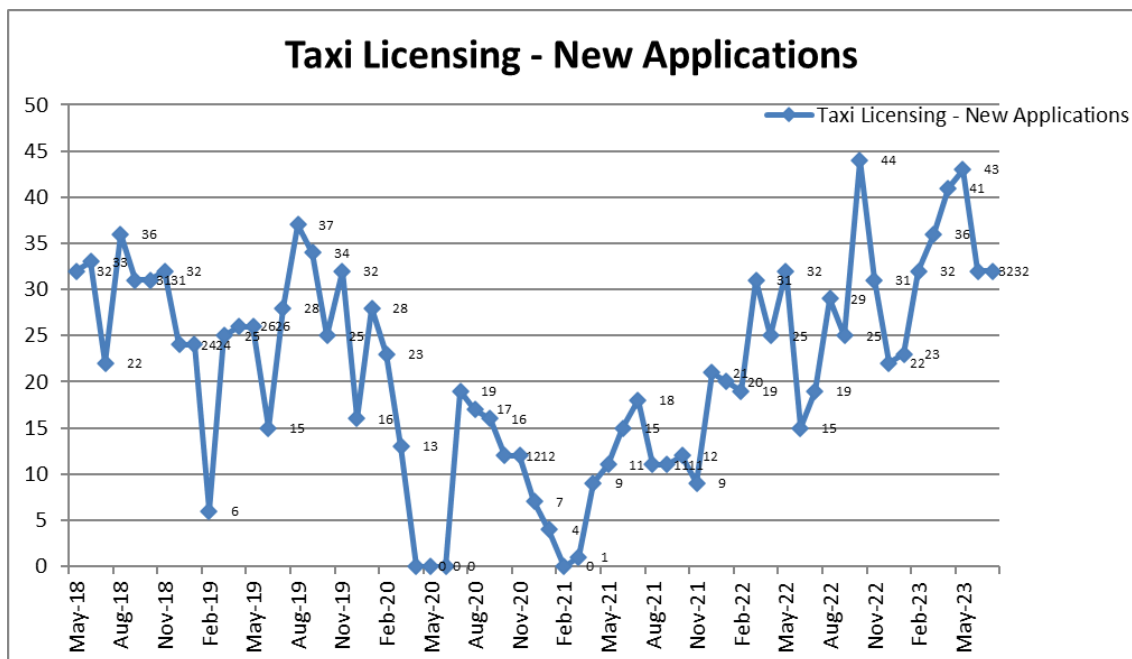
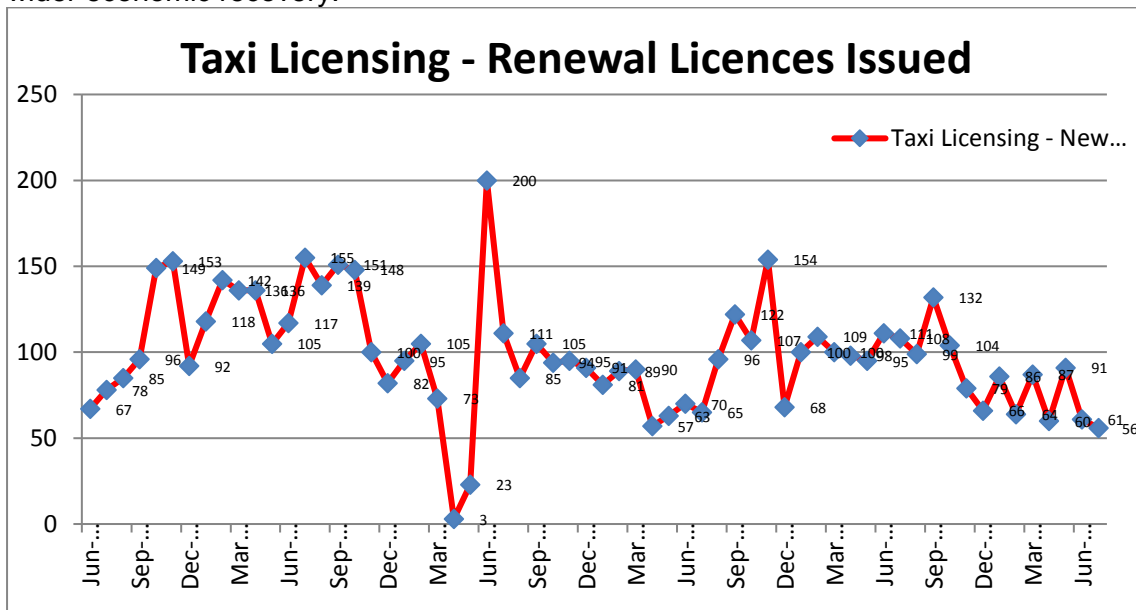


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of July was 692, up 5 on the previous month. 136 were licensed in the North area, 80 in the East, 294 in the South and 182 in the West. The fall in drivers continues to put pressure on PTU and whilst numbers are beginning to rise they are not rising faster enough to meet the increased SEND Passenger Transport are experiencing. It is noted that driver numbers have risen every month over the last 8 months.

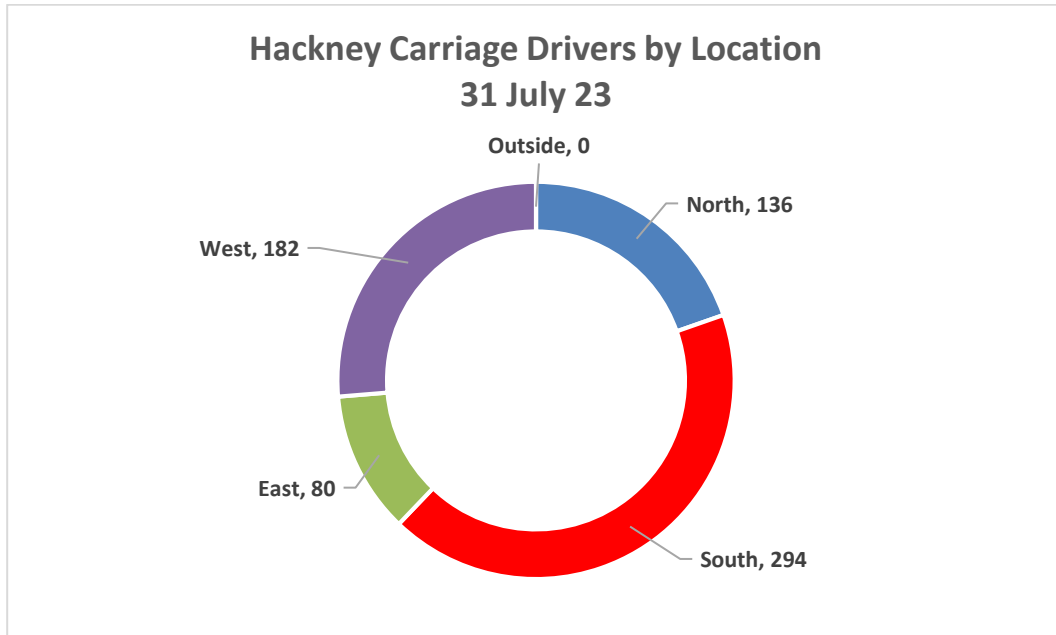
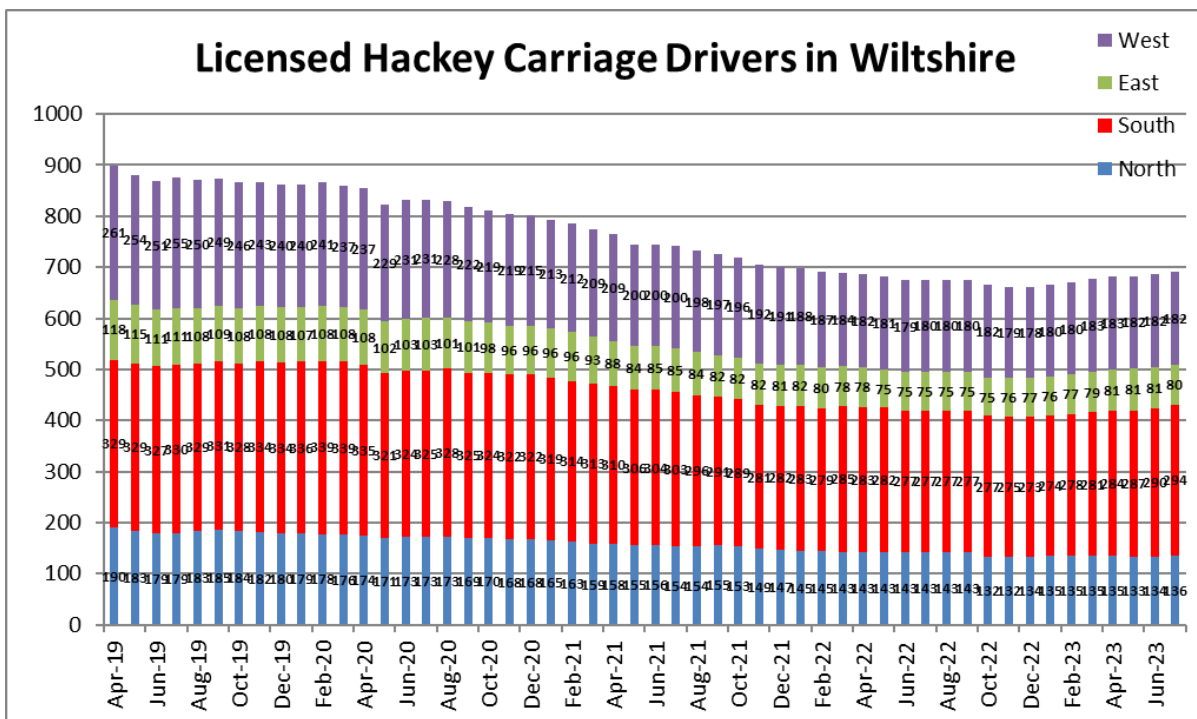


Fig.2

The graph below shows the monthly variation in hackney carriage driver numbers between April 2019 and now. During July 2023 numbers increased by 5, numbers in the North rose by 2, the West remained the same and the South rose by 4 but the East fell by 1 when compared to the previous month.

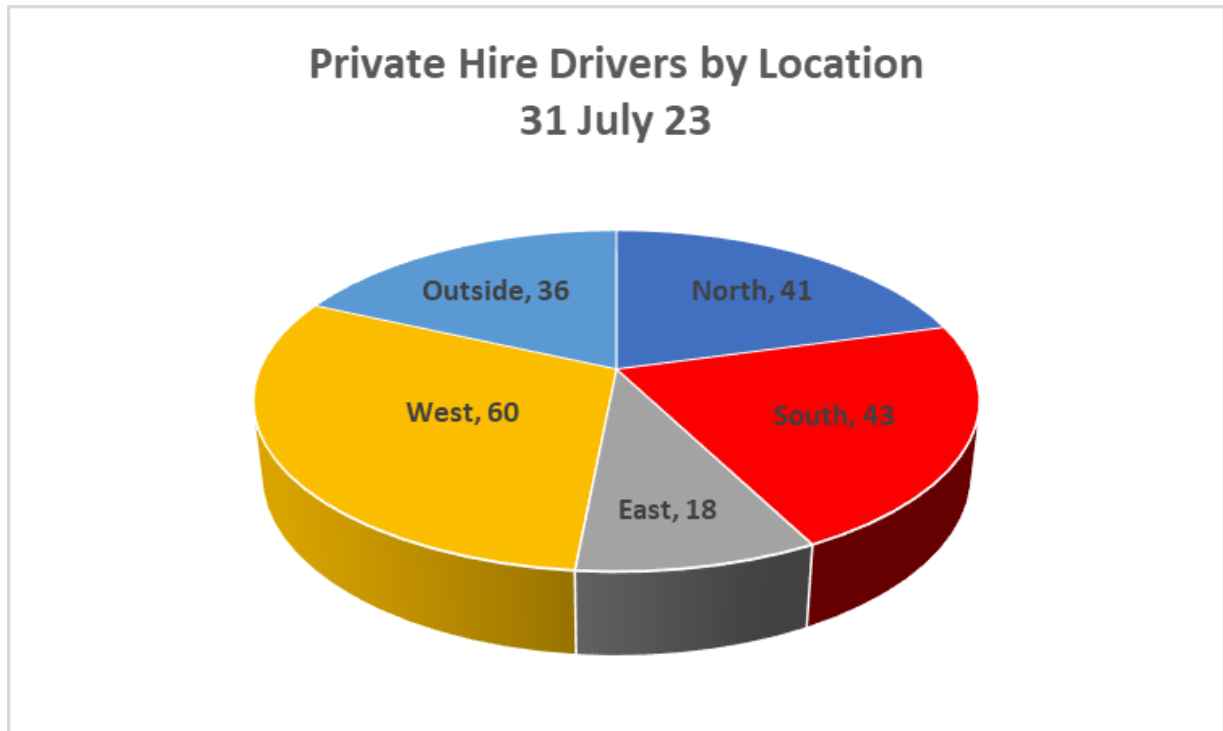
Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 79 in the West, 54 in the North, 38 in the East and 35 in the South. The West is clearly the worst affected area.



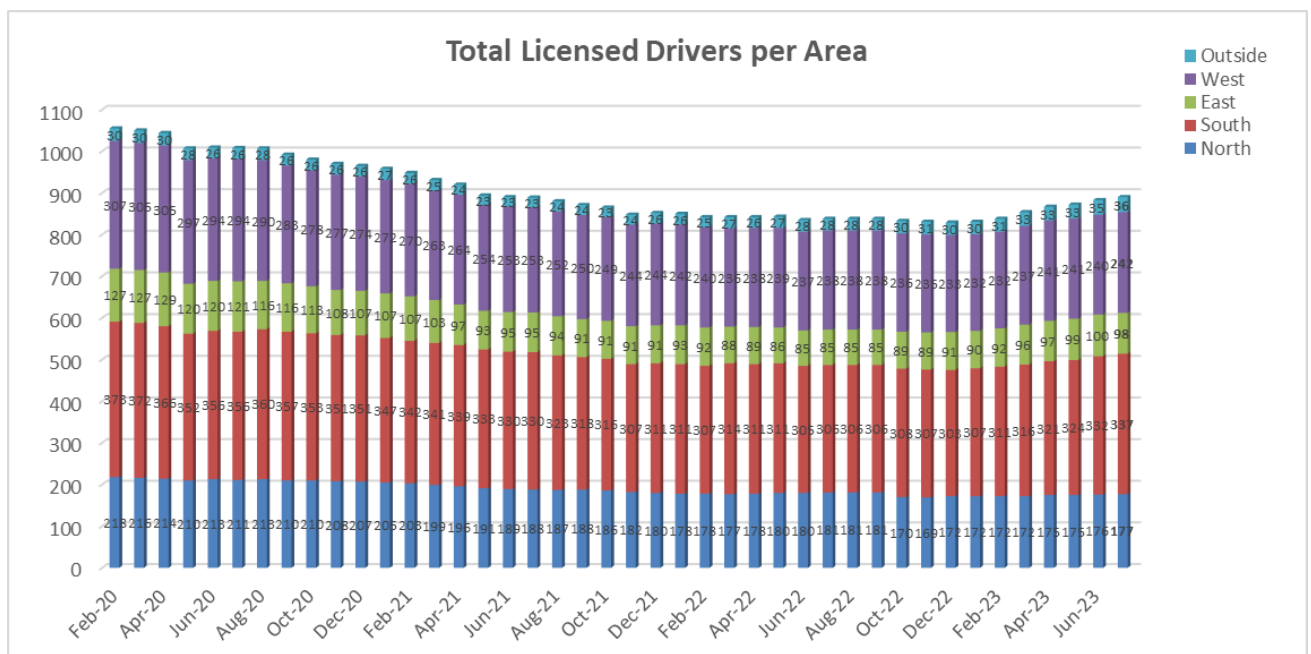


The team also license private hire only drivers, these totalled 198 as at the end of July 2023, an increase of 2 over the month, bringing the total number of drivers licensed to 890, an increase of 7 on the previous month. It is clear there is a trend of drivers switching from hackney carriage to private hire, this reflects the lower footfall in our town centres and the reducing amount of business available from the town centre ranks.

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. For information the area in which the private hire drivers are registered is as follows;



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



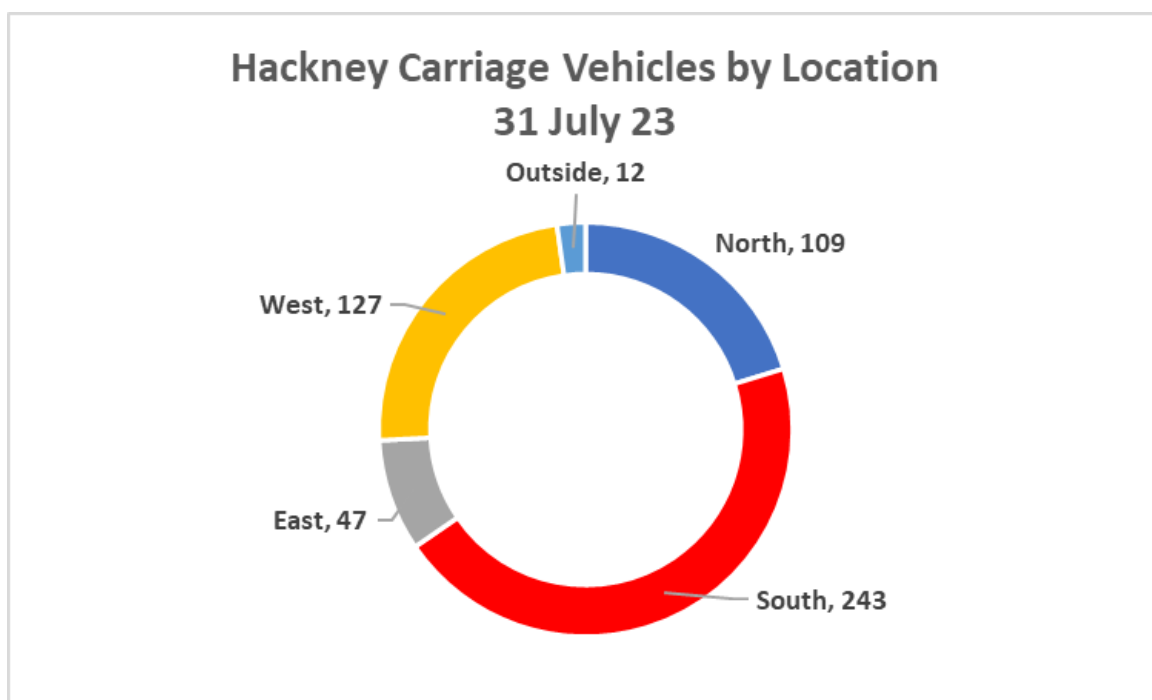
Since April 2019 the number of hackney carriage drivers has fallen by 197 and the number of private hire drivers has risen by 20, an overall fall of 177 drivers or 16%. However 160, a large percentage of the reduction of 177 drivers has occurred since the first national lockdown in March 2020 as a result of Covid-19.

## 2.0 Licensed Vehicles

At the end of July 2023 the taxi licensing team licensed a total of 825 vehicles, vehicle numbers broke through 800 for the first time in 2 years in February 2023. Vehicle numbers were down 6 on the previous month. Vehicle numbers have stabilised post pandemic and are up 80 from the lowest point of 745 vehicles in January 2023. However, we are still well down on the 1050 vehicles licenced at the time of the first lockdown. Given the changes in shopping habits and our behaviour the team believe it is unlikely that vehicle or driver numbers will return to the levels seen prior to Covid-19.

The vehicle split is as follows, 538 hackney carriage vehicles and 287 private hire vehicles, hackney carriage numbers fell by 4 and private hire vehicle numbers fell 2 over the month when compared to the previous month. Of the 825 vehicles licensed 13.7% or 113 vehicles are wheelchair accessible. It should be noted that 29% of licensed private hire vehicles are wheelchair accessible compared to 6% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

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



The team also license private hire only vehicles, as advised above these totalled 287 as at the end of July 2023.

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



Between April 2019 and July 2023, the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 243, the number has reduced by 217 or 23% since the first Coronavirus lockdown was announced in March 2020, this is in line with national trends.

### 3.0 Enforcement actions

The team continue to proactively enforce the Council’s policies in relation to taxi licensing, ensuring we have a visible presence on the rank; however, staff sickness continues to impact the time officers have to leave the office and patrol the taxi ranks and towns.

The team issued penalty points to on 24 occasions during March 2021, the highest monthly total ever recorded.

Penalty points were issued to 4 drivers during July 2023, 1 for failing to notify a speeding conviction, 1 for not wearing a badge and 2 for failing to notify the team of a change of address.

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

The Team did not revoke any drivers but suspended four drivers during July 2023.

The team held the first of the newly established trader representative meetings on 5 June 2023 at Kennet House in Devizes. The trade representatives raised concerns over window tints, PTU contracts being cancelled at short notice, Council support with electric or wheelchair vehicles and a number of other issues which are being reviewed. The team continue to work on updated driver and vehicle guidelines in line with government advice which will further enhance standards within Wiltshire for the benefit of service users and the industry in general. The team are considering the impact of the proposed 2020 Environment bill which will place requirements on Local Authorities to manage air quality. This may impact taxis and our guidelines around vehicle age and emissions.

The team continue the work on introducing a single licensing zone for hackney carriages in Wiltshire. Advice has been received from the Council’s Legal Team that the Council does not

need to adopt any new legislation to facilitate the change and the team can implement a single zone. It is planned to implement this later in 2023, possibly from 1 January 2024. Current workloads and the implementation of a new system do not provide the team with sufficient resource to implement a single zone at this time.

The team are also looking into the Council's policies around window tints for hackney carriages following challenge from the industry. During April 2023 a benchmarking exercise was undertaken against other local authorities in the area. The results indicated we should amend our policy and a report has been drafted for Licensing Committee to consider this at their December 2023 Committee meeting.

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

**Tom Ince**  
**Principal Compliance Officer**  
**4 September 2023**

# Licensing Committee Tax Licensing Update – October 2023

## 1.0 Licensed Drivers

Driver and vehicle numbers stabilised over 2022/23 following both showing month on month declines between 2020 and 2021 due to the Covid-19 pandemic. The fall in drivers and vehicles has been seen at a national level as drivers moved into the more stable delivery industry and other jobs where they can earn a similar wage without working unsociable hours. The Taxi Licensing Team, in conjunction with Passenger Transport Unit commenced a driver recruitment campaign in the second half of 2022 and this is now paying dividends with significant numbers of new driver and vehicle applications, driver numbers have risen by 80 or 11% over the last 11 months.

The team processed 30 new licence applications and 114 renewals during October 2023.

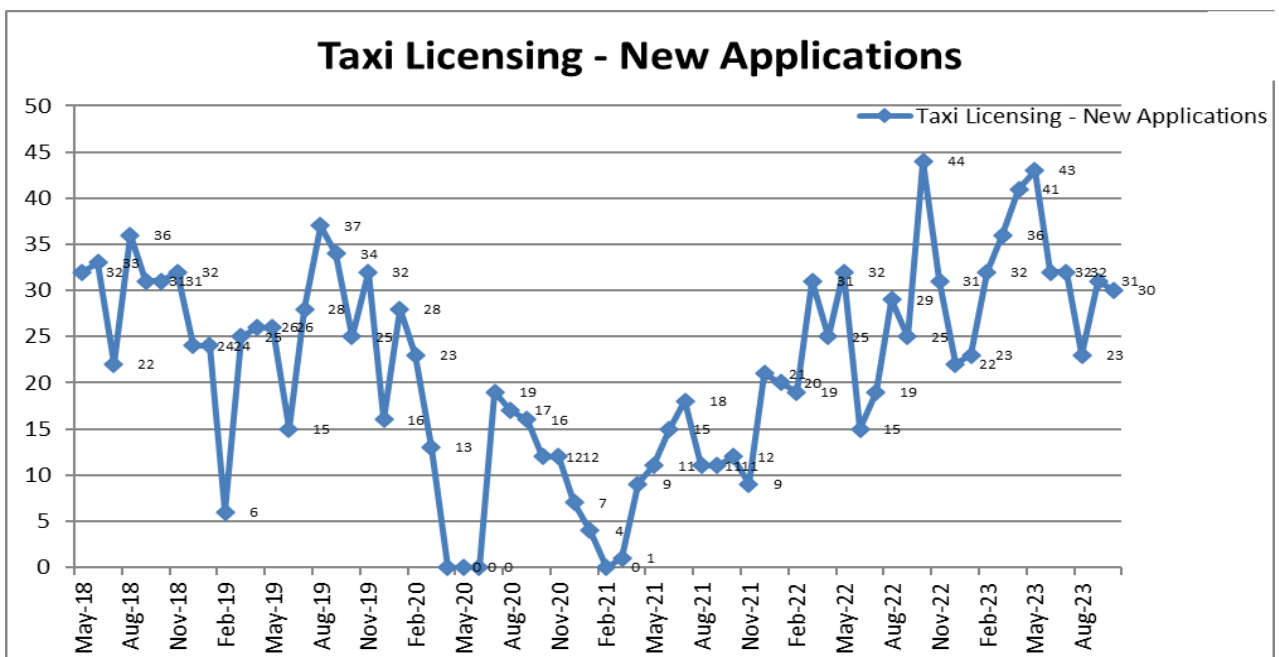
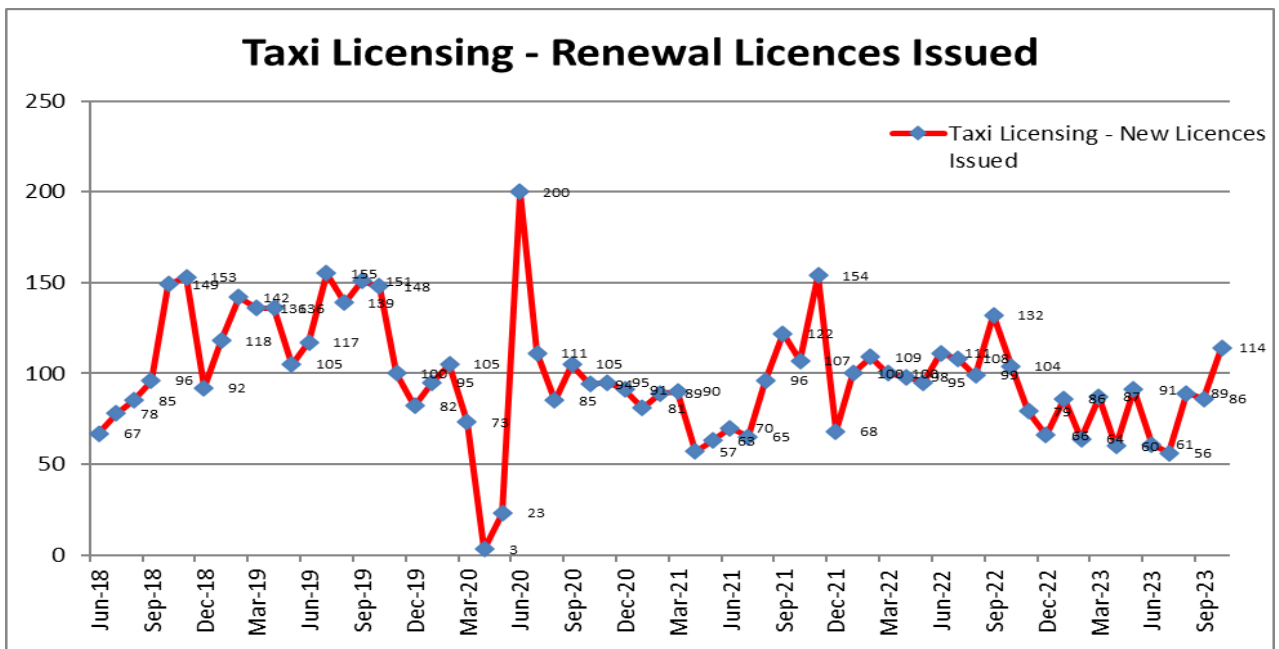


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of October was 697, up 2 on the previous month. 137 were licensed in the North area, 81 in the East, 299 in the South and 180 in the West. The fall in drivers continues to put pressure on PTU and whilst numbers are rising, they are not rising fast enough to meet the increased SEND demand Passenger Transport are experiencing.

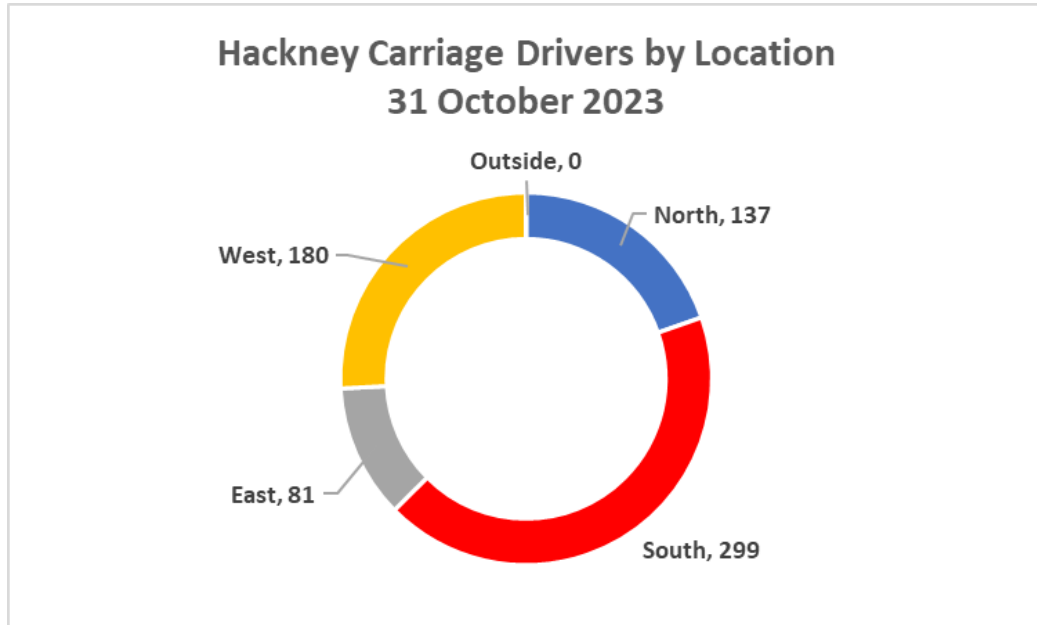
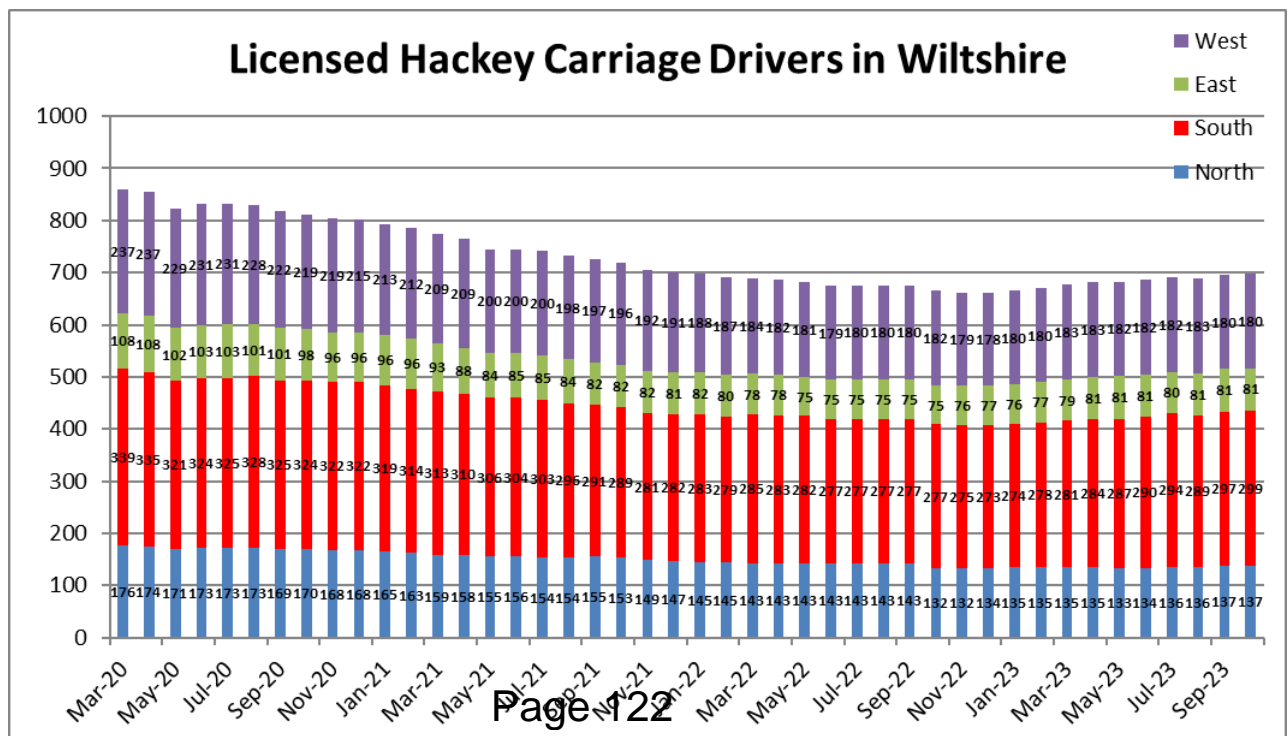


Fig.2

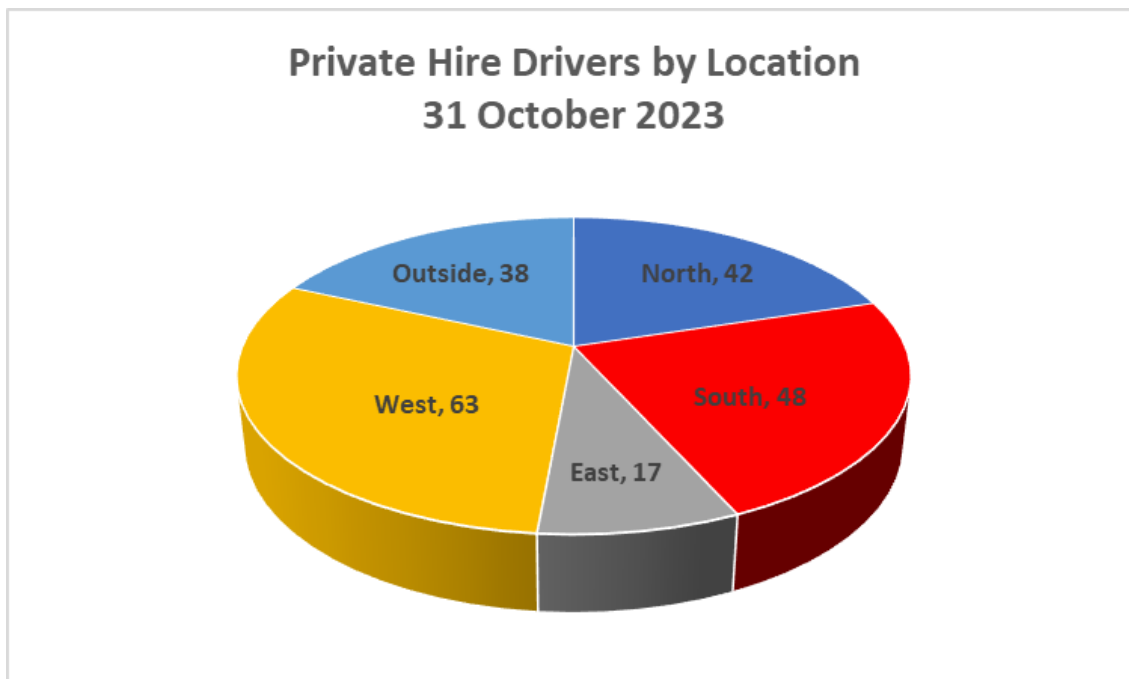
The graph below shows the monthly variation in hackney carriage driver numbers between March 2020, the start of the Covid-19 pandemic and now. During October 2023 numbers rose by 2, numbers in the South rose by 2, all other areas remained the same when compared to the previous month.

Since April 2020, the beginning of the Covid-19 pandemic, Hackney Carriage driver numbers have fallen in all areas, down 81 in the West, 53 in the North, 37 in the East and 30 in the South. The West is clearly the worst affected area.

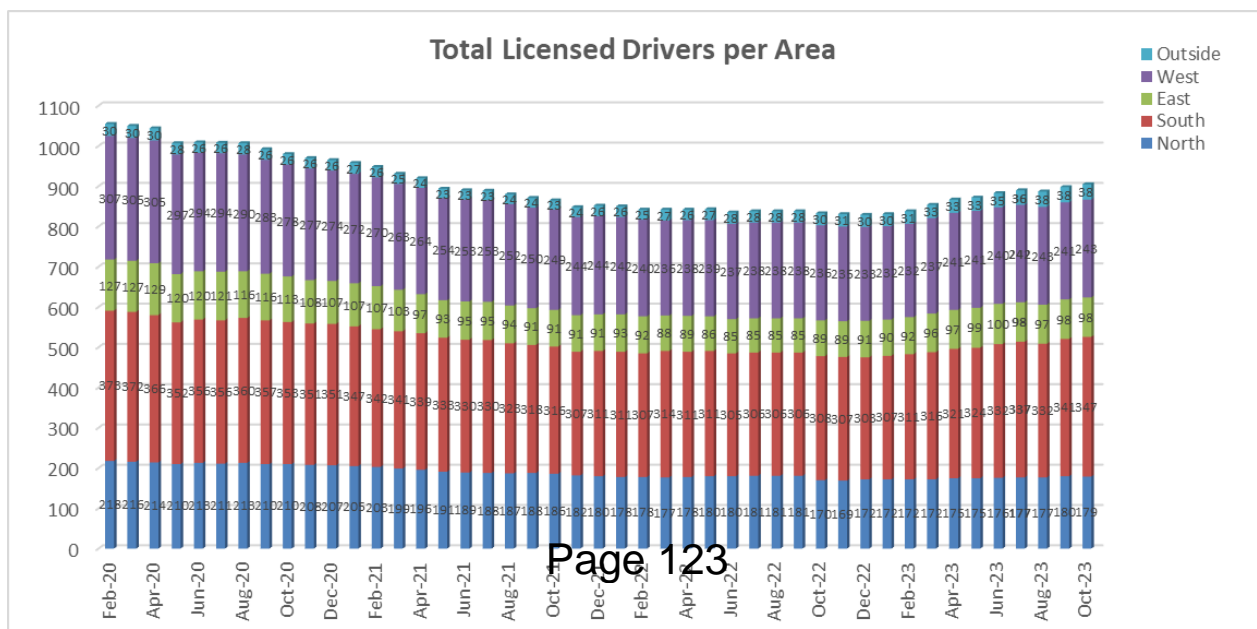


The team also license private hire only drivers, these totalled 208 as at the end of October 2023, showing an increase of 5 over the month. This brings the total number of drivers licensed to 905, an increase of 7 on the previous month and the highest total since April 2021. It is clear there is a trend of drivers switching from hackney carriage to private hire, this reflects the lower footfall in our town centres and the reducing amount of business available from the town centre ranks.

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. The team are witnessing a trend of drivers from outside the area applying for licences in Wiltshire. A number of applications for Swindon based drivers have been received and we believe this is due to the fact that Swindon Borough Council are not currently licensing any new drivers. For information the area in which the private hire drivers are registered is as follows:



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

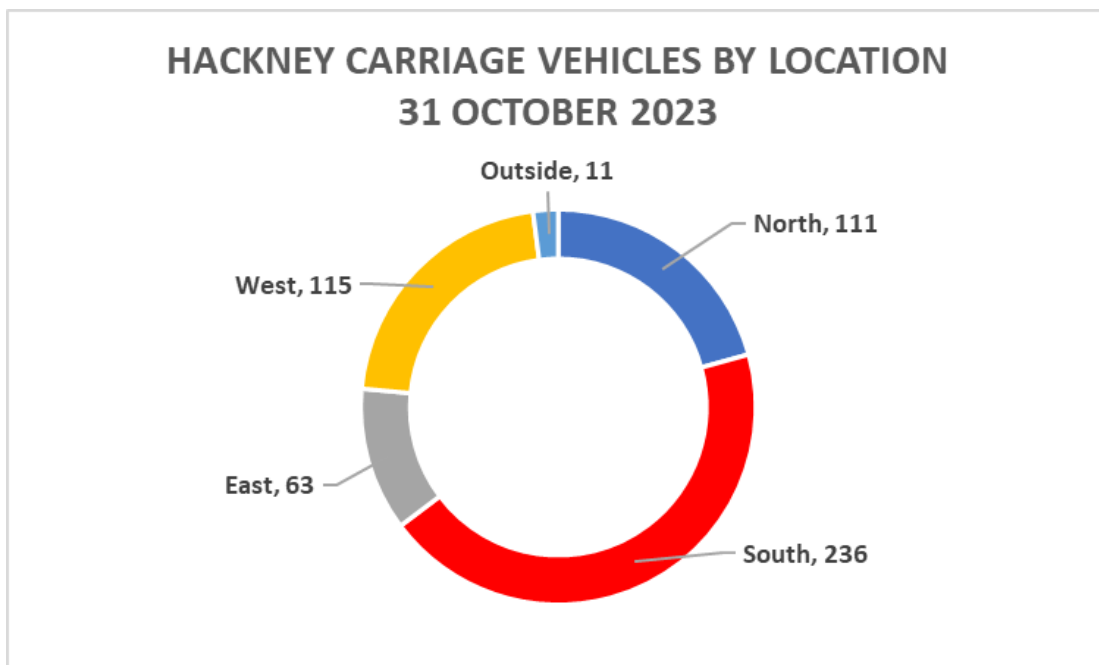


Since April 2019 the number of hackney carriage drivers has fallen by 182 and the number of private hire drivers has risen by 30, an overall fall of 152 drivers or 14%.

## 2.0 Licensed Vehicles

At the end of October 2023 the taxi licensing team licensed a total of 836 vehicles, vehicle numbers broke through 800 for the first time in 2 years in February 2023. Vehicle numbers were down 4 on the previous month. Numbers have begun to increase over the last three months and are continuing to rise, however we are still well down on the 1050 vehicles licenced at the time of the first lockdown. The vehicle split is as follows, 536 hackney carriage vehicles and 300 private hire vehicles, hackney carriage numbers fell by 7 and private hire vehicle numbers rose by 3 over the month when compared to the previous month. Of the 836 vehicles licensed 13.8% or 115 vehicles are wheelchair accessible. It should be noted that 28% of licensed private hire vehicles are wheelchair accessible compared to 6% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

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



The team also license private hire only vehicles, as advised above these totalled 300 as at the end of October 2023.

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:





### 3.0 Enforcement actions

The team continue to proactively enforce the Council's policies in relation to taxi licensing, ensuring we have a visible presence on the rank, however staff sickness has seen the level of enforcement reduce over the last 3 months although this situation is slowly changing and officers are able to spend more time on the ranks enforcing. The team issued penalty points on 24 occasions during March 2021, the highest monthly total ever recorded.

Penalty points were issued to 3 drivers during October 2023.

1 driver was issued points for dangerous driving, 1 for parking on and blocking a zebra crossing and one for failing to notify the Council of a change in address.

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

The Team did not revoke any drivers but suspended 3 drivers during October 2023.

The team held the second of the newly established trader representative meetings on 18 September 23 at Kennet House Devizes. The trade raised concerns over window tints, and a Licensing Committee report has been submitted to resolve this issue. The team continue to work on updated driver and vehicle guidelines in line with government advice which will further enhance standards within Wiltshire for the benefit of service users and the industry in general. The team are considering the impact of the proposed 2020 Environment bill which will place requirements on Local Authorities to manage air quality. This may impact taxis and our guidelines around vehicle age and emissions.

The team continue the work on introducing a single licensing zone for hackney carriages in Wiltshire. To move to a single zone the Council has to adopt Paragraph 25 – Schedule 14 of the Local Government Act 1972, a report is being written for full Council to facilitate this. Advice has been received from the Council's Legal Team that the Council does not need to adopt any new legislation to facilitate the change and the team can implement a single zone. It is planned to implement this later in 2023, possibility from 01 January 2024. Current workloads and the implementation of a new system do not provide the team with sufficient resource to implement a single zone at this time.

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Wiltshire Council

Licensing Committee

04 December 2023

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## **Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor changes to taxi guidelines**

### **Executive Summary**

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

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

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

At present different policies exist in relation to window tints on hackney carriage and private hire vehicles. For hackney carriage vehicles the Council's current policy states:

**Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. However, the rear window and all rear side windows must have a light transmission of at least 50%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council.**

The policy for private hire vehicles is different and states:

**Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.**

The policies are different for safeguarding reasons. Private hire bookings are prebooked and data must be recorded and documented by the operator. Should any incident occur, the vehicle would be able to be traced effectively. Hackney carriages pick up individuals off the street or rank with no prior knowledge on either parties' part of who is getting into the taxi or the taxi you are getting into. In view of this it was agreed by Licensing Committee that hackney carriage rear windows must be subject to 50% light transmission so

you can see into the rear of the vehicle to ensure nothing inappropriate is occurring.

The industry has been lobbying the Taxi Licensing team for some time as it is now harder to find a factory produced vehicle with windows that meet our tinting requirements. Drivers are having to pay an extra £2,000 to put clearer glass in brand new vehicles.

The Taxi Licensing Team undertook a benchmarking exercise to establish how other local authorities dealt with the issue of tinted windows. The results of the benchmarking exercise indicated there was flexibility to amend our current policy around window light transmission for hackney carriage vehicles to bring it in line with our requirements for private hire vehicles. However, any reduction in the window light transmission for hackney carriages would reduce safeguarding standards within Wiltshire and any decision to approve the proposal must balance the needs of the industry against the additional risk to public safety.

The report proposes that we bring our requirements for hackney carriage rear windows in line with that for private hire vehicles based on the evidence obtained by our review and the difficulty faced by the industry in procuring factory fitted vehicles to meet our requirements.

The report is also proposing 5 minor wording changes to our currently taxi guidelines, these are highlighted in the report.

### **Proposal(s)**

It is proposed that the Licensing Committee considers and approves adopting the proposals identified in section 15.1 of the report.

The proposals are:

- 1. Taxi Licensing amend the policy on window tints for hackney carriage vehicles to bring it in line with the requirements for private hire vehicles. e.g., Tinted glass shall conform to the legal requirements of the current Road Vehicles (Construction and Use) (Amendment) Regulations 2022.**
- 2. That the following minor wording changes/inclusions in yellow below to the Council's taxi guidelines be approved and included within the guidelines.**

#### **T21 Licence plates**

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible and remain in that position for the duration of the licence. **The plate must be fixed with an authorised plate holder, affixed securely with double sided tape or screwed directly to the vehicle, the use of magnets to fix the plate is not acceptable due to the ease with which the plate can be removed.**

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

### **Missed appointment/missed appointment fee**

To cancel an appointment without incurring a fee you must contact the fleet licensing team via email at [fleet.licensing@wiltshire.gov.uk](mailto:fleet.licensing@wiltshire.gov.uk) more than 72 hours in advance. The fee is subject to change and details of the fee can be found in the fees and charges document. Any failed inspection will also incur the missed appointment fee except in exceptional circumstances.

### **Lapsed vehicle licence**

Any licence which has lapsed will have a maximum of 14 days from the licence end date to fully complete the application process (this includes any necessary tests). After this period the vehicle will be treated as a new application and will be required to meet the criteria of a new vehicle and incur the cost as such.

### **D12 Driver identification**

A driver of a licensed vehicle shall:

(a) when standing, plying or driving for hire, wear the drivers badge with the lanyard provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.

(b) not lend the badge to any other person or cause or permit any other person to wear it.

### **D22 No smoking policy**

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes. When smoking, the driver must move away from the vehicle and ensure that all doors and windows are closed. The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (Note:- This is a requirement of the Health Act 2006 and relevant regulations).

**Wiltshire Council's policy also includes a ban on electronic inhaler type cigarettes and references to smoking in these Guidelines includes use of such cigarettes.**

If approved by the Licensing Committee the changes will come into effect on 01 January 2024.

### **Reason for Proposals**

- To ensure that the Taxi Licensing service policies for vehicles are in line with modern day production techniques and vehicle specification.
- To bring Taxi Licensing in line other local authorities in relation to its policy around window tints for hackney carriage vehicles.

- To assist the industry with reducing costs to change factory fitted windows and provide a greater variation of vehicles that would meet hackney carriage standards.
- To provide greater clarification to the industry on our processes and provide consistency.

**Samanta Howell**  
**Director, Highways & Transport**

**Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor changes to guidelines**

**1.0 Purpose of Report**

- 1.1 To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on changing the Council's policy on window tints for hackney carriage vehicles, to bring it in line with those for private hire vehicles and adopting a small number of wording changes to our current policies.

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

- 2.1 Taxi Licensing is relevant to several areas of the Council's business plan.
- **Growing the economy** – The proposals would increase the number of vehicles that could potentially be licensed as a hackney carriage. The changes would also reduce costs for the taxi industry. A thriving taxi industry can support all forms of retail and the night-time economy as well as the most vulnerable in society.
  - **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access and choice in relation to taxis and transport within their local area. Providing an opportunity for social inclusion by having the freedom to travel.

**3.0 Main Considerations for the Council**

- 3.1 The Taxi Licensing Team undertook a benchmarking exercise with 11 neighbouring local authorities. 10 responses were received with 100% of those responding had the same policies in relation to window tints for both hackney carriage and private hire vehicles.
- 3.2 Of the 10 responses received, 1 specified 65% light transmission for rear side windows. The remaining 9 responders adhered to national standards. The responses are shown in detail in Appendix A.
- 3.3 The 50% light transmission criteria was introduced to ensure anyone in the rear of a hackney carriage vehicle could be seen, as a deterrent to reduce any inappropriate behaviour. Any reduction in the level of light transmission would reduce safeguarding standards in relation to hackney carriages.
- 3.4 Hackney carriages can pick up from the street or a rank and do not have to maintain records of their bookings, reducing traceability.

- 3.5 As of the end of May 2023 there were 539 licensed hackney carriage vehicles and 283 private hire vehicles.
- 3.6 Drivers are finding it difficult to procure factory fitted vehicles that meet our hackney carriage window tint criteria. Drivers are paying around £2,000 to change windows on brand new vehicles to meet our criteria.

#### **4.0 Background**

- 4.1 The Council's current guidelines and policies in relation to taxis have not been updated since 2018, a copy is attached as Appendix B. The minor changes proposed will clarify the processes for the industry and provide greater consistency.
- 4.2 The Taxi Licensing team are currently completing a review of the above guidelines following proposed best practice standards published by Central Government in July 2022 and the Council's declaration of a climate emergency.
- 4.3 The 50% light transmission criteria was introduced to improve safeguarding in Wiltshire. National cases such as the conviction of black cab rapist, John Worbouys who drugged and assaulted his passengers in the back of his black cab influenced the decision to introduce the criteria. Lighter windows reduce the chance of an incident like this occurring.
- 4.4 Research has shown that the only factory produced vehicle that would meet our current hackney carriage requirements is the Vauxhall Insignia.
- 4.5 Central Government stated within the proposed 'Best Practice Guidance for Licensing Authorities in England' that:

*'For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.'*

*'If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations.'*

*'In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.'*



4.6 The last paragraph of the above advice is interesting, as it is rare for the Council to receive complaints in relation to inappropriate behaviour or abuse in its taxis. However what level of evidence/incidents is deemed sufficient evidence to insist on clear glass, 1?, 10?, the issue is very subjective. The Council would not want to introduce any policy that would put the public at risk.

4.7 The current legislation on window tints stipulates that front windscreens must have 75% light transmission and front side windows 70%, there are no restrictions on rear windows. A link to the Government web page on the law in relation to window tints is shown below;

[Tinted vehicle windows: the law - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

4.8 The current Road Vehicles (Construction and Use) (Amendment) Regulations 2022 stipulate the below in relation to light transmission through vehicle windows. Note, our Private Hire vehicles must adhere to these standards.

**TABLE II**

(Regulation 32(10))

1	2	3	4	5
<i>Item</i>	<i>Class of Vehicles</i>	<i>Windows</i>	<i>Percentage</i>	<i>Documents specifying procedure</i>
1	Motor vehicles first used before 1st April 1985	All windows	70	British Standard Specification No. 857 or No. 5282
2	Motor vehicles first used on or after 1st April 1985 and trailers	(a) Windscreens	75	The documents mentioned in sub-paragraph (i), (ii) or (iii) of the definition in paragraph (13) of “specified safety glass (1980).”
		(b) All other windows	70	

4.9 The Council are experiencing an increasing number of late renewals which places more pressure on the team. The change to allow a maximum of 14 days after expiry to submit an application will provide consistency when dealing with late applications.

4.10 The number of drivers using magnets to secure their vehicle plates has increased significantly over the last 6 months. Magnets are not secure and allow the plates to be easily removed. Enforcement Officers have witnessed

numerous plates hanging off vehicles or upside down. The proposed change will ensure they are securely fixed to vehicles.

- 4.11 The notice period for notification of missing appointments has been increased from 24 hours to 72 hours as the number of missed appointments is increasing, these are appointments that could be used by other drivers.
- 4.12 Enforcement has identified an issue with drivers not using the Council supplied, very visible lanyard. This makes it difficult to establish if drivers are wearing their badges as they should. The change will ensure only a Council issued lanyard is used which leads to easier identification of driver's badges.
- 4.13 The Council has seen an increasing number of drivers sitting in vehicles with the door/window open smoking. The proposed changes are designed to ensure that no smoke enters the vehicle, and any driver smoking must move away from the vehicle.

## **5.0 Safeguarding Implications**

- 5.1 Amending the current policy to align window tint requirements on hackney carriage and private hire vehicles does potentially have additional safeguarding implications. As explained above, all private hire bookings are recorded so it would be easier to investigate an incident and identify a vehicle/individual involved. As hackney carriages can pick individuals up off the street or rank without any record of the journey the policy amendment would lead to hackney carriages with darker rear windows which could be a factor in any potential inappropriate behaviour. However, it should be noted the Council has not received any complaints of this nature in the last 12 months.
- 5.2 It should be noted that the change would only bring Wiltshire Council in line with other local authorities in the area and accepted best practice. Wiltshire currently has the tightest restrictions for hackney carriages of any authority that took part in the benchmarking review.

## **6.0 Public Health Implications**

- 6.1 The proposal to align window tint requirements on hackney carriage and private hire vehicles could potentially lead to increased incidents of inappropriate behaviour. Private hire vehicles licensed in Wiltshire have been subject to the proposed requirements for many years and the Council have received no complaints or reports of inappropriate behaviour in the rear of a vehicle.
- 6.2 Allowing windows with less light transmission will provide a greater level of protection for passengers from UV rays from the sun.

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

- 7.1 There are no environmental or climate change considerations arising from this report proposal.

## **8.0 Corporate Procurement Implications**

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

## **9.0 Equalities Impact / Workforce Implications of the Proposal**

9.1 The impact of these proposals is assessed as 'low' against the council's statutory responsibilities. The new policy would bring hackney carriage vehicles in line with private hire vehicles and those licensed by neighboring authorities.

9.2 The proposals outlined in this paper do not have any workforce implications.

## **10.0 Risk Assessment**

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

10.1 Vehicle owners licence vehicles as private hire to avoid the additional cost of replacing factory fitted windows.

10.2 The number of hackney carriage vehicles may fall to such levels that there are insufficient to provide a service from the ranks within Wiltshire's towns.

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

10.3 There is the possibility of negative press coverage and reputational damage as the public may view the changes as reducing safeguarding standards in Wiltshire.

10.4 There is the potential for increased inappropriate behaviour with darker rear windows, however the change would only bring hackney carriages into line with our private hire vehicles, those vehicles licensed by neighbouring authorities and bring Wiltshire in line with proposed best practice.

## **11.0 Financial Implications**

11.1 There are no direct financial implications, however any increase or decrease in licensed vehicles would impact on the income derived from Taxi Licensing. There are not expected to be any significant financial impacts from introducing the missed appointment fee.

## **12.0 Legal Implications**

12.1 There are no legal reasons that would stop the Council amending the window tint policy for hackney carriage vehicles to bring it in line with private hire vehicles and proposed Government best practice.

12.2 There is no legal requirement to consult with the industry, however the Council has taken on board industry feedback when drafting the proposal.

## **13.0 Options Considered**

13.1 The following options have been considered for tinted windows; the minor wording changes have not been considered:

**Leave the existing hackney carriage window tint policy in place**

<b>Benefits</b>	<b>Risks</b>
Enhanced safeguarding through the toughest window tint restrictions of any local authority surveyed.	Reduced number of hackney carriage vehicles as owners license vehicles as private hire to avoid additional costs of replacing factory fitted windows.
	Reduction in hackney carriages to such a level that there are insufficient to provide a service on the ranks within Wiltshire's towns.

**Adopt the same policy for Hackney Carriage vehicles as Private Hire vehicles for window tint requirements.**

<b>Benefits</b>	<b>Risks</b>
Costs for vehicle owners greatly reduced	Potential for increased incidents of inappropriate behaviour. However, this is unlikely as our private hire vehicles adhere to the proposed new standard for hackney carriages and we do not have significant issues with private hire vehicles
Greater choice of vehicle to licence as a hackney carriage leading to possibly more vehicles licensed.	
Trade will be happy that the Council has listened to them and taken action on an issue that they have raised over the last 12 months.	

**14.0 Conclusion**

14.1 Amending the existing policy on window tints for hackney carriages to bring it in line with the policy for private hire vehicles and accepted best practice will ensure the future sustainability of the hackney carriage taxi licensing service and encourage more vehicles to be licensed as hackney carriages.

14.2 Wiltshire Council currently has the toughest criteria in relation to hackney carriage window tints of all the local authorities reviewed in the benchmarking exercise. The policy is causing issues for drivers as they cannot find factory fitted windows to meet our criteria and are paying £2,000 to have the windows changed on brand new vehicles. This prohibits them from licensing vehicles as hackney carriages which could service our ranks and towns in Wiltshire and is a factor behind the increase in the number of private hire vehicles.

## 15.0 Proposal

15.1 It is proposed that the Licensing Committee gives approval for the Taxi Licensing team to:

- i) Amend the window tint policy for hackney carriages and bring it in line with the criteria for private hire vehicles. The new policy wording would be:

*Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) Regulations.*

- ii) Make the following minor wording changes/inclusions in yellow below to the Council's taxi guidelines and include within the guidelines.

### **T21 Licence plates**

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible and remain in that position for the duration of the licence. The plate must be fixed with an authorised plate holder, affixed securely with double sided tape or screwed directly to the vehicle, the use of magnets to fix the plate is **not** acceptable due to the ease with which the plate can be removed.

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

### **Missed appointment/missed appointment fee**

To cancel an appointment without incurring a fee you must contact the fleet licensing team via email at [fleet.licensing@wiltshire.gov.uk](mailto:fleet.licensing@wiltshire.gov.uk) more than 72 hours in advance. The fee is subject to change and details of the fee can be found in the fees and charges document. Any failed inspection will also incur the missed appointment fee except in exceptional circumstances.

### **Lapsed vehicle licence**

Any licence which has lapsed will have a maximum of 14 days from the licence end date to fully complete the application process (this includes any necessary tests). After this period the vehicle will be treated as a new application and will be required to meet the criteria of a new vehicle and incur the cost as such.

### **D12 Driver identification**

A driver of a licensed vehicle shall:

(a) when standing, plying or driving for hire, wear the drivers badge with the lanyard provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.

(b) not lend the badge to any other person or cause or permit any other person to wear it.

### **D22 No smoking policy**

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes. **When smoking, the driver must move away from the vehicle and ensure that all doors and windows are closed.** The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (**Note:-** This is a requirement of the Health Act 2006 and relevant regulations).

**Wiltshire Council's policy also includes a ban on electronic inhaler type cigarettes and references to smoking in these Guidelines includes use of such cigarettes.**

If approved by the Licensing Committee the changes will come into effect on 1 January 2024.

## **16.0 Reasons for Proposal**

- To ensure that the Taxi Licensing service can recruit sufficient numbers of hackney carriage vehicles to service the ranks and streets of the Wiltshire Council area.
- To bring Taxi Licensing policies in relation to window tints in line for both hackney carriage and private hire vehicles, in line with proposed best practice and neighbouring local authorities.
- To reduce costs for the industry and provide consistency to our processes and provide greater clarification for the trade.

**Samantha Howell**  
**Director, Highways & Transport**

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Report Author:

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October 2023

## **Background Papers**

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

None

## **Appendices**

Appendix A – Window Tint benchmarking results

Appendix B – Wiltshire Council Guidelines re Hackney Carriages and Private Hire Drivers, Vehicles and Operators.

**TAXI VEHICLE WINDOW TINT POLICY BENCHMARKING DATA MAY 23**

	Hackney Carriage Vehicles	Private Hire Vehicles
<b>Authority</b>		
Wiltshire	<i>rear window and all rear side windows must have a light transmission of at least 50%</i>	Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations (70%)
Mendip	Must meet national standards which to not have any criteria re light transmission -emailed Mendip 4/5	Must meet national standards which to not have any criteria re light transmission-emailed Mendip 4/5
BANES	Emailed 4/5/23	
Bristol (City of)	Tinted glass windows are permissible provided: a. The light transmitted through the windscreen must be at least 75%. b. The front side windows must allow at least 70% of light to be transmitted through them. c. Rear side windows must allow at least 65% of light to be transmitted through them. The vehicles rear window is exempt from the light transmission test	Tinted glass windows are permissible provided: a. The light transmitted through the windscreen must be at least 75%. b. The front side windows must allow at least 70% of light to be transmitted through them. c. Rear side windows must allow at least 65% of light to be transmitted through them. d. The vehicles rear window is exempt from the light transmission test
Test Valley	The windscreen and all windows shall be safety glass in accordance with the latest British Standard applicable at the time of manufacture. The windscreen and front side windows shall not be excessively tinted such that the vehicle does not meet legal requirements. Emailed Test Valley 4/5 - response We don't have a specific policy on this and just follow national standards	The windscreen and all windows shall be safety glass in accordance with the latest British Standard applicable at the time of manufacture. The windscreen and front side windows shall not be excessively tinted such that the vehicle does not meet legal requirements. Emailed Test Valley 4/5 - response We don't have a specific policy on this and just follow national standards
Swindon	The Licensing Authority requires that all licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other side windows. However, the rear window shall be allowed to be licensed with a manufacturer tint, subject to inspection and approval by the Licensing Authority, no vehicle will be eligible for licensing with an applied tint	The Licensing Authority requires that all licensed vehicles must allow at least 75% light transmission through the front windscreen and no less than 70% of light transmission through all other side windows. However, the rear window shall be allowed to be licensed with a manufacturer tint, subject to inspection and approval by the Licensing Authority, no vehicle will be eligible for licensing with an applied tint
South Gloucestershire	Only manufactured/factory fitted privacy glass is permitted. Aftermarket tints are not permitted and must be removed before licensing. Any other modifications will be considered on a case-by-case basis.	Only manufactured/factory fitted privacy glass is permitted. Aftermarket tints are not permitted and must be removed before licensing. Any other modifications will be considered on a case-by-case basis.
West Berkshire	<a href="#">No specific window tint policy in West Berkshire</a>	<a href="#">No specific window tint policy in West Berkshire</a>
Basingstoke	<i>'14. Glass The windscreen must be of an approved safety type and not tinted. All other windows and glass must be of an approved safety type and accord with UK law regarding window tint levels.'</i>	<i>'14. Glass The windscreen must be of an approved safety type and not tinted. All other windows and glass must be of an approved safety type and accord with UK law regarding window tint levels.'</i>
New Forest	We only accept factory fitted tints. Any film tints applied after construction must be removed before they can pass the garage tes	We only accept factory fitted tints. Any film tints applied after construction must be removed before they can pass the garage tes
Southampton	We adhere to national standards with no additional conditions on licences for tinting	We adhere to national standards with no additional conditions on licences for tinting
Winchester	(g) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and it must be professionally applied.	(g) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and it must be professionally applied.
<a href="#">The full document can be found on our website at Hackney Carriage (Taxi) Licence - Winchester City Council</a>		<a href="#">The full document can be found on our website at Hackney Carriage (Taxi) Licence - Winchester City Council</a>





# **Guidelines**

**for**

**Hackney carriage/private hire drivers,  
hackney carriage vehicles, private  
hire vehicles and  
private hire operators.**

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**This document is dated February 2018**

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In these guidelines, unless otherwise indicated

- “The council” means “Wiltshire Council”.
- “The driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Licensed vehicle” means a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847 or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom a vehicle licence is issued.
- “Taxi” means hackney carriage.
- “The operator” means the holder of the private hire operator licence.

## Hackney carriage / private hire drivers

### D1 Control of licensed vehicles and drivers

Local Authorities (LA's) have a statutory obligation to licence and regulate hackney carriage and private hire, vehicles, drivers and operators. The most important reason for this is to provide a service to the general public that is both accessible and safe. In order to achieve this all applicants are vetted with the Disclosure and Barring Service (DBS) with an enhanced check and vehicles are tested on a regular basis.

Once licensed a taxi or private hire vehicle remains a licensed vehicle 24 hours a day, irrespective of the use to which the vehicle is being put. Consequently the **only** persons allowed to drive a licensed taxi or private hire vehicle are those who have been issued with a driver licence by the same LA which licensed the vehicle.

There are exemptions to this rule, but only in respect of licensed taxis. Persons who are allowed to drive a licensed taxi, without firstly obtaining the appropriate driver licence, are:

- an applicant taking a driving test in order to obtain their taxi driver licence □
- a mechanic road testing a licensed taxi.

These exemptions do not apply to private hire vehicles.

### SAFEGUARDING

Everyone has a responsibility for protecting and safeguarding children and adults who may be vulnerable. In the event that the Hackney Carriage Driver, Private Hire Driver, Hackney carriage Operator or Private Hire Operator has concerns a child or adult is suffering or is likely to suffer from any form of maltreatment (whether financial, physical, sexual, emotional or neglect) this should be reported in the following ways:

1. If a child or vulnerable adult is in immediate danger or left alone, contact the police or call an ambulance on 999;
2. In all other cases involving children, referrals should be made to Wiltshire social care services via Wiltshire Multi-Agency Safeguarding Hub (MASH) on 0300 4560108;

3. In all other cases involving adults, referrals should be made to Wiltshire Council Customer Advisers on 0300 456 0111, e-mail [customeradvisors@wiltshire.gov.uk](mailto:customeradvisors@wiltshire.gov.uk)

## **CHILD SEXUAL EXPLOITATION AND ABUSE**

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability.’(NWG 2008)

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse.

Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they **must** report their concerns to Wiltshire Police based in the Multi-Agency Safeguarding Hub (MASH) as a matter of urgency on the above number. Drivers are also expected to inform their manager that they have reported their concerns to Wiltshire Police.

Failure to report a suspicion or concern that a young person or young people may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

### **D2 Accident reporting**

The driver/proprietor of a licensed vehicle shall report to the council as soon as is reasonably practicable and in any case within 72 hours of any occurrence or accident which causes:

- damage materially affecting the safety, performance or appearance of the vehicle
- damage affecting the comfort or convenience of persons using the vehicle
- damage rendering the vehicle in contravention of the licensed vehicle guidelines.

### **D3 Animals**

Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking.

Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver. The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

#### **D4 Assistance dogs – including guide dogs and hearing dogs**

Under the Equality Act 2010 the driver of a licensed vehicle must carry guide dogs, hearing and certain other assistant dogs free of charge. Medical exemption certificates may be issued to drivers which must be clearly displayed in the vehicle. These can be obtained from the licensing office for drivers who have a proven medical condition that would exclude them from carrying any type of dog.

#### **D5 Canvassing or touting**

A driver/proprietor of a taxi when standing or plying for hire shall not, by calling out or otherwise, persistently request any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

#### **D6 Complaints from the public**

The driver of a licensed vehicle must report any complaint made by a member of the public as soon as possible to the vehicle proprietor/operator, who must inform the council's licensing officer. The driver will also be responsible for informing the complainant that he may complain to the licensing authority, if he so wishes, and afford him every assistance to do so.

#### **D7 Conduct of driver and providing assistance**

A driver of a licensed vehicle shall, when standing, plying or driving for hire:

- (a) conduct themselves in a civil and orderly manner.
- (b) be respectably dressed and clean and tidy in appearance.
- (c) take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.
- (d) provide sufficient assistance to open doors and aid passengers walking to and from, as well as exiting and alighting from the vehicle. In particular, offer assistance to:
  - blind and partially sighted passengers.
  - disabled passengers whether in a wheelchair or not.
  - elderly or infirm passengers.
  - passengers who appear to require assistance or who request it.

A driver of a wheelchair accessible vehicle is required to:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is defined as:

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair; □ to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

#### **D8 Deposit of licence**

Before commencing to drive for your employer you are required to provide a copy of your paper hackney carriage / private hire driver licence, which they are required to retain until such time that you leave their employ.

If you are an independent driver who is operating your own vehicle under your own insurance, this does not apply to you.

#### **D9 Driver and vehicle documentation**

The driver of a licensed vehicle shall produce their council driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the council or police officer on request.

#### **D10 Driver – dress code**

Drivers should be suitably dressed not to cause offence.

#### **D11 Driver – notification of information**

The driver of any licensed vehicle shall, as soon as possible and within seven days notify the council in writing of any:

- change of address.
- change of employment with a taxi/private hire company.
- conviction or formal caution (including traffic offences) being recorded against them.
- **IMMEDIATELY IF BANNED FROM DRIVING** – it is accepted that this can only be done in office hours.
- medical or other circumstances where they have been advised to stop driving.

#### **D12 Driver identification**

A driver of a licensed vehicle shall:

(a) when standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.

(b) not lend the badge to any other person or cause or permit any other person to wear it.

#### **D13 Driver – refusal of a fare**

Under Section 53 Town Police Clauses Act 1847 any driver who refuses or neglects, without reasonable excuse, to take a fare commits an offence. The council will, in the first instance, determine whether the refusal or neglect was a reasonable excuse. Any sanction for this offence will be either to apply penalty points, which may lead to suspension, or revocation of licence, or prosecution in the Magistrates Court.

#### **D14 Driver to take direct route**

The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Regulation Orders in force.

#### **D15 Fare to be demanded – (private hire only)**

The driver of a licensed private hire vehicle must not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the

vehicle is fitted with a fare meter, the fare shown on the face of the meter. The fare is for the hire of the vehicle and not per passenger.

#### **D16 Items not obligated to carry**

A licensed driver shall not be obliged to carry any of the following:

- (a) any article or animal which is of such bulk or amount or character that the carrying would be likely to cause damage to the vehicle or its fittings.
- (b) any substance which is or could be flammable, explosive, dangerous, noxious, odorous, foul or offensive.

#### **D17 Lost and found property**

A licensed driver shall immediately after the termination of any hiring carefully search the vehicle for any property which may have been accidentally left therein. If any property is accidentally left in the vehicle the driver shall, if it is not claimed within 48 hours by or on behalf of the owner, hand the property into the council's licensing officer who will issue a receipt.

#### **D18 Luggage**

A licensed driver shall assist passengers with loading and unloading luggage and convey a reasonable amount of luggage if requested.

#### **D19 Luggage on the roof**

A driver shall not carry luggage on the roof of any licensed vehicle without ensuring that it is adequately fixed on a secure luggage rack.

#### **D20 Medical condition / fitness of driver**

A licensed driver shall not drive the vehicle if they know or have reasonable grounds for knowing that they suffer from any illness or disability, which could cause them not to be in full control of the vehicle.

Drivers of licensed vehicle are required to have higher standards of fitness and must undertake a medical examination to Group 2 Standards, Group C1 in the case of insulin or byetta (exenatide) treated diabetes.

- on initial application
- on their 45<sup>th</sup> birthday
- every five years up to the age of 65 years
- annually thereafter.

Conditions such as epilepsy, diabetes (insulin treated) and eyesight problems may be a ban to holding a licence, but full details can be found in the council's medical examination form, which will be supplied to all applicants.

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which is required.

Drivers can apply for exemption from the duties to assist passengers in wheelchairs if it is appropriate to do so, on medical or physical grounds. A medical exemption application form will need to be requested from a compliance officer.

All examinations must be undertaken by a GP and filled out on the Medical form included with the application pack for licenced drivers.

If this advice is ignored and the applicant produces a medical certificate from another doctor the council can exercise its power under Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 and request an applicant to submit to a further examination by a doctor selected by the council.

This power can also be exercised at any time, whether or not any such certificate has been produced, requesting any driver to undergo a medical examination.

Drivers are asked to cease driving a licensed vehicle and notify the council immediately if they know of any medical condition which may affect their driving ability and the health and safety of themselves and any passengers.

### **D21 Mobile phones**

A mobile phone must not be used whilst driving unless it is designed for hands-free operation. Advice from the Department for Transport is that driving includes times when stopped at traffic lights or other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while).

### **D22 No smoking policy**

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes.

The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (**Note**:- This is a requirement of the Health Act 2006 and relevant regulations).

**Wiltshire Council's policy also includes a ban on electronic inhaler type cigarettes and references to smoking in these Guidelines includes use of such cigarettes.**

### **D23 Number of passengers to be conveyed**

A licensed driver shall not cause or permit to be conveyed in the vehicle a greater number of passengers than the licence issued by the council indicates as being the maximum number of passengers that the vehicle can carry, irrespective of the age of the passenger.

### **D24 Obstruction of authorised officer**

Under Section 73 Local Government (Miscellaneous Provisions) Act 1976 a licensed driver must not:

- wilfully obstruct an authorised officer or constable.
- without reasonable excuse fail to comply with any requirement made to them by such officer or constable.
- without reasonable cause fail to give assistance or information which may reasonably be required by such officer or constable.
- give any such information which he knows to be false.

### **D25 Permitting persons to ride without the consent of the hirer.**

A licensed driver must not permit any other person to be carried without the express consent of the hirer.



## D26 Punctual attendance

A licensed driver shall, if they are aware that the vehicle has been hired, punctually attend at the appointed time and place.

## D27 Radio communications

A licensed driver shall at the request of passengers refrain from operating a radio or similar equipment whilst carrying passengers for hire.

## D28 Seat belts

**Passengers** – drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

**Drivers** – under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

**Taxis** – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles and exemptions for taxis. The exemptions mentioned for taxis do not apply to private hire vehicles.

	Front Seat	Rear Seat	Who is Responsible?
<b>Driver</b>	Seat belt must be worn if fitted		Driver
<b>Child under 3 years of age</b>	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a taxi, may travel unrestrained	Driver
<b>Child from 3<sup>rd</sup> birthday up to 135 cms in height (12<sup>th</sup> birthday, whichever they reach first)</b>	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available – □ in a taxi; <ul style="list-style-type: none"><li>• for a short distance in an unexpected necessity;</li><li>• if two occupied child restraints prevent fitting a third.</li></ul>	Driver
<b>Child 12 or 13, or over 135 cms in height</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
<b>Adult passengers</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

### **D29 Vehicle condition**

The driver of a licensed vehicle shall ensure that the licence plate issued by the council is fixed to the rear exterior of the vehicle so as to be clearly visible at all times when the vehicle is operating.

They shall also ensure that the vehicle is in a tidy and clean condition, that the fixtures and fittings are in good working order and repair and that the vehicle is in a fit and roadworthy condition at all times.

### **D30 Wheelchair accessible vehicles**

(a) All licensed drivers who drive wheelchair accessible vehicles must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicles and be able to provide evidence of suitable training.

(**Note** 'suitable training' will be defined by the licensing authority).

(b) Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.

All drivers must ensure that:

- any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations, S. 100 of the Road Vehicles Construction and use Regulations 1986.
- they do not discriminate against any passenger who is disabled.
- if their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
  - divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
  - use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.

It is the drivers responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

A driver of a wheelchair accessible vehicle is required to:

- to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is defined as:

- to enable the passenger to get into or out of the vehicle;

- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle

### **D31 Private hire vehicle operation**

A licensed driver shall not cause their vehicle to stand in a road or public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage.

### **D32 Rank use**

A licensed driver while parked on a taxi rank shall:-

- Not leave their hackney carriage vehicle unattended for any reason.
- Move down the rank immediately when a space becomes free.
- Not park on a taxi rank in a private hire vehicle.
- Licensed drivers continually parking on double yellow lines whilst waiting to join the taxi rank or feeder rank particularly are in breach of the Road Traffic Act and infringements may result in penalty points being issued.

A licensed driver who holds a blue badge must ensure that: -

- When requiring a break, park away from the taxi rank so as not to invite customers for hiring.
- They do not use their blue badge to gain an unfair advantage in accessing a rank or to secure a position on a rank.
- Licensed drivers continually parking on double yellow lines whilst waiting to join the taxi rank or feeder rank particularly are in breach of the Road Traffic Act and infringements may result in penalty points being issued.

### **D33 Driving ability**

Should an authorised officer of the council have cause to be concerned about the driving ability of any driver, they reserve the right to request the driver to undertake a driving assessment by a driving assessor. The cost of this assessment will be paid for by the driver.

### **D34 Termination or surrender of licence**

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the licence, the licence holder must return the driver badge to the council without delay.

### **D35 Drink Driving**

Wiltshire Council operates a zero tolerance policy towards drink driving. A serious view will be taken towards any driver operating a licensed vehicle with any level of alcohol in their system.

### **D36 Exemption Certificates**

If a driver considered exempt from either the carriage of assistant dogs or the conveyance of wheelchair passengers, then an exemption certificate will be issued. This must be

displayed at all times in the front window on the nearside of and immediately behind the windscreen of the vehicle; in a manner that readily permits its removal; so that its front is clearly visible from the outside of the vehicle; and its back is clearly visible from the driver's seat of the vehicle.

## **Hackney carriage vehicles**

No vehicle will be licensed as a hackney carriage unless it has first been inspected by an authorised officer of the council and found to comply with these guidelines. Although council officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle has been inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a hackney carriage with council licensing officers prior to any such acquisition.

Once licensed the vehicle must meet all the guidelines at all times.

The holder of the licence shall comply with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines detailed below:-

### **T1 Single licensing of vehicle**

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a hackney carriage or private hire vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

### **T2 Passengers**

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

### **T3 Inspection frequency and age policy**

All brand new dealer registered vehicles will **not** require an MOT certificate at the first inspection providing they have less than 500 miles on the odometer. However, the requirement for an MOT at the second inspection remains i.e. when the vehicle is six months old

On first application for a licence, only vehicles under five years old from the date of first registration will be considered. Please see guideline T22 in relation to vehicle age for wheelchair accessible vehicles.

Prior to first application a conditions check will be carried out by an authorised officer before referral for a new MOT or compliance certificate, irrespective of the vehicle's age i.e. after 6 months old - see new dealer registered vehicle note above.

From the date of the first licence being issued, an inspection will be carried out by an authorised officer of the Council, and an MOT or compliance certificate will be required on a six-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a six-monthly inspection, carried out by an authorised officer of the Council and an MOT or compliance certificate (no,older than 28 days at time of inspection), irrespective of the vehicles age.

**(Note:** should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

#### **T4 Production of vehicle documentation**

The owner of a hackney carriage vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- the vehicle licence.
- the certificate of insurance covering its use for hire and reward.
- MOT certificate or compliance certificate.
- V5

#### **T5 Vehicle type**

Operators must ensure that 1 in 10 of their licensed fleet is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Has space to carry at least one passenger while using a wheelchair.

**Example:**

If you own nine vehicles irrespective of whether they are a mixture of hackney carriages and private hire vehicles and wish to purchase a 10<sup>th</sup> vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

Vehicles must be either:

- four door saloons, hatchbacks, MPVs or estate cars.

In addition vehicles must have:

- between four and eight seats for passengers excluding the driver and
- been manufactured or modified for the primary purpose of carrying passengers.

All vehicles must be right-hand drive.

Vehicles must have a hard top roof that cannot be removed. (**Note:** open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

The vehicle must have at least two doors for the use of passengers, in addition to the driver's door. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

#### **T6 Engine type**

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor combined. Electric powered vehicles will be accessed on an individual basis.

**(Note:** vehicles that are human powered will not be licensed.)

When a vehicle has been converted to run on Liquid Petroleum Gas (LPG) a certificate must be produced, prior to a licence being issued, from a member of the LPG Association

confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

### **T7 Luggage compartment**

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.

### **T8 Wheels and tyres**

All vehicles must have at least four road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

The Council's licensing requirement is a minimum tread depth of 1.8mm at any time for all licensed vehicles. Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements. The Council advises that motor trade best practice is to replace tyres when tread depth reaches 3mm - this is because braking distance and water displacement is less compromised.

**(Note:** Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre.)

### **T9 Bull bars**

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle (in addition to a tow-bar) must be provided in writing to the relevant licensing area office.

### **T10 Passenger access**

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times, except in the following circumstances:

- When transporting a child, the driver should ensure that the child locks are deployed, where fitted.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

### **T11 Seats and seat belts**

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face frontward or rearward to the direction of travel.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a three point inertia belt, two point lap belt or three point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats, measured from the rear of the seat cushion to the roof lining.

### **T12 Windows**

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. However, the rear window and all rear side windows must have a light transmission of at least 50%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council.

No temporary glass or other material will be accepted as a temporary measure ,for example, plastic sheeting until windows are replaced due to damage.

All passengers must have access to a window that can be opened or another form of natural ventilation whilst being carried in the vehicle.

### **T13 No smoking signs**

All vehicles must display no-smoking signs in a place visible to all passengers.

### **T14 Communication with the driver**

A proprietor of a hackney carriage shall provide sufficient means by which any person in the vehicle may communicate with the driver.

### **T15 Use of trailers**

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed:

- it shall be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicle's manufacturer. □ the vehicle insurance must include cover for towing a trailer.
- it must comply at all times with the speed restrictions applicable to trailers.
- it must provide secure and weather proof stowage for the luggage.

- it must not be attached to the vehicle when the vehicle is standing on a hackney carriage rank
- it must not be unattended on the highway
- the driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

### **T16 Fire extinguisher**

Every vehicle must carry either one 2 kg or two 1 kg sized dry powder or AFF foam type fire extinguishers. The extinguishers must:

- comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- be stored in a readily accessible position in the vehicle.
- be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **must** carry a 1kg or 2kg fire extinguisher at the front and the rear of the vehicle.

**(Note:** no other extinguisher type is permitted.)

### **T17 First aid kit**

A first aid kit must be carried that contains the following items:

- six individually wrapped sterile adhesive dressings.
- one large sterile un-medicated dressing, approximately 18 cm x 18 cm.
- two triangular bandages.
- two safety pins.
- individually wrapped moist cleansing wipes.
- one pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container clearly marked as containing first aid and of a design and construction that protects the contents. The container should be stored in a readily accessible position in the vehicle.

**(Note:** the first aid kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

### **T18 Written-off vehicles**

Vehicles that have been written off under Category A, B or S for insurance purposes will not be considered for licensing.

Vehicles written off under category N for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

### **Current licensed vehicles**



Vehicles currently licensed when written off will be subject to the above provisions.

### **T19 Temporary replacement of licensed vehicles**

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a hire vehicle provided:

- the accident damage has been reported by the licence holder in accordance with the requirements of these guidelines, or the defect to the licensed vehicle has been similarly reported.
- application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- the replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing guidelines are met:

- the council will issue a temporary licence plate(s) to cover the existing period of the licence.
- any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- the inspection costs will be borne by the licence holder.
- any hackney replacement vehicle must be fitted with a meter, which must be tested and calibrated to the council's current tariff.

### **T20 Vehicle condition**

The vehicle must be kept in good condition and in particular meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the driver's seat, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

### **Maintenance**

The vehicle must be serviced and maintained in accordance with the manufacturer's instructions and suitable records must be available for inspection.

## **T21 Licence plates**

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible, and remain in that position for the duration of the licence.

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

## **T22 Wheelchair accessible vehicles**

### **Vehicle age**

On first application for a licence, only wheelchair accessible vehicles under seven years old from the date of first registration will be considered.

### **Vehicle Type**

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing, all new vehicles and equipment must undergo an initial inspection by a qualified and competent vehicle examiner nominated by the Council to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard.

Following issue of the first licence your vehicle will be required to undergo a further inspection as above no later than six months in to your licence. This will then continue yearly whilst the vehicle is licensed.

### **Access**

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

## **Equipment**

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

### **Anchorage**

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

### **Designated Vehicles**

All vehicles designated as wheelchair accessible will be added to the list of designated vehicles, this list will contain vehicle registration, make, model, colour, maximum number of passengers and contact number.

The list will be made available to the public on the Wiltshire Council website.

### **T23 Notification of changes**

Once a licence has been issued the following criteria will apply to the owner of a hackney carriage:

The licence holder must within 72 hours supply the council with details of any:

- change of the owners business or home address.
- change of premises where the vehicle is normally kept.
- accident which causes damage or materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give written notification to the council within seven days of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
  - the owner of the vehicle.
  - any company of which he/she is a director or secretary.
  - any person with whom he/she is in partnership or who has any interest in the vehicle.

#### **T24 Roof signs**

The vehicle must be fitted with an illuminated roof sign ('top sign') on which the word 'TAXI' must appear and be clearly visible from in front of the vehicle. The roof sign must:

□ be securely fixed to the vehicle roof at all times.

□ illuminate automatically when the vehicle taximeter is set to 'for hire'.

(**Note:** there is no restriction or requirement for any wording on the rear of the sign).

#### **T25 Fare meters**

Vehicles must be fitted with a Hackney Carriage fare meter ('taximeter') which shall be so constructed, installed and maintained so as to comply with the following guidelines:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the current table of tariffs, set by the licensing authority, applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
- Such key, flag or other device shall be capable of being locked in such a position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare equal to the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares.
- The hackney carriage meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle, even during darkness.

- Prior to being licensed, or once licensed and prior to every fare increase, it is the responsibility of the proprietor of a licensed hackney carriage to have the meter calibrated/recalibrated to the current approved council tariff. This is usually done through the meter manufacturer or supplier.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.

**(Note:** under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If they are not satisfied as to the accuracy of the meter they may, by a notice in writing, suspend the vehicle licence until he is satisfied that the meter is working correctly.

### **T26 Fare cards**

A copy of the current table of fares (the fare card), as supplied by the council, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

### **T27 Advertising on vehicles**

Advertising may only be displayed on a vehicle when it has been approved by the council after adoption of these guidelines.

Advertising will only be approved which:

- provides information about the services provided by the vehicle proprietor and contact details for that operator or relates to goods or services not provided by the vehicle proprietor.
- does not obliterate or confuse any council licence plate or number plates of the vehicle.
- is unlikely to cause offence.
- complies with the latest British Code of Advertising, Sales Promotion and Direct Marketing (The “CAP code”) published by the Advertising Standards Authority.

All advertisements must be submitted in writing to the council for approval, clearly indicating the size, design and location on the vehicle.

### **T28 Bus Lanes – Salisbury area**

Licensed hackney carriages are allowed the use of bus lanes in Milford Street and Castle Road provided certain ‘conditions of use’ are followed.

- **Milford Street** – never travel at more than 10mph and always have the vehicle’s headlights switched on.
- **Castle Road** – no additional conditions of use, but vehicles are allowed the use of the ‘bus gate’ at the end of the bus lane.
- All Wiltshire licensed hackney carriages will be able to use any future bus lanes.

### **T29 Taxi ranks and plying for hire**

Drivers can ply for hire in a licensed hackney carriage from:

- a designated taxi rank.
- private land – at the landowners consent.

Drivers must stay with their vehicle at all times when using designated taxi ranks.

### **T30 Termination or surrender of licence**

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the council without delay.

## **Private hire vehicles**

No vehicle will be licensed as a private hire vehicle unless it has first been inspected by an authorised officer of the council and found to comply with these guidelines. Although council officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle is inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a private hire vehicle with council licensing officers prior to any such acquisition.

Once licensed the vehicle must meet all the guidelines at all times.

The holder of the licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines detailed below:-

### **P1 Single licensing of vehicle**

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a hackney carriage or private hire vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

### **P2 Passengers**

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

### **P3 Inspections**

All brand new dealer registered vehicles will **not** require an MOT certificate at the first inspection providing they have less than 500 miles on the odometer. However, the requirement for an MOT at the second inspection remains i.e. when the vehicle is six months old

On first application for a licence, only vehicles under five years old from the date of first registration will be considered. Please see guideline T22 in relation to vehicle age for wheelchair accessible vehicles.

Prior to first application a conditions check will be carried out by a licensing officer before referral for a new MOT or compliance certificate, irrespective of the vehicles age.

From the date of the first licence being issued, an inspection will be carried out by an authorised officer of the Council, and an MOT or compliance certificate will be required on a six-monthly basis, irrespective of the vehicles age. i.e. after 6 months old - see new dealer registered vehicle note above.

All existing licensed vehicles will be required to have a six-monthly inspection, carried out by an authorised officer of the Council and an MOT or compliance certificate, irrespective of the vehicles age.

**(Note:** should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

#### **P4 Production of vehicle documentation**

The owner of a hackney carriage or private hire vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- the vehicle licence.
- the certificate of insurance covering its use for hire and reward.
- MOT certificate or compliance certificate.
- V5

#### **P5 Vehicle type**

Operators must ensure that 1 in 10 of their licensed fleet is:

- Wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- Has space to carry at least one passenger while using a wheelchair.

##### **Example:**

If you own nine vehicles irrespective of whether they are a mixture of hackney carriages and private hire vehicles and wish to purchase a 10<sup>th</sup> vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

Vehicles must be either:

- four door saloons or hatchbacks.
- MPVs.
- estate cars.
- limousines.

In addition vehicles must have:

- between four and eight seats for passengers excluding the driver.
- been manufactured or modified for the primary purpose of carrying passengers.

If a vehicle design appears to be that of a hackney carriage it will not be licensed.

**(Note:** this includes traditional London taxis such as the FX and TX ranges as well as the Peugeot E7).

The vehicle must not carry any roof sign or any markings which may give the impression it is a hackney carriage.

All vehicles must be right-hand drive. The only vehicles permitted to be left-hand drive are limousines.

Vehicles must have a hard top roof that cannot be removed. (**Note:** open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

In addition to the drivers door, the vehicle must have at least two doors for the use of passengers. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

### **P6 Engine type**

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor combined. Electric powered vehicles will be accessed on an individual basis.

(**Note:** vehicles that are human powered will not be licensed).

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is, therefore, considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space, and possible relocation of the spare wheel, it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage. Any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

### **P7 Luggage compartment**

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where, in the event of an accident, it is likely to cause injury to the occupant of the vehicle.

### **P8 Wheels and tyres**

All vehicles must have at least four road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

(**Note:** Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre).

The Council's licensing requirement is a minimum tread depth of 1.8mm at any time for all licensed vehicles. Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres



must be kept at the correct pressure and meet legal requirements. The Council advises that motor trade best practice is to replace tyres when tread depth reaches 3mm - this is because braking distance and water displacement is less compromised.

### **P9 Bull bars**

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle, in addition of a tow-bar, must be provided in writing to the relevant licensing area office.

### **P10 Passenger access**

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times, except in the following circumstances:

- When transporting a child, the driver should ensure that the child locks are deployed, where fitted.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

### **P11 Seats and seat belts**

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face frontward or rearward to the direction of travel, except in the case of vehicles that fall within the council's definition of limousine.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a three point inertia belt, two point lap belt or three point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

### **P12 Windows**

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting, until windows are replaced due to damage.

All passengers must have access to a window that can be opened or another form of natural ventilation whilst being carried in the vehicle.

### **P13 No smoking signs**

All vehicles must display no-smoking signs in a place visible to all passengers.

### **P14 Communication with the driver**

A proprietor of a private hire vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.

**P15 Use of trailers** A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer. □ the vehicle insurance must include cover for towing a trailer.
- comply with the speed restrictions applicable to trailers at all times.
- provide secure and weather-proof stowage for the luggage.
- trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- the driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

### **P16 Fire extinguisher**

Every vehicle must carry either one 2 kg or two 1 kg sized dry powder or AFFF foam type fire extinguishers. The extinguishers must:

- comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- be stored in a readily accessible position in the vehicle.
- be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **MUST** carry a 1kg or 2kg fire extinguisher at the front and the rear of the vehicle.

**(Note:** no other extinguisher type is permitted).

### **P17 First aid kit**

A first aid kit must be carried that contains the following items:

- six individually wrapped sterile adhesive dressings.
- one large sterile un-medicated dressing – approximately 18 cm x 18 cm.
- two triangular bandages.
- two safety pins.
- individually wrapped moist cleansing wipes.
- one pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container of a design and construction that protects the contents, and be clearly marked as containing first-aid. The container should be stored in a readily accessible position in the vehicle.

**(Note:** The first aid kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

### **P18 Written-off vehicles**

Vehicles that have been written off under Category A, B or S for insurance purposes will not be considered for licensing.

Vehicles written off under category N for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

### **Current licensed vehicles**

Vehicles currently licensed when written off will be subject to the above provisions.

### **P19 Temporary replacement of licensed vehicles**

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair, may be replaced by a hire vehicle provided:

- the accident damage has been reported by the licence holder in accordance with the requirements of these guidelines, or the defect to the licensed vehicle has been similarly reported.
- application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- the replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing guidelines are met:

- the council will issue a temporary licence plate(s) to cover the existing period of the licence.
- any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- the inspection costs will be borne by the licence holder.

### **P20 Vehicle condition**

The vehicle must be kept in good condition and, in particular, meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the driver's seat, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.

- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

### **P21 Licence plates**

The external licence plate must be securely affixed externally to the rear of the vehicle in a position specified by the council. It must be clearly visible and remain in that position for the duration of the licence.

The internal licence plate must be securely affixed on the inside of the windscreen within the vehicle, or clearly visible in the passenger compartment as specified by the council.

### **P22 Wheelchair accessible vehicles**

#### **Vehicle age**

On first application for a licence, only wheelchair accessible vehicles under seven years old from the date of first registration will be considered.

#### **Vehicle Type**

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing, all new vehicles and equipment must undergo an initial inspection by a qualified and competent vehicle examiner nominated by the Council to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard.

Following issue of the first licence your vehicle will be required to undergo a further inspection as above no later than six months in to your licence. This will then continue yearly whilst the vehicle is licensed.

#### **Access**

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper

face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

### **Equipment**

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

### **Anchorage**

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

### **Designated Vehicles**

All vehicles designated as wheelchair accessible will be added to the list of designated vehicles, this list will contain vehicle registration, make, model, colour, maximum number of passengers and contact number.

The list will be available to the public on the Wiltshire Council website.

### **P23 Notification of changes**

Once a licence has been issued the following criteria will apply to the owner of a private hire vehicle:

The licence holder must, within 72, hours supply the council with details of any:

- change of the owner's business or home address.
- change of premises where the vehicle is normally kept.
- accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give written notification to the council within seven days of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
  - the owner of the vehicle.
  - any company of which he/she is a director or secretary.
  - any person with whom he/she is in partnership or who has any interest in the vehicle.

### **P24 Roof signs**

The vehicle must not be fitted with a roof sign ('top sign') of any description.

### **P25 Fare meters**

While there is no requirement to do so the vehicle may be fitted with a fare meter (taximeter). If the vehicle is fitted with a taximeter then it must be constructed, installed and maintained so as to comply with the following guidelines:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the table of tariffs applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
- Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare or rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the table of fares charged by the operator.
- The meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness.

- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.
- If a taximeter is installed in the vehicle when licensed, it must not be removed without the prior consent of the licensing officer.

**(Note:** Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If he is not satisfied as to the accuracy of the meter he may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly).

### **P26 Fares and fare cards**

If a fare meter is fitted in the vehicle a copy of the current table of fares, the fare card, as supplied by the operator, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

### **P27 Advertising on vehicles**

Advertising will not be permitted on private hire vehicles unless it relates specifically to the private hire operator.

### **P28 Bus lanes – Salisbury area**

Licensed private hire vehicles are allowed the use of bus lanes in Milford Street and Castle Road provided certain ‘conditions of use’ are followed.

- **Private hire vehicles only** – when using the bus lanes they must always display a front vehicle identification marker in addition to the normal plate displayed on the rear of the vehicle. These are issued by the council and are required as a means of identifying a licensed vehicle from the front. A fee is payable.
- **Milford Street** – never travel at more than 10mph and always have the vehicle’s headlights switched on.
- **Castle Road** – no additional conditions of use but vehicles are allowed the use of the ‘bus gate’ at the end of the bus lane.
- All Wiltshire licensed private hire vehicles will be able to use any future bus lanes.

### **P29 Taxi ranks**

Private hire vehicles must not be used to ply for hire from a taxi rank or in any other such manner which may give members of the public the impression it is a taxi.

### **P30 Door signs**

Vehicles are required to display signs provided by the council on the front nearside and offside doors.

### **P31 Exemption from displaying vehicle plate/door signs**

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the council, which issues the licence, may exempt a licensed private hire vehicle from the need to display a plate and the driver from wearing his identity badge. Owners who wish to apply for this exemption should contact their local licensing office.

If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption.

If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the council in order that the exemption can be reconsidered.

The vehicle licence holder will be required to make a written application for an exemption to include:

- the plate and index number of the licensed vehicle.
- the nature of the work/business the vehicle will be engaged in. □ the reasons why the exemption is requested.

The main consideration will always be the safety of the general public, but consideration will also be given to the nature of the work the vehicle will be used for and whether it needs to be identifiable to the public or not.

### **P32 Stretched limousines**

These guidelines and relaxations apply only to stretched limousines which are constructed or adapted to seat up to eight passengers. These vehicles are defined as:

- a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture and modified to contain luxury facilities and fixtures.

These are typically imported from the USA and manufactured originally by Lincoln (Ford) or Cadillac.

These guidelines made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these guidelines are to protect public safety. They apply in addition to the authority's standard guidelines for private hire vehicles and take account of the fact that stretched limousines will:

- be used mainly for special events/occasions and not for normal private hire work.
- travel generally at slower speeds than normal private hire vehicles.
- not normally overtake other vehicles.
- be easily recognisable by the hirer.
- be heavier and considerably longer than standard cars.
- often be adapted or converted by someone other than the original manufacturer.

### **P33 Pre licensing guidelines for limousines**

The council will require originals of the following documentation to be produced before an initial application for a vehicle licence can be considered:

- Completed importation document where applicable.
- Single Vehicle Approval (SVA) certificate issued by VOSA.
- Proof that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the manufacturer by producing a Vehicle Modifier Certificate (VMC) or a Cadillac Master Coachbuilder Certificate (CMC) for Cadillac vehicles.



- DVLA registration document specifying the number of seats as being no more than 9 seats inclusive of the driver.
- Documentation to show the overall weight of the vehicle, as displayed on the vehicle.
- Valid Vehicle Excise Licence disc.
- Where applicable vehicles converted to run on LPG must produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) approved UK vehicle conversion company.

This documentation must be available at all times otherwise the licence will be revoked.

### **P34 Maximum length of stretch limousines**

The maximum length of the vehicle 'stretch' shall not exceed 3048 millimetres (120 inches) with the exception of the Cadillac, which shall not exceed 3302 millimetres (130 inches). This is the measurement between the rear edge of the front door and the front edge of the rear door.

### **P35 Limousine tyres**

All vehicles must have at least four road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

The Council's licensing requirement is a minimum tread depth of 1.8mm at any time for all licensed vehicles. Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements. The Council advises that motor trade best practice is to replace tyres when tread depth reaches 3mm - this is because braking distance and water displacement is less compromised.

**(Note:** Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre.)

### **P36 Limousine seats and seat belts**

Seats may be forward, rearward or sideways facing.

All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.

For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat will be 400 mm. (16inches). In the case of an 'L' shaped seat sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

### **P37 Limousine glass**

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

### **P38 Limousine doors and interior**

The vehicle must have at least 2 doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver. Doors must be capable of being readily opened from inside and outside the vehicle by one operation.

There must be adequate internal light to enable passengers to enter and leave the vehicle safely.

The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.

Facilities must be provided for the safe conveyance of luggage.

Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

### **P39 Passengers in limousines**

All passengers must remain seated and wear a seat belt when the vehicle is in motion.

Passengers must not be carried in the front of the vehicle.

Passengers under the age of 15 years shall not be carried in a stretched limousine unless accompanied by a responsible adult who is over the age of 18 years, or the parent or guardian of at least one of the children.

No person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

## **Private hire operator**

**O1 Disclosure and Barring Service (DBS)** A basic DBS disclosure will be required for operators who do not hold a current hackney carriage/private hire drivers licence with the council.

### **O2 Definition of an operator**

An operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Sub-contracting may only take place from one operator to another as long as the operator being subcontracted to is licensed by the same local authority.

### **O3 Standards of service**

The proprietor / operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:

- ensure that all guidelines under the provisions for vehicles and drivers are complied with.
- keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting.

- ensure that any waiting area provided by the operator has adequate seating facilities.
- ensure that any telephone facilities and any radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- ensure that any radio equipment provided by the operator is licensed and produce the licence to the council at any time required.
- not conduct the business to which this licence relates in a manner which will cause a nuisance or annoyance to the owners or occupiers of nearby premises.

#### **O4 Records**

The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a suitable form or forms and the operator shall enter, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator:

- the time and date of booking.
- the name and address of the hirer.
- the number of persons to be carried.
- how the booking was made, i.e. by telephone, personal call, etc.
- the time of pick up.
- the point of pick up.
- the destination.
- the name and the licence number of driver.
- the vehicle to be used the registration and plate number. □ Remarks, including details of any sub-contract.

The operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio signal used.

All records kept by the operator shall be preserved for a period of not less than six months following the day of the last entry.

#### **O5 Advertising**

The proprietor shall not exhibit or permit the exhibition of advertising material, any sign or distinguishing mark upon the vehicle (other than the licence plate identifying the vehicle) without first obtaining the council's consent.

The proprietor shall not include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photograph or film) or broadcast whether by way of radio, cinema or television the words "taxi", "cab", "hackney" or "carriage", whether in the singular, plural or combination of words which would suggest that the vehicle is a hackney carriage (taxi).

#### **O6 Notifiable Information**

The operator/proprietor shall within three days supply the council with written details of any:

- change of address.
- change of address from which they operate or otherwise conducts the business of an operator.
- change in premises where the vehicle is kept.

- change in the vehicles operated and/or drivers
- accident causing damage materially affecting the safety, actual performance or appearance of the vehicle or the comfort or convenience of persons carried therein (alteration in the design or construction of the vehicle).
- complaint relating to or arising from the business and the action, if any, which is proposed to be taken in respect thereof.

The operator/proprietor shall give written notification to the council within seven days of any conviction being recorded against:

- him/her personally.
- any driver of that vehicle.
- any company of which he/she is a director.
- any person with whom he/she is in partnership.

The operator/proprietor shall within 14 days of the vehicle being transferred to any other person, which includes both companies and partnerships, notify the council of the name and address of the person to whom the vehicle has been transferred.

## **Penalty points scheme**

### **Enforcement**

As a licence holder you have accepted the legal responsibilities, which come with the benefit of holding a licence. There are regulations and disciplinary policies adopted by the council as part of the licensing process. Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

If 12 points are issued to an individual licence/licensee in any 12 month period this will result in a review of the licence which may result in; revocation or, suspension of the licence

Usually enforcement action will be taken to:

- protect the public interests
- support the policies of the council
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and Vehicle Inspectorate
- complement the council's corporate enforcement policy.

Authorised officers of the council are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- points
- Suspend, revoke and refuse to renew licences
- appearance before committee/delegated officer
- prosecution

Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information.

### Penalty points scheme

This council has adopted a penalty points scheme as a 'fast track' disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, noncompliance of the law or because of unsatisfactory conduct.

The main features of the scheme are as follows;

- points are issued to licence holders for breaches of licensing conditions, legislation or byelaws
- a total of 12 points credited to an individual licence/licensee in any 12 month period will result in a review of the licence at committee/by delegated officer, which may result in either; revocation or suspension of the licence
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points
- any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued.
- licence holders have a written right of appeal within seven days of the points being issued.

There is no financial penalty associated with this scheme and you may continue to work even if points are awarded.

A list of offences covered by the scheme, together with the points that can be awarded for each offence is shown on next page.

	<b>Offences</b>	<b>Driver</b>	<b>H/C Prop</b>	<b>P/H Vehicle</b>	<b>P/H Operator</b>
1.	Failure to display drivers ID badge in the correct manner	3			
2.	Unsatisfactory appearance of the driver	2			
3.	Failure to notify change of address/any convictions received /medical grounds not to drive	3	3	3	3
4.	Failure to behave in a civil and orderly manner towards customers, members of the public and council officers from the Authority at all times.	1-5	1-5	1-5	1-5
5.	Obstruction of an authorised officer	3-6	3-6	3-6	3-6
6.	Failure to produce licence/insurance when requested by authorised officer	4	4	4	4
7.	Failure to report accident damage within 72 hours	3	3	3	3
8.	Overdue medical examination	3-6	3-6	3-6	3-6
9.	Carrying more passengers than permitted by the vehicle licence	10	10	10	10
10.	Refusal to carry passengers without a reasonable excuse	5			
11.	Failure to convey or assist with carrying luggage	2			
12.	Failure to display tariff of fares correctly	2	2		
13.	Failure to recalibrate meter to the correct tariff		2		
14.	Failure to display interior and/or exterior identity plate correctly	3	3	3	3

15.	P/H Exempt vehicles only:- Failure to display interior plate, carry exemption certificate and carry exterior plate	2		2	2
16.	Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.	5			
17.	Failure to be with licensed vehicle on taxi rank or feeder rank	3			
18.	Failure to comply with the conditions/use of bus lanes	3			
19.	Failure to display door signs on Private Hire Vehicle	2		2	2
20.	Failure to have operational and compliant fire extinguisher fitted	2	2	2	2
21.	Failure to carry adequate and compliant first aid kit	2	2	2	2
22.	Failing to display approved roof sign	3	3		
23.	Unsatisfactory condition of vehicle interior/exterior	3-6	3-6	3-6	3-6
24.	Failure to deal appropriately with items of property accidentally left in vehicle	2	2	2	2
25.	Using/permitting licensed vehicle with no insurance	9-12	9-12	9-12	9-12
26.	Using licensed vehicle without current certificate of compliance/MOT	3	6	6	6
27.	Unauthorised advertising on licensed vehicle		3	3	3
28.	Standing or plying for hire in a private hire vehicle	5			3
29.	Failure to attend a hiring punctually	3			3
30.	Touting	6			
31.	Defective taxi meter	3	3		
32.	Failure to keep or produce records of private hire bookings/documents required to be kept or produced.				4-6
33.	Any other breach or unsatisfactory behaviour	1-6	1-6	1-6	1-6
34.	Using vehicle with incorrect or no road tax (VED)	6	6	6	6
35.	Smoking in hackney or private hire vehicles of any product (to include cigarettes or electronic inhaler type cigarettes).	9-12	9-12	9-12	9-12
36.	Driving a licensed Hackney/Private Hire vehicle with incorrect type of driving licence.	6	6		6
37.	Vehicle found with defective or worn tyres (points will be issued per tyre)	3-12	3-12	3-12	3-12