

AGENDA

Meeting: Licensing Committee

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

Date: Monday 4 March 2024

Time: 10.30 am

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

Press enquiries to Communications on direct lines 01225 713114/713115.

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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

Substitutes:

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

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AGENDA

1 **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 5 - 20*)

To confirm and sign the minutes of the meeting held on 4 December 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 26 February 2024** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Wednesday 28 February 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Licensing Appeals Update**

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

7 **Minutes of the Licensing Sub Committees** (*Pages 21 - 26*)

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

Western Area Licensing Sub Committee

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

8 **Safer Streets Fund Update** (*Pages 27 - 44*)

Jennifer Laibach (Strategic Lead for Community Safety and Youth) and Stephen Melville (Safer Streets Co-Ordinator) from the Wiltshire and Swindon OPCC will talk to the attached update on the Safer Streets Fund initiative.

9 **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.

10 **Update from Taxi Licensing Team** (*Pages 45 - 50*)

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

11 **Update from Public Protection Licensing Team** (*Pages 51 - 56*)

John Carter (Head of Service – Public Protection) has prepared the attached update on behalf of the Public Protection Licensing Team and will give an overview at the meeting.

12 **Wiltshire Council's Statement of Licensing Policy** (*Pages 57 - 114*)

The report of Claire Francis (Public Protection Manager – Community Protection) seeks to inform the Committee of the need to review, consult and adopt a new Statement of Licensing Policy by November 2024 and seek the Committee's approval to commence the consultation process.

13 **Dates of Future Committee Meetings**

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

3 June 2024
16 September 2024
2 December 2024
17 March 2025.

14 **Urgent Items**

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

Licensing Committee

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 4 DECEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Andrew Davis, Cllr Ruth Hopkinson, Cllr Jerry Kunkler, Cllr Tim Trimble, Cllr Robert Yuill and Cllr Dr Brian Mathew (Substitute)

Also Present:

Frank Cain (Legal representative), John Carter (Head of Service – Public Protection), Mike Edgar (Solicitor – observing), Tom Ince (Principal Compliance Officer), Cllr Jacqui Lay (observing), Jonathan McLaughlin (Solicitor – Observing), Lisa Pullin (Democratic Services Officer)

Jessica Moriati (Local Democracy Reporter)

16 **Apologies and Substitutions**

Apologies were received from Councillors Cllr Steve Bucknell, Sam Charleston and Kevin Daley and from Jason Salter (Head of Service – Passenger Transport).

Cllr Brian Mathew was substituting for Cllr Sam Charleston.

17 **Minutes**

The minutes of the meeting held on 6 March 2023 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 6 March 2023 be approved and signed as a correct record.

18 **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:

Linda Holland

Linda Holland (Licensing Manager) had now retired from Wiltshire Council, and the Chairman and Clerk had attended her leaving meal recently and had

presented her with a card on behalf of the Committee and passed on their gratitude to her and her excellent services to licensing.

Cllr Tony Trotman

It was reported that Cllr Tony Trotman had sadly passed away after a short illness on 30 November 2023. The Chairman wished to pass on condolences to his family on behalf of the Committee at this sad time. It was noted that there would be formal tributes to Cllr Trotman at the next Full Council meeting in February 2024.

19 **Declarations of Interest**

There were no declarations of interest.

20 **Public Participation**

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

21 **Licensing Appeals Update**

There were no known Licensing Sub Committee appeals pending.

John Carter (Head of Service – Public Protection), thanked Members for their attendance at Sub Committee meetings, in particular the Thoulstone Park application which had attracted a large number of representations from members of the public who had significant concerns about the application. The Councillors professionalism at the hearing was appreciated by the Officers involved.

22 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were approved.

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

Resolved:

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

23 **Update from the Passenger Transport Team**

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

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

The passenger Transport unit can fulfil all its statutory duties for home to school transport using a combination of the existing supplier market and its own leased vehicles. Contract prices remain very high and still reflect a stunted marketplace for this type of work. Some areas of the county have more competition than others, most notably the Salisbury area. We are now beginning to use a new piece of artificial intelligence routing software that can rationalise the entire transport network each month and offer operational efficiencies. The results require careful consideration as the nuances of individual pupils' needs won't always be picked up. This will hopefully release further vehicles into the marketplace and reduce cost.

A piece of work will now begin to determine the true cost of our fleet operations now that they have been running in some cases for nearly a year. The outcome of that will determine if this something we wish to further build on or rely upon the open market to provide.

Pupil numbers for SEND passengers alone stand at around 1,800 and this number is expected to rise by around 400 over the next 2 – 3 years. There will continue to be an increased requirement for vehicles across the network and it will remain difficult to continue with our statutory obligations.

Cllr Allison Bucknell (as Chairperson of the Taxi Provision Working Group) which last met in May 2022, reported that a number of recommendations were made at that time including the need to look at ways to increase the numbers of drivers with a push to promote taxi driving for Wiltshire Council as a career. There had been a targeted recruitment campaign which had made a difference. There was the ongoing issue of transporting pupils to their education settings in mainstream and SEND settings which would always be a focus.

A Committee Member asked about the new taxi driver applications. Tom Ince (Principal Compliance Officer) reported that they had been swamped with new

applications, a large percentage of which were from drivers not based in Wiltshire. This was thought to be because Swindon Borough Council were not currently licensing any new drivers and there had also been a number of applications from those living in Bristol.

A Councillor asked about the taxi fare rates, particularly in the north of the county where residents could also use taxis from Swindon. Tom Ince explained that the Council can only set fares for those drivers/vehicles licensed in the Wiltshire Council area. A benchmarking exercise was carried out last year to compare the fares and tariffs against our neighbouring local authorities and a 10% increase had been added to tariff 1. This exercise would be repeated, and any changes would need to be evidence led.

A Committee Member highlighted that private hire vehicles can agree their own fares with passengers and that the Council only have control on hackney carriage vehicles that pick up within Wiltshire.

The Chairman asked if the taxi licensing fees and charges could be looked at with a view to increasing them?

A Committee Member asked how Wiltshire's licence application fees compared with Swindon and Bristol. Tom Ince reported that Wiltshire was in the top quartile for fees. There were different payment options available for licences – a one year driver licence was £130 and a three year driver licence was £267, whilst a one year vehicle licence was £227.

The Committee Member asked with the one year licence was there the potential for reputational danger to Wiltshire if licences are granted to those that are not doing a good job out of county. Tom Ince reported that he had received a complaint about a driver in Bristol recently, but with the best practice changes they were now allowed to ask on the driver application form where they will primarily be driving their taxi and they could decide whether or not to issue a licence on that basis if there is no benefit to Wiltshire passengers.

Resolved:

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

24 Licensing Team Update

John Carter (Head of Service – Public Protection) referred to the licensing team updates that had been circulated with the agenda and highlighted the following:

- The Licensing Team continued to be busy, particularly over the summer period with a number of events running under a Temporary Events Notice (TEN) and other scheduled festival and large scale events. Information has been sent to all Councillors on TENS and Permitted Activities and these were also enclosed in the agenda pack at pages 96-98. TENS could

sometimes cause local concern and can cover a wide range/variety of events which are not covered by a Premises Licence. TENS are a light touch form of licencing and concerns around noise disturbance are often picked up by local Councillors, the guidance gave details of the limitation and highlighted the quick turnaround times and that often the work involved is not covered by the £21 application fee which is set by legislation;

- The Council's current Statement of Licensing Policy came into effect in November 2019 and would cease to have effect in November 2024. The Council must be in a position to formally adopt a revised policy with effect from November next year and in order to satisfy the specific legal requirements, set down in the Act, the Council will need 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 were now asked to review the current policy and send any initial comments to John Carter by the end of January 2024;
- The first draft of the policy would be presented to the Committee at the next meeting in March 2024 meeting for consideration and approval would be sought to carry out the required consultation for 6 weeks. Following the formal consultation process, an analysis of the responses received would be undertaken and the results collated for the Committee to consider in June 2024. A revised policy document would be made available in time to ensure the policy is in force by the beginning of November 2024;
- It was noted that the Clerk had made efforts to invite the Police Licensing Officers to attend/provide updates to the Licensing Committee but had not had a response. The Police Licensing Officers were managed under the Community Policing model, and it was felt that there could be better partnership work with Council Licensing Officers to ensure that there was a consistent approach that was needed for engagement and enforcement;
- The team were currently undertaking a review of licensing fees and charges to be presented as part of the annual budget meeting in February 2024, although the Licensing Act 2003 and a number of the Gambling Act 2005 fees were statutory and not subject to change unless the Government amend regulations which permit amendments;

A Committee Member asked about the licence fee for something like the WOMAD festival and if it covered the cost of the Officer work involved. John Carter reported that the fees for Premises Licence are fixed by legislation and that he felt they were now out of date. Whilst a lot of events did not require so much Officer time, WOMAD had a large amount of Officer involvement and that

they were legally required to hold Event Safety Advisory Group (ESAG) meetings with multi agency partners and to have an event debrief after the event. In his personal opinion the set fees should be reviewed.

The Committee Member asked if there were any thoughts of the Council's leadership to put pressure on our MPs to request a review of charges. John Carter was not sure of this but highlighted again that the fees and charges were being reviewed as part of the budget setting process but where the subject areas were legislative there was no wriggle room to create local charges.

The Committee Member suggested that there could be encouragement of activities to bring money into the County and that perhaps as a Committee this could be taken forward. The Chairman stated that he would look to meet with John Carter outside of the meeting to consider the best way forward for this.

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

- In legislation a marquee does count as a premises for which a licence can be obtained;
- In respect of a TEN application only the Police and Environmental Health can raise an objection. Public nuisance was a licensing objective and if it was proposed to site a marquee in an inappropriate place for an event then objections could be raised on those grounds;
- When submitting a TEN application weekends and bank holidays do not count as working days and the day that the application is received does not count as a working day before the event. With those involved in event planning the TEN application process can sometimes be overlooked or left until the last minute as usually event planning has been in progress a long time for them to be able to set up and advertise events; and
- There can be an application for an event in a field if licensable activities are planned to take place.

The Chairman highlighted that the Committee had spent time focusing on the current Statement of Licensing Policy and that it was for those involved in organising events to talk to their local communities and the relevant Officers at the Council at the earliest opportunity when planning their events. All Members were encouraged to remind their town and parish councils to engage with the Council and get guidance in appropriate time for their event as this was important.

John Carter then highlighted that the Government had added the XL Bully dog breed to the list of dogs banned under the Dangerous Dogs Act 1991 – this legislation would apply in England and Wales. From 31 December 2023, breeding, selling, exchanging, advertising, rehoming, gifting, abandoning, and

allowing an XL Bully dog to stray would be illegal, and those dogs must be muzzled and on a lead in public. From 1 February 2024 it would be a criminal offence to own an XL Bully in England and Wales unless the owner has a Certificate of Exemption.

It was hoped that these changes would have a minimal impact on the Council's Dog Warden Service as dogs that have been abandoned could be aggressive and there was concern with Officers and some anticipated problems with Vets who refuse to put down some healthy animals. It was reported that there were no licenced breeders for XL Bully dogs within Wiltshire but there was this breed of dog within the county. It was noted that some kennels refuse to house certain breeds of dogs, and this could lead to them being abandoned. John Carter reported that Bath cats and dogs' home was used to rehome strays found but that their capacity was limited although they would accept XL Bullies there.

Further details of the Licensing Team restructure following Linda Holland's retirement would be shared with the Committee at the next meeting in March 2024.

Resolved that:

1. **The Committee note the update on behalf of the Licensing Team.**
2. **Members be asked to review the Council's current Statement of Licensing Policy and send any initial comments to john.carter@wiltshire.gov.uk by the end of January 2024. Link here**

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

25 **Briefing Note - Update to the Animal Licensing Decision Making and Enforcement Protocol**

John Carter (Head of Service – Public Protection) referred to the briefing note circulated with the agenda which sought to advise members regarding the 2023 update to the Animal Licensing Decision Making and Enforcement Protocol and highlighted the following:

- The protocol that had been circulated with the agenda had 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 the industry to understand the Council's decision and enforcement approach.

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

- If pets are being rehomed from countries in conflict in certain situations there is concern that vets would not want to take them on without the right documentation i.e., a pet passport, vaccination information;
- A licence would be required if someone was breeding animals;
- Quarantine periods are enforced by other agencies;
- The Council would look into complaints where intelligence was received that owners were breeding for commercial purpose;
- If an owner has more than three breeding bitches/3 litters per year they are classed as a home breeder and would require to be licensed; and
- The showing of animals at Christmas events such as reindeers and donkey's etc would come under different legislation – the Exhibition of Animals.

Resolved:

That the Committee 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.

26 **Update from the Taxi Licensing Team**

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

- During Covid there was a fall in drivers and vehicles, and this also had an impact on the Passenger Transport Unit and the ability to transport pupils to their education settings. There was a targeted campaign to recruit more taxi drivers, and this was now paying dividends with significant numbers of new driver and vehicle applications – driver numbers had risen by 80 or 11% over the last 11 months. There were a number of driver applications from outside of Wiltshire and it was understood that neighbouring authorities were not currently licensing drivers and due to the taxi licensing teams current staffing issues this was putting pressure on the team to get all of the applications processed;
- There had been no increase in October 2023 in vehicle numbers, but the positive news was that last week the Government had issued new best practice guidance for taxi licensing. A lot of the recommendations made had already been implemented by the team. There were now new powers to challenge those drivers from outside of Wiltshire who take on the bulk on their work outside of Wiltshire where the licensing team now have the

authority to refuse the issue or renewal of their licence. There had been an increase in drivers from outside of Wiltshire and this could now be challenged as to the benefits for Wiltshire;

- The team would be reviewing the best practice guidance and look to make any relevant changes to the Councils Guidelines for Hackney carriage/private hire drivers, vehicles and operators which would then be brought to the Committee for approval. Consideration would also be given to the climate emergency and look at how they could encourage green vehicles with the possibility of moving to an emissions-based criteria rather than setting the maximum age of vehicle to be licensed;
- The team held the second of the newly established trade representative meetings in September 2023 where the trade raised concerns over window tints and a report proposing changes to this would be considered later at the meeting;
- The team continue to work on introducing a single licensing zone for hackney carriages in Wiltshire, however 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 as the current focus was on processing all licensing applications within the required timeframes;
- The team continue to enforce the Council's policies in relation to taxi licensing ensuring that there is a visible presence on the rank, however staff sickness had seen the level of enforcement reduce more recently and not what they would have liked to have seen. A new Officer was due to start in the team tomorrow and the plan was to get them out visiting the ranks to be a more visible presence. Penalty points were issued to 3 drivers during October 2023 and 3 drivers were suspended during that time; and
- There seemed to be a move away from the hackney carriage work of picking up passengers from the streets and off ranks and more private hire drivers as they can work anywhere in the country and that related to the changes in the economy and the lower footfall in our town centres and how society is changing.

In response to questions from the Committee Members the following was clarified:

- All drivers are required to complete safeguarding training prior to the issue of their licence and every 3 years after that;
- The team did look at introducing a level of English check but Transport for London had had to take that back after legal challenge – they would look at best practice standards for levels of English but there was no formal language test– this was being looked at nationally and they would follow any guidance that is shared on that. All drivers do have to have a British driving licence;

- The Council's Civil Enforcement Officers could carry out informal enforcement at taxi ranks if they were able to and could check on those parking in loading bays, displaying correct licence plates, smoking in vehicles and wearing their name badges etc;
- Vehicles are MOT tested every six months;
- Officers were not looking to reduce the age criteria of taxis to encourage more drivers as they wished to enhance the service provision to the passengers but there was a view that there could be a move to vehicles emission-based criteria for the licensing of vehicles;
- 30% of private hire vehicles and 6% of hackney carriages were wheelchair accessible vehicles (WAV). This relates to the type of work that they do as most wheelchair users would pre book a private hire vehicle as opposed to pick up one off the rank;
- There were 18% of private hire drivers outside of Wiltshire and 3% of vehicles were registered outside of Wiltshire. There were very few electric vehicles. Private hire vehicles could not charge their cars on a rank, and it was felt that there was a lot more work to do to electrify the Wiltshire taxi fleet but of course it was important to move forward with the electric agenda. Other Local Authorities were issuing a grant offer of a free licence as an incentive, although this would not be that much of saving for a driver of £227 for a vehicle licence against a purchase of a £50k vehicle. Capital bid funding would be needed to offer some sort of grant scheme and also to fund the installation of chargers in our car parks and on taxi ranks;
- For many drivers, school contracts form a large percentage of their income and there seemed to be less vehicles out on the road for the public as the demand had dropped;
- The Government best practice had highlighted the need for accessible taxi ranks and there was work to do on improving the numbers of WAV as there was an unmet demand for the school contracts and for the general taxi provision in Wiltshire;
- Data could be obtained on the miles travelled by taxi drivers from the data collected at the six monthly MOT tests but this was a very resource intensive exercise and was not possible at the current time. Previous data had indicated that the around 12 million miles were travelled per year by taxi drivers;
- There had been previous mention of having a Schools only licence for drivers but that had not progressed as there was not currently any benefit for drivers for this as they would still have to undertake all of the checks and training (apart from the removed knowledge test from the original geographic check) and pay the same fee and then not be able to take on

any other work if that was available to the – it would involve an element of trust and would be difficult to enforce so was not an option for the Council at this point in time;

- A number of taxis used to transport children in the north of the county were from Swindon so it would be difficult to enforce various things. Child Sexual Exploitation awareness was part of the safeguarding training, and any incidents would be reported to the Multi Agency Safeguarding Hub (MASH) – the licensing team would obviously be involved if there was an allegation against a driver; and
- It was felt that hybrid taxis would be the next step and once Officers had completed a review of the Taxi Licensing Guidelines following the best practice guidance issued they would look at what they could implement to ensure that the trade is viable as they do need to strike a balance between the green agenda and allowing the trade to be able to operate at a profit.

The Chairman commented that he had seen a number of social media posts to remind patrons to not drink and drive and arrange safe transport home whilst out celebrating over the festive period and wondered if the taxi team would also be sending out similar messages. Tom Ince reported that he would work with the Council's Communications Team to share similar messages.

John Carter reported that he was meeting with the Police this week and would also look to share similar messages regarding drinking and driving.

Resolved:

That the Committee notes the Taxi Licensing Team updates.

27 **Proposed Changes to Wiltshire Council's Hackney Carriage Window Tint Policy and Minor Changes to Taxi Guidelines**

Tom Ince (Principal Compliance Officer) referred to the report which sought 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 also give approval to adopt a small number of wording changes to the Council's taxi guidelines. Tom then highlighted the following:

- At present different policies exist in relation to window tints on hackney carriage and private hire vehicles and the trade had been asking the team for some time to look at this as new vehicles don't meet the Council's current tint criteria for hackney carriages and drivers are having to pay up to £2,000 to have the window tints changes to have a light transmission of at least 50%;
- Following a review of neighbouring authorities light transmission criteria it was found that Wiltshire was quite tough in comparison and so following the review and the view from the trade that this was a big issue for them

the consensus was to look to reduce the tinted glass requirements to be in line with private hire vehicles with the proposal that 'tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations'; and

- There were also some minor changes around the Taxi Licensing Guidelines proposed including how external licence plates must be fixed to the vehicles, changes to how appointments with the fleet licensing team are to be cancelled, implementing a missed appointment fee, implementing a maximum 14 day time frame where licences are due to lapse (following reminders being sent to drivers) from the licence end date to fully complete the application process including any necessary tests as after that period the vehicle would be treated as a new application and required to meet the criteria of new vehicle and incur the cost as such. Drivers being required to wear their drivers badge with the lanyard issued by the Council and that when smoking the driver must move away from the vehicle and ensure that all doors and windows are closed.

In response to questions from the Committee Members the following was clarified:

- The Council did licence a few stretch limousines but exemption certificates for the level of tinting could be applied for depending on the type of work they do;
- There was not always a perfect solution to be able to attach external license plates to a taxi, acknowledge that double sided tape could mean that the plate could be removed, ideally cable ties could be used but there was not a perfect solution for this;
- It was noted that the Council advise their own staff not to wear the staff id badges whilst driving, but the current Taxi Licensing Guidelines do encourage drivers to wear their licence with a lanyard – this was felt to be confusing with mixed messages. The trade meetings had suggested putting their identify badge on the dashboard – this was resource dependant, and it was hoped the new staff member may be able to drive this forward; and
- Currently the hackney carriage vehicles must meet the legal standards for light transmission through the front windscreen and front side windows with the rear window and rear side windows having a light transmission of at least 50% - the Police could stop drivers of vehicles that could have heavily tinted windows but that was a separate matter.

Frank Cain (legal representative) highlighted that there is a minimum statutory stand for vehicle construction in relation to the tinting of windows and the proposed change to the policy was seeking to ensure there was equity for private hire and hackney carriage drivers with the tinted glass conforming to the legal requirements of the current regulations. Normally

the control of such tinting/alterations on public safety grounds is controlled by the Police.

In respect of the display of driver's identity cards there was a potential ambiguity between the taxi policy and staffing policy which should be looked at to ensure consistency as any unexplained inconsistency could be used against the Council in the future.

The Committee asked Tom Ince for information/guidance on the drivers having to wear lanyards and an informative on ways in which licence plates could be attached to be part of the consideration.

Resolved that:

1. **The Taxi Licensing Team 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. **The following minor wording changes/inclusions in yellow below to the Council's Taxi Guidelines be approved and incorporated 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.

- **Insert new paragraph - 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 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.
- **Insert new paragraph 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.

These changes to come into effect on 1 January 2024.

28 **Dates of Future Committee Meetings**

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

4 March 2024

3 June 2024

16 September 2024

2 December 2024.

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.00 pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services,
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Western Area Licensing Sub Committee

**MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 11 DECEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL,
BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

Present:

Cllr Ruth Hopkinson, Cllr Peter Hutton (Chairman), and Cllr Tim Trimble

Also Present:

Applicants

Mr Richard Taylor – Agent to the Applicant (Euro Garage Ltd)
Mr Neil Eccles – National Licensing Manager (Asda Stores Ltd)

Wiltshire Council Officers

Emma Hyde – Public Protection Officer (Licensing)
Frank Cain – Legal Representative (Consultant Barrister)
Ellen Ghey – Democratic Services Officer
Lisa Alexander – Democratic Services Officer (Observing)
Cameron Osborn – Democratic Services Officer (Observing)
Jonathan Mclaughlin – Solicitor (Observing)

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 received.

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", reference to which could be found in Pages 5 to 10 of the Agenda.

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 declarations of interest.

6 Licensing Application

Application by Euro Garage Ltd for a Premises Licence in respect of Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ.

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 Emma Hyde (Public Protection Officer – Licensing) for which four relevant representations had been received. The application was for the following licensable activities:

- Late Night Refreshment (indoors and outdoors) – 23.00 – 05.00 daily
- Sale of Alcohol (OFF Sales) – 00.00 – 00.00 daily

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

1. Grant the licence as applied for.
2. To modify the conditions of the licence.

3. To reject the whole or part of the application.

The Sub Committee was informed that on 7 December 2023, the Applicant had proposed an amendment to the hours applied for which had led to the withdrawal of one representation. Furthermore, the officer noted that in relation to shops, stores, and supermarkets, the Guidance issued under Section 182 of the Licensing Act 2003 states:

“10.13 – Shops, stores, and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”

The following parties attended and took part in the Hearing:

On behalf of the Applicant

- Mr Richard Taylor – Agent to the Applicant (Euro Garage Ltd)
- Mr Neil Eccles – National Licensing Manager (Asda Stores Ltd)

Relevant Representations

- There were no persons who had submitted relevant representations present.

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 Chair then invited the Applicants to introduce their application.

Applicant's Submission

The Applicants, Mr Richard Taylor and Mr Neil Eccles, spoke in support of the application, highlighting the following points:

- It was highlighted that those members of the public that had made representations had raised concerns should the application be granted to allow for the sale of alcohol 24 hours a day daily. In response, the Applicants noted that they appreciated those concerns and were therefore amending their application to change the hours of the sale of alcohol to 06.00 – 00.00 daily as an act of good faith to those neighbouring residents.
- It was explained that the Applicant, Euro Garages Ltd, were wholly owned by Asda Stores Ltd due to a recent acquisition.
- The steps made to meet the Licensing Objectives were detailed, namely:
 - Extensive CCTV.
 - Full staff training that would be regularly refreshed.
 - All spirits and high value products being displayed behind the counter.

- Age verification through the Challenge 25 process as a default, with till prompts pausing any transactions until assessed.
- An independent partner supporting test purchasing.
- Operating a night hatch between the hours of 22.00 – 05.00.
- Daily litter picking and waste bins across the premises.
- It was highlighted that no comments had been received by any responsible authorities and there was little to no evidence that longer licensable hours would result in impacts such as increased anti-social behaviour, litter, and noise.

Sub Committee Member's Questions

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

- The Sub Committee were reassured that the application for late night refreshment was for the sale of hot drinks only, not hot food and confirmed they would agree to this being a condition of the licence.
- It was confirmed that the premises was currently open 24 hours daily, there were similar business models being replicated in the Warminster area, and that this application was part of a batch of 350 across the country, with the majority being open 24 hours daily and trading with no difficulty.
- It was explained that the potential sale of alcohol during the hours of 00.00 – 06.00 would be prevented through till programs that could block any such transactions from occurring. Furthermore, as a night hatch would be used during those times, customers would not be able to access any alcohol directly.
- It was confirmed that the application would not impact on any delivery schedules to the premises.

Questions From Those Who Made a Relevant Representation

As there were no relevant representation submitters present, no questions were posed.

Submissions from Responsible Authorities'

As there were no responsible authorities present, no submissions were received.

Applicant's Closing Submission

In their closing submission, the Applicants highlighted the following:

- Reference was made to Paragraph 9.43 of the Guidance issued under Section 182 of the Licensing Act 2003, in which it was noted that "the authority's determination should be evidence-based". As such, the Applicants felt that the concerns raised within the relevant

representations were based on suppositions and that this belief was bolstered by the lack of submissions from any responsible authorities.

- It was noted that the Applicant had a vast amount of experience and knowledge due to their presence as an established major operator across the country.
- It was emphasised that the Applicants were proposing the amended hours for the sale of alcohol to mitigate some of the concerns raised within those relevant representations in order to foster good relationships with those neighbouring residents.

Points of Clarification Requested by the Sub Committee

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

The Sub Committee then adjourned at 10.25pm and retired with the Legal Representative and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 10.45pm.

The Legal Representative advised that he gave the following legal advice to the Sub Committee:

- The decision should be evidence based and that there was insufficient evidence that the granting of the licence as proposed by the Applicants would adversely impact on the Licensing Objectives.
- Highlighted that no objections had been raised by the Police who were the recognised specialists in anti-social behaviour.
- The proposed decision was reasonable and legally sound.

Following which, it was:

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 Asda Express, East Street Service Station Supermarket, 80 East Street, Warminster, Wiltshire, BA12 9BQ made by Euro Garages Ltd, be GRANTED as set out below, to include the amended hours offered by the applicant.

Licensable Activities	Hours
Late Night Refreshment (indoors and outdoors)	23.00 – 05.00 daily
Sale of Alcohol (OFF sales)	06.00 – 00.00 daily

And subject to the following condition:

Late night refreshments will be restricted to the sale of hot drinks only between the hours as set out above.

(Duration of meeting: 10.00 - 10.55 am)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services; direct line 01225 718259 , e-mail ellen.ghey@wiltshire.gov.uk

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Safer Streets 5

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Making Wiltshire Safer



Wiltshire and Swindon
pcc

Agenda Item 8

What is the Safer Streets Fund?

- The Safer Streets Fund launched in 2020, the government has invested £120 million through four rounds of funding.
- Round Five was launched on the 6 July 2024. Every police force area across England and Wales was offered the opportunity to bid for up to £1 million to deliver a range of interventions.
- Police and Crime Commissioners (PCCs) were invited to submit up to three proposals for their areas, consulting relevant local authorities and other partners in their area.
- All proposals that were submitted were assessed by the Home Office to ensure they met the terms of the scheme.



Safer Streets Rounds 1-4

Safer Streets Round 1 (2020/21): interventions aimed at preventing acquisitive crime in persistently and disproportionately affected residential areas.

Safer Streets Round 3 (2021/22): reduce violence against women and girls (VAWG) and increase women and girls' feelings of safety in public spaces.

Safer Streets Round 5 (2023/24 and 2024/25): neighbourhood crime, violence against women and girls (VAWG) and anti-social behaviour (ASB).

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2020–2021

2021–2022

2021–2022

2022–2023

2023–2024 and 2024–2025

Safer Streets Round Two (2021/22)- reducing neighbourhood crimes through situational prevention in hotspot areas.

Safer Streets Round 4 (2022/23 and 23/24): tackling neighbourhood crime, anti-social behaviour and VAWG, improving the safety of public spaces for all.



Changes to the initial projects due to reductions in Home Office funding.

Message received from the HO December 2023.

- *Our available budget will be £15 million for the 2024/25 financial year, as opposed to the £23 million your projects were approved on initially. As a result, each police force area will face a **reduction of £180,000** from their original allocation for the 2024/25 financial year.*

OPCC and partners response.

- The OPCC agreed to provide investment of £50k to cover some of the shortfall from the original proposals, and reduce the impact on providers and the intended outcomes of the funding.
- The decision was made not to try and commission new services to reflect this change in funding.
- Existing projects would be adapted with efforts made to achieve outcomes although some impact on delivery would be inevitable.



Project 1

Project	Org	Project	Location 1	Loc 2	Loc 3	Loc 4
1	Venture Security	Night Time Economy Wardens	Trowbridge	Salisbury		
Page 31	1	Chippenham TC	CCTV	Chippenham		
	1	Salisbury TC	CCTV	Salisbury		
	1	Wilts Police	Community Action Initiatives	Swindon		



Project 2

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Project	Provider	Project	Location 1	Loc. 2	Loc. 3
2	Nelson Trust	Sex worker outreach project	Swindon		
2	Wilts Council	Playhouse fencing and gate	Salisbury		
2	Bobby Van	Target hardening	Chippenham	Salisbury	Swindon
2	Crimestoppers	Crimestopper zones	Swindon		
2	Iprovefit	Mentoring for CHB	Swindon		



Project 3

Project	Org	Project	Location 1	Loc 2	Loc 3
3	SMASH	Youth engagement	Chippenham Avon – East	Salisbury St Martin – West	Salisbury St Edmund - South

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Project One

Venture Security: NTE Wardens in Salisbury & Trowbridge

- Visible guardian presence providing support to service users of the night time economy primarily but not exclusively women.
- Consultation: Statutory stakeholders agree that a focus on women's safety in the night-time economy should be a priority for the partnership. This is underpinned by survey data. Town councils are keen to have this additional support. Community and voluntary sector groups in each locality have lobbied for support of this nature and are keen and supportive advocates of this form of intervention.
- Outcomes: Reduction in VAWG offences, reduction in female victims of crime, improved feelings of safety after dark in these locations.
- Evaluation: analysis to establish the impact of the NTE wardens on both the target/secondary crime types and any diffusion of benefits which may occur.
- We will re-run the Safety at Night survey and look for an impact on public perceptions, especially of females in the target areas.



Chippenham CCTV

- Location; Chippenham Avon East LSOA, specifically: Station Hill, Sadler’s Mead & Bath Road Roundabout
- Why these locations: Chippenham Avon East is ranked as the second highest LSOA in Wiltshire for ASB. There are two key forms of ASB in the area:
 - Vehicle-enabled ASB
 - Alcohol related and youth related disorder
- Station Hill is the location where many ASB incidents occur between the railway station and the town centre. Whilst we have good CCTV coverage in the town centre, this is a “blind spot” and a camera here will help ensure public safety at this crucial point.
- Outcomes: Reduction in ASB and perception of crime. Increased feelings of public safety. Improved success in identifying offenders. Improved interventions in live incidents.
- Evaluation: Increase in identification of ASB offenders, reduction in reports of ASB within this LSOA, increased number of CCTV footage requests and crimes solved.

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Salisbury CCTV

- The purchasing of 4 deployable CCTV cameras to meet demand.
- Primary locations: St Martin – South, St Edmund – South
- The new deployable/mobile cameras could be deployed anywhere in the targeted areas to meet demand and hot spots.
- These two areas are significant crime generators for the Wiltshire County area.
- Outcomes: Reduction in ASB, robbery, sexual offences, and perception of crime. Increased feelings of public safety. Improved success in identifying offenders. Improved interventions in live incidents.
- Evaluation: monitor ASB reports in this LSOA
 - - monitor ASB interventions on perpetrators in this LSOA
 - - reduction of complaints from residents
 - - increased requests for CCTV footage and other data collected.
 - - these interventions will add value and additional geographical areas to the infrastructure of the existing CCTV system



• **Wiltshire Police Community Action Initiatives**

- Improving feelings of safety through visible presence, positive messaging and education. Community Based Volunteers will be focussed on recruiting further volunteers, litter picking, removing graffiti and identifying unused buildings for potential community use. They will also be encouraged to patrol at key school drop off/pick up times to provide safety messaging and improve feelings of safety. Volunteers will also conduct safety sweeps, leaflet drops.
 - Location Broadgreen area of Swindon Broad, with expansion into county.
 - Initial recruitment of 8 Community Based Volunteers for this LSOA, with an anticipated output of at least 4 activities per month per volunteer, at a minimum of at least 2 hours each. This equates to a minimum output of 64 hours per month.
- Outcomes: Reduction in ASB and perception of crime. Increased feelings of public safety. Public confidence in policing and increase in reporting of hidden crimes.



Project 2

Nelson Trust: Sex Worker Outreach Project (SWOP)– Clear Hold Build

- This project will support the most vulnerable women with complex needs who are currently engaged in sex work in the Broad Green area of Swindon.
 - This area has been selected as the Clear Hold Build site for Wiltshire.
 - Women who sex work have historically operated in this area but recent intelligence suggests that OCGs are increasingly involved in the exploitation of women on this site.
- Page 38 There are concerns about cuckooing, substance misuse, County Lines, gender-based violence, and sexual and criminal exploitation.



Wiltshire Bobby Van Trust

- Free home security, target hardening and online safety service to eligible residents in priority neighbourhoods. (over 60s and over 18's with a registered disability initially)
- Locations: Wiltshire – Downton – North and Charlton; Chalke Valley; Warminster West – South Central; Fovant, Sutton Mandeville and Swallowcliffe; Salisbury St Martin – Central
- Swindon – Faringdon Road, Okus East, Pinehurst West, Stokesay Drive, Westmead South
- These 10 neighbourhoods are the priority areas for burglary across Swindon and Wiltshire.

Page 39 Each residential area will be leafleted and offered support. Referrals in the area can also be made by professionals. Talks will be given in the area to support the rollout. Policing teams will be given specific training on the service offered.

- Outcomes: Reduction in neighbourhood crime, specifically burglary. Improved wellbeing and confidence for home owners in these areas.
- Evaluation: Monitoring of burglary (domestic and non-domestic) in these areas and test against doppelganger locations. The Operators gather feedback forms from the client which will be available for inspection.



• **Iprovement: Mentoring for young people from Wiltshire and Swindon**

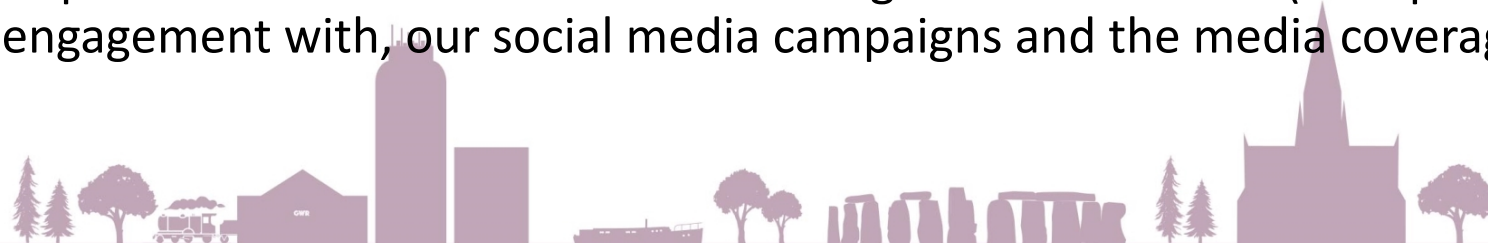
- An offer of 14 specific 1:1 Mentoring Spaces for young people aged 15-21 years referred from the targeted Broadgreen area within the 'Clear, Hold and Build Strategy' in Swindon
- We want to make a positive impact, build trust and resilience with these young people against the organised crime group influences and offer intelligence to support the Clear Hold Build initiative.
- Outcomes: Help restore relationships with police and statutory agencies etc
 - Help decrease the number of arrests
 - Help reduce disruption to the community
 - Reduce the crime and disorder in the targeted area
 - Increase reporting to police & comms
 - Decrease the drug offences by offering healthier alternatives
 - Help tackle county lines

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Crimestoppers

- Introduction of Crimestoppers Zones in hotspot areas. These Zones are designed to run for a defined period of time in small areas where there is high neighbourhood crime, low reporting and poor community confidence.
- SWINDON Faringdon Road, Rodbourne South, Broad Green.
- For each zone, the following activities will take place:
 - Geographically targeted social media campaign encouraging the public to be vigilant about neighbourhood crime, raising awareness of our 100% anonymous reporting service, and encouraging the public to report what they know about the perpetrators.
 - Lamppost signs, posters and/or leaflets will be produced and distributed throughout the area with the help of partners.
 - High profile banner van will visit the area with opportunities for community engagement from partners, media release & web landing page.
 - Evaluation: The number of Crimestoppers reports related to Neighbourhood Crime which are received before, during and after the period of the Zone. A reduction in neighbourhood crime (data provided by the Police). The reach of, and engagement with, our social media campaigns and the media coverage generated.



Project 3

- **SMASH consortium: Swindon: SMASH and Iprovefit. Wiltshire: The Rise Trust + The Bridge Project**

- Wiltshire: 5 detached youth work sessions a week; 3 in Salisbury, 2 in Chippenham.
- Chippenham Avon – East. Salisbury St Martin – West, Salisbury St Edmund - South (same as the CCTV areas).
- A large number of the ASB nuisance and environmental offences are within the under 25 category. Through consultation with statutory partners, early help teams and community members it is understood that detached youth workers have a key role in creating positive relations with young people and their communities.
- Outcomes: Reduction in NC, ASB & VAWG, increased feeling of safety and improved trust in the police. Increased positive contribution of young people to their community and wider society.
- Evaluation: surveys within the community and with partners, sharing of neighbourhood data and intelligence across the partnership. Youth Investment Fund (YIF) evaluation framework. Using data to map to the theory of change. This allows us to look beyond simply ‘does funded provision work?’ to ‘what works, for whom, in what conditions and why?’.



Round 5 progress February 2024

- Venture Security start their NTE Wardens in Salisbury on Saturday 24th Feb. with a start in Trowbridge tbc.
- Smash: Youth workers are mobilised and engaging with young people across the county.

As of December their teams had already completed 34 sessions of street-based mentoring, conducting approximately 400 interactions with young people.

Teams have established rapport and trust really quickly with young people in each location and have engaged in some excellent conversations, including topics such as friendship, family, mental health, concerns with knife crime, anti-social behaviour and casual drug use.

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CCTV Salisbury: cameras ordered early Feb. and initial locations agreed. They will be fully integrated with the existing system upgrade due in April.

- CCTV Chippenham: permission process progressing, funds in place.
- Crimestoppers have begun their work in Broadgreen.
- Nelson Trust are engaged and developing their delivery of the SWOP.
- Bobby Van Trust: identifying initial area and preparing leaflets ready for delivery. Ready to respond to referrals.



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Taxi Licensing Update for Licensing Committee – February 2024

1.0 Licensed Drivers

Driver and vehicle numbers have stabilised over the last 6 months, driver numbers rose 51 or 6% over the 12 months of 2023. February 2024 has seen significant levels of new driver applications and there are currently over 60 new applications being processed.

The team processed 21 new licence applications and 81 renewals during January 2024. It should be noted that an increasing number of licence applicants and holders would increase the Council’s income from taxi licensing.

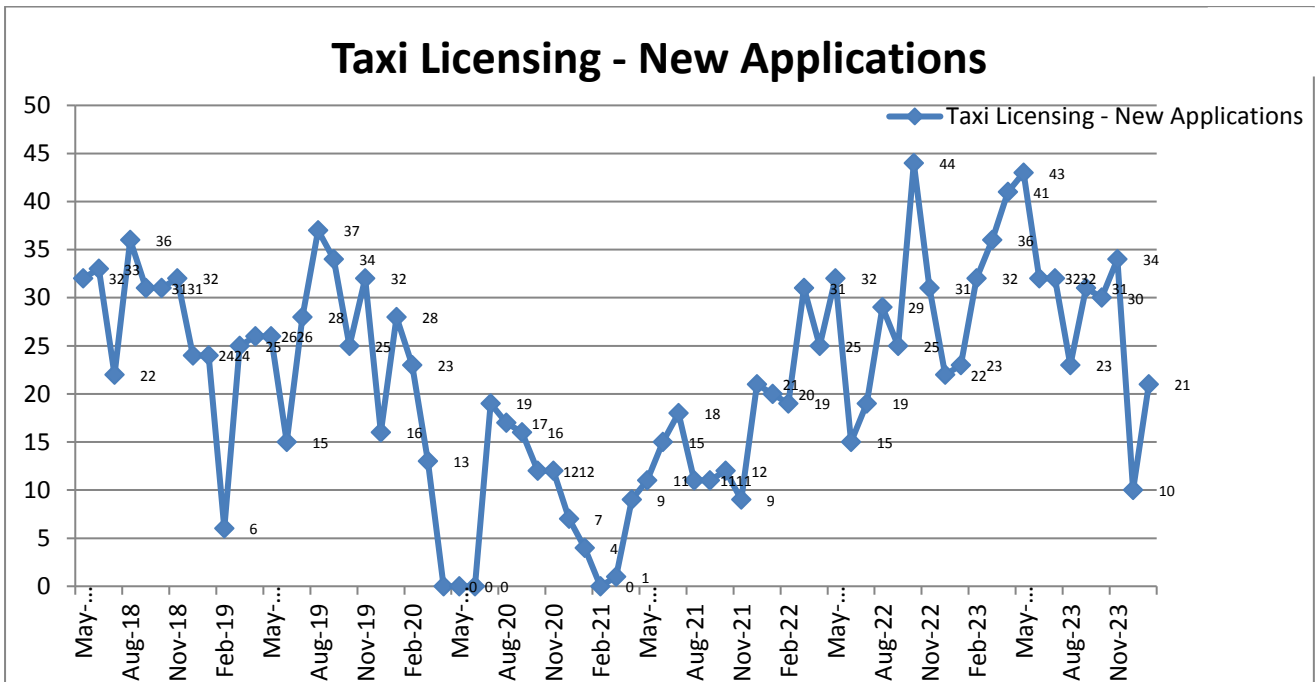
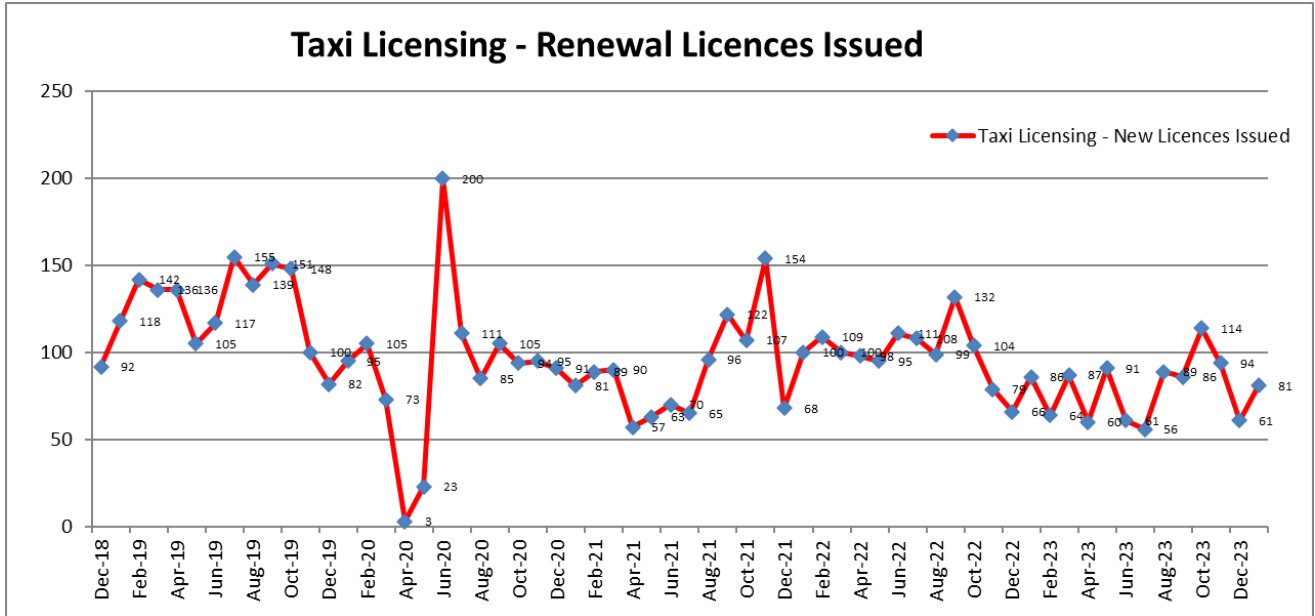


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of January 2024 was 675, down 7 on the previous month, this is largely due to a number being suspended for not having valid DBS certificates in place. 131 were licensed in the North area, 76 in the East, 296 in the South and 172 in the West.

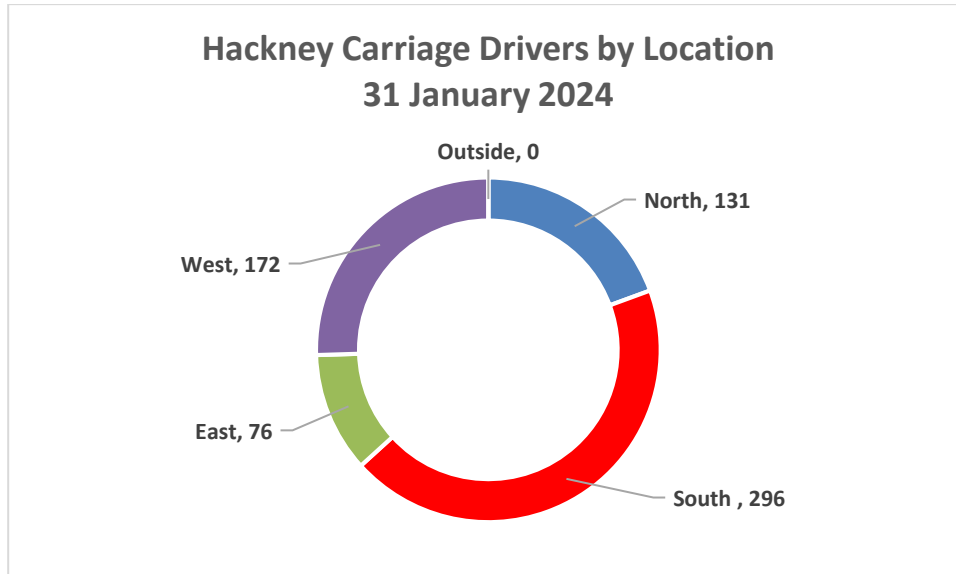
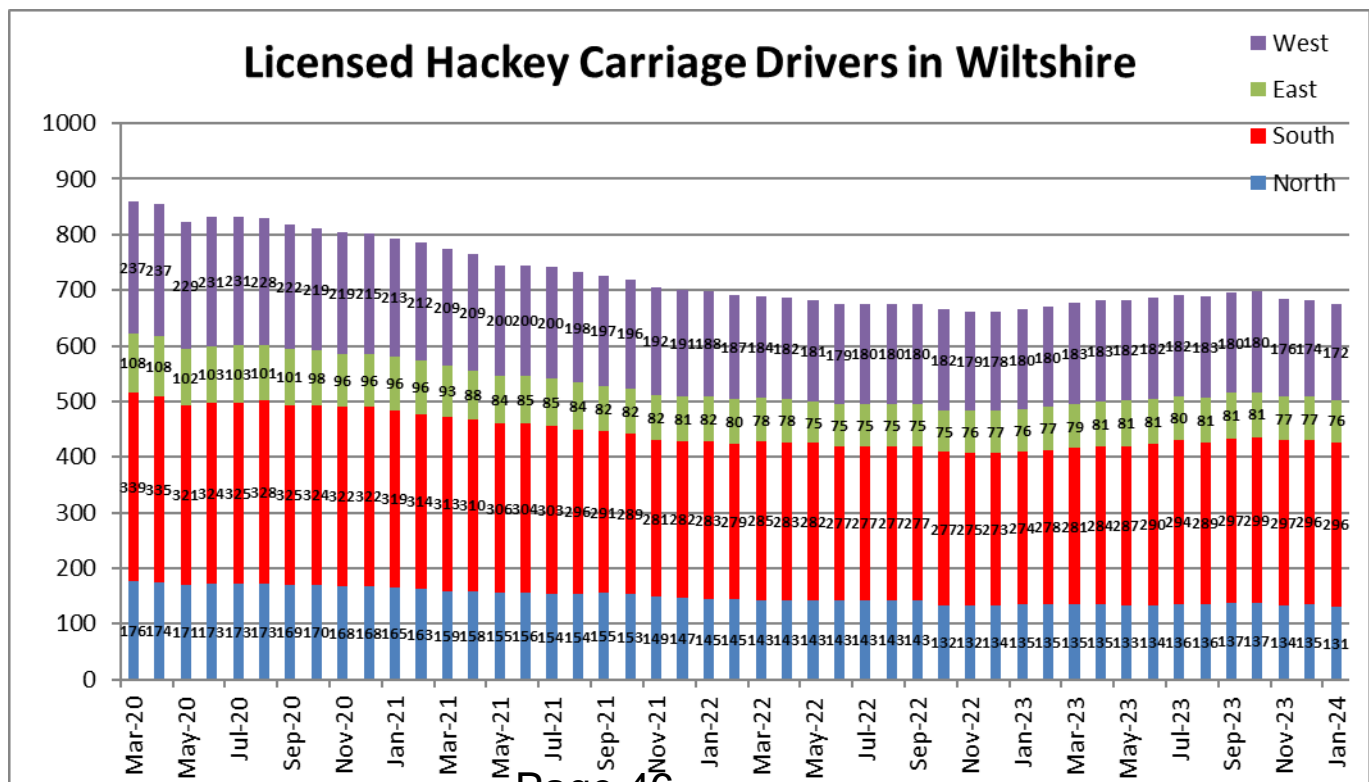


Fig.2

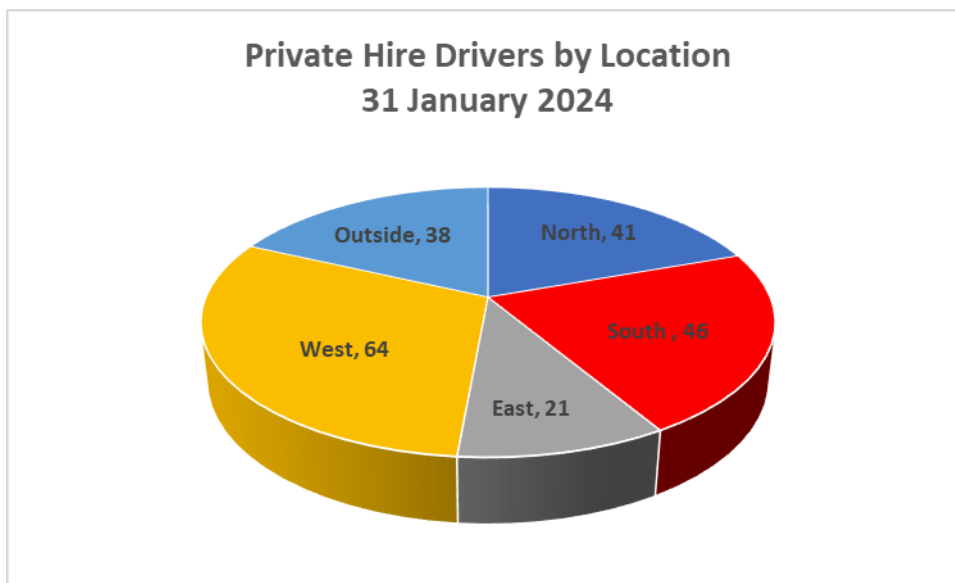
The graph below shows the monthly variation in hackney carriage driver numbers between March 2020, the start of the Covid-19 pandemic and 31 January 2024. During January 2024 numbers moved as follows, numbers in the South stayed the same, the North fell by 4, the East fell by 1 and the West fell by 2 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 89 in the West, 59 in the North, 42 in the East and 33 in the South. The West is clearly the worst affected area.

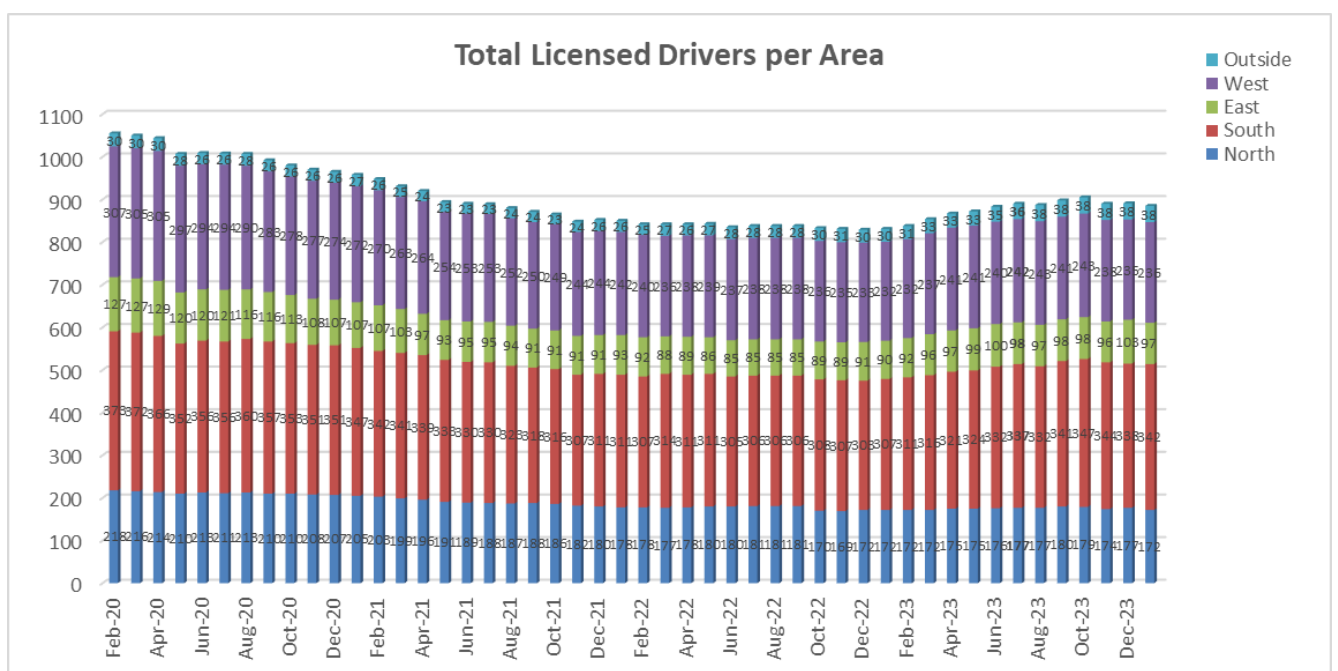


The team also license private hire only drivers, these totalled 210 as at the end of January 2024, showing an increase of 1 over the month, bringing the total number of drivers licensed to 885, a decrease of 6 on the previous month. It is clear there is a trend of drivers switching from hackney carriage 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. Recent best practice guidance published by Government in November 2023 allows us to question new applicants who live outside of Wiltshire where the majority of their work will be undertaken. The Council can now refuse to licence an individual who will be undertaking the majority of their work outside of Wiltshire. For information the area in which the private hire drivers are registered is as follows;



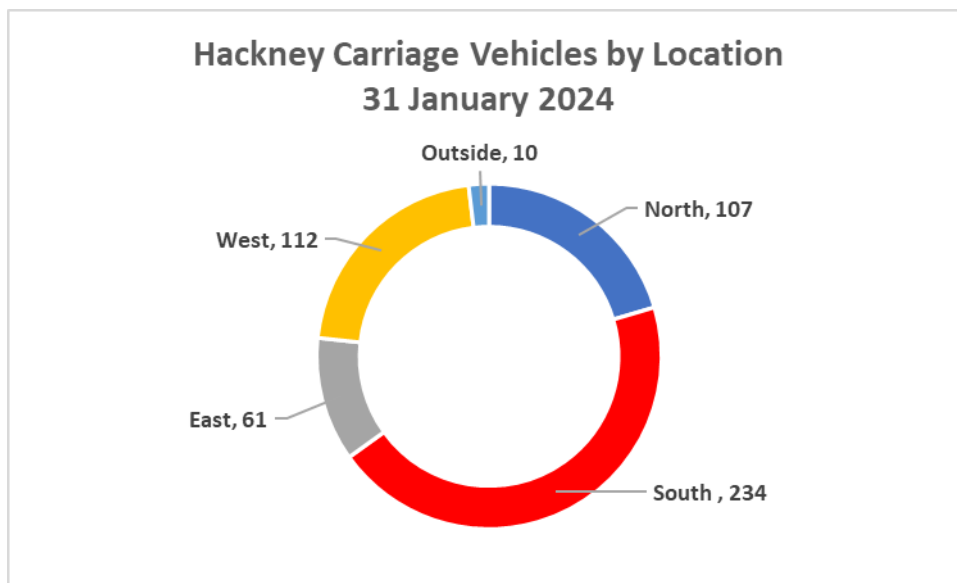
The graph below shows total driver numbers since February 2020, the month prior to the pandemic.



2.0 Licensed Vehicles

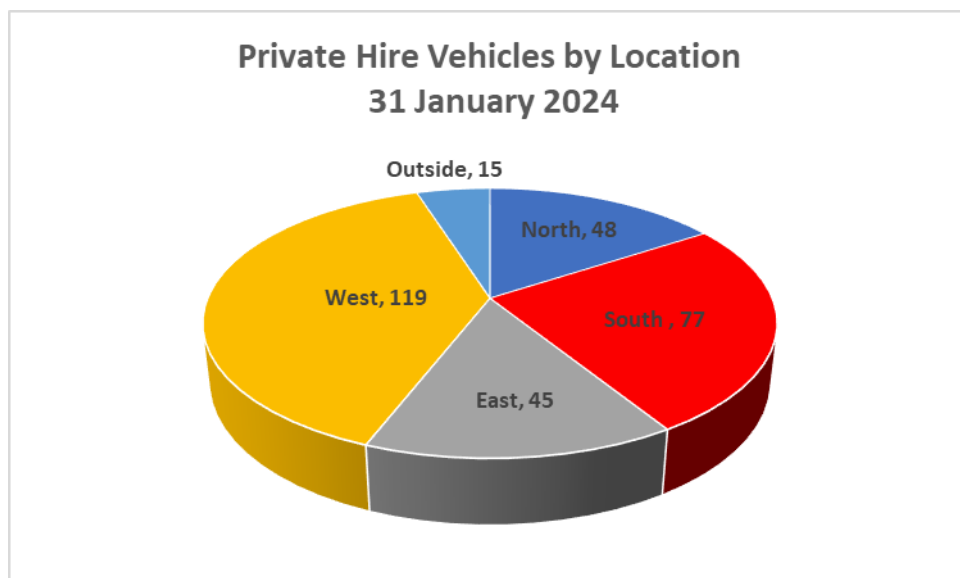
At the end of January 2024 the taxi licensing team licensed a total of 828 vehicles, vehicle numbers broke through 800 for the first time in 2 years in February 2023. Vehicle numbers were down 5 on the previous month. The team feel numbers have begun to increase over the last three months and are continuing 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, 524 hackney carriage vehicles and 304 private hire vehicles, hackney carriage numbers fell by 3 and private hire vehicle numbers decreased by 2 over the month when compared to the previous month. Of the 828 vehicles licensed 13.0% or 108 vehicles are wheelchair accessible. It should be noted that 27% of licensed private hire vehicles are wheelchair accessible compared to 5% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

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



The team also license private hire only vehicles, as advised above these totalled 304 as at the end of January 2024.

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



Between January 2023 and January 2024, the number of licensed vehicles, hackney carriages and private hire vehicles increased by 35, or 4.4%.

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 6 months. 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 January 2024 for failing to declare a speeding conviction.

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 January 2024.

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

The team held the second of the newly established trader representative meetings on 18 September 2023 at Kennet House, Devizes. The trade raised concerns over window tints, a Licensing Committee report has been submitted to resolve this issue, the report was approved and the changes took place on 01 January 2024 and were well received by the industry.

The team continue to work on updated driver and vehicle guidelines in line with new government advice and best practice released in November 2023 which will further enhance standards within Wiltshire for the benefit of service users and the industry in general. The team are considering the impact of the proposed 2020 Environment Bill which will place requirements on Local Authorities to manage air quality. This may impact taxis and our guidelines around vehicle age and emissions and the team are reviewing the possibility of removing the current age criteria in relation to licensing vehicles and making the criteria emissions based.

The team will be introducing a single licensing zone for hackney carriages in Wiltshire with effect from 01 April 2024. Recently published guidance from Government supports the removal of smaller licensing zones and the creation of a single zone to cover an authority's area.

The new guidance places a lot of emphasis on accessibility to taxi ranks and taxi services and the team will undertake a rank review across our major towns to look at the level of accessibility, number of dropped kerbs, shelters to wait in etc.

The new guidance does stipulate that Local Authorities should not follow a 100% wheelchair accessible policy and recognises the need to have different types of transport to meet the needs of all service users and the industry.

A copy of the new guidance can be found at [Taxi and private hire vehicle licensing: best practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice)

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Public Protection's Licensing Team update **4 March 2024**

Fees and charges

The proposed fees and charges for 2024-25 were confirmed at the Full Council Meeting on the 20 February 2024. The fees under the Licensing Act 2003 and a number under the Gambling Act 2005 are statutory and not subject to change unless the Government amend regulations permitting amendments, however Animal Activity fees are not prescribed in regulation.

The Local Government Association issued guidance in December 2023 on locally set licensing fees [LGA guidance on locally set licensing fees | Local Government Association](#)

Licence applications – weekly list

Apologises to Members but following the loss of Linda Holland in November the list of licensing applications has not been circulated. This e-mail has now re-started and will be sent directly from the technical support team to avoid any delays in this being sent. If you have any queries about this, please do let us know.

Home Office letter on Planning and Licensing

On 15 January we received a letter from Rt Hon Chris Philp MP, Minister of State for Crime, Policing and Fire, regarding local authorities' licensing and planning functions. The key messages in the letter were:

The Government also intends to:

- further strengthen the section 182 Guidance that accompanies the Licensing Act 2003 by providing detailed advice on practical ways that local licensing and planning regimes can collaborate;
- explore how to provide further support for applicants on the importance of early identification of potential difficulties across the two regimes when making a licensing application, including clarification on the agent of change principle and what it means in practical terms for licensing applicants;
- consider whether the licensing application proforma would benefit from an additional question on potential planning requirements; and
- continue to explore possible ways of unifying pavement and off-sales licence applications.

When further details on this are published, we will bring this issue back to the Licensing Committee.

Martyn's Law – Consultation

The consultation for Martyn's Law, more officially known as the Terrorism (Protection of Premises) Bill, started on the 5 February, with the consultation

open until the 18 March 2024, further details can be found here:- [Martyn's Law: standard tier consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/martyns-law-standard-tier-consultation)

The bill will impose requirements in relation to certain premises and events to increase their preparedness for, and protection from, a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place at the premises.

The proposed requirements would apply to those responsible for qualifying public premises and qualifying public events. They might be individuals but, in most cases, would be a business or other organisation.

One of the conditions for premises would be that they be wholly or mainly used for a listed purpose, such as the provision of entertainment and leisure facilities to the public.

The proposals set out different requirements for:

- standard tier premises, which would have a capacity of 100-799 individuals
- enhanced tier premises and qualifying public events, both of which have a capacity of 800 individuals or more

This consultation is focused on the requirements proposed in relation to standard duty premises, which are referred to as the “standard tier”.

Animal Licensing

Studley Grange Butterfly World have recently received their periodical zoo inspection with a secretary of state appointed inspector and licensing officers in attendance.

Dangerous Wild Animal Licences have been renewed using the conditions that have previously acknowledged by committee.

We are awaiting impact of new legislation for Animals (Penalty Notices) Act 2022 and a primate licensing scheme under the Animal Welfare Act - Under the changes, introduced via secondary legislation under the Animal Welfare Act 2006, it will no longer be possible to keep primates in domestic settings as household pets in environments that fail to provide for their needs.

Licensing is expected to come into force in 2026, subject to parliamentary processes, with existing keepers having two years from the Statutory Instrument being approved to reach compliance with the licensing conditions.

Licensed XL Bully Breeders

XL Bully breeders should have now stopped all breeding activity as it will be a criminal offence to sell, transfer, exchange, gift or advertise these dogs from 31 December 2023. Wiltshire Council has not licensed any breeders for these types of dogs.

The Licensing Officers and Dog wardens are working closely with Wiltshire Police to monitor the impact of these changes, with Police leading on the identification of XL Bully's that should now be registered.

The website has been updated with further information [Dangerous dogs - Wiltshire Council](#)

Team updates

A service wide restructure has been taking place for the Public Protection Service since late November. This has resulted in significant management changes to the service including the licensing team. The new structure is detailed at the end of this update with the new roles shown in red.

Following Linda Holland's early retirement in November, a service restructure has been carried out and Claire Francis was appointed as the new Public Protection Manger (Community Protection) with responsibility, amongst other things, for the Licensing Team as from 5 February 2024.

Claire is an Environmental Health Officer by background and has experience in Environmental Protection, Pest Control, Dog Wardens, and Anti-Social Behaviour. Please do drop Claire an e-mail or call if you have anything you wish to discuss or to say hello. Claire.francis@wiltshire.gov.uk Telephone: 01249 706309.

The managers will also be recruiting an Assistant Team Leader/Principal for the Licensing team, which will reduce operational capacity of the team. A copy of the new service structure is shown at the end of this report.

New ICT system

The Public Protection Service will be moving to a new database in April called "Arcus Global". This has been years in the planning and will open opportunities to speed up how applicants apply for licenses and will start to automate some of the licence processes. We are aiming to minimise disruption to the service delivery, but there will be a period where we change from one system to the new one.

Useful information from the Local Government Association

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

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

Officer Areas

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

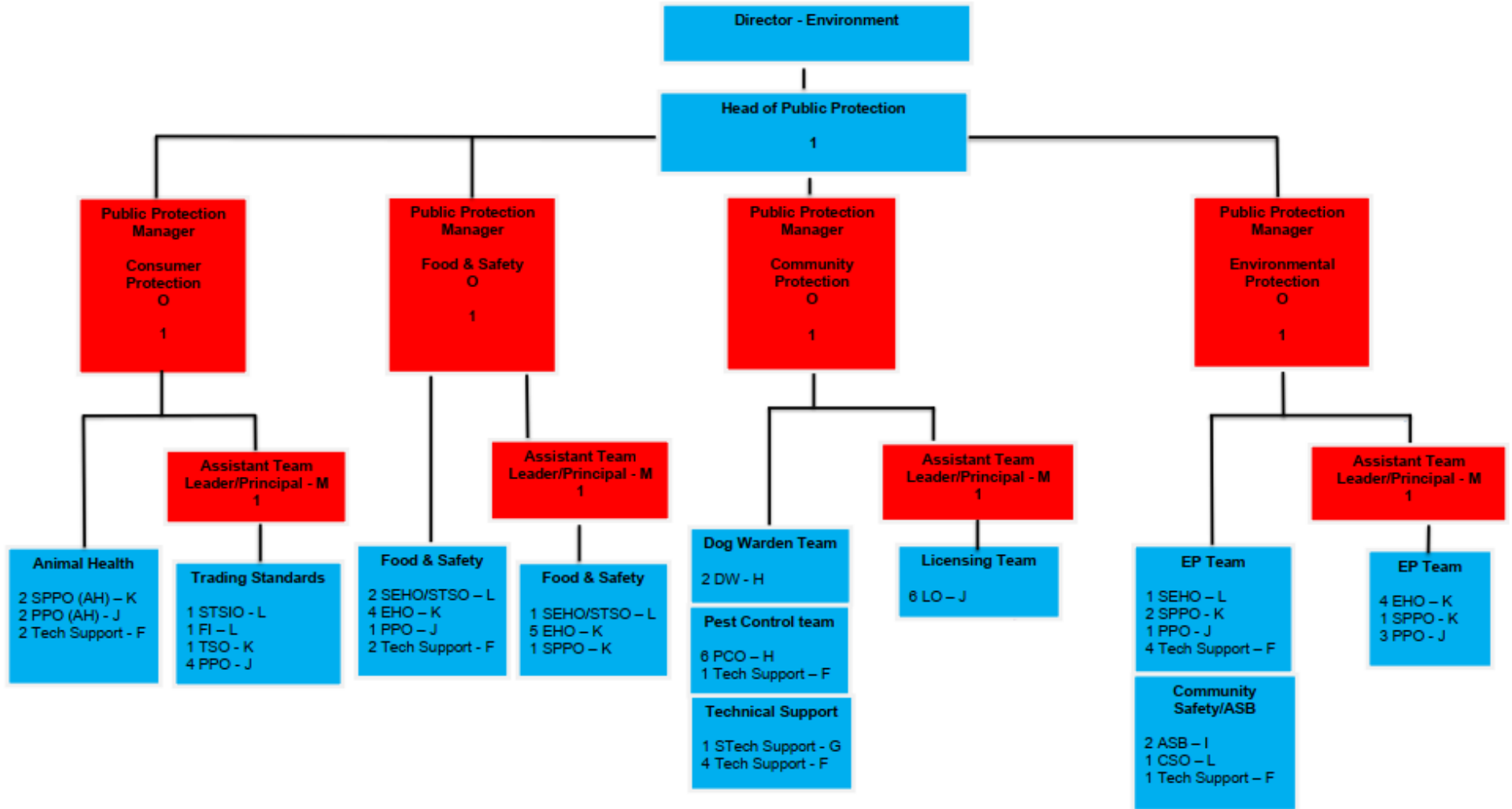
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John Carter
Head of Public Protection
23 February 2024



Wiltshire Council

Licensing Committee

4 March 2024

Statement of Licensing Policy

Purpose of Report

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

Relevance to the Council's Business Plan

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

Background

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

Main Considerations

4. The first draft of the policy can be found in Appendix 1 to this report for consideration and approval is sought to carry out the required public consultation for 6 weeks.
5. It is a statutory requirement that the Statement of Licensing Policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.
6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm
7. The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated entertainment and

provision of late night refreshment.

Consultation

8. The policy must be consulted on with specific stakeholders listed in the Home Office Guidance. This includes licence holders, police, fire and rescue, businesses and residents of the area. The proposal is to run a 6-week consultation process with results and feedback collected via an on-line survey to make it easier to make comments and analyse results. There will also be paper copies available.
9. The consultation will be promoted via social media sites, directly to the licensing trade through emails and through press releases.
10. The results of the consultation will be reported back to the Licensing Committee on 3 June 2024.

Overview and Scrutiny Engagement

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

Safeguarding Implications

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

Public Health Implications

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

Procurement Implications

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

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

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

towards The Climate Change Act (2008) sets a carbon reduction target for the UK, 34% by 2020 and 80% by 2050 based on 1990 levels. The policy could include an additional paragraph on Promoting Environmental Best Practice in Licensed Venue.

Workforce Implications

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

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

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

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

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

Financial Implications

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

Legal Implications

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

Options Considered

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

Proposals

24. That the Licensing Committee instructs Officers to carry out a 6 week consultation process on the proposed Statement of Licensing Policy 2024-2029.
25. The Licensing Committee note that at its meeting in June 2024, the Committee will be required to consider recommending the finalised Statement of Licensing Policy to Full Council for adoption.

Sarah Valdus
Director – Environment

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

Date of report 23 February 2024

Appendices

1. Updated draft Statement of Licensing Policy
2. Summary of changes to the 2019-2024 Policy

Background Papers

- Licensing Act [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Home Office – Revised guidance issued under section 182 of the Licensing Act 2003 – December 2023
- https://assets.publishing.service.gov.uk/media/65a8f578ed27ca00d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Statement of Licensing Policy

The Licensing Act 2003

2024 - 2029

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

DRAFT

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

Appendix B – Premise Licence/Club Premises Certificate – Variations

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

Appendix C – Temporary Event Notice

Appendix D – Personal Licences

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

Appendix F – De-regulation Order

Appendix G – Live Music Act 2012

Appendix H - Glossary

1.1 Introduction

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

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

This statement takes effect from 1 November 2019 and will be scheduled for review in 2024

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

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

1.1 Purpose and Scope

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

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

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

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

1.2 Key Aims

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

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

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

1.3 Consultation

In reviewing this statement the licensing authority consulted widely with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between April 2019 and August 2019 by way of an email to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

1.4 Licensing function

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

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

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

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

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

1.5 Licensing objectives

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

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

The Licensing objectives are:

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

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

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

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

1.6 Planning Conditions Applicable to a Premises

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

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

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

2.0 Prevention of crime and disorder

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

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

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

2.1 Toughened/safety glasses

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

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

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

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

2.2 Pubwatch

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

2.3 Information sharing and reporting incidents

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

2.4 Door supervisors/stewards

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

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

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

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

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

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

2.5 Dispersal policy

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

2.6 Outside drinking

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

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

2.7 Drugs in premises

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

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

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

Psychoactive substances are those intended for human consumption that is capable of producing a psychoactive effect. These substances prior to May 2016 were more commonly known as “legal highs” and included items such as Nitrous Oxide (NOS), Spice and Black Mamba amongst others. It is a criminal offence to produce, supply or sell psychoactive substances. The Psychoactive Substances Act 2016 amends the Licensing Act 2003, creating new powers of entry relating to any of the offences mentioned above. These offences are also considered “relevant offences” in relation to Personal licences.

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

2.8 Drink Spiking

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

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

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

2.9 Immigration and modern slavery

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

Forced labour is a situation in which victims are forced to work against their own will under the threat of violence or some other form of punishment. Labour exploitation is placing a worker under extremely poor conditions such as very low wages, being forced to work long hours, having their movements supervised, living in very poor conditions and having their identification documents taken away to prevent them from leaving.

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

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

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

3.0 Promotion of public safety

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

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

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

3.1 CCTV

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

- When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office. Any proposed blanket requirement to attach surveillance camera conditions to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.
- Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in any particular case. For example, it is unlikely that a surveillance camera condition would be justified for a trouble-free community pub. Where a licencee has a responsibility to comply with any data protection considerations that may arise from the use of such a system.
- The public must have confidence that surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- CCTV recordings should be kept for a minimum of 31 days and shared with the licensing authority and Wiltshire Police upon request.

3.2 Martyn's Law (Protect Duty)

The Terrorism Protection of Premises Bill, also known as 'Martyn's Law' is being consulted on until March 2024 with the Bill expected in parliament shortly afterwards. [Six-week Martyn's Law consultation launched - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/six-week-martyns-law-consultation)

The bill is the legislative response to the findings of the Manchester Arena Inquiry. It is designed to reduce the risk to the public from terrorism by the protection of public venues – increasing national security and personal safety.

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

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

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

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

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

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

3.3 Alcohol consumption

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

3.4 Alcohol harm reduction

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

Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities.

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

3.5 Public health

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

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

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

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

3.6 Health and safety

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

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

3.7 Occupancy limits

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

3.8 Positive campaigns to promote public safety

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

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

4.0 Prevention of public nuisance

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

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

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

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

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

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

4.1 Odour

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

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

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

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

4.2 Lighting

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

4.3 Waste/litter

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

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

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from

refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

4.4 Noise

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

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

4.5 Entertainment

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

4.6 Disturbance from customers

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

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

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

4.7 Plant and equipment

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

4.8 Servicing

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

4.9 Fly posting, flyers and graffiti

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

5.0 Protection of children from harm

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

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

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

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

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

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult
- where there is a history of crime and disorder

- where the premises are in a high risk area e.g. close to school; in an area with a history of underage sales; in an area with anti-social and criminal behaviour linked to persons under 18.

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

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

5.1 Safeguarding the Vulnerable

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

5.2 Age verification underage sales on/off premises

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

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

The following are examples of identification used:

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

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

inspection by a police officer or authorised officer of the licensing authority.

5.3 Proxy sales

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

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

5.4 Children and cinemas/theatres

The licensing authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. In the event that the licensing authority is asked to stipulate an age category for a film, video etc. that has not been dealt with by the BBFC, the licensing sub-committee or its delegated officers may view the film etc. and use the BBFC published guidelines on categorisation as a 'bench mark' in reaching their decision, which will then become a condition.

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

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

5.5 Child Sexual Exploitation (CSE)

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

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

It is expected that licence holders will take all reasonable steps to promote safeguarding from CSE in their premises. Such steps may include but are not limited to; having a written children and young person's risk assessment to be used in conjunction with the premises

operating schedule. It is important for staff to be mindful of areas that are not always supervised or covered by CCTV, for example toilets, beer gardens and play areas. For premises that provide a delivery service (e.g. a takeaway under a licence for late night refreshment), licence holders should enforce a code of conduct to promote safeguarding when deliveries are made to unaccompanied children.

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

It should be noted that not all exploitation of children in licensed premises is of a sexual nature and children and young people may also be exploited criminally, which could involve children being coerced or manipulated into criminal activity such as drug dealing. Licence holders can find more information regarding child exploitation in Wiltshire Community Safety Partnership's "Child Exploitation and Missing Children Strategy for 2019-2021"

6.0 Licensing process

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

Many of the licensing procedures are largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness licensing officers generally carry these out.

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

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

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

6.1 Application for premises licences and club premises certificates

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

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

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

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

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

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

6.2 Electronic applications

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

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

6.3 Licence conditions

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

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

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

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

6.4 “Shadow” Licences

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

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

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

6.5 Licensing hours

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

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

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

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

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

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

6.6 Permitted temporary activities (TENS)

The Licensing Act 2003 provides for certain occasions when small-scale events (where no more than 499 people at a time attend and last for up to 168 hours) do not need a licence if advance notice (temporary events notice) is given and no relevant objections are received.

The licensing authority recommends that at least one month’s notice be given to hold these events to allow it to help organisers plan their events safely. Any significantly longer period than this may mean that organisers do not have all the details available at the time of submitting the notice. Any lesser time means that planning may be rushed and haphazard. The minimum legal timescale may be less than this period.

Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

The police or environmental health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. In such circumstances, the Licensing Sub- Committee will consider the objection by way of a hearing. If the objection notice relates to a “late TENS” a Counter Notice will be issued making the TENS notice invalid.

6.7 Large scale events

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

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

- 6.7.1 Roles and responsibilities of the event organiser
- 6.7.2 Crowd management
- 6.7.3 Contractor management
- 6.7.4 Electrical, gas and water supply
- 6.7.5 Temporary structures
- 6.7.6 Fire safety
- 6.7.7 Medical and first aid provision
- 6.7.8 Site accessibility
- 6.7.9 Traffic Management (including blue routes)
- 6.7.10 Security staff/stewards/marshals
- 6.7.11 Incident management
- 6.7.12 Health and Safety management for members of the public
- 6.7.13 Welfare provision for members of the public

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

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

6.8 Delegation of decision making

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

and cost effective service delivery.

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

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

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

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

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

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

6.9 Application for personal licences

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

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

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

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

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

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

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

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

The Licensing Authority has adopted these discretionary powers.

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

6.10 Delegation to premises supervisors

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

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

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

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

7.0 Enforcement

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

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

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

interests of owners, operators, employees, customers and neighbours alike.

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

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

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

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

Under the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 the licensing authority must suspend a premises licence or club premises certificate if the holder has failed to pay the authority the annual fee. This does not apply if the failure to pay the fee when it was due was because of administrative error or the holder informed the authority in writing at or before the fee was due that they were disputing liability.

7.1 Inspection of licensed premises

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

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

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

7.2 Complaints regarding licensed premises

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

of concern directly with the licensee.

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

7.3 Reviews of licences

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

- use of licensed premises for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crimes
- use of licensed premises for the sale and/or distribution of firearms
- evasion of copyright in respect of “pirated” films and music
- underage purchase and/or consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography
- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- the closure of the premises by a senior police officer, or an environmental health officer due to noise nuisance
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods
- the use of licensed premises for the sale of stolen goods
- where the police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- where serious risks to public safety have been identified, and the management is unable or unwilling to correct those
- where serious risks to children have been identified e.g. repeat underage sales
- significant or repetitive breaches of licence conditions/licensing law
- failure to act on previous warnings/advice/uncooperative attitude towards authorised officers.

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

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers

necessary for the promotion of the licensing objectives. Such steps might be:

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

7.4 Other powers and legislation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.0 Other licensing authority powers

8.1 Cumulative impact policy

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

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

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

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

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

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

8.2 Late night levy

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

night of the year would be required to pay the late night levy, the level of which is based on rateable value.

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

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

8.3 Early morning restriction order (EMRO)

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

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

9.0 Links to strategies and plans

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

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

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

10.0 Further advice and guidance

Can be obtained from Wiltshire Council's Licensing Team and on the licensing pages of the council's website.

www.wiltshire.gov.uk

Home Office

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

The Purple Guide

The Events Industry Forum

[The Events Industry Forum](http://TheEventsIndustryForum.com)

British Institute of Inn keeping (BII)

www.bii.org.uk

British Beer & Pub Association (BBPA)

www.beerandpub.com

Association of Licensed Multiple Retailers (ALMR)

www.almr.org.uk

Association of Convenience Stores

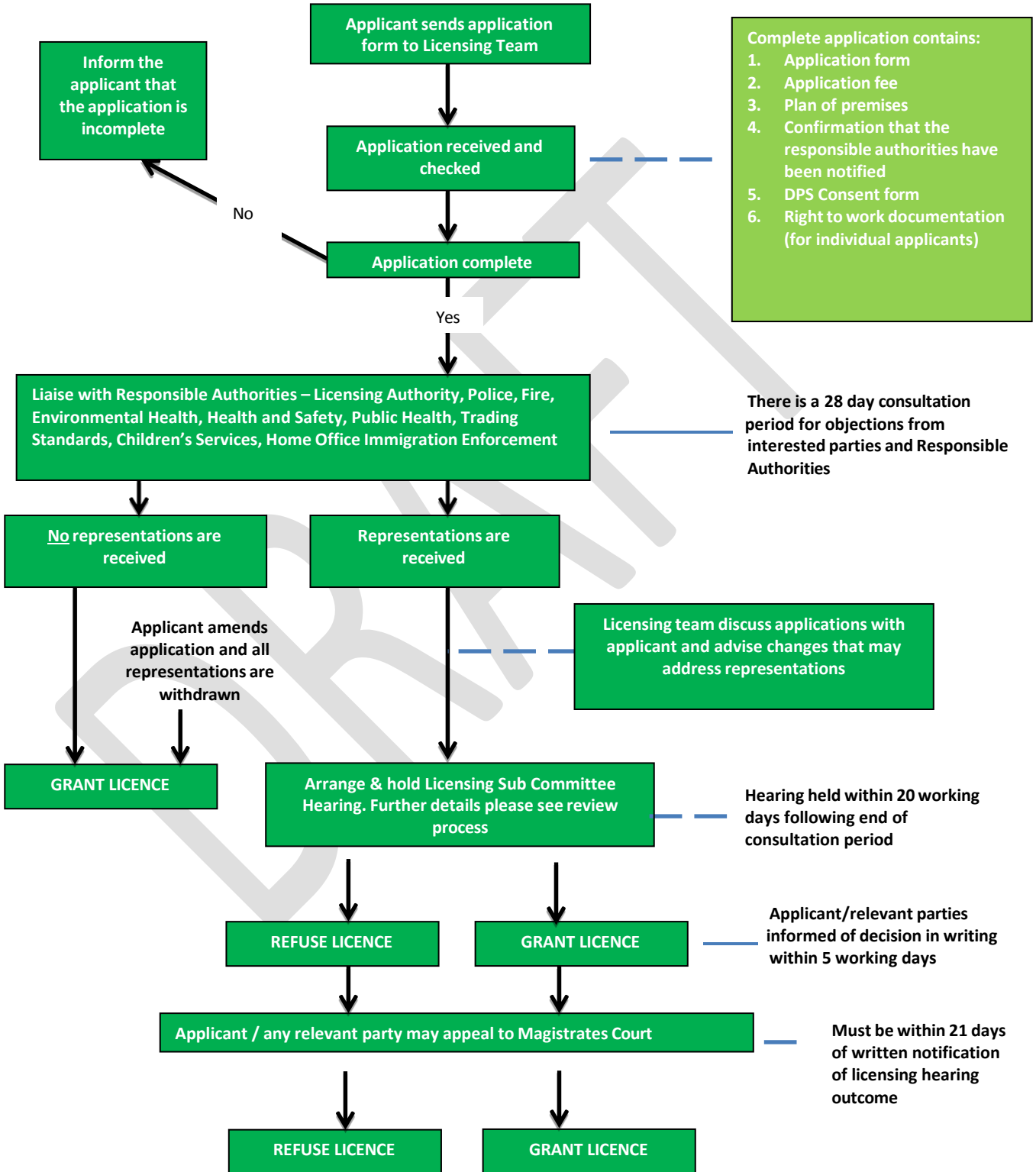
www.acs.org.uk

Portman Group

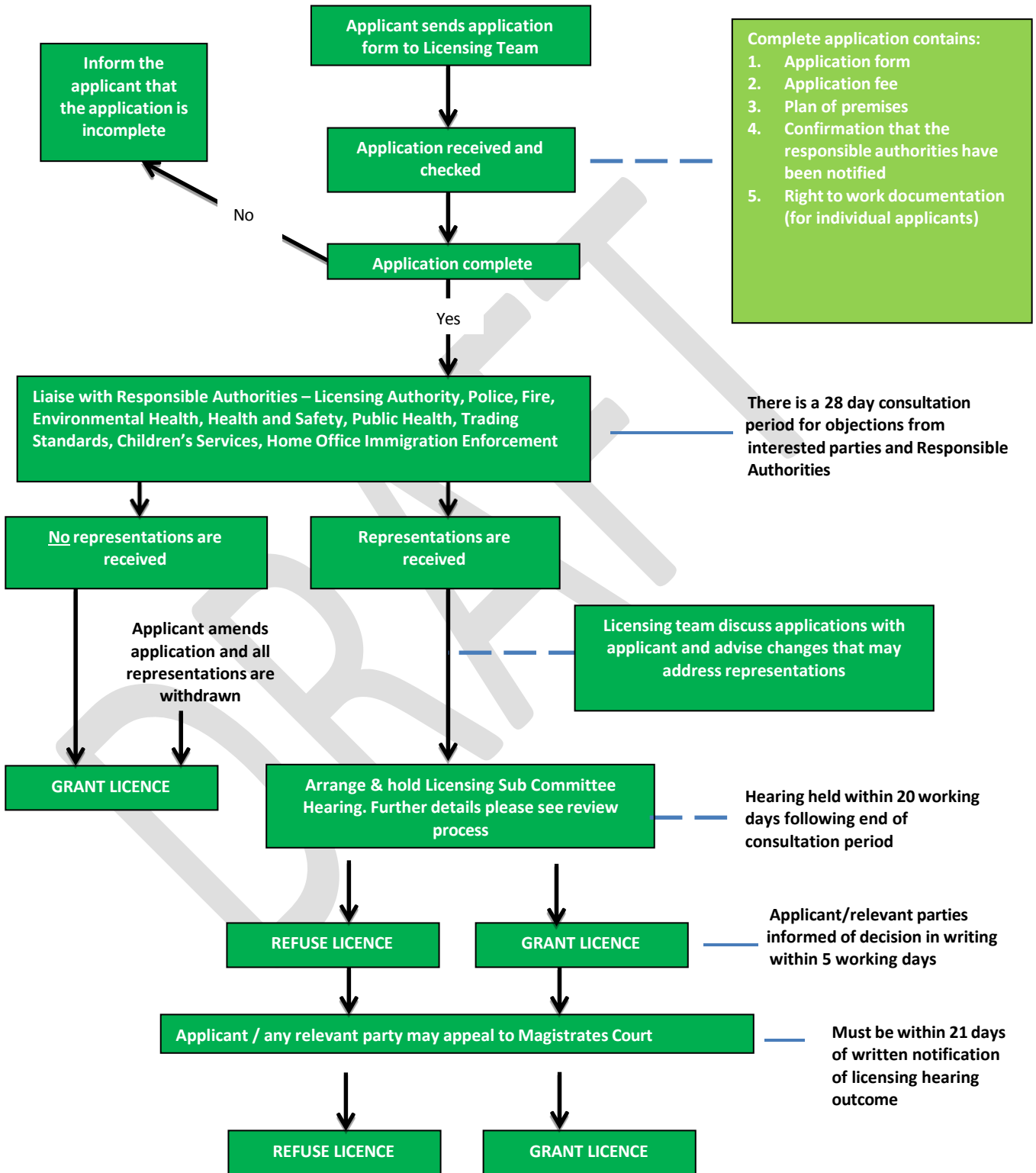
www.portmangroup.org.uk

11.0 Appendices

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

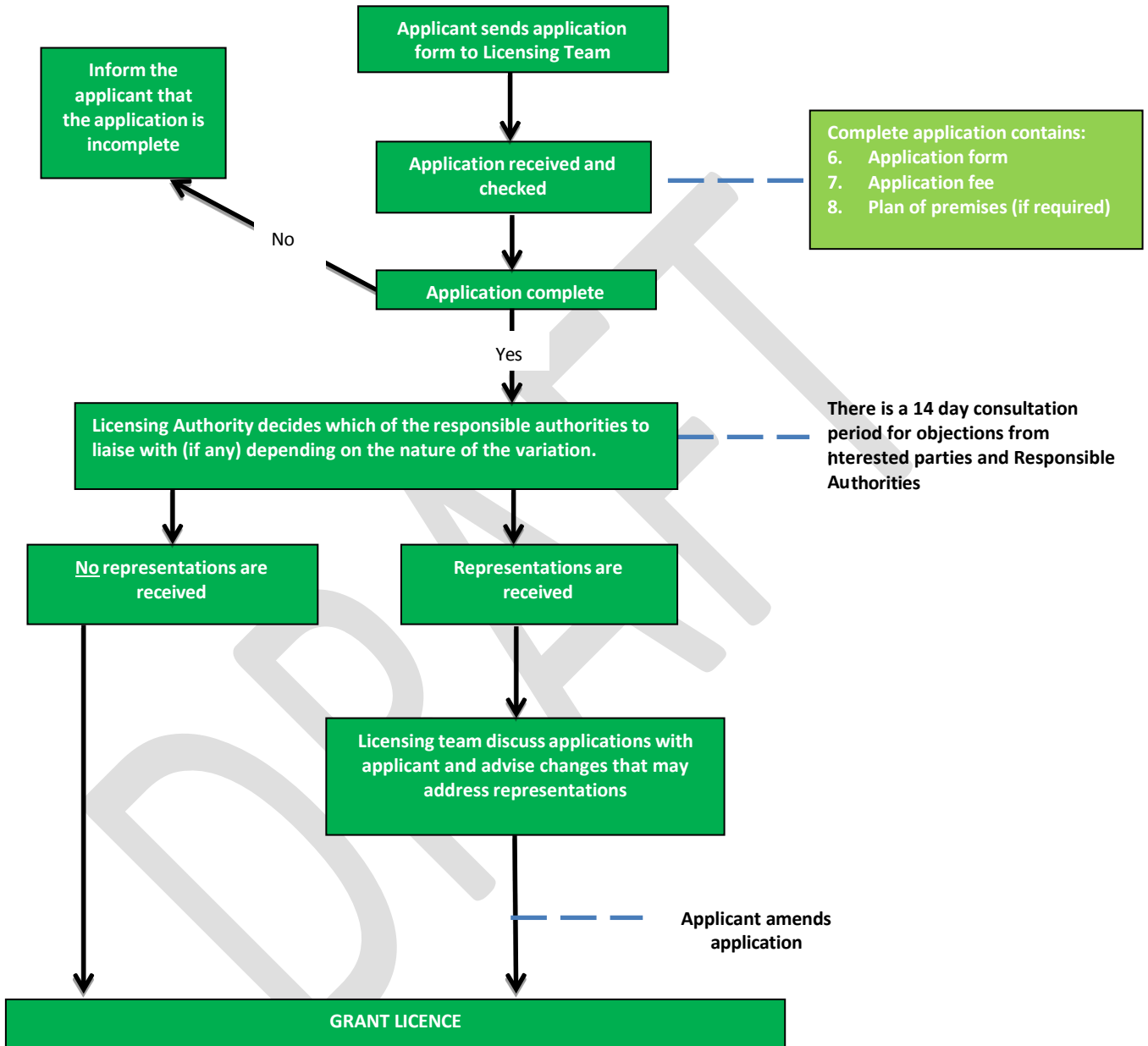


APPENDIX B – Premises Licence/Club Premises Certificate – Variations



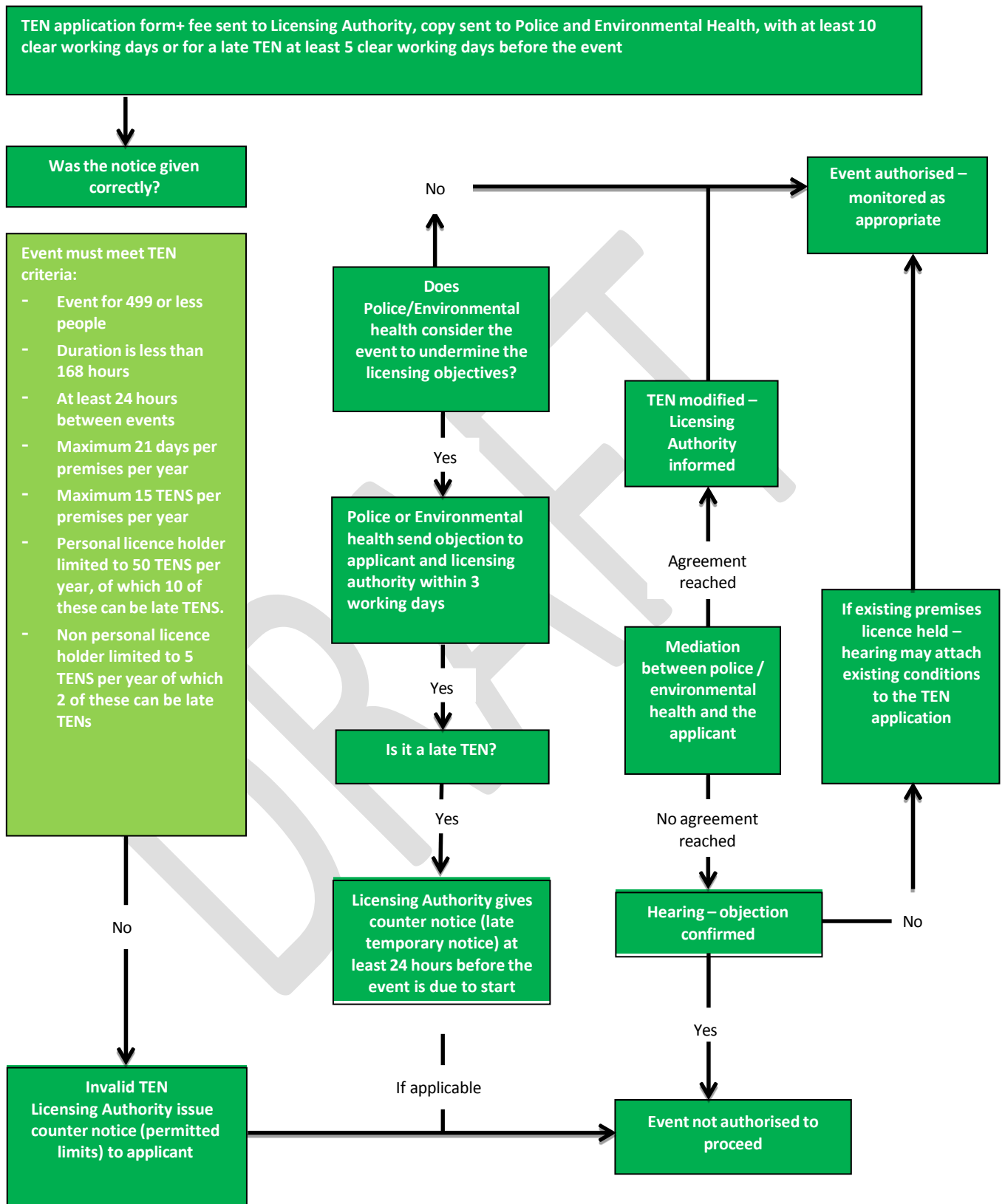
If the request is to substantially change the original licence – a new application must be submitted. Variations of name, address or DPS are covered by a separate process.

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

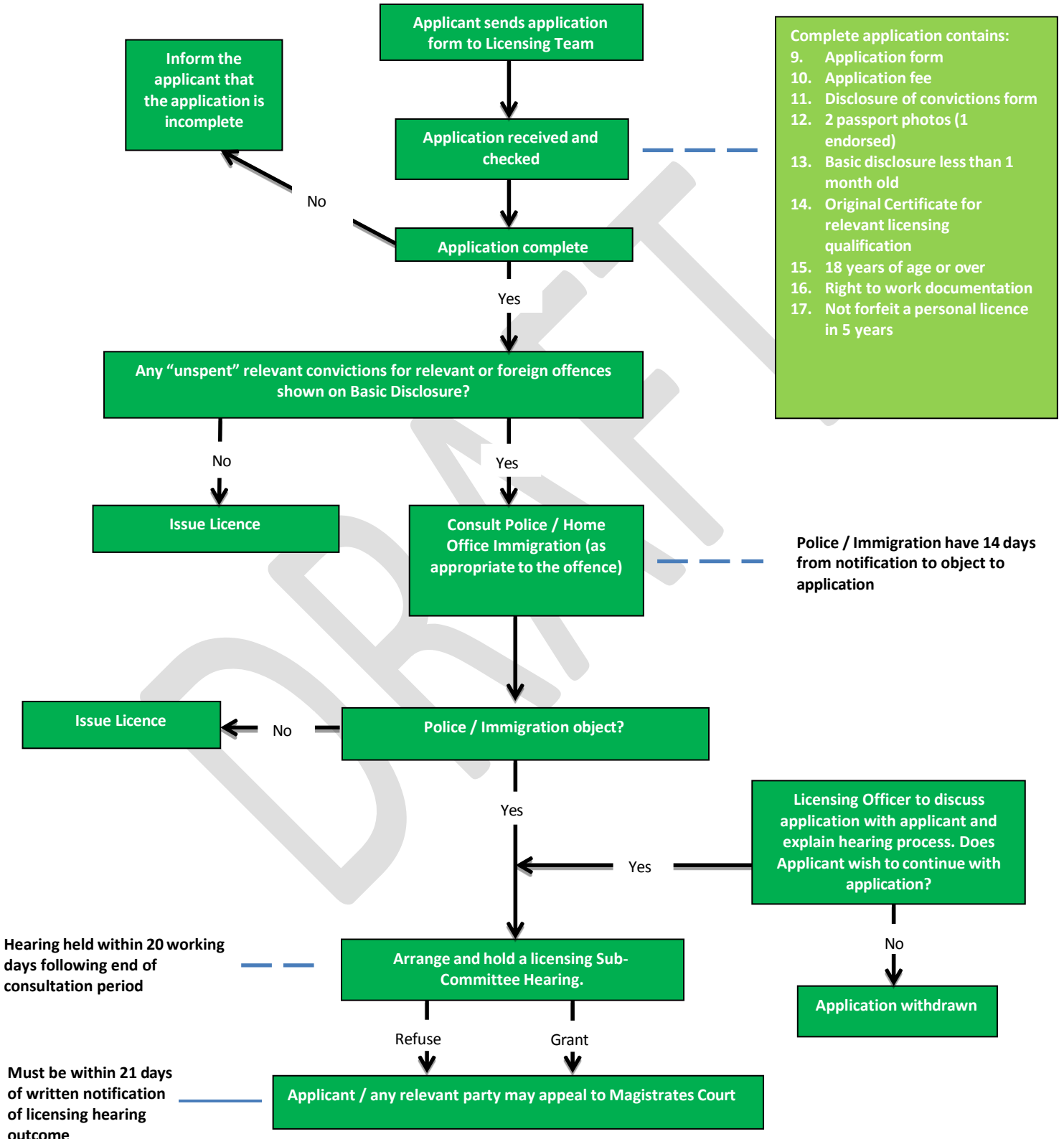


It is important to note that there is no hearing process for minor variations; however Licensing Officers should give regard to any representations received.

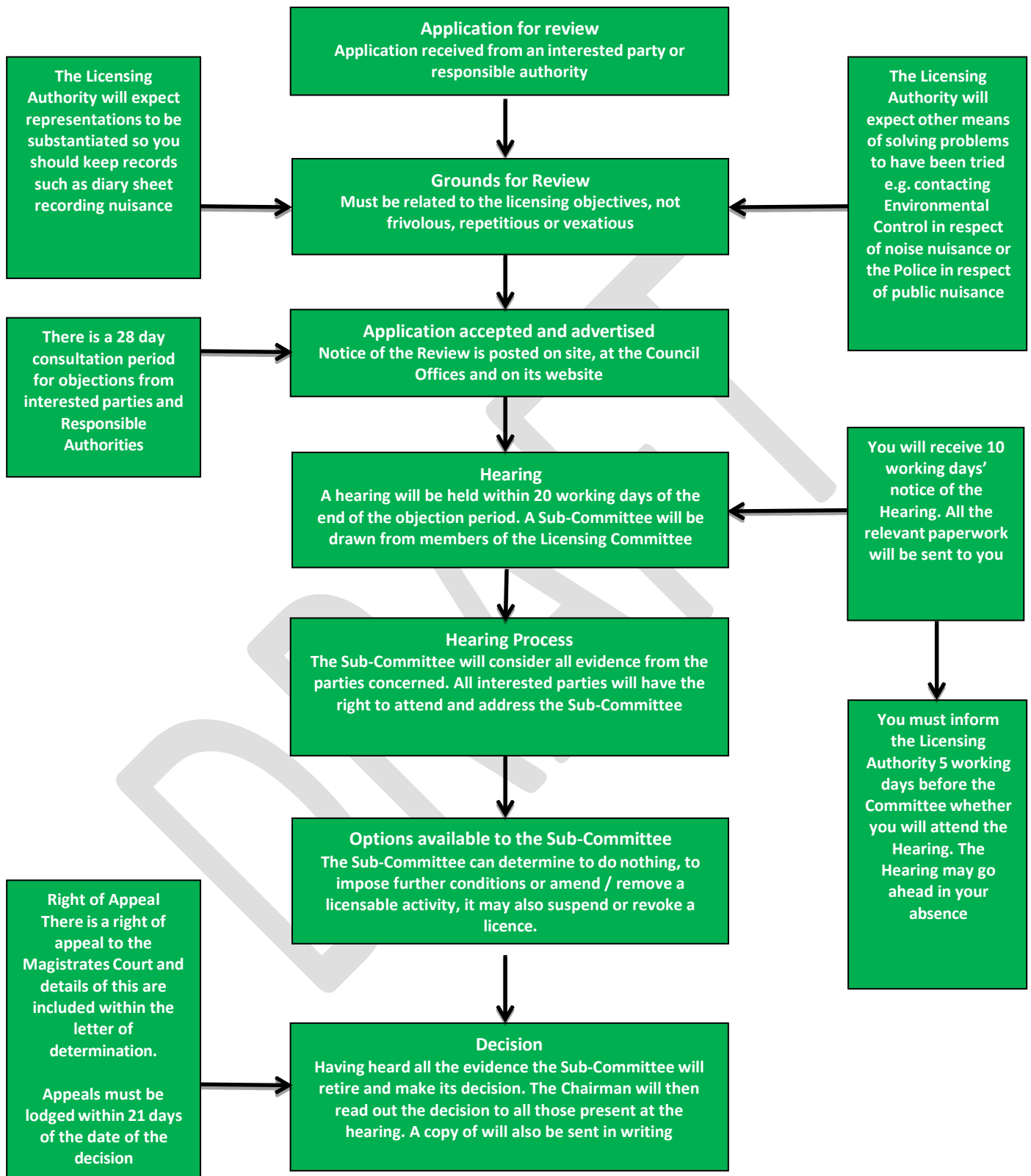
APPENDIX C – Temporary Event Notice



APPENDIX D – Personal Licence – New Applications



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



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

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

Live music in relevant alcohol licensed premises and workplaces

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

Recorded music in relevant alcohol licensed premises

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

Live and recorded music exemptions

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

Travelling circuses

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

Greco-Roman and freestyle wrestling

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

Cross-activity exemption

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

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

APPENDIX G – Live Music Act 2012

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

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

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

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

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

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

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

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

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

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

APPENDIX H – Glossary

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

Alcohol harm reduction strategy

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

Appropriate representations

See 'Relevant Representation'.

Basic disclosure check

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

Club premises certificate

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

Community Safety Partnership

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

Cumulative impact

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

Designated premises supervisor

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

High volume vertical drinking establishments

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

LACORS/TSI code of best practice on test purchasing

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

Licensing committee

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

authority.

Licensing hours

The hours during which authorised licensable activities, take place.

Licensing tasking

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

Natural justice

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

Operating schedule

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

Personal licence

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

Premises licence

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

Proportionality

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

Pubwatch scheme

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

Purple Flag

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

Qualification approved by DCMS

A licensing qualification accredited by the Secretary of State.

Quasi-judicial

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

Relevant offence

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

Relevant representation

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

Responsible authorities

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises licence. 1 April 2019:

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

Safer clubbing

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

Special policy

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

Terminal hours

The times at which authorised licensable activities should cease.

Zoning

The adoption of fixed terminal hours in designated areas.

2024

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Statement of Licensing Policy Draft 2024-29 – Summary of changes

Section	Title	Comment
1.6	Planning conditions applicable to an application	New section - Includes “Agent of change” principal. Includes recognition that a licence will only be granted where the activity to be authorised has lawful planning use as evidenced by a valid planning consent. That the hours sought to not exceed those authorised by consent.
2.6	Outdoor Drinking	New section - to cover consumption of alcohol in outside areas. Applicant to include these areas in the proposed plan and include measures to uphold the licensing objectives.
2.8	Drink Spiking	Updated - Applicants and licence holders to consider the risk associated with spiking of drinks on their premises.
3.2	Martyn’s Law (Protect Duty)	New section - The bill is currently being consulted on and this section may need a further update before the June licensing Committee.
3.8	Positive campaigns to promote public safety	Example of public safety campaign “Ask Angela” & “Safety at Night Charter”
4.5	Entertainment	Additional wording “Specific consideration of control measures must be given to”
5.1	Safeguarding the Vulnerable	New section with expectation that premise operators consider safeguarding of vulnerable people.
6.2	Electronic applications	Details that application can be made electronically and that the licensing authority will circulate to statutory/responsible authorities. Or if a paper application, then the applicant must send paper copies to the responsible authorities.
6.9	Application for personal licences	Details expectations for personal licence holders. Covers unspent criminal convictions. Adoption of discretionary powers to deal with personal licence holder being convicted of a relevant offence.

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