

Update on the Licensing Service: March 2023

To update the Committee on the work of the Licensing Team in 2022/early 2023.

2022 proved to be a busy year for the Licensing Team.

Festivals and large scale events

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

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

A number of high profile events have indicated they will be returning again this year, alongside a number of new or expanded events, Wiltshire offers a diverse range of events for our communities and visitors.

Partnership Working



Wiltshire Council Licensing, Swindon Licensing and Wiltshire Police licensing have been working together to promote the “Safety at Night ” Charter. This is a cross county initiative which was launched in Wiltshire and Swindon by the OPCC in November 2022.

The aim is to encourage any type of business or organisation that operates in the evenings to get involved.

The teams wish to proactively work alongside businesses to provide the training, tools, and ongoing support they need to help improve the standard of night-time safety across the county. People in Wiltshire should be able to feel reassured when out and about at night, and able to safely enjoy the many great amenities our county has to offer.

By signing the charter, businesses are agreeing to proactively tackle the issue of safety within the night-time economy by taking on the following pledges.

- Responsibility
- Champion
- Report and Respond
- Support
- Environment

The public awareness element of the campaign will be launched imminently.



Recently this campaign has proved particularly successful when a male said the phrase to bar staff in a Trowbridge licensed premises. The staff understood what was required of them and kept the male safe until police arrived to deal with the situation.

Any premises that displays these posters (more commonly in the toilets) will have signed up to the campaign and have staff that are aware of it. Further information on the campaign is available on our website by visiting <https://www.wiltshire.gov.uk/article/1113/Ask-for-Angela>

Immigration Service

Following intelligence relating to potential illegal workers at licensed premises in Wiltshire, the Immigration Service has recently conducted a number of visits with several illegal workers being detained for not having the right to work in the UK.

Referral notices have been served. (This is a civil penalty notice for employing illegal workers and entails a potential £20,000 fine per illegal worker).

Further joint working will be carried out in the future.

Licensing Applications

To give the Committee an update on the work of the Licensing Team, the table below details the licensing applications in the 2021 and 2022 calendar years but excludes the animal activities regulations work.

Licence Applications: 2021/ 2022

Year comparison	2021	2022	
Temporary Events Notices	889	1393	
Late Temporary Events Notices	245	407	
Licensing Applications (New /variation/minor variation/Variation of DPS)	564	624	
Personal Licences	256	265	
Lotteries	423	450	
Licensing Complaints / Enquiries	344	413	
Gambling Permits (Gaming Machines)	104	97	
Number of licensing transaction in the year	5171	5374	

Hearings

Last year we have held 13 licensing hearings compared to 11 in 2021. To date in 2023 no hearings have been held.

Office for National Statistics Publish Night-time Economy Statistics

The Office for National Statistics [has published night-time economy statistics](#) for the UK in 2022 with a focus on understanding the people who work during the evening and night across the UK.

The ONS data's main points include:

- The total number of night-time workers fell from 9.5 million in 2016 to 8.7 million in 2022.
- In 2022, 15% of night-time workers worked from home compared with 25.1% of purely daytime workers.
- In 2022, 15.1% of employees in night-time industries were in low-paid roles, compared with 10.5% of employees as a whole; in the night-time cultural and leisure activities grouping, which includes restaurants, pubs and entertainment activities, this figure increases to 38.5%.
- The night-time cultural and leisure activities grouping has a relatively high number of workers aged 16 to 19 years (18.6%, compared with 3.0% of the workforce as a whole) and a significant number of people in elementary occupations (45.0%), including bar and restaurant staff and security guards.
- The night-time economy relies heavily on people born outside of the UK: between 2012 and 2022, the number of night-time workers born outside of the UK rose by 32.6% to 2.0 million; in the 24-hour health and personal services grouping of industries, this number rose by 69.1% to 0.5 million.
- While there are more night-time workers in urban areas than rural areas, both in absolute terms and as a proportion of an area's population, rural areas typically have a higher proportion of night-time workers in their workforce.

Section 182 guidance

The Government has [updated the Section 182 guidance](#), (December 2022) which accompanies the Licensing Act 2003. The substantive update to the guidance is to the right to work section, however the guidance now includes wording on the Agent of Change principle. (***This places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development***). *In other words, the person or business responsible for the change must also be responsible for managing the impact of the change*

King's Coronation Celebration

This year we see the Coronation of His Majesty the King. This will have an impact on some of our licensed premises with the relaxation of licensing hours.

Wiltshire Council have provided information and guidance for communities wishing to hold events during this celebration.

[Coronation of King Charles III - information and guidance for communities - Wiltshire Council](#)

Martyn's Law (New Protect duty)

The Government has announced that a new duty will come into law later this year. No date has been set for this yet.

The new duty is also known as Martyn's Law in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

What will the new duty do?

It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

Where will it apply?

This will include locations 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.

Premises will be drawn into the scope of the Duty if they meet the following three tests:

- That the premises is an eligible one – i.e., building or event with a defined boundary.
- That a qualifying activity takes place at the location; and
- That the maximum occupancy of the premises meets a specified threshold – either 100+ or 800+

Martyn's Law will follow a tiered model linked to activity that takes place at a location and its capacity aimed to prevent undue burden on businesses.

- *A standard tier* will apply to locations with a maximum capacity of over 100 which can undertake low-cost, simple yet effective activities to improve preparedness.
- *An enhanced tier* will focus on high-capacity locations in recognition of the potential consequences of a successful attack. Locations with a capacity of over 800 people at any time, will additionally be required to undertake a risk assessment to inform the development and implementation of a thorough security plan.

Enforcement

The Government has said it will establish an inspection and enforcement regime, promoting compliance and positive cultural change and issuing credible and fair sanctions for serious breaches.

At present it is not clear if this will be Local Authority responsibility, but we are awaiting further details.

[Martyn's Law Factsheet - Home Office in the media \(blog.gov.uk\)](#)

Gambling Act 2005

Whilst the Licensing Authority does not deal with online gambling providers as these fall under the Gambling Commission authority, I thought members might find the following changes to the rules for at risk customers informative.

The new rules introduced by the Gambling Commission which came into effect on 12 September 2022 seek to ensure online gambling businesses do more to identify and take action to protect consumers at risk of harm have been

The new rules are stronger and more prescriptive, requiring operators to:

- monitor a specific range of indicators, as a minimum, to identify gambling harm
- flag indicators of harm and act in a timely manner
- implement automated processes for strong indicators of harm
- prevent marketing and the take-up of new bonuses for at risk customers

- evaluate their interactions and ensure they interact with consumers at least at the level of problem gambling for the relevant activity
- evidence their customer interaction evaluation to the Gambling Commission during routine casework
- comply with these requirements at all times, this includes ensuring the compliance of third-party providers.

New guidance, which operators are required to take account of, were issued in June 2022 to help them understand and comply with the requirements.

Gambling Commission Chief Executive, Andrew Rhodes, said: “Time and time again our enforcement cases show that some operators are still not doing enough to prevent gambling harm. These new rules, developed following an extensive consultation, make our expectations even more explicit.

“We expect operators to identify and tackle gambling harms with fast, proportionate and effective action and we will not hesitate to take tough action on operators who fail to do so.”

The strengthened requirements followed a consultation which was launched to address failings the Commission continued to see among online gambling operators. Although capable of identifying customers who may be harmed by gambling, operators were not always doing so or acting quickly enough. The Commission received approximately 13,000 responses to the consultation and call for evidence. All responses to the proposals were carefully considered to ensure proportionate, robust changes were made.

In the next phase of the programme of work to make online gambling fairer and safer, the Commission will consult further on identifying customers who are financially vulnerable and tackling significant unaffordable gambling.

Film Classification Update

Further to the Licensing Committee meeting on the 5 December 2022, I can advise members that:

- An appeals procedure has been set up.
- The scheme of delegation Part 3D4 amended as directed will be considered at the next standards Committee meeting.
- The fees approved by Licensing Committee formed part of the councils budget considerations of fees and charges on 21 February and will be implemented from 1 April 2023.

Animal Licensing

2022 saw an increase in the number of complaints received regarding animal welfare and possible unlicensed activities. Licensing is currently investigating / dealing with several complex cases.

A small number of premises inspected under the unannounced inspection requirements of the animal activities regulations have had their star rating reduced following concerns found at time of inspection. The majority were found to be providing a good or excellent standard environment for animals under their care.

Licensing have sought to remind owners going on holiday to use licensed home boarders, day carers, kennels, and catteries, via a poster campaign and social media posts.

Following on from the recent tragic incident that has garnered national attention, both the Dog warden and Licensing teams have been reminding the public and licence holders about their responsibilities when walking a number of dogs together.

The Council offers a voluntary dog walker scheme administered by the Dog Warden team. There is no legal requirement to be part of any scheme.

[Dog walker scheme - Wiltshire Council](#)

Latest Team News

Andy Noble, who is currently on a temporary contract with us, has been appointed to a permanent post replacing Jemma Price who left at Christmas, and Claire Baker joined the team as a Technical Support Officer in January.

Emma Hyde is currently on maternity leave.

Licensing Officers

Carla Adkins	01249 706438	carla.adkins@wiltshire.gov.uk
Roy Bahadoor	01249 706439	roy.bahadoor@wiltshire.gov.uk
Emma Hyde (on maternity leave)	01249 706414	emmaA.batchelor@wiltshire.gov.uk
Teresa Isaacson	01249 706413	teresa.isaacson@wiltshire.gov.uk
Katherine Edge	01225 713559	katherine.edge@wiltshire.gov.uk
Lisa Grant	01380 826332	lisa.grant@wiltshire.gov.uk
Andy Noble	01249 706402	andy.noble@wiltshire.gov.uk

Technical Support Officers

Lesley Elven	01249 706435	publicprotectionnorth@wiltshire.gov.uk
Julie Macey	01225 716681	publicprotectionwest@wiltshire.gov.uk
Lauren Cuggy	01249 706555	publicprotectionnorth@wiltshire.gov.uk
Claire Baker	01225 716655	publicprotectionwest@wiltshire.gov.uk