

# AGENDA

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**Meeting:** Licensing Committee

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

**Date:** Monday 3 June 2019

**Time:** 10.30 am

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

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## Membership:

Cllr Allison Bucknell

Cllr Trevor Carbin

Cllr Sue Evans

Cllr Jose Green (Vice-Chairman)

Cllr Mike Hewitt

Cllr Peter Hutton (Chairman)

Cllr George Jeans

Cllr Jim Lynch

Cllr Leo Randall

Cllr Pip Ridout

Cllr Ian Thorn

Cllr Peter Evans

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## Substitutes:

Cllr Clare Cape

Cllr Ernie Clark

Cllr Anna Cuthbert

Cllr Gavin Grant

Cllr Howard Greenman

Cllr Nick Murry

Cllr Steve Oldrieve

Cllr Stewart Palmen

Cllr Graham Wright

Cllr Atiqul Hoque

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## **Public Participation**

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

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

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

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

# AGENDA

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

To receive any apologies and details of any substitutions.

To note any changes to Committee membership.

## 2 **Minutes** (*Pages 5 - 16*)

To confirm and sign the minutes of the meeting held on 11 March 2019 (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 **Friday 24 May** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Wednesday 29 May**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Minutes of the Licensing Sub Committees** (Pages 17 - 24)

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

**Western Area**

16/04/19 Application for a Variation to a Club Premises Certificate – Westbury Conservative Club, Alfred Street, Westbury

7 **Update from the Licensing Authority Working Group** (Pages 25 - 36)

The Committee will receive an update from the Licensing Authority Working Group which has met on two occasions and a copy of the notes from the meeting of 2 May 2019 are attached. The Committee will receive a verbal update on the Working Group meeting of 22 May 2019.

The Working Group also seek to recommend to the Licensing Committee the adoption of their approved Terms of Reference which are detailed below:

1. In relation to hackney carriage and private hire vehicles licensing for Wiltshire the Licensing Authority Working Group will consider/review the following:
  - Wiltshire's hackney carriage maximum tariffs/fare levels
  - The introduction of literacy and language tests for drivers
  - Enhanced safeguarding for proprietors
  - Use of accessible vehicles for wheelchairs
  - Use of CCTV in hackney carriages and private hire vehicles
  - The use of enforcement on taxi ranks
  - Use of Uber within Wiltshire.
2. To make any evidenced recommendations to the Licensing Committee for improvement/approval as appropriate.

8 **Dates of Future Committee Meetings**

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

2 September 2019  
2 December 2019  
2 March 2020.

9 **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

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**DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 11 MARCH 2019 AT WEST WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Mike Hewitt, Cllr Peter Hutton (Chairman), Cllr George Jeans, Cllr Leo Randall, Cllr Pip Ridout, Cllr John Smale, Cllr Ian Thorn and Cllr Peter Evans (Substitute)

**Also Present:**

Carla Adkins (Public Protection Officer – Licensing), Julie Anderson-Hill (Head of Service – Culture and Operational Change), John Carter (Head of Service – Public Protection), Michael Dooley (Litigation Team Leader), Linda Holland (Licensing Manager), Sarah Marshall (Senior Solicitor), and Lisa Pullin (Democratic Services Officer)

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**1 Apologies**

Apologies were received from Cllrs Allison Bucknell, Graham Payne and Jerry Wickham and from Tracy Daszkiewicz (Director – Public Health and Protection).

Cllr Peter Evans was substituting for Cllr Allison Bucknell.

**2 Minutes**

The minutes of the meetings held on 3 and 26 September 2018 were presented to the Committee.

**Resolved:**

**That the minutes of the meetings held on 3 and 26 September 2018 be approved and signed as a correct record.**

**3 Chairman's Announcements**

The Chairman, Councillor Peter Hutton made the following announcement:

In January 2019, a meeting was held with the lead Licensing Officers and forthcoming items for consideration by Committee were discussed. It was agreed that if a planned Committee meeting was expected to be light or there

was no decision making business, the meeting slot would be used to provide a training session for Members. It was planned that there would be a training session in place of/following (as appropriate) the next meeting on 3 June 2019.

#### 4 **Declarations of Interest**

There were no declarations of interest.

#### 5 **Public Participation**

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

Amanda Newbery (Chair of the Salisbury Purple Flag) was present and reported that she was interested to hear the discussions on Agenda items 7 (Statement of Licensing Policy) and 8 (Consideration of the report of the Late-Night Taxi Fares Task Group).

Amanda felt that the revised Statement of Licensing Policy was very good, and she would look forward to participating in the consultation when this was available.

Amanda reported that she is part of the Economic and Regeneration Team in Salisbury working on the High Street bid to get young people using the night time economy in Salisbury and that taxis are the life blood for young people due to the rural areas. She was present today to try to understand the rationale behind decisions being made.

Robert Logue was also present at the meeting to observe. He is a member of Salisbury PubWatch and was interested in the discussions on the review of taxi tariffs.

Julia Hiystek (Local Democracy reporter) was present from the Wiltshire Times/Gazette & Herald.

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

##### **Northern Area**

05/10/18      Application for a Variation of a Premises Licence – Whitehall Garden Centre, Corsham Road, Lacock

22/10/18      Review of a Premises Licence, Royal Sports Bar and Cue Club, Ivy Road Industrial Estate, Ivy Road, Chippenham

### **Eastern Area**

12/12/18 Application for a Premises Licence, The George Narrowboat, Devizes Wharf

### **Southern Area**

14/05/18 Application for a Premises Licence – Chalke Valley History Festival, Church Bottom, Broad Chalke, Salisbury

10/09/18 Application for a Variation of a Premises Licence - The Bank Cocktail Lounge & Events, 18 High Street, Amesbury

### **Appeal against a Refusal of a Street Trading Consent**

23/01/19 Appeal against a refusal for a Street Trading Consent for a Kebab Van in George Lane Car Park, Marlborough

### **Resolved:**

**That the Minutes of the meeting detailed above be approved and signed as correct records by the Chairman.**

## **7 Statement of Licensing Policy - Update**

Linda Holland (Licensing Manager) referred to the report circulated with the Agenda which gave the Committee background information concerning the new proposed Statement of Licensing Policy and requested approval for Officers to commence a full consultation on the proposed Policy. Linda highlighted the following:

- In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Licensing Policy under the Licensing Act. This Policy is to be reviewed every five years and be the subject of a full consultation process. The last Policy was approved in 2014 and if approved today, an extensive 12-week public consultation would commence on the amended Policy;
- There had been a number of legislative changes since the publication of the last Policy which included:
  - i) April 2017 – The Immigration Act 2016 made substantial changes to the Licensing Act 2003. In summary these were to introduce a “Right to Work” test for applications; provide enforcement powers to the Home Office Immigration Team and to include them as a Responsible Authority. This has been added to the Crime and Disorder Licensing objective.

- ii) April 2015 – The Legislative Reform (Entertainment Licensing) Order 2014 made substantial changes to the Licensing Act 2003 which removed the requirement for many forms of entertainment to be licensed under the Licensing Act 2003.
- The new sections and updates to the Policy were detailed in the summary of changes on page 133 of the Agenda;
- A number of processes had also been updated, including the inclusion of Public Health as a Responsible Authority;
- Wiltshire seems to attract lots of festivals and events and the proposed Policy seeks to set the scene of what is expected of existing and new licence holders in Wiltshire; and
- Members were asked to approve the draft Policy, give agreement to start the consultation process with a view to a finalised Policy being brought back to the Committee in September 2019 which would then go to Council in October for final ratification.

The Chairman thanked Officers for the preparation of the Policy and reported that he felt it was a proactive and engaging document.

The following questions were asked by the Licensing Committee Members:

Q Are the military, PubWatch and the Chippenham and Salisbury BID included as part of the consultation?

A This is a public consultation open to all and the Licensing Team will look to engage with all. The draft Policy will go to PubWatch meetings and on the Council's website.

Q Some constituents feel that the Licensing Policy and the Council's Obesity Strategy conflict each other – are Public Health consulted on applications?

A We must judge applications on how they meet the Licensing Objectives, although Linda Holland had recently met with Public Health colleagues to discuss the issue as under the Licensing Act 2003 and current guidance we cannot refuse a licence because someone is selling unhealthy food such as 'burgers'. We cannot differentiate between a café or a public house – we can only consider whether or not it meets the four licensing objectives. It may be possible to put something into the Policy as an advisory in relation to fast food outlets but detailed legal advice could be taken on this as it does not fit in with the licensing objectives and aims. Once legal advice is taken this could be reported back to Members.



Q Are the drinking establishments (Officer's mess etc) "behind the wire" at military bases monitored?

A Anything "behind the wire" is not licensable by the Licensing Authority. The Authority is looking at the possible impacts of the Army Rebasing in the area.

Q Is there any help from the military to help with the impact of the Army Rebasing on the night time economy in the area.

A We are aware that resourcing is an issue for many agencies. This would be a discussion needed by those higher up in the chain.

**Resolved:**

**That the Licensing Committee:**

- 1. Requests Officers to carry out a 12-week consultation process on the proposed Statement of Licensing Policy 2019-2024.**
- 2. Note that at its meeting in September 2019, the Committee will be required to consider commending for approval the finalised statement of Licensing Policy to Full Council.**

## **8 Consideration of the Report of the Late Night Taxi Fares Task Group**

The Chairman referred to the final report of the late-night Taxi Fares Task Group (set up by Environment Select Committee) which had been circulated with the Agenda.

Cllr Jerry Wickham, the Cabinet Member for Adult Social Care, Public Health and Public Protection was not able to be present at the meeting as intended, but wished for a statement to be read out on his behalf and this is below:

*"The issue before you this morning is that in 2014 this authority introduced a new policy and practices associated with the licensing of taxis. This included the harmonisation of tariffs. Since being the Cabinet Member having responsibility for this area, I have fairly routinely been contacted by representatives from Salisbury's night time economy seeking a review of these policies. I had consistently refused to entertain any review stating that the circumstances had not radically changed. However, after the Salisbury incident and especially the recovery phase, I was asked to reconsider my decision which I agreed to do. Accordingly, I then invited the Environment Select Committee to instigate a review and this they subsequently undertook by way of a Task Group under the chairmanship of Cllr Graham Payne.*

*The findings of this task group are summarised in the report before you all and you will note that there are five recommendations. Essentially, the first two*

*relate to the issues of the tariffs and the remainder linked to driver qualifications, CCTV in vehicles and the number of vehicles with disabled facilities vehicles. I very much welcome these findings and wish to again offer my thanks to Cllr Payne and his Councillor colleagues as well as all the witnesses that provided evidence to the task group.*

*In terms of moving forward, in the last few weeks central Government has indicated that it has a number of new proposals coming down the line leading to legislative changes. To therefore instigate too much work, especially over driver qualifications and suitability as well as CCTV, would be premature and at this time, I do not know the full extent of the proposed changes and what further impact they might make.*

*Accordingly, I am proposing that for the present time, we should pause on undertaking too much further work albeit in your capacity Mr Chairman you might wish to continue looking at the tariff issue. On that basis, I understand that you might wish to consider, through the Licensing Committee, a further detailed examination of the tariffs by instigating your own Working Group to enable a county wide appreciation to be factored into this discussion. Should you wish to do so, I know that officers and myself would be only too pleased to assist this group through its work. You will also appreciate that I will look very carefully at your findings moving forward and would welcome any such approach.”*

Julie Anderson-Hill (Head of Service, Culture and Operational Change) reported that the Department for Transport were currently carrying out consultation to seek views on proposed statutory guidance to Hackney Carriage and Private Hire Vehicles (PHV) licensing authorities on how to use their licensing powers to protect children and vulnerable adults. This consultation closes on 22 April 2019 and the authority would be submitting a response by that date. As indicated by Cllr Wickham this was likely to lead to legislative changes, so it was proposed that the Council’s identified work on this area be put on hold which would enable time to carry out a holistic view of all the policies surrounding fit and proper persons, Hackney Carriage and Private Hire Licensing, accessible taxis, training and use of CCTV.

The Chairman proposed that a working group be set up by the Licensing Committee to sit under the Licensing Committee in order to carry on looking at the tariff rates across all of Wiltshire in the meantime as it would ultimately be the Licensing Committee that would need to make a recommendation on any proposed changes.

The Licensing Committee Members asked the following questions:

Q How long would it take for this Working Group to reach its conclusion?

A We would hope that this would be as soon as possible. We don't want it to drift on. Recommendations need to be thorough. It may be possible to hold fewer long meetings than more and shorter meetings.

Q How will we do a better job than the Late-Night Taxi Fares Task Group?

A The Licensing Committee need to take ownership of this work now and will be committing to finding a way forward as soon as possible.

A Councillor present at the meeting who was also a member of the Task Group reported that they found conflicting evidence between what changes those in Salisbury and other areas in the county wanted.

The Chairman accepted that this was a complex issue but wished to thank the members of the Environment Select Committee and the Task Group, but felt it was now time for the Licensing Committee to take this on and move it forward.

The importance of balancing what the public users want, and the commerciality of the trade needed to be considered and it was agreed that the Terms of Reference would need to clearly state the objectives of the Working Group.

Another Member suggested that consideration should be given to all areas in Wiltshire as there are also other military areas.

The Democratic Services Officer reported that she would investigate how many Members would be required to form the Working Group and would contact Members following the meeting to make arrangements for the Working Group to be set up.

**Resolved:**

**That the Licensing Committee agree to set up a Working Group of up to 6 Councillors to consider the Taxi Tariffs across Wiltshire.**

9 **Briefing Note - The Animal Welfare (Licensing Of Animals) (England) Regulations 2018**

Linda Holland (Licensing Manager) referred to the Briefing Note on the Animal Welfare (Licensing of Animals) (England) Regulations 2018 that was circulated with the Agenda. Linda highlighted the following:

- The changes in legislation had had a significant impact on the Council's animal licencing regime and the smooth implementation of the new regulations could not have taken place without the hard work and flexibility of the whole Licensing Team who were strongly supported by the dog wardens who assisted with inspections;

- The DEFRA guidance introduced to assist with the interpretation of the legislation had already been changed significantly and it had even been the case that during inspections, those being inspected had produced documentation from DEFRA referring to changes that been made that had not been communicated to the Local Authority;
- Four licensing seminars took place in October 2018 with over 200 members of the animal licensed trade using the opportunity to learn about the implementation and potential impact of the new regulations;
- Under the old licensing legislations (prior to December 2018) there were 269 licences. Over 190 have been re-licensed (some of these are now combined licences). It is pleasing to note that many these establishments received a 5 star – 3-year licence. There were only a few who received a 1/2-star rating and a 1-year licence. Those establishments will receive unannounced inspections going forward;
- To date, five establishments have had their applications refused, with two of these now having been re-inspected and licences granted. There had been no legal challenge to the new processes and no appeals against the decisions made. The Authority now have more powers under the legislation and can suspend or downgrade a rating if standards are not continuing to be met;

The Licensing Committee members asked the following questions:

Q Have you considered putting on a review style seminar to the trade to gauge opinion on how things are going?

A I am not sure what that would offer to the trade, but we may consider it if there are further changes introduced.

Q Do you receive intelligence/tip offs on establishments/breeders that may be unlicensed?

A We do follow up on any intelligence received; we proactively seek them and make them aware of the legislation. We have contacted about a dozen establishments that we were aware of and these have come forward and are now in the licensing process.

Q I assume there are a limited number of establishments/breeders that are outside of the licensing scope that DEFRA wanted to pick up within this legislation?

A We educate the public on puppy buying and encourage those wishing to buy a puppy to look at the list of registered dog breeders on the public register on our website. Vets may also make us aware of breeders that we can check.

A dog can have up to 3 litters before they come into the regime as a dog breeder.

Q Do we share information with our neighbouring authorities and highlight any known problem establishments?

A Yes, we liaise regularly with other Local Authorities to share information. Linda would be attending the regional dog warden / animal licensing meeting next week to share best practice and work with neighbouring authorities to address concerns and queries.

Q Have you received any feedback on the fees increase?

A We feel that the fees are considered to be comparable to the work require as those who now have a 3-year licence will be paying less than they were each time for their 1-year licences.

Q Why have the riding schools not yet been rated?

A There was not the deadline for riding schools to be inspected by 31 December 2018 as it was with the other establishments. These will be going through the new requirements as their current licences expire.

Q We you able to get vets on board to help with inspections?

A We wrote to 30 vets and received no offers to assist us. We do now have one vet to help with inspections. Visits have taken more time than anticipated.

Q Are animal breeders expected to “vet” the prospective owners?

A There is no legislative requirement on them, although they are deemed to be suitable if they are purchasing from a reputable breeder and it’s for the breeder to decide who to sell to.

The Licensing Committee wished to congratulate and thank Linda Holland and her Team for their excellent work in the implementation of this legislation.

**Resolved:**

**That the Licensing Committee note the update and support the work of the Licensing Team in implementing and enforcing the new regulations.**

## 10 Update on the Licensing Service

Linda Holland (Licensing Manager) referred to the update on the Licensing Service which had been circulated with the Agenda. Linda highlighted the following:

- It was intended that a training session for Members would be held in place of/following the next meeting on 3 June 2019 on TENS and large event applications;
- Wiltshire is a popular venue for festivals and other large-scale events – the prevention of harm is a key element when planning an event and Licensing Officers are involve in considerable pre-event work to guide organisers to manage their own event to lessen the impact on the local community and emergency services;
- Some events are supported through the Event Safety Advisory Group (ESAG) which 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. More ESAG meetings are planned to date than were held for the whole of last year;
- We have been working together with Swindon Licensing and Wiltshire Police to promote the “Ask for Angela” campaign which was launched in October 2018;
- In April 2017 the Home Office Immigration department became a Responsibility Authority under the Licensing Act and we have carried out two joint visits to premises where it was suspected that illegal workers were present; and
- A large number of applications for licences continue to be received with over 2000 TEN applications. To date in 2019, no Licensing Sub Committee hearings had been required.

John Carter (Head of Service – Public Protection) reported that the Public Protection Service had a restructure at the end of 2018 and seven Heads of Service were reduced to three. Linda and her team now come under John.

The Chairman thanked Officers for their work, noting their increased workload in recent months with the Animal Licensing legislation changes. He was pleased to note that the Licensing and Public Health Teams are now an integrated service.

The Licensing Committee Members asked the following questions:

Q Are you responsible for licensing of Swindon premises?

A No.

Q Have there been any appeals to the Magistrates Court to challenge any of the decisions made by the Licensing Sub Committee in the last year?

A No.

Q The ESAG is a great tool, how many are usually held per year?

A Last year there were 15 ESAG meetings held but while a high profile and useful group, they can only advise on events (i.e. they cannot stop events being held) as they are considered to be a guidance tool.

Linda Holland asked if Members still found the weekly list of applications that she circulated to be useful? Members confirmed that they did. Linda advised Members would be notified of any applications in their Ward and if they had any queries about applications in their ward or other areas they should contact the relevant Licensing Officer.

Linda Holland agreed to send out details to Members about the "Ask for Angela" Scheme.

**Resolved:**

**That the Licensing Committee note the update and that Members continue their support of the "Ask for Angela" initiative to assist a person at a time of vulnerability.**

11 **Dates of Future Committee Meetings**

Members noted the date of future meetings of the Licensing Committee as detailed below, all to start at 10.30am:

3 June 2019  
2 September 2019  
2 December 2019  
2 March 2020.

12 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.40 am)

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

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## **WESTERN AREA LICENSING SUB COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 APRIL 2019 AT THE ENTERPROSE NETWORK, (OLD FIRE STATION) SALT LANE, SALISBURY, SP1 IN RESPECT OF AN CONSERVATIVE CLUB WESTBURY**

#### **Present:**

Cllr Jose Green, Cllr Mike Hewitt and Cllr Graham Wright (Chairman)

#### **Also Present:**

Lisa Moore, Democratic Services Officer  
Asifa Ashraf, Legal Officer  
Esther Bisgrove, Legal Officer (shadowing)  
Carla Adkins, Licensing Officer  
Heather Bates, Westbury Conservative Club Treasurer  
Tom Hunt, Westbury Conservative Club Secretary  
Jane Russ, Representation  
Ian Cunningham, Representation

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#### **1 Election of Chairman**

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

#### **Resolved:**

**To elect Councillor Graham Wright as Chairman for this meeting only.**

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

Apologies were received from:

- Cllr George Jeans – substitute.

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

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

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

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

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

There were no interests declared.

#### 6 **Licensing Application**

**Application by Tom Hunt (Secretary) of Westbury Conservative Club for a Variation to a Premises Club Certificate at Westbury Conservative Club, Alfred Street, Westbury, BA13 3DY.**

The Committee asked for the following points of clarification before the Officer gave her presentation:

- Mrs Russ and Mr Cunningham were in attendance as local residents, and not representing the Westbury Town Council, which they were both members of.
- Westbury TC had withdrawn its representation and it did not form part of the information for consideration.
- Mr Cunningham was asked by the Chairman whether he was expecting to speak, as he had not confirmed this ahead of the meeting with the Officers. He confirmed that he did not mind whether he spoke or not. The Chairman then confirmed that he would not allow him to speak.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

The Licensing Officer, Carla Adkins introduced the purpose and scope of the application for a Variation to a Club Certificate, the premises to which it related and the key issues for consideration.

The premises had a Club Premises Certificate, which was a Members only arrangement.

The club already benefited from a Club Premises Certificate since it came in to effect on 24 November 2005.

There were other licensed premises' in the vicinity, the permitted hours of licensable activity was detailed within the report.

During the consultation period, two relevant representations had been received. These were on the grounds of noise disturbance.

Westbury TC had initially submitted a representation, however after considering advice provided by the Licensing Authority, it was then withdrawn.

No Responsible Authority had made a representation in connection with the application.

It was noted that following a decision, the Club Premises Certificate holder, the Responsible Authority and those that had made representations could lodge an appeal with the Magistrates Court.

Key points raised by Tom Hunt of Westbury Conservative Club were:

- The Club has a lot of sporting teams, like skittles, darts, crib, and pool. These games can go on until quite late into the evening, so we applied for the variation to give some leeway to these teams, so that they could continue until the end of their game rather than return the next day.
- The live music we have only usually takes place on Friday and Saturday. There were no plans to run live music in the evening on a Sunday, certainly not regularly. There were some occasions, when we did have music until 6pm on a Sunday, such as on St Patricks Day.
- We have been in Westbury for 100 years now and work closely with our neighbours.
- We are aware we are in a built up residential area.
- We felt it was important for us to be here today for you to ask any questions.

#### Questions from the Committee:

- There are a lot of pubs around you, which is the closest? Answer: We are just off the Market Place, The Ludlow is behind us. Their beer garden backs onto our beer garden. In the square there are others, The Trojan, The Crown and they all have live music. The Ludlow has a licence until 2am on Saturday, and until 12 midnight on Sunday.
- Have you ever received any complaints directly from residents? Answer: In my five years as Secretary, not yet. I live opposite and have a good relationship with the residents. Our Steward does go over to check with the residents opposite.
- You suggest that the main reason for the variation to the existing hours was because you have a lot of club members, have you considered keeping the club open but with the bar shut? Answer: We did consider it, but would like to be able to offer the customers the bar whilst they were there.

#### Questions/comments from those that made representations:

- Westbury TC did put in a representation against the application, are you sure this was withdrawn, as they have not told us that? Answer: Yes.

- Once a licence has been granted, any intent of the applicant is irrelevant. Answer: The Westbury Conservative Club has a Club Premises Certificate. Once granted they can use anything on that certificate.

Key points raised by those who made a Relevant Representation, Mrs Jane Russ were:

- On the Westbury Map in the agenda, it shows that I don't live in the very close environment, but because of the nature of Gibbs Close, its closer than you think. I have no problem with the extension on any other day but Sunday. Where the carpark is situated, it is very narrow, one cars width only. Kingfisher Drive there are houses backing on to the conservative carpark, is a very densely populated area. We live with the fact that the Ludlow Arms has constant problems with chucking out time and noise. I am sure that the Conservative Club would always do their best, but it is a big carpark and when they come out after a session it is loud.
- I would suggest the Sunday timing is taken back to earlier than 11.00pm. By the time you say goodbye to your friends and got in your car, revving it up it is very late.
- The music licence thing, on a summer evening you can hear the music. I only have a problem with it on a Sunday when it is late.

Questions from the Committee:

- The closing time on Sunday is currently at 12 midnight. They have applied to take that back to 11.00pm, but you are saying you would like it less than 11.00pm on Sunday? Answer: Yes.

Questions/comments from the Applicant:

- We are aware that Sunday night is a night for relaxation, we currently chose to close at 11.00pm, even though we could stay open until 12.00 midnight. We certainly do not have live music on a Sunday after 5 or 6 pm. It is a very rare occurrence, maybe on a bank holiday. It is usually the duke box and on rare occasion a band.

Objector – Summary

I have no objection to the licensing alterations apart from Sunday timings. I understand that they are taking one hour off, I think it should stop earlier than that.

Licensee – Summary

We are more than aware of our surroundings and willing to work with local residents.

Mr Ian Cunningham noted for clarity that he was the brother of Wiltshire Council Director, Alistair Cunningham. The Committee did not feel that this had any bearing on its consideration of the application.

The Sub Committee members then retired at 10.00am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 10.18am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that no Legal Advice had been given.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

**Resolved:**

**That the Application for a Variation of a Premises Club Certificate at Westbury Conservative Club be granted as applied for, and as listed below:**

**Opening hours, sale of alcohol and recorded music permitted:**

- Monday to Saturday, from 11.00am to 12 midnight finish.
- Sundays from 12.00 noon to 11.00pm

**Live Music permitted:**

- Friday – Saturday from 8.00pm until 12.00 midnight.
- Sunday 12.00 noon until 9.30pm

**Indoor Sporting Events permitted:**

- Monday to Friday from 5.00pm until 12.00 midnight
- Saturday from 11.00am until 12.00 midnight
- Sunday from 5.00pm until 10.30pm

**~Include non-standard timings**

**Reasons:**

**The Sub-Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18) and the guidance issued under Section 182 of the Act.**

**The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant, and those that made relevant representations.**

The Committee noted that whilst some degree of noise disturbance may be present on occasion in the evenings, as was usual in areas where there were several licensed establishments open in the evening, it noted that it would be difficult to ascertain which of the establishments the people creating noise would have come from. Furthermore, the applicant had requested a reduction of one hour to the Sunday evening closing time, as part of the application, whilst other venues were permitted to open later. There was also no evidence of any disturbance caused by the Conservative Club in the past.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

6 **Committee Report**

6 **Appendix 1 - Application - Westbury Conservative Club**

6 **Appendix 2 - Current club premises certificate and conditions**

6 **Appendix 3 - Location of Club in relation to other licensed premises in the vicinity**

6 **Appendix 4 - Relevant Representations**

6 **Appendix 4a- Map of Representations - Westbury Conservative Club**

(Duration of meeting: 9.30 - 10.25 am)

The Officer who has produced these minutes is Lisa Moore 01722434560, of Democratic Services, direct line , e-mail

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## **LICENSING AUTHORITY WORKING GROUP**

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**MINUTES OF THE LICENSING AUTHORITY WORKING GROUP MEETING HELD ON 2 MAY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Mike Hewitt, Cllr Peter Hutton and Cllr Pip Ridout

**Also Present:**

Julie Anderson-Hill (Head of Service for Culture and Operational Change, Waste and Environment), Jessica Croman (Democratic Services Officer), and Tom Ince (Amenity Partnership Team Leader)

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**1 Election of Chairman**

Democratic Services opened the meeting and asked for nominations for Chairman. Nominations were received and it was;

**Resolved**

**To elect Cllr Peter Hutton as Chairman of the Working Group.**

**2 Apologies**

There were no apologies received.

**3 Scoping**

The Chairman gave the details of the scope of the working group which was to take a holistic approach to taxi compliance and licensing and consider introducing:

- Literacy and language tests for drivers
- Enhanced safeguarding for proprietors of taxi firms
- Use of accessible vehicles for wheelchairs
- Possible use of CCTV in taxi's
- The use of Enforcement on taxi ranks
- Use of Uber within Wiltshire
- Review of Wiltshire's taxi tariffs and rates.

## **Agreed Actions:**

**That the Working Group will look at all identified items above as part of its remit.**

## **4 Background and Overview**

Julie Anderson-Hill, Head of Service for Culture and Operational Change, Waste & Environment introduced herself and Tom Ince, Amenity Partnership Team Leader, gave an overview of her service area and the background that led to the creation of the working group.

It was also noted that following the findings of the Scrutiny Late-Night Taxi Fares Working Group, that Wiltshire's taxi tariffs had not been reviewed since 2014 whereas licence costs had increased over the same period. This area would form part of the work of the new Licensing Authority Working Group (LAWG).

Tom Ince on behalf of Wiltshire Council had responded to the Government consultation "*Taxi and private hire vehicle licensing: protecting users*" that ran from 12 February to 22 April 2019 and a copy of the response is attached as Appendix 1 to these minutes.

Some relevant responses to the consultation were discussed during the meeting and these included;

- Members thought that six monthly DBS checks would be too demanding and asked for an examination of the impact this would have. The use of a RAG system was also suggested.
- Criminal record checks were currently being carried out but this did not include overseas criminal checks. Officers to review as part of the review. Members asked about medical checks and it was noted that taxi drivers had to declare medical issues at the point of licence application.
- Members agreed that if an applicant had been refused or had a licence suspended, then they should have to declare that. Officers would look into any possible GDPR issues.
- There was an aim to have a Licensing Officer to be part of the Multi Agency Safeguarding Hub (MASH) for adults and members agreed that it would be useful.
- Members agreed that guidance on the complaints procedure should be displayed within every taxi.
- Members agreed that taxi drivers should undertake safeguarding training. Officers reported that they were looking into more robust training options

as the current system did not provide proof that the training had been completed by the driver.

- Members agreed that it should be considered whether an applicant could communicate clearly in English.
- Members agreed that Wiltshire Council should share and engage with neighbouring authorities on their licencing policies to identify differences.
- Members had a mixed response on whether the operators as well as the drivers should have a DBS check.
- Having CCTV within taxi's was discussed and it was agreed that a future update would be bought to the Working Group.
- Stretch Limos - Members supported the number of seats and seat belts within a vehicle, rather than restricting the number of passengers to 8.
- Members agreed to continuing to use the existing licensing guidance on previous convictions.
- Members were happy with the Fit and Proper Person scheme being proposed.
- Members asked to clarify whether Uber drivers were required to hold full British driving licences and requested more information on how Uber operated. Members acknowledged that there issues with Uber drivers not having to be licenced and taking business from licenced drivers.
- Members supported the aim to have all Hackney Carriage Licenced taxi's to be 100% wheelchair accessible.

Members then discussed the name of the Working Group and felt that it should be renamed to better encompass the aims of the group now that its remit had been extended. It was agreed that the Chairman would meet with Officers outside of the meeting to discuss a suitable name. Agreed as *Licensing Authority Working Group (LAWG)*.

**Agreed actions for Officers to:**

- 1. Provide further details on how Uber operates within Wiltshire.**
- 2. Find out whether school transport contractors based outside of the county must comply with Wiltshire's Taxi Licensing policies.**
- 3. Review any GDPR implications when sharing information with neighbouring authorities, such as when a licence is suspended or revoked.**

4. Review the use of the National Refusal Database.
5. Explore whether taxi drivers are required to have a full British driving licence.
6. Establish whether Uber vehicles are wheelchair accessible.
7. Inform all licence holders that medical disclosures should be notified to the Taxi Compliance team within 48 hours.
8. Review the current safeguarding training for licence holder.
9. Explore the introduction of an English test as part of the application process.
10. Establish regular trade representative meetings.
11. Ensure that Wiltshire's licence application forms ask if a driver is licensed in another area.
12. Ensure a robust "How to Complain" notice is displayed in taxis.
13. Distribute the link to the Government consultation document to the Working Group.
14. Seek clarification and analyse the impact of 6 monthly DBS checks for licence holders.
15. Provide an update on possible privacy issues with CCTV in taxis at the next Working Group meeting.
16. Establish a new process within MASH for safeguarding adults in taxis.
17. Share and obtain from neighbouring authorities Fit & Proper Person policies.
18. Review the possibility of introducing basic DBS checks for all proprietor's office staff who take bookings and work for operators.

#### **Appendix 1 to Minutes - Wiltshire Council's Response to the Government Consultation**

##### **5 Future Meetings/Next Steps**

It was agreed for the next meeting to take place before the next Licencing Committee on 3 June 2019. Officers to arrange the next meeting and to notify the Working Group members.

The next meeting of the Licensing Authority Working Group was arranged for Wednesday 22 May at 11.30am in the Kennet Room.

(Duration of meeting: 10.30 - 11.30 am)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, email [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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# Taxi and private hire vehicle licensing: protecting users

## Personal details

Q1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

**Your name** Tom Ince

**Your email** Tom.ince@wiltshire.gov.uk

## About you

Q2. Are you responding:

a licensing authority

## Administration of the licensing framework

Q3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?

Yes

Q4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?

Yes

## Implementing changes to the licensing policy and requirements

Q5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

No opinion

## The Disclosure and Barring Service

Q6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?

Yes

Q7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?

Yes

Q8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?

Yes

## Licensee self-reporting

Q9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

Yes

## Referrals to DBS and the police

Q10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

Yes

## Overseas convictions



Q11. The draft statutory guidance recommends that a check of overseas criminality information or Certificate of Good Character should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

No opinion

## Other information

Q12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?

Yes

Q13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?

Yes

Q14. The draft statutory guidance recommends that the authority considering an application for or renewal of a licence should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?

Yes

## Multi-agency safeguarding hub (MASH)

Q15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

Yes

## Complaints against drivers and operators

Q16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

Yes

## Safeguarding awareness

Q17. The draft statutory guidance recommends that all licensing authorities should, as a condition of licensing, require drivers to undertake safeguarding training (paragraph 2.72). Do you agree with this recommendation?

Yes

## Language proficiency

Q18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

Yes

## Enforcement

Q19. The draft statutory guidance recommends that licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area (paragraph 2.81). Do you agree with this recommendation?

No opinion

## Criminal record checks for PHV operators

Q20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

Yes

## PHV operators - ancillary staff

Q21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?

Yes

Q22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?

Yes

Q23. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles (2.98). Do you agree with this recommendation?

Yes

## **PHV operators - use of passenger carrying vehicles (PCV) licensed drivers**

Q24. The draft statutory guidance recommends that, as a condition of the licensing, a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking (paragraph 2.100). Do you agree with this recommendation?

Yes

## **PHV operators record keeping requirements**

Q25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

No opinion

## **In-vehicle visual and audio recording - CCTV**

Q26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering a policy mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

Yes

## Stretched limousines

Q27. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

No opinion

## Previous convictions guidance

Q28. The draft statutory guidance proposes that the Department for Transport issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

Yes

Q29. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

Yes

Q30. Are there any offences that should be added to the list in Annex A of the statutory guidance?

No opinion

## Impact assessment

Q33. If you have any comments or other data that may be relevant to the Impact Assessment please provide this.

Wiltshire experiences lots of problems with UBER vehicles which are not licensed in the County but ply for trade here, causing issues with locally licensed drivers. Please could the loopholes within the legislation be reviewed to stop this practice. Wiltshire Council would be interested in statutory guidance on the percentage of vehicles licensed which should be wheel chair accessible, Wiltshire is considering a 100% accessibility criteria for all licensed hackney carriage vehicles.