

AGENDA

Meeting: Licensing Committee
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Monday 2 June 2014
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.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen (Vice Chairman)	Cllr Mike Hewitt
Cllr Nick Blakemore	Cllr Simon Jacobs
Cllr Allison Bucknell	Cllr George Jeans
Cllr Dennis Drewett	Cllr Leo Randall
Cllr Sue Evans	Cllr Pip Ridout (Chairman)
Cllr Jose Green	Cllr Nick Watts

Substitutes:

Cllr Glenis Ansell	Cllr Nick Fogg MBE
Cllr Liz Bryant	Cllr Howard Greenman
Cllr Trevor Carbin	Cllr Howard Marshall
Cllr Ernie Clark	Cllr Bill Moss
Cllr Andrew Davis	Cllr Jeff Osborn
Cllr Bill Douglas	

AGENDA

1. **Apologies/Substitution/Changes to Committee Membership**

To receive any apologies/substitutions and to note changes to Committee membership following the annual meeting of Council on 13 May 2014.

2. **Minutes** (*Pages 1 - 6*)

To confirm the minutes of the meeting held on 28 April 2014 (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 above 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 above no later than 5pm on Friday 23 May 2014.

Please contact the officer named on the first page 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. **Scrap Metal Update** (*Pages 7 - 8*)

A briefing note has been prepared by the Enforcement Manager, Environment Services to provide an update to the Licensing Committee on the current situation with regard to the Scrap Metal Dealers Act (2013).

7. **Cosmetic Piercing and Skin Colouring - Adoption of Legislation and Byelaws** (*Pages 9 - 30*)

The report of the Public Protection Team Leader (Licensing) requests that the Licensing Committee re-ratify its decision made at the Licensing Committee meeting on 6 February 2012 in relation to the adoption of Cosmetic Piercing and Skin Colouring legislation and byelaws.

8. **Cumulative Impact Area - Salisbury** (*Pages 31 - 46*)

The report of the Public Protection Team Leader (Licensing) provides information following the recent Cumulative impact area survey carried out for the Salisbury area and asks the Committee to consider the adoption of a special licensing policy.

9. **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am and to be held in the Kennet Room, 1st Floor, County Hall, Trowbridge:

Monday 8 September 2014 and
Monday 8 December 2014.

10. **Urgent Items**

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

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 28 APRIL 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Sue Evans, Cllr Jose Green, Cllr Simon Jacobs, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Leo Randall and Cllr Pip Ridout (Chairman)

Also Present:

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Paul Stratford (Fleet Compliance Team Leader), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

14 **Apologies**

Apologies were received from Councillor Hewitt. Councillor Moss was substituting for Councillor Hewitt.

15 **Minutes**

The minutes of the meeting held on 17 March 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting of the Licensing Committee meeting held on 17 March 2014 be approved and signed as a correct record.

16 **Chairman's Announcements**

The Chairman made the following announcements:

1. **Timeline proposal for one tariff consultation for Hackney Carriage and Private Hire operators**

Environment Services will commence a consultation exercise during summer 2014 and report the findings to the Licensing Committee with the intention to roll out new tariff in January/February 2015.

This proposal is to complete another round of trade consultation based on three different proposed tariffs following feedback from previous consultation.

Feedback will be tabled at the September/October 2014 Licensing Committee. If approval for one preferred tariff is agreed consultation must go to area boards as well as paper advert to announce proposals.

If we receive objections, we will seek further committee approval, if no objections are received within the 14 day consultation period the new Tariff will come into force on the specified date.

Once completed this will enable Wiltshire Council to introduce one regulatory zone for the whole Council area, charging from a single maximum table of fares (tariff).

2. Workload of the Licensing Team

Licensing transactions from 1 January – 31 March 2014 are detailed below. Transactions are increasing month on month. Two of the existing Licensing Officer vacancies have been appointed to but these appointments were from existing staff so there is a bit more capacity but no extra staff. Another staff member is on sick leave.

	January	February	March
Temporary Events Notices	107	110	128
Late Temporary Events Notices	12	11	19
Licensing Applications New /variation/minor/ transfer variation/variation of DPS)	103	119	108
Personal Licences	29	16	17
Total	251	256	272

17 Declarations of Interest

There were no declarations of interest.

18 Public Participation

No questions had been submitted prior to the meeting and there were no members of the public present.

19 **Minutes of the Licensing Sub Committees**

The draft Minutes of all Licensing Sub Committees between 17 January and 20 March 2014 were presented for consideration.

Resolved:

To approve the minutes of the following Licensing Sub Committee meetings:

Northern Area

**14/03/14 Application for a Premises Licence - Abbey Food City, 4
Market Cross, Malmesbury**

Appeal Against Refusal of Street Trading Consent

**20/03/14 Appeal of Mr Balasooriya against a Street Trading Consent
decision**

The Committee noted that the Licensing Sub Committee that had heard the street trading appeal on 20 March 2014 had recommended that there be a review of the street trading policy. Councillor Allen requested that, in light of the issues raised in that appeal, Officers should conduct a review of the Council's Street Trading Policy and Procedure. In particular, the review should look at the relationship between Wiltshire Council's policy and the policies adopted by the town councils in respect of street trading and markets.

It was agreed that Officers would carry out a review and report back to a future meeting of the Licensing Committee.

20 **Statement of Licensing Policy - Update**

Linda Holland (Public Protection Team Leader) presented a report which provided background information concerning the new proposed Statement of Licensing Policy and requested that the Committee approve the draft Policy and instruct officers to carry out a full 12 week consultation process.

A Councillor raised a query about the possibility of CCTV provision in Salisbury being cut. Peter White (Enforcement Manager) agreed to respond directly to the Councillor outside of the meeting regarding this.

Committee members requested a number of minor amendments/corrections of typographical errors within the draft and Linda Holland agreed that these changes and the firming up of some of the statements in the policy would be made prior to the consultation commencing in early May 2014.

Members felt it was important to state in the Policy where the public could find further information about the latest initiatives and supporting documents and refer them to the Council's website for this information. It was agreed that this would be included within the introduction/forward of the Policy.

The final policy would then be brought back to the Committee at its 8 September meeting for approval and then would request that Council adopt the new Statement of Licensing Policy for 2014/18.

Councillor Hutton (Portfolio Holder) wished to express his thanks to all Officers for the work undertaken in preparing this draft Policy. He said that community engagement is a priority and encouragement is given to licensees to attend pub watch schemes and interact with their communities.

Naji Darwish (Head of Service – Public Protection) reminded the Committee that further comments on the Policy will be welcomed within the formal consultation and Members agreed to encourage Town/Parish Councils and Area Boards to take part in the consultation.

Resolved:

That Officers will make the minor amendments/additions to the Policy as requested at this meeting and then commence a 12 week consultation process on the proposed Statement of Licensing Policy 2014/2018.

21 **Policy changes to Hackney Carriage and Private Hire Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which recommended a number of changes to the hackney carriage and private hire vehicle licensing policy conditions and enforcement penalty points scheme.

The proposed changes will help Council Officers and hackney and private hire operators to better understand the policy requirements and ensure that drivers and their vehicles are compliant with the conditions set out in the guidance. The changes had been well received by the trade.

He advised the Committee that item 26 on the offences list should be amended to read as follows:

	Offences	Driver	H/C Prop	P/H Vehicle	P/H Operator
26.	Using an un-licensed vehicle	9-12	9-12	9-12	9-12

Councillor Hutton (Portfolio Holder) wished to thank Officers for their work with this exercise and was happy with the engagement with the trade on the issues.

A Member asked if the public are aware of the penalty points scheme and how to “whistle blow” if they come across any problems with drivers/vehicles, etc.

Officers confirmed that there is a process that can be followed but agreed that it perhaps could be made more obvious and include details about it on the Council's website.

Members acknowledged the proposed introduction of a minimum tyre tread depth of 1.8mm and suggested that as current guidance recommends that a depth of 3mm vastly improves braking distances at 60mph we could also "recommend" this to our drivers/operators. Andrew Saxton agreed to include this.

A Member reported a problem of taxi drivers continually parking on double yellow lines whilst waiting to join the taxi rank particularly in Chippenham and Andrew agreed that something could be added to remind them that in doing this they are in breach of their licence and regular infringements may result in penalty points being issued.

It was noted that within the Penalty Points scheme no mention is made of the possibility of revocation of a licence if 12 points are reached within a 12 month period. It was agreed that this would be amended to include this.

Resolved:

That the Licensing Committee

1. **Agree the changes wording of vehicle conditions regarding fire extinguishers, tinted windows for hackney carriages, increase minimum tyre depth and remove requirements for an MOT on brand new vehicles as detailed in the report and as specified by the Committee at the meeting.**
2. **Agree the changes to the enforcement penalty points system as detailed in the report and as specified by the Committee at the meeting.**

22 **Dates of Future Committee Meetings**

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

- Monday 2 June 2014
- Monday 8 September 2014
- Monday 8 December 2014.

23 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am – 11.30am)

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

Press enquiries to Communications, direct line (01225) 713114/713115

Briefing Note - Scrap Metal Dealers Act (2013)

1. Purpose of Briefing Note

- 1.1 The purpose of this briefing note is to provide an update to the Licensing Committee on the current situation with regard to the Scrap Metal Dealers Act (2013).

2. Introduction

- 2.1 From 1 October 2013 the Scrap Metal Dealers Act (2013) passed the statutory responsibility to manage and administer the licensing of scrap metal dealers to local authorities.
- 2.2 Every scrap metal dealer is now required to have a licence and operating without one is a criminal offence. Under the legislation the definition of scrap metal dealers is extended so it now includes motor salvage operators. Councils are now able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer.
- 2.3 Environment Services assumed the statutory responsibility for this Act from 1 October 2013. A total of 84 licence applications have been received to date. A summary update is detailed in the table at Figure 1 & 2 below:

Scrap Metal Sites (as of 16 May 2014)

Action	Qty	Remarks
Licences Granted	35	Suitable Person/Business, all criteria met.
Licences Processed (Pending)	3	Awaiting Waste Carrier Licence or Environmental Permit or Basic Disclosure (DBS).
Licences Approved (awaiting payment)	2	Licence not issued until payment received.

Figure 1

Scrap Metal Collectors (as of 16 May 2014)

Action	Qty	Remarks
Licences Granted	27	Suitable Person/Business, all criteria met.
Licences Processed (Pending)	2	Awaiting Waste Carrier Licence or Environmental Permit or Basic Disclosure (DBS) or Police Check.
Licences Approved (awaiting payment)	1	Licence not issued until payment received.
Licences Refused (Appealed & Upheld)	2	Considered not suitable to hold a licence based on relevant unspent convictions.
Licences Refused (Appealed and Granted)	2	Granted on appeal.
Licences Refused (No Appeal)	2	
Licence Applications withdrawn	8	

Figure 2

2.4 The application and licensing function continues as the council receives applications in line with the requirements of the Act.

3. Ongoing Education and Enforcement

3.1 Requirements detailed within the Act sets the council with ongoing enforcement responsibilities to ensure those issued with licences comply as an ongoing obligation. In addition to the requirements, the council will also provide education and advice to licence holders which ensures they continue to be meeting their duty under the Act.

3.2 The enforcement team who are responsible for the compliance of measures contained in the Act are also taking a proactive approach to any illegal activity associated with any site or collector who may be trading without a licence.

3.3 The enforcement team within Environment Services continue to conduct joint partnership operations with Wiltshire Police. Recent Operations in 2014 (Operation Tornado and Operation Rogue Trader) have seen enforcement officers work hand in hand with the Police to conduct 'Stop and Search' activities. These operations enable officers to make use of Police powers to apprehend illegal collectors and by using its own powers, enforce against anyone who may be conducting scrap metal work without a licence or illegally transporting waste under the Environmental Protection Act (1990).

3.4 This proactive approach has led to the initiation of an investigation of an illegal act conducted by one of the applicants whose licence was refused by the council.

4. Summary

4.1 Since the introduction of the Scrap Metal Dealers Act (2013), officers from Environment Services have conducted an exemplary standard of work to ensure that those in the scrap metal business continue to trade and meet their legal obligations. This includes licence processing, assessing suitability, departmental liaison (internal and external) checks and ongoing education and enforcement.

4.2 Environment Services will continue to meet its statutory obligations under the Act and forge further partnerships to ensure all businesses trade legally as scrap metal dealers.

4.3 The Licensing Committee are requested to note this update.

**Prepared by Peter White, Enforcement Manager, Environment Services. Tel: 01380 826333
12 May 2014**

Wiltshire Council

Licensing Committee

2 June 2014

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Summary

Wiltshire Council as a unitary authority has not yet adopted the legislation set in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, which allows the Council to regulate persons carrying out acupuncture, tattooing, and skin piercing. The Council must adopt this primary legislation before it can make any associated byelaws. There are revised model byelaws which will allow Wiltshire Council to regulate businesses which carry out skin piercing activities. The adoption of these provisions of the Act and the making of these byelaws will help protect human health from the spread of blood borne viral infection within Wiltshire and give control to the local authority to maintain these premises in a hygienic state.

Proposal(s)

To request that the Licensing Committee re-ratify its original decision made at the Licensing Committee meeting held on 6 February 2012, in view of the time that has elapsed since the earlier meeting.

Reason for Proposal

Due to an omission the decision of the Licensing Committee in February 2012 was never referred to Full Council to be formally adopted.

Maggie Rae
Corporate Director

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Purpose of Report

1. To request that the Licensing Committee re-ratify its decision made at the Licensing Committee meeting on 6 February 2012.

Relevance to the Council’s Business Plan

2. “People are protected from harm as possible and feel safe”.

Background

3. A report on Cosmetic Piercing and Skin Colour was presented to the Licensing Committee by Carla Adkins on 6 February 2012. Report is attached as Appendix 1.
4. At the meeting the on 6 February 2012, the Licensing Committee resolved the following:
 - i) To recommend to Council that the provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 be adopted and should come into effect on 1 July 2012.
 - ii) To recommend to Council that byelaws in the form of the model set out appendix (page 144 – 147 of the agenda refers).
 - iii) The Committee recommend to the Council that the current byelaws which had previously been adopted by the ex-district councils be revoked on the confirmation of the new model byelaws.

A copy of the minutes is attached as Appendix 2.

5. Due to errors on behalf of the Licensing Team at that time, the matter was never advertised or referred to Full Council to be adopted.

Safeguarding Implications

6. It is an offence to tattoo any person under the age of 18 years (Tattooing of Minors Act 1969) regardless of parental consent. A person under the age of 18 years may receive body piercing provided they have received written permission from, or the treatment is performed in the presence of, the person's parent or guardian.

Nipple and genital piercing is prohibited on minors, regardless of parental consent and is considered an offence under the Sexual Offences Act 2003.

Public Health Implications

7. Cosmetic piercing and skin colouring carries a high risk of blood borne viral infection such as Hepatitis B and Hepatitis C if infection control procedures are not observed. The provisions of Section 120 and Schedule 6 of the Local Government Act 2003 amend Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and allow Local Authorities to regulate the cleanliness and hygienic practices of skin piercing businesses. The Council however cannot implement these provisions without first adopting the relevant part of the Act.

Environmental and Climate Change Considerations

8. None.

Equalities Impact of the Proposal

9. None.

Risk Assessment

10. Not to adopt the recommendations above will result in the Local Authority not being able to legally enforce hygiene standards within cosmetic piercing and skin colouring establishments thus reducing human health protection from the spread of blood borne viral infections within Wiltshire.

Financial Implications

11. Section 14 and Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registration of persons and premises carrying out the business of skin piercing. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration.

12. Currently (2014-15) Wiltshire Council charges a fee of £122.00 to register a premises and person and a £15.00 fee for each additional person to be registered.
13. There will be a cost to Wiltshire Council to advertise the adopted legislation and associated byelaws.

Legal Implications

14. These are set out in the body of this report. There is a requirement to publish notice that a resolution to adopt Sections 14 to 17 of the 1982 Act in two consecutive weeks in a local newspaper circulation in their area.
15. The first publication shall not be later than 28 days before the day specified in the resolution as the date on which these sections are to come into force.

Conclusions

16. It is recommended that the decision of the Licensing Committee on 6 February 2012 be re-ratified.

Maggie Rae
Corporate Director

Report Author: Linda Holland – Public Protection Team Leader - Licensing

16 May 2014.

Background Papers

Local Government Act 2003: – Regulation of Cosmetic Piercing and Skin-Colouring Businesses – Guidance on Section 120 and Schedule 6.

Appendices

Appendix 1: Licensing Committee report dated 6 February 2012

Appendix 2: Minutes of Licensing Committee Meeting held on 6 February 2012

LICENSING COMMITTEE
6TH FEBRUARY 2012**Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws****Executive Summary**

Wiltshire Council as a unitary authority has not yet adopted the legislation set in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, which allows the Council to regulate persons carrying on acupuncture, tattooing, and skin piercing. The Council must adopt this primary legislation before it can make any associated byelaws. There are revised model byelaws which will allow Wiltshire Council to regulate businesses which carry out skin piercing activities. The adoption of these provisions of the Act and the making of these byelaws will help protect human health from the spread of blood borne viral infection within Wiltshire and give control to the local authority to maintain these premises in a hygienic state.

Recommendations**It is recommended:**

1. That the Committee recommend to Council to adopt the provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 and that these provisions shall come into effect on 1st July 2012
2. That the Committee recommend that the Council make byelaws relating to cosmetic piercing and semi-permanent skin colouring, in the form of the model byelaws as set out in the attached Appendix for submission to the Secretary of State for approval.
3. That the Committee recommend the Council that the current byelaws relating to cosmetic piercing and semi-permanent skin colouring, which had previously been adopted by the ex-district councils be revoked on the confirmation of the new model byelaws

Reason for Proposal

Cosmetic piercing and skin colouring carries a high risk of blood borne viral infection such as Hepatitis B and Hepatitis C if infection control procedures are not observed. The provisions of Section 120 and Schedule 6 of the Local Government Act 2003 amend Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and allow local authorities to regulate the cleanliness and hygienic practices of skin piercing businesses. The Council, however cannot implement these provisions without first adopting the relevant part of the Act.

Author: Carla Adkins, Public Protection Officer (Licensing), Public Protection, EDPH

Contact Details: carla.adkins@wiltshire.gov.uk 01249 706 438

1. Background

- 1.1 Section 14 of the Local Government (Miscellaneous Provisions) Act 1982 provides that persons and premises carrying out the business of acupuncture are required to be registered with their local authority.
- 1.2 Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 originally provided persons and premises carrying out the business of tattooing ear-piercing and electrolysis are to be registered with their local authority.
- 1.3 West Wiltshire District Council, Kennet District Council, Salisbury District Council and North Wiltshire District Council all adopted Section 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 between 1984 and 1985.
- 1.4 Originally Section 15 of the 1982 Act only regulated ear-piercing, tattooing and electrolysis and did not cover the broader spectrum of cosmetic piercing (all body piercings in addition to ear-piercing) and semi-permanent skin colouring (including micropigmentation, semi-permanent make-up and temporary tattooing)
- 1.5 The Local Government Act 2003 amended Section 15 of the 1982 Act so that local authorities may require persons carrying on the businesses of cosmetic piercing or semi-permanent skin colouring to register themselves and their premises. It also allows local authorities to make byelaws for
 - The cleanliness of premises and fittings
 - The cleanliness of the operators
 - The cleansing and, if appropriate, sterilisation of instruments, materials and equipment
- 1.6 Only North Wiltshire District Council adopted revised byelaws to cover the extended scope of Section 15, to include provisions relating to cosmetic piercing and skin colouring
- 1.7 Section 16 of the Act allows for the enforcement of the requirement to register and any byelaws that have been made under sections 14 and 15 and Section 17 confers a power of entry into premises in relation to such enforcement.

Environmental Impact

None

Equality and Diversity

None

Risk Assessment

Not to adopt the recommendations above will result in the Local Authority not being able to legally enforce hygiene standards within cosmetic piercing and skin colouring establishments thus reducing human health protection from the spread of Blood Borne Viral infections within Wiltshire.

Financial Implications

Section 14 and Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registration of persons and premises carrying out the business of skin piercing. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration.

Currently Wiltshire Council charge a fee of ^{122.00}£117.00 to register a premises and person and a ^{15.00}£12.00 fee for each additional person to be registered.

There will be a cost to Wiltshire Council to advertise the adopted legislation and associated byelaws.

Legal Implications

These are set out in the body of this report. There is a requirement to publish notice that a resolution to adopt Sections 14 to 17 of the 1982 Act in two consecutive weeks in a local newspaper circulation in their area.

The first publication shall not be later than 28 days before the day specified in the resolution as the date on which these sections are to come into force.

Conclusion

It is recommended that the Committee recommend to Council that the byelaws adopted by the ex-district councils are revoked and that Wiltshire Council as a unitary authority adopt Sections 14, 15, 16 and 17 of the Local Government (Miscellaneous Provisions) Act 1982 and that they make byelaws relating to skin piercing in the form of the Secretary of State's model byelaws as attached

Background Papers

Local Government Act 2003 – Regulation of Cosmetic Piercing and Skin-Colouring Businesses – Guidance on Section 120 and Schedule 6.

Appendices

Model Byelaws

APPENDIX 1

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Wiltshire Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

(i) immediately after use; and

(ii) at the end of each working day.

(f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;

(v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

(i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and

(ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to the subject matters that were made by Kennet District Council, Salisbury District Council, West Wiltshire District Council and North Wiltshire District Council as listed below are revoked:

Subject	Authority	Date Made	Name of confirming authority	Date confirmed
S. 14 Acupuncture	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 15 Ear piercing and Electrolysis	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 15 Tattooing	Kennet District Council	10 July 1985	Secretary of State for Social Services	27 September 1985
S. 14 Acupuncture	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Ear piercing	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Electrolysis	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 15 Tattooing	Salisbury District Council	21 December 1983	Secretary of State for Social Services	30 May 1984
S. 14 Acupuncture	West Wiltshire District Council	15 August 1984	Secretary of State for Social Services	27 November 1984
S. 15 Tattooing, Acupuncture, Ear piercing and Electrolysis	West Wiltshire District Council	15 August 1984	Secretary of State for Social Services	27 November 1984
Ss. 14 and 15 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	North Wiltshire District Council	2 February 2007	Secretary of State for Health	26 April 2007

The COMMON SEAL of
WILTSHIRE COUNCIL

Was affixed this day of 2012
in the presence of

Authorised Officer

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on and shall come into operation on

[Printed name]
Member of the Senior Civil Service
Department of Health

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS (2007)

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).

The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.

The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to acupuncture (see section 14(8) of the Act).

LICENSING COMMITTEE

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 6 FEBRUARY 2012 AT COUNCIL CHAMBER, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Liz Bryant, Cllr Jose Green, Cllr Malcolm Hewson, Cllr George Jeans, Cllr Jacqui Lay, Cllr Bill Moss, Cllr Nina Phillips (Vice Chairman), Cllr Bill Roberts and Cllr Jonathon Seed (Chairman)

Also Present:

Carla Adkins (Public Protection Officer, Licensing), Mandy Bradley (Service Director, Public Protection), Steve Clover (Head of Public Protection – Commercial and Communities), Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing) and Paul Taylor (Senior Solicitor), Anna Thurman (Democratic Services Officer)

1. Apologies

Apologies were received from Cllr Rod Eaton who was substituted by Cllr Liz Bryant.

2. Minutes

The minutes from the Licensing Committee meeting held on 7 September 2011 were presented and it was,

Resolved:

To approve and sign the minutes of the meeting held on 7 September 2011 as a correct record.

3. Chairman's Announcements

2012 Year of Celebration

Members will be aware that 2012 is set to be a year of celebration with the Queens Diamond Jubilee and Olympics. Many communities are already well down the path of organising local parties and festivities. Whilst the Licensing team are still waiting to see how plans develop it is worth drawing to Members attention that there is likely to be licensing implications. Members should be

assured that everything will be done to support communities and organisers to ensure their event is both properly licensed and safe but should be aware that there may be a need to convene sub-committees on the odd occasion. This is likely to be true for the Olympic evening event to be held in Salisbury where Wiltshire Council will be the applicant.

This is a developing picture. The Licensing team is working with Laurie Bell and her cross-authority 2012 'Celebration team' so that we can work with communities at an early stage of their planning, helping them through the process where applicable and managing the demand on the service.

I will be kept informed of progress which no doubt will pick up momentum in the near future as we move closer to the summer months.

Street Trading

The 28 day public consultation period for the Wiltshire Council resolution to adopt all streets as consent streets in the Wiltshire Council area closes on the 10 February 2012.

If we do not receive any representations relating to the proposed resolution a public notice will be placed in the newspaper for two consecutive weeks stating that Wiltshire Council have designated all streets in the Council's area as consent streets, and that the designation will come into force on the 1 April 2012.

As soon after this date the new scheme will be implemented and will provide effective powers to control inappropriate street trading within the Council's area.

Home Office Consultation

Section 172 of the Licensing Act 2003 enables the Secretary of State to make licensing hours orders. These orders can be made where there is a period (celebration period) which will mark an occasion of exceptional international, national, or local significance.

During December 2011 the Home Office carried out a consultation with interested parties which proposed that a licensing hours order be made for the Queens Jubilee.

If such an order is made it will allow all currently licensed premises to carry out licensable activities until 01:00 A.M. on both the 1 and 2 June 2012 without the need to apply for a Temporary Event Notice or license variation. There has been overwhelming support for the proposal and it is anticipated that the national licensing hours order will be made by the Secretary of State later this month.

Implementing the Police Reform and Social Responsibility Act 2011

There are a number of key measures in the new Act which include:

- introducing a late night levy to help cover the cost of policing the late night economy
- increasing the flexibility of early morning alcohol restriction orders
- lowering the evidential threshold on licensing authorities

- removing the vicinity test for licensing representations to allow wider local community involvement.

None of the alcohol provisions in the act came into force immediately upon royal assent. The PRSR Act includes a commencement provision for the government to commence any or all of the provisions when it so chooses.

The existing legislative procedure and protocol mean that measures are ordinarily brought into force on one of two common commencement dates in April or October each year, so the earliest any of the alcohol provisions will be introduced is likely to be 6 April 2012, with more complex proposals which require more detailed secondary legislation likely to be commenced later.

Next steps

Some of the alcohol provisions introduced in the act require substantive changes to secondary legislation prior to commencement. Further information regarding consultation on these changes will be available shortly from the Home Office.

The statutory guidance issued under section 182 of the Licensing Act 2003 will also be revised to reflect the changes introduced by the PRSR Act before the first provisions are commenced. The amendments to the statutory guidance will also include a number of other changes the government committed to making in its response to the 'Rebalancing the Licensing Act' consultation. Input from the Licensing Committee will be sought during this process.

Constantine Leisure (Karma)

As expected, Constantine Leisure has now applied for judicial review of the Magistrates' Court's decision in October 2011 to refuse their appeal against the revocation of the premises licence for Karma. The grounds set out in the claim form basically mirror those set out in their pre-action protocol letter in December 2011.

The Council and the police have now submitted their joint response to the Administrative Court, contesting the claim and setting out the reasons why we consider the decision of the Magistrates' court should be upheld.

4. Declarations of Interest

There were no declarations of interest.

5. Public Participation

There was no public participation.

6. Minutes of the Licensing Sub-Committees

The minutes from the Licensing Sub-committee meetings held on the 27.09.11, 25.10.11, 3.11.11, 14.11.11, 15.11.11, 21.11.11, 13.12.11, 15.12.11, 22.12.11, 5.01.12 and 6.01.12

Resolved:

To approve the minutes of the meetings held between the 27.09.11 and 6.01.12.

7. Sexual Entertainment Venues

Kate Golledge, Public Protection Manager led the committee through the report on Sexual Entertainment Venues.

With effect from the 6 April 2010 local authorities in England have been able to adopt additional powers to regulate lap dancing clubs and similar venues. Section 27 of the Policing and Crime Act 2009 amend Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called 'Sexual Entertainment Venue' which, if adopted by the local authority, will require premises in that area who provide 'relevant entertainment' such as lap dancing to obtain a Sex Establishment Licence.

The legislation is not mandatory for local authorities and therefore will have flexibility to decide whether and, if so, when the new provisions should come into force in their area.

The Home Office has provided guidance for local authorities regarding sexual entertainment venues. The licensing Committee is being asked to consider a Policy and Conditions in relation to the new power for local authorities and agree to adopt such conditions.

Members noted that renewal of a license occurred on a yearly basis and the cost for this was £1200.

After lengthy discussion by the members where amendments were made to the policy it was;

Resolved

- 1) To adopt the implement the Policy and Regulations prescribing Conditions for Sex Establishments from 1 March 2012.
- 2) To delegate authority to the Service Director Public Protections Services to instigate proceedings under Schedule 3, Local Government (Miscellaneous Provision) Act 1982.

And subject to the following changes to the Sex Establishment Licensing Policy – Guidance and Standard Conditions;

- i) Page 106, para 5.4 - delete Ward, insert Divisional.
- ii) Page 106, para 5.8 - add to the end of the sentence, as listed in paragraph 6.3.
- iii) Page 106, para 6.2 - insert after should, or should not.
- iv) Page 107, para 6.2 (f) (ii) - amend the spelling of centers to centres.
- v) Page 108, para 6.3 (c) and (d) - expand EEA to European Economic Area
- vi) Page 108, para 6.3 (e) - insert sexual establishment before licence.
- vii) Page 109, para 8.5 - delete 'number of days' and insert 5 working days.
- viii) Page 116, para 7 (k) – insert after exchange 'contact details,' and delete 'or'.
- ix) Page 117, para 5 (a) – insert after person 'under the age of 18 or'.
- x) Page 117, para 6 (b) – delete at insert 'inside'.

8. Harmonised Wiltshire Council Street Collection Policy

Kate Golledge, Public Protection Manager led the committee through the report on the harmonised Wiltshire Council Street Collection Policy.

Prior to the district councils and Wiltshire County Council becoming a unitary authority, the four district councils had individually adopted the standard Regulations relating to street collections. In addition the District Councils adopted their own local policies on such matters as the number of collection allowed in their area by charitable organisations, therefore all following different guidelines.

Councillors sought clarity on the definition of 'street'. Paul Taylor, Solicitor, explained that the definition of 'street' was different in this context than that of the definition that had recently been applied in the Street Trading policy. For the purposes of Street Collections the definition of 'street' is;

'includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not'.

After further discussion it was,

Resolved:

- 1) To agree the harmonised, Policy on Street Collections.
- 2) To approve that previous Street Collection Regulations be revoked and the new Regulations come into effect and are implemented as soon as possible.

And subject to the following amendment to the Street Collection Policy,

- i) Page 136, insert at the end of paragraph 12 'this policy covers the whole of the area covered by Wiltshire Council'.

9. Review of Skin Piercing Bylaws

Carla Adkins, Public Protection Officer, led the committee through the report on Cosmetic Piercing and skin Colouring – Adoption of Legislation and Byelaws.

Wiltshire Council as a unitary authority has not yet adopted the legislation which allows the Council to regulate persons carrying out acupuncture, tattooing, and skin piercing.

The policy has been in use by the Northern Area Hub since 2007.

Members sought clarity on issues surrounding administrative costs and registration fees. It was confirmed that that the administrative costs to Wiltshire Council were covered by the registration fee.

It was,

Resolved:

- 1) To recommend to Council that the provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 be adopted and should come into effect on 1 July 2012.
- 2) To recommend to Council that byelaws in the form of the model set out appendix (page 144 – 147 of the agenda refers).
- 3) The Committee recommend to the Council that the current byelaws which had previously been adopted by the ex-district councils be revoked on the confirmation of the new model byelaws.

10. Hypnotism Policy

Kate Golledge, Public Protection Manager led the committee through the report on the Hypnotism Act - Conditions.

The Hypnotism Act 1952 empowered licensing authorities for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982 to attach conditions to a public entertainment licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted.

Concern over content of some performances of stage hypnotism prompted the issue of the Home Office circular No.42/1989, which proposed, revised and updated guidance for local authorities whilst exercising their licensing responsibilities.

After a short debate it was,

Resolved:

- 1) To adopt the Conditions.
- 2) The Licensing Committee delegate authority to the Licensing Manager to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.

11. Dates of Future Committee Meetings

The dates of the next meetings were confirmed as:
Tuesday 8 May 2012
Monday the 12 November

The Chairman informed the Committee that there would be a need to hold an additional meeting on 14 September 2012.

12. Urgent Items

Members sought clarity regarding the licensing implications surrounding the Diamond Jubilee celebrations. The Chairman informed the Committee that the Licensing team were working in conjunction with the Communications team to update the existing Communications toolkit, particularly on licensing issues, on how to hold a community event. This will be published on the Wiltshire Council website shortly.

(Duration of meeting: 10.30 am - 12.15 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic & Members' Services, direct line 01225 718379, e-mail anna.thurman@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Licensing Committee

2 June 2014

Cumulative Impact Area - Salisbury

Summary

To provide information following the recent Cumulative impact area survey carried for the Salisbury area and to consider the adoption of a special licensing policy.

Proposal(s)

It is recommended:

That a special policy relating to Cumulative impact in part of Salisbury town centre, as shown on Map 4 on page 6 of the Appendix be approved and recommended for adoption by the Council.

Reason for Proposal

At its meeting on 2 September 2013 the Licensing Committee resolved that "Further analysis of the available data and evidence in support of the adoption of a Special Policy for the Milford Street area of Salisbury needs to be carried out and a consultation process completed with all interested parties over a twelve week period".

Maggie Rae
Corporate Director

Cumulative Impact Area – Salisbury

Purpose of Report

1. To provide analysis of the results of the public consultation carried out between 27 January and 20 April 2014 on a possible cumulative impact area for Salisbury Town centre as defined by the Purple Flag area and as set out in the needs assessment paper attached as Appendix 1 to this report.
2. To recommend that the Licensing Committee consider the findings contained within the attached needs paper.
3. It is recommended that the Licensing Committee agree to adopt a special policy for Salisbury town centre for the reduced area as outlined on map 4 on page 6 of the Appendix to this report.
4. To inform the Licensing Committee that at its meeting in September 2014, the committee will be required to consider recommending the finalised Statement of Licensing Policy to Full Council for consideration. This will include any recommendation adopted today.

Relevance to the Council's Business Plan

The statement of Licensing Policy and any special Policy links to the council's business plan through:

5. "People in Wiltshire working together to solve problems locally and participate in decisions that affect them".

"People are protected from harm as possible and feel safe"

Main Considerations for the Council

6. 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. Any adoption of a special policy in relation to identified Cumulative Impact Areas will form an appendix to the main Statement of Licensing Policy.

Background

7. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act 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

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. There are close links to Wiltshire Alcohol strategy.

8. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

9. A cumulative impact policy creates a rebuttable presumption that any new application for a premises licence or major variation of such a licence within a specified area, likely to add to the existing cumulative impact, will be refused.

10. Licensed premises provide a key role as an employer, in hospitality, retail and, tourism in Salisbury. If the proposed Cumulative Impact Policy is adopted, it will play an essential role in establishing that only such premises that are able to demonstrate that they shall not add to existing cumulative impact shall be licensed in the special policy area, which will contribute positively to the economy of the area.

11. There should be an evidential basis for the decision to include a special policy within the statement of licensing policy.

Responses to the Consultation

12. In total 82 responses were received during the consultation period. No responses were received out of time.

13. The majority 66 of respondents were members of the public.

14. There were 2 responses from the licensed trade.

15. Other respondents were from Councillors 3, local businesses 4, Town/Parish councils 2 and agencies 3.

Conclusion

16. Pages 2 to 3 of Appendix 1, contains details of the actual responses to the consultation.
17. Page 4 contains the Police data in relation to the proposed Cumulative Impact area in the Salisbury.
18. In considering all the information available and the results of the consultations process, officers consider that it would be reasonable to adopt a cumulative impact area for Salisbury, but that the area to be covered should be smaller than that originally considered. The evidence suggests that an area such as that set out on map 4 on Page 5 of the Appendix 1 would be appropriate.

Safeguarding Implications

19. One of the key objectives of, the Licensing Act 2003 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

20. 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.

Environmental and Climate Change Considerations

21. There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder

Equalities Impact of the Proposal

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

Risk Assessment

23. Licensing is a statutory undertaking.

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

24. There are no particular risks identified from any of the proposals.

Financial Implications

25. There are no additional financial implications arising from this report.

Legal Implications

26. As Licensing Authority, the Council is required to have a Statement of Licensing Policy, and to have regard to that Policy when exercising its licensing functions. If adopted, the cumulative impact policy for Salisbury will form part of the overall Statement. The Council will, therefore, be required to apply that policy when considering any new applications within the relevant area, unless there are good reasons in any particular case to depart from that policy.

Options Considered

27. That the Licensing Committee proposes the adoption of the special policy for Salisbury City centre as outlined on the attached map on page 1 of Appendix 1. (Original proposed area).
28. That the Licensing Committee proposes the adoption of the special policy for Salisbury City Centre as outlined on the attached map on page 4 of Appendix 1 (Reduced area).
29. Not to adopt the special policy at this time.

The Licensing Committee note that at its meeting in September 2014, the committee will be required to consider commending for approval the finalised Statement of Licensing Policy to Full Council which will include any recommendation made at the meeting on 2 June 2014.

Proposal

30. To adopt a cumulative impact policy for the reduced area within Salisbury city centre, as shown on map 4 at page 4 of the Appendix 1.

Maggie Rae
Corporate Director

Report Author: Linda Holland, Public Protection Team Leader – Licensing
linda.holland@wiltshire.gov.uk, 01249 706410 15th May 2014

Background Papers

- Licensing Act 2003
- Secretary of States 182 Guidance
- Police and Social Responsibilities Act 2011

Appendix

1. Cumulative Impact Area (Salisbury) Needs Paper
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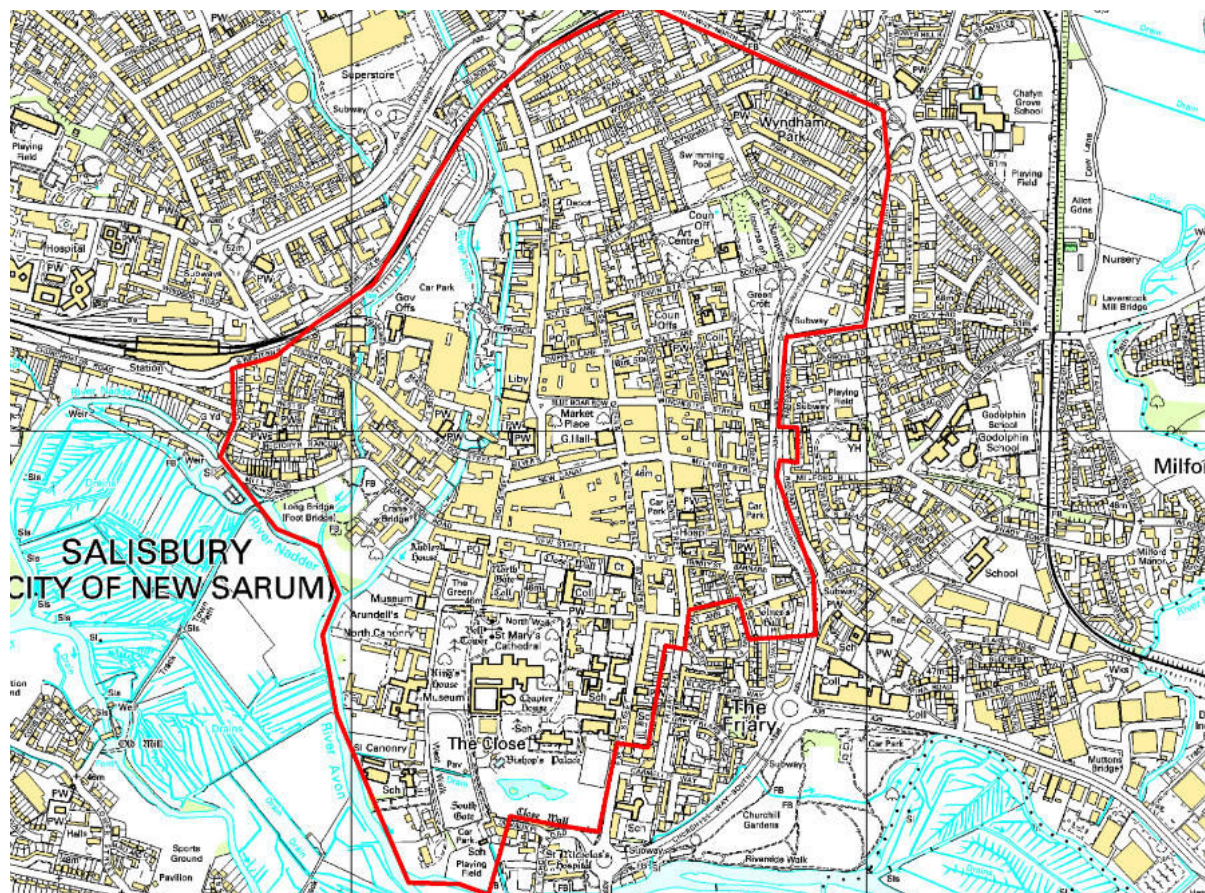
Appendix 1

Salisbury Cumulative Impact Area needs assessment paper

June 2014.

1.0 Introduction

The aim of this paper is to evaluate the need for implementing a Cumulative Impact Area (CIA) in Salisbury City Centre, within the proposed highlighted area, see map 1. Within this defined area there are a significant number of licensed premises that serve alcohol and late night refreshments.



Map 1 Proposed CIA

The adoption of a CIA will enable the Council to further control the number of premises granted licenses and any applications for new or varied licences must demonstrate how their premises will work to reduce issues associated with litter, noise and crime and disorder.

The methodology included within this paper will form the basis of a special CIA policy which could be used in other areas within Wiltshire if required.

2.0 Methodology

The approach for assessing the necessity of the CIA was twofold. The first part was a public survey asking people how they use Salisbury City Centre. This survey was available online and hard copies were made available at public access buildings. A press release was published to raise awareness and a members briefing was produced. Furthermore, a link to the online survey was sent to members, partner agencies and key meeting groups, including; Pubwatch, Neighbourhood Tasking Group, The Friary Interagency Group, Salisbury Community Area Partnership and the Purple Flag Steering Group. This was open for twelve weeks in line with the Wiltshire Compact from 27 January 2014 to 20 April 2014. A copy of the survey can be found attached as appendix A to this document.

The second part of the research was a desktop analysis of Wiltshire Police crime and ASB figures. A breakdown of crime groupings for Trowbridge and Chippenham was compared to Salisbury for the period April 2013 to March 2014.

3.0 Analysis of Results

3.1 Public consultation

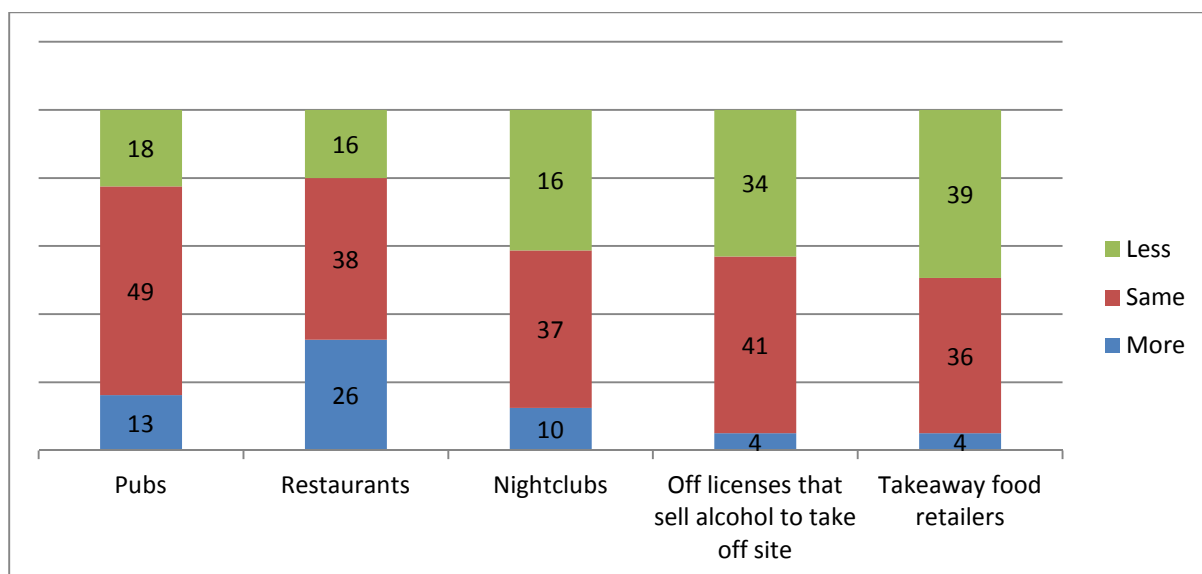
In total 82 responses were received, 66 (80%) were from members of the public, 2 (2%) from licensed trade, 3 (4%) from Councillors, 4 (5%) local businesses, 2 (2%) town and parish councils and 3(4%) from agencies. The respondent's age range was 35-65+ just 9 of the respondents were under 34 years old, 34 were female and 45 were male, the other 3 had not included their gender.

The survey asked what times they used licensed premises, of the 82 respondents:

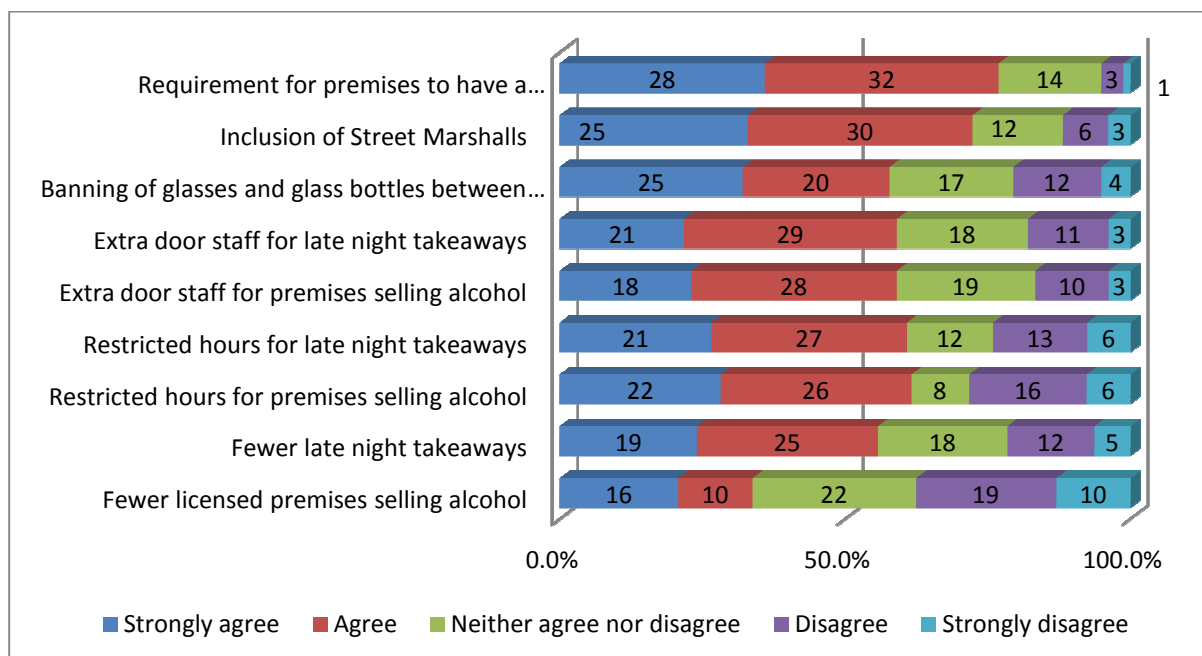
43 visited 0900hrs- 1700hrs
67 visited 1701hrs- 2200hrs
24 visited 2201hrs - 0300hrs

61(74%) respondents agreed that the licensing authority should implement a CIA. 53 (65%) felt the proposed area was suitable, 19 (23%) made comment to amend the area, of these 12 requested a larger area, 5 a smaller area and 2 for area changes. Only 6 (7%) respondents did not want the CIA implemented at all.

The graph below demonstrates the type of venues respondents wanted to see and whether or not they felt there should be more, less or that there were about the right number currently available in the area:



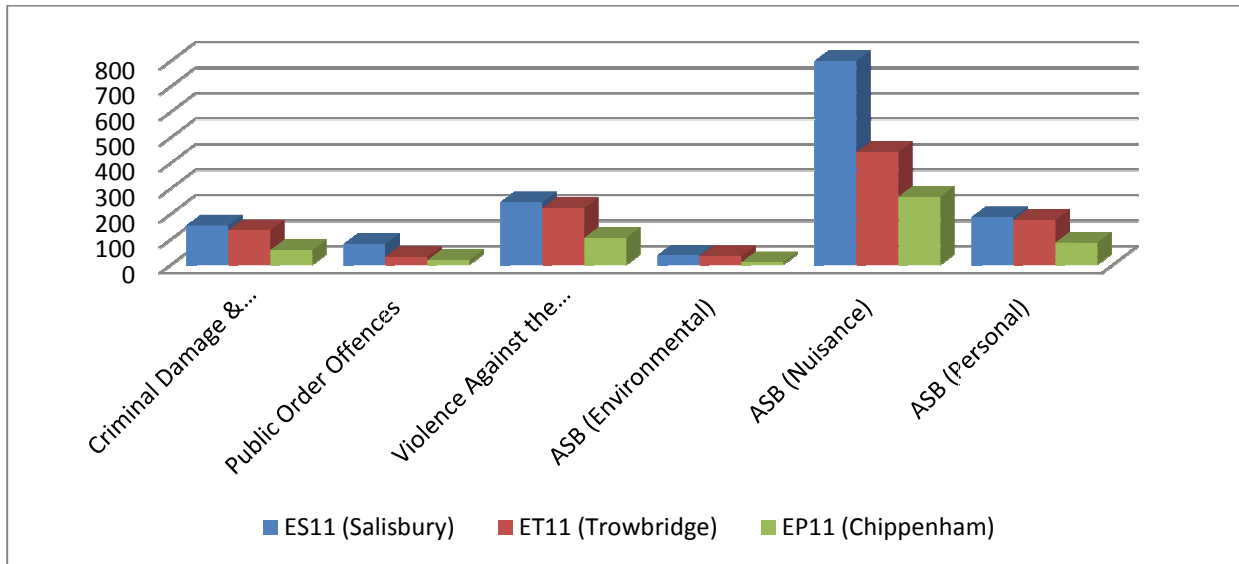
The next question aimed to ascertain which suggested conditions should be used if the CIA was introduced as part of the licensing process for new and varied applications; the following conditions and responses are collated in the chart below:



3.2 Police Data

The proposed CIA area in Salisbury is covered by the Wiltshire Police ES11 beat.

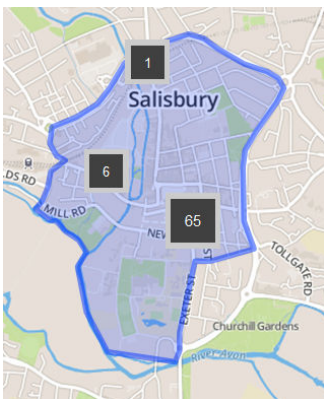
The analysis includes data from April 2013 – March 2014, the graph below demonstrates that Salisbury town has a higher proportion of crime and ASB compared with Trowbridge and Chippenham. A full breakdown is available in the graph below:



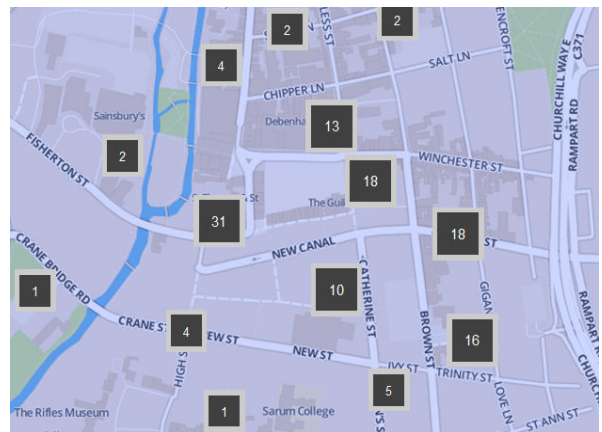
4.0 Discussion

Following the initial survey and desktop analysis further research was required to review the proposed CIA within the city centre. This was undertaken using March 2014 data from the police.uk website for both all crime types and further detailed data on anti-social behaviour (ASB) only.

The two maps demonstrate a consistent trend with the highest concentration of all crime and ASB within the city centre. Map 2 illustrates the total number of ASB incidents within the proposed CIA area and map 3 gives a more detailed street by street analysis.

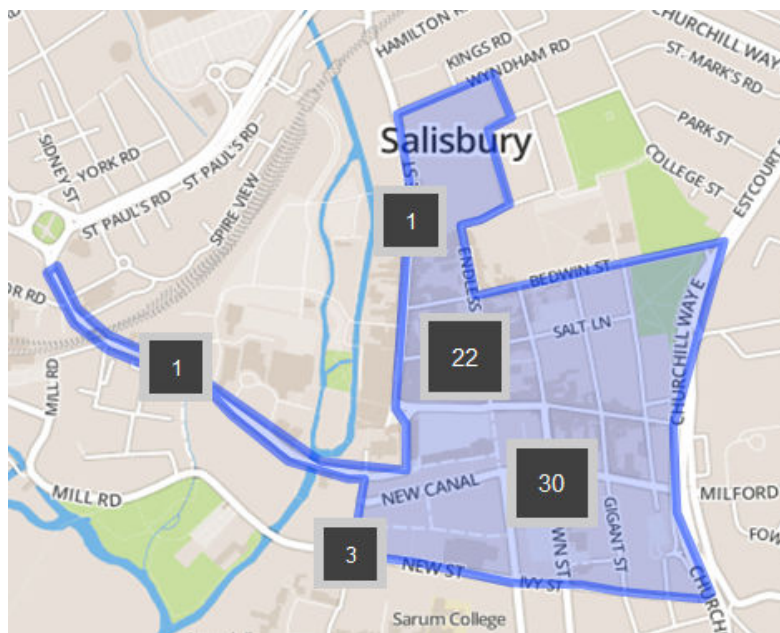


Map 2 All ASB in Salisbury March 2014



Map 3 All Crime in Salisbury City Centre for March 2014

Taking into account possible displacement, the data suggested a more proportionate reduced area should be considered, as outlined in map 4. This smaller proposed area includes only parts of Salisbury that have already been consulted on.



Map 4 Optional CIA area taking into account March 2014 ASB and possible displacement

5.0 Options

The committee are requested to consider the following options:

Option 1: Adopt the CIA for Salisbury city centre as outlined in map 1.

Option 2: Adopt the CIA for Salisbury city centre for a reduced area outlined in map 4.

Option 3: Not to adopt the CIA for Salisbury city centre at this time.

Based on the results of the consultation and the data from the police, we would recommend that committee consider adopting option 2 as this would support the findings that a CIA would be acceptable, but that a reduced area may be more beneficial.

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Salisbury cumulative impact area (CIA) survey 2014

As the licensing authority, Wiltshire Council is consulting on the need to adopt specific licensing policies to address the cumulative impact of the number of licensed premises within the area of Salisbury highlighted on the attached map. Within the highlighted area (referred to as the Cumulative Impact Area or 'CIA') there are a significant number of licensed premises that serve alcohol and late night refreshments. The adoption of specific CIA policies will enable the Council to further control the number of licensed premises, to address issues of crime, litter and noise that may arise in such an area.

The effect of such policies, if adopted, will be to create a presumption that, where representations are received in respect of any applications for new or varied licences within the CIA, those applications will be refused or subject to certain conditions, unless the applicant can demonstrate that there will be no adverse cumulative impact on the area.

The consultation will run inclusively from Monday 27th January 2014 - Sunday 20th April 2014.

Should you have any questions please contact Licensingouth@wiltshire.gov.uk or phone 01722 438 185

Many thanks for taking the time to complete this short questionnaire

1. Do you visit licensed premises within Salisbury City Centre? If so which times?

Please tick all that apply

- 43 (58.1%) 0900hrs- 1700hrs
- 65 (87.8%) 1701hrs- 2200hrs
- 24 (32.4%) 2201hrs - 0300hrs

2. Do you agree or disagree with any of the following statements for the highlighted area:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
The streets are a pleasant and safe place in the evenings	5 (6.3%)	30 (37.5%)	18 (22.5%)	19 (23.8%)	8 (10.0%)
The fear of crime/anti social behaviour stops me visiting at night	8 (10.0%)	20 (25.0%)	14 (17.5%)	22 (27.5%)	16 (20.0%)
Crime and Disorder is mostly caused by customers of the local takeaways and bars	16 (20.0%)	23 (28.7%)	25 (31.3%)	12 (15.0%)	4 (5.0%)
The streets are clean and free of litter	0 (0.0%)	17 (22.4%)	11 (14.5%)	26 (34.2%)	22 (28.9%)
The level of noise is acceptable to me	4 (5.1%)	27 (34.6%)	25 (32.1%)	15 (19.2%)	7 (9.0%)

3. If anything, what stops you from visiting the highlighted area the most?

- 2 (2.6%) Fear of crime
- 18 (23.4%) Fear of anti-social behaviour

- 7 (9.1%) Poor Streetscene i.e. litter and state of street furniture
- 4 (5.2%) Lack of activities
- 8 (10.4%) Poor range of shops
- 1 (1.3%) Inconvenient location
- 31 (40.3%) Nothing stops me visiting
- 6 (7.8%) Other

Please specify

16 (100.0%)

4. Do you feel that there should be more, the same or less of the following in the streets within the highlighted area?

	More	Same	Less
Pubs	13 (16.3%)	49 (61.3%)	18 (22.5%)
Restaurants	26 (32.5%)	38 (47.5%)	16 (20.0%)
Nightclubs	10 (12.5%)	37 (46.3%)	33 (41.3%)
Off licenses that sell alcohol to take off site	4 (5.1%)	41 (51.9%)	34 (43.0%)
Takeaway food retailers	4 (5.1%)	36 (45.6%)	39 (49.4%)

5. What measures could be taken within the highlighted area which would make you feel safer at night?

57 (100.0%)

6. A cumulative impact area (CIA) will allow the licensing authority to place additional conditions on a new licenses applicant or a premises applying to vary their licence. Do you agree that the licensing authority should implement a CIA?

61 (76.3%) Yes, I agree

19 (23.8%) No, I disagree

7. Please see the map at the top of this page, do you believe additional areas should be included or current streets should be removed from the CIA?

53 (100.0%)

8. Within a CIA, several conditions could be imposed on new or varied licenses. Do you agree with the following conditions or aims that a CIA could impose?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Fewer licensed premises selling alcohol	16 (20.8%)	10 (13.0%)	22 (28.6%)	19 (24.7%)	10 (13.0%)
Fewer late night takeaways	19 (24.1%)	25 (31.6%)	18 (22.8%)	12 (15.2%)	5 (6.3%)
Restricted hours for premises selling alcohol	22 (28.2%)	26 (33.3%)	8 (10.3%)	16 (20.5%)	6 (7.7%)
Restricted hours for late night takeaways	21 (26.6%)	27 (34.2%)	12 (15.2%)	13 (16.5%)	6 (7.6%)
Extra door staff for premises selling alcohol	18 (23.1%)	28 (35.9%)	19 (24.4%)	10 (12.8%)	3 (3.8%)

Extra door staff for late night takeaways	17 (21.8%)	29 (37.2%)	18 (23.1%)	11 (14.1%)	3 (3.8%)
Banning of glasses and glass bottles between late night hours	25 (32.1%)	20 (25.6%)	17 (21.8%)	12 (15.4%)	4 (5.1%)
Inclusion of Street Marshalls	25 (32.9%)	30 (39.5%)	12 (15.8%)	6 (7.9%)	3 (3.9%)
Requirement for premises to have a dispersal policy	28 (35.9%)	32 (41.0%)	14 (17.9%)	3 (3.8%)	1 (1.3%)

9. Do you have any other comments?

42 (100.0%)

About you

The following questions will help us gain a better understanding of the issues in the streets within the Salisbury ring road. Your answers will remain anonymous and this information will not be used to identify you or be given to third parties.

10. Your age

0 (0.0%) Under 18
 3 (3.8%) 18-24
 6 (7.5%) 25-34
 17 (21.3%) 35-44
 18 (22.5%) 45-54
 21 (26.3%) 55-64
 15 (18.8%) 65+

11. Your gender

45 (57.0%) Male
 34 (43.0%) Female

12. Your postcode

74 (100.0%)

13. Please indicate which group you most identify yourself as:

66 (82.5%) Member of public
 3 (3.8%) Councillor
 2 (2.5%) Parish/ City Council staff
 2 (2.5%) Licensee
 0 (0.0%) Late night food retailer
 0 (0.0%) Taxi firm/driver
 4 (5.0%) Local business
 3 (3.8%) Agency (please state)

Please state

3 (100.0%)

14. Have you ever been a victim or witnessed anti social behaviour or crime linked to the night time economy in the last 12 months?

	Yes	No
Violent crime	14 (18.9%)	60 (81.1%)
Criminal damage	13 (17.6%)	61 (82.4%)
Anti social behaviour	36 (46.8%)	41 (53.2%)

Who did you report this to?

14 (100.0%)

**Thank you for completing this survey.
Please press the submit button to send in your response.**