

AGENDA

Meeting: Licensing Committee
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Monday 8 September 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 and Substitutions**

To receive any apologies/substitutions.

2. **Minutes** (*Pages 1 - 16*)

To confirm the minutes of the meeting held on 2 June 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 Monday 1 September 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. **Minutes of the Licensing Sub-Committees**

To receive the minutes of the following Licensing Sub-Committees:

Western Area

20/05/14 Application by Marston's PLC for a Premises Licence -
Land North of Cranesbill Road, Melksham, Wiltshire

7. **Statement of Licensing Policy** (*Pages 23 - 84*)

The report of the Public Protection Team Leader – Licensing gives details of the consultation results following the public consultation of the draft licensing policy. This report highlights the revised and changes that have been made since the previous version considered by the Licensing committee on 28 April 2014.

8. **Dates of Future Committee Meetings**

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

Monday 8 December 2014 – Kennet Room
Monday 2 February 2015 – West Wilts Room
Monday 27 April 2015 – West Wilts Room
Monday 1 June 2015 – Room TBC.

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.

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 2 JUNE 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Nick Blakemore, Cllr Sue Evans, Cllr Jose Green, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Jeff Osborn (Substitute), Cllr Leo Randall, Cllr Pip Ridout (Chairman) and Cllr Nick Watts

Also Present:

Wiltshire Council

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 Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

Public

Cllr Matthew Dean
Mr Dominic Imms
Ms Amanda Newbery
Cllr John Walsh

24 Apologies/Substitution/Changes to Committee Membership

Apologies were received from Councillors Bucknell, Drewett, Hewitt and Jacobs. Councillor Moss was substituting for Councillor Bucknell and Councillor J Osborn was substituting for Councillor Drewett. The Chairman welcomed Councillor Nick Watts to the Committee.

25 Minutes

The minutes of the meeting held on 28 April 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting of the Licensing Committee held on 28 April 2014 be approved and signed as a correct record.

26 **Chairman's Announcements**

The Chairman reported that training for new Committee members would be taking place in the next couple of weeks.

As there were members of the public present for item 8 (Cumulative Impact Area – Salisbury) this item would be moved forward on the Agenda and considered after the public participation.

27 **Declarations of Interest**

There were no declarations of interest.

28 **Public Participation**

No questions had been submitted prior to the meeting. There were four members of the public present who wished to make statements in relation to item no 8 on the Agenda – Cumulative Impact Area – Salisbury.

Cllr Matthew Dean – Salisbury City Council

Summary of points raised:

- Salisbury City Council had discussed the results of the consultation and do not feel a CIZ is appropriate for Salisbury and request that the licensing Committee does not agree to implement it;
- Salisbury has the highest shop occupancy in the South West, but lots of work is being done to find alternative uses for empty shops to create a vibrant leisure and tourism economy;
- If a CIZ was to be implemented this would mean a moratorium on new businesses who may wish to invest in the city;
- Salisbury already has “Purple Flag” status and the Council as Licensing Authority does a good job with issuing and monitoring licenses under the current arrangements; and
- The imposition of a CIZ would represent an administrative burden to the Council and to business at a time when resources and capital are scarce.

A Petition containing 17 signatures with the following statement was handed to the Chairman.

“1. We the undersigned believe that the Wiltshire Council proposal to introduce a Cumulative Impact Zone (CIZ) would be very damaging to the economy and

environment of Salisbury and would harm the economic viability of our City Centre.

2. Further, it would place an additional administrative and financial burden on businesses and Wiltshire Council, reduce transparency and democratic accountability for no tangible advantages.

3. We therefore call upon the Licensing Committee of Wiltshire Council to reject these proposals”.

Mr Dominic Imms – Cambridge Wine Merchants

Summary of points raised:

- There has been good investment in the city recently and if there was a CIZ in Salisbury this may mean that retailers move to out of town areas;
- The number of contributors to the consultation was small (82) in comparison to the size of the population (42,000) and we do not feel it represents the wants and needs of the city; and
- If the implications of having a CIZ in Salisbury were fully explained in the consultation then there may have been different responses received.

Ms Amanda Newbery – Chairman of Business Improvement District

Summary of points raised:

- Salisbury is working to pull together as a city to balance out its evening and night time economy;
- The Business Improvement District Group considered the consultation and were not in support of the proposal of a CIZ. This is made up of a number of different people, but we query if this was only counted as one response to the consultation; and
- Please act with caution and don't do anything to damage Salisbury at this sensitive time.

Cllr John Walsh – Salisbury City Council/Wiltshire Council.

Summary of points raised:

- I wish to ensure a balanced approach to the problems and wish to respect the residents of the city but also enjoy an evening out;
- As a Councillor the residents are not rushing to me with concerns about the licensed premises with the city;

- The crime figures don't reflect the numbers of people that are going into Salisbury to enjoy a night out compared to Chippenham and Trowbridge;
- There was a poor response to consultation – what does the silent majority think of the proposals?; and
- Do we want to be seen as doing something when maybe this isn't the right thing? We as councillors will get public comeback if the wrong decision is made today.

29 **Scrap Metal Update**

Peter White (Enforcement Manager, Environment Services) presented an update on the current situation with regard to the Scrap Metal Dealers Act (2013).

Members raised some queries which included:

- The appeal process – This is an internal appeal heard by Senior Council officers. After that any appeal would be heard by the Magistrates Court.
- “Silent partners” within a business – All applicants are assessed as to their suitability. It may be that silent partners may not be as suitable and the Council are wary of those but can only consider those on the application but would be vigilant on visits to the site, etc.
- What is your proactive approach? – The Council works closing with the Police, carries out site visits and relies on intelligence from Council Officers who are about in the district and identify potential problems/breaches of a licence.

Resolved:

That this Scrap Metal Update be noted and that future half yearly updates be received by the Committee.

30 **Cosmetic Piercing and Skin Colouring - Adoption of Legislation and Byelaws**

Linda Holland (Public Protection Team Leader) presented a report which requested that the Committee re-ratify a 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.

Linda apologised that due to an omission the decision was never referred to Full Council to be formally adopted. She felt that it was important for the Council to have one set of unified byelaws.

Members suggested a couple of minor inclusions/amendments to the byelaws relating to tongue piercing, the definition of sterilisation and including reference to his and her hands.

Resolved:

That the Committee re-ratify the decisions of the Licensing Committee of 6 February 2012 – namely to recommend to Council that:

- i) 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 August 2014.**
- ii) Byelaws in the form of the model set out in pages 16 to 21 of the agenda (with amendments as discussed at the meeting) be adopted and submitted for confirmation.**
- iii) The current byelaws which had previously been adopted by the ex-district Councils be revoked on the confirmation of the new model byelaws.**

31 Cumulative Impact Area - Salisbury

Linda Holland (Public Protection Team Leader) presented a report which provided information following the recent cumulative impact area survey which was carried out for the Salisbury area. The report asked the Committee to consider the adoption of a special licensing policy.

The Committee had heard from 4 members of the public (as detailed under minute number 28 above) and copies of letters/emails from the following were circulated at the meeting and these are appended to these Minutes:

- Letter from Cllr John Lindley, Salisbury City Council, 28 May 2014
- Email from Dominic Imms, Cambridge Wine Merchants, 29 May 2014
- Email from Cllr Matthew Dean, Salisbury City Council, 28 May 2014
- Email from David Andrews, VisitWiltshire, 30 May 2014.

In response to the statements made during the public participation, Naji Darwish (Head of Service – Public Protection) stated that:

- The CIZ is a tool for the Licensing Committee to be able to manage licences in a better, more efficient way;;
- At present, if no objections are received to an application then the licence has to be granted. If there was a CIZ in place this would still be the case. A CIZ allows the Committee to consider the impact of multiple licensed premises on the community at large;

- The imposition of a CIZ to Salisbury would not mean that all applications within that area are declined, it would ask for a greater quality of application to be submitted, e.g. CCTV, the use of plastic glasses and better staff training, etc; there is no intention to restrict – just to stop a less effective business from setting up in the area;
- There would be no impact on the Police and Council time if a CIZ were to be implemented;
- The CIZ would support the Purple Flag objective and the Council also wishes to create a diverse night time economy; and
- I agree that a response of 82 is not an indicative view of all those in Salisbury, but the opportunity was given for responses.

Cllr Hutton (Portfolio Holder) commented that a CIZ would be another layer of scrutiny and that Council was not wishing to stop business coming to Salisbury but to protect existing ones. He supported the views of the Officers and agreed that the response to the consultation was disappointing.

Members discussed the issues and made the following points:

- The Purple Flag status means a lot to Salisbury and is bigger than Chippenham or Trowbridge. If we have trouble with premises we can suspend or revoke their licences;
- It is a long and costly process to get to the suspension or revocation of a licence stage – support the reduced area for the proposed CIZ. See it as a necessary tool and we can give it due regard but do not have to use it as it not compulsory;
- As a Committee we requested Officers to look at this for us and see it as a step in the right direction. Question if Salisbury Hospital were included in the consultation process? We need to consider the impact of the military re-basing to the area. Is there a possibility of a pilot scheme for a CIZ;
- The consultation and explanation of this policy required additional work to allay concerns and address some misconceptions of the implementation and impact of the CIZ; and
- Are we creating a problem that doesn't exist? Could we delay the implementation of a CIZ and perhaps consider further consultation?

Paul Taylor (Senior Solicitor) confirmed that if the Committee were to adopt a special policy for a CIZ this would form part of the Council's Statement of Licensing Policy which is currently being revised and would be further

considered by the Committee in September. It would then be recommended for approval by Council in October 2014. Applicants would not be automatically refused a licence if within the CIZ, but would have to demonstrate that they are not adding to the cumulative impact of the area.

Linda Holland that if a CIZ were to be implemented it could be reviewed or withdrawn at any time (subject to Committee approval).

A suggestion was made that this meeting and any future meetings should be held in the relevant areas that are being discussed, but this was not supported by all Members.

Resolved:

That the decision to implement a special policy for a Cumulative Impact area in part of Salisbury City Centre be deferred for 6 months to enable further consideration and consultation, in particular with the following – Salisbury Purple Flag Group, Salisbury City Council, Salisbury District Hospital, Military Re-basing Group and the residents of Salisbury via the Area Boards.

32 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 8 September 2014
Monday 8 December 2014.

The possibility of holding an extraordinary meeting in Salisbury would be investigated although members did not wish for a precedent to be set on moving meeting locations.

33 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30am – 12.05pm)

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

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Cllr Pip Ridout
Chairman of the Licensing Committee
Wiltshire Council
Bythesea Road
Trowbridge
BA14 8JN

28 May 2014

Our ref: Dem/46164/CT

Dear Cllr Ridout

Re: Cumulative Impact Area - Salisbury

At a meeting of Salisbury City Council's Planning and Transportation Committee held on 27 May 2014 the above matter was raised. The committee looked at the results of the consultation and the options being considered by the panel and wish to make the following statement.

This committee urges the Licensing Committee to consider option 3 of the recommendations to not adopt the CIA for Salisbury city centre at this time for the following reasons:

1. Salisbury does not currently have a problem with either the management of or the absolute number of licensed premises.

We are seen as a safe city, have won the coveted "Purple Flag" status and in line with the national position, we have seen the number of public houses and night clubs decline as demographic and social changes have meant people visit pubs less.

2. The Leisure and Night time economy is of huge and growing importance to our city.

We have seen massive investment in Salisbury as Restaurant operators have taken over empty shops, turning them into places to eat, improving the viability of our city centre and creating jobs. The last thing we want to do is put an artificial break on this, leading to developers to go elsewhere.

3. Existing Planning & Licensing arrangements are perfectly adequate to ensure poor quality & inappropriate licenses are not permitted.

All new license applications are considered on their merits by the Licensing Committee of Wiltshire Council while changes of use also require planning permission, all of which can be commented on by SCC.

4. Problem drinking when it does occur is often the result of so called "pre-loading" or street drinking which won't be affected by a CIZ (in fact, it might make it worse).

5. Wiltshire Council & the Police have very limited resources.

They should deploy these resources wisely and to best effect. CIZ are expensive to administer and bureaucratic. They increase costs on potential developers and



operators and create another administrative burden on authorities. They also reduce transparency and the democratic accountability of Councillors.

Yours sincerely

Cllr John Lindley
Chair of Planning and Transportation Committee

Ridout, Pip

From: Cambridge Wine Merchants - Salisbury Branch [salisbury@cambridgewines.co.uk]
Sent: 29 May 2014 18:58
To: Ridout, Pip
Subject: Cumulative Impact Area - Salisbury

Cumulative Impact Area - Salisbury

Dear Cllr Ridout,

I am writing to you to voice my concerns over the impact of a Cumulative Impact Zone implementation in Salisbury.

I believe the policy, if adopted, would have a negative impact on the evening economy in Salisbury. The leisure and night time economy is of growing importance in the city, and I believe is the key in moving forward given the inevitable decline of the traditional high street. I believe that imposing an extra layer of administrative burden on potential operators would not send a business friendly message at a time where the city is (and hopefully will continue to) attracting new investment in this respect.

The assertion that any anti-social behaviour in and around the city centre is the necessary result of too many licenced premises seems contrary. I would have thought if anything the more competition in terms of licenced venues the better, as revellers would be more evenly spread across the spectrum of venues. This would allow licensees to keep and even greater eye on potential trouble. Salisbury has also been awarded purple flag status and is nationally recognised as a safe place to go out, and as such I hope you would agree a generally well managed leisure and late night economy.

As an aside I would also like to comment on the consultation and methodology for this proposal. The number of contributors to the consultation is so small (82) in comparison to the size of the population (42,000) that I cannot see how it can be used as representative of the wants and needs of the city. With 67.6% of respondents aged 45-65+, the main conclusion one could draw from the consultation is that people aged 45-65+ are more likely to view public consultations. It seems a poor platform to base licencing policy on given the importance of the licencing function.

Thank you very much for your time.

Best wishes

Dominic Imms

Dominic Imms
Director
Cambridge Wine Merchants
5 Winchester Street, Salisbury
SP1 1HB

Tel: 01722 324486

Email: dominic@cambridgewine.com

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From: Matthew Dean [
Sent: 28 May 2014 14:48
To: Ridout, Pip
Cc: John Lindley; Clewer, Richard; mdean
Subject: Salisbury Proposal for a Cumulative Impact Zone

Dear Pip,

I'm emailing you as my group are very concerned indeed at the proposals to introduce a Cumulative Impact Zone (CIZ) for Licensed Premises in the City of Salisbury. My Conservative colleague Cllr John Lindley has laid out some of the salient points in his letter to you below as Chairman of the relevant all-party Salisbury City Council sub-committee.

We all feel most strongly that we have a vibrant and generally well run leisure and tourism based economy and that as the nature of retail changes, we would like to see more restaurants and bars based in our city replacing vacant shops, creating jobs and improving the viability of our city centre.

The imposition of the CIZ would represent an administrative burden to both Wiltshire Council and to business at a time when resources and capital are scarce and we feel could be hugely detrimental to our city. I do hope after considering all the evidence, you will be able to support this view.

If you would wish to discuss this further, please don't hesitate to email me or telephone me on 07742 830650. I look forward to meeting you on the committee meeting of the 2nd June.

I enclose a copy of John's letter to you for your perusal.

Best wishes,

Matt

Matthew Dean

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Hi Lisa,

As per my voicemail, I've just been told that the Cumulative Impact Area – Salisbury is being discussed by the Licensing Committee next Monday, 2 June.

VisitWiltshire sit on the Wiltshire Council led Salisbury Purple Flag Steering Group and I'm concerned that proposals haven't gone through this group.

As you'll be aware, Salisbury Purple Flag aims to raise standards and improve the quality of our towns and cities between the hours of 5.00pm and 5.00am. The group is led by Wiltshire Council and supported by a wide range of organisations, including SCC, BID, pub watch, police, the military, venues etc, and there'd be significant criticism if a Salisbury CIA was introduced without proposals having gone through this group.

Unfortunately I can't make the meeting on Monday but happy to discuss anytime before then if it's helpful. Direct tel numbers below.

Thanks

David

David Andrews
Chief Executive
VisitWiltshire

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 MAY 2014 AT COUNTY HALL, BYTHESAE ROAD, TROWBRIDGE, WILTSHIRE BA14 8JN IN RESPECT OF AN NEW PREMISES APPLICATION - MARSTNS PLC - LAND NORTH OF, CRANESBILL ROAD, MELKSHAM, WILTSHIRE.

Present:

Cllr Dennis Drewett, Cllr George Jeans and Cllr Pip Ridout

Also Present:

Teresa Bray (Licensing Officer), Hannah Hould (Licensing Officer), Asifa Ashraf (Solicitor), Michelle Hazlewood (Marston's PLC Solicitor), Laura Barnes (Applicant – Marston's PLC), Kieran Elliott (Senior Democratic Services officer), and Jessica Croman (Democratic Services Officer).

1 Election of Chairman

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

Resolved:

To elect Councillor Pip Ridout as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman welcomed all those present and introduced all officers and members of the public in attendance.

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).

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

Application by Marston's PLC for a Premises Licence at Land North of Cranesbill Road, Melksham, Wiltshire.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She informed the members that Melksham Without Parish Council would withdraw their representations if conditions to incorporate external CCTV covering the terrace was applied.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. No persons who had made a relevant representation or Responsible Authorities were in attendance.

Key points raised by Michelle Hazlewood, Solicitor for Marston's PLC, on behalf of the Applicant were:

- No representations from Responsible Authorities had been received.
- The applicant had experience in the industry and worked closely with those who made representations to resolve any issues.
- The core element of the business was food and not alcohol.
- Recorded music would be used for the ambience only.
- The applicant was willing to stop playing music externally at 8pm.
- To tackle underage drinking the applicant has training in place and a price structure to deter under age drinking.
- To tackle rowdy departures the applicant has applied for extended hours to cover the holidays and bank holidays which will encourage a drift out approach rather than all being pushed out at the same time.

The Sub Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11:10am.

The Hearing reconvened at 11:30.

The Solicitor for the Council, did not give any material legal advice.

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:

The Western Area Licensing Sub Committee has resolved to grant the application for a Premises Licence Marston's PLC at Land North of Cranesbill Road, Melksham, Wiltshire, be granted as detailed below

Licensable Activity	Timings	Days
Exhibition of films (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Indoor Sporting Events	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Live Music (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Recorded Music (indoors & outdoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00 subject to all outdoor music ceasing at 20.00 on all days	Monday - Thursday Friday – Saturday Sunday
Performance of Dance (indoors)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Late Night Refreshment (indoors and outdoors)	23.00 – 00:00 23.00 – 01.00 23.00 – 00.00	Monday – Thursday Friday – Saturday Sunday

Supply of Alcohol (on & off sales)	10.00 – 00:00 10.00 – 01.00 11.00 – 00.00	Monday – Thursday Friday – Saturday Sunday
Hours premises are open to the public	07:00 – 00:30 07:00 – 01:30 07:00 – 00:30	Monday – Thursday Friday – Saturday Sunday

Along with the conditions proposed in the operating schedule and subject to the following additional or varied conditions:

- 1. CCTV also to be in operation in the exterior of the premises to cover the terrace area.**
- 2. That external recorded music will not be undertaken after 20:00 (8pm).**
- 3. To display a contact number in case of emergencies on the exterior of the building.**
- 4. Windows and doors to be a minimum of double glazed and shut after 20:00 (8pm), other than for access and egress, when live or recorded music was being played indoors, excepting indoor ancillary music.**

Reasons:

The Sub Committee took into account the written representations from the applicant and those making a relevant representation, in addition to oral arguments presented at the hearing by the applicants. The conditions suggested by the applicants following consultation with Melksham Without Parish Council were agreed to be appropriate to mitigate concerns regarding public nuisance. It was also considered that in addition it was appropriate to require doors and windows to be shut as well as the restriction of external recorded music, and that a contact number to be displayed was appropriate should there be an emergency event

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.

(Duration of meeting: 10.30 - 11.40 am)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262 , e-mail Jessica.croman@wiltshire.gov.uk

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

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Wiltshire Council

Licensing Committee

8 September 2014

Statement of Licensing Policy

Summary

This report describes the consultation results following the public consultation of the draft licensing policy. This report highlights the revised and changes that have been made since the previous version considered by the Licensing committee on 28 April 2014.

Proposal(s)

It is recommended:

That the Licensing Committee notes the amendments made in the statement of Licensing Policy update and commends the Statement of Licensing Policy (final draft) under the Licensing Act 2003 to the Council for approval at its meeting on 21 October 2014.

Reason for Proposal

The Council must review its Licensing Policy every five (previously every three) years. The Policy is due for review and must be consulted on and ratified by full Council prior to it coming into force. Following any proposed amendments by this Committee a final draft version of the Licensing Policy will required to be submitted to Full Council on 21 October 2014.

Maggie Rae
Corporate Director

Statement of Licensing Policy

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council's draft Licensing Policy (in relation to the Licensing Act 2003).
2. That the Licensing Committee commends the Statement of Licensing Policy under the Licensing Act 2003 to the Council for approval at its meeting on 21 October 2014.

Relevance to the Council's Business Plan

3. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them" and "People are as protected from harm as possible and feel safe".

Main Considerations for the Council

4. It is a statutory requirement that, at least every five years, the Council, as Licensing Authority must produce a Statement of Licensing Policy. This policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

Background

5. 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.
6. 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. This Policy provides the local implementation framework and outlines how the Licensing Authority fulfils the Licensing Act 2003 and ensure that the licensing objectives are met.

7. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Licensing Policy or 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.
8. A report of 28 April 2014 sought Members support of the draft Licensing Policy for consultation. Section 7 of the Act provides that functions in relation to the five year Licensing Policy cannot be delegated but must be approved by full Council.
9. The report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Licensing Policy.

Consultation

10. Consultation period: - 9 May 2014 – 31 July 2014

11. List of Consultees included:-

- All Wiltshire Council Councillors
- All relevant departments of Wiltshire Council
- Police and Crime Commissioner
- Chief Constable of Wiltshire
- All Town and Parish Councils
- South Western Ambulance Service
- Wessex Chamber of Commerce
- Salisbury District Chamber of Commerce
- Federation of Small Businesses
- Pub Watch scheme members
- Purple Flag members (Salisbury)
- British Beer and Pub Association
- Campaign for Real Ale
- Wiltshire Fire & Rescue Service
- Federation of Convenience stores Limited
- The Association of Licensed Multiple Retailers
- British Inn keepers Association
- Community First (village Hall Advisers)
- Independent Street Art Network
- Arts Council of England
- The Musicians Union
- Jazz Services Limited
- Equity
- Poppleston Allen, Licensing Solicitors
- The Environmental Agency
- Hard copies were made available at the libraries
- The draft policy was advertised and available to download from the Councils website.

12. All statutory consultees have received a full copy of the draft Licensing Policy and notification of the draft Policy was given to all Council Members, parish and town councils and all libraries. Further, all relevant premises and specific bodies requesting information have been advised of the draft Licensing Policy and its availability. Finally, a copy of the draft Licensing Policy was also available on Wiltshire Councils Website.
13. The Licensing Policy is a draft document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises which sell/supply alcohol or provide regulated forms of entertainment. The draft Policy has been based on the requirements of the Act and includes changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.
14. There were 23 responses' received from the public consultation, 10 Wiltshire Councillors responded to the member's survey and 5 emailed comments were received direct to the Licensing Team. Most responses were in support of the new draft policy, several pointed out grammatical errors or suggested re-wording and a number of village halls had questions relating to Temporary events notices or fees. See attached Appendix 1 for the thematic responses to consultation. Appendix 2 contains a summary of the councillor responses.

Safeguarding Implications

15. 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

16. 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

17. 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

18. 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

19. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

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

20. Criticism of the Council and compromise the reputation of the Wiltshire Council.

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

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

Financial Implications

22. There are no additional financial implications of the proposals contained within this report.

Legal Implications

23. Under the Licensing Act 2003, the Council is required determine its policy with respect to the exercise of its licensing functions and to publish a statement of that policy. This must be done for each five year period and the current policy is due to expire at the end of this year. The Council must, therefore, now adopt a new policy. The Licensing Act requires the Council to specifically consult various organisations before adopting a new policy, in addition to more general consultation. This consultation has taken place and the view of consultees taken into account in the revised draft.
24. The Statement of Licensing Policy sets out the approach that the Council will take to the exercise of its licensing functions. The Council is required, by section 4 of the Act, to have regard to its policy, when exercising any of its licensing functions. This includes the determination of applications for new licences and reviews of existing.

Conclusions

25. The adoption of a revised Statement of Licensing Policy by December 2014 is a statutory requirement.

Proposal

26. To ask members to note the consultation undertaken and subsequent amendments made to the Council's draft Licensing Policy (in relation to the Licensing Act 2003).
27. That the Licensing Committee commends the Statement of Licensing Policy, as attached as an Appendix to this report, under the Licensing Act 2003 to the Council for approval at its meeting on 21 October 2014.

Reason for Proposal

28. The Wiltshire Council's Statement of Licensing Policy must be reviewed every five years and be the subject of a full consultation process.

Maggie Rae
Corporate Director

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Public Protection Team Leader – Licensing

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8 August 2014

Background Papers

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

Appendix

1. Thematic responses to consultation
 2. Proposed Statement of Licensing Policy
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APPENDIX 1: Thematic responses to Wiltshire Council Statement of Licensing Consultation June 2014-August 2014

1 Background

1.1 The Public consultation on the draft Statement of Licensing policy 2014 took place for three months from 9 May 2014 – 31 July 2014.

1.2 The consultation was extensive and included a range of statutory consultees, stakeholders and local communities. (For a full list please see section 9 of the accompanying report). This was in addition to social media and press notices informing the general public.

1.3 23 responses were received during the consultation with 5 received directly by email.

All responses were asked for comments on the draft policy and these are presented unabridged below. The responses have been organised into themes and action taken to respond to the comments made.

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
Alcohol and Health	Wiltshire Council (Public Health)	Within para 3.3 Public Health (or elsewhere), reference should be made to: • NHS guidance on Units of alcohol and recommended drinking levels • Signposting information to services for people with an alcohol problem. We should be aiming to get this information into licensed premises in a more visible way.	Link to NHS choices added to further information
Alcohol and Health	Wiltshire Council (Public Health)	The policy covers the full range of licensing responsibilities and is much more user friendly and informative than the previous version. Public Health aspects are highlighted and possible opportunities to cover these within licenses are mentioned, which is great.	Positive feedback, no action required.

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
Community venues, village halls and the Licensing Act 2003	Other (Village Hall)	Overall I think it is a very fair policy. I ask the Council, when setting relevant fees, to consider the circumstances of Village Halls. These often have a small number (in our case, two or three) fund-raising events per year with a bar and other entertainment such as a band or Rural Arts Wiltshire play; we recognise the need for these events to be regulated, but ask that annual or single-even fees are kept to a minimum so the revenues can be used for heating etc. and maintenance of the buildings.	Current fee levels set by the government within the legislation, recent consultation carried out by the government on locally set fees which may include a number of reductions or exemptions. Results have yet to be published.
Community venues, village halls and the Licensing Act 2003	Member of the public	I understand that for small. one-off events held at our local Village Hall, a temporary licence is required at a cost of £21 per event. This is a ridiculous amount to pay for what are "volunteer" run, occasional events. It is a purely administrative, box-ticking, revenue gathering exercise that serves no useful purpose whatsoever. I suggest that the temporary licence for village halls be abolished.	National policy contained with the legislation, the government has already made one change to the legislation and increased the number of days from 15 to 21. The government are looking at further reforms to the legislation to increase the number attending an event before a notice or licence required.
Community venues, village halls and the Licensing Act 2003	Other	It seems unlikely that anything in the policy would adversely affect a small village hall using a licensed premises on an approximately weekly basis. We therefore have no comments and support the policy as drafted.	No action required
Community venues, village halls and the Licensing Act 2003	Other	I would appreciate clarification on the following :- If a "Village Hall" is granted 12 occasional licences , for which it has to specify the dates of use, then decides to apply to a local public house to provide a bar in the hall, does this count as use of one of the "occasional licenses" ?	Yes, a temporary event notice limit allocation is premises specific regardless of applicant.

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
Editorial changes and comments	Wiltshire Council Also received by email:	Apologies that many of these points are very pedantic! 2.2 line 3, p10, 'premises' is a plural noun – therefore it should read '...in the location of a premises.' 2.4 line 3 para 2 should be 'an SIA licence', not 'a SIA licence'. 2.4 para 3, refers to stewards at events involving children 'If they were employed to undertake duties involving children then the applicant should consider whether a relevant criminal record office basic disclosure check is appropriate.' This refers to the 'criminal record office' (?) and is prescriptive, so it may be preferable to state 'the applicant should consider whether the relevant level of disclosure check is appropriate.' 3.1 line 2, p 13: 'However, the use of surveillance cameras should only be used if it is necessary and proportionate...' would be better to replace with 'However, surveillance cameras should only be used if necessary and proportionate...'. 3.1 bullet point 1, p 13: 'must in particular have regard to the Information Commissioner's Office's Code of Practice on CCTV.' would be better to replace with 'must have particular regard to the Code of Practice on CCTV published by the Information Commissioner's Office.' 3.1 bullet point 4, p14 'demonstrate integrity in doing and can be held to account.' replace with 'demonstrate integrity in doing so and can be held to account.' 3.2 p14 'This will reduce the risk of anti-social behaviour occurring both on and away from the premises after customers have departed.' Could be replaced with 'This will reduce the risk of anti-social behaviour occurring both when customers are on the premises and after they have departed.' 3.3 p14 in relation to the heading 'Alcohol harm reduction', in the first paragraph it reads as if alcohol-related problems relate mainly/exclusively to town centre safety. There is probably a far wider hidden social and public health issues relating to alcohol that is consumed at home and the impact it has on domestic abuse. There is also a public protection issue of underage sales of alcohol. These either need to be acknowledged and the role of Licensing in tackling them cross-referenced, or the heading could simply be changed to 'Town	Appropriate amendments made

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 32</p>		<p>Centre Safety'. 3.5 p 15, It would assist the lay person to understand this section better if there is an explanation of where occupancy limits are set and under what circumstances. 3.6 p15 'Applicants should have this available at the request of licensing authority or any other responsible authority. ' It is not clear whether this refers to the policy or the action plan. 5 p20 the definitions of young person in para 1 and bullet point 5 are not consistent. 5 p20, first paragraph after the bullet points introduces new concepts of 'mixed use' and 'exclusively or primarily used' without providing any context to the background of these terms. Therefore could be confusing to the lay person. 5.2 p22 first paragraph – will licensing sub-committee or its delegated officers view films that are exempt from BBFC classification? Eg educational or sports films? 6.0 para 4 p23, there is a space at the beginning of the paragraph 6.1 p23 title should be 'club premises' 6.1 p23 last line 'the licensing authority will have regard to the Section 182' should read 'the licensing authority will have regard to Section 182 Guidance of The Act'. 6.4 p25 The title refers to '(TENS)' without actually defining what the acronym stands for (either in the title, the following paragraphs or glossary). 6.5 p26, 1st paragraph 'The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted.' I would prefer for the policy to explicitly state that this is the event organiser's responsibility: 'It is the responsibility of the event organiser to provide the licensing authority and all other statutory consultees at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.' 6.5 p26 2nd paragraph 'The licensing authority recommends they are given at least six months' notice to allow for a sufficient lead in time.' It is preferable for this to be 'The licensing authority requires at least six months' notice to allow for a sufficient lead-in time.' 6.5 p26 final paragraph</p>	

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
		<p>– ‘Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events.’ Does not state who they should contact, so this could be added.</p>	
Editorial changes and comments	Licensee	Document to long / needs to be plain English	The document is of comparable length and content of most of the revised policies currently being consulted on. It is a guidance document and is required to contain the relevant advice and information. Every effort has been made to simplify language and provide graphical representations where possible.
Editorial changes and comments Event Organisation	Member of the public	Section 4.5 - we do not need "greater control measures". Please delete. Section 6.5 - the notice period of 6 months is too long for many community events, e.g. an idea may develop after Christmas for an event in the summer. The notice period should be 3 months.	<p>“Greater” amended to “Appropriate”.</p> <p>Six months is the recommended time scale for planning and engaging with the relevant responsible authorities for a reasonable sized event (, ideally most responsible authorities would prefer twelve months.</p>
Licensing and planning development	Music Union	However, in light of the current problems facing Bristol’s long-standing and iconic music venue The Fleece due to a planning application for change of use of the offices immediately opposite to become flats, our primary concern regarding the Policy at present would be regarding 4.4 and perhaps 7.2 – where an existing venue that has historically hosted live music with no previous problems is suddenly and unfairly prejudiced by way of developers building housing adjacent to it. In the event of this happening we would wish to see the onus put onto the developer by way of ensuring that everything is done to minimise or exclude noise issues when	These concerns relate to planning and building control – These comments have been passed to the relevant officers.

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
			<p>playing an active role.</p> <p>Poor management is address by licensing officers who support licensed premises to improve. If poor management persists officers robustly tackle these issues as part of the licensing review process.</p>
<p>Public Safety and Crime and Disorder – changes and comments</p> <p>Page 35</p>	<p>Wiltshire Police</p>	<p>2.0 prevention of crime and disorder Paragraph 3 reads this will reduce the risk of anti-social behaviour <i>insert and violent crime</i>.</p> <p>3.0 promotion of public safety 3.1 CCTV should this sit under crime and disorder rather than public safety? Additional point – anticipatory judgement - conditions of licence particularly in relation to new licenses. 3.2 repeated in sec 2 page 9.</p> <p>4.0 prevention of public nuisance Paragraph 1 – appropriate steps must be taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance <i>insert and anti-social behaviour</i>.</p> <p>5.0 Protection of children from harm 5.1 paragraph 2 – remove first sentence and replace with – This is a mandatory condition on all licensed premises. Paragraph 3 – insert PASS as a form of identification.</p> <p>6.0 Licensing Process Paragraph 5 why in particular is live music et al considered to carry more weight than the licensing objectives? 6.3 insert in paragraph 3 - consultation with relevant partners welcomed. Time limits of act? amendments to operating schedule made as agreed by the applicant.</p> <p>7.0 Enforcement Paragraph 6 insert consistent lower level pattern of continued</p>	<p>Actioned where appropriate</p>

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
		<p>problems.</p> <p>Appendix – Include list of mandatory conditions.</p>	
Public Nuisance	Wiltshire Council (Noise Team)	<ol style="list-style-type: none"> 1. High volume vertical sales: include an explanation in glossary or replace with plain English. 2. Addition to the Public Nuisance section: Marquees at pubs and wedding venues used for live bands are increasingly becoming popular and a problem. They are seen as an easy way to introduce additional capacity at small premises but it has to be recognised that they provide no noise attenuation and are not appropriate in residential areas as operators will be hard pressed to prevent public nuisance whilst achieving customer satisfaction. We will look for controls to be applied in other areas: limiting output of amplifiers, ensuring bands or DJ are accommodated within in the main building rather than outside, limiting duration, and number of events. 3. Addition to Public Nuisance section: Small multiday outdoor music festivals often with camping: Aimed at less than 499 people, these are also becoming a significant source of public nuisance. Organisers are advised to contact PPS at an early stage and are advised to employ event management techniques, similar to larger festivals to avoid public nuisance. This can be by choice of locality, geography, limiting amplifier output, duration, etc 4. Should Public nuisance also mention ASB outside and near venues? 5. First time festival organisers; are strongly recommended to contact PPS at their earliest opportunity to facilitate their applications. 	Amendments carried out where appropriate.

Theme of comments	Capacity are you responding	Feedback / comments / amendments	Action
Public Safety and Crime and Disorder – changes and comments	Salisbury Licensee	<p>Ion Track usage. We particularly would welcome regular (quarterly if possible) daytime (Monday morning before cleaning?) mapping to inform management and authorities of potential drug use in public and staff areas. Night time operations extra but also welcome annually at least as a deterrent.</p> <p>General point: We believe that true ‘nightclubs’ or ‘discotheques’ are slightly different to vertical drinking establishments. The majority of our customers are on the dance floor and are dancing 80% of the time. Bars are true vertical drinking establishments where, if there is a dancing area at all, dancing is secondary and drinking is primary and therefore, more alcohol is consumed faster. This may not be relevant at all to the policy but is something that I feel the need to say occasionally!</p>	Use of equipment already incorporated within the policy

APPENDIX 2: Summary of Wiltshire Counsellor Consultation of the Statement of Licensing Policy – Draft

Background

- 1.5 In addition to the public consultation a specific consultation survey was produced for Wiltshire Councillors. This survey, the draft statement of licensing policy and information on the public consultation was provided in an update to members in June 2014.
- 1.6 This was in addition to extensive comments and feedback from the members of the Licensing Committee in preparation for the public consultation.
- 1.7 10 councillors' responses were received during the consultation with none received outside of period.
- 1.8 The respondents are listed below

Councillor Name	Division
Graham Wright	Durrington and Larkhill
Fleur de Rhe-Philipe	Warminster Without
John Knight	Trowbridge Central
Allison Bucknell	Lyneham
Dennis Drewett	Trowbridge Park
Philip Whitehead	Urchfont and the Cannings
Nick Blakemore	Adcroft
Bob Jones	Cricklade
Mark Packard	Chippenham Pewsham
Trevor Carbin	Holt & Staverton

2. Summary of responses

- 2.1 All responses stated that the policy was comprehensive and would promote the licensing objectives. The policy would promote the appropriate balance between aspirations of the licensing trade and the needs and wishes of the local community.
- 2.2 Respondents were unanimous in their belief that the policy would facilitate a sustainable entertainment and hospitality sector in Wiltshire.
- 2.3 The policy was broadly easy to understand and guidance for applicants and licence holders was sufficient.

3. Additional comments

Name	Division	Additional Comment	Action
Fleur de Rhe-Philipe	Warminster Without	Seems to work well at present	
Allison Bucknell	Lyneham	Just wondering if it would be helpful to actually make reference somewhere in Section 5 about the laws relating to children drinking alcohol legally in	Additional information has now been added to the policy document

		pubs/restaurants as there is only one reference to the age of children/young people and people get very confused about what is and is not possible	
Philip Whitehead	Urchfont and the Cannings	<p>Policy should enable activity and events without compromising the licensing objectives.</p> <p>Public Health risk - subtly different from Public Nuisance - eg if someone has a heart attack when a concert is going on in All Cannings will an ambulance get through in time.</p>	<p>This is the policy aim. All events are responsible for the provision of medical provision and is determined on the level of risk. All events are required to have first aid support on site where appropriate. Larger events may require increased levels of health provision dependant on risk. The Event Safety Advisory Group reviews the risk posed by event</p>
Bob Jones	Cricklade	The licensing policy and enforcement should be costed to ensure it is cost neutral to Wiltshire Council ensuring all costs are born by those requiring licences	The Licensing Act 2003 sets national fees. A consultation in spring 2014 was undertaken on locally setting fees - results awaited.

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Statement of Licensing Policy

The Licensing Act 2003

2014 - 2018

Please read this document carefully and retain it for future reference

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Appendix A – Premises License – New Applications

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Appendix E - Glossary

DRAFT

1.1 Introduction

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

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

This statement takes effect from 1 November 2014 and will be scheduled for review in 2019.

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

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

1.1 Purpose and Scope

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

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

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.

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

1.2 Key Aims

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

- Promote and give precedence to the licensing objectives.
- Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties.
- Secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in Wiltshire.
- Integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce alcohol harm
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help

- reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on A&E services
- continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
- endeavour to reflect the diversity of Wiltshire through its blend of urban and rural settlements
- give direction to applicants, so that they can make informed decisions in respect of their own ventures.

1.3 Consultation

In reviewing this statement the licensing authority consulted widely with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between May 2014 and July 2014 by way of a direct letter to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

1.4 Licensing function

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

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

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

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

The licensing authority acknowledges that circuses can fall on the edge of the licensing regime depending on the nature of their show. Normally it will expect such events to obtain an authorisation under the Licensing Act (subject to legislative

change, Section 182 guidance etc) where the land concerned is not already licensed under the 2003 Act.

1.5 Licensing objectives

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

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

The Licensing objectives are:

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

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

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

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

2.0 Prevention of crime and disorder

The council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder throughout Wiltshire, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. The council as a member of the Wiltshire Community Safety Partnership will work with relevant partners to utilise legislation as required to prevent crime and disorder issues.

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

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

2.1 Toughened/safety glasses

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

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

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

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

2.2 Pubwatch

The licensing authority recognises the value of Pubwatch schemes will play a supportive role and attend meetings as appropriate. Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises.

Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority encourages all licensees to actively participate in their local Pubwatch scheme and is keen to support the development of more schemes where there is a demand.

2.3 Information sharing and reporting incidents

As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for a next meeting. Any issues of crime and disorder should be reported as soon as possible to Wiltshire Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Wiltshire Police and other agencies.

Wiltshire Police and Wiltshire Council work in partnership to target those individuals who cause crime and disorder. Drink Banning Orders (sec 1-14 Violent Crime Act 2006), Exclusion Orders (sec 1 Licensed Premises Act 1980) and Anti- Social Behaviour Orders (sec 1 Crime and Disorder Act 1998) and any replacement powers will be utilised to assist in the prevention of crime and disorder. Information about relevant orders against persons will be shared with premises. License holders are also expected to assist in preventing crime and disorder by notifying Wiltshire Police of any persons who breach orders relevant to their premises.

2.4 Door supervisors/stewards

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

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

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

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

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

2.5 Dispersal policy

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

2.6 Drugs in premises

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

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

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

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3.0 Promotion of public safety

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

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

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

3.1 CCTV

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

- When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office. Any proposed blanket requirement to attach surveillance camera conditions to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.
- Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in any particular case. For example, it is unlikely that a surveillance camera condition would be justified for a trouble-free community pub. Where a licence or certificate is granted subject to surveillance camera system conditions, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.

- The public must have confidence that surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- CCTV recordings should be kept for a minimum of 31 days and shared with the licensing authority and Wiltshire Police upon request.

3.2 Alcohol consumption

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

3.3 Alcohol harm reduction

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

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

The licensing authority will continue to work alongside their partners on a countywide and local level. Groups such as licensing tasking will continue to formulate the basis of partnership work and will have clear aims and objectives to ensure they are fit for purpose. This group will sit within the governance of Wiltshire Community Safety

Partnership and will feed into local initiatives such as Pubwatch, Purple Flag, Best Bar None and Community Alcohol Partnerships as and when required.

3.4 Public health

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

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

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

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

3.5 Occupancy limits

It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises.

The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives. It is recommended that premises assess and set

3.6 Health and safety

If more than five people are employed, by law the applicant or operating company must have a health and safety policy statement which must be brought to their attention. Employers must also record the results of risk assessments and ensure a robust tailor made health and safety action plan, is in place for both staff and customers. Applicants should have these documents available at the request of licensing authority or any other responsible authority.

4.0 Prevention of public nuisance

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

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

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

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

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

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

4.1 Odour

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

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

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

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

4.2 Lighting

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

4.3 Waste/litter

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

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

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

4.4 Noise

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

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

4.5 Entertainment

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

4.6 Disturbance from customers

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

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

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

4.7 Plant and equipment

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

4.8 Servicing

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

4.9 Fly posting, flyers and graffiti

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

5.1 Protection of children from harm

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

The policy aims to work alongside the principles set out in the Wiltshire Safeguarding Children Board and Wiltshire Children and Young People's Trust revised Multi-Agency Thresholds for Safeguarding Children (can be found by following this link: <http://www.wiltshirepathways.org/GenPage.asp?ID=60>).

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

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

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

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

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult
- where there is a history of crime and disorder
- where the premises are in a high risk area e.g. close to school; in an area with a history of underage sales; in an area with anti-social and criminal behaviour linked to persons under 18.

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

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

5.1 Age verification underage sales on/off premises

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

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

The following are examples of identification used:

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

Details of training provided to members of staff to prevent underage sales should be recorded in a log. Additionally, when a retailer does refuse the sale of alcohol this should be recorded in a 'refused sales log'. These documents should be kept available for inspection by a police officer or authorised officer of the licensing authority.

5.2 Proxy sales

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

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

5.3 Children and cinemas/theatres

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

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

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

6.0 Licensing process

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

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

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

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

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

6.1 Application for premises licences and club premises certificates

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

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

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

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

Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the council's licensing team and the various responsible authorities early in the planning stages in order to reduce the risk of confusion and disputes arising.

The licensing authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.

6.2 Licence conditions

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

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

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

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

6.3 Licensing hours

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

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

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

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

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

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

6.4 Permitted temporary activities (TENS)

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

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

Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events.

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

6.5 Large scale events

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

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

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

6.6 Delegation of decision making

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

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

Whilst contested licensing applications are quasi-judicial in nature, the licensing sub-committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The

procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

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

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

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

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

6.7 Application for personal licences

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

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

The licensing authority must grant a personal licence if the applicant:

- is aged 18 years or over
- is in possession of a relevant licensing qualification or is a person of a prescribed description
- has not forfeited a personal licence in the previous five years, beginning with the day the application was made
- has not been convicted of any relevant offence under Schedule 4 of the Act,

- or a foreign offence
- has paid the appropriate fee to the licensing authority.

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

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a relevant criminal record office basic disclosure certificate, with the application form, together with a signed disclosure form by them.

The licensing authority and police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s). Ultimately, the police may be minded to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before the licensing sub-committee. The application will be refused, based on the police's objection, if the licensing authority considers it appropriate for the crime prevention objective to do so.

Wiltshire licensing authority will be the 'relevant licensing authority' for all ten year personal licences issued for the duration of that period, regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

6.8 Delegation to premises supervisors

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

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

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

degree of notoriety for underage drinking.

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

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

The licensing authority have a well established licensing forum 'Licensing Tasking' for the representatives of relevant organisations to meet on a regular basis to discuss licensing matters related to the four licensing objectives.

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

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

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

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

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

The licensing authority will refer to the following policies when considering enforcement: - Enforcement Concordat (to be supported by the Regulators' Compliance Code that enables the 'Hampton principles') and Enforcement Protocol agreed with Wiltshire Constabulary (published on the council's website: www.wiltshire.gov.uk).

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

7.1 Inspection of licensed premises

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

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

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

7.2 Complaints regarding licensed premises

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

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

7.3 Reviews of licences

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

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

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

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:

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

7.4 Other powers and legislation

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

Anti-Social Behaviour Act 2003 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. The 'test' is a lesser one than required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

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

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

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

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

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

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

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8.0 Other licensing authority powers

8.1 Cumulative impact policy

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

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

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

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

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

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

8.2 Late night levy

Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value. The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

8.3 Early morning restriction order (EMRO)

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

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

9.1 Links to strategies and plans

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

- Wiltshire Drug Strategy
- Wiltshire Alcohol Strategy
- Wiltshire Children and Young People's Substance Misuse Strategy
- Wiltshire Anti- Social Behaviour Strategy
- Wiltshire Violent Crime Strategy
- Wiltshire Domestic Abuse Strategy.

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

10.1 Further advice and guidance

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

www.wiltshire.gov.uk

Government information on the Licensing Act 2003 and other relevant legislation is available on:

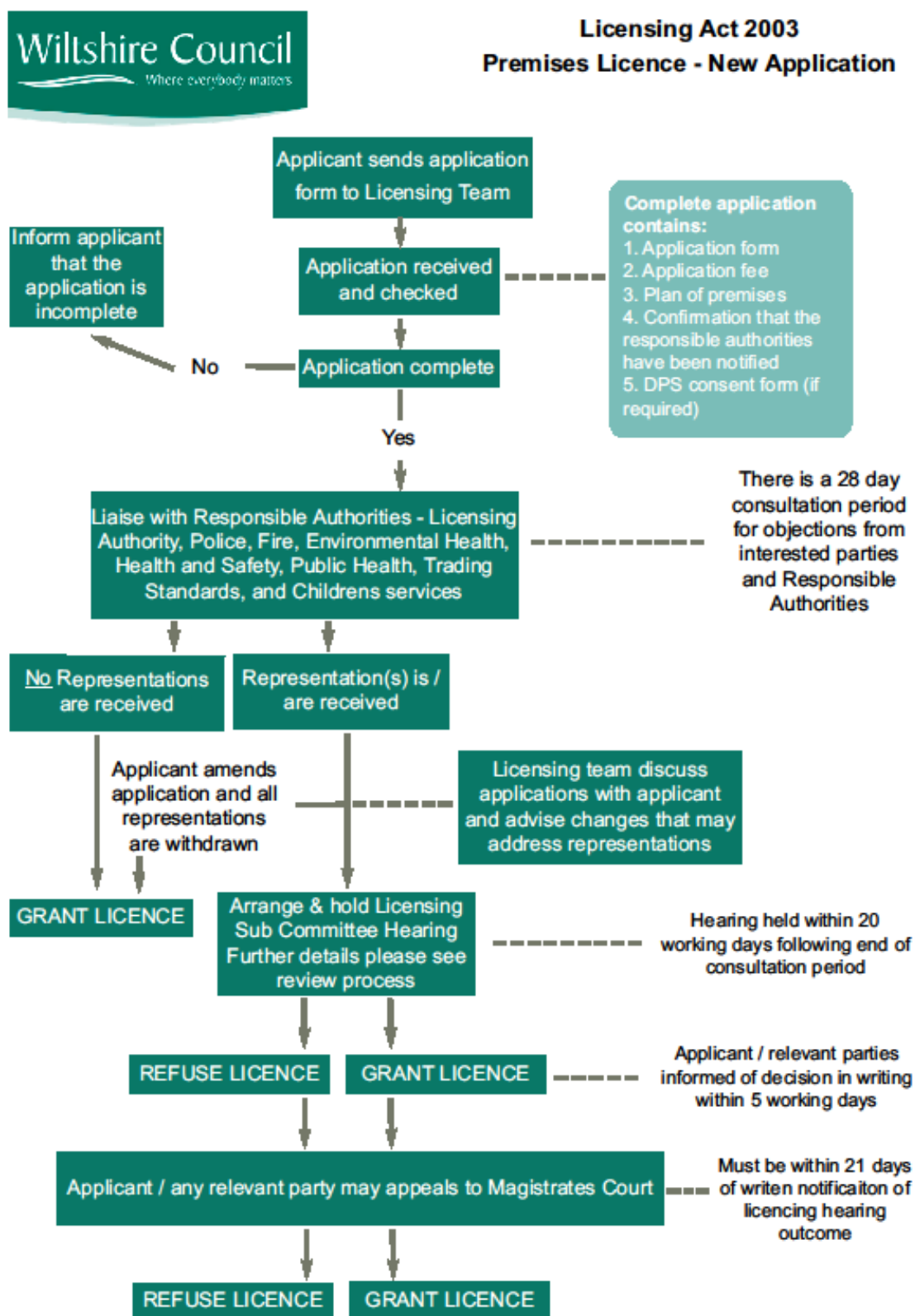
www.gov.uk/government/organisations/home-office

NHS guidance on Units of alcohol and recommended drinking levels:

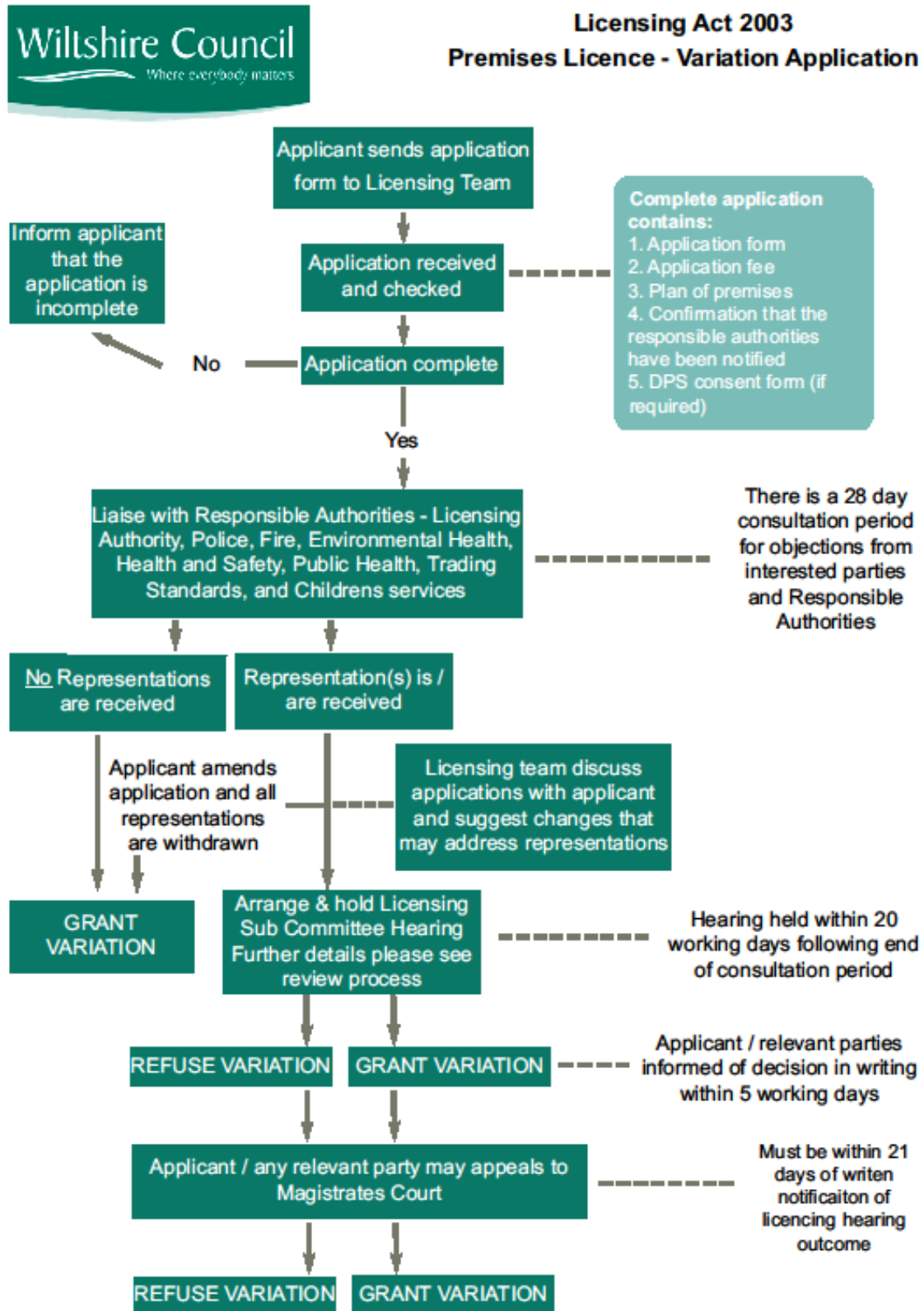
<http://www.nhs.uk/Livewell/alcohol/Pages/Alcoholhome.aspx>

11.0 Appendices

APPENDIX A – Premises License – New Applications



APPENDIX B – Premise License – Variations



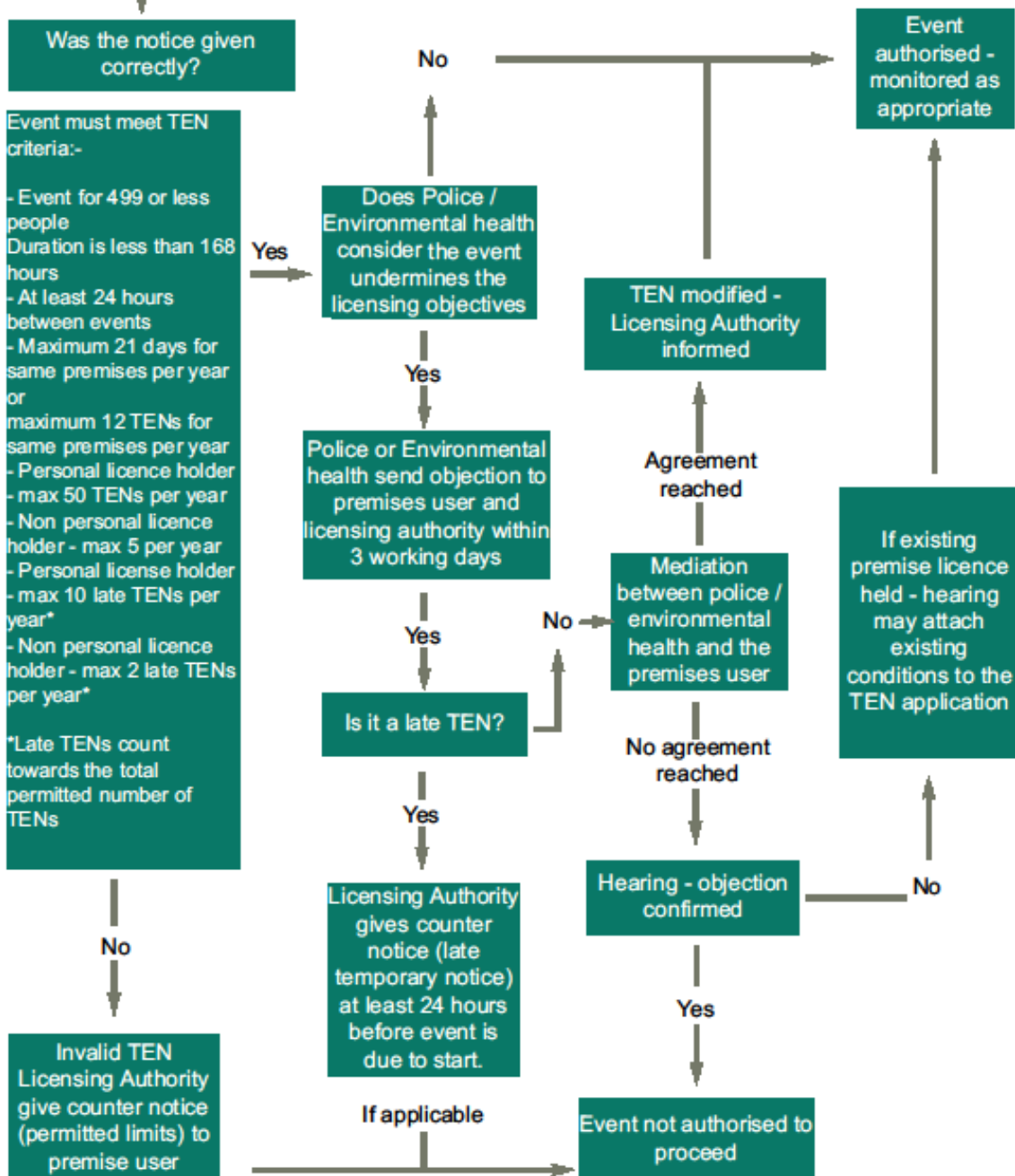
*If request substantial of to extend duration of license - a new application must be submitted. If it is to vary a name, address, or the DPS then a separate process applies.

APPENDIX C – Temporary Event Notice



Licensing Act 2003
Temporary Events Notice (TENS)

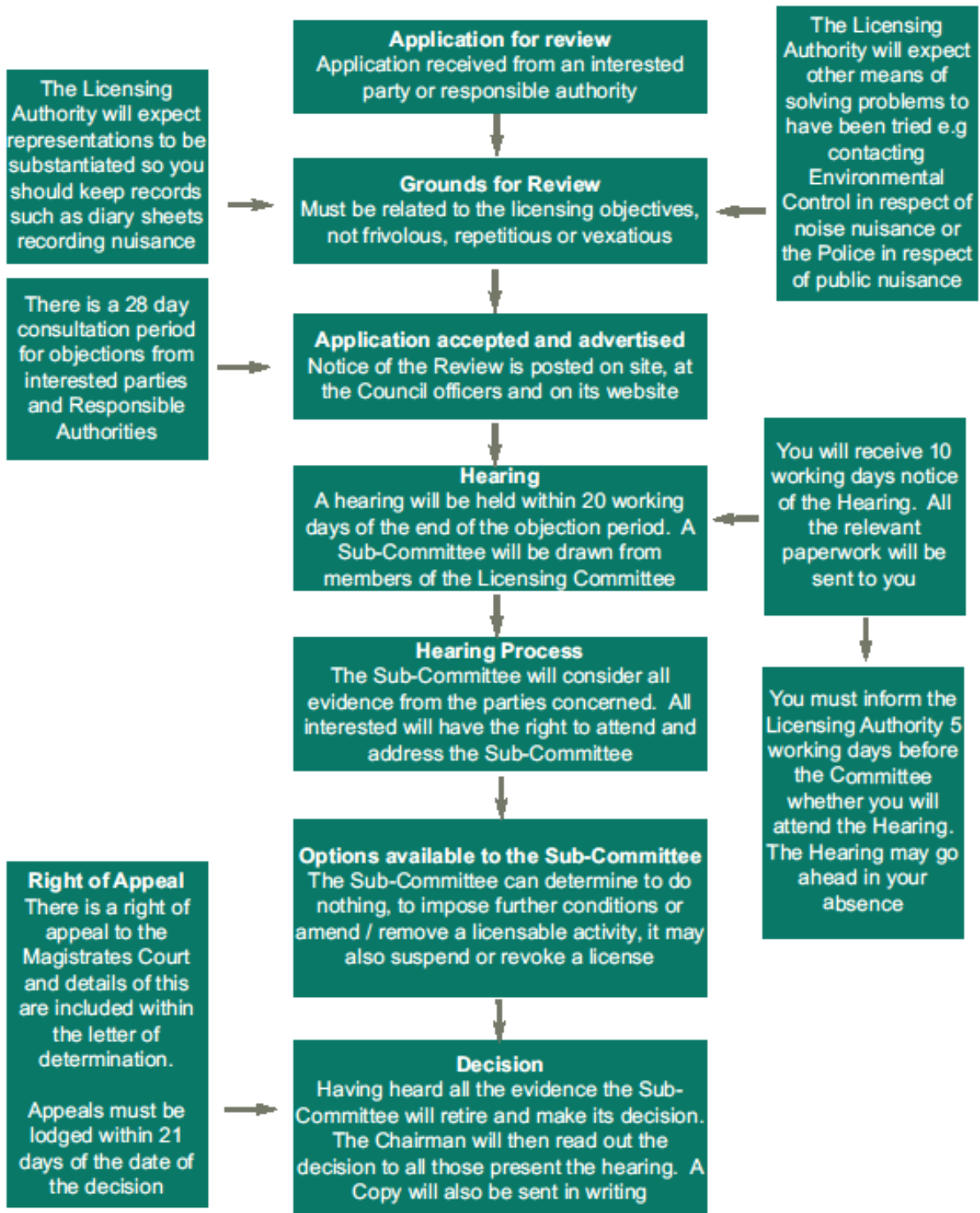
TEN application form + fee sent to Licensing Authority, copy sent to Police and Environmental Health, with at least 10 working days or for a late TEN at least 5 working days before event.



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



**Licensing Act 2003
Review Process for Premises Licences &
Club Premises Certificates**



APPENDIX E – Glossary

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

Alcohol harm reduction strategy

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

Appropriate representations

See 'Relevant Representation'.

Basic disclosure check

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

Best bar none

Best Bar none raises standards and rewards excellence for those venues that attain the Award standard. This is delivered at a local level by active partnerships between the industry, local authorities and police.

Club premises certificate

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

Crime and Disorder Reduction Partnership

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

Cumulative impact

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

Designated premises supervisor

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

High volume vertical drinking establishments

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

LACORS/TSI code of best practice on test purchasing

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

Licensing committee

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

Licensing hours

The hours during which authorised licensable activities take place.

Licensing tasking

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

Natural justice

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

Operating schedule

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

Personal licence

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

Premises licence

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

Proportionality

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

Pubwatch scheme

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

Purple Flag

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

Qualification approved by DCMS

A licensing qualification accredited by the Secretary of State.

Quasi-judicial

Is an entity or a function, generally of a public administrative agency, which has powers and procedures resembling those of a court of law or judge, and which is obligated to objectively

determine facts and draw conclusions from them so as to provide the basis of an official action.

Relevant offence

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

Relevant representation

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

Responsible authorities

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises licence. These include as at 1 April 2014:

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

Safer clubbing

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

Special policy

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

Terminal hours

The times at which authorised licensable activities should cease.

Zoning

The adoption of fixed terminal hours in designated areas.