

AGENDA

Meeting: Licensing Committee
Place: Ceremony Room, 1st Floor, County Hall, Trowbridge BA14 8JN
Date: Monday 8 December 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 Jon Hubbard
Cllr Ernie Clark	Cllr Bill Moss
Cllr Andrew Davis	Cllr Jeff Osborn
Cllr Bill Douglas	

AGENDA

1. **Apologies**

To receive any apologies.

2. **Minutes** (*Pages 1 - 4*)

To confirm the minutes of the meeting held on 8 September 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 December 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** (*Pages 5 - 16*)

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

Western Area

- 19/08/14 Application by Martin Hinds for a Premises Licence at The Black Pearl, 5a, Church Street, Trowbridge
- 11/09/14 Application by Wiltshire Police for a Review of the Premises Licence in respect of the mobile catering van at Mortimer Street, Trowbridge (public minutes)

7. **Briefing Note - Model Licence Conditions for Animal Boarding (Catteries) and Pet Vending** (*Pages 17 - 18*)

The purpose of this briefing note (prepared by the Public Protection Officer (Licensing)) is to advise members on changes to national guidance on conditions for Animal Boarding Establishments and Pet Shops and invites Members to consider that the new conditions are implemented for premises licensed with this Authority.

8. **Statement of Licensing Policy** (*Pages 19 - 72*)

The report of the Public Protection Team Leader asks the Committee to note the requests for amendments to the Statement of Licensing Policy made by Full Council on 21 Oct 2014.

9. **Cumulative Impact Area (CIA) - Salisbury** (*Pages 73 - 88*)

The report of the Head of Public Protection – Community Protection seeks to provide further evidence to the Committee on the benefits and risks of implementing a CIA for Salisbury. This follows the initial report received at the committee meeting on 2 June 2014.

10. **One Zone/One Tariff Consultation - Hackney Carriage and Private Hire Vehicle Licensing** (*Pages 89 - 104*)

This report of the Fleet Services Manager has been developed to update members on the results of the consultation with the taxi trade on the proposal to introduce one zone and one tariff, and to consider the options for harmonisation.

11. **Dates of Future Committee Meetings**

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

Monday 2 February 2015
Monday 27 April 2015
Monday 1 June 2015.

12. **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.

13. **Exclusion of Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 14 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Paragraph 1 - information relating any individual

14. **Minutes of the Licensing Sub Committee (Pages 105 - 108)**

11/09/14 Application by Wiltshire Police for a Review of the Premises Licence in respect of the mobile catering van at Mortimer Street, Trowbridge (private minutes)

LICENSING COMMITTEE

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

Present:

Cllr Desna Allen (Vice Chairman), Cllr Allison Bucknell, Cllr Trevor Carbin (Substitute), Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans, Cllr Pip Ridout (Chairman) and Cllr Nick Watts

Also Present:

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), and Paul Taylor (Senior Solicitor)

34 Apologies and Substitutions

Apologies were received from Councillors Blakemore, Drewett, Jacobs and Randall. Councillor Carbin was substituting for Councillor Blakemore. Apologies were also received from Tracy Daszkiewicz (Public Health Consultant).

35 Minutes

The minutes of the meeting held on 2 June 2014 were presented to the Committee. It was noted that Councillor Desna Allen had been omitted from the list of those in attendance.

Resolved:

That the minutes of the meeting of the Licensing Committee held on 2 June 2014 be approved and signed as a correct record subject to the inclusion of Councillor Desna Allen being added to the list of those in attendance.

36 Chairman's Announcements

The Chairman reported the following:

One Zone One Tariff Consultation

At the Licensing Committee's meeting in September 2013 it was agreed to consult with the Hackney Vehicle and Private Hire trade on a proposal to introduce One Zone and One Tariff for Wiltshire Council's administrative area.

The Council has carried out the relevant consultation throughout the summer 2014 period and Officers are currently analysing the feedback received and will report to the committee at their meeting on 8 December.

Womad 2014

Wiltshire's largest festival took place from 24 to 27 July 2014 and organisers announced a record attendance of over 35,000. The hot humid conditions caused some concerns with extra water provision being quickly installed and by the end of the second day most of the medical concerns related to sunstroke, insect bites and stings.

Public Protection teams had a number of officers on site during the festival carrying out safety checks, licensing compliance, food hygiene inspections, checking emergency planning and late night noise monitoring. Initial findings indicate a few minor issues that were addressed quickly by the organisers.

A de-brief meeting involving all the agencies would take place shortly.

Cumulative Impact Zone – Salisbury

Naji Darwish updated the Committee informing them that the consultation is still underway. He had attended a meeting of the Salisbury Area Board where there was a lively discussion between the trade and residents of Salisbury on the issues. There would be further consultation taking place to enable a report to be prepared for the committee on 8 December 2014.

Legislation update/Training session

It was proposed that an update session would be held following the December meeting when a working lunch would be provided. All substitute members of the Licensing Committee would also be invited to attend.

37 **Declarations of Interest**

There were no declarations of interest.

38 **Public Participation**

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

39 **Minutes of the Licensing Sub-Committees**

The draft Minutes of a Licensing Sub Committee held on 20 May 2014 were presented for consideration.

Resolved:

To approve the minutes of the Western Area Licensing Sub Committee meeting held on 20 May 2014 - Application by Marston's Plc for a Premises Licence at Land North of Cranesbill Road, Melksham.

40 **Statement of Licensing Policy**

Linda Holland (Public Protection Team Leader) presented a report which gave details of the consultation results following the public consultation on the draft Licensing Policy for Wiltshire.

Councillor Hutton (Portfolio Holder) wished for the Committee to acknowledge the officer time spent on this preparation and emphasised the continued engagement with the licensees and all those involved.

Councillors raised a few minor questions about specific issues and it was agreed that the policy was well laid out in plain English and covered all aspects required. Officers were thanked for their work in producing this draft Policy.

One minor amendment to make was the date of the life of the Policy – it should read 2014 to 2019.

Resolved:

That the Licensing Committee commends the Statement of Licensing Policy as attached to the report and recommend its approval by full Council at its meeting on 21 October 2014.

41 **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 December 2014 – Kennet Room
Monday 2 February 2015 – West Wilts Room
Monday 27 April 2015 – West Wilts Room
Monday 1 June 2015 – Venue tbc.

42 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am to 10.55am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 AUGUST 2014 AT COUNCIL CHAMBER- COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - THE BLACK PEARL, 5A CHURCH STREET, TROWBRIDGE

Present:

Cllr Desna Allen, Cllr Nick Blakemore and Cllr Trevor Carbin

Also Present:

Wiltshire Council

Teresa Bray (Public Protection Officer (Licensing))
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Martin Hinds
Chris Fox
Russ Matthews

Responsible Authority

Dave Bennett (Police Licensing Manager – Wiltshire Police)
PC Alison Davies (Wiltshire Police)
Jacqui Gallimore (Licensing Officer – Wiltshire Police)
Sue Thurman-Newell (Licensing Officer – Wiltshire Police)

1 **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 **Procedure for the Meeting**

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

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 Martin Hinds for a Premises Licence at The Black Pearl, 5a Church Street, Trowbridge

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority who had made a Relevant Representation (Wiltshire Police) were given the opportunity to address the Sub Committee.

The Licensing Officer reported that the Environmental Health team had not made a representation on the basis that an agreement had been reached that if a licence was granted then the following noise conditions would be included:

1. Noise levels will be checked regularly during regulated entertainment to make sure noise from the premises is at a level unlikely to cause disturbance to neighbours. If noise from the premises is too loud the volume will be turned down accordingly. A written record of such checks will be maintained and kept on the premises.
2. All doors and windows will be shut during regulated entertainment.
3. In order to reduce noise breakout, the fire door shall promptly be changed or soundproofed after the approval of a scheme by Public Protection.

Key points raised by Martin Hinds, Applicant were:

- The premises were generally quiet until later in the evening. The pub was used extensively by pool players who participated in the local pool league. He called Mr. Russ Matthews, Chairman of the Trowbridge and District Pool League in support of this point.

- He felt that the premises had come a long way and did not consider that all of the conditions that had been placed on the previous licence were now necessary. In particular, he was critical of the condition restricting use of the outside smoking area, which he felt was not workable, as it was used by people other than those who were in the Black Pearl.
- He had cooperated with the police in respect of the recent incidents and had replaced the previous DPS, as she had been unwilling or unable to deal with people who caused problems at the premises.
- He called Mr. Chris Fox, the proposed DPS to speak. Mr. Fox stated that he could have dealt with some of the incidents that had occurred, had the police contacted him. He confirmed that he was not employed by the Black Pearl but did visit it regularly to check whether there were any issues.
- It was his intention in the longer term that the premises might become a members-only club.

The following questions were asked of the Applicant:

What days of the week are Pool Nights normally held on?

Normally on Mondays.

What conditions would you like to amend/delete?

Some of them work but some of them don't. I would like to be able to use glasses until 2200 hrs instead of 2100 hrs. The others I would like to work on in time. A large number of the conditions are not relevant to Pee Wees so why should they be imposed on us? I should be offered help.

You mentioned about the venue being a member's only club?

That is an aspiration that we do this in time then we can chose who we allow into the premises – only our members.

What are the Pool age groups?

Eleven plus years – no alcohol is sold at young people events. No children are allowed in the pub after 9pm as they have the opportunity to play pool during the day.

Key points raised by Jacqui Gallimore (Wiltshire Police) - Responsible Authority were:

- That a correction was to be made to page 84 of the Agenda under the log 15/05/2014 01:17 niche 5414004109. It states in the first line “Police were called by an anonymous female” it should be corrected to “male”.
- There was a long history of problems at the premises, which was set out in the papers presented to the Sub Committee. The police had objected to the original application for a premises licence in 2012, because of their concerns as to the ability of the then applicant to manage the premises. Within a few months of the grant of that licence, they had felt the need to call for a review of the licence, because of the number of incidents of crime and disorder associated with the premises.
- Mr Hinds, the current applicant, was the partner of the previous licence holder, Ms. Newbury and had been closely involved in the management of the premises since the grant of the initial premises licence to her. It was also understood that Ms. Newbury would continue to play a role in the running of the premises, if the licence was granted.
- There had been at least two serious incidents of violence this year at the premises, details of which were set out in the papers. It was the police’s view that Mr. Hinds had failed to deal with those incidents appropriately or to cooperate adequately with the police in respect of those incidents.
- In respect of the incidents at the premises, Mr. Hinds had displayed a lack of understanding of the role of a premises licence holder and had demonstrated a lack of control and supervision of the premises.
- There had been a number of incidents where persons on the Trowbridge Pubwatch banned list had been allowed to drink in the premises. The premises had not had effective involvement with Pubwatch, despite this being a condition on the previous premises licence.
- The proposed Designated Premises Supervisor, Mr. Fox was not able to have effective supervision of the premises as he was not regularly present on the premises.
- The previous Licensing Sub Committee, when considering the 2012 review application had seriously considered revocation of the premises licence, because of the problems at the premises. The management of the premises had, effectively, already been given a final chance to improve, but had failed to do so.
- It was the view of the Police that the only way that the serious problems associated with the premises could be addressed was by rejection of the current licence application. The Police did not consider that any further conditions that might be imposed on the licence would be complied with.

The following questions were asked of the Responsible Authority (Wiltshire Police):

How many of the incidents that you refer to have been reported to me (Chris Fox, DPS)?

The issues were raised with the Premises Licence Holder as we had taken the view that Mr Hinds and Ms Newbury were those running the premises.

Are the notes of the meeting held on 23 July 2014 a précis version?

Yes they are, but a full copy of the notes of the meeting could be made available.

If you don't notify me of any incidents you are concerned about I (Chris Fox, DPS) cannot deal with them.

OK.

Do Wiltshire Police attend the Trowbridge Pubwatch meetings?

The Police attend as often as they are able to subject to their operational requirements. The more people that join and attend the more successful the Pubwatch Scheme will become.

The Chairman wished to clarify the following points with the Applicant/Mr Fox:

Do you adhere to the banned list and not admit them to the Black Pearl?

Not always – we will say that there haven't been any violent incidents in our premises.

Are you (Chris Fox) employed at the Black Pearl?

No I am not paid. I do the role of DPS voluntarily to help them out. I did go in 7 days a week but this has now reduced. I have whittled it down to 2 – 3 visits per week to check the diary and incident logs. If required in future I can "sign in" so that there is a record of when I have been in attendance.

Jacqui Gallimore made the following points in summation:

- We feel that the Designated Premises Supervisor has been absent for some time and is not actively involved in the running of the premises.
- Although Mr Hinds had provided a voluntary undertaking to take on the conditions attached to the previous licence, there had been instances of over serving of customers, not attending the Pubwatch meetings and not calling for Police assistance when required.

- Mr Hinds showed a lack of understanding of the role and obligations to support the Police and has a blatant disregard of those on the banned list – allowing them into the premises.
- That the Sub Committee refuse this application. If the decision is taken to grant the Licence then ask for the DPS to be present at key trading times.

Mr Hinds made the following points in summation:

- My refusal to give evidence is because the Town Centre cameras should clearly show the offender having a knife.
- We do comply with the conditions; we do not over serve our customers.

The Sub Committee members retired at 12.05pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.30pm.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given in closed session.

Resolved:

The decision of the Sub Committee is that the application by Mr. Martin Hinds for a Premises Licence in respect of The Black Pearl, 5a Church Street, Trowbridge, BA14 8DR be rejected.

In reaching its decision, the Sub Committee took account of the representations, both oral and written, that had been made by and on behalf of the Applicant, together with those made on behalf of Wiltshire Police in objection to the application. The Sub Committee also took account of relevant Government guidance and the Council's licensing policy.

Reasons for the Decision:

The Sub Committee concluded that the Applicant had demonstrated insufficient evidence as to how he would address the licensing objectives, in particular the prevention of crime and disorder. This was a significant failing, given the history of the premises concerned.

The Sub Committee acknowledged that this was a new application for a Premises Licence at the Black Pearl and that the previous licence for these premises had not been held by the Applicant. However, the Sub Committee

accepted that the Applicant had nevertheless been closely involved in the management of the premises since the grant of the original Premises Licence in 2012. He had also been the holder of a series of Temporary Events Notices which had been issued since the lapse of the previous Premises Licence.

The Sub Committee therefore considered that the Applicant would have been aware of the problems and concerns with the premises and the need to address those problems. However, as demonstrated by the evidence presented on behalf of the police, he had failed to do so sufficiently.

The Sub Committee noted that a considerable number of conditions had been placed on the previous premises licence for the Black Pearl, both at the time it was originally granted and following the review called by the Police. There had been a lack of regard for these conditions, including a failure to participate in Pubwatch. The conditions were specifically designed to reduce disorder, violence and injuries. This demonstrated a disregard for the obligations imposed by the Licensing Act 2003.

The Sub Committee were therefore in agreement with the Police's grave concerns regarding the fitness and suitability of the Applicant to promote the Licensing Objectives in respect of these premises. They concluded that they had no confidence in the ability of the Applicant to adequately address the previous failings in respect of the licensing objectives. The Sub Committee, therefore, concluded that rejection of the application was the only practical option and was one which was both proportionate and appropriate.

The Officer who has produced these minutes is Lisa Pullin , of Democratic Services,
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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 SEPTEMBER 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN REVIEW OF A PREMISES LICENCE - MOBILE CATERING VAN, MORTIMER STREET, TROWBRIDGE

Present:

Cllr Dennis Drewett, Cllr Simon Jacobs (Chairman) and Cllr Nick Watts

Also Present:

Driss Zekri (Premises Licence Holder), Salima Parmak (on behalf of the Licence Holder), Ian McLeod (on behalf of the Licence Holder), Jacqui Gallimore (Wiltshire Police - Review Applicants), Adam Brown (Democratic Services Officer), Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Asifa Ashram (Solicitor), Linda Holland (Public Protection Team Leader), Hannah Hould (Public Protection Officer), Teresa Bray (Public Protection Officer), Paul Harris (Principal Highways Enforcement Officer)

1 Election of Chairman

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

Resolved:

To elect Councillor Simon Jacobs as Chairman for this meeting only.

2 Procedure for the Meeting

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

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 **Exclusion of Press and Public**

The Committee considered whether it was in the public interest that any press or public present or who might become present were excluded from the rest of the hearing, and sought the views of those present. The Licence Holder had no preference and the Police representative indicated that owing to the nature of the reasons for review of the premises licence, any public should be excluded.

It was,

Resolved:

To exclude the public from the remainder of the hearing under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, as the public interest in excluding the public outweighs the public interest that the hearing take place in public.

6 **Licensing Application**

Application by Wiltshire Police for a Review of the Premises Licence in respect the Mobile Catering Van, Mortimer Street, Trowbridge

The Licensing Officer introduced the purpose and scope of the applications, the premises to which it related and the key issues for consideration, and that the Sub-Committee could revoke, amend, suspend or retain the premises licence as they deemed appropriate in order to meet the licensing objectives.

In accordance with the procedure detailed in the agenda, the Review Applicants and the Premises Licence Holder were given the opportunity to address the Sub-Committee.

Jacqui Gallimore, Wiltshire Police, Review Applicant, presented concerns regarding the suitability of the licence holder for reasons detailed in the part 2 minutes.

There were then questions put to the Review Applicants by the Sub Committee members and the Premises Licence Holder and his representatives.

Mrs Salima Parmak and Mr Ian McLeod along with and on behalf of the Premise Licence Holder, Mr Driss Zekri, then presented a response to the concerns raised by Wiltshire Police in seeking a review and why, in their view, it was not necessary to suspend, amend or revoke the licence.

Questions were then asked of the Premises Licence Holder by the Sub-Committee members and the Review applicant, with details on the site and the incident which had culminated in a Review being requested.

Both parties were given the opportunity to sum up their arguments.

The Sub Committee then retired to consider the application at 11.05am and were accompanied by the Solicitors for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.50am.

The Solicitor for the Council confirmed that no specific legal had been given.

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

Resolved:

Having heard all of the evidence, the Western Area Licensing Sub-Committee determined that it was not appropriate to take any steps in relation to the Premises Licence to promote the licensing objectives.

Reasons

Having heard all the written evidence presented and the supporting evidence presented orally and having regard to the relevant provisions of the Licensing Act 2003, the guidance issued under Section 182 of the Act in particular paragraph 11.24-11.28, the Sub-Committee did not consider it necessary to take any steps in relation to the licence at this moment in time, as there was no evidence presented regarding the sale and distribution of class A drugs from the premises and that having considered the convictions for possession, it was not considered that these undermined the licensing objectives to the extent that any further steps were necessary.

If there are concerns in the future, the licence could of course be subject to a further review.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. This decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

(Duration of meeting: 10.30 am - 12.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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Briefing Note – Model Licence Conditions for Animal Boarding (Catteries) and Pet Vending

1. Purpose of Briefing Note

- 1.1 The purpose of this briefing note is to advise members on changes to national guidance on conditions for Animal Boarding Establishments and Pet Shops and invites Members to consider that the new conditions are implemented for premises licensed with this Authority.

2. Introduction

- 2.1 The Animal Boarding Establishments Act 1963 and Pet Animals Act 1951 require any premises from which any relevant business operates to be licensed by the local authority.
- 2.2 The Chartered Institute of Environmental Health (CIEH) has worked to produce a new set of model conditions and guidance for Animal Boarding (Catteries) and Pet Vending, although new conditions for Dog Boarding and Dog Breeding are still being considered.
- 2.3 The new model conditions were published in 2013 and bring the previous model conditions up to date. The aim is to safeguard animal welfare and to improve management of licensed premises. It is also intended to encourage consistency of approach across Local Authorities.
- 2.4 Public Protection are considering implementing the new model conditions for all new applicants from April 2005 and will be ready for the licence renewals that will become due at the end of 2015.

3. Ongoing Education and Enforcement

- 3.1 Requirements detailed within the Act sets the council with ongoing enforcement responsibilities to ensure those issued with licences comply as an ongoing obligation. In addition to the requirements, the council will also provide education and advice to licence holders which ensures they continue to be meeting their duty under the Act by improving information & lyncs on our website and staff training.
- 3.2 In granting a licence under the Acts, the council may attach relevant conditions to ensure the aims of the legislation are upheld. It has the power to inspect the licensed premises at all reasonable times: and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.

4. Summary

- 4.1 The Licensing Committee are requested to note this update.

Prepared by Lisa Grant – Public Protection Officer, Licensing 01380 826332

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Wiltshire Council

Licensing Committee

8 December 2014

Statement of Licensing Policy

Summary

Licensing Committee members are aware that the Statement of Licensing Policy was approved at Full Council on 21 October 2014.

At the Full council meeting two members requested amendments to the policy. These were not accepted at that meeting, but it was agreed that they would be referred for consideration by the Licensing Committee at its next meeting.

Proposal(s)

It is recommended:

Members of the Committee are asked to consider the proposed amendments contained in Appendix 1 and either:

- a) Accept relevant amendments and consult statutory consultees, and the public about these changes as soon as possible.
- b) Accept relevant amendments and incorporate amendments to any significant policy update at a future date.
- c) Reject the proposed amendments.

Reason for Proposal

The Council as Licensing Authority is required to adopt a Statement of Licensing Policy which runs for five years. During each such five year period, the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.

A updated Policy was approved by full council on 21 October 2014 following the legally required consultation being carried out and subsequent amendments being made and approved by the Licensing Committee.

This revised Policy came into effect on 1 November 2014.

At the full council meeting a number of amendments were proposed by two Councillors. These changes were not submitted during the consultation processes and as such have come back for this committee to consider.

Statement of Licensing Policy – Request for Amendments

1. Purpose of Report

- 1.1 To ask the Licensing Committee to note the requests for amendments made by Full Council 21 Oct 2014 on the Statement of Licensing Policy.
- 1.2 To provide members with officer recommendations on the proposed amendments.
- 1.3 To ask the Licensing Committee to determine the proposed amendments.

2. Relevance to the Council’s Business Plan

- 2.1 “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.
- 2.2 “People are as protected from harm as possible and feel safe”.

3. Main Considerations for the Council

- 3.1. 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. During each five year period, the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. Any revisions must be subject to the consultation process set out in the Licensing Act.

4. Background

- 4.1. 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
- 4.2 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 ensures that the licensing objectives are met.

- 4.3 In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Licensing Policy under the Licensing Act. The initial Policy was adopted in November 2009. The Authority therefore needed to adopt a revised policy by November this year. This process has recently been undertaken and the revised Policy has now come into effect. The new policy is required to be kept under review during its lifetime and revised, as considered appropriate, during that time. Any such revisions of the policy will have to be the subject of a full consultation process.
- 4.4 At the Full Council meeting on 21 October, Councillor Caswill and Councillor Douglas proposed amendments. These have been considered by officers and a response and recommendation is included in the Appendix report.

5. Previous Consultation

- 5.1 A substantial public and dedicated members consultation was held during 9 May 2014 – 31 July 2014.
- 5.2 Prior to its consideration at full Council, all statutory consultees 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 were advised of the draft Licensing Policy and its availability. Finally, a copy of the draft Licensing Policy was also available on Wiltshire Councils Website.
- 5.3 The Licensing Policy sets 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 revised Policy was 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.
- 5.4 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.
- 5.5 All proposed amendments have been assessed in Appendix 1.
- 5.6 No proposed amendments materially affect the discharging of the licensing function under the Licensing Act 2003 and subsequent amendments.
- 5.7 Any changes to the policy, however minor will be required to complete the consultation process, set out in the Licensing Act.

- 5.8 This involves consultation with the Police, Fire & Rescue Authority, health bodies, representatives of licence holders and representatives of businesses and residents.
- 5.9 There is a cost involved in such a consultation process.
- 5.10 If members support the proposed amendments, they will also need to consider whether it is appropriate to go through the consultation process at this time, given that the revised policy has only recently been adopted, or whether they wish to wait until other significant revisions are considered, for example as a result of future legislative changes.

6. Safeguarding Implications

- 6.1 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.

7. Public Health Implications

- 7.1 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.

8. Environmental and Climate Change Considerations

- 8.1 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.

9. Equalities Impact of the Proposal

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

10. Risk Assessment

- 10.1 Licensing is a statutory undertaking.

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

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

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

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

13. Financial Implications

- 13.1. There are additional financial implications of the proposals contained within this report, if a further consultation is required. This will include the cost of the consultations to the Licensing Authority and others including advertising costs.

14. Legal Implications

- 14.1. As stated above, if the Council wish to make any revisions to the recently-adopted Statement of Licensing Policy, it will be necessary to carry out the consultation process set out in section 5 of the Licensing Act before adoption by full Council

15. Conclusions

- 15.1. The recently adopted Statement of Licensing Policy has undergone an extensive consultation prior to its approval by Council in October. Whilst constructive these amendments should have been submitted as part of the consultation process prior to Full Council.
- 15.2 As these amendments do not substantially change the substance of the Statement of Licensing Policy it would be more efficient to consider relevant amendment at the same time as a more substantial policy change such as due to changes in legislation require the policy to be reviewed and amended.

16. Proposal

- 16.1. Members of the Committee are asked to consider Appendix 1 and consider the proposed amendments.

And either:

- a) Accept relevant amendments and consult statutory consultees, and the public about these changes as soon as possible.
- b) Accept relevant amendments and incorporate amendments to any significant policy update at a future date.
- c) Reject the proposed amendments.

Maggie Rae
Corporate Director

Report Author: Linda Holland

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13 November 2014

Background Papers

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

Appendix

1. Summary of proposed amendments and officer comment and recommendation
2. Statement of Licensing Policy

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APPENDIX 1: Request to amend the Wiltshire Council Statement of Licensing

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. 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.
- 1.4 At the Full Council Meeting on 21 October 2014 the Policy was approved, the changes below were not submitted at the time of consultation and have come back for the Licensing Committee to consider.
- 1.5 Amendments to typographical errors would not require further consultation, amendments to context of sentences etc. All other amendments will require the process of consultation to be completed.
- 1.6 A number of the proposed amendments could have been incorporated into the document if officers had received these during the consultation period.

Proposed Amendments	Response	Recommendation
'The Licensing Authority welcomes the guidance given in the Government's 2012 alcohol Strategy and the encouragement for local communities and individuals to help set the standards and behaviours that they want to see in their surrounding area. It will have regard to the encouragement given to Licensing Authorities in the Strategy to make use of the powers	<p>Amending this as proposed will make not material difference to the policy, processes or actions of the council discharging its licensing function. It represents editorial change.</p> <p>The Government alcohol strategy drives Wiltshire Alcohol Strategy which coordinates all work to reduce alcohol related harm. As the statement of Licensing Policy provides legal and regulatory framework it takes a significant lead from the Licensing Act 2003</p>	Inclusion of this document within the appendix as a reference is appropriate

Proposed Amendments	Response	Recommendation
<p>available in order to take firm action to address the harms from alcohol, and if necessary, close down premises. In that spirit the Licensing Authority will be prepared to use the following powers where appropriate and necessary.' (p.32)</p>	<p>and legislative tools to amend this (Secretary of State guidelines). There is no specific requirement to reference government strategy and is often advisable to use more flexible language to reduce the requirements for amending the legal framework due to policy shifts.</p>	
<p>1.2 Key Aims, delete 'vibrant' in the second bullet point</p>	<p>The term 'vibrant' is a common term to denote a successful economy and evening and night-time economy. It is used in countless Licensing Policies nationally and is a term frequently used by central government</p> <p>This change is editorial and does not constitute a material change.</p>	<p>Not considered</p>
<p>1.4 Licensing Function, third paragraph, replace 'has regard to wider considerations affecting' with 'recognises in this policy its wider responsibilities to' ('the residential population and the amenity of the area.') (p. 7)</p>	<p>The Licensing Policy clearly demonstrates the wider work to improve the management of the night time economy. The Licensing Policy forms the regulatory process for licensing of late night refreshments, sales of alcohol and other licensable activities.</p> <p>This process balances the needs of residents located near these establishments and unacceptable impact and wider community concerns through the licensing objectives. This process is designed to balance the needs of people who live, work and visit Wiltshire.</p> <p>The amendment represents a minor editorial change and does not materially affect this policy.</p>	<p>Consider amending in future revisions of policy.</p>

Proposed Amendments	Response	Recommendation
2.5 Dispersal Policy, replace 'should consider how the venue will' with 'must demonstrate how it will act to' (minimise the potential for disorder as customers leave the premises'). (p. 11)	Dispersal Policies and procedures do not form part of the mandatory conditions of all licensable activity applicable under this policy and as such the term 'must' is not appropriate.	This proposed amendment is not appropriate.
P6, bullet point 4: 'divisional members may be notified'. Could this be changed to 'will be notified'.	The Licensing Authority is only required to place a notice on its website; however we do inform the local council member, town and parish councils. Placing additional requirements on the process and the service leave the Licensing Authority open to legal challenge on encourage representations.	This proposed amendment is not appropriate.
P11, section 2.6, para 1: 'endeavour to reduce the availability, sale and consumption of illegal drugs'. Could this be changed to 'endeavour to eliminate...'	The amendment sets an aspiration effort and is feasible to include.	Consider amending in future revisions of policy.
P37, 38. Could the flowchart be amended to include 'notify interested parties'	Please note the notification process is set out in Regulations made under the Licensing Act 2003. Under those Regulations the responsibility for advertising the application lies with the applicant. The Licensing Authority is only required to place a notice on its website; however we do inform the local council member, town and parish councils.	This proposed amendment is not appropriate.
There is also a typo on P25, para 2 'licensing authority recommends requires'. This needs changing so it makes sense!	Typographical changes have been made.	Approve typographical amendments

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Statement of Licensing Policy

The Licensing Act 2003 2014 – 2019

Please read this document carefully and retain it for future reference

Contents

1.0 Introduction

- 1.1 Purpose and scope
- 1.2 Key aims
- 1.3 Consultation
- 1.4 Licensing function
- 1.5 Licensing objectives

2.0 Prevention of crime and disorder

- 2.1 Toughened/safety Glass
- 2.2 Pubwatch
- 2.3 Information sharing and reporting incidents
- 2.4 Door supervisors/stewards
- 2.5 Dispersal policy
- 2.6 Drugs in premises

3.0 Promotion of public safety

- 3.1 CCTV
- 3.2 Alcohol consumption
- 3.3 Alcohol harm reduction
- 3.4 Public health
- 3.5 Occupancy limits
- 3.6 Health and safety

4.0 Prevention of public nuisance

- 4.1 Odour
- 4.2 Lighting
- 4.3 Waste/litter
- 4.4 Noise
- 4.5 Entertainment

- 4.6 Disturbance from customers
- 4.7 Plant and equipment
- 4.8 Servicing
- 4.9 Fly posting, flyers and graffiti

5.0 Protection of children from harm

- 5.1 Age verification/underage sales on/off premises
- 5.2 Proxy Sales
- 5.3 Children and cinemas/theatres

6.0 Licensing process

- 6.1 Application for premise licence and club premises certificates
- 6.2 Licensing conditions
- 6.3 Licensing hours
- 6.4 Permitted temporary activities
- 6.5 Large scale events
- 6.6 Delegation of decision making
- 6.7 Application for personal licences
- 6.8 Delegation of premises supervisors

7.0 Enforcement

- 7.1 Inspection of Licensed premises
- 7.2 Complaints regarding licensed premises
- 7.3 Reviews of licences
- 7.4 Other powers and legislation

8.0 Other licensing authority powers

- 8.1 Cumulative impact policy
- 8.2 Late night levy
- 8.3 Early morning restriction order

9.0 Links to strategies and plans

10.0 Further advice and guidance

11.0 Appendices

Appendix A – Premises License – New Applications

Appendix B – Premise License – Variations

Appendix C – Temporary Event Notice

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

Appendix E - Glossary

1.0 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 (Ion 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.

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 encourage 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. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

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

6.5 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 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.

7.0 Enforcement

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

The licensing authority 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.

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.

9.0 Links to strategies and plans

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

- Wiltshire 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.

10.0 Further advice and guidance

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

www.wiltshire.gov.uk

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

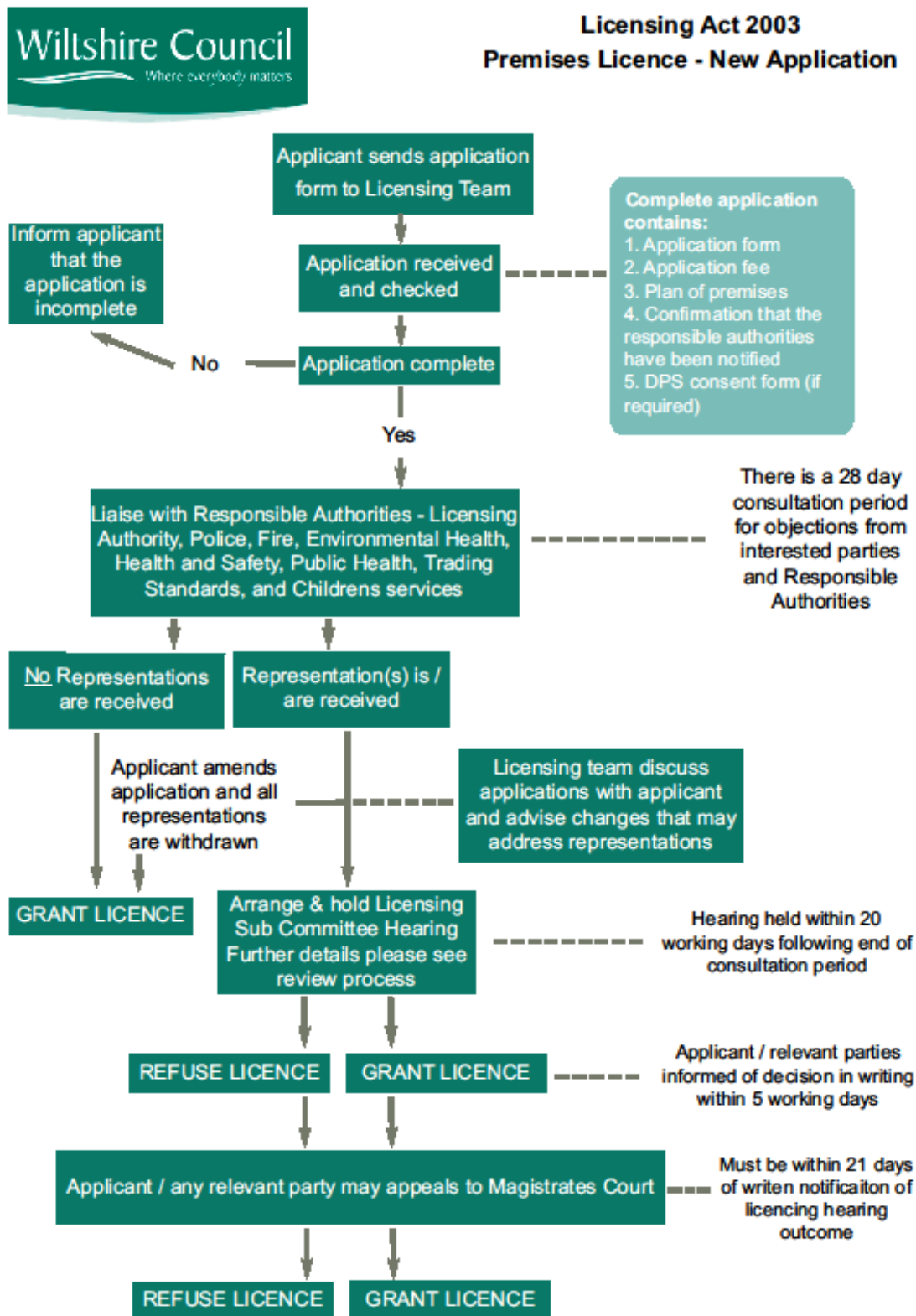
www.gov.uk/government/organisations/home-office

NHS guidance on Units of alcohol and recommended drinking levels:

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

11.0 Appendices

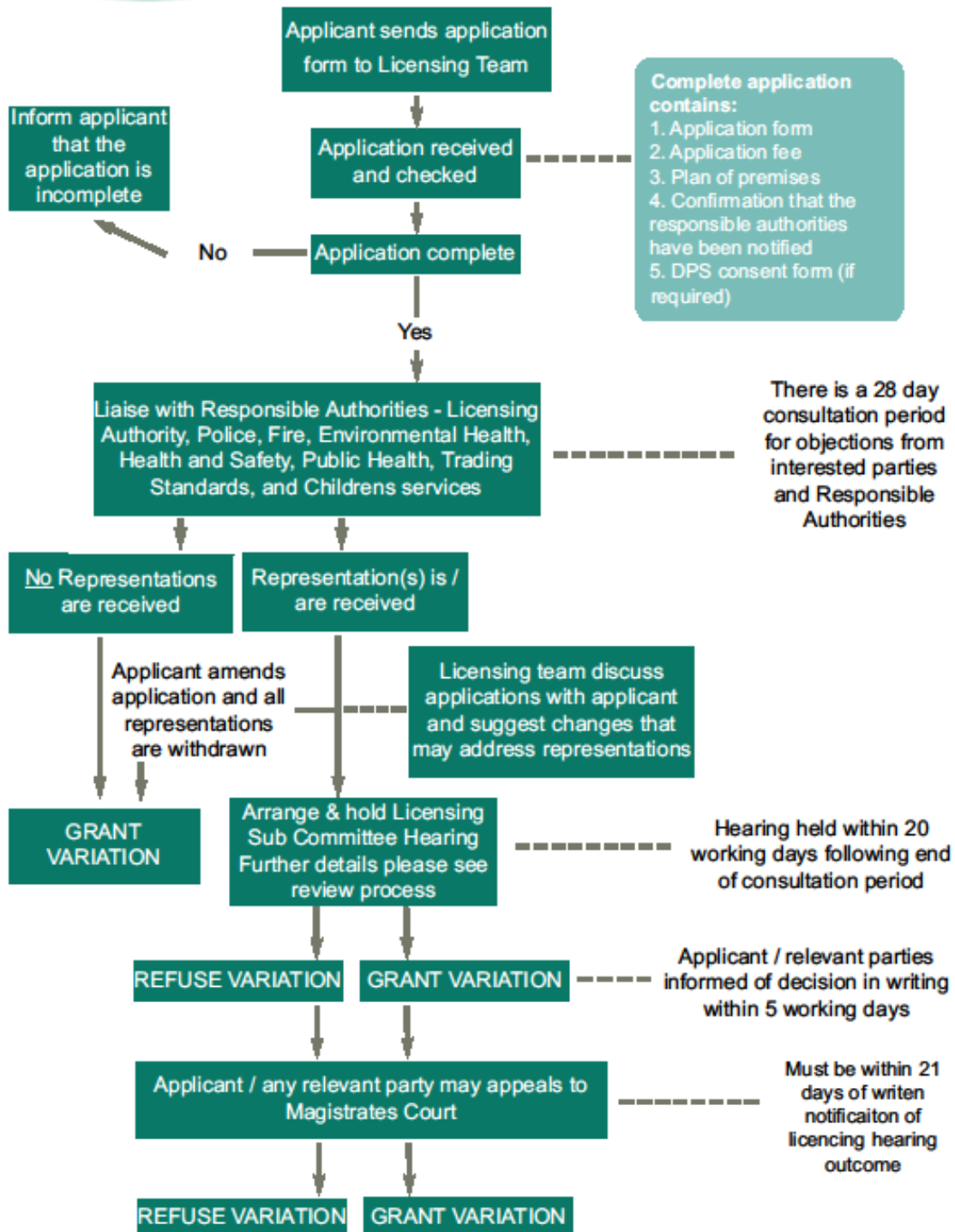
APPENDIX A – Premises License – New Applications



APPENDIX B – Premise License – Variations



Licensing Act 2003
Premises Licence - Variation Application

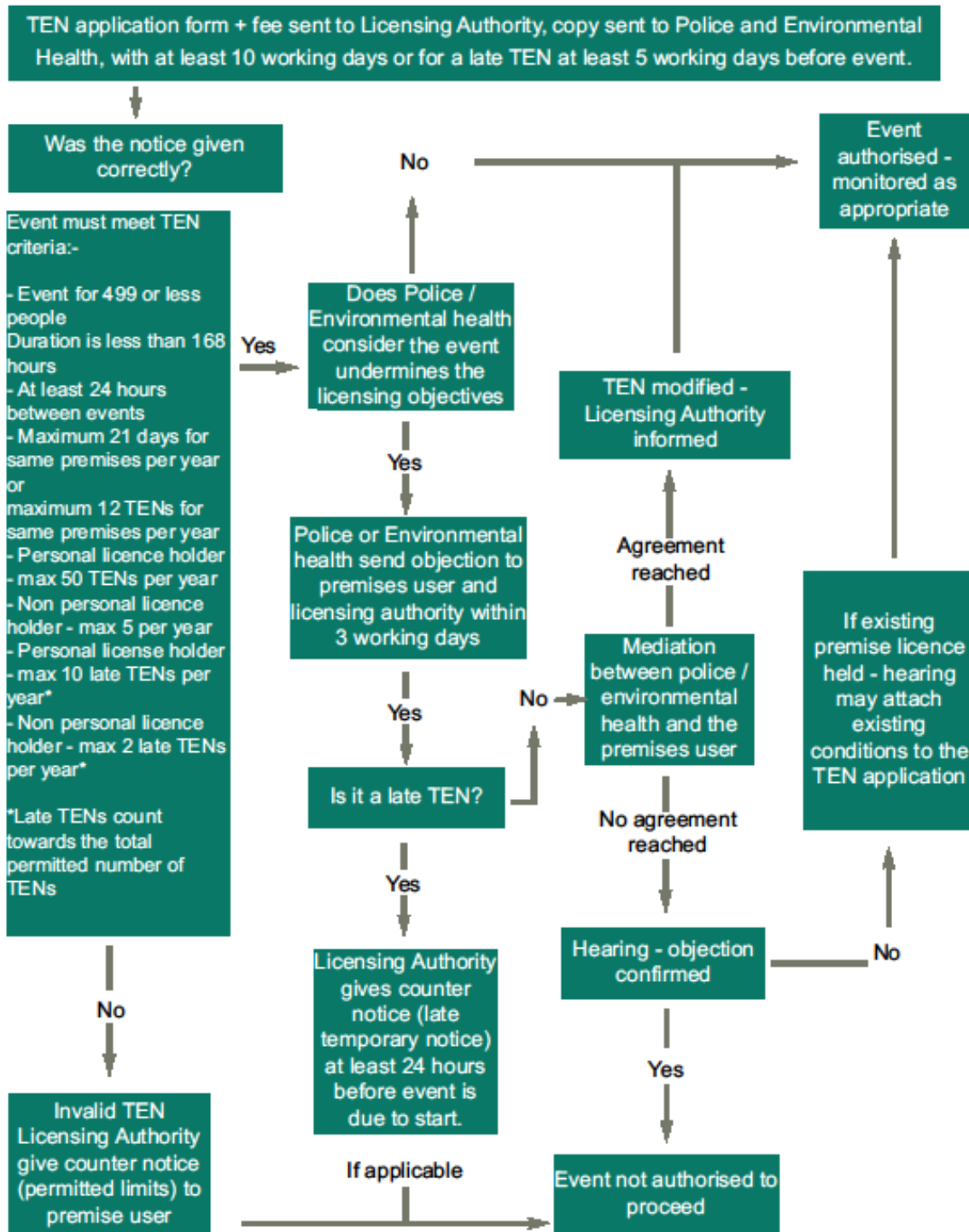


If request substantial of to extend duration of license - a new application must be submitted. If it is to vary a name, address, or the DPS then a separate process applies.

APPENDIX C – Temporary Event Notice



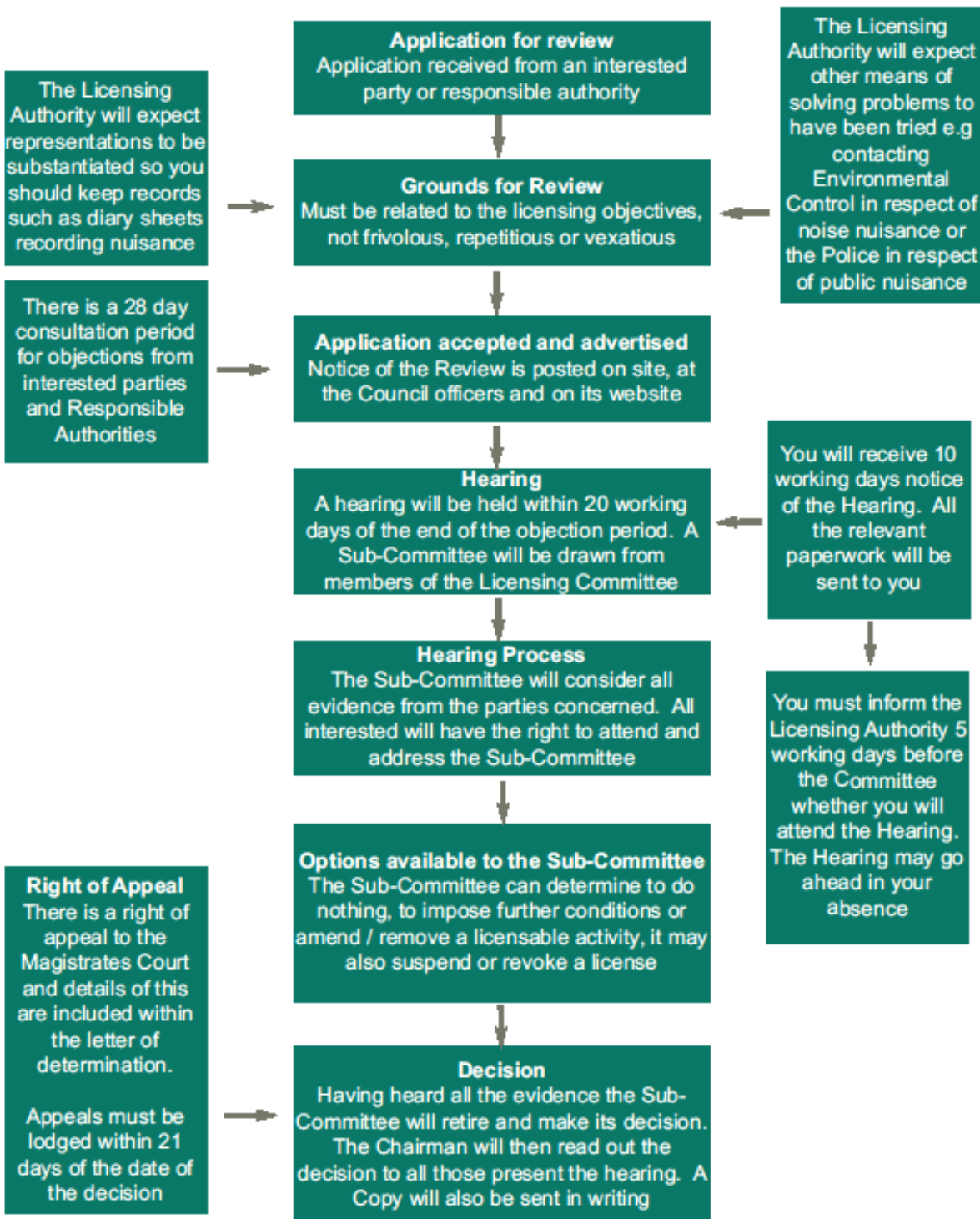
Licensing Act 2003
Temporary Events Notice (TENS)



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.

November 2014

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Wiltshire Council

Licensing Committee

8 December 2014

Cumulative Impact Area (CIA) - Salisbury

Summary

This report summarises the evidence and possible benefits and limitations of a Cumulative Impact Area (CIA) for Salisbury.

Licensing Committee requested further information of developing a CIA for Salisbury area. At Licensing Committee on 2 June 2014, the decision was deferred for six months to enable more detailed assessment and further discussions with stakeholders.

Proposal(s)

It is recommended that:

1. After the further analysis of evidence on crime and anti social behaviour a Cumulative Impact Area (CIA) for Salisbury is not appropriate at this time.
2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives).

Reason for Proposal

After further analysis of crime data the current evidence does not justify the implementation of this special policy at this time, but regular review is necessary.

Maggie Rae
Corporate Director

Cumulative Impact Area (CIA) - Salisbury

1. Purpose of Report

- 1.1. To provide further evidence to the Licensing Committee on the benefits and risks of implementing a CIA for Salisbury. This follows the initial report received at the committee meeting on 2 June 2014.
- 1.2. To hold discussions with stakeholders to increase understanding of a CIA and understand its possible impact on work to improve Salisbury and its night time economy.

2. Relevance to the Council's Business Plan

- 2.1. "Wiltshire has a thriving and growing local economy".
- 2.2. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".
- 2.3. "People are as protected from harm as much as possible and feel safe".

3. Main Considerations for the Council

- 3.1. A CIA would form a special policy within the Statement of Licensing Policy and, as such, is an amendment that will requires approval by Council.

4. Background

- 4.1. 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
- 4.2. The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined by the Act as broadly relating to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. There are close links with national and local strategies to reduce the harm caused by alcohol.

5. A Cumulative Impact – Special Policy (CIA)

- 5.1. A CIA would constitute a special policy, as part of the Statement of Licensing Policy (as required under Licensing Act 2003).
- 5.2. It allows the Licensing Authority to consider the numbers, type and / or density of licensed premises in a specified area in the promotion of the licensing objectives.
- 5.3. Only the impact on the licensing objectives can be considered in this special policy. Additional areas of impact, such as harm to health, are not licensing objectives under the licensing Act 2003.
- 5.4. A CIA introduces a 'rebuttable presumption' that any new application or variation for a premises licence will normally be refused or have certain limitations placed on applications.
- 5.5. The applicant would be required to demonstrate, within the operating schedule, that there would be no negative cumulative impact.
- 5.6. Representations would still be required and does not relieve responsible authorities or others to make a relevant representation. If no representations are made, the Licensing Authority must grant the application in terms consistent with the operating schedule submitted.

6. Potential benefits

- 6.1. The Licensing Authority operates under strict process legislated in the Licensing Act 2003. It must treat each application on its own merits. However, a CIA provides the opportunity to consider the cumulative impact of premises in a given geographical area.
- 6.2. The policy is designed to limit new applications and variations to licensed premises in areas where the concentration is significantly impacting the licensing objectives.
- 6.3. It is important to recognise that this policy will only be activated for new applications or variations. It is designed to stop any further increases in licensed premises. It will not reduce the existing concentration of licensed premises.

7. Potential limitations

- 7.1. A CIA will not deliver reductions in the impact on the licensing objectives in isolation.
- 7.2. Implementing this policy in areas where concentration or the impact of the licensing objectives is not significant may not meet the requirements of the guidance from the Secretary of State. As such, any inappropriate use of this policy may be challenged.

- 7.3. Impact not defined as part of the licensing objectives, such as protection of harm to health, cannot be addressed under this special policy.
- 7.4. The sale of alcohol and provision of late night refreshments will be limited in its entirety and also affect businesses that operate during daytime, evening and night time hours.
- 7.5. Constraining licensed premises applications / variations may inhibit economic growth of licensed premises in the CIA area. There will be a requirement for applications to demonstrate how they will not adversely affect the cumulative impact.
- 7.6. Conversely reducing new entrants into the market could provide licensed premises with monopolies and remove market incentives for good management practices.
- 7.7. Robust night time economy arrangements, including high quality management of premises and enforcement against poorly managed premises, are central to delivering the licensing objectives.
- 7.8. The CIA is a tool that takes considerable time to implement or remove. As a special policy of the Council Licensing Policy it would take significant time to revoke.

8. Requirements for implementing CIA

- 8.1. There should be an evidential basis for the decision to include a special policy within the statement of licensing policy.
- 8.2. The numbers, type and / or density of premises selling alcohol is high or exceptional and causing serious problems of nuisance and disorder.
- 8.3. The risk of cumulative impact is imminent.
- 8.4. Consult with those specified in section 5(3) of the 2003 Licensing Act

9. Evidence for a CIA in Salisbury

- 9.1. The public consultation conducted during summer 2014 highlighted concerns about the impact of the night time economy. There was a positive reaction to the implementation of the CIA policy. However the number of respondents was relatively low and many results were spread across a diverse range of opinion.
- 9.2. Information provided in the report dated 2 June 2014 on the Salisbury CIA, provided crime / ASB totals in proposed CIA in Salisbury compared with other areas of Wiltshire.
- 9.3. Further work has been completed to compare Salisbury with other 'similar' areas to ensure that fair comparisons are made. Due to Wiltshire's low crime levels, it is not robust to solely compare crime levels inside Wiltshire. Rates

in ASB, violent crime and public order have been compared, allowing directly statistical comparisons.

- 9.4. All these places have comparable demographic and socio-economic similarities to Salisbury and provide a robust comparison.
- 9.5. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales. Salisbury compares favourably with similar towns and cities.
- 9.6. Rates of crime and ASB in Salisbury are relatively low and perform well in comparison with similar areas. Whilst higher than the rest of Wiltshire, this is expected given the significant rural nature of Wiltshire.
- 9.7. Crime and ASB rates for Salisbury are comparable with similar areas and substantially lower than other larger towns / cities. There is limited evidence that crime is exceptional or high and is causing serious problems with nuisance and disorder.
- 9.8. Crime and ASB levels are relatively stable and no imminent cumulative impact on the licensing objectives is likely.
- 9.9. Of the 12 areas compared, only three have CIA's in place and these cover a focused area. All of these Licensing Authorities keep the evidence under constant review.

10. Wider work to improve the Night Time Economy in Salisbury

- 10.1. Extensive work has been undertaken to gain Purple Flag status for Salisbury City Centre. The scheme requires a comprehensive set of standards and management processes involving all aspects of the night time economy. Salisbury has been developing and improving the night time offer, has recently completed the 2nd assessment and currently awaiting the results.
- 10.2. The coordinated approach by Wiltshire Council, Police, Licensing, City Council, Salisbury BID and premises is providing a focal point to improving the standards of the night-time economy. This work has demonstrated improvements across a range of criteria including physical space, environment, diversity, crime and safety, health and support, regulation, perceptions of the area and partnership working.

11. Conclusions

- 11.1. Salisbury is a well managed night time economy and continuing to improve through Purple Flag and BID efforts.
- 11.2. Local residents, Area Board, City Council and Wiltshire Council recognise that addressing crime and anti-social behavior is a priority.
- 11.3. Whilst a CIA provides an additional regulatory tool, its impact on the continued delivery of the licensing objectives is limited.

- 11.4. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales. Salisbury compares favourably with similar towns and cities.
- 11.5. As such, there is limited evidence for a Cumulative Impact Policy at this time.
- 11.6. There is no evidence that the licensing objectives will be imminently affected by not issuing this special policy.
- 11.7. It is recommended that a regular review for this special policy should take place to assess if crime levels have significantly changed, or following legislative change.
- 11.8. Future reviews should provide future policy viability, supported by evidence for special policies before progressing to public consultations stage.

12. Proposal

- 12.1. After the further analysis of evidence on crime and ASB, a CIA for Salisbury is not appropriate at this time
- 12.2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives)

13. Safeguarding Implications

- 13.1. 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.

14. Public Health Implications

- 14.1. 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. The lack of a licensing objective related to harm to health limits this as an evidence base to implement this special policy.

15. Environmental and Climate Change Considerations

- 15.1. 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

16. Equalities Impact of the Proposal

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

17. Risk Assessment

- 17.1. Licensing is a statutory undertaking.

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

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

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

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

20. Financial Implications

- 20.1. There are no particular risks identified from any of the proposals. However a CIA could provide additional burden and costs onto businesses.

21. Legal Implications

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

Maggie Rae
Corporate Director

Report Author: Naji Darwish
Head of Public Protection – Community Protection

Naji.darwish@wiltshire.gov.uk,
21 November 2014

Appendices

Appendix 1

1. Evidence for CIA for Salisbury

Background Papers

- Licensing Act 2003
- Secretary of State 182 Guidance
- Police and Social Responsibilities Act 2011
- Wiltshire Council Statement of Licensing Policy 20014-2019
- Cumulative Impact Area – Salisbury, report to Licensing committee 2nd Committee

Appendix 1: Review of Evidence for Cumulative Impact Area in Salisbury

1. Potential benefits

- 1.1. The Licensing Authority operates under strict process legislated in the Licensing Act 2003. It must treat each application on its own merits. However, a CIA provides the opportunity to consider the cumulative impact of premises in a given geographical area.
- 1.2. The policy is designed to limit new applications and variations to licensed premises in areas where the concentration is significantly impacting the licensing objectives.
- 1.3. It is important to recognise that this policy will only be activated for new applications or variations. It is designed to stop any further increases in licensed premises. It will not reduce the existing concentration of licensed premises

2. Potential limitations

- 2.1. A CIA will not deliver reductions in the impact on the licensing objectives in isolation.
- 2.2. Implementing this policy in areas where the concentration or impact of the licensing objectives is not significant may not meet the requirements of the guidance from the Secretary of State. As such any inappropriate use of this policy may be challenged.
- 2.3. Impact not defined as part of the licensing objectives, such as protection of harm to health, cannot be addressed under this special policy.
- 2.4. The sale of alcohol and provision of late night refreshments will be limited in its entirety and will also include businesses that operate during daytime, evening and night time hours.
- 2.5. Constraining licensed premises applications / variations may inhibit economic growth of licensed premises in the CIA area. There will be a requirement for applications to demonstrate how they will not adversely affect the cumulative impact.
- 2.6. Conversely reducing new entrants into the market could provide licensed premises with monopolies and remove market incentives for good management practices.
- 2.7. Robust night time economy arrangements, including high quality management of premises and enforcement against poorly managed premises, are central to delivering the licensing objectives.

- 2.8. The CIA is a tool that takes considerable time to implement or remove. As a special policy of the Council Licensing Policy it would take significant time to revoke.

3. Requirements for implementing CIA

- 3.1. There is clear process laid out for the implementation of cumulative Impact Policy under the Secretary of State of guidance 182.
- 3.2. This states that there should be an evidential basis for the decision to include a special policy within the statement of licensing policy.
- 3.3. The numbers, type and / or density of premises selling alcohol is high or exceptional and causing serious problems of nuisance and disorder.
- 3.4. The risk of cumulative impact is significant and imminent.
- 3.5. Consult with those specified in section 5(3) of the 2003 Licensing Act

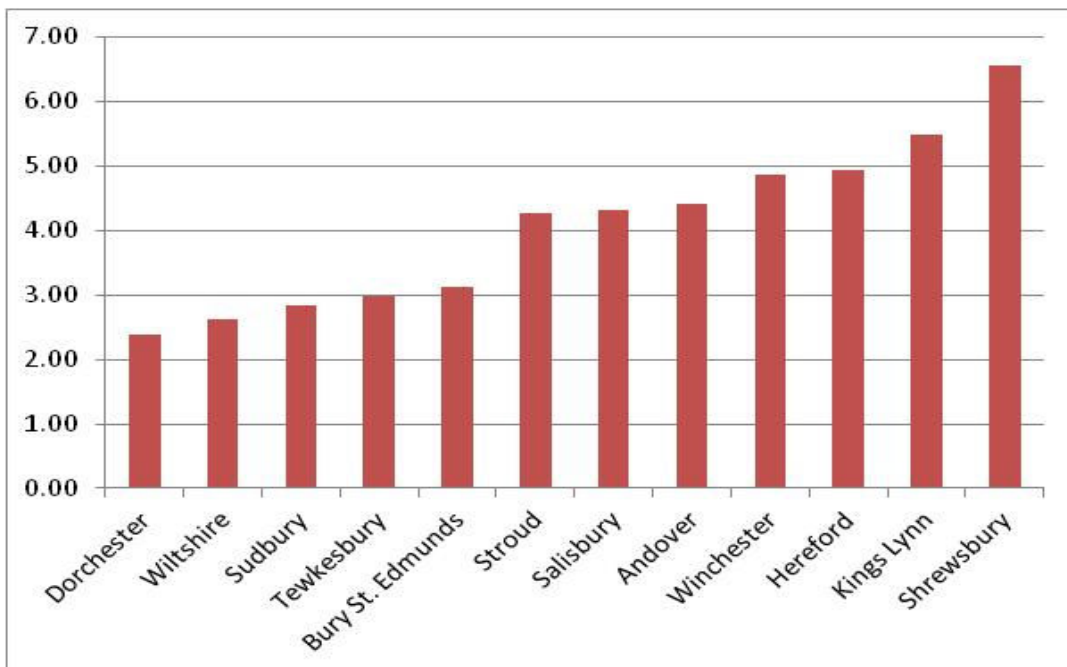
4. Evidence for a CIA in Salisbury

- 4.1. Crime data was provided and demonstrated that the area of the proposed CIA had higher levels of crime and anti-social behaviour compared with other areas of Wiltshire and surrounding areas.
- 4.2. The public consultation conducted during summer 2014 highlighted concerns about the impact of the night time economy. There was a positive reaction to the implementation of the CIA policy. However the number of respondents was relatively low and many results were spread across a diverse range of opinion.
- 4.3. Received crime data demonstrates that the area of the proposed area of Salisbury has higher levels of crime and anti-social behaviour compared with other areas of Wiltshire.
- 4.4. Further work has been completed to compare Salisbury with other 'similar' areas to ensure that fair comparisons are made. Due to Wiltshire's low crime levels it is not robust to solely compare crime levels inside Wiltshire. Rates in ASB, violent crime and public order have been compared, allowing directly statistical comparisons.
- 4.5. These places were:
- Andover
 - Bury St Edmunds
 - Dorchester
 - Hereford
 - King's Lynn
 - Salisbury
 - Shrewsbury
 - Stroud

- Sudbury
- Tewkesbury
- Winchester
- Wiltshire Council Area

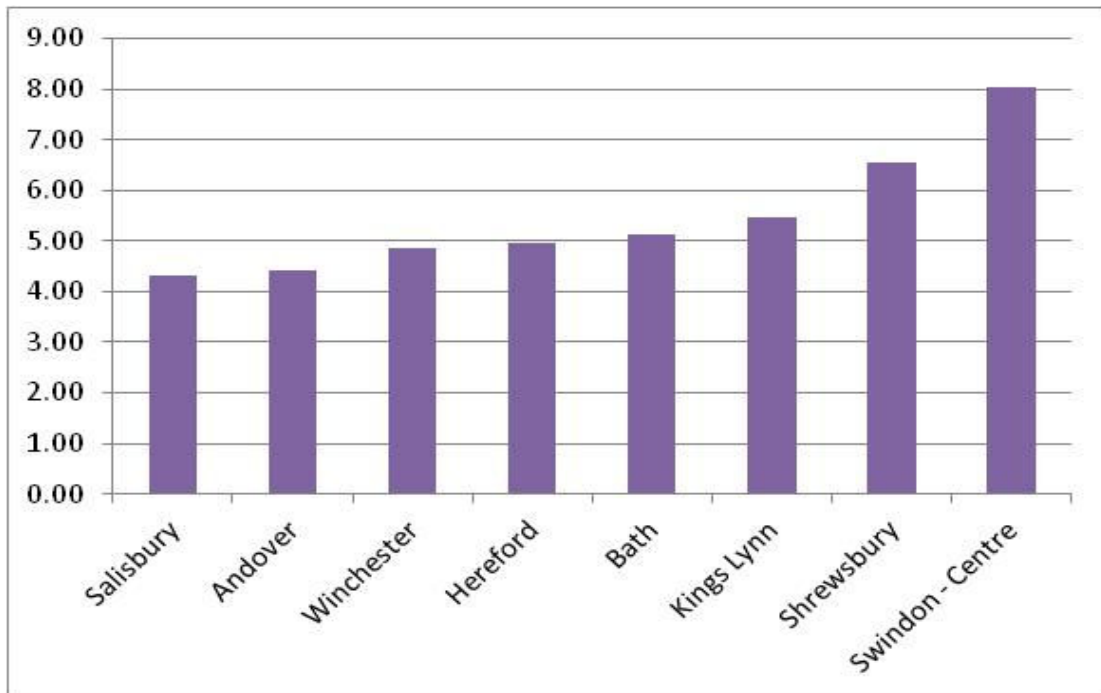
- 4.6. All these places have comparable populations and economic similarities to Salisbury and provide a more robust comparison than with just intra-Wiltshire comparisons.
- 4.7. To provide local context and demonstrate comparable local rates, the Salisbury rates are placed alongside Swindon and Bath.
- 4.8. This analysis considered offences from Dec 2010 – Sep 2014 and provides significant data points to provide robust average levels.
- 4.9. Crime rates in Anti Social Behavior, violent crime and public order have been compared across three crime groupings. The crimes analysis did not extract offences only conducted in the night time economy.
- 4.10. Rates of ASB in Salisbury are, in comparison with similar areas, within expected levels. Whilst above levels for Wilshire as whole, this represents the significant rural nature of Wiltshire. It is important to note that other areas of Salisbury have significantly lower rates for ASB compared with comparable locations such as Kings Lynn and Shrewsbury.

Figure 1 – Selected ‘similar’ comparator conurbations average monthly rates of ASB per 1000 residents Dec 10- Sep14 *



- 4.11. To provide a further regional context, Swindon and Bath also have significantly higher rates than Salisbury.

Figure 2 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of ASB per 1000 residents Dec 10- Sep14*



4.12. Analysis of violent crime rates provides a similar situation with Salisbury having expected rates and compares favorably with similar cities / towns and Bath and Swindon.

Figure 3 – Selected ‘similar’ comparator conurbations average monthly rates of Violent crime per 1000 residents Dec 10- Sep14*

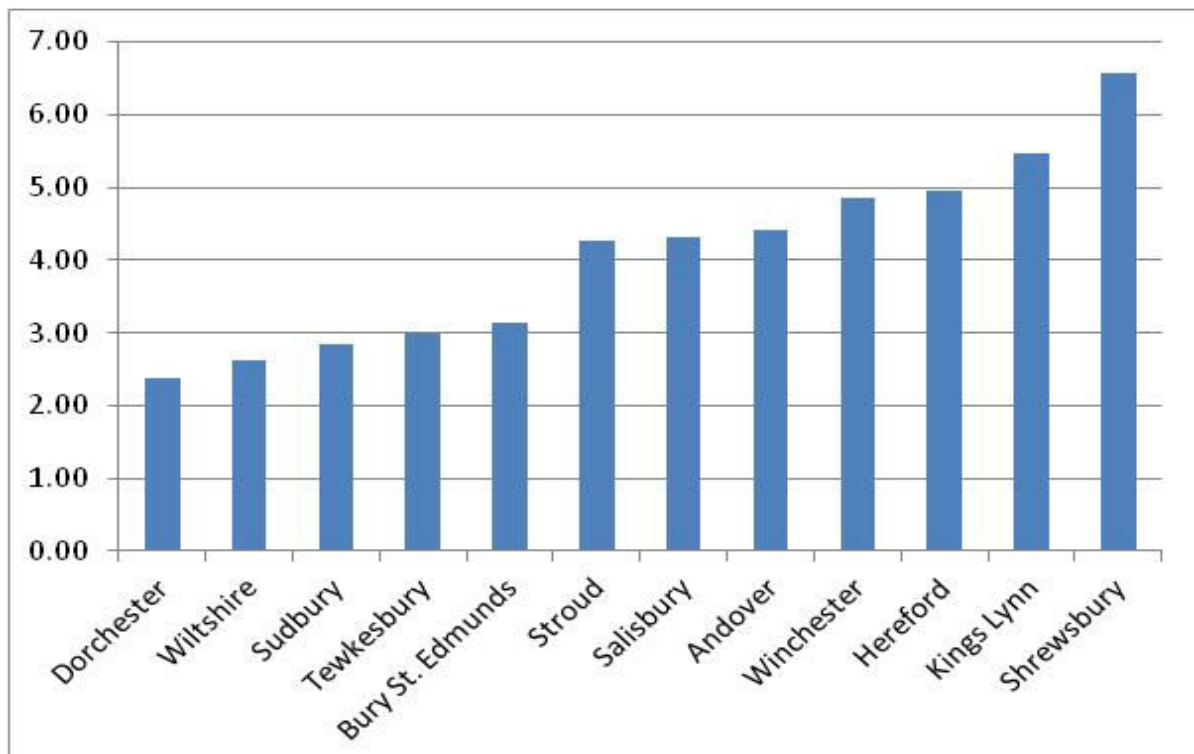
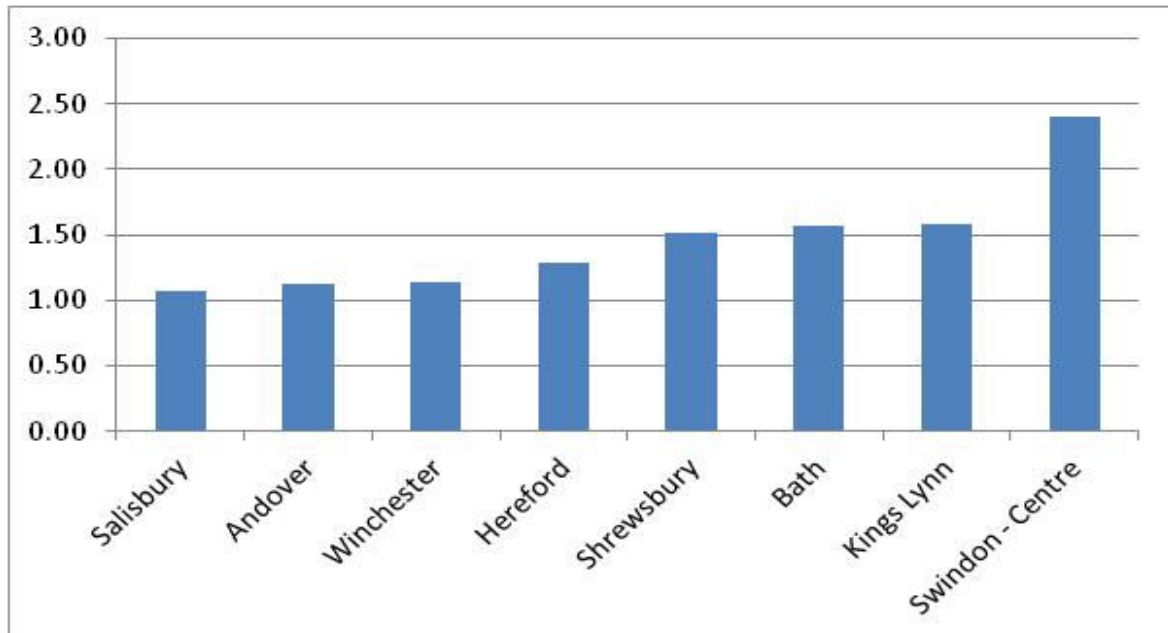


Figure 4 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of Violent crime per 1000 residents Dec 10- Sep14*



4.13. Whilst Public Order offences provide a small number of offences, the significant majority of these will be committed in the night time economy. Salisbury performs strongly and has substantially lower rates than most comparators.

Figure 5 – Selected ‘similar’ comparator conurbations average monthly rates of Public order offences per 1000 residents Dec 10- Sep14*

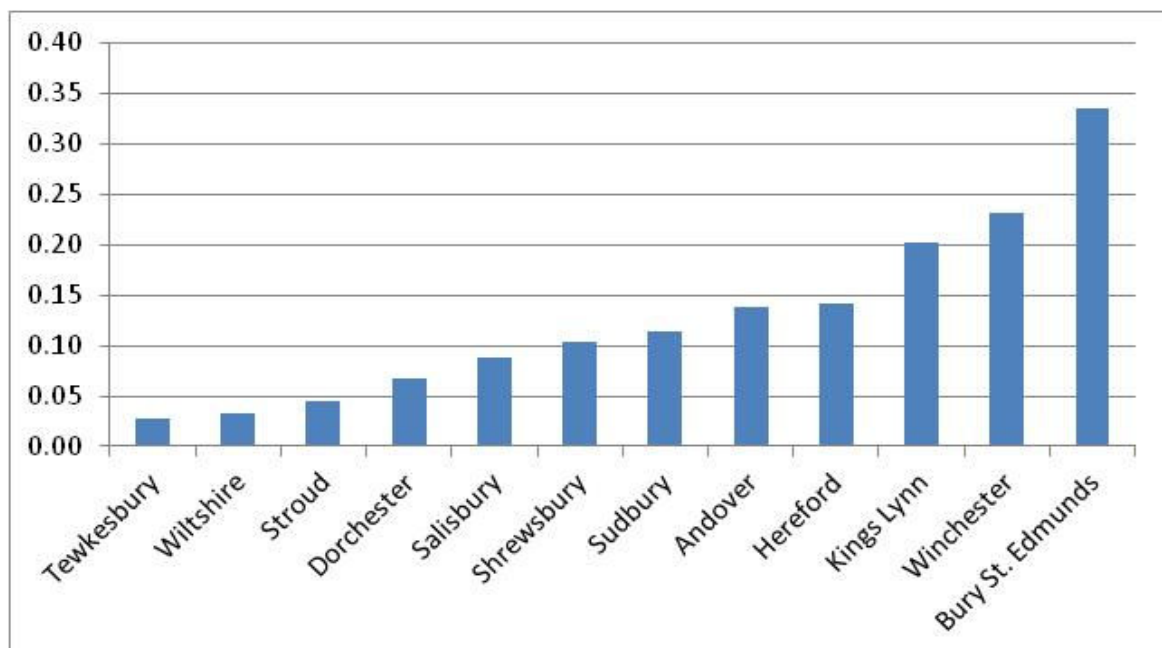
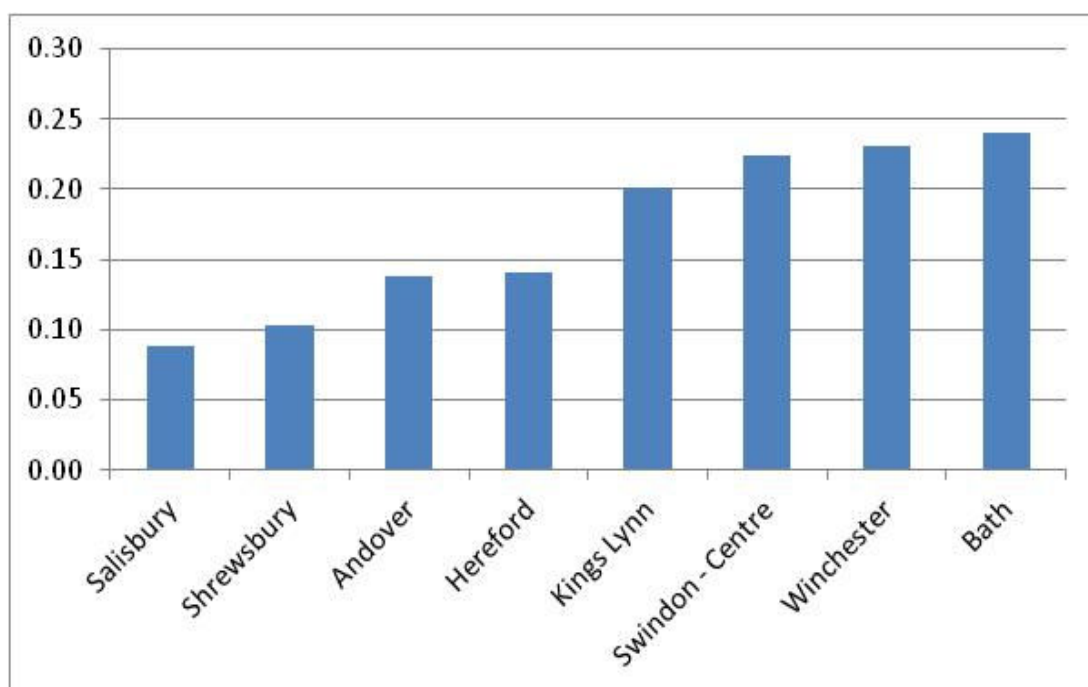


Figure 6 – Selected ‘similar’ comparator conurbations with Swindon and Bath, average monthly rates of Public order offences per 1000 residents Dec 10- Sep14*



- 4.14. This analysis confirms that Wiltshire has some of the lowest crime levels in England and Wales and Salisbury compares favourably with similar towns and cities.
- 4.15. Whilst there is still associated crime and disorder it is not exceptional and is comparably lower for many ‘similar’ towns / cities.
- 4.16. To provide further context, Swindon and Bath have significantly higher rates which compensates for the differences in population. However, they have a greater concentration and prevalence of licensed premises.
- 4.17. Crime and ASB rates for Salisbury are comparable with similar areas and substantially lower than other larger towns / cities. There is limited evidence that crime is exceptional or high and is causing serious problems with nuisance and disorder.
- 4.18. Crime and ASB levels are relatively stable and no imminent cumulative impact on the licensing objectives is likely.

5. Use of CIA special policies

- 5.1. Of the 12 comparison towns / cities only 3 operated CIA special policies
- 5.2. All of the remaining 9 locations do not deem there to be enough evidence to justify this special policy.
- 5.3. All Licensing Authorities keep this under review and respond to changes in circumstances both positive and negative.

6. Wider work to improve the Night Time Economy in Salisbury

- 6.1. Licensing Committee recognises consider the broader work that supports the delivery of the licensing objectives. The Licensing Policy 2014-19 recognises that licensing is one tool in improving the management of night time economies.
- 6.2. Extensive work has been undertaken to gain Purple Flag status for Salisbury City Centre. The scheme requires a comprehensive set of standards, management processes involving all aspects of the night time economy. Salisbury has been developing and improving the night time offer and has recently completed the 2nd assessment to these standards.
- 6.3. The coordinated approach by Police, Licensing, City Council, Salisbury BID and premises is providing a focal point to improving the standards of the night-time economy. This work has demonstrated improvements across a range of criteria including physical space, environment, diversity, crime and safety, health and support, regulation, perceptions of the area and partnership working.

7. Discussions with Stakeholders

- 7.1. Military Rebasing group stated that, due to the increases in personal in Wiltshire, there is a need for increasing leisure and recreational premises. This will require development of the existing service offer and will provide significant commercial potential. A CIA would place restrictions on delivering this benefit to Salisbury and may limit the leisure and recreational facilities on offer.
- 7.2. Salisbury Area Board has requested further information on the impact of this policy and will be provided with this reports assessment. Reducing ASB / Crime was a clear priority. However, members were split on the potential detrimental and positive impacts of this special policy.
- 7.3. City Council believes that this policy is not required at this time and the collective effort to improve the night time economy has delivered positive results.
- 7.4. The Licensing Task Group does not believe that implementing a CIA for Salisbury is required at this time. Substantial positive work has been developing in Salisbury with Licensed Premises supporting these improvements. Members believe that the advantages of this special policy are useful but that current crime levels do not justify this measure.

8. Conclusions

- 8.1. Salisbury is a well managed night time economy and is continuing to improve through Purple Flag and BID efforts.
- 8.2. Local residents, Area Board, City Council and Wiltshire Council recognise that addressing crime and anti-social behavior is priority.

- 8.3. Whilst a CIA provides an additional regulatory tool, its impact on the continued delivery of the licensing objectives is limited.
- 8.4. Analysis of crime and ASB levels in Salisbury demonstrate that it is higher than other places in Wiltshire. However, it has low levels in comparison with similar conurbations and is in line with England and Wales averages.
- 8.5. Wiltshire and Salisbury have low levels of crime and ASB. These comparatively low levels demonstrate that there is limited evidence for a Cumulative Impact Policy at this time.
- 8.6. There is no evidence that the licensing objectives will be imminently affected by not issuing this special policy.
- 8.7. It is recommended that regular reviews for this special policy should take place to assess if crime levels have significantly changed, or following legislative change.
- 8.8. Future reviews should provide future viability and evidence for special policies before progressing to public consultations stage.

9. Proposal

- 9.1. After the further analysis of evidence on crime and ASB, a CIA for Salisbury is not appropriate at this time
- 9.2. A review of this special policy should take place regularly to assess if crime levels have significantly changed or if there have been significant changes to the licensing legislation (such as adoption or new licensing objectives)

Report Author: Naji Darwish

Head of Public Protection – Community Protection

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21st November 2014

Background Papers

- Licensing Act 2003
- Secretary of State 182 Guidance
- Police and Social Responsibilities Act 2011
- CIA report 2 June to Licensing committee

* All data sources from www.ukcrimestats.com – from government & constabulary sources.

Wiltshire Council

Licensing Committee

8 December 2014

One Zone/One Tariff Consultation - Hackney Carriage and Private Hire Vehicle Licensing

Cabinet member: Councillor Keith Humphries – Public Health, Protection Services, Adult Care and Housing

Summary

The Licensing Committee at its meeting held on 2 September 2013 considered and agreed a proposal to carry out formal consultation with the taxi trade on the proposed introduction of a single zone for Wiltshire Council and one table of fares which would apply throughout the single zone.

The consultation was undertaken from 23 June 2014 for an eight week period and the results of the consultation have informed the proposals.

As part of its service delivery harmonisation Wiltshire Council has undertaken consultation regarding taxi zoning within its administrative area and its preference for one table of fares. This would effectively cap the maximum fare for journeys across the county so that the public would be charged a fare which does not exceed a pre-determined maximum for travelling the same distance anywhere in the county.

This report has been developed to update members on the results of the consultation with the taxi trade, and to consider the options for harmonisation across the county.

Members are asked to approve one of the options set out in the proposal and, if relevant, to select a table of fares.

Proposal

That the Licensing Committee

i) approve one of the following options:

1. No change to zones or table of fares
2. Move to one zone and one table of fares
3. No change to zones and move to one table of fares and keep existing

zone structure.

ii) If option i) 2 or i) 3 above are approved, select a table of fares, from appendix 3:

1. Proposal 1
2. Proposal 3

and if option i) 3 above is approved authorise officers to carry out the necessary public consultation and to implement any changes to the fare tariffs, in the event that no significant comments arise from that consultation.

Reason for Proposal

Two of the three proposals, if adopted, would be a further step towards the harmonisation of the services across the county.

The table of fares would set out the maximum fare for taxi journeys across the county. The paying public would be charged a fare which does not exceed a pre-determined maximum for travelling the same distance anywhere in the county.

Tracy Carter
Associate Director, Waste and Environment

Wiltshire Council

Licensing Committee

8 December 2014

One Zone/One Tariff Consultation - Hackney Carriage and Private Hire Vehicle Licensing

Cabinet member: Councillor Keith Humphries – Public Health,
Protection Services, Adult Care and Housing

Purpose of Report

1. This report has been developed to update members on the results of the consultation with the taxi trade on the proposal to introduce one zone and one tariff, and to consider the options for harmonisation.

Relevance to the Council's Business Plan

2. The process of controlling and licensing Hackney Carriage and Private Hire Vehicle operators (the taxi trade) assists the Council in achieving a number of the outcomes in the Business Plan 2013-2017.
 - 1 - Wiltshire has a thriving and growing economy
 - 3 - Everyone in Wiltshire lives in a high quality environment
 - 5 - People in Wiltshire have healthy, active and high-quality lives
 - 6 - People are as protected from harm as possible and feel safe.

Background

3. The Licensing Committee at its meeting held on 2 September 2013 considered and agreed to consult on a proposal to move to one zone and one table of fares for licensing hackney carriages and private hire vehicles (taxis), throughout Wiltshire.
4. Although Wiltshire Council has been a unitary authority since 2009 taxi licensing continues to operate in four separate zones based on the old district council areas. The relevant legislation however allows the council, to merge these existing zones into a single zone that would cover the whole of the Wiltshire Council area.

Consultation

5. All current licence holders (one thousand and seventy three) in the taxi trade in Wiltshire were sent a survey questionnaire as part of the consultation process.

A copy of the questionnaire is attached at Appendix 1. The consultation period commenced on 23 June 2014 and respondents were given eight weeks within which to complete the questionnaire. They were also invited to add any comments.

6. The Council received one hundred and twenty four responses to the consultation.

Trade Meetings

7. All the licence holders were invited to a series of trade meetings. Six sessions were held around the county to try to attract as many members of the taxi trade as possible.

Main Considerations for the Council

8. Due to the diversity of the current tables of fares and of the tariffs which prevail in each of the four zones, the following implications may arise as a result of the proposed change to one zone and one table of fares.
 - a) Customers in west, east and north may experience an increase in fares as the maximum fare would increase.
 - b) Customers in the south may experience an increase in fares where journeys include five to eight passengers.
 - c) Drivers may choose to operate from one preferred area due to earning potential, leaving other customer areas under resourced if licence holders choose, at certain times, to ply for hire at busier locations.
 - d) Licence holders may choose to charge lower fares than their competitors at various times to improve their journey numbers and income. This may lead to complaints.
 - e) Under the current legislation if to the proposal to introduce one zone is adopted, the same maximum fares and conditions would apply across the whole county. It would not be possible to vary the tariff for different areas of the county or to revert to separate zones at a later date. This situation may change in the future, if proposed changes in legislation are effected.
9. While the overall response to the survey was disappointing this seems to be a typical response rate for this service. Previous consultations have elicited a similar low response rate. Each license holder and operator was written to and all had an opportunity to reply to the survey.
10. The taxi trade have, since 2009, been regularly updated with regard to the need to review and change the zoning and table of fares. Therefore, the low response rate could be due to the trade's acceptance of a harmonised single zone and tariff for the county.
11. The trade meetings allowed both drivers and operators to raise any concerns and the council was able to address these immediately and reinforce these with responses to the frequently asked questions set out in Appendix 3.

12. The Department of Transport best practice guidance states the following.

The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

13. The potential for reduction in administration and enforcement costs will be minimal as the council has centralised and harmonised our control measures.
14. The Law Commission in their recent review of taxi licensing, recommended that local authorities should be given greater flexibility to create and amend zone structures. If and when this proposal becomes law the council will be able to review its position on zones.
15. The results of the consultation are set out in Appendix 2.

Options

16. The options that could be considered following the consultation are listed below, with key implications for each proposal.

- 16.1. Option 1 - No change to zones or table of fares

84 of the 124 responses requested no change to the current system. However, the current system could be confusing to the public due to there being four existing zones all operating with differing tables of fares. This could cause confusion to the public travelling across different licensing zones within the county. Further confusion could be caused if a member of the public attempts to flag down a vehicle which has travelled outside of its licensed zone and so the driver refuses the fare. The Council is committed to ensuring that access to services should be the same throughout the county. There would be a greater administrative task and cost in reviewing four rather than one tariff each year and this option would not enable to council to comply with Department of Transport Best Practice

- 16.2. Option 2 - Move to one zone and one table of fares

40 of the 124 responses were in support of this option, which would enable the council to achieve its objective of delivering a harmonised service. Maximum fares would also be harmonised. This may promote more efficient working for the taxi trade by reducing empty return journeys. A single harmonised table of

maximum tariffs would reduce ongoing administrative and consultation costs as there would be one per year. However, in the west, east and north of the county, customers may experience higher fares. Under current legislation the council would be unable to go back to four zones. All geographical tests for drivers would need reviewing as drivers may be working in areas outside their current local knowledge. Drivers may begin to operate countywide, causing overcrowding at some ranks.

16.3. Option 3 - Move to one table of fares and keep existing zone structure

84 out of 124 responses support retaining the existing zone structure and this would result in no change in administration or enforcement requirements for the service. One table of fares would cap maximum charges across the county. A single harmonised fares table would reduce ongoing administrative and consultation costs as one would be reviewed per year). This would not meet the council's objectives of harmonising service delivery and would be less flexible for operators, who could only operate in their licensed zone. In the west, east and north of the county, customers may experience higher fares. As with option 1 this could cause confusion to members of the public travelling across different licensing zones within the county and does not meet Department of Transport Best Practice

Table of Fares

17. One table of fares would ensure pricing is capped at the same level across Wiltshire, giving clarity, consistency and simplicity for the public and the service.
18. Under a consultation process carried out in 2013 a single table of fares was presented. This is set out as proposal 1 in Appendix 4. This met with considerable resistance from the taxi trade at the time. For the recent consultation two further tables of fares proposals were created in response to this feedback. Due to the low levels of response (seven responses from the south only) on proposal 2, this has been removed.
19. The 2014 consultation considered the three different tables of fares. The taxi trade were split almost equally between proposals 1 and 3 shown in Appendix 4.
20. The following scenarios help illustrate the impact on the customers' travel costs.

i) Fewer than four people travelling, two miles during daytime hours

	Proposed Maximum charge	Difference in the west	Difference in the north	Difference in the south	Difference in the east
Proposal 1	£7.00	+£1.00	+£1.00	£0.00	+£1.00
Proposal 3	£7.00	+£1.00	+£1.00	£0.00	+£1.00

Both proposal 1 and 3 costs could increase charges in the west, north and east Wiltshire by £1.00 per trip.

ii) More than four people travelling two miles at 3am

	Proposed Maximum charge	Difference in the west	Difference in the north	Difference in the south	Difference in the east
Proposal 1	£13.50	-£4.50	-£1.50	+£3.30	-£1.70
Proposal 3	£17.40	-£0.60	+£2.40	+£7.20	+£2.20

Under proposal 1, the maximum price relative to the current price reduces for customers in the west, north and east Wiltshire as the journey length increases, whilst for customers the south this continues to rise.

Under proposal 3, the maximum price relative to the current price reduces for customers in the west as the journey length increases, whilst for customers in the south, north and east this continues to rise.

Safeguarding Implications

21. There are no safeguarding implications arising from the proposal.

Public Health Implications

22. None.

Environmental and Climate Change Considerations

23. There are no environmental impacts arising from the proposal.

Equality Impact of the Proposal

24. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities.

Risk Assessment

25. There are no risks arising from these proposals.

26. Public expectations are different from the desires of the trade and therefore there is a risk that in getting a solution that works for one group it is not in favour with the other group, however new options have been considered following the initial consultation with the trade.

Financial Implications

27. There are no financial implications arising from these proposals.

Legal Implications

28. The Council is required to advertise any changes to the existing Table of Fares and consider any objections before adoption. Therefore, there may be a need for a further report to this Committee, if any advertised changes lead to objections being received. In addition, if the decision is taken to abolish the existing zones, then there is again a separate notification process that has to be carried out. This involves giving public notice in the local press of the intention to abolish the zones (which could be carried out in parallel with the advertisement of changes to the table of fares) as well as notifying parish councils. There will then need to be a specific resolution from this Committee following the public consultation process.
29. It should be emphasised that, under current legislation, any resolution to abolish the taxi zones is irreversible and will mean that the same table of fares and conditions will apply across the whole county.

Options considered

30. The options that have been considered are:

No change to zones or table of fares
Move to one zone and one table of fares
Keep existing zone structure and move to one table of fares.

Conclusion

31. The consultation was undertaken from 23 June 2014 for an eight week period and the results of the consultation have informed the proposals.
32. Two of the three proposals, if adopted would be a further step towards the harmonisation of the four original zones.
33. A single table of fares would achieve an effective cap of the maximum fare for taxi journeys across the county; therefore the public would be charged a fare which does not exceed a pre-determined maximum for travelling the same distance anywhere in the county.

Recommendation

That the Licensing Committee

- i) approve one of the following options:

1. No change to zones or table of fares
2. Move to one zone and one table of fares
3. No change to zones and move to one table of fares and keep existing zone structure.

- ii) If option i) 2 or i) 3 above is approved, select a table of fares, from appendix 3:

1. Proposal 1
2. Proposal 3

iii) and if option i) 3 above is approved, authorise officers to carry out the necessary public consultation and implement any changes to the fare tariffs, in the event that no significant comments arise from that consultation.

Reason for proposal

Two of the three proposals, if adopted would be a further step towards the harmonisation of the service across the county.

The table of fares would set out the maximum fare for taxi journeys across the county. The paying public would be charged a fare which does not exceed a pre-determined maximum for travelling the same distance anywhere in the county.

Tracy Carter
Associate Director, Waste and Environment

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Background Papers

Copies of original feedback sheets available

Appendices

Appendix 1 Consultation questions,
Appendix 2 Results
Appendix 3 Frequently Asked Questions from Feedback
Appendix 4 Proposed Tables of Fares

Taxi and Private Hire One Zone/Tariff Proposal – June 2014 Consultation Questionnaire

Name:

Driver Licence No:

Address:

Contact Telephone No:

Company working for:

Which Zone do you currently hold your licence in:

	Yes	No
The Council is proposing to move from the existing four zones to one zone for the whole of the Council's area. Do you agree?		

	Proposal One	Proposal Two	Proposal Three
If the Council decides to move to one zone which of the enclosed tariff proposals would you prefer?			

Comments (Any comments should relate to the one zone/tariff consultation only):

Please note all questionnaires must be returned by 5pm Monday August 16 2014.

Consultation results

The survey questionnaires were sent out to 1073 members of the taxi trade.

Of these 1073 questionnaires 124 responses were received, this equates to a percentage return of 11.5%.

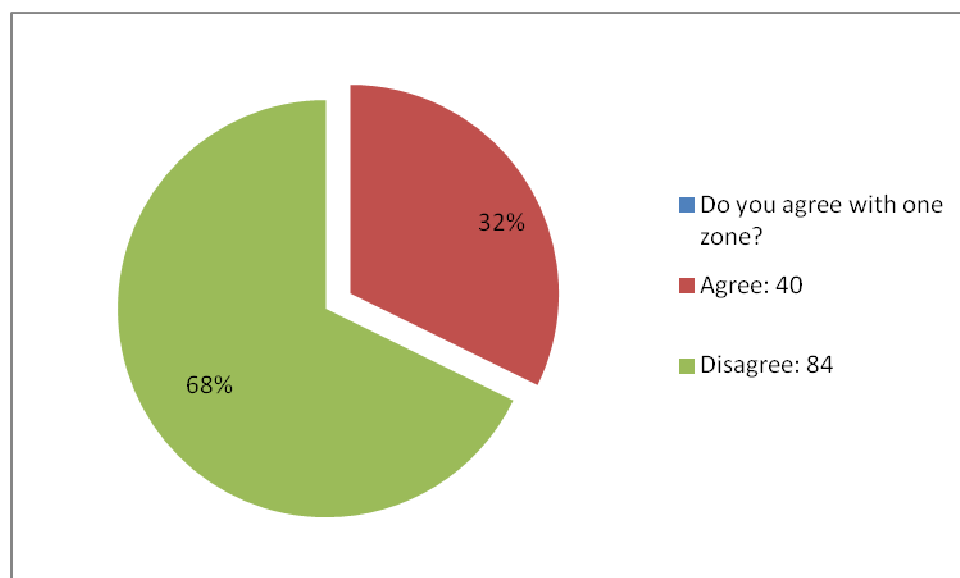
Feedback by Zones

	Total No. of Surveys Sent	Returned	%
Total of four zones	1073	124	11.5
South	339	33	9.7
North	230	25	10.8
West	358	54	15
East	147	12	8.1

Question 1:

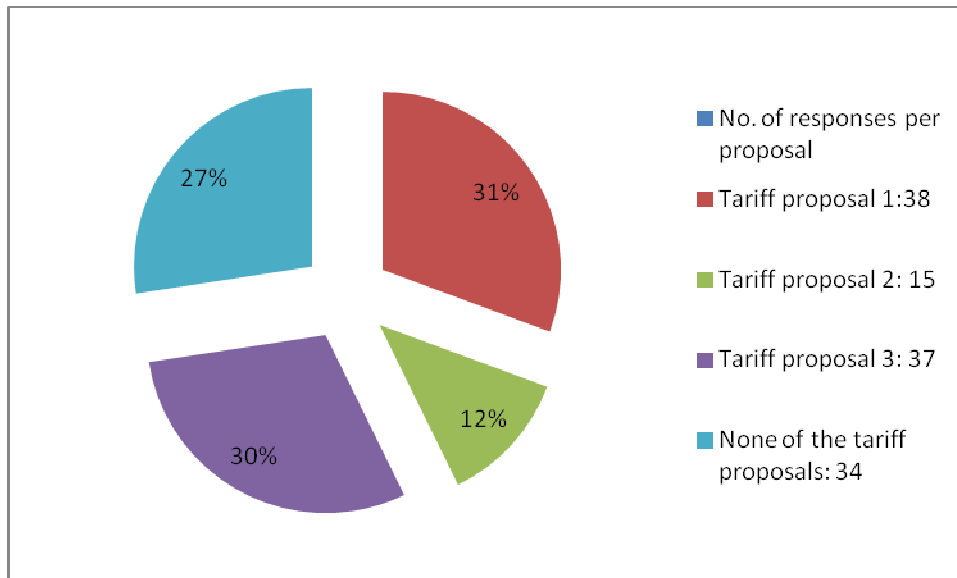
The Council is proposing to move from the existing four zones to one zone for the whole of the Council's area. Do you agree?

Total (Four Zones)



Question 2:

If the Council decides to move to one zone which of the enclosed tariff proposals would you prefer?



Survey response to questions:

	Yes	No
The Council is proposing to move from the existing four zones to one zone for the whole of the Council's area. Do you agree?	40	84

	Proposal One	Proposal Two	Proposal Three	None of the Proposals
If the Council decides to move to one zone which of the enclosed tariff proposals would you prefer?	38	15	37	34

The proposed harmonised table of fares for Wiltshire Council are included at appendix 4.

Summary of Taxi Trade feedback from trade meetings and completed questionnaires:

1. There is no need to change, it is not wanted:

Response – If could be argued that with forty seven of the trade responses not in favour of one zone this could be the case. However, the taxi trade have been regularly updated with regard to need to review and change the zoning and table of fares. Therefore, the response rate could be due to the trade's acceptance of a harmonised "one zone one tariff".

2. Multiple zone working issues: feedback from thirty four of the trade raised concerns regarding local knowledge, influx of drivers from neighbouring zones with risk of reduced local knowledge, less space on already crowded ranks.

Response – The current geographical tests would be reviewed for one zone model; to include base area test and questions to cover the likely countywide destinations i.e. hospitals, schools, train, bus stations and main road numbers to Wiltshire towns.

We will work with planning colleagues to identify potential sites to increase ranks available.

3. One Table of fares / tariff increases: feedback from forty six of the trade raised concerns that any increase in table of fares / tariffs in current climate may affect their earning potential, increased cost to vulnerable people to travel.

Response - Our table of fares examples show the impact across areas to be mainly increases in fares. However, this is a maximum cap of fee so the operator can decide to charge a more competitive fare should they choose to.

4. Timings of Tariff changes in the table of fares: feedback from forty three of the trade believed the timings should be changed from the proposals.

Response – these same was claimed at the last consultation where 2 tables of fares were consulted on. Listening in response to that feedback a third table was created to address the trade concerns. However, the feedback on this consultation has shown that a number of the trade are still against the timing changes accounted for in the table contained in proposal 3

5. Costs to OAP/ vulnerable adult's, feedback from thirty of the trade raised concerns regarding extra burden on vulnerable people.

Response – This is due to the diversity of the current table of fares and each of the tariffs which prevail in each of the four former district council zones. Currently the Council, by continuing with the separate table of fares, is supporting inequality to these groups.

6. Demographic divide: feedback from thirty five of the trade believed there is a need to recognise different demographic areas across the county, specifically the city of Salisbury where they feel they should have a separate tariff.

Response – This would create public perception that this is not harmonised, fares only partially harmonised.

Vehicles operating within different zones could cause confusion to the public if a vehicle is flagged down outside of its area and a fare is refused.

This would remain a less flexible operation for trade.

Higher administration/enforcement costs involved from table of fares reviews (four per year)

Administration/enforcement issues - The Council could be open to complaints due to table of fares varying across the County.

Proposal 1

WILTSHIRE COUNCIL
HACKNEY CARRIAGE
MAXIMUM TABLE OF FARES

For journeys starting	Vehicles up to 4 seats	Vehicles with more than 4 seats carrying more than 4 passengers
0600 hours – 2259 hours	Tariff 1	Tariff 2
2300 - 0559 hours and Sundays, Bank Holidays, Public Holidays and Easter Sunday and after 8pm Christmas Eve & New Years Eve	Tariff 2	Tariff 4
25 December, 26 December and 1 January	Tariff 3	Tariff 5

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
Journeys up to 176 yards (1/10 Mile)	£3.20	£4.50	£6.00	£4.95	£6.60
Subsequent 176 yards (1/10 Mile)	20p	30p	40p	45p	60p
Waiting time per minute	20p	30p	40p	45p	60p
	30p	30p	30p	30p	30p
Fouling charge (minimum)	£100	£100	£100	£100	£100

Hackney Carriages are regulated by Wiltshire Council
Tel: 0300 456 0100

Proposal 2

Removed due to low response rate

Proposal 3



WILTSHIRE COUNCIL
HACKNEY CARRIAGE
MAXIMUM TABLE OF FARES

For journeys starting	Vehicles up to 4 seats	Vehicles with more than 4 seats carrying more than 4 passengers
0600 hours – 2229hours	Tariff 1	Tariff 2
2230 - 0229 hours and Sundays, Bank Holidays, Public Holidays and Easter Sunday and after 8pm Christmas Eve & New Years Eve	Tariff 2	Tariff 4
0230 – 0559 hours and 25 December, 26 December and 1 January	Tariff 3	Tariff 5

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
Journeys up to 176 yards (1/10 Mile)	£3.20	£4.50	£5.00	£4.50	£6.00
Subsequent 176 yards (1/10 Mile)	20p	30p	40p	45p	60p
Waiting time per minute	20p	30p	40p	45p	60p
Fouling charge (minimum)	30p	30p	30p	30p	30p
	£100	£100	£100	£100	£100

**Hackney Carriages are regulated by Wiltshire Council
Tel: 0300 456 0100**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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