

AGENDA

Meeting: Licensing Committee
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Monday 17 March 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 Jose Green
Cllr Nick Blakemore	Cllr Mike Hewitt
Cllr Allison Bucknell	Cllr Simon Jacobs
Cllr Trevor Carbin	Cllr George Jeans
Cllr Chris Caswill	Cllr Leo Randall
Cllr Sue Evans	Cllr Pip Ridout (Chairman)

Substitutes:

Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Liz Bryant	Cllr Jon Hubbard
Cllr Andrew Davis	Cllr Magnus Macdonald
Cllr Bill Douglas	Cllr Bill Moss
Cllr Dennis Drewett	Cllr Jeff Osborn

AGENDA

1. **Apologies**

To receive any apologies.

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

To confirm the minutes of the meeting held on 5 November 2013 (copy attached).

3. **Chairman's Announcements**

4. **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than 5pm on Friday 7 March 2014.

Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Minutes of the Licensing Sub-Committees**

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

Eastern Area

20/08/13 Application for a Premises Licence, The Vaults, Devizes

Northern Area

None

Southern Area

29/11/13 Variation to a Sex Establishment Licence – My Amazing Fantasy, 105 Fisherton Street, Salisbury

Western Area

18/09/13 Review of Premises Licence – Club Ice, Westbury

22/10/13 Application for a Premises Licence – Waterhouse, Waterhouse Lane, Monkton Combe, Bath

07/01/14 Variation of a Premises Licence – Favourite Chicken & Ribs, 3 Market Street, Trowbridge

17/01/14 Variation of a Premises Licence – Harveys Nightclub and Sports Bar, Church Street, Trowbridge

7. **Update on the Changes to the Licensing Service** (*Pages 49 - 52*)

To receive and note an update from the Public Protection Team Leader on the changes to the Licensing Service as at March 2014.

8. **Licensing Update** (*Pages 53 - 60*)

The Public Protection Team Leader (Licensing) has prepared an update on the following current issues:

- 1) Licensing Policy Review
- 2) Consultation on Implementing a Cumulative Impact Area in Salisbury
- 3) Events in Wiltshire
- 4) Late Night Levy
- 5) Military Rebasing.

9. **Sex Establishment Licensing Policy and Conditions** *(Pages 61 - 84)*

The report of the Public Protection Team Leader seeks the views of the Licensing Committee on the need to review and amend the Council's current Policy in relation to Sex Establishments.

10. **World Cup 2014 Update** *(Pages 85 - 96)*

Councillors are asked to note the information which has been prepared in advance of the Football World Cup 2014.

11. **Update on Hackney Carriage and Private Hire Licensing** *(Pages 97 - 100)*

This report updates members on progress following the reorganisation of the Hackney vehicle licensing.

12. **Dates of Future Committee Meetings**

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

Monday 28 April 2014

Monday 2 June 2014

Monday 8 September 2014

Monday 8 December 2014.

13. **Urgent Items**

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

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 5 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

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

Also Present:

Ian Brown (Head of Environment Services), Lisa Pullin (Democratic Services Officer), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

23 Apologies

Apologies were received from Councillors Chris Caswill and Leo Randall.

24 Chairman's Announcements

The Chairman introduced Ian Brown who is the Head of Service for Environment and Peter White who is the Enforcement Manager. This is the team that have taken on the scrap metal dealer licensing functions.

25 Declarations of Interest

Councillor George Jeans declared a personal interest in Agenda item 5 due to the nature of his business and he stated that he intended to vote and speak on this item on the Agenda.

26 Public Participation

There were no members of the public present.

27 Setting of Fees - Scrap Metal Dealers Act 2013

Ian Brown (Head of Environment Services) introduced the report and explained to the Committee that the Scrap Metal Dealers Act 2013 came into force on 1 October 2013. Every scrap metal dealer will be required to have a licence and operating without one will be a criminal offence. The Council will be able to

refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer.

A transitional period is running until 1 December 2013. During this transitional period any scrap dealers already registered under the old regime, who registered for the new regime before 15 October 2013, will be granted a deemed licence until the end of the transitional period.

The 2013 Act creates a fee raising power to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime.

The Committee were being asked to agree the fees for scrap metal dealers as follows:

Collector's Licence: £350

Site Licence: £500

Each licence would last for three years, unless revoked by Wiltshire Council. The Council will only revoke a licence where the licence holder's circumstances change so that they may no longer be considered a fit and proper person.

The legislation obliges the authority to review its fees after twelve months, at which point any anomalies or inaccuracies can be accounted for and amended.

All known scrap metal dealers were written to to inform of the changes and 100 application packs for a licence were sent out. 70 of these have been sent back and the remaining 30 will be investigated after 1 December 2013.

Councillors sought clarification on a number of points and it was explained that the Act applied to persons carrying on a business that consists wholly or partly of buying or selling scrap metal. It was stated that if such buying/selling of scrap metal was only incidental to some other activity, then it would not get caught by the Act. What was 'incidental' would be a matter of fact in each case, but may also be the subject of case law, if any matters on this point went to Court. If there were to be such case law that affected the way that the Council implemented the Act, this would be reported to the Licensing Committee, for them to consider if/how that affected the Council's approach.

Resolved:

That the Licensing Committee sets the fees for the Scrap Metal Dealers Act 2013 as follows:

£350 for a Collector's Licence

£500 for a Site Licence.

The Licence fee will cover a three year period from 1 October 2013 with these fees to take immediate effect.

The Council will review its fee structure for the Scrap Metal Dealers Act within 12 months of this date.

28 **Dates of Future Committee Meetings**

The Chairman indicated that the next planned meeting of the Licensing Committee on Monday 2 December would be cancelled if the Public Protection Team had no business for the Committee to deal with. In that instance the next meeting would be on Monday 3 February 2014.

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30pm to 2.50pm)

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

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

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EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 AUGUST 2013 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS IN RESPECT OF APPLICATION FOR A PREMISES LICENCE - THE VAULTS, 28A, ST JOHN'S STREET, DEVIZES

Present:

Cllr Ernie Clark, Cllr Magnus Macdonald and Cllr Simon Jacobs

Also Present:

Wiltshire Council Officers

Jane Cowley (Licensing Officer), Lisa Pullin (Democratic Services Officer), Paul Taylor (Senior Solicitor)

Applicant

Mr M Shipp

Those who made a Relevant Representation

Mr G Hilderly
Mrs S Wright
Mrs J Blake

1 Election of Chairman

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

Resolved:

To elect Councillor Ernie Clark 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 – 8 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**

Councillor Simon Jacobs wished for all those present to know that some of the residents that had signed the Petition objection to the application were living in his ward.

5 **Licensing Application**

Application for a Premises Licence by the Pop-Up Pub Co. Ltd in respect of The Vaults, 28a St John's Street, Devizes.

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 those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Malcolm Shipp the Applicant were:

- That he was the Co-Director of the Pop-Up Pub Company and was planning to open up a micro pub and shop at the premises that would focus on real ales;
- There would be no fruit machines and it was not the intention to be a pub that opened late with loud music;
- Although there was an acceptance that there would be a slight increase to people and traffic movements this would not cause any further problems to this area;
- That he had liaised with the neighbour, Mr Hilderly to address the concerns he had about the noise impact on his property;
- That specialist glass had been fitted to the shared window following expert advice; and
- That he had retained the services of a sound testing company who had the previous day carried out sound testing between the two properties which had shown ????

The following questions were asked of Mr Shipp:

What experience do you have of running a pub?

I have been involved in the trade for most of my working life and have a lot of experience.

What made you chose to open this kind of establishment?

I brew my own alcohol and it appears that micro pubs are continuing to open and thrive over the traditional pubs which are closing down.

What kind of food are you intended to offer?

Locally sourced wrapped food which will be bought in as there will be no catering facilities on site.

Key points raised by Mr G Hilderly who made a Relevant Representation were:

- That he had raised his initial objections to this application based on the perceived intrusion on his living standards which he would wish to maintain;
- That the shared window with 28a St John's Street is in his dining room and at the time when 28b was an Antiques Shop this was just a single glazed window which had a customer approximately every half an hour which did not create an unacceptable disturbance;
- He was pleased that the proposed opening hours had been reduced and the Applicant had installed soundproofing on the shared window and now the sound of people talking was not too audible;
- He would like for there to be a condition that there is no live or recorded music at the premises; and
- He would wish to continue to work with the Applicant to put further soundproofing in place as although the sound testing had been carried out that does not replicate the sound made by a large number of people talking in a bar.

Key points raised by Mr J Blake (who was representing Mrs S Wright) who made a Relevant Representation were:

- That 61 signatures had been obtained to Mrs Wright's petition of those living in the immediate vicinity of the proposed premises;
- That there were already a number of drinking establishments in Devizes and yet another would exacerbate the rowdy and unruly behaviour in the and add to the existing parking problems;
- That the loss of another small shop would affect the town; and
- That they would not object to the premises being an off licence as this would not create the noise, litter and disturbance that a pub would.

Mr Hilderly had no further comments to make for his summing up.

Mr Blake commented that they did wish to see a business at this premises, but it should be the right one and this type of establishment could be somewhere else in the town. He understood the term "pop up" to mean something that pops up briefly and then moves on.

Mr Shipp did not wish to make any further comments for his summing up.

The Chairman confirmed that viability of the establishment was a planning matter and would not be considered by the Sub Committee which reaching their decision.

The Sub Committee then retired to consider the application at 10.30am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.30am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

- That the effect of the proposal on the economy is not a licensing matter; and
- Due to the changes to the Live Music Act the Applicant does have the ability to play live music as it is not a licensable activity until 11pm. If live music did cause a problem at the premises then this could be looked at by a review of the licence and then the licensing authority would have the ability to disallow live music at the premises if it was proved that this was causing a problem.

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

Resolved:

That the Eastern Area Licensing Sub Committee has resolved to GRANT the Premises Licence for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Films (indoors)	11:00 – 21:00 12:00 – 21:00	Monday – Saturday Sunday
Provision of Late Night Refreshment (indoors)	23:00 – 00:30 (next day)	Christmas Eve and New Years Eve only

Sale by Retail of Alcohol (on site and off site)	11:00 – 21:00 12:00 – 21:00 11:00 – 00:30 (next day)	Monday – Saturday Sunday Christmas Eve and New Years Eve
Opening Hours	11:00 – 21:30 12:00 – 21:30 11:00 – 00:30 (next day)	Monday – Saturday Sunday Christmas Eve and New Years Eve

And subject to the following additional conditions:

- 1. That no glasses or open vessels be taken outside (to avoid disturbance to neighbouring properties whilst patrons go outside to smoke).**
- 2. All windows and doors to remain closed except for access and egress.**
- 3. That CCTV with recording facilities will operate at all times that licensable activities take place. Images to be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority and to be of sufficient quality to identify individuals. Recordings to be retained for 28 days.**
- 4. A challenge 25 Policy to be operated at the premises with acceptable forms of identification to include a current passport, photocard driving licence, Touch2ID and PASS accredited identification cards.**

Reasons

The Sub Committee noted that the applicant had modified his original application to reduce the hours of opening and to remove both live and recorded music from the list of activities. They were also informed by the applicant that he had carried out acoustic testing to assess the level of noise transmitted to the neighbouring property and that he would take other measures to try to reduce noise attenuation.

The Sub Committee considered the points raised by Mr. Hilderly, the owner of the adjacent property, who stated that, whilst there had been some progress in reducing noise attenuation, for example by the installation of secondary glazing to the shared window, he remained concerned at being disturbed by the noise from patrons of the pub. The also took note of the comments from Mr. Blake and Mrs. Wright who

expressed concern that the granting of a premises licence would increase the amount of noise and other public nuisance in the local area.

The Sub Committee felt that the reduction in the hours of operation of the premises and the other measures being taken by the owner, together with the additional conditions proposed, were appropriate to address the concerns of the residents, to the extent that they fell within the licensing regime.

In reaching their decision, the Sub Committee considered the written evidence presented in the agenda together with the oral evidence given at the hearing, noting in particular the concerns in respect of noise disturbance.

The Sub Committee also took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The granting of this licence is without prejudice to any other consents or approvals that may be required.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.

(Duration of meeting: 10.00am – 11.35am)

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

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SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 29 NOVEMBER 2013 AT MEETING ROOM - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR A VARIATION TO A SEX ESTABLISHMENT LICENCE: MY AMAZING FANTASY, 105 FISHERTON STREET, SALISBURY, SP2 7SP

Present:

Cllr Jose Green, Cllr George Jeans and Cllr Leo Randall

Also Present:

Paul Taylor (Senior Solicitor), Linda Holland, Lisa Moore and Kieran Elliott (Senior Democratic Services Officer), Ian Garrod (Licensing Officer), Hannah Hould (Licensing Officer) and Jonathon Spencer (Applicant).

1 Election of Chairman

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

Resolved:

To elect Councillor Jose Green 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 Agenda.

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 Mr Jonathon Spencer for Variation to a Sex Establishment Licence at My Amazing Fantasy, 105 Fisherton Street, Salisbury, SP2 7SP

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

No objections had been received in respect of this Application.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee.

Key points raised by Jonathon Spencer of My Amazing Fantasy were:

- The applicant owned three other sex establishment shops in other authorities, none of which were restricted from Sunday opening.
- The other shops had won awards for their window displays, from Bournemouth Chamber of Commerce.
- Opening the shop on Sundays would enable the applicant to recruit an additional part time member of staff.
- Since taking the shop on in June 2013, improvements had been made, including painting the exterior.
- Other local businesses had shown their support by signing a counter petition against the petition which had been produced by a local religious group.
- The interior alterations would provide disabled access to the shop.

Key points raised by the Linda Holland, Licensing Officer were:

- Notices had been served for 21 days with no representations being received.
- In addition to the standard hours of 9.00am – 9.00pm Monday to Saturday, the applicant had applied to open the establishment every Sunday from 10.00am to 6.00pm.
- The applicant wished to make alterations to the interior of the shop, as detailed in the photographs attached to the agenda.

The following questions were asked of the Applicant by members of the Sub Committee :

- Why does the applicant wish to open the shop on Sundays?
Answer: To accommodate those customers who wish to shop on Sundays.
- Why do you want to push back the standard licensing hours to 9.30am – 9.30pm, Monday to Saturday when you only open the premises from 10.00 – 6.00pm daily?

Answer: The applicant did not require to change the standard times as detailed in his application, he had taken the incorrect hours from an old document. The applicant confirmed that he was happy to remain with the standard 9.00am – 9.00pm hours on Monday to Saturday.

- Would the new part time employee be recruited for the Sunday opening hours or for another day?

Answer: The Sunday shift would be covered by staff on a rotational basis, the new part time member of staff would receive full training. There are 2 other members of staff currently working at the shop and staff from the Andover shop also work in the Salisbury shop when required.

- Why do you require facilities for previewing and quality checking the DVD's?

Answer: We need the facility for quality control purposes, should a DVD be returned as faulty, the staff would need to play the DVD to check it.

The Sub Committee thanked the Applicant for attending. He opted to be informed of the decision by telephone and left the meeting. The members then retired at 13:20pm to consider the application.

The Sub Committee considered the application in light of the adopted Council policy on Sex Establishments. . They noted that there had been no objections received to the variance application and did not consider that there were any good reasons to refuse it.

Resolved:

That the Application for a Variation to a Sex Establishment Licence at My Amazing Fantasy, 105 Fisherton Street, Salisbury, SP2 7SP be granted as detailed below

- **Licensed to open Monday to Saturday 9.00am to 9.00pm**
- **Licensed to open on Sundays 10.00am – 6.00pm**

And subject to the following conditions:

- **The shop would not be permitted to open on Good Friday, Easter Sunday and Christmas Day.**

6 **Appendix 1 - Application Form and Plan of Property**

7 **Appendix 2 - Photos of Shop Interior**

8 **Appendix 3 - Street Location Plan**

9 **Appendix 4 - Standard Conditions and Wiltshire Council Sex Establishment Licensing Policy**

(Duration of meeting: 1300-1330)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line 01722 434560, e-mail lisa.moore@wiltshire.gov.uk

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 18 SEPTEMBER 2013 AT THE USHER SUITE - CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE. BA14 8AH IN RESPECT OF AN REVIEW OF A PREMISES LICENCE - CLUB ICE/PLAYERS, 26A QUARTERMASTER RD, WEST WILTS TRADING ESTATE, WESTBURY

Present:

Cllr Desna Allen, Cllr Sue Evans and Cllr George Jeans

Also Present:

Wiltshire Council

Linda Holland (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Review Applicants

Mrs Pauline Fleming on behalf of Mrs Susan Capon
Mr Richard Gregory

Premises Licence Holders

Mr Stephen Jones
Mr Barrie White

1 Election of Chairman

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing. The correct procedure summary was circulated at the hearing to all the parties.

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**

Applications by Mr Richard Gregory and Mrs Susan Capon for a Review of the Premises Licence in respect of Club Ice/Players, 26a Quartermaster Road, West Wilts Trading Estate, Westbury

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

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

Key points raised by Mr Richard Gregory, Review Applicant were:

- On Friday 19 July 2013 it was a hot evening and the windows were open at his home when he became aware of the sound of music which appeared to be coming from Club Ice, Westbury;
- He had lived at his current property since 1985 and had never had a cause to complain about any disturbance from Club Ice – it was only when they ran this special event that they suffered with noise nuisance;
- He was also disturbed by loud music on Saturday 20 July at around 3am (on Sunday 21 July) and at that point followed the noise and felt that it was coming from Club Ice;
- He knew of a private party taking place over the other side of the woods near to his property but as far as he was aware that party was not that noisy;
- When he arrived at Club Ice he admitted it was not in the best of moods because of the disturbance caused to him and his family and he asked to speak to a manager. He spoke to a man called Mark (Taylor) who advised him that he was running the event and that they had a licence in place and that they were doing nothing wrong;

- The noise from the fairground rides was so loud that that they had to shout to have a conversation and Mr Taylor then told Mr Gregory agreed to turn down the volume; and
- Mr Gregory would request that the ability to hold special events be removed from the premises licence or that the events be restricted so that they end by 1am and are not held for two consecutive days so as to reduce disturbance to him and his family.

Key points raised by Mrs Pauline Fleming (on behalf of the Review Applicant, Mrs Susan Capon) were:

- That complaints were received from their customers (campers at Brokerswood County Park) of foul and abusive language that could be heard by their children which appeared to be coming from someone talking with a microphone on the evening of Friday 19 July;
- That the campers were advised that a neighbour was having a 21st birthday party nearby on Saturday 20 July and that there may be some noise disturbance; and
- They were not disturbed by Club Ice's similar event held last year, but this year they had a number of complaints about the loud noise disturbance that went on for so long and the foul and abusive language that was heard.

The following questions were asked of the Review Applicants by the Sub Committee members and the Premises Licence holders:

When did the party on the neighbour's land finish?

They were all gone by 3.30am (Sunday 21 July).

Did you hear the Dusk till Dawn event last year at Club Ice?

I heard it, but it did not cause me a problem.

Did Mr Gregory hear foul and abusive language when he attended at Club Ice?

I didn't hear any foul language; I heard rapping over the music, but not the actual words spoken.

From our (Club Ice) sound checks we heard the party continuing past the early hours – why are there not any complaints from the campers included in the papers?

Complaints were received from the campers and emails could be produced if required. Mr Gregory said that he saw no sign of the party when he drove by at approximately 4am.

Key points raised by Mr Stephen Jones (Premises Licence Holder) were:

- That he had been running Club Ice since 1988 and had a good working relationship with the Police and Wiltshire Council;
- This was the second time they had held this type of event and it was run by the same promoter with the same equipment as last year. Music was played from 6pm on Friday 19 July to 4am on Saturday 20 July and from 8pm on Saturday 20 July to 6am on Sunday 21 July;
- A Task Force meeting was held with all relevant authorities prior to the event and he had assumed that that the duty Police would be notified that the event would be taking place;
- Four Designated Premises Supervisors and himself and the other Premises Licence holder (Barrie White) ran and managed the event;
- They carried out their usual sound checks with their calibrated sound monitor;
- That they had previously been advised that if noise was a problem on the Friday evening, they would be contacted by Wiltshire Council on the Saturday and adjustments could be made – no call was received from a Wiltshire Council Officer on Saturday 20 July;
- At 8pm on Friday 19 July, I drove to Tesco's and on my way back I stopped at Hawkeridge and I could not hear the sound of any music;
- At approximately 10pm on the Friday, I received a call from Mrs Capon saying that noise from our club was disturbing her campers. Following this I ensured that our sound level was turned down gradually by 11.15pm;
- A colour version of the map provided in the supplement was circulated and Mr Jones indicated the areas at which he took sound readings;
- There was no outside marquee playing music at this event;
- The main club has a capacity of 1000 people, and there are 3 other rooms which also have their own sound system;
- MC's do rap over the music but they speak so fast that they cannot hear/understand what they are saying;
- They were using their beach bar area outside which has a sound system, but this has been used about 12 times before. In the car parking area some fairground rides were there, but they were not playing music;

- At approximately 5pm on Saturday 20 July I spoke to a WPC from Wiltshire Police who was responding to a complaint about the language being used by DJ's on the Friday evening. I was not aware of any bad language being used but said I would speak to the promoters to remind them about that. I had not received any complaints from any of my customers about bad language;
- Mr Fred Nutley from Wiltshire Council did attend for an inspection but reported that he was happy with the sound levels around the premises and would drive round the surrounding areas and call if there were any issues – we did not receive any calls;
- Mr Gregory said that the music was being played until 6am on Saturday 20 July, but this was not possible that any noise was coming from Club Ice at that time as our music was switched off at 4am;
- Ben Parrett carried out our sound checks and has since spoken to residents and it is clear to us that the noise disturbance was coming from Pixie's Party. We have been informed that the party was playing chart music and had a live band which is totally different to the music that Club Ice were playing; and
- We find it completely unbelievable that the party that is much nearer to Mr Gregory and Mrs Capon was not heard by them and that Club Ice over 3km away was the cause of the disturbance.

The following questions were asked of the Premises Licence Holders by the Sub Committee members and the Review applicants:

At what time does your music end on a normal weekend?

Around 4am/5am.

Have you received complaints on a normal weekend?

No.

Could you hear foul language when you were in the nightclub coming from the MC's?

I didn't hear any and wouldn't imagine that there was any as the whole event was broadcast live on radio. The Police were circulating the area all night and we did not have any complaints from them about foul language coming from the nightclub.

Who managed the event?

We (the Premises Licence Holders) were present for the entire duration of the event.

What time do you normally open?

We normally open at 9pm and most people come in around 11pm. This event was different as we had people camping in the field for the weekend. We had a queue of people waiting to get in when we opened at 6pm and we were at capacity at 10pm.

Mr Gregory made the following summation point:

- He requests that the ability to hold special events on the Premises Licence be removed or if this is not possible that the events be curtailed at a reasonable hour.

Mrs Fleming made the following summation point:

- We have a business to run too and a two day event causes too much disturbance to us.

Mr White made the following summation points:

- That they have provided employment to the area for 22 years and don't want to upset the community whilst running their business; and
- From looking at the map that is part of their submission they are 3km away from Mr Gregory and Mrs Capon and residents that are nearer have not made complaints. Surely if there had been foul language those nearer by would have heard it and complained?

Mr Jones made the following summation points:

- I accept that the music may have been too loud on the Friday evening, but we responded to the complaint and turned the music down; and
- The Police had no issues with us – we would say the issues had to be with the private party taking place.

The Sub Committee then retired to consider the application at 11.25am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

All parties confirmed that they did not wish to return to hear the outcome of the hearing and would be happy to receive a phone call notifying them of the outcome instead. The Licensing Officer ensured that contact telephone numbers for the parties were taken.

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

The Sub Committee noted that there was a conflict of evidence between the parties as to the cause of the noise disturbance and the alleged foul and abusive language on the weekend of 19 to 21 July 2013.

The Sub Committee felt that the evidence presented was not conclusive to show that Club Ice were responsible for the noise disturbance or for the alleged use of foul and abusive language heard by residents and visitors to Brokerswood Country Park.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided orally. After thorough consideration of the evidence the Sub Committee felt that on balance it was not appropriate to take any of the steps available to it under s. 52(4) of the Act.

Informative

It is hoped that at future events of this type there would be improved communication between the licence holders and local residents to reduce the likelihood of disturbance.

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: T10.30am to 11.25am)

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 22 OCTOBER 2013 AT CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - WATERHOUSE, 5 WATERHOUSE LANE, MONKTON COMBE, BATH

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr George Jeans

Also Present:

Wiltshire Council

Linda Holland (Senior Licensing Officer)
Jo Hulbert (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Simon Wilsher (Applicant)
Sue Wilsher (Applicant)
Johnny Wrench (Representative)
Katie Watson (Representative)
Jayne Holloway (Representative)
Mike Sotirakos (Representative)

Those who made relevant representations/Representatives

Martin Boden
Patrick Donovan
Gavin Douglas
Katie Plumbly
Mr Wighton
Mrs Wighton
Mr Oakley
Mrs Moore
Mr Moore

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen 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 Simon and Sue Wilsher for a Premises Licence in respect of Waterhouse, 5 Waterhouse Lane, Monkton Combe, Bath

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 Applicants and their representatives and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Simon Wilsher, (Applicant) were:

- That they had bought the Grade II Listed Waterhouse in 2009 and began restoration works in June 2010;
- There were 5 parts to their business – providing a venue for team building/strategy meetings, letting out office space to other businesses, a bed and breakfast business, providing a venue for meetings/conferences and the provision of food and beverages;
- They believe they have a value to the community having created 15 jobs;
- Their guests that attend conferences/stay overnight in the accommodation have given positive feedback on internet rating sites, but refer to the fact that they are unable to purchase alcohol or eat at Waterhouse. The

applicants would wish to be able to sell alcohol and food to their guests/residents so that they do not have to travel off site for this service;

- That the application was for the supply of alcohol every day until 23.59 hours. An offer was made to pull the timings back to non residential guests to 23:00 hours and extend to 01:00 for residents. (After Legal advice it was clarified that the application for the sale of alcohol was for 23:59 and could not be extended to 01:00 at this hearing). The applicant then amended the offer so that alcohol could be supplied to guests until 23:00 and residents until 23:59;
- That noise from the local school, agricultural use, RAF, and children and families could be heard at Waterhouse and this is accepted and in turn some noise coming from Waterhouse should be accepted by local residents;
- Access to Waterhouse via the narrow lane was not ideal but they had spent money on trying to improve in and increase the number of passing points;
- If the alcohol licence were to be granted it was felt that there would be less traffic using the lane as residents/guests would not need to leave the premises for food and drinks; and
- The applicants were looking to support their neighbours and run a successful business which would benefit the community.

Key points raised by Katie Watson (General Manager of Waterhouse) on behalf of the Applicant were:

- That with the ability to provide food and alcohol to their guests/residents they would be adding to the guest experience who have present have to leave the premises for this service; and
- They are focused on community engagement and although she had not yet met all of the local neighbours they would be proposing quarterly meetings with them to open their facilities out to them and iron out any concerns.

The following questions were asked of the Applicants:

Is the lane leading to Waterhouse privately owned?

We have possessionary title and are responsible for the maintenance of the lane.

Are you proposing that alcohol be consumed outside at the premises?

Yes on the terrace. Please refer to page 41 of the Agenda which shows the 3 defined areas in which we would like for our guests to be able to consume alcohol.

If a licence was granted and you had full occupancy – what sort of numbers of people might be at Waterhouse at one time?

Sometimes there could be up to 80 guests. There is the potential for 26 to 30 guests to be resident if there was full occupancy in the bed and breakfast service.

Why do you assume that the community want to engage with you – is this just for your benefit?

No it is to benefit residents and Waterhouse and to develop the area – we wish for there to be a two way dialogue.

You mentioned that you would wish for parity with the Wheelwrights pub and be able to serve alcohol as they can – why should you have parity with them – they are a pub?

Why shouldn't we have parity with the Wheelwrights? We don't want to be a pub but wish to be able to offer our guests food and alcohol.

If you were to be granted a licence and if the property was then sold then is it correct that the licence would pass over to new owners?

Yes.

I am personally not opposed to the granting of an alcohol licence to residents but would like clarity on who will be able to buy and consume alcohol at Waterhouse.

Legal clarification was sought on this issue. The Solicitor confirmed that the Sub Committee could restrict who alcohol was sold to and asked the applicants as to who they intended to supply alcohol to.

We would like to supply alcohol to our guests - those who come to use Waterhouse. Residents and their guests and those who are attending events at Waterhouse.

Our concerns are with the numbers in attendance and where they are drinking because of the potential noise disturbance to local residents. We would prefer that there is a restriction to outside drinking to 21:00 hours.

Why should we be restricted on the times that our guests/residents can drink outside – these restrictions are not in place at the Wheelwrights pub?

If there is more usage of the lane then more accidents are likely to occur – 3 out of the 6 residents on the lane have young children.

We have done quite a lot to limit the traffic on the lane and no representations have been received from the Police/Fire or Environmental Health. We have had traffic marshals in place when needed for larger events.

Can you confirm that you are not intending to be a public bar or restaurant?

No that is not our intention.

Key points raised by Mr Martin Boden (who made a Relevant Representation and was the appointed representative of other residents) were:

- That the premises were in a quiet valley setting and residents had chosen to live in the area because of its tranquillity;
- Was this application a gateway for a louder and grander application to be coming forward in the future;
- We are concerned about noise – at a wedding held at the premises we could hear the speeches on the microphones. I don't want my children to be affected by noise disturbance from the premises;
- All of the objectors are local residents and the supporters don't live here so are not affected by the noise; and
- If a licence was to be granted we would wish for controls and restrictions to be put in place to reduce the noise nuisance.

Key points raised by Mr Gavin Douglas (Chairman of Monkton Combe Parish Council and the appointed representative of other residents) were:

- There was a lot of public feeling on the issue and there were fears that an unrestrictive alcohol licence would cause noise disturbance to local residents as the Waterhouse setting could be likened to a Roman Amphitheatre; and
- The Parish Council did not object to the granting of an alcohol licence but had concerns about the timings and the potential disturbance of the outside drinking.

Key points raised by Mr Patrick Donovan (who made a Relevant Representation and was the appointed representative of other residents) were:

- That he felt the building was unsuitable as a drinking destination due to the noise and access issues and this application will open the door to more events which would mean HGV deliveries;
- There was no dedicated loading bay at Waterhouse;
- The issue of the safety of the children living on the lane is pertinent; and
- If the licence was to be granted they would propose that alcohol is only supplied to residents of Waterhouse. That a time limit of 21:00 is applied for the consumption of alcohol in outside areas and that all windows and doors are closed when a regulated activity is taking place.

Key points raised by Mrs Katie Plumbly (who made a Relevant Representation and was the appointed representative of other residents) were:

- That she lives 200 metres opposite Waterhouse and that the Applicants do not live at Waterhouse and neither do their supporters;
- That she likes to enjoy peace and quiet during the evenings and weekends as she works and needs suitable resting times;
- That an alcohol licence for residents only would be OK but not for the general public to turn up for a drink;
- That she was concerned about noise disturbance from those drinking outside as the sound would travel freely over the valley and would wish for there to be a restriction until 21:00 hours; and
- That a condition was needed to ensure that no noise escaped from the boundary as she did not wish to be disturbed by Waterhouse.

The following questions were asked of those who had made a relevant representation:

Is the lane a public right of way?

There is a public footpath which is closed at present due to a landslide, but it is an unadopted road.

Is what might happen in the future at Waterhouse a valid representation?

The Chairman responded that the Sub Committee were aware that they were only considering the application before them today – namely the supply of alcohol to 23:59 hours every day.

45 out of the 50 representations received contained the same information – do these all count as separate objections?

Everyone who submitted a signed representation is deemed to have made a separate representation.

The Applicants wished to clarify that they were only proposing that the consumption of alcohol be permitted outside in the 3 marked areas on the map in the Agenda and would not be over the whole boundary of Waterhouse.

If you were disturbed by the wedding that took place at Waterhouse, why did not tell us about it?

We were disturbed by the wedding, but as it was a family occasion we did not wish to complain. We accepted that it was occurring but it is a fear of what might happen in the future if wedding/event bookings increase.

We do not see why we should be saddled with more stringent conditions than that of Combe Grove Manor Hotel as that would be unreasonable. In the time that we have been operating have you complained to us about noise disturbance?

No never. I was not around when the wedding was on. Our issue is the traffic use on the lane and noise issues in the future if this licence was to be granted. Please give us some comfort and accept the conditions.

Mr Donovan spoke on behalf of all those who made a relevant representation in his summing up and the key points were:

- We are a community and we accept that Waterhouse is a business looking to make money; and
- A licence should be granted with residents in mind so that they are not given any cause to complain and consideration should be given to the modifications they had previously suggested.

Mr Wilsher and Mr Wrench made the following key points on their summing up on the applicant's behalf:

- We are part of the community but we need to fulfil our Business Plan. We are only here to deal with what we are applying for now;
- Any conditions imposed on us would make it less attractive for us – we don't need to be contained but we would of course honour any licence granted;
- We accept that noise crosses over into our boundary and would ask residents to accept that noise passes out from us;

- We are only able to have a certain number of people on the premises due to Fire Regulations; and
- The public footpath should be reopened soon and we are working on lane improvements and we would make plans to limit the exit and egress on the lane if there were larger events being held at Waterhouse.

The Chairman indicated that they would be now retiring to make their determination and would not anticipate returning before 2.30pm. All parties were welcome to return at that time, but contact telephone numbers could be taken for those not returning and they would be information of the determination later today.

The Sub Committee members retired at 12.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 2.40pm.

Resolved:

The Western Area Licensing Sub Committee has resolved to GRANT the Premises Licence for the following licensable activities:

Licensable Activity	Timings	Days
Supply of Alcohol (On the premises)	11:00 – 23:59	Every day of the week
Hours premises are open to the public	07:00 – 23:59	Every day of the week

Subject to the following additional conditions:

1. **That the sale of alcohol shall only be made to persons:**
 - a. **residing at Waterhouse and their bona fide guests;**
 - b. **attending pre booked conference/training events at the premises,**
or
 - c. **who are members of any other pre booked groups attending the premises.**

2. No alcoholic beverages sold at the premises are to be taken to, or consumed in, any of the outside areas after 21:30 hours.
3. The windows and external doors to all public areas are to be closed and remain closed after 21:30 except for access and egress.
4. Clear and legible notices are to be prominently displayed at all exits from the premises requesting that all persons respect the needs of people living in the area and to leave the area quietly.

In reaching their decision, the Sub Committee considered the written evidence presented in the agenda together with the oral evidence given at the hearing, noting in particular the concerns in respect of noise disturbance.

The Sub Committee also took into account the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Reasons

The Sub Committee considered the concerns expressed in the representations that it would not be appropriate for the premises to be able effectively to operate as a public house, given its location and the narrowness of the access road. The Sub Committee noted the applicant's comments that he only wanted to be able to sell alcohol to persons residing at the premises or who were part of pre-booked events or groups. The Sub Committee therefore felt it appropriate not to allow the sale of alcohol other than to those detailed in condition 1 in order to prevent public nuisance to local residents that could occur if there were no such restrictions.

Given the setting of the premises within the valley, and the risks of noise from the premises causing a nuisance to nearby residents, the Sub Committee felt it was appropriate to restrict the use of the outside areas after 21:30 and to limit the escape of noise from the premises by requiring doors and windows to be closed to all public areas by 21:30.

The Sub Committee considered the comments that had been made regarding the use of the access road to the premises, but felt that the granting of the licence would not adversely impact on the traffic movement to and from Waterhouse.

The granting of this licence is without prejudice to any other consents or approvals that may be required.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.

(Duration of meeting: 10.30am to 2.45pm)

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

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 JANUARY 2014 AT WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - FAVOURITE CHICKEN & RIBS, 3 MARKET STREET, TROWBRIDGE

Present:

Cllr Trevor Carbin, Cllr Sue Evans and Cllr Simon Jacobs

Also Present:

Wiltshire Council

Linda Holland (Senior Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant/Representatives

Alistair Erdozain
Kenan Olmez

Responsible Authority

PC Alison Davies (Wiltshire Police)
Jacqui Gallimore (Licensing Officer – Wiltshire Police)
Sgt Jim Sutter (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 for a Variation of a Premises Licence in respect of Favourite Chicken & Ribs, 3 Market Street, Trowbridge made by Mr K Olmez

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

Clarification of the days on which an extension to the provision of late night refreshment was sought and it was confirmed that the Applicant wished to extend hours on a Friday and Saturday night to 05.00 hours (Saturday and Sunday mornings).

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

Mr A Erdozain was present to represent Mr Olmez, the Applicant and with the consent on the Sub Committee and the Responsible Authority he circulated copies of the submission he would be making at the hearing.

Key points raised by Mr Erdozain were:

- That the incidents referred to in Agenda Supplement 1 (log summary pages 6 to 18 and down to item 24 on page 19) relate to the period before the appeal hearing at Chippenham Magistrates Court on 6 December 2011 and that he felt that there were not relevant to the current application;
- That the remaining incidents in the storm log from item 25 on page 19 to item 50 on page 22 were all dealt with calmly and handled by Mr Olmez's qualified door security staff and Police where relevant;

- Two other items in the log referred to instances when Mr Olmez thought he was allowed “eating up time” and allowed to serve customers up until closing time. Mr Olmez is now aware that this is not the case;
- That at the Court appeal hearing on 6 December 2011 the Court were advised of the competitors’ licensing times for late night refreshment and they made their decision for the closing times for Favourite Chicken & Ribs to coincide with that of the competitor’s licences;
- However since that time it has come to light that the actual licence times for late night refreshment for Flames and Charcoal Grill for Friday and Saturday nights are 04:00 and 04:30 respectively;
- That the Applicant would offer to increase the number of trained SIA door staff to 3 during the extended opening hours if granted from the current 2.

The following questions were asked of the Applicant:

Would you be prepared to agree that the door staff remain for a period after 05:00 to help disperse any patrons?

Yes – we could establish a time that they could remain on duty to.

Jacqui Gallimore (Licensing Officer, Wiltshire Police) was present to represent the Responsible Authority and with the consent on the Sub Committee and the Applicant she circulated copies of a summary of incidents relating to Favourite Chicken & Ribs from 1 January 2010 to 21 December 2013.

Key points raised by Jacqui Gallimore were:

- That on page 27 of the Agenda Supplement 1 which is a note of the Appeal hearing of 6 December 2011 it states that the evidence of crime disorder connected to the premises is not disputed by Mr Olmez;
- That during the period 1 January 2010 to 5 July 2011 the majority of incidents occurring on Friday and Saturday evening are shown on the incident summary as occurring between 04:00 and 05:00 hours;
- Following the appeal hearing on 6 December 2011 when the two SIA door staff were then in place this had a significant impact on the incidents at the premises;
- That were unaware of the offer of a third SIA door staff member until heard at the meeting today – this would be welcomed;

- That the previous incidents are still relevant (particularly since the review in July 2011) and there are still problems with crime and disorder although the severity of the incidents has greatly reduced;
- With the Police's anticipatory judgement based on experience and the support of the statistics it was expected that the problems experienced in 2010/2011 will return; and
- There is a long history of the Applicant not fully complying with his licence restrictions and we note there appear to be problems with his CCTV and him serving customers beyond permitted hours.

Sgt Jim Sutter was asked to provide information since the submission of the Police's evidence to date and he made the following key points:

- Whilst on duty on New Year's Eve I noted that there were no door staff working at Favourite Chicken & Ribs and although they were not required according to his existing licence I would have expected the Applicant to consider that this would be necessary due to the large volume of people out on New Year's Eve;
- At 04:10 I noticed that there were approximately 6 members of the public in the premises at the counter being served and it wasn't until 04:20 that the premises were finally emptied and locked. The Applicant has a licence for late night refreshment to 04:00 on a Tuesday evening; and
- I have checked with the other local late night refreshment venues and confirm that at present they are open later than Favourite Chicken & Ribs, but we have no evidence of crime and disorder that are linked to the other premises.

The following questions were asked of the Responsible Authority:

Since December 2011 have all incidents at Favourite Chicken been dealt with and calmed and cleared by the SIA Door staff or the Police?

We accept that the door staff have reduced the incidents but incidents are still being recorded by us (via a call from a member of the public, the premises itself or via Police radio) and these all get logged.

Was it illegal to give the four ladies food that were hungry after the permitted hours?

Yes even if the food was gifted to them, the supply of late night refreshment is not allowed after the permitted hours.

Do the Police patrol a lot in the area?

The Trowbridge Neighbourhood Policing Team have a high visibility of foot patrols in the town centre area.

If there were to be 3 SIA staff would you be happy with that?

We are pleased with the reduction of incidents since SIA staff have been in place, but we are not sure if this is because of the presence of the door staff or because the premises currently closes before the last night club kicks out (at 04:00 hours). We anticipate larger numbers of customers if the premises were to open to 05:00 hours and this could lead to problems.

What impact does the taxi rank's close location to the premises have?

It is a "draw" area and accept that the location of the premises does cause the Applicant problems.

The location of the premises is unique, if the permitted hours were to be extended would this diffuse the current situation thus allowing all hungry patrons to be served before the premises closes?

History doesn't show this to be the case. Prior to the review we were dealing with disorder at 05:00 or even 06:00 hours.

In what way can you attribute the disorder to the premises?

The disorder is attributed to the business if it is open and trading. It is the Applicant's choice as to when he trades and we don't experience problems at other locations.

Jacqui Gallimore made the following points in summation:

- We understand that the Applicant needs to make a living but would say that there was a signification reduction in crime and disorder after the hours were reduced;
- We accept that since the SIA door staff have been in place the number of incidents has reduced;
- We anticipate that the later you trade the more intoxicated the patrons will probably be and there is a lack of Police resources for the proposed extended hours; and
- We are not confident in the Applicant's ability to promote the licensing objectives or believe that he fully understands his responsibilities.

Alastair Erdozain made the following points in summation:

- There was a considerable reduction in the disorder and number of incidents since 2011;
- The Applicant now fully understands his requirements, namely that the doors to the front and rear of the premises should be locked by the terminal hour;
- The Applicant has felt a bit victimised for the last few year but accepts that this is a focal part of the town for a lot of people; and
- The Applicant is determined to comply with his licence and the increase in door staff will assist him with this. Perhaps only a certain number of patrons could be allowed in the premises at any one time.

The Sub Committee wished to clarify how many members of staff were on duty on Friday and Saturday evenings within the premises and the Applicant confirmed that 2 staff were serving in the premises and the 2 current SIA door staff. Sgt Sutter confirmed that the Police patrol of "Operation Exit" does not extend beyond 05:00 hours. After that time any incidents would be reported to the Incident room and Police Officers despatched as required.

The Chairman indicated that they would be now retiring to make their determination and would not anticipate returning before 1.00pm. All parties were welcome to return at that time, but contact telephone numbers could be taken for those not returning and they would be telephoned with information of the determination later today.

The Sub Committee members retired at 11.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1.00pm.

Resolved:

The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence for Favourite Chicken and Ribs, 3 Market Street, Trowbridge for the provision detailed below:

Provision of late night refreshment

On Fridays and Saturdays 23:00 hrs to 05:00 hrs (Next Day)

Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and all Bank Holidays from 23:00 hrs to 05:00 hrs (Next Day).

And subject to the following additional or varied conditions:

- 1. All doors to the premises must be closed and locked by the end of the time permitted for licensable activities on the relevant day at which point all customers shall have left the premises.**
- 2. On Friday and Saturday nights, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day and all bank holidays, the licence holder is required to employ two SIA registered staff from midnight until 30 minutes after the end of the time permitted for licensable activities and to employ an additional SIA staff member from 03.30 hrs until 30 minutes after the end of the time permitted for licensable activities.**

All other existing conditions still apply to the Premises Licence.

Reasons:

The Sub Committee have taken into account the concerns raised by Wiltshire Police that an extension to the licensable hours would bring some return to the problems that occurred in the past. However, they noted that the number of incidents has diminished since the employment of trained door staff at the premises and considered that the requirement for a third SIA trained door staff after 3.30 a.m. on Fridays and Saturdays (as offered by the Applicant) would further improve the situation, particularly as the door staff would now be required to be in place for a period of time after the closure of the premises.

The Sub Committee also noted the reassurances on behalf of the Applicant that he fully understands the implications of the Licensing Act and his responsibilities.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

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

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 17 JANUARY 2014 AT WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE: HARVEY'S NIGHT CLUB AND SPORTS BAR (FORMERLY PUTTERS MINI GOLF BAR) 35 CHURCH STREET, TROWBRIDGE, BA14 8DN

Present:

Cllr Trevor Carbin (Chairman), Cllr Dennis Drewett and Cllr Pip Ridout

Also Present:

Linda Holland (Senior Licensing Officer), Roy Bahadoor (Licensing Officer), Teresa Bray (Licensing Officer), Lisa Grant (Licensing Officer), David Parkes (Democratic Services Officer), Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Caroline Doyle-Wiaczek (Trainee Solicitor), Richard Francis (Senior Environmental Health Officer), Steven Hunt (Environmental Health Officer), David Skinner (Person who made a relevant representation), Melanie Carter (Person who made a relevant representation), Jason Norris (Applicant), Alison Samver (On behalf of applicant), Jason Harvey (On behalf of applicant)

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

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

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

Application by Mr Jason David Norris for a Variation of a Premises Licence at Harvey's Nightclub and Sports Bar (Formerly Putters Mini Golf Bar), 35 Church Street, Trowbridge, BA14 8DN.

Prior to the introduction of the officer report, Mr David Skinner (Person who had made a Relevant Representation) requested permission to play a sound recording from his property to demonstrate noise levels, which had not previously been submitted as evidence. The Chairman invited the applicant to comment upon the request, and the applicant disputed the relevance of the recording, stating it would have been taken before the latest mitigating measures were in place. In open session the Sub-Committee discussed the request and determined that given the proposed evidence was disputed and therefore contentious, it would not be permitted to be a late submission.

The Licensing Officer then introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration as detailed in the report, confirming that it had been confirmed that the historical permitted use of the property as a nightclub granted in 1978, was still valid.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities who had made a representation (Environmental Health) and members of the public who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Jason Norris, Applicant, and Ms Alison Samver and Mr Jason Harvey on behalf of the Applicant included:

- The applicants held a wide experience in nightclubs and their management, and have demonstrated their willingness to make accommodations as necessary to avoid public nuisance.
- No more than ten persons would be permitted to leave the premises at a time to avoid congregation and accompanying public nuisance outside the premises, and staff would ensure crowds did not gather outside.
- The impact of the bass speakers which had raised concerns with Environmental Protection and those making representations had been reduce through it being elevated from the floor as requested, and the amp had been downgraded.

- Additional soundproofing had been installed at significant cost.
- The amp would limit the noise level to 80 decibels, below the level requested by Environmental Protection at 85 decibels and well below the reported nuisance level of 90 decibels.
- Other establishments in the area produced more intrusive noise levels, with the pubs across the street even more audible in the properties sharing the premises building than the nightclub given their lack of soundproofing.

There were questions put to the applicant as follows:

- In response to queries it was stated the sound level would be limited to 80 decibels as the amp would not be powerful enough to exceed this, but that the applicant was willing to purchase a noise limiter.
- It was confirmed the latest measures to mitigate noise levels, the elevated bass and altered speakers, had been installed three days prior to the meeting.
- In response to queries about noise levels from other establishments and how the applicants could be sure late night levels were from those establishments and not the nightclub given the other establishments had earlier closing times, it was alleged by the applicant that the other establishments were breaching their licence regarding how late live and recorded music was taking place.
- In summary, the applicant stated that they had complied with everything they had been asked to limit public nuisance, and was offering even more measures.

Key points raised by the Responsible Authority (Mr Richard Francis and Mr Steve Hunt of Environmental Protection, Wiltshire Council) included:

- The change of use from a sports bar to nightclub had taken place in a very short period, and Environmental Protection had not therefore been able to advise the applicants as to the suitability of the changes and mitigating measures prior to its operation.
- The presence of residential properties in the same building as the nightclub, several sharing walls with the premises, necessitated robust measures to avoid public nuisance.
- As it had been established that the premises had a valid licence to operate as a nightclub as a permission to turn the building into eleven properties had not been complete, with only three constructed, Environmental Protection were not able to comment on the structure of the premises, only observations of the impact on the area.
- The work of Environmental Protection to investigate the noise levels emanating from the Nightclub were detailed, including observations from the alleyway adjoining the premises, and taking readings from the objecting properties while other staff monitored the levels within the club itself following initial work to reduce public nuisance. It had been

determined that 85 decibels could be heard clearly within the adjoining properties, and anything below was barely audible.

- However, the officers explained that it was their experience that nightclubs generally required a volume of at least 90 decibels for the enjoyment of the intended audience, and to limit to below that, while not a public nuisance, could negatively impact the applicant more than they would anticipate.
- The recommendations of the Environmental Protection team were presented as detailed in the report papers, and that the applicant had accepted all but recommendation four, which concerned reducing the hours music could be played.

There were questions put as follows:

- In response to queries regarding the possibility of soundproofing sufficient to prevent nuisance at more than 85 decibels, it was stated it was not possible to say if this was achievable without a technical assessment of the property.

Key points raised by those who made a Relevant Representation (Mr David Skinner and Miss Melanie Carter) included:

- Work to transform the premises into a nightclub had taken place without prior notice or communication with occupants, and the initial noise levels had been unbearable.
- Following soundproofing work the level of nuisance had reduced, but was still excessive, and they did not believe the applicant had been restricting the bass level to 50% as they had stated they would, as the level of vibration in their property had matched that of the test undertaken by Environmental Protection when it had been set at 100%.
- Limiting the numbers leaving at one time or who could smoke outside at any one time made little difference as it still entailed large numbers of people coming and going, with frequent anti-social behaviour witnessed.
- While the other premises in the area could be heard from their property, their earlier closing times limited the impact, and if they exceeded their licence that was also a matter to be pursued.

There were questions put as follows:

- The applicants pointed out that the alleyway alongside the nightclub was a public thoroughfare, and although they could ask people not to congregate outside the club, they were not responsible for a public walking route, and that anti-social behaviour had taken place there prior to the nightclub operating.

All parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers, as detailed above.

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

The Sub Committee retired to consider the application at 14:15.

The Hearing reconvened at 1600.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

That no specific legal guidance 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:

The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence Harvey's Nightclub and Sports bar (formerly Putters mini Golf Bar) Church Street Trowbridge, BA14 8DN for the provision detailed below:

Licensable Activity	Hours
Live Music	Monday to Thursday 12.00 hrs – 23.00 hrs Friday to Saturday 12.00 hrs – 01:30 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Recorded Music	Monday to Thursday 12.00 hrs – 23.00 hrs Friday to Saturday 12.00 hrs – 01:30 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Performances of Dance	Monday to Thursday 12.00 hrs – 23.00 hrs Friday to Saturday 12.00 hrs – 01:30 hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs

Late Night Refreshment	Friday to Saturday 23.00 hrs – 02.00 hrs (Next Day)
Supply of Alcohol	Monday to Thursday 12.00 hrs – 23.00 hrs Friday to Saturday 12.00 hrs – 01:30. hrs (Next Day) Sunday 12.00 hrs – 22.00 hrs
Hours premises are open to the public	Monday to Thursday 12.00 hrs – 23.30 hrs Friday to Saturday 12.00 hrs – 02.00 hrs (Next Day) Sunday 12.00 hrs – 22.30 hrs
Non Standard Timings	Bank Holiday Weekends, Sundays 12.00 hrs – 01.30 hrs (Next Day)

And subject to the following additional or varied conditions:

1. No Persons under 16 years old will be permitted on the premise.
2. Staff will not be permitted to sell alcohol until they have completed training to prevent under age sales and prevent the sale of alcohol to a drunk, management will ensure that this training is regularly refreshed. A record of training will be maintained and kept at the premise and will be produced to a Wiltshire Council Officer or Police Officer on request.
3. The premise will operate a 'Think 25' policy.
4. Polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of drinking vessel container will be used after 22:00hrs.
5. All glass bottled drinks will be decanted into polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of drinking vessel.
6. All door supervisors will wear high visibility clothing when on duty outside the premise.
7. A written record will be maintained of the door supervisors deployed on the premise. The record will include names of the door supervisors, dates and times of deployment and the registration number of each door supervisor.

8. An incident book will be maintained on the premise, all incidents will be recorded. The record will state the date, time, brief details and the names of staff who dealt with the matter. The book will be kept on the premises and will be produced to a Wiltshire Council Officer or Police Officer on request.
9. CCTV equipment will be installed and fully maintained to cover all trading areas, smoking areas, entrances and exits when the premise is open to the public. The CCTV will be of sufficient quality so as to produce images which enable identification; images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.
10. 4 Door supervisors will be deployed on a Friday and Saturday from 21.00 hours.
11. The Designated Premises Supervisor (or nominee) will belong to the Pub watch scheme and any alternative area network designed to promote the licensing objectives.
12. The premise will produce and adopt a drugs policy in consultation with Wiltshire Police.
13. Numbers will be restricted to 200 persons including staff.
14. The music level inside the club is required to be limited to a maximum of 85dB(A) SPL (sound pressure level) at the premises, measured at the centre of the dance floor. This should ensure that the music in the adjoining flats is barely audible; however this may not eliminate all bass elements of certain tracks. This would have to be undertaken through the installation of a music noise limiter with work completed by a competent person.
15. Live music is restricted to acoustic set only i.e. acoustic guitar, vocalists, singer with backing track with all amplification being passed through the noise limiting device.
16. Elevate and isolate the bass speakers from the floor with acoustic resilient material and fixings.
17. All music shall stop at 01.30 hours Friday and Saturday, Monday through to Thursday 23.00 and Sundays 22.00.
18. No Karaoke.
19. Fire doors shall remain closed at all times.
20. Smokers are limited to 10 patrons at a time and are dissuaded from standing in the roadway leading to the car park beneath the adjacent flats.

21. No smokers are allowed outside the premises after 01.00 a.m.
All other existing conditions still apply to the Premises Licence.

Reasons:

The Sub Committee took into account the written representations from Environmental Health, the applicant and those making a relevant representation, in addition to oral arguments presented at the hearing. The conditions suggested by Wiltshire Police and Environmental Health were agreed to be appropriate to mitigate concerns regarding public nuisance, with some amendments. It was also considered that the mixed use of the building as well as the hours of operation and musical entertainment in the area necessitated the hours of live and recorded music being reduced from those applied for, with an accompanying reduction in hours of operation.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

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

(Duration of meeting: 1.00 - 4.15 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

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

Update on the changes to the Licensing Service: March 2014

Post the Voluntary Redundancy programme the Licensing Team consists of a Public Protection Team Leader and 7 Licensing Officers, although these are not all full time equivalents. Two Licensing Officers will be leaving the team in March and a recruitment process will take place, this will leave the team considerably under resourced for a period of time.

To give the Committee a flavour of the work of the Licensing Team, detailed in the table below are the Licensing transactions from 1 January – 1 March 2014.

Temporary Events Notices	217
Late Temporary Events Notices	23
Licensing Applications (New /variation/minor variation/Variation of DPS)	222
Personal Licences	47
Total	509

Licensing and Gambling Acts – this is seen as a core competency for the Public Protection licensing service which has developed an expertise and knowledge base around this often complex legislation. There is a robust system in place that currently works well. Therefore the team continues to develop this expertise and become in effect a ‘centre of excellence’ for Licensing and Gambling Act functions. The team will operate alongside and integrate with community safety and partnership colleagues to provide a comprehensive response to community issues and outcomes.

Sex Establishment Licensing – retained by Licensing Team – there are currently three sex shops licensed in the county.

Animal Licensing – this function is being absorbed into existing work delivered by the Animal Welfare Team within Public Protection Services. Most of this has already happened. *(Except Zoo licensing which has been retained by Licensing Team due to their knowledge and expertise on the subject)*

Hackney Carriages and Private Hire Vehicles – this function has transferred to Neighbourhood Services as a number of synergies were identified. The handover has taken longer than anticipated due to a number of factors; full handover took place on 1 March 2014. An experienced member of the Licensing Team has been employed as a Taxi Compliance Officer, from 10 March 2014 to aid ongoing progression of the taxi service within Fleet service.

Street Trading and Street Collections – has successfully transferred to Neighbourhood Team.

Scrap metal dealers and the introduction of the new Scrap Metal Dealers Act 2013 – has successfully transferred to Environmental Services.

Miscellaneous licensing and registration e.g. skin piercers, tattooists. These services have been absorbed into the existing portfolio of the Public Protection Health and Safety team.

Licensing Activity

The last six months has been busy for the licensing service and Councillors, with a number of licensing hearings taking place. The service has been in transition since VR, we are close to reaching a period of stability, and looking to progress in a positive way by working closely colleagues and partner agencies to continue the improvements in service delivery.

Work is under way to stream line the administrative processes and update the website to improve the customer access.

Festivals / Events – a large number of events requiring a significant input from the licensing team.

Pub watches – 11 pub watch schemes.

Community Engagement Meetings - supporting a number of schemes.

Enforcement – carried out on a risk assessed basis, proactive work in conjunction with partner agencies.

Contact Details:

Linda Holland: Public Protection Team Leader – Licensing 01249 706410 ext 21410

Carla Adkins: Public Protection Officer Licensing, (On Maternity Leave)

Hannah Hould: Public Protection Officer Licensing (Temporary Maternity cover)

Teresa Bray: Public Protection Officer Licensing, 01249 706413 ext 21413

Lisa Grant: Public Protection Officer Licensing, 01380 826332 ext 26332

Roy Bahadoor: Public Protection Officer Licensing, 01249 706439 ext 21439

Ian Garrod: Public Protection Officer Licensing, 01722 432484 ext 52484

Jo Lloyd: Public Protection Officer Licensing (Leaving 19th March 2014)

Jo Hulbert: Public Protection Officer Licensing (Moved to Fleet 10th March 2014)

Linda Holland
Public Protection Team Leader
3 March 2014

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Update from the Public Protection Team Leader (Licensing) March 2014

Linda Holland, Public Protection Team Leader (Licensing) would like to update the Licensing Committee on the following issues:

1. Update on Licensing Policy Review

Wiltshire Council, as the Licensing Authority is reviewing and revising the Licensing Policy Statement, as required every 5 years.

This briefing aims to set out clearly in broad terms, the content and the timescales for consulting and adopting the new policy.

The four key licensing objectives will form the basis of the policy, it will provide a more detailed overview of the current legislation available, the tools and powers at the Licensing Authorities disposal and the overarching processes to utilise this legislation.

This will include:

Prevention of Crime and Disorder

This section will focus on:

- Relevant case law and current issues
- Legislation such as Violent Crime Act 2006 & Crime and Disorder Act (1998)
- The use of Polycarbonate glasses in establishments
- Glass bottle policies
- Pubwatch schemes
- Information sharing with statutory services including the reporting of incidents.

Promotion of public safety

Will include:

- CCTV
- Irresponsible promotions and sales
- Staff Training
- Alcohol harm reduction to include work with Partners; Police, A&E staff, Ambulance, Public Health.
- Fire safety plans
- Dispersal policy
- Health and Safety

Prevention of public nuisance

Will focus on environmental aspects:

- Odour
- Lighting

- Waste/litter
- Noise
 - Entertainment
 - Disturbance from customers
 - Plant and equipment
 - Servicing
- Fly posting, flyers and graffiti
- Parking and transport

Protection of children from harm

This will incorporate:

- Current safeguarding policy
- Underage sales/ on / off premises
- Use of legislation to include Offence of Persistently Possessing Alcohol in a Public Place
- Safety of children at events

Licensing Process

Which include the statutory responsibilities of licensing authority as denoted in the Licensing Act (2003): This will include the following sub headings:

- Application for Premises license
- Club Premise Certificates
- Permitted temporary activities (TENS) and large scale events.
- Application for personal licenses and designated premises supervisors
- Delegation of decision making to include committee structure

Enforcement

The licensing authority has a duty to consider relevant enforcement action in partnership with the police and other statutory partners, where deemed appropriate. There are a number of mechanisms to do this which includes:

- Risk based enforcement action
 - Licensing tasking
 - Complaints
- Prosecution of breaches
- Reviews of licenses
- Other powers and legislation
 - Closure orders
 - Suspension of license

New legislation

The publication of the section 182 (of the Licensing Act 2003) guidance and the enactment of the Police Reform and Social Responsibility Act 2011 introduced the following new powers to the Licensing Authority:

- Cumulative Impact Policy
- Late Night Levy
- Early morning alcohol restriction order.

The licensing authority is currently consulting on the Cumulative Impact Policy the process will be incorporated within the new overarching Licensing Policy.

The first draft will be made available to licensing committee members at the end of March, comments and feedback will then be sought at the next committee meeting on 28 April.

It is anticipated that the consultation will be launched early May and will run for three months in line with the Wiltshire Compact. This will conclude in August 2014 and the results will be discussed at the Licensing committee in September, with a view to obtaining full council approval in November.

2. Consultation on Implementing a Cumulative Impact Area in Salisbury

A Members Briefing Note was circulated on 24 January 2014 (See attached as Appendix 1 to this document).

Since that time, the following consultation process has been instigated:

A press release was issued on the 24 January to the Salisbury Journal, this immediately went live on the website and the article was published in the paper the week after 28 January.

This coincided with a radio interview with Spire FM.

Hard copies of the consultation are readily available in the Milford Street Offices

The hyper link can be found on the Wiltshire Council website.
<http://www.wiltshire.gov.uk/salisbury-cia-2014-survey.htm>

This has been circulated widely to a number of partner agencies including: Police, Licensees, Wiltshire Council Services, Military, College, Salisbury City Council, Business Improvement District (BID), Salisbury District Hospital, NHS Drop in Clinic, Arts Centre, Play house, Youth Partnership and the Community Area Partnership and Area Board. It has also be sent to the Friary Interagency group, Neighbourhood Tasking Group, Pub watch forums.

There will also be a further press release in March.

By the end of February 2014, 35 responses have been received, 27 in favour of the cumulative impact area.

3. Events in Wiltshire

Wiltshire is a popular location for a variety of outdoor events from village fetes, carnivals, music festivals, car shows, and folk festivals etc.

Events that have a music element or alcohol sales will require a licence, either a temporary events notice or a full premises licence application depending on the size of the event.

Events for more than 499 need to be managed by the way of a premises licence and an event management plan to enable the responsible authorities and interested parties to understand the event and to mitigate any possible concerns raised by the event. The event may trigger an ESAG meeting. The meetings provide a facility where any issues that need to be given further consideration and or actions by the organiser can be outlined by the relevant responsible authorities, and appropriate advice given.

Below is a working list of events for 2014 to date, not all are licensable:

Festival/Events 2014

Date

EAST

Marlborough Food & Drink Festival	10th & 11th May 2014
Devizes Street Festival	24th & 25th August 2014
Marlborough Jazz Festival	18th - 20th July 2014
Devizes Carnival	30th August 2014
Pewsey Carnival	20th September 2014
Pewsey Wheel Barrow Race	May not go ahead?
Barbury Horse Trials	3rd-6th July

WEST

Village Pump	25th - 27th July 2014
Woolley Festival	5th - 7th September 2014
Melksham Party in the Park	13th July 2014
Vintage Nostalgia	30th & 31st May & 1st June 2014
Trowbridge Carnival	18th October 2014

NORTH

WOMAD	24th - 27th July 2014
Calne Bike Meet	25th & 26th July 2014
Nomansland Festival?	4th - 6th July 2014
Malmesbury Carnival	End of August
Jap Fest	10th May 2014
Badminton Horse Trials	9th -11th May
Chippenham Folk Festival	23rd -26th May

SOUTH

Jessie's Jazz festival at Dinton	Date Not Confirmed
Pugshole Down festival	Date Not Confirmed
Mystic Moon Festival, 77 Winterslow Road	Date Not Confirmed
Chalke Valley History Society Festival	23rd - 29th June 2014
Larmer Tree Festival	16th - 20th July 2014
Firsdow Music festival	2nd & 3rd August 2014
Solstice and Mid Summers Eve Stonehenge	21st June 2014
Salisbury International Arts Festival	23rd May - 7th June 2014
Pimp Festival & Wilton Car Show	10th August 2014
Pepperbox 2014	4th & 5th July 2014
Summer Solstice Stonehenge Campsite	18th - 22nd June 2014
Langford Beer Festival (Overnight Camping)	12th - 14th September 2014
Mere Carnival	13th September 2014
Parklife 2014- Salisbury	TBC

4. Night Time Levy

A report was brought to the licensing committee back in September 2012, which outlined the changes to the legislation and the new powers that were to be enacted as a result of the Police Reform and Social Responsibility Act, 2011.

Night Time Levy:

The NTL will permit the council to charge more for late night licences to pay for additional policing. The council would be responsible for co-ordinating, administering and recovering any charges and once the administration costs are removed, 70% of charges recovered would go to the police and 30% would remain with the council.

The NTL is a local power that the Licensing Authority can choose whether or not to exercise. It must cover the whole of the Licensing Authority's area. However, the Licensing Authority will also be able to choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

Since the licensing committee received the report in September 2012, there has been updated guidance and this outlines the exemptions that licensing authorities may consider, these include:

- Premises with overnight accommodation
- Theatres and cinemas
- Bingo halls
- Community Amateur Sports Clubs
- Community premises
- Country village pubs
- New Year's Eve

- Business Improvement Districts (BIDs).

The council has made a commitment to BIDs with a number of areas already being signed up to this. Implementing the NTL will mean that some businesses will be required to pay additional charges.

Councils have been slow to implement NTLs, but there are now a small number that have gone out consultation and implemented the orders.

At the September 2012 meeting, it was agreed that a consultation should take place on the night time levy (NTL) from the 31st October 2012. This has not yet taken place. The licensing committee should consider whether or not it feels that a consultation should be undertaken at this stage.

(Appendix 1)

Councillors' Briefing Note

Department: Public Health & Public Protection **Further Enquiries to:** Emma Seria-Walker

Date Prepared: 24th January 2014

Direct Line: 01225 716840

Consultation on Implementing a Cumulative Impact Area in Salisbury

Wiltshire Council, as the Licensing Authority, is required to review and amend its Licensing Policy Statement every 5 years and as such we are currently in the process of drafting a revised policy for the council.

As part of this review, we have the opportunity to assess the feasibility of utilising other tools that are available to us to achieve the licensing objectives set out in the Licensing Act 2003, which are:

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

Cumulative Impact Area (CIA) Policies were introduced as a tool for licensing authorities to limit the growth of licensed premises in a particular area. This is set out in the statutory guidance issued under section 182 of the Licensing Act 2003.

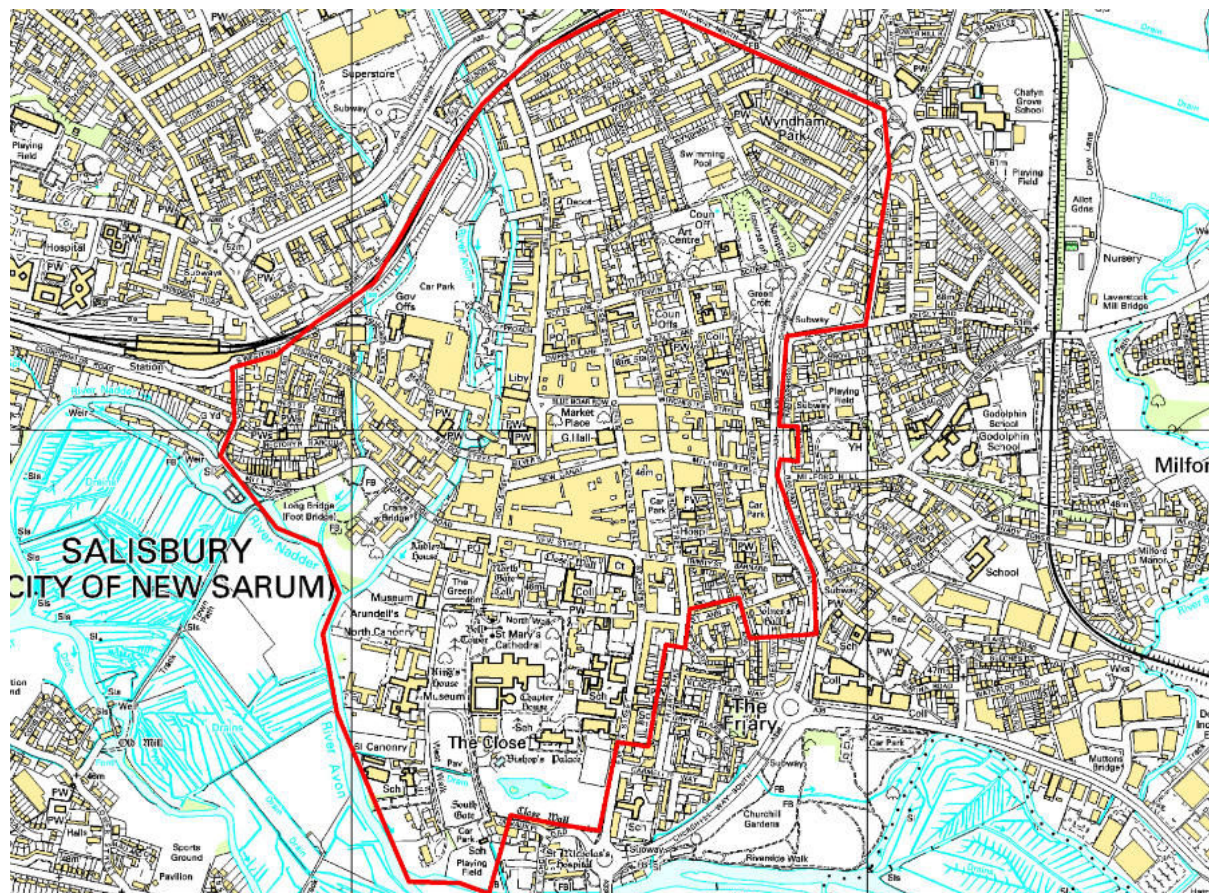
Salisbury has a vibrant and lively night time economy and has successfully achieved Purple Flag status for a second year. However, there continue to be areas within the Salisbury where the sheer density of licensed premises causes issues in relation to crime, anti-social behaviour, litter and noise nuisance.

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

In order to gain the views of residents and businesses within the proposed area, a consultation will be launched and will run from January 27 until the 20th April 2014.

The proposed CIA is outlined in the map below and follows the boundaries of the Purple Flag area.

Map of proposed CIA



CIAs are already in place in Bristol, Bath and Southampton. Subject to consultation and agreement by councillors, a CIA in Salisbury could be in place by Christmas 2014.

Whilst we will primarily be targeting residents and businesses within Salisbury to participate in the consultation, we would welcome comments from all areas as Salisbury attracts visitors from all over the country.

The consultation can be accessed [here](http://www.wiltshire.gov.uk/salisbury-cia-2014-survey.htm): <http://www.wiltshire.gov.uk/salisbury-cia-2014-survey.htm>

Maggie Rae, Corporate Director

Wiltshire Council

Licensing Committee

17 March 2014

Sex Establishment Licensing Policy and Conditions

Summary

This report is to seek the views of the Licensing Committee on the need to review and amend the Council's current Policy in relation to Sex Establishments.

Proposal(s)

It is recommended:

That the Licensing Committee considers the proposed amendments to the consultation process within the current Policy on Sex Establishments attached as Appendix 1.

The Licensing Committee agree to one of the options in paragraph 14 below, in relation to the Council's current Policy on consultation on applications for Sex Establishments.

Reason for Proposal

A recent variation application for a Sex Shop Licence was received, and the consultation process was carried out in line with the current policy. A member of the Licensing Authority raised questions at the time, as to whether there should be a wider consultation process in some circumstances, particularly where the application is in an urban area.

Maggie Rae
Corporate Director

Sex Establishment Licensing Policy and Conditions

Purpose of Report

1. This report is to seek the views of the Licensing Committee on the need to review and amend the Council's current Policy in relation to Sex Establishments.
2. It recommends that the Licensing Committee agree to consider adopting one of the proposed options set out below in relation to Sex Establishments

Relevance to the Council's Business Plan

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

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

Main Considerations for the Council

4. This decision is within the remit of the Licensing Committee.

Background

5. At its meeting on 6 February 2012 the Licensing Committee approved a new Sex Establishment Policy for the Wiltshire Council area. The new policy and the associated Regulations were implemented by the Licensing service from 1 March 2012. **See attached appendices 1a, 1b and 1c.**
6. On 24 October 2013 an application to transfer, renew and vary a Sex Establishment licence for a Sex Shop in Salisbury was received by the licensing team.
7. The applicant carried out the requirements of the policy to advertise his application and place notices on or near the premises for the required period.
8. The Licensing Team carried out a consultation process as outlined within the policy, where views were sought from the local divisional member, Wiltshire Fire & Rescue, Wiltshire Planning Department. In addition, Salisbury City Council local ward members were also consulted. No representations were received on this application.

9. A licensing sub committee hearing was called to decide the variation application in line with the scheme of delegation.
10. After the close of the consultation process Councillor Mary Douglas expressed a concern that as a Unitary Councillor for Salisbury she should have been consulted, as “The size and nature of Salisbury is such that it functions as a single entity, with the one city centre used by all residents, and this change would certainly affect the residents of my division”.
11. At the subsequent licensing sub committee hearing to consider the application to vary the Sex Shop licence, the members were made aware of the concerns expressed by Councillor Douglas and decided the matter should be considered by the Licensing Committee but could have no bearing on the hearing of that particular application.

Safeguarding Implications

12. None – the report relates to amendments to the consultation process, no policy changes are proposed.

Public Health Implications

13. None – the report relates to amendments to the consultation process, no policy changes are proposed.

Environmental and Climate Change Considerations

14. The introduction of the new legislative controls under Schedule 3 of the 1982 Act gives the Council new powers to tackle issues of local concern to communities around the crime and disorder and anti-social behaviour associated with sex establishments.

Equalities Impact of the Proposal

15. The aims of the legislation are to give communities the chance to comment on applications both at application and renewal stage, therefore giving the public a greater voice.

Risk Assessment

16. There are no particular risks identified from any of the options being proposed.

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

17. There are no particular risks identified from any of the options being proposed.

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

18. There are no particular risks identified from any of the options being proposed

Financial Implications

19. None.

Legal Implications

20. There is an obligation on applicants for new or varied sex establishment licences to advertise their proposals in a local newspaper, to place a notice on the premises and to notify the police. There is no statutory obligation on the Council to carry out further consultations, but the adopted policy does provide that local members will be notified.

Options Considered

21. It is recommended that the Committee adopts one of the following:-

- i) The Licensing Committee agrees the current consultation process is sufficient, and no amendment to the policy is required.

Or

- ii) The Licensing Committee agrees to amend the policy to widen the consultation process to include neighbouring local divisional members where the premise is located close to the border of two wards. It would be for the Licensing Officer to determine whether such additional consultation should be carried out in any particular case.

Or

- iii) The Licensing Committee agrees to amend the policy to widen the consultation process to include all divisional members within the relevant area board boundary.

Conclusions

22. Members of the Licensing Committee are requested to consider the proposals as outlined in the report and decide which proposal to adopt.

Proposal

23. To adopt one of the proposals detailed above.

Reason for Proposal

24. A member of the Licensing Authority requested that the scope for consultation in relation to Sex Establishments be widened.

Maggie Rae
Corporate Director

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Public Protection Team Leader – Licensing

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3 March 2014

Background Papers

- Local Government (Miscellaneous Provisions) Act 1982 – Schedule 3

Appendices

- Appendix 1 – Sex Establishment Licence Policy
 - Conditions – Sexual Entertainment Venues and Sex Cinemas
 - Conditions – Sex Shops
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Sex Establishment Licensing Policy

Guidance and Standard Conditions

Licensing of Sex Establishments

Introduction

- 1.1 This policy has been produced as a result of new provisions that allow the Council to regulate lap dancing and similar venues.
- 1.2 The Licensing Authority is responsible for developing and implementing this policy.
- 1.3 Wiltshire Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can regulate sex shops, sex cinemas and sexual entertainment venues in the County.
- 1.4 Should any change to the Standard Conditions make it necessary to update relevant parts of the policy document, the amended policy document will be consulted upon.
- 1.5 This policy supersedes all previous policies implemented by Wiltshire Council.

Purpose and Aim of the Policy

- 2.1 This policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the public, applicants and other relevant organisations.
- 2.2 This policy also contains Standard Conditions which will be applied to the sex establishment which forms part of any granted licence.

Scope

- 3.1 This policy relates to any premises wishing to operate as a sex establishment.
- 3.2 Not all premises will automatically require a licence. Where there is an exemption within the legislation this has been set out in this policy document.
- 3.3 Consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for Sex Establishment Licences.
- 3.4 When considering applications for a Sex Establishment Licence, in respect of premises that have previously operated without the requirement for a licence prior to the adoption of the legislation, in addition to this policy document the Licensing Authority must have regard to the Home Office guidance issued in March 2010 entitled 'Sexual Entertainment Venues – Guidance for England and Wales'.

Definitions

4.1 Sex Shop

The legislation defines a sex shop as:

- “(1) Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –
- (a) sex articles; or
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.
- (2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.”

Sex articles are defined as:

- “(3) (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –
- (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies –
- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (b) to any recording vision or sound, which –
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.”

4.2 Sex Cinema

The legislation defines a sex cinema as:

- “(1) Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage -
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or

- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

- (2) No premises shall be treated as a sex cinema by reason only –
 - (a) if they are licensed under Section 1 of the Cinemas Act 1985, or their use or purpose for which a licence under that section is required; or
 - (b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

4.3 **Sexual Entertainment Venue**

The legislation defines a Sexual Entertainment Venue as:

- “2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- (2) In this paragraph “relevant entertainment” means –
- (a) any live performance; or
 - (b) any live display of nudity;
- which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (3) The following are not sexual entertainment venues for the purposes of this Schedule –
- (a) sex cinemas and sex shops;
 - (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being provided at that time –
 - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

(4) – (12) refer to other matters and are not relevant to this policy.

(13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organizer.

(14) In this paragraph –

“audience” includes an audience of one;

“display of nudity” means –

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organization or management of –

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

And for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

Examples of “relevant entertainment” are:

- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shows
- Peep Shows
- Live Sex Shows

Application Process

5.1 The application form and relevant documentation for the new licence, renewal or transfer must be completed and returned with the appropriate fee as set out in the Council’s fees and charges.

- 5.2 A copy of the application form and supporting documentation must be forwarded to the Chief of Police within 7 days of the date of the application being made.
- 5.3 Applicants must also make notice of the application by publishing an advertisement in a local newspaper which circulates within the area of the premises. The notice should clearly identify the premises to which it relates and should be published no later than 7 days from the date the application is made. There is an additional requirement for the notice of application to be displayed for 21 days on or near the premises in a place that is convenient for the public to read. The notice must contain certain information prescribed by the Licensing Authority.
- 5.4 the Council will carry out a consultation process where views are sought from: Wiltshire Council, Wiltshire Fire and Rescue Service, Council Divisional Members for the area of the premises and the Council's Planning Department.
- 5.5 Objections to the application for the grant, renewal or transfer of a licence shall be given in writing, stating the terms of the objection no later than 28 days from the date of the application.
- 5.6 Where notice of an objection is received by the Council they will give notice in writing to the applicant of the general nature of the objection before it is given due consideration.
- 5.7 Objections must be made in writing and should include the following:
- (a) the name and address of the person making the objection;
 - (b) the premises to which the objection relates
 - (c) the proximity of the premises to the person making the objection;
 - (d) the reasons for making the objections.
- 5.8 Objections should be relevant to the statutory grounds for refusal as set out in the Local Government (Miscellaneous Provisions) Act 1982 Act and listed in Paragraph 6.3..
- 5.9 The Licensing Authority will not consider objections that are frivolous or vexatious and decisions on these will be made objectively by Licensing Officers. Where objections of this nature are rejected, the objector will be notified in writing.

Vexatious Objections are generally taken to be one which is repetitive, without foundation or made for some other reason such as malice.

Frivolous Objections are generally taken to be one that is lacking in seriousness.

Valid Objections will be considered by the Licensing Committee to consider the application

Determination of an Application

- 6.1 The Council will consider every application on its merits, following the appropriate consultation and in accordance with this policy.
- 6.2 The Act specifies a number of issues that should and should not be considered:

- (a) A Council cannot have regard to the morality of sex establishments.
- (b) Straightforward objections on the grounds that sex establishments should not be allowed, will not be taken into account when assessing applications.
- (c) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- (d) That if the licence was to be granted, renewed or transferred, the business to which it relates will be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she had made the application himself/herself.
- (e) That the grant or renewal of a licence would be inappropriate having regard to:
 - (i) the character of the relevant locality;
 - (ii) the existence of other similar businesses within the locality;
 - (iii) the use to which any premises in the vicinity are put;
 - (iv) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (f) No new sex establishment will be permitted if it will be situated within “inappropriate proximity”:
 - (i) near to housing;
 - (ii) near, or near to access routes to and from schools, play areas, nurseries, children’s centres or similar premises;
 - (iii) in shopping centres;
 - (iv) near places of worship;
 - (v) near a community facility or public building, including but not limited to swimming pools, leisure centres, public parks, youth centre’s/club and sheltered housing;
 - (vi) near historic buildings or tourist attractions.

“Inappropriate proximity” is defined as a distance of 200m in direct line of sight between the proposed establishment and any locations listed above, or 100m distance if there is no direct line of sight.

- (g) An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will take the following into account:
 - (i) previous relevant knowledge and experience of the applicant;
 - (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other council area;
 - (iii) any report about the applicant and management of the premises received from statutory objectors.

6.3 Section 12(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 prohibits the Licensing Authority from granting a licence:

- (a) “to a person under the age of 18; or

- (b) to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
- (c) to a person, other than a body corporate, who is not resident in a European Economic Area (EEA) state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
- (d) to a body corporate who is not in an EEA state; or
- (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a sex establishment licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.”

- 6.4 The Licensing Authority will give clear reasons for its decision.
- 6.5 Any sex establishment licence may be granted subject to conditions imposed by the Council; therefore an application should not be refused if conditions could adequately address any area of concern.
- 6.6 All licences will be subject to the Council's Standard Conditions for sex establishments as at Appendix A.
- 6.7 in the event of conflict between Standard Conditions and Special Conditions contained in the sex establishment licence, the Special Conditions shall prevail.

Grant of a Licence

- 7.1 All applications for the grant of a new licence will be determined by the Licensing Committee, irrespective of whether objections are received.

Renewal or Transfer of an Existing Licence

- 7.2 Where no valid objections or observations have been received, the application will be considered under officer delegated powers.
- 7.3 If the officer is minded to refuse such an application it will be referred to the Licensing Committee.
- 7.4 Where valid objections are received the application will be determined by the Licensing Committee.
- 7.5 At a Licensing Committee hearing the applicants and any objectors/observers will be given an opportunity to address the Committee.

Hearing Procedure

- 8.1 Where the Council is required to determine an application by referral to a Licensing Committee, the applicant and objectors/observers will be advised of the date, time and venue of the hearing.
- 8.2 In preparation for the hearing, all parties will receive a copy of the Licensing Officer's report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.

- 8.3 At the hearing all parties will have the opportunity to address the Committee and ask factual questions of other parties. The Licensing Committee may also ask questions of all parties that they feel relevant to determine the application.
- 8.4 The Licensing Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation within 7 days.
- 8.5 If a licence is to be granted the Licensing Authority will aim to do this within 5 working days of the Committee's decision.

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Wiltshire Council

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STANDARD CONDITIONS

SEXUAL ENTERTAINMENT VENUES

These regulations are made by Wiltshire Council under the conferred powers of paragraph 13(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment bye-law order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.

Definitions: -

'Sex Establishment', 'sex cinema', 'sex shop', and 'sex article' shall have the same meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

'Premises' means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a sex shop granted under the said Schedule 3.

'The Council' means Wiltshire Council.

'Authorised Officer' means any person authorised in writing by the Council.

These conditions may be dispensed with or modified by the Council in any special case.

Where there is any reference in these conditions to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

If the Licence Holder wishes any of the terms of the licence to be varied any application must be made to the Council.

SEXUAL ENTERTAINMENT VENUES

1. Exhibition of a Licence

- a) A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the premises so as to be available for inspection by the police, the fire authority and authorised officers of the Council.

2. Hours of Opening and Closing

- a) The premises shall not open outside of the permitted hours stated on the licence.

3. Management of Licensed Premises

- a) The licence holder or some responsible person, being 21 years of age or over, nominated by him/her in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any Police Officer or Authorised Officer of the Council or Police and give the name and address of the person nominated.
- b) The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
- c) All members of staff shall be easily identifiable as such. If required by the Council in writing the Licence Holder shall ensure that during the hours the premises are open for business every employee or person working in the license premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.
- d) The licence holder shall exhibit in a conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not permitted on the premises.
- e) No other notices unless pursuant to these Regulations may be exhibited.
- f) The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.
- g) The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any sex article as defined.
- h) The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 1 hour of the premises opening for business and is to be available for inspection by the police and by authorised

officers of the Council and police.

- i) The licence holder must submit a set of “House Rules” to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. All performers must sign an agreement to adhere to these House Rules.
- j) Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

4. **Operation of the Premises**

- a) The Licence Holder shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- b) The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
- c) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- d) All persons working in the premises, including performers, shall be aged not less than 18 years old.
- e) Neither the licence holder nor any employees or agent shall personally solicit custom for the sex establishment outside or in the locality of the premises.
- f) The licence holder shall not permit the display outside the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

External advertising of relevant entertainment shall not include any of the following:

- Any depiction of full nudity
 - Any depiction of partial nudity
 - Any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm
- g) No sex articles shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or sex cinema.
 - h) The licence holder shall not knowingly allow the licensed premises to be the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or

meeting is or is not prostitution.

- i) The licensed premises shall not be used for any purpose other than the business of a sex establishment.
- j) The licensed premises shall not be open for the purposes of which a sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.

5. **External Appearance**

- a) A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises.
- b) The licence holder shall ensure that the interior of the sex establishment is not visible to persons outside the premises.
- c) The exterior of the licensed premises shall be of a design and materials approved by the Council. The exterior of the premises shall consist of material and colours of a discreet nature appropriate to the character of the locality and shall be in keeping with the appearance of other premises in the vicinity.

Detailed proposals for the external appearance of the premises shall be agreed with the Council's Delegated Officer within 14 days of the notification of the determination of a grant of the application for a new premises licence.

The approval shall be subject to ratification by the Council's Licensing Committee.

- d) The interior and exterior of the licensed premises shall be kept in good repair and condition.
- e) No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee.
- f) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. Doors and openings, other than exits, which lead to parts of the premises to which public are not permitted to have access shall be clearly marked "Private".
- g) No external doors shall be fixed in an open position at any time during the permitted hours.
- h) The entrances, windows and openings to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

6. Internal Layout and Condition of Premises

- a) The licence holder shall maintain the premises in good repair and condition as well as carrying out his duties under the Health and Safety at Work etc Act 1974 and other related legislation.
- b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
- c) Lighting shall be in operation continuously during the whole time that the sex establishment is open to the public.
- d) Any alterations or additions to the premises shall not be made without prior written consent from the Council. A variation application will be required to make any such changes to the internal or external look of the building.
- e) No fastenings shall be fitted to any booth or cubicle within the Sex Establishment. Appropriate fastenings are permitted on toilet doors.

7. Provision of Relevant Entertainment

- a) Any person who is providing relevant entertainment must be briefed verbally or in writing by the licence holder or his deputy about the conditions that relate to the premises and any code of conduct.
- b) Any person providing relevant entertainment shall be made aware that their activities will be recorded on CCTV.
- c) The performer(s) shall sign in a register that they have received briefings and these shall be retained for 12 months and made available for inspection by any Police Officer or authorised officer of the Council.
- d) During any performance of relevant entertainment there must be no physical contact between the performer and any member of the public. The only exceptions are the placing of money or tokens in an item of clothing worn by the performer or in the performer's hand.
- e) There shall be no penetration of a performer's genitals or anus by any means.
- f) Performers shall not engage in masturbation and/or oral sex.
- g) No customer shall participate in any relevant entertainment except at the consent of the performer and must remain seated at all times.
- h) No customer shall be required or encouraged to participate in any relevant entertainment against their will.
- i) No customer shall have any clothing removed during any relevant entertainment.

- j) On completion of relevant entertainment performers shall dress immediately and leave the performance area.
- k) Performers are not to solicit, exchange contact details, addresses or telephone numbers with customers, or arrange to meet customers off the premises.

8. **Safety and Security**

- a) The licence holder shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not cause annoyance to residents and persons passing by.
- b) Relevant entertainment may only take place in 'designated areas' marked on the plan of the premises which was submitted as part of the application process.
- c) The licence holder shall have in place a policy concerning the safety of performers arriving at and leaving the premises, which shall be made in writing and made available to the Police or authorised officer of the Council or Police on request.
- d) The licence holder or deputy shall be present on the premises at all times whilst the relevant entertainment is taking place.
- e) The licence holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
- f) A CCTV system shall be installed in the premises to the satisfaction of the Council's Licensing Officer. The system shall efficiently record the operation of the licensed premises and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in court.

All CCTV recordings shall be securely retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council or police.

Wiltshire Council



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STANDARD CONDITIONS

SEX SHOPS

These regulations are made by Wiltshire Council under the conferred powers of paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Separate conditions cover sexual entertainment venues and sex cinemas.

In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.

Definitions: -

'Sex Establishment', 'sex cinema', 'sex shop', and 'sex article' shall have the same meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

'Premises' means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a sex shop granted under the said Schedule 3.

'The Council' means Wiltshire Council.

'Authorised Officer' means any person authorised in writing by the Council.

1. Premises licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of Schedule 3 and shall not be used, wholly or in part, for any other purposes during the period that the premises are licensed as a Sex Shop.
2. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday. The premises may be open only during the permitted hours prescribed in these regulations.
 - a) The permitted hours if opening, unless varied by special condition, shall be as follows: -
 - Mondays 9:00 am to 9:00 pm
 - Tuesdays 9:00 am to 9:00 pm
 - Wednesdays 9:00 am to 9:00 pm
 - Thursdays 9:00 am to 9:00 pm
 - Fridays 9:00 am to 9:00 pm
 - Saturdays 9:00 am to 9:00 pm

3. Over each entrance to the premises, the Licensee shall affix and maintain in a permanent position a notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous) Provisions Act 1982. Such a notice shall carry the full name of the licensee.
4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons less than 18 years of age.
5. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
6. The Licence Holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any sex article as defined.
7. The Licence Holder shall ensure that the premises has screening and obscured windows, doors and other openings so that the interior of the licensed premises and the displays of articles for sale at the premises shall not be visible to persons outside the building
8. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
9. The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
10. The Licence Holder shall produce a list of all stock carried at the premises and shall make it available to a police officer or authorised officer of the Council or police on demand in respect of a sex shop.
11. All merchandise shall be clearly marked so as to show persons inside the premises the purchase price of each item in respect of a sex shop.
12. The Licence Holder or some responsible person nominated by him in writing for the purpose shall be in charge of and be at the premises during the whole time they are open to the public.
13. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
14. The Licence Holder shall inform the Council in writing within 14 days if he/she or an employee is convicted or cautioned for a criminal offence.

World Cup 2014 Briefing Document for Licensing Committee 17 March 2014

- Researched the dates and times, and also the projected finish times of the games. Created a list for reference, and for Licensed Premises to use if required.
- Awaiting decision by Government for blanket cover for Licensed Premises to extend hours to show live games (possibly England games only). This was rejected previously, but the Prime Minister stated on 3 February, that it will be re-addressed in February/March.
- World Cup information/advice is now on the Licensing section of the Wiltshire Council website (as of 19 February).
- Identified a document produced by British Beer and Pub Association, in partnership with Local Government Association and the Association of Chief Police Officers – Managing World Cup Success.
 - This document gives advice for licensees showing the games, including checking their hours and conditions, and advice on procedures for Temporary Event Notices, as well as health and safety.
 - We will be making this document available at Pub watches.
 - This document is available on the Wiltshire Council website.
- Information and advice will be discussed at Pub watches.
- If licensed hours do not cover the times of the games, then Temporary Events Notices will be required to cover the extension of hours.

Prepared by Roy Bahadoor
Public Protection Officer (Licensing)
February 2014

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World Cup 2014 Fixture Dates

Thursday	12th June	21:00 BRA v CRO (A)							Finishing time information:
Friday	13th June	17:00 MEX v CMR (A)	20:00 ESP v NED (B)	23:00 CHI v AUS (B)					
Saturday	14th June	17:00 COL v GRE (C)	20:00 URU v CRC (D)	23:00 ENG v ITA (D)	02:00 CIV v JPN (C)				
Sunday	15th June	17:00 SUI v ECU (E)	20:00 FRA v HON (E)	23:00 ARG v BOS (F)					
Monday	16th June	17:00 GER v POR (G)	20:00 IRN v NGR (F)	23:00 GHA v USA (G)					
Tuesday	17th June	17:00 BEL v ALG (H)	20:00 BRA v MEX (A)	23:00 RUS v KOR (H)					17:00 KO finish at approx 19:00 (Group Stage)
Wednesday	18th June	17:00 AUS v NED (B)	20:00 ESP v CHI (B)	23:00 CMR v CRO (A)					20:00 KO finish at approx 22:00 (Group Stage)
Thursday	19th June	17:00 COL v CIV (C)	20:00 URU v ENG (D)	23:00 JPN v GRE (C)					21:00 KO finish at approx 23:00 (Group Stage)
Friday	20th June	17:00 ITA v CRC (D)	20:00 SUI v FRA (E)	23:00 HON v ECU (E)					23:00 KO finish at approx 01:00 (Group Stage)
Saturday	21st June	17:00 ARG v IRN (F)	20:00 GER v GHA (G)	23:00 NGR v BOS (F)					02:00 KO finish at approx 04:00 (Group Stage)
Sunday	22nd June	17:00 BEL v RUS (H)	20:00 KOR v ALG (H)	23:00 USA v POR (G)					
Monday	23rd June	17:00 AUS v ESP (B)	17:00 NED v CHI (B)	21:00 CMR v BRA (A)	21:00 CRO v MEX (A)				
Tuesday	24th June	17:00 ITA v URU (D)	17:00 CRC v ENG (D)	21:00 GRE v CIV (C)	21:00 JPN v COL (C)				
Wednesday	25th June	17:00 BOS v IRN (F)	17:00 NGR v ARG (F)	21:00 HON v SUI (E)	21:00 ECU v FRA (E)				
Thursday	26th June	17:00 POR v GHA (G)	17:00 USA v GER (G)	21:00 ALG v RUS (H)	21:00 KOR v BEL (H)				
Friday	27th June	NO MATCHES							
Saturday	28th June	17:00 A1 v B2	21:00 C1 v D2	(+ET)	2nd Round				
Sunday	29th June	17:00 B1 v A2	21:00 D1 v C2	(+ET)	2nd Round				17:00 KO could finish at approx 20:00 after ET and penalties.
Monday	30th June	17:00 E1 v F2	21:00 G1 v H2	(+ET)	2nd Round				21:00 KO could finish at approx 00:00 after ET and penalties.
Tuesday	1st July	17:00 F1 v E2	21:00 H1 v G2	(+ET)	2nd Round				
Wednesday	2nd July	NO MATCHES							
Thursday	3rd July	NO MATCHES							
Friday	4th July	17:00 QF5 v QF6	21:00 QF1 v QF2	(+ET)	QF				17:00 KO could finish at approx 20:00 after ET and penalties.
Saturday	5th July	17:00 QF7 v QF8	21:00 QF3 v QF4	(+ET)	QF				21:00 KO could finish at approx 00:00 after ET and penalties.
Sunday	6th July	NO MATCHES							
Monday	7th July	NO MATCHES							
Tuesday	8th July	21:00 SF1 v SF2	(+ET)		SF				21:00 KO could finish at approx 00:00 after ET and penalties.
Wednesday	9th July	21:00 SF3 v SF4	(+ET)		SF				
Thursday	10th July	NO MATCHES							
Friday	11th July	NO MATCHES							
Saturday	12th July	21:00	(+ET)		3rd Place				21:00 KO could finish at approx 00:00 after ET and penalties.
Sunday	13th July	20:00	(+ET)		Final				20:00 KO could finish at approx 23:00 after ET and penalties.

Groups on reverse page

World Cup 2014 Groups

Group A	Brazil	Cameroon
	Mexico	Croatia

Group C	Colombia	Cote d'Ivoire
	Greece	Japan

Group E	Switzerland	France
	Honduras	Ecuador

Group G	Germany	Ghana
	Portugal	USA

Group B	Spain	Australia
	Chile	Netherlands

Group D	Uruguay	England
	Italy	Costa Rica

Group F	Argentina	Nigeria
	Iran	Bosnia-Herzegovina

Group H	Belgium	Algeria
	Russia	South Korea



ASSOCIATION OF
CHIEF POLICE OFFICERS



Managing World Cup Success

Advice for licensees showing World Cup 2014 games



The World Cup 2014 is a major opportunity to attract customers who want to watch live matches in the great atmosphere provided by pubs.

If you are planning to show World Cup 2014 games in your pub, you may well already have management practices in place to deal with any issues that arise. If not, the advice below is intended to be helpful, concise guidance to ensure that you have busy and successful events over the tournament. This guide has been produced by the BBPA in partnership with the Local Government Association and the Association of Chief Police Officers with the aim to encourage police, licensing authorities and the licensed trade to work together to ensure a safe and successful tournament.

January 2014



ASSOCIATION OF
CHIEF POLICE OFFICERS



Advice for licensees

- Consideration be given to contacting the police and/or your licensing officer to let them know in advance of your plans for showing World Cup events where there could be implications for either (or both) of these bodies, so that they can incorporate these plans into any actions they may be taking.
- Check conditions on the Premises Licence to make sure that you are complying with all requirements, and if a Temporary Event Notice is needed. It would be helpful to the police to submit your TEN as early as possible. If you are running promotions, check they comply with the Mandatory Conditions regarding this area;
- Make sure that the DPS is on duty if possible. If not, a duty manager should be available to oversee the event;
- Ensure sufficient staff numbers are in place to cope with the anticipated number of customers;
- Make sure that the event is discussed with all staff and that any local police concerns are addressed and staff are aware;
- If you feel admission and control could be an issue, consider use of Door Supervisors (remembering that they must be SIA registered) to help control the number of people watching matches/events;
- Review access to premises and consider restricting the number of entrances (should fire regulations permit);
- Whilst fixtures involving England will naturally attract large numbers of customers to watch the game in your pub, also be aware of games where the national team playing may also attract a large following from the local community and plan accordingly;

- Consider the use of tickets to control admission and prevent overcrowding, if this is likely to be an issue in your pub;
- Consider use of plastic glassware such as polycarbonate if necessary, particularly for use in outside areas and to avoid unnecessary waiting for service and/or to lessen the risk of injury;
- When serving glass bottles, consider the use of PET bottles or decanting into plastic glassware if appropriate;
- If you do use glass, ensure that empties are collected regularly and any broken glass is quickly cleared away;
- Be aware that under-18s may be attracted to watching events and matches in your venue, continue to be vigilant about preventing the sale of alcohol to them;
- Given the late finish of some matches during this tournament, consider making taxi numbers/late night public transport information readily available to assist customers in leaving the venue safely;
- Think carefully about where TV screens are situated so as to avoid potential congestion. For similar reasons it is advisable, as far as possible, to prevent screens being viewed from outside the premises;
- If you have CCTV, ensure that it is fully operational with all cameras recording. It would be advisable as good practice that a staff member able to operate the CCTV system is available;
- Be sure to monitor and control smoking areas where appropriate, especially at half-time and at the end of the match;
- Pass on any concerns or reports of disorder to local police (and other premises if you are in a Pubwatch);

- In the event of trouble outside the premises, keep customers inside;
- Make sure that there is no excessive consumption of alcohol - remember it is an offence to continue to serve somebody who has had too much to drink;
- Consider food and soft drink offers if you feel it appropriate;
- If there is trouble at your premises, call the police immediately and cease serving alcohol;
- Ensure there is sufficient room available for expected level of customers, and that there are contingency plans in place if this exceeded e.g. refusing entry if capacity is reached;
- Make sure that the DPS/duty manager holds the keys for the front doors and can secure them at any stage;
- Check that all fire exits are completely clear and unobstructed and your fire risk assessment is reviewed accordingly;
- Check whether there is a public outdoor large screen event in the immediate area. Some unfortunate incidents have occurred in the past when people have spilled out of these events and into local pubs. Consider refusing entry if this is likely to happen;
- Contact your Licensing Officer for any information on local requirements, and ensure noise is kept to a reasonable level for local residents.

Further guidance

The BBPA strongly advises licensees to carry out a risk assessment and record any decisions made – such a record will be useful if despite your best efforts some individuals are determined to cause trouble in your premises. The BBPA has produced a guide, ‘Managing Safety in Licensed Premises’ which may be of help when developing risk assessments. This is free to download from www.beerandpub.com

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Wiltshire Council

Licensing Committee

17 March 2014

Update on Hackney Carriage and Private Hire Licensing

Summary

This report updates members on progress following the reorganisation of the Hackney vehicle licensing.

Proposal

To update members on the progress of service delivery for managing Hackney Carriage and Private Hire licensing and risk related management across Wiltshire Council's administrative area.

Reason for Proposal

To update members of the changes in the delivery of the Council's licensing functions, since the internal reorganisation of the function following the VR programme during 2013.

Tracy Carter
Associate Director, Waste and Environment

Transfer of Hackney Licensing to Environment Services

Purpose of Report

1. This report updates members on progress following the reorganisation of the Hackney vehicle licensing.

Relevance to the Council's Business Plan

2. The process of controlling and licensing Hackney Carriage Vehicle and Private Hire operators assists the Council in achieving a number of the six outcomes in the business plan 2013-2017.
 - Everyone in Wiltshire lives in a high quality environment
 - People in Wiltshire have healthy, active and high-quality lives
 - People are as protected from harm as possible and feel safe

Background

3. Under the Local Government (Miscellaneous Provisions) Act 1976, Wiltshire Council, as the local authority, has a legal responsibility to regulate all Hackney Carriage and Private Hire licensing.
4. In November 2013, due to the Council's voluntary redundancy programme, Public Protection decided to concentrate its resources on carrying out the Council's responsibilities under the Licensing Act 2003. The Environment service agreed to deliver several licensing functions that sat naturally within its remit, Street Trading, Street Collections, Scrap Metal Dealers and Hackney Carriage.

What we have done to date:

- a. We have introduced an appointment process and redesigned the calendar booking system to improve customer experience, by making it simpler for staff to process phone enquiries.
- b. The delivery of this service to the customer in the field has been divided into two areas; North & South of the County.
- c. We have introduced a Text message service which has been set up by area to inform drivers and operators on changes in inspection dates/legislation changes and short notice suspension of taxi ranks.

- d. We have introduced a new credit card type driver badge system to improve processing time and overhead costs.
- e. Introduced officers to customers by 'Walking the Ranks' – (Ongoing regular events planned)
- f. Published new quarterly newsletter to all operators and drivers
- g. During this period all operators and drivers requests have been processed

What needs to be done:

- a. Start formal consultation on one tariff, following approval in principle given by this Committee in September 2013
- b. Agree date for the introduction of one tariff
- c. Customers to identify area trade representatives to collaborate on message content for quarterly newsletters and regular trade meetings
- d. Arrange programme of trade update meetings
- e. Streamline licence issuing process to enable complete issue of licence, driver badge or vehicle plate at booked appointment instead of driver/operator having to post important legal documents
- f. Set up programme for multi-agency evening enforcement checks
- g. Develop policy on fire extinguisher requirement

Safeguarding Implications

- 5. Failure to effectively licence Hackney vehicles, drivers and operators leaves children and vulnerable people unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys and possible overcharging.

Public Health Implications

- 6. Risk of children and vulnerable people being unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys.

Environmental and Climate Change Considerations

- 7. There is minimal environmental impact of these proposals.
- 8. There are no direct environmental impacts, apart from reducing emissions from a number of older less efficient (heavily smoking) vehicles identified at inspections

Equality Impact of the Proposal

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

Risk Assessment

- 10. Time constraints & pressure to complete the formal consultation on one tariff.
- 11. Potential risk of legal challenge or complaint from operators or drivers who feel unable to obtain licences to trade legally.

Financial Implications

12. There are no direct financial implications arising from this report.
13. The financial implications of introducing one tariff will be considered in future reports; it is envisaged this will focus on the income/costs of issuing hackney carriage/private hire licences and how this would be affected by introducing a single tariff. Potential additional costs would be incurred if the tariff needs to be re-advertised; however the council is not legally bound to re-advertise any changes and this will be examined in future reports.

Legal Implications

14. Failure to effectively implement the Council's hackney carriage licensing responsibilities places the Council at risk of legal challenge and reputational risk.

Recommendation

15. That the committee notes the update on the reorganisation for managing Hackney Carriage and Private Hire licensing and risk related management across Wiltshire Council's administrative area.

Tracy Carter
Associate Director, Waste and Environment

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Background Papers

1. National Inspection Standards - Hackney Carriage and Private Hire vehicles
2. Wiltshire Council Guidelines for Hackney Carriage/Private Hire drivers, Hackney Carriage vehicles, Private Hire vehicles and Private Hire operators 2013