

AGENDA

Meeting: Licensing Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Monday 21 September 2015
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 Pip Ridout (Chairman)	Cllr Sue Evans
Cllr Desna Allen (Vice Chairman)	Cllr Jose Green
Cllr Nick Blakemore	Cllr Mike Hewitt
Cllr Allison Bucknell	Cllr Simon Jacobs
Cllr Andrew Davis	Cllr George Jeans
Cllr Dennis Drewett	Cllr Leo Randall

Substitutes:

Cllr Bill Douglas	Cllr Bill Moss
Cllr Trevor Carbin	Cllr Nick Fogg MBE
Cllr Howard Greenman	Cllr Jon Hubbard
Cllr Glenis Ansell	Cllr Peter Evans
Cllr Jeff Osborn	Cllr James Sheppard
Cllr Ernie Clark	

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If you have any queries please contact Democratic Services using the contact details above.

AGENDA

1. **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

2. **Minutes** (*Pages 7 - 12*)

To confirm and sign the minutes of the meeting held on 27 April 2015 (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 (acting on behalf of the Corporate Director) **no later than 5pm on Monday 14 September 2015**.

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 and sign the minutes of the following Licensing Sub Committees:

Southern Area

11/03/15 Application by Trading Standards for a Review of a Premises Licence – The Polish Shop, 62 Winchester Street, Salisbury

Western Area

09/04/15 Application for a Premises Licence in respect of Thoulstone Park, Thoulstone, Chapmanslade, BA13 4AQ.

17/06/15 Application for a Premises License made by Mr Pawel Pastusiak in respect of Naan Kebab, 11 The Halve, Trowbridge.

17/06/15 Application for a Premises Licence in respect of Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge.

06/08/15 Application by Punch Taverns PLC for a Variation of a Premises Licence at The Pear Tree, Top Lane, Whitley, Melksham.

7. **Statement of Gambling Principles** (*Pages 51 - 108*)

The report of the Public Protection Team Leader (Licensing) asks the Committee to note the consultation undertaken and subsequent amendments made to the Council's draft Statement of Gambling Principles (in relation to the Gambling Act 2005) and commends its approval to Full Council at its meeting on 29 September 2015.

8. **De-regulation Act 2015 and Changes to Licensing Fees** (*Pages 109 - 116*)

The report of the Fleet Compliance Team Leader seeks to update the Committee on the changes to licensing fees as a result of the De-regulation Act 2015 and for the Committee to consider and agree new fees to apply and come into effect from 1 October 2015.

9. **Update on Wiltshire Alcohol Strategy 2014 - 2018 and Licensing Response** (*Pages 117 - 142*)

The Committee is asked to note the Wiltshire Alcohol Strategy 2014 – 2018 which was approved by Cabinet on 21 April 2015 and the response from the Licensing Team.

10. **Update on Premises Licence Annual Fees/Licensing Act 2003/The Police Reform and Social Responsibilities Act 2011** (*Pages 143 - 144*)

The Committee is asked to note the progress regarding annual fees relating to licensed premises, and implementation of a new process and the positive outcomes.

11. **Dates of Future Committee Meetings**

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

7 December 2015
14 March 2016
13 June 2016
19 September 2016
5 December 2016
13 March 2017.

12. **Urgent Items**

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

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 27 APRIL 2015 AT WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Pip Ridout (Chairman), Cllr Desna Allen (Vice Chairman), Cllr Allison Bucknell, Cllr Dennis Drewett, Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans and Cllr Bill Moss (Substitute - Part II)

Also Present:

Tracy Daszkiewicz (Public Health Specialist), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder) and Lisa Pullin (Democratic Services Officer)

1 Apologies and Substitutions

Apologies were received from Councillors Blakemore and Jacobs and from Paul Taylor (Senior Solicitor). Councillor Moss was substitute for Councillor Jacobs.

2 Minutes

The minutes of the meeting held on 8 December 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 8 December 2014 be approved and signed as a correct record.

3 Chairman's Announcements

The Chairman made the following announcements:

Sub Committee Hearings

There were a number of proposed Sub Committee hearings in the pipeline and Lisa would speak to members after the meeting to check their availability to attend on any of these hearings.

So that all Members gain practical on going experience of Sub Committee hearings, Democratic Services will now ask for a fourth reserve member for each hearing. That Member will be asked to attend the briefing, hearing and deliberations so that they could step in at the last minute if required and gain relevant experience. So you may be asked to be a reserve Councillor for forthcoming hearings!

Members asked officers to consider scheduling a monthly Sub Committee hearing date into the diaries. Officers agreed to look at this, but this would not always work as deadline hearing dates occur at different times throughout the month.

Training

Training requirements for the Committee will be considered after May 2015 when the membership is confirmed. Two of our Members have left the Council and so their places will be filled at Annual Council.

4 **Declarations of Interest**

There were no declarations of interest.

5 **Public Participation**

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

6 **Minutes of the Licensing Sub Committees**

The draft Minutes of the following Sub Committees were presented for consideration.

Eastern Area – 19/01/15 - Application for a Variation of a Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes.

Northern Area – 26/11/14 – Application for a Premises Licence made by SN15 Leisure Ltd in respect of SN15, 17a Station Hill, Chippenham.

Western Area – 24/03/15 – Application for a Review of a Premises Licence in respect of Favourite Chicken and Ribs, 3 Market Street, Trowbridge

Resolved:

That the minutes of the meetings detailed above be approved and signed as correct records.

7 **Briefing Note - Deregulation Bill and Legislative Reform**

Linda Holland (Public Protection Team Leader) gave details of the Deregulation Bill and Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. It added more exemptions to The Licensing Act 2003 relating to regulated entertainment.

Linda reported that the intention of the deregulations was to:

- to remove bureaucracy and cost from community entertainment activities and strengthen creativity and community participation;
- to make it easier for schools, community groups and civil society organisations to put on cultural and sporting events by removing them from the entertainment licensing regime, and
- to grow the creative economy and remove burdens from small and medium businesses.

The impact for the Council of the deregulations could be that there are more Sub Committee hearings required and Members could receive more concerns/complaints from their constituents.

One of the consequences of these changes is that, where a licence includes conditions that relate specifically to something that is now deregulated, those conditions are deemed to be suspended between the hours of 08:00 and 23:00. For example, a condition requiring doors and windows to be kept closed to prevent noise 'breakout' from recorded music will not be enforceable between 08:00 and 23:00.

This would probably create more work for colleagues in the Noise Pollution Teams to deal with complaints.

However, the Licensing Authority, on considering an application for the review of a premises licence or club premises certificate, may determine that the suspension of conditions be lifted, or if such conditions are not on the licence, it may apply those conditions. This provision does provide a degree of safeguard to local communities; however there remain some potential implications arising from the deregulation.

Linda added that the changes were being highlighted through the Pubwatch meetings and the promotion of the changes was to be low key. The changes agreed were more substantial than the Licensing Team was expecting and if Members had any feedback or concerns then they should speak to an Officer in

the Licensing Team. An update on the impact of the changes would be reported at the December 2015 meeting.

Councillor Peter Hutton, Portfolio Holder stated that a Briefing Note would be made available for Members which would contain FAQs that Members may get asked about the changes. He also wished to give a vote of thanks to the Licensing Team in their recent temporary reduction in staff following a road traffic accident involving two staff members.

Committee Members asked a number of questions and it was agreed that when adding conditions relating to noise at Sub Committee hearings, consideration be given to use appropriate wording so that there were not dis-applied.

Resolved:

To note the information given in the Deregulation Bill and Legislative Reform Briefing Note.

8 Gambling Policy Statement of Principles - Update

Linda Holland (Public Protection Team Leader) presented a report which gave background information on the new proposed Statement of Gambling Principles.

She highlighted the following:

- The draft Statement had been modernised and there were very few changes from the previous Statement;
- There are 60 gambling premises in Wiltshire with about 39 of those being betting shops. There are no casinos or private gambling clubs;
- Only 2 complaints about licensed gambling premises had been received in the last year;
- Officers would arrange to carry out an extensive public consultation process over a 12 week period to consider the views of those affected and the public of Wiltshire;
- Following this, consideration would be given to any suggested changes and then the final draft of the Statement would be presented to the Licensing Committee at the September meeting and this would then be recommend for final approval I at Council in November;

- Committee Members were encouraged to respond to the consultation and ask all in their groups to do so during the consultation period; and
- Online gambling was not in the control of the Local Authority and so as not to encourage a debate about matters out of our control, details of the Gambling Commission would be provided in response to any concerns about online gambling.

Resolved:

That the Licensing Committee:

- 1. Requests Officers to carry out a 12 week consultation process on the proposed Statement of Gambling Principles 2015-2018.**
- 2. Note that at its meeting in September 2015, the Committee will be required to consider commending for approval the finalised Statement of Gambling Principles to Full Council.**

9 Dates of Future Committee Meetings

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

Monday 1 June 2015

Monday 7 September 2015 (*Following the meeting the date of the September meeting was changed to Monday 21 September 2015*)

Monday 7 December 2015

Monday 1 February 2016.

10 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30am – 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

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

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 11 MARCH 2015 AT MEETING ROOM - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN REVIEW OF A PREMISES LICENCE: THE POLISH SHOP, 62 WINCHESTER STREET, SALISBURY, WILTSHIRE, SP1 1HL

Present:

Cllr Jose Green, Cllr Leo Randall and Cllr Pip Ridout

Also Present:

Yvonne Bennett, Trading Standards
Paul Taylor, Senior Solicitor,
Linda Holland, Public Protection Team Leader
Ian Garrod, Public Protection Officer (licensing)
Lisa Moore, Democratic Services Officer
Lisa Pullin, Democratic Services Officer

1 Election of Chairman

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

Resolved:

To elect Councillor Leo Randall 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 informed the Hearing that Cllr Jeans would be replaced by Cllr Pip Ridout on the Panel, as he was unable to attend. He then 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 Trading Standards for a Review of the Premises Licence in respect of The Polish Shop, 62 Winchester Street, Salisbury, Wiltshire, SP1 1HL.

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

Ian Garrod, Public Protection Officer, provided information of the case as set out in the agenda pack.

- An application for a review of a Premises Licence in respect of The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL made by Yvonne Bennett on behalf of Trading Standards, for which no other relevant representations have been received at this time.
- On 4 December 2013 the Premises was visited and advice was given on ensuring English labelling was on food products.
- As a result of intelligence received that illegal tobacco and alcohol products were being sold at the Polish Shop a visit was made to the Premises. This was on 15 July 2014 when a significant quantity of cigarettes and hand rolled tobacco were found on the premises by Trading Standards Officers. The products were labelled in various languages and were found to be illegal because the packaging did not bear the appropriate health warnings and failed to carry a UK duty paid fiscal mark.
- When spoken to, the Premises Licence Holder and Designated Premises Supervisor, Mrs Malgorzata Gumula claimed that the illegal products were for personal use and were not in her possession for supply. However they were found in the shop premises, underneath the till area and in a store room. Some were also found in her vehicle. The shop also appeared to be under the control of inexperienced staff.
- At the beginning of October 2014 Trading Standards received a complaint alleging that alcohol was being sold at the Polish Shop to persons under the age of 18. As a result of this a Test purchase operation was set up by Trading Standards using a 16 year old

volunteer. A test purchase attempt by the volunteer resulted in a sale of alcohol on 30 October 2014 and a purchase of cigarettes. The person who sold the tobacco and alcohol to the 16 year old spoke very little English and had insufficient retail experience and training to be left alone on a premises selling alcohol and tobacco products. A letter was sent to Mrs Gumula notifying her in both English and Polish of the intention of Trading Standards to undertake a test purchase exercise.

Key points raised by the Responsible Authority (Yvonne Bennett of Trading Standards) were:

Grounds for review A – Prevention of Crime and Disorder

- In March and April 2014, Trading Standards received intelligence that illegal tobacco and alcohol products were being sold at the Polish Shop.
- On 15 July 2014, during a visit to the premises, accompanied by a dog handler and sniffer dogs, Trading Standards Officers seized a significant quantity of cigarettes and hand rolled tobacco found on the premises. The products were labelled in various languages and were found to be illegal because the packaging did not bear the appropriate health warnings and failed to carry a UK duty paid fiscal mark.
- The Licence holder claimed that these products were for her personal use and not for sale in the shop. However, they were found on the shop premises underneath the till area, in a storeroom and in her vehicle. In total 1,100 cigarettes and 1,150 grams of hand rolled tobacco comprising 11 different brands was found.
- The shop appeared to be under the control of inexperienced volunteers.

Grounds for review B – Protection of Children from harm

- In October 2014, Trading Standards received a complaint alleging that alcohol was being sold at The Polish Shop to persons under the age of 18.
- A test purchase attempt by a 16 year old volunteer resulted in a sale of alcohol on 30 October 2014.
- On 30 October 2014 the 16 year old volunteer was also sold cigarettes.
- The person who sold these to the 16 year old spoke very little English and had insufficient retail experience and training to be left alone on the premises selling alcohol and tobacco products.

Key points raised by Mrs Gumula, Premises Licence Holder of The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL were:

- There had been several changes to the way that the shop was run since the visit by Trading Standards. The person serving at the time of the visit was no longer employed by the shop.
- The premises licence holder had found guidance online relating to the sale of alcohol and cigarettes to underage customers, and had since had that guidance translated in to Polish for all future employees.
- A new employee had been taken on who has been trained to ask all young people for ID before selling any cigarettes or alcohol to them.
- Information was now displayed around the shop advising customers of the Challenge 25 Scheme and staff wear badges from the scheme.
- The experience had taught the licence holder a great deal about who to employ in the future.
- The owner was generally at the shop during opening hours, however as she had two young children, there were some occasions when she had to be elsewhere. During those instances she was always available on the telephone to give advice to staff on any issue which may arise.

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

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

The Sub Committee then retired to consider the review application at The Polish Shop, 62 Winchester Street, Salisbury, SP1 1HL.

The Hearing reconvened at 1.00pm.

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

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 Southern Area Licensing Sub Committee determined that, in order to promote the licensing objectives, particularly those relating to the

prevention of crime and disorder and the protection of children, it would be appropriate to take the following steps in relation to the premises licence for the Polish Shop, 62 Winchester Street, Salisbury:-

1. to suspend the premises licence for three months, in order to allow time for Trading Standards and the Licensing Authority to be satisfied that all Licensing Objectives and conditions on the premises licence are being met.
2. to add the following conditions to the premises licence:-
 - Only products available for retail sale can be stored at the licensed premises.
 - Only Employees of the business who have been formally trained on age restricted sales may serve behind the counter
 - Only Staff who have undertaken appropriate training (as agreed with the Licensing Authority) to be present at the premises during trading hours
 - Staff to undertake appropriate training (as agreed with the Licensing Authority) in all aspects of relevant Licensing legislation, law and practice in relation to age restricted sales. This training will be recorded and refreshed on a regular basis and must be available upon request by Police, Trading Standards or Licensing officers
 - The premises to maintain a record to include successful challenges to proof of age and this record to be available upon request by Police, Trading Standards or Licensing officers

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 (in particular paragraphs 11.24 – 11.28) and the Licensing Policy of Wiltshire Council.

Reasons

The Sub Committee accepted the evidence presented by Trading Standards that illegal tobacco had been kept on the premises and that, on at least one occasion, there had been a sale of alcohol to a child under the age of 18. They noted that the licence holder had been notified in advance that Trading Standards would be making test purchases on age-restricted products, but that nevertheless the unlawful sale took place shortly thereafter.

The Sub Committee were concerned that the sale of alcohol was being undertaken by inexperienced and untrained staff who had been left in charge of the premises.

The Sub Committee took particular account of paragraphs 11.24 – 11.28 of the S.182 Guidance. They noted that the guidance stated that, where premises were being used to further crimes, revocation should be seriously considered, even in the first instance. The sale and storage of smuggled tobacco was one of the criminal activities that was specifically mentioned in the Guidance as being something that should be treated particularly seriously.

However, the Sub Committee also took account of the comments from the premises licence holder that things had changed in the shop since these events and that more experienced staff were now employed.

On balance, although the Sub Committee had seriously considered revocation of the licence, it was felt that the licensing objectives could be met by the imposition of the additional conditions proposed, together with a suspension of the premises licence for three months. This should allow time for the licence holder to address the failings that had been identified and for the relevant authorities to satisfy themselves that the situation had improved and that the licensing objectives and the licence conditions were being met.

(Duration of meeting: Times Not Specified)

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

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

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 APRIL 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - THOULSTONE PARK, THOULSTONE, CHAPMANSLADE, BA13 4AQ

Present:

Cllr Trevor Carbin, Cllr Ernie Clark and Cllr Dennis Drewett

Also Present:

Cllr Jeff Osborn, Clare Adkins (Public Protection Officer), Roy Bahadoor (Public Protection Officer), Teresa Bray (Public Protection Officer), David Parkes (Democratic Services Officer), Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Phillip Day (Applicant's Representative), Alex Lepingwell (Applicant), Holy Streeter (Designated Premises Supervisor).

Persons who made a representation and representatives: Chris Da Costa, David Holmyard, Vanessa Emery, Phil Jefferson, Mary Medhurst, Michael Brake, Julian Bower, Chris Coles, Phil Spencer, James Bruce, Dennis Barnard.

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".

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

The Public Protection manager introduced the report detailing the application for a premises licence and the options available to the Sub-Committee.

Mr Phillip Day, the Applicant's Solicitor, on behalf of and with contributions from Mr Alex Lepingwell, the applicant, and Mrs Holly Keeter, the proposed Designated Premises Supervisor, presented the case in support of the application. Mr Day raised points including but not limited to the following:

- None of the events held on the site in 2014 had required a full premises licence, and those which required specific permissions had been covered by Temporary Event Notices (TENs). The applicants could continue to operate in such a manner, which would permit among other things the use of amplified music between 8am and 11.00 p.m. so long as the audience was less than 500 people, and free alcohol events, but they wished to have more flexibility with the range of days on which events could be held and what would be permitted on those days, including the provision of late night refreshment.
- Mr Day emphasised that with TENs applications no conditions applied if there was not a premises licence of some kind on the site, it was either granted or not. The regulatory mechanism of a licence and its conditions would ensure the applicants were restricted to specific uses, mitigate any negative impacts from use of the site more effectively, and be punished in the event of breaches more easily.
- At present, although there was an abatement notice still extant on the site arising from noise problems in the past, there had been no breaches of that notice, which would need to be at the level of statutory nuisance. A licence would be more restrictive, as previously stated.
- It was acknowledged there had been problems on the site with the Sunrise Festival in 2013, but the licence as applied for would not permit such a large event, with a focus on smaller, community events of around 500 people. A new management team was also in place from that of the Sunrise Festival, and no objections had been received from any responsible authority to the new application for the site.

Members of the Sub-Committee then asked questions of Mr Day. In response to a query as to how the applicants intended to give the police 28 days notice of a proposed event, as was suggested as a condition, given the licence had not been granted and some events planned would be sooner than that, it was stated that a list of planned events had been supplied to the police for their information, to allow them to prepare for such events should permission be granted by the Sub-Committee.

It was also confirmed that the noise abatement notice had been served on the current applicants as well, but that the person who had been primarily in charge

of the site at the time the abatement notice had been served was no longer involved with the business or the current licence application.

Questions were then received from those who had made a relevant representation in objection to the application, as listed above. Mr Day on behalf of the applicants was permitted to respond to each person making a representation in turn. Questions and points raised included but were not limited to:

- The lack of objection from responsible authorities was noted by those making representations, but they felt this was not as significant as the level of objection from those with local knowledge of the area and personal living experience of the impact of events on the application site.
- Several points were raised about whether the local community had been involved in discussing the application or wished for there to be events on the site. Mr Day stated that a multi-agency group of responsible authorities had been consulted, although there was no statutory list of bodies that needed to be contacted, and that representatives from the parish councils had been invited. If people did not choose to visit any of the events on the site, that would be their own choice.
- Several questions were asked about how consumption of alcohol would be restricted on the site late at night, and Mr Day reiterated that alcohol would not be sold at such times as the licence applied for would not permit such a sale.
- Several questioners argued that the increased noise on the site would be injurious to health, and it was stated in response that the conditions agreed to mitigate noise levels would minimise such a risk to an acceptable level.
- In response to queries it was confirmed that the applicants were primarily operating a commercial business, but they wished extra flexibility on conditions for community non-profit events. It was also stated they had wide experience of what events worked on such sites and so were confident of the viability of their plans.
- A specific additional condition agreed with Environmental Health officers regarding drumming was queried, and it was confirmed while the law permitted such activity, following complaints from previous events surrounding percussive instrumentation, the additional condition had been agreed to mitigate concerns in that area. Some questioners questioned the enforceability of the proposed condition.
- One questioner disputed Mr Day's statement that there had been no breach of the extant abatement notice on the site, but Mr Day restated that there had been no such breach.

- Reference was made to previous events on the site and the applicant's level of involvement, but it was confirmed the management team was not the same as previous events.

There being no further questions for those making a representation, each of the parties was given the opportunity to summarise their positions.

None of those who had made a relevant representation wished to offer a further summary.

Break from 1205-1210

Mr Day on behalf of the applicants stated that a continuing issue with disturbance over a scraping gate had now been fixed, and there had been no complaints regarding daytime events in the past year. He emphasised that refusing the application would not prevent events on the site, but merely limiting the control measures designed to mitigate concerns, given events could be sought under Temporary Event Notices. Concerns regarding the applicant or the designated premises supervisor would only be relevant in the event of concerns regarding the prevention of crime and disorder, neither of which was the case. Finally, it was highlighted that events would not be happening every day, but that greater flexibility was sought by the applicants as to the number and type of event that could be held, within an acceptable framework of conditions.

The Sub-Committee then retired with the Democratic Services Officer and Solicitor for the Council until 1330.

No specific legal advice had been given in closed session.

Resolved:

The Western Area Licensing Sub-Committee resolved to GRANT the premises licence for Thoulstone Park, Thoulstone, as detailed below.

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays	08.00 – 23.00 08.00 – 22.30 Community Events	Daily
Films	12.00 – 02.00 12.00 – 22.30 Community Events	Daily
Live music	08.00 – 02.00 08.00 – 22.30 Community	Daily

Recorded music	Events 08.00 – 02.00 08.00 – 22.30 Community Events	Daily
Performance of dance	08.00 – 23.00 08.00 – 22.30 Community Events	
Provision of late night refreshment	23.00 – 05.00	Daily
Sale by retail of alcohol (on site and off site)	08.00 – 02.00 On Sales 08.00 – 22.30 On and Off sales for Community Events	Daily
<p>A “community event” is defined as: An event involving licensable activities taking place on the licensed premises at which all the following apply:</p> <p>1)The event shall not be run for the private benefit of any individual, company or other organization</p> <p>2)Any and all profit from the event shall be applied for charitable purposes or good causes</p> <p>3)The event shall be held for the primary benefit of the local community, meaning residents and organizations living or based within a 5 mile radius from the premises.</p> <p>Attendance at any event involving licensable activities taking place at the premises, other than Community Events shall be limited to 500 persons at any one time. Community Events shall be restricted to 5000.</p>		

Subject to the conditions submitted by the Applicant in the revised Operating Schedule as attached , together with the following additional condition:

“The premises licence holder shall ensure that save as may be permitted by the Live Music Act (as amended) and any other exemption provided under the same and/or the Licensing Act, no performance of live music consisting exclusively or mainly of drumming, whether amplified or not, shall take place on the premises outside the hours of 14:00 to 19:00 and the use of drums as part of any regulated entertainment shall not be permitted later than 23:00 hours each night or before 14:00 hours each day”.

Reasons

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub-Committee carefully considered the concerns raised by those who had made representations regarding the application. In particular the Sub-Committee considered whether the conditions put forward by the Applicant, in consultation with relevant authorities and including the additional condition agreed with the Council's Environmental Control and Protection Team, would appropriately address those concerns and satisfy the licensing objectives

Regarding concerns over the possibility of larger events, it was noted that a condition had been agreed limiting the capacity of non-community events to 500 persons.

Regarding concerns over public nuisance, it was noted that a condition for a noise management plan, sound control measures and a complaint hot-line, which the Sub-Committee expected to be staffed and answered, had been agreed with the applicants. It was also noted that arrival and departure times at the site were conditioned.

As such, the Sub-Committee considered appropriate conditions were in place to promote the licensing objectives.

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

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

Conditions attached to premises licence for Thoulstone Park, Thoulstone, Chapmanslade, BA13 4AQ

a) General – all four licensing objectives

Mandatory Conditions

The relevant mandatory conditions shall apply.

Periods during which the Licence will have effect

The licence will only authorise licensable activities on the premises between 1st April and 30th September each calendar year.

Definition of “Community Event”

In this licence “Community Event” means an event involving licensable activities taking place on the licensed premises at which all the following apply:

1. The event shall not be run for the private benefit of any individual, company or other organisation.
2. Any and all profit from the event shall be applied for charitable purposes or good causes.
3. The event shall be held for the primary benefit of the local community, meaning residents and organisations living or based within a radius of 5 miles from the premises.

Capacity Limits

Attendance at any event involving licensable activities taking place at the premises, other than Community Events shall be limited to 500 persons at any one time. Community events shall be restricted to 5000 persons

Restrictions on the sale of alcohol

With the exception of Community Events, alcohol shall only be sold for consumption on the premises.

During Community Events, stall holders will be permitted to sell alcohol in sealed containers for consumption off the premises but only between the hours of 08:00 and 23:00.

Other Restrictions on Community Events

Community Events shall only take place on a maximum of 4 days each calendar year and shall only be open to the public between 08:00 and 23:00 hours. All licensable activities shall end no later than 22:30 hours. For the avoidance of doubt, this will not prevent any person from camping on the premises outside those hours, provided that no other licensable activities take place before 08:00 hours or after 22:30 hours on the day of the event nor before 08:00 hours on the day following the Community Event.

Restrictions on the provision of Late Night Refreshment

Hot food and drink provided as Late Night Refreshment shall be provided for consumption on the premises only and will only be supplied to persons temporarily resident overnight on the site. "Take-away" provision of Late Night Refreshment is not authorised under this Licence.

b) The prevention of crime and disorder

Restrictions on admission to events other than Community Events

Admission to any event involving licensable activities (other than any Community Event) shall be restricted to staff (including temporary staff) employed in connection with the management of the event and either:

1. The person, persons or organisation who has pre-booked the premises for the purpose of the event and his/her or its bona fide guests or
2. To persons who have pre-booked tickets to the event.

Persons who do not fall into these categories shall not be admitted to the premises during the relevant event.

Notification of proposed events

The holder of the licence, shall by no later than 15th March each calendar year, provide the Wiltshire Council and Police Licensing officers for the area with a list of all events planned to take place during the following 7 months with a brief description of the nature of the event, the date(s), timings, anticipated attendance and the nature of any licensable activity scheduled to take place. Any significant changes to planned events (including cancellations, new bookings or substantial changes in anticipated attendances) shall be notified to the Police and Council Licensing officers as soon as reasonable practicable. All such notifications may be made by e-mail.

Within 28 days of the issue of the licence and thereafter no later than 15th March each year, the holder of the licence will write to the occupiers of each residential property situated within the area shown on the plan attached hereto and marked "Notification Area Plan." The letter will assert that it is being sent by the holder of the licence in order to comply with licensing conditions and will contain details of the dates and times of any proposed "community events" scheduled to take place at the premises that calendar year or any other event which might be open to the public (as opposed to a purely private event). The letter will also invite the addressee to provide the holder of the licence with an email address so that if there are any changes to the proposed events, the addressee can be informed of the change by email. Any subsequent changes will then be notified to any person responding, at least 14 days before the event is scheduled to take place. The letter will also contain details of the 'Complaint Hot-line'

Recording of Incidents

An incident book shall be maintained on site and used to record any criminal (or suspected criminal) offence or accident resulting in injury known to the premises licence holder or the DPS as occurring on the premises or as a direct result of any licensable event taking place on the premises. The record shall include full details of the nature of the incident, any witnesses, the names of those involved (or description of the identity of those concerned if not known) and what action was taken following the incident. If an event takes place and no incidents occur, the incident book shall be noted accordingly. The incident book shall be made available for inspection by police and other authorised officers (as defined by the Licensing Act) on request.

Recording the deployment of SIA staff

If SIA registered security staff are deployed at the premises during any licensable event, their names, SIA registration numbers and the dates and times of their deployment shall be recorded in the incident book.

Staff training – sale of alcohol – Events other than Community Events

If alcohol is being sold on site other than during a Community Event or under the authority of a Temporary Event Notice, all staff involved in the sale of that

alcohol shall receive appropriate training regarding the premises licence conditions, the laws relating to the sale of alcohol to persons under the age of 18 and to persons who are drunk. A refusals register shall be kept at each point of sale and used to record any and all instances when a sale of alcohol has been declined, the reason for the refusal, the name of the person refusing the sale and either the name of the person being refused, or, if not known, a description of that person provided that there shall be no requirement for persons selling alcohol in sealed bottles or containers at Community Events to keep a refusals register.

Sale of alcohol at Community Events

The holder of the licence shall require that when alcohol is being sold at a Community Event (other than under the authorisation of a Temporary Event Notice), the alcohol seller has in place adequate policies and procedures in place to ensure that alcohol is not sold in contravention of the Licensing Act 2003 (as amended).

Security and Stewarding at Events

The holder of the licence shall ensure that there is a risk assessment in place in respect of all types of events that might take place on the premises involving licensable activities to determine whether and, if so, to what extent SIA registered security staff and/or crowd or other stewards should be deployed during events (or parts thereof). A security and stewarding plan will be formulated for events based on the outcome of the risk assessments and security and/or stewarding staff shall then be deployed in accordance with the plan. Copies of both the risk assessments and security and stewarding plans shall be made available for inspection by authorised officers on request.

c) Public safety

Inter-reaction with Safety Advisory Groups

The holder of the licence and the DPS shall liaise fully with any Safety Advisory Group established by or on behalf of the Licensing Authority (currently known as the Multi Agency Group (“MAG”)) and shall attend all relevant meetings either in person or by a duly authorised agent when requested to do so.

Health and Safety

Health and Safety risk assessments (including Fire Risk Assessments as required under the Regulatory Reform (Fire Safety) Order) will be undertaken in accordance with the advice contained in the “Purple Guide to Health, Safety and Welfare at Music and Other Events” and an overall Event Management Plan (“EMP”) for the premises will be formulated and implemented on the basis of those risk assessments. Copies of the EMP shall be made available for inspection by authorised officers on request.

Traffic Management

The holder of the licence will formulate and thereafter implement a traffic management plan to ensure the safety of persons arriving at or leaving events

at the premises and other road users, including pedestrians.

d) The prevention of public nuisance

For each event a Noise Management Plan will be put in place and will comply with the appropriate code of practice, currently found here :

http://www.cieh.org/policy/noise_council_environmental_noise.html

The noise management plan will make reference to the outstanding Noise Abatement Notices and the maximum noise levels contained therein and will include :

Basis of Noise Management Strategy

Noise Monitoring on and off site

Noise Levels

Noise Sensitive Locations - including map

Responsibility and Reporting

Complaints Handling

Any noise management plan will be in addition to the following conditions and shall include any or all of these conditions.

Control of Car Parking Area

The holder of the licence shall ensure that whenever any licensable event is taking place at the premises, a steward (or SIA registered security person) is deployed at the gate entrance to the car park to ensure that people arriving at or departing from the event are properly marshalled and instructed to arrive or depart quietly so as not to cause a nuisance to occupiers of residential premises adjacent to the entrance to the licensed premises. Appropriate signage requesting that people leave quietly shall be prominently displayed in the car park area.

Sound Control Measures – Amplified Music

No person attending any event at the premises (other than a Community Event) shall be permitted to bring onto the premises or use on the premises any sound amplification equipment that has not been supplied or approved by or directly on behalf of the Premises Licence holder. The only exception to this will be in respect of equipment (such as an iPod or MP3 player) intended to be used only for the personal entertainment of the person concerned.

Other than at Community Events and as may be permitted by the Live Music Act or other legislation/regulations, the holder of the Licence shall ensure that it

maintains overall control of sound amplification equipment used on the premises in conjunction with the provision of regulated entertainment and shall nominate a senior member of staff to have responsibility for compliance with this condition.

Noise levels from regulated entertainment involving amplified music and or speech shall be controlled to ensure that at no time is a statutory noise nuisance caused at any residential property situated within a mile radius of the premises and that after 23:00 hours, noise from regulated entertainment is only barely audible at the boundaries of any such properties so as to be inaudible inside.

The holder of the licence shall employ a suitable qualified acoustic engineer or consultant to advise on maximum levels of amplification so as to ensure compliance with these conditions.

Limitation on “Film nights”

The premises shall not be used on more than 6 occasions in each calendar year for the provision of regulated entertainment in the form of showing films outdoors.

Sound Control Measures – Acoustic Music

The holder of the licence shall ensure that no drums are played or used after 23:00 hours on the premises

Complaint “Hot-line”

The holder of the licence will publish on its website and provide the licensing authority and other responsible authorities, the Parish Council and the occupiers of all residential properties within the area defined on the Thoulstone Park Notification Area Map with a telephone number to report any complaint of noise nuisance. The telephone number will be a direct number to the management who are in control during the event.

Complaint Log

The holder of the licence shall, on receiving any complaint about excessive noise from the premises, record the same in a complaint log, including the time, date and information of the caller and shall take action to investigate and resolve the complaint and record the action taken.

Arrival and departure times

Persons attending licensable events at the premises shall not be permitted to enter the premises before 08:00 hours. Save for emergencies, persons attending events will be instructed not to leave the premises after 23:00 hours.

e) The protection of children from harm

A "Challenge 25" policy shall be applied whenever alcohol is available for sale at the premises and signs to that effect shall be displayed at all points of sale.

No person under the age of 18 shall be permitted to attend any event at the premises involving licensable activities (other than a Community Event) unless accompanied by his/her parent or guardian or an adult of at least 25 years of age.

(Duration of meeting: 10.00 am - 1.35 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

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 17 JUNE 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - MR PAWEL PASTUSIAK - NAAN KEBAB, TROWBRIDGE

Present:

Cllr Ernie Clark, Cllr Dennis Drewett and Cllr Pip Ridout

Also Present:

Cllr Nick Blakemore, Cllr James Sheppard, Cllr Charles Fuller, Lance Allen, Pawel Pastusiak, Christine Scrivens, Teresa Bray (Licensing Officer), Lisa Pullin (Democratic Services Officer), Fiona Rae (Democratic Services Officer), and Paul Taylor (Senior Solicitor)

1 Election of Chairman

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

Resolved:

To elect Cllr Pip Ridout 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 5 – 12 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

Before the commencement of the meeting, Cllr Nick Blakemore declared a non-pecuniary interest in the application by virtue of being a member of Trowbridge Town Council who had made a relevant representation regarding the

application. He was substituted by Cllr Dennis Drewett for the entirety of the meeting.

5 **Licensing Application**

Application by Pawel Pastusiak for a Premises Licence at Naan Kebab, 11 The Halve, Trowbridge.

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

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

Key points raised by Pawel Pastusiak, applicant, and Christine Scrivens, Proactive Learning Centre, on behalf of the applicant, were:

- There had been a concern that the external blue lighting on the mobile catering unit was distracting for motorists on the nearby highways. It was explained that this had been replaced with ordinary white lighting.
- Customers only stopped briefly to purchase refreshment and there were typically no more than five customers at any one time which resulted in minimal, if any, disturbance.
- The mobile catering unit was a sufficient distance from the older persons' accommodation at Avondown Court to minimise any disturbance and the applicant was to erect signs directing patrons to be quiet.
- The additional hours requested in the original application had been significantly reduced in response to the concerns of Trowbridge Town Council and this should be taken into consideration.
- The applicant also highlighted the quality of the food produced and the positive reception by local people.

Key points raised by those who made a Relevant Representation, Cllr Peter Fuller and Lance Allan of Trowbridge Town Council, were:

- Whilst Trowbridge Town Council was aware that planning considerations were not material to this application, concern was raised regarding the applicant's lack of awareness in this matter.
- It was suggested that any late night or daytime refreshment in a mobile vehicle was inappropriate as it was likely to cause a greater disturbance than a permanent premises.
- The Town Council's concerns regarding planning permission and public nuisance had not been addressed fully by the applicant in the reduced hours requested and the location of the premises in a car park was likely to attract a large number of patrons.
- The external lighting of the mobile catering unit remained a distraction to motorists on the nearby highways.

- Avondown Court, a residence mainly occupied with older people, was located nearby on Yerbury Street. It was suggested that noise from the mobile catering unit was audible from within Avondown Court although no evidence was produced.
- It was also stated that several incidents of violence had occurred in the general area in recent months.

The parties were given the opportunity to ask questions of the applicant and the following issues were addressed:

- When asked whether there were any letters of support for the mobile catering unit, the applicant explained that he had no such letters but had received verbal support from patrons.
- It was also enquired whether the mobile catering can had received a hygiene rating and the applicant confirmed that a hygiene rating of 4 had been acquired.
- Cllr Peter Fuller, Trowbridge Town Council enquired about the current colour of the external lights on the mobile catering unit and the applicant confirmed that they were white and had been such for about six weeks.
- Cllr Peter Fuller enquired whether vehicles parked on the double yellow lines in the car park whilst attending the premises. The applicant confirmed that there were ample spaces in the private car park adjacent to the premises and the public Lovemead car park. It was also highlighted that the police station was nearby and that police vehicles regularly passed the premises.
- The applicant was asked to provide detail about the ownership of the private car park and it was confirmed as the property of the applicant's landlord who allowed patrons to use the car park.

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

- It was asked whether Trowbridge Town Council had received any letters of objection concerning the disturbances at the premises. Lance Allan explained that a number of councillors had received representations from the public about disturbances at the premises or had witnessed it themselves although no evidence was submitted.
- Clarification was sought regarding the distance of the premises from Avondown Court and Cllr Peter Fuller clarified the location.
- The exact location of the closed circuit television cameras (CCTV) near to the premises was also questioned and Lance Allan confirmed it to be at junction of Hilperton Road and the Halve. It was noted that the main purpose of the camera was to view the public highway and that the view of the car park and the premises in question could not be guaranteed.

The parties were then invited to make any points in summation. The representatives from Trowbridge Town Council were satisfied that all points had been addressed.

The applicant, Pawel Pastusiak, made the following points in summation:

- The premises were close to both the police and fire stations.
- Patrons of the mobile catering unit generally created very low levels of noise.
- The applicant was considering undertaking a licensing course to gain increased awareness of licensing issues.
- The application had been amended to extend the licensing hours by only one hour in response to concerns raised by Trowbridge Town Council.

The Sub Committee members retired at 10.35am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.10am.

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

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

Resolved:

The Western Area Licensing Sub Committee has resolved to GRANT the application for a Premises Licence for the provision of late night refreshment for Mr Pawel Pastusiak at the premises, Naan Kebab, Mobile Food Unit located in the private car park associated with 11 The Halve, Trowbridge, Wiltshire as detailed below:

Licensable Activity	Timings	Days
Late night refreshment	23:00 – 00:00	Daily
Hours premises are open to the public	16:00 – 00:00	Daily

Subject to the following conditions:

1. That all external lighting be immediately extinguished at the end of each trading period.
2. That litter bins be provided for the use of customers and the Licence Holder to remove any remaining litter within a 20 metre radius of the Premises immediately after the end of each trading period.

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

Reasons:

In considering this application, the Sub Committee noted that, following the revised timings now being proposed, they were only considering the implications of late night refreshments being provided from the premises between 11:00 and 00:00 each day.

Representations had been received raising concerns about public nuisance due to the location of the premises. It was argued that the proposed site was near to residential properties which could lead to disturbance to local residents. It was also adjacent to a roundabout and the lights of the premises could cause a safety hazard to users of the highway. There were also concerns about serving children late at night.

The Sub Committee noted that the applicant had voluntarily offered not to serve unaccompanied children and that he planned to undertake relevant Licensing training. He also confirmed that the flashing coloured lights had been replaced with white lighting.

Having considered all of the representations, the Sub Committee considered that it was appropriate to grant the application as amended. However, they felt that it was appropriate to add a condition requiring external lighting to be turned off at the end of each trading period to prevent public nuisance and, to the extent that it could be a distraction to motorists, to promote public safety. They also considered it appropriate to require a litter bin to be provided and for litter to be removed from the vicinity of the premises to prevent public nuisance.

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

Right to Appeal

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

(Duration of meeting: 10.05 - 11.20 am)

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

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 17 JUNE 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - GRANGE FARM, BRATTON ROAD, WEST ASHTON, TROWBRIDGE

Present:

Cllr Nick Blakemore, Cllr Ernie Clark and Cllr Pip Ridout

Also Present:

Cllr Dennis Drewett, Cllr James Sheppard, Cllr Richard Covington, Nicola Duke, Ryan Allcott, Jack Clink, Frank Fender, Teresa Bray (Licensing Officer), Kieran Elliott (Democratic Services Officer), Fiona Rae (Democratic Services Officer), and Paul Taylor (Senior Solicitor)

1 Election of Chairman

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

Resolved:

To elect Cllr Pip Ridout 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 5 – 12 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 Ryan Allcott and Jack Clink for a Premises Licence at Grange Farm, West Ashton, Trowbridge.

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

In accordance with the procedure detailed in the agenda, the applicant, and those who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by the applicants, Ryan Allcott and Jack Clink, and on behalf of the applicants by Frank Fender, FJF Licensing Solutions, were:

- The location has held other events in the past, at least one of which obtained a premises license.
- Although the event itself has been marketed as a '24 hour festival', the licensing activities in this application were not for the full 24 hours and did not commence until 1pm.
- It was highlighted that the applicants had submitted an event management plan, a stewarding plan and a noise management plan; they had also met with an Environment Officer to ensure the noise created by the event was minimised and there would be a direct telephone line throughout the event for local people to raise noise and other concerns.
- The intent of the applicants was to work with local people, including West Ashton Parish Council. It was also explained that the applicants had intended to contact the Parish Council at the earliest stage of festival planning but that there had been communication difficulties.
- The applicants were willing to attend an Event Safety Advisory Group (ESAG) and to follow ensuing advice. Aim to have smooth running event. Do not wish to inconvenience local people.
- No Responsible Authority had made a relevant representation and the Event Safety Advisory Group (ESAG) recently requested by the Police was welcomed by the applicants.

Key points raised by those who made a relevant representation, Cllr Richard Covington and Nicola Duke, West Ashton Parish Council, were:

- A lack of clarity regarding the number of attendees and the hours of the event.

- Potential traffic issues at the entrance to the site. It was confirmed that the event would use appropriate signage, warning road users to drive slowly as well as stewards monitoring the entrance. In addition, Highways issues were expected to be raised at the Event Safety Advisory Group.
- The Parish Council would have liked the opportunity to give feedback on the site management plan.
- The level of noise generated by previous events on the site and concerns about recurring events.
- The length of time requested for a license to sell alcohol.
- Contingency plan if people arrive at festival if it's sold out.
- The predicted number of attendees which was twice as many as previous events on the site.
- The number of vehicles potentially entering the village during the event and the speed of traffic surrounding the site entrance. The Chairman permitted the applicants to answer on this point and it was explained that there was a contingency plan for the arrival of vehicles that would allow exit from the main rain in a timely fashion. It was also noted that the question of highway safety would be addressed at the proposed Event Safety Advisory Group (ESAG).

The parties were given the opportunity to ask questions of the applicants and the following issues were addressed:

- Cllr Richard Covington asked why the application requested a license to sell alcohol until 4am when the music would finish at 2am. It was noted that other systems were in place to ensure no excessive drinking would take place, including refusing service to intoxicated individuals. The applicants explained that the reasoning behind this was to encourage a gradual exit of attendees from the event; this was believed to be a safer method of crowd dispersal.
- More detail was requested regarding the nature of the live music and it was confirmed that the event would only consist of DJ sets using recorded music. The applicants explained that the manipulation of records by DJs, for example 'scratching' the discs, was classified as live music.
- The maximum number of attendees was requested and it was confirmed that the sold out figure was 3,000. If all tickets were sold, the applicants clarified that a sold out notice would be circulated.
- Following enquiries about the provision of water at the event, it was explained that there would be free water available upon request at the bars on site and bottled water on sale. It was also noted that there were taps to provide free water at the campsite.
- Following earlier mention of leaflet distribution to local residents with a telephone number for the event, it was clarified that the applicants intended

this telephone line to be monitored at all times during the event and were amenable to this being conditioned.

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

- Clarification was sought regarding the exact location of the speed limit signs on the road adjacent to the site entrance. The representative from West Ashton Parish Council clarified that there was a 30 mile per hour speed limit sign shortly after the entrance. The applicants disputed this location and identified it as a key issue for the Event Safety Advisory Group (ESAG).
- It was enquired why West Ashton Parish Council did not object to an event on the same site that was due to take place in July. The representatives explained that this was due to the smaller size and the 'family friendly' nature of the July event.

Cllr Richard Covington, West Ashton Parish Council, made the following points in summation:

- West Ashton Parish Council was concerned about the access to the site considering the potential number of attendees.
- Alcohol would be on sale for a long period of time, especially after the event, which would be problematic especially considering that many people would be unable to drive.
- There were concerns about the noise generated by the event.

The applicants, Ryan Allcott and Jack Clink, and Frank Fender, FJF Licensing Solutions on behalf of the applicants, made the following points in summation:

- The license was time-limited and, although larger than past events held at the site, the relevant Responsible Authorities have all received copies of the licensing application, with details of alcohol provision and expected attendance, and no representations had been submitted.

The Sub Committee members retired at 1.50pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 2.20pm.

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

Resolved:

The Western Area Licensing Sub Committee resolved to GRANT the Premises Licence for Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge, as detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music (In and outdoors)	13:00 – 00:00	Saturday 12 September
Recorded music (In and outdoors) Performance of dance (In and outdoors) Anything of a similar description (In and outdoors)	00:00 – 02:00	Sunday 13 September
Provision of late night refreshment (In and outdoors)	23:00 – 00:00 00:00 – 05:00	Saturday 12 September Sunday 13 September
Sale by retail of alcohol (On the Premises)	13:00 – 00:00 00:00 – 04:00	Saturday 12 September Sunday 13 September

Subject to the following additional conditions:

1. The event is to operate at all times in accordance with the event management plan, noise management plan, and stewarding plan as submitted, or as amended with the agreement of the proposed Event Safety Advisory Group (ESAG); any changes to be approved by the Licensing Officer.
2. No more than 3,000 tickets shall be issued for the event and no person other than official event staff shall be admitted to the event without a ticket.
3. There is to be a contact telephone number provided to local residents for the event, This shall be monitored at all times from 12:00 on Saturday 12 September 2015 to 16:00 on Sunday 13 September 2015 and appropriate action taken in response to any calls received.

Reasons

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee carefully considered the concerns raised by those who had made representations regarding the application. These concerns related principally to noise and traffic management issues, given the number of attendees expected, the location of the proposed site and the entrance to it. In particular, the Sub Committee considered whether the event management plan put forward by the applicants, in consultation with relevant authorities would appropriately address those concerns and satisfy the licensing objectives.

Regarding concerns over the size of the event, it was noted that the applicants had stated that they anticipated an audience in the region of 2,000 – 3,000. In order to address concerns about public safety, it was considered appropriate to include a condition limiting the capacity to 3,000 people.

It was noted that a noise management plan and sound control measures formed part of the application and that the applicants had also agreed to provide a complaint hot-line, which the Sub Committee expected to be staffed and answered. It was considered appropriate to include this as a condition to address the concerns that had been raised regarding public nuisance. It was also noted that arrival and departure times at the site were conditioned in the event management plan.

Regarding concerns over public safety, it was noted that the applicants had engineered a system for efficient entry onto the site and that an Event Safety Advisory Group was proposed.

As such, the Sub Committee considered appropriate conditions were in place to promote the licensing objectives.

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

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 1.05 - 2.30 pm)

The Officer who has produced these minutes is Lisa Pullin, Tel 0225 713015, email lisa.pullin@wiltshire.gov.uk, of Democratic Services, direct line , e-mail

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 6 AUGUST 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN VARIATION OF A PREMISES LICENSE - THE PEAR TREE, TOP LANE, WHITLEY, MELKSHAM, WILTSHIRE, SN12 8QX

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Sue Evans

Also Present:

Piers Warne, Jackie Cosens, Adrian Warner, David Farr, Knowles Mitchell, Asifa Ashraf, Teresa Bray, Kieran Elliott, Cllr Peter Evans, Cllr George Jeans and Fiona Rae

1 Election of Chairman

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

Resolved:

To elect Cllr 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 declarations of interest.

5 Licensing Application

Application by Punch Taverns PLC for a Variation of a Premises Licence at The Pear Tree, Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX.

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, the Responsible Authorities and those who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Piers Warne, TLT Solicitors, on behalf of the applicant, were:

- That the application was modest in nature and would involve one additional hour in the morning, one in the evening, and 24 hour access to the premises for guests.
- The previous application had been granted in 2005 with no additional conditions and the current application sought to remove grandfather conditions.
- It was highlighted that the Parish Council representation had been withdrawn and that there were no representations from responsible authorities.
- It was explained that the community was in support of the local pub and that only the evening hours were contentious.
- The applicants explained that the application and the operating schedule had taken the views of local people into account.
- It was also noted that the applicants had been managing pubs for close to 23 years and were community focused.
- The intention of the applicants was to recreate a traditional village pub with local beers and ciders, locally sourced food, and local staff. The reason for the application was to achieve more flexibility to suit local need.
- It was explained that there were other establishments that remained open later in nearby towns and the applicants did not believe that the additional hour in the evening would result in an influx of patrons from outside the village.
- No evidence had been provided regarding an increase of noise in the area as a result of the additional licensing hours.

The parties were given the opportunity to ask questions of the applicant and the following issues were addressed:

- When asked to what degree the additional hour in the evening would be used, the applicants explained that the additional hour was envisaged to support the primary purpose of the pub as a family orientated establishment; it was not intended to drive business.

Key points raised by those who had made a Relevant Representation, Mr David Farr and Mr Knowles Mitchell, were:

- Mr David Farr explained that there was a high level of support for the pub to reopen.
- The signatories to the Neighbours of The Pear Tree Inn petition (contained in Appendix 5) were concerned that the extension to the licensing hours would be out of keeping with the ethos of the quiet village.
- There had been noise disturbance from the pub in the past.
- There were concerns relating to the prevention of public nuisance as the car park of The Pear Tree Inn directly faced the road and a number of houses in the village.
- The concerns of the lead petitioner and a number of petitioners had been mitigated slightly following a meeting between the petitioners, Punch Taverns, and Jackie Cosens and Adrian Jenkins. However, some concern remained about the effect of trading after 11pm in the village.
- It was requested that the leaseholders and Punch Taverns consider an element of noise suppression, namely to maintain the hedging on the site and consider tarmacing the car park to reduce noise and dust. Mr Knowles Mitchell explained that there was a high level of demand for a local pub and drew attention to the support shown in the supporting petition (contained in Appendix 8).
- Mr Knowles Mitchell explained that The Pear Tree Inn had previously won national awards for food and attracted diners from the surrounding area. It was presented that the pub must be flexible in order to compete with other premises and to be commercially viable.
- Attention was drawn to the value of The Pear Tree Inn as a community asset and the limited effect of the additional hours.

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

- The Sub Committee asked Mr David Farr if he was familiar with the review process which would provide a means to voice any noise concerns that arise after The Pear Tree Inn reopened. It was confirmed that Mr David Farr was content for The Pear Tree Inn to be reopened and to use the review process if necessary.

The parties were then invited to make any points in summation.

Those who had made relevant representations made the following points in summation:

- Mr David Farr supported The Pear Tree Inn at present and in so far as the pub continued to respect the ethos of the village.
- Mr Knowles Mitchell echoed this sentiment and thanked Mr David Farr for his support.

The applicants made the following points in summation:

- The applicants had noted and would look into the concerns of the local residents.
- It was considered that the benefits of the application outweighed the risks.
- The service to be provided by The Pear Tree Inn was not tailored to attract patrons who would conflict with the ethos of the village and the main intention was to maintain the local pub.

The Sub Committee members retired at 10.55am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.05am.

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

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:

To GRANT the Variation of a Premises Licence for The Pear Tree, Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX, as detailed below:

Licensable Activity	Hours
Late Night Refreshment (indoors only) Non standard timings	23:00 hrs to 00:00 hrs daily Residents staying within the letting rooms and their bona fide guests will be permitted late night refreshment from 23:00 hrs to 05:00 hrs
Supply of Alcohol (on and off the premises) Non standard timings	10.00 hrs – 00.00 hrs daily Residents staying within the letting rooms and their bona fide guests will be permitted alcohol to be sold to them 24 hrs a day

<p>Hours premises are open to the public</p> <p>Non standard timings</p>	<p>10.00 hrs – 00.30 hrs (the following day) daily</p> <p>Residents staying within the letting rooms and their bona fide guests will be permitted access to the premises 24hrs a day</p>
--	--

Granted as applied for and subject to conditions consistent with the steps set out in the operating schedule.

Reasons

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee carefully considered the concerns raised by those who had made representations regarding the application.

These concerns related principally to noise and disturbance in the village. The Sub Committee noted that some of the relevant representations were withdrawn at the hearing and took into account the applicant’s consideration of these noise concerns.

The Sub Committee also 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 person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.10 - 11.15 am)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line , e-mail

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

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Wiltshire Council

Licensing Committee

21 September 2015

Statement of Gambling Principles

Summary

This report describes the consultation results following the public consultation of the draft Statement of Gambling Principles. This report highlights the amendments that have been made to the previous draft considered by the Licensing Committee on 28 April 2015.

Proposal(s)

It is recommended:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the Statement of Gambling Principles (final draft) in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Reason for Proposal

The Council must review its Statement of Gambling Principles every three years. The Statement of Gambling Principles is due for review and must be consulted on and ratified by Full Council prior to it coming into force. Following acceptance of the amendments made by this Licensing Committee, a final draft version of the Statement of Gambling Principles will be required to be submitted to Full Council on 29 September 2015.

Maggie Rae
Corporate Director

Statement of Gambling Principles – Update

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council’s draft Statement of Gambling Principles (in relation to the Gambling Act 2005).

That the Licensing Committee commends the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 29 September 2015.

Relevance to the Council’s Business Plan

2. “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

3. It is a statutory requirement that the Statement of Gambling Principles must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

Background

4. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities in relation to the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open way,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within this Act.

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following the new guidance from the Gambling Commission.

5. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and be the subject of a full consultation process.
6. The report presented on 28 April 2015 sought Members' support to carry out the consultation of the draft Statement of Gambling Principles.
7. This report advises Members of the consultation that has taken place and outlines the comments received and drafts made on the Council's draft Statement of Gambling Principles.

Consultation

8. Consultation period: May 2015 – August 2015

8.1 List of Consultees included:-

- The Gambling Commission
- Wiltshire Police
- Wiltshire Fire Service
- Local Planning Authority
- Environmental Health
- Children and Family Services
- Wiltshire Council Members
- HM Revenue and Customs
- Kennet and Avon Canal Trust
- Environmental Agency
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All licensed gambling premises in Wiltshire
- All premises with gaming machine permits.

- 8.2 All statutory consultees have received a full copy of the draft Statement of Gambling Principles and notification of that draft was given to all Council Members. Further, all relevant premises and specific bodies requesting information have been advised of the draft Statement of Gambling Principles and its availability. Finally, a copy of the draft Statement of Gambling Principles was also available on Wiltshire Council's Website.

- 8.3 The Statement of Gambling Principles is a draft document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises. The draft Statement of Gambling Principles has been based on the requirements of the Gambling Act 2005 and includes the changes

required as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

- 8.4 There were three responses received from the public consultation; one response was received from a Responsible Authority, Children Services (Appendix 1) and one from a Consultee, Coral Racing (see attached Appendix 2). A response was also received from Power Leisure Bookmakers Limited via Poppleston Allen Licensing Solicitors (see attached Appendix 3).
- 8.5 The Thematic Table of Responses is attached as Appendix 4. Changes proposed to the draft policy as a result of those responses are shown in red on the revised draft.

Safeguarding Implications

9. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Children's Services Department has been designated as the Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

10. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

Environmental and Climate Change Considerations

11. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

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

Risk Assessment

13. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

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

14. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

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

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

Financial Implications

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

Legal Implications

17. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. When preparing its Statement of Gambling Principles, the Council is required to consult the Police, Persons representing gambling businesses and Persons representing the interests of the people likely to be affected by Gambling. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles must be approved by Full Council.
18. The Licensing Authority is a high profile regulatory service important for protecting the public but also for ensuring the balance between development of the leisure industry and economic viability and the protection of communication. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Conclusions

19. The adoption of a revised Statement of Gambling Principles by 1st November 2015 is a statutory requirement.

Proposal

20. To ask Members to note the consultation undertaken and subsequent amendments made to the Council's draft Statement of Gambling Principles (in relation to the Gambling Act 2005).
21. That Members of the Licensing Committee approve the additional wording on Social Responsibility from the Gambling Commission Guidance (Strengthening Social Responsibility) as stated in 3.4 of the Statement of Gambling Principles.
22. That the Licensing Committee commends the Statement of Gambling Principles, as attached as Appendix 5 to this report, in relation to the

Gambling Act 2005 to the Council for approval at its meeting on 29 September 2015.

Reason for Proposal

23. The Wiltshire Council's Statement of Gambling Policy must be reviewed every three years and be the subject of a full consultation process.

Maggie Rae
Corporate Director

Report Author: Linda Holland

Public Protection Team Leader – Licensing

linda.holland@wiltshire.gov.uk

01249 706 410

9 September 2015

Background Papers

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4th Edition
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition (in consultation)
- Wiltshire Council's Current Gambling Statement of Principles

Appendix

1. Response received from Children's Services Department
 2. Response received from Coral Racing
 3. Response received from Power Leisure Bookmakers Limited
 4. Table of Thematic Responses
 5. Wiltshire Council Statement of Gambling Principles 2015 - 2018
-

Appendix 1: Response from Children's Services Department

Consultation - Gambling Statement of Principles 2015 - 2018

Hi Nikki

I have read through this thoroughly and I think the safeguarding of children is covered well and given sufficient priority so I don't have any comments to make.

Sarvjit Gill

Quality Assurance Manager
Safeguarding Quality Assurance
Commissioning, Performance and School Effectiveness
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Tel: 01225 713926

Email: sarvjit.gill@wiltshire.gov.uk

www.wiltshire.gov.uk

From: Price, Jemma

Sent: 29 May 2015 10:22

To: Bennett, Nicola

Subject: Consultation - Gambling Statement of Principles 2015 - 2018

Dear Nicola,

RE: Consultation on the revision of Wiltshire Council's Statement of Policy on the Gambling Act 2005.

The Council is required to review its policy every 3 years. Having regard to changes in Legislation and Guidance, including the proposed changes in the Commissions Guidance to Local Authorities and the recently approved Licensing Conditions and Codes of Practice issued by the Gambling Commission, Wiltshire Council has redrafted its policy statement with the intention to approve it for commencement on the 1st January 2016.

You have been identified as a stakeholder in the Gambling Industry, Regulation or an Interested Party and we are therefore asking you to review the draft and make any comments, link supplied below.

<http://www.wiltshire.gov.uk/council/consultations.htm>

The consultation for this ends on 10th August 2015.

Kind Regards

Jemma Price

Public Protection Officer (Licensing)

Wiltshire Council, Monkton Park, Chippenham, SN15 1ER

Tel: 01249 706 436 ex. 21436

Email: jemma.price@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

Follow Wiltshire Council



Appendix 2: Response from Coral Racing Ltd.



Public Protection Team Leader- Licensing
Wiltshire Council
Monkton Park
Chippenham
SN15 1ER

30th July 2015

Dear Sirs

Consultation on Wiltshire Council's Statement of Principles-Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are supportive of the document but seek to clarify areas which the Council will take into account when considering applications for Premises Licences. The Board when considering applications are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives' (you list the 3 licensing objectives within the document at item 2.1(page 7)). We additionally highlight that neither demand (which you include) nor moral objections, should be taken into account when judging applications.

Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, vulnerable adult centres, residential areas with a high concentration of families and children, residential children's homes & hostels providing accommodation for young people leaving care and places which have a similar characteristics (those listed within item 4.0- Page 14):

- Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.
- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle
Director of Development -Coral Retail

Appendix 3: Response from Power Leisure Bookmakers Limited

Power Leisure Bookmakers Limited response to Wiltshire Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. Therefore, the Gambling Commission will have approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 that provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and should have mechanisms in place for consultation.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered although as the Gambling Commission's Guidance to Licensing Authorities states, policy statements should include a firm commitment to avoid duplication with other regulatory regimes.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. Although the current draft policy does not address the requirement for local area profiling, we respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and the location of proposed premises in particularly sensitive locations (paras 2.1, 3.3 and 4.0), as well as areas with known high levels of crime and disorder (para. 3.1). In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.

Whilst local area risk profiling has not been addressed in the current draft policy, the authority must consider that should any specific policies be contemplated in the future regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations considered and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Appendix 4: Thematic responses to Wiltshire Council Statement of Gambling Principles Consultation May 2015 – August 2015

The comments requiring action are set out in the table below.

Additional wording following consultation highlighted in red in the Statement of Gambling Principles Draft Document.

Paragraphs referred to, highlighted in yellow in the Statement of Gambling Principles Draft Document.

Theme of Comment	Responder	Feedback / Comments	Action
Moral Objections	Coral Racing Limited	The Board when considering applications are required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives' (you list the 3 licensing objectives within the document at item 2.1(page 7). We additionally highlight that neither demand (which you include) nor moral objections, should be taken into account when judging applications.	The phrase moral objection is referred to in 8.0 Decision Making, therefore has been included in 2.1 also to mirror.
Proximity	Coral Racing Limited	Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to schools, vulnerable adult centres, residential areas with a high concentration of families and children, residential children's homes & hostels providing accommodation for young people leaving care and places which have a similar characteristics (those listed within item 4.0- Page 14): <ul style="list-style-type: none"> Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising 	The list mentioned in the response is a starting point for consideration in regards to suitability of any gambling premises and does not solely refer to betting premises as suggested by Coral Racing Ltd. To aid clarity the following sentence is proposed as an addition in 4.0. The Local Authority will be mindful of the type of gambling application submitted and consider each on a case by case basis.

		<p>from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.</p> <ul style="list-style-type: none"> • Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. <p>The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.</p>	
Local Risk Assessment	Coral Racing Limited	Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific <u>risks</u> to the licensing objectives in the local area, and b) to assess whether <u>control measures</u> going beyond standard control measures are needed.	<p>In light of the changes to the Gambling Act 2005, highlighted in the guidance on Social Responsibility from the Gambling Commission (due to come into effect in April 2016), it is agreed that the following bullet point be added to the list when considering new premises applications.</p> <p>Local risk assessment for premises (due to come into effect in April 2016).</p>
	Power Leisure Bookmakers Limited	<p>Although the current draft policy does not address the requirement for local area profiling, we respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility.</p> <p>The draft policy confirms that the Authority will pay</p>	

		<p>particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and the location of proposed premises in particularly sensitive locations (paras 2.1, 3.3 and 4.0), as well as areas with known high levels of crime and disorder (para. 3.1). In order to fully address any potential concerns, all risk profiles should be based upon empirical evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk.</p> <p>When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime is proportionate to the existing operational procedures implemented by operators to address crime and disorder associated with any gambling provision.</p> <p>Whilst local area risk profiling has not been addressed in the current draft policy, the authority must consider that should any specific policies be contemplated in the future regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders.</p>	<p>The Local Area Risk Assessment for Wiltshire will be written to encompass the diversity of the Wiltshire Council area. This will be proposed as an Appendix to this Statement of Gambling Principles in due course.</p>
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Wiltshire Council

Gambling Act 2005

Statement of Principles

2015 – 2018

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Linda Holland, Public Protection Team Leader (Licensing)

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1.0 Introduction to Wiltshire

Wiltshire is a predominantly rural county in the south-west of England with a population of 476,816. Although centrally divided by the large expanse of Salisbury Plain, Wiltshire has many market towns and villages with mixed and vibrant communities. Wiltshire is also home to world-renowned cultural and heritage destinations such as Stonehenge and the internationally established World of Music, Arts and Dance Festival.

Larger populations live within the cathedral city of Salisbury to the south and in other towns such as Trowbridge and Chippenham to the north of Salisbury Plain. The armed forces and their families form a significant population group in Wiltshire, with numbers set to expand significantly in future years as the Ministry of Defence relocates service personnel from overseas locations to Wiltshire in 2015-19.



2.0 Overview

The Gambling Act 2005 provides the regime for licensing and regulation of commercial gambling in the UK and is intended to regulate the provisions of facilities for gambling and the use of premises for gambling. It defines three types of gambling: - gaming, betting, and participating in a lottery. A variety of licences and permits allows these gambling activities to take place. The task of granting these is shared between Licensing Authorities and the Gambling Commission. The Gambling Commission approve operating and personal licences; premises licences and other permissions are approved by the Licensing Authority.

Wiltshire Council Licensing Authority recognises the potential impact of gambling on the communities of Wiltshire. In adopting this policy, this Licensing Authority will seek to work with communities and partners to ensure that it helps to maintain strong and resilient communities. It will address the concerns of the public to maintain safe and high quality environments making Wiltshire an even better place to live, work and visit. It wishes to work together with premises licence operators/holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Licensing Authorities are required by the Gambling Act 2005 to publish and consult on a statement of the principles which they propose to apply when exercising their functions. This policy statement should also remain responsive to emerging risks and can be reviewed at any time, but must be reviewed at least every three years.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

In reviewing this statement of principles this Licensing Authority consulted widely with all necessary bodies and relevant stakeholders. The consultation process was conducted between May 2015 and August 2015 by way of a direct letter to those identified and also via publication on Wiltshire Council's website - www.wiltshire.gov.uk

A list of those consulted is available from this Licensing Authority on request.

It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.1 Licensing Authority Functions

This Licensing Authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'. When regulating gambling, this Licensing Authority will take into consideration the interests of the public using guidance from the Gambling Commission and taking into account the three licensing objectives, when carrying out its licensing functions:-

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that the gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 will not be used by this Licensing Authority to resolve matters that can be dealt with by alternative legislation.

This Licensing Authority will not take into account demand, need or **moral objections** for gambling when considering applications submitted to them; however layout, size and the location of a premises are factors that will be considered, along with the style of operation. Applications will all be assessed on an individual basis.

Gambling is a complex issue and this Licensing Authority has identified the following points in order to carry out its role accurately. These are:-

- Gambling is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery;
- Gaming means playing a game of chance for a prize;
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not;
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Licensing Authorities are required under the Gambling Act 2005 to:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant Permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres;
- Receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;

- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register Small Society Lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The National Lottery is regulated by the National Lottery Commission.

This Licensing Authority's functions under the Gambling Act 2005 will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

2.2 Responsible Authorities

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act 2005 to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm.

The principles are:-

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this Licensing Authority designates the Children's Services Department of Wiltshire Council for this purpose.

Responsible Authorities will be notified by this Licensing Authority of all premises licence applications. The Responsible Authorities are permitted to make representations in relation to premises applications.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via Wiltshire Council's website - www.wiltshire.gov.uk

2.3 Interested Parties

Interested Parties can make representations for or in respect of licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as:-

- a) a person or persons who lives sufficiently close to the premises and is likely to be affected by the authorised activities,
- b) a business or businesses whose interests might be affected by the authorised activities, or
- c) an individual or group who represents persons who satisfy paragraph (a) or (b).

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party. The principles are:-

- Each case will be decided upon its merits;
- This Licensing Authority will not apply a rigid rule to its decision making;
- It will consider the examples of considerations provided in the Gambling Commission's Guidance for Local Authorities at 8.14 and 8.15;
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission recommended in its guidance that the Licensing Authority states that Interested Parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not generally view these bodies as Interested Parties unless they can demonstrate they have been requested by one of their members who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Individuals are encouraged to approach the local Councillor or Council to ask them to represent their views.

2.4 Exchange of Information

Licensing Authorities are required to include in their statement of principles how they will exercise their functions under section 29 and 30 of the Gambling Act 2005 with respect to the exchange of information between them and the Gambling Commission.

In addition, under section 350 of the Gambling Act 2005, the exchange of information between the Licensing Authority and other persons is set out in Schedule 6 to the Gambling Act 2005.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

This Licensing Authority will have regard to the guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Those wishing to make a representation will be informed that their details will be forwarded to the applicants, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000, in order to allow negotiation between the parties. If a hearing is held it should be noted that their details will form part of the public document.

The Licensing Authority will work closely with the Gambling Commission, Wiltshire Police and with the other Responsible Authorities where there is a need to exchange information on specific premises.

2.5 Fees

Licence fees are set within the prescribed maximum levels in accordance with 'The Gambling (Premises Licence) Fees (England and Wales) Regulations'. Fees for permits and other services will be as set by the Secretary of State.

Information concerning the fees charged by Wiltshire Council for premises licence applications, permits and other permissions will be made available to the public via Wiltshire Council's website – www.wiltshire.gov.uk

This Licensing Authority considers non-payment of annual fees seriously and, in accordance with Paragraph 193 of the Gambling Act 2005, where the Premises Licence Holder fails to pay the annual fee, this Licensing Authority will revoke the licence. This will be disapplied if the Licensing Officers considers that a failure to pay is attributable to administrative error. In relation to permits, this Licensing Authority will cancel the permit if the permit holder fails to pay the annual fee due.

2.6 Declaration

In producing the final statement of principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

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3.0 Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. This Licensing Authority is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operating licence. However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention, during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by this Licensing Authority to be attached to the licence. These could include door supervisors or CCTV etc.

3.2 Ensuring the gambling is conducted in a fair and open way

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:-

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public;
- machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is

because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

3.4 Social Responsibilities (Comes into force on 6th April 2016)

3.4 (a) Assessing Local Risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1** Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy.
- 2** Licensees must review (and update as necessary) their local risk assessments:
 - a** to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;
 - b** when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;

- c when applying for a variation of a premises licence; and
- d in any case, undertake a local risk assessment when applying for a new premises licence.

3.4 (b) Sharing Local Risk Assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non- remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

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4.0 Premises Licences

A Premises is defined in the Gambling Act 2005 as “any place”. It is possible for a single building to be subject to more than one premises license, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that this Licensing Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Gambling Act 2005. In addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Gambling Act 2005.

This Licensing Authority will take specific care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular applicants should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

The following factors will be taken into consideration by this Licensing Authority when looking at premises licence applications, **the Local Authority will be mindful of the type of gambling application submitted and consider each on a case by case basis:-**

- Premises location including its immediacy to local schools; children’s centres or centre’s used by vulnerable persons; residential areas that have a high populations of children and vulnerable persons; and areas of deprivation where children and vulnerable persons reside;
- Premises layout and design;
- Installation of security features, such as CCTV or location of cash registers and safes;
- Staff training in all areas that are appropriate to the promotion of the licensing objectives;
- Policies and procedures for age verification;
- Possibility of crime and disorder associated with a licence being granted at a given premises.
- **Local Risk Assessment for premises (coming into force April 2016).**

An individual is responsible for their own gambling; however this Licensing Authority wishes to stress that although it acknowledges this, it also recognises that the applicant/operator has a “duty of care” to patrons.

4.1 Adult Gaming Centres

As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives. The list below is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Where Adult Gaming Centres are located in a Motorway Service Station this Licensing Authority will pay particular attention to entry points and how an operator will control these entry points to safeguard children who are using the site and therefore may be able to gain access to gambling.

4.2 Betting Premises

Betting is defined by the Gambling Act 2005 as the making or accepting of a bet on the outcome of a race, competition or other event or process; the likelihood of anything occurring or not occurring; or whether anything is or is not true.

A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is ‘fixed odds betting’ whereby the customer bets a stake to win a fixed amount calculated by the odds available.

4.2 (a) Betting Machines

This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children (it is an offence for those under 18 to bet) and vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

This Licensing Authority reserves the right to limit the number of machines if there has been evidence to suggest that they have in the past, or are likely to be in the future, used in breach of the licensing objectives.

4.2 (b) Tracks

(Defined as: a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place)

This Licensing Authority is aware that tracks differ greatly from other premises and may be subject to one or more than one premises licence. The Track Operator themselves may not be required to hold an operating licence, this may be due to the fact that the individual bookmakers at the track will be required to hold their own operating licences.

This Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling. The need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that children will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

It is expected from this Licensing Authority that individual applicants will offer measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;

- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

It may be appropriate for the applicant to provide the following to support an application and to assist this Licensing Authority to fully understand the application they have submitted:-

- Proof that measures are in place to promote the third licensing objective and to guarantee compliance;
- Specify what proposals have been made to administrate betting (it would be recommended that specific areas are set aside for this function)
- Detailed plan of the track and grounds which identify;
 - any fixed betting facilities;
 - areas that will be specifically used by 'on course' operators on race days;
 - the location of any gaming machines;
 - any temporary structures that will offer betting facilities;
 - mobile betting facilities and other proposed gambling facilities that are not already marked.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

4.2 (c) Conditions on rules being displayed

The Gambling Commission has advised in its Guidance for Local Authorities that "...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

4.2 (d) Betting Machines and Tracks

This Licensing Authority will expect the track operator to ensure that their premises complies with all the legislation set out in the Gambling Act 2005 to prevent children from using machines at tracks. Children are allowed to play Category D machines at tracks; however this Licensing Authority will be looking at the location of any adult gaming machines throughout the track premises, in order to guarantee that they are situated where children would be excluded.

Each application will be decided upon on a case by case basis, as due to the size and nature of a track premises there are significant problems with the potential abundance of machines that could be located. This Licensing Authority may look to moderate the number of machines or change the location of machines in order to meet the licensing objective which protects children from harm.

4.3 Bingo

Bingo does not have a statutory definition in the Gambling Act 2005, however there are two types of bingo most frequently played, cash bingo and prize bingo.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted this Licensing Authority will ensure that:-

- no more than 8 category B3 or B4 machines are provided in the premises;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that there is no restriction on the number of category C or D machines that can be on a premises.

Records may be checked by this Licensing Authority if they suspect a Licensee or Club is exceeding the turnover limit required in a 7-day period. Where appropriate the Gambling Commission will be consulted.

Bingo permitted on Alcohol Licensed Premises needs to be low level bingo. There is an expectation that information issued by the Gambling Commission will be complied with by the applicant; record keeping being a specific area of compliance.

'High level' bingo will require a Bingo Operating Licence.

When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.

4.4 Casinos

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casino premises licences will have conditions attached by this Licensing Authority in accordance with the Gambling Commission's Guidance outlined in paragraph 9 and their Licence Conditions and Codes of Practice.

4.5 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FEC); Licensed and Unlicensed. Licensed Family Entertainment Centres require a premises licence and can provide Category C and D machines. Whereas, Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (See permit section for further details).

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-barring schemes;
- Self exclusion scheme;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Clear separation between machines is needed in Licensed Family Entertainment Centres to make certain that children are not permitted access.

This Licensing Authority will refer to the Gambling Commission's website to ensure that up to date conditions are applied in relation to the way in which the area containing the category C machines should be defined. This will include any mandatory or default conditions.

There is an expectation from this Licensing Authority that all applicants of Licensed Family Entertainment Centres will meet the licensing objectives, comply with the Codes of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

5.0 Permits

The Gambling Act 2005 introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. A Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

5.1 Alcohol Licensed Premises Gaming Machine Permits

There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises licence holder is required to notify the Licensing Authority by completing the requisite application form and paying the prescribed fee. A new notification needs to be submitted after every transfer of premises licence holder.

The Designated Premises Supervisor is responsible for the supervision of gaming and there needs to be compliance with the Gambling Commissions code of practice.

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 gaming machines, then it needs to apply for a permit and this Licensing Authority must consider each application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. It will be expected of the applicant to satisfy this Licensing Authority that there will be sufficient measures put in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy this Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. The presence of notices and signage may also help. In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a gambling premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that this Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

5.2 Club Gaming and Club Machines Permits

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

The Gambling Commission Guidance states: "Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A Members' Club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include Working Men's Clubs, branches of Royal British Legion and clubs with political affiliations."

The Gambling Commission Guidance also notes that Licensing Authorities may only refuse an application on the grounds that:-

- (a) the applicant does not fulfil the requirements for a members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young person's;
- (c) an offence under the Gambling Act 2005 or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Gambling Act 2005 for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for Local Authorities states:- "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon

which an Authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:-

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that the holder must comply with regarding the code of practice concerning the location and operation of gaming machines to ensure that no child uses a category B or C machine on the premises.

Commercial clubs can only apply for Club Machine Permits and are expected to abide by the codes of practice from the Gambling Commission and with the Secretary of State's statutory stakes and prize limits.

5.3 Prize Gaming Permits

The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit".

This Licensing Authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit this Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

Further information may be sought from an applicant who applies for a prize gaming permit, such as:-

- the location of the machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- confirmation that the limits of stakes and prizes comply with the regulations and the law and that staff are knowledgeable of the limits and stakes;
- age verification scheme;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises;
- details of number of staff employed;

- evidence of public liability insurance documents;
- other policies or procedures in place to promote safeguarding of children and vulnerable persons from harm;
- commitment to enable data sharing e.g. the number of self-exclusions and underage attempts to gamble.

It should be noted that there are mandatory requirements in the Gambling Act 2005 which the permit holder must comply with. The Licensing Authority cannot attach conditions. The conditions in the Gambling Act 2005 are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

If this Licensing Authority intends to refuse an application for a prize gaming permit they will inform the applicant in writing and allow the applicant to make a representation against the decision.

5.4 Unlicensed Family Entertainment Centre

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications.

Safeguarding children will be a principal concern to this Licensing Authority when dealing with Unlicensed Family Entertainment Centres. Before granting a permit to an applicant for an Unlicensed Family Entertainment Centre this Licensing Authority will need to be satisfied that the premises will be used as such.

Applicants wishing to apply for a permit will need to show:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (these that are set out in Schedule 7 of the Gambling Act 2005; and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

5.4 (a) Statement of Principles

Additional information will be requested from this Licensing Authority when a permit is applied for by an applicant, such as:-

- the location of any cash machines and category D machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- information regarding the number of category D machines (space between machines needs to be considered for public safety);
- confirmation that applicants are aware of the limits of stakes and prizes that comply with the regulations and the law;
- proof of staff training that will be undertaken and records kept, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises;
- demonstrate that policies or procedures in place to promote safeguarding of children from harm, in this instance the harm does not refer solely to harm from gambling but also to include harm from any child protection issues;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises and the appearance of the premises externally;
- details of the number of staff employed;
- evidence of public liability insurance documents,
- commitment to data sharing e.g. the number of self-exclusions etc.

Renewals of Unlicensed Family Entertainment Centres are not subject to this statement of principles.

An application may be refused by this Licensing Authority if the applicant is unable to meet the requirements. If it is the intention of this Licensing Authority to refuse the application the applicant will be notified in writing setting out the reasons why.

Should the application be refused applicants have the right to appeal against the Licensing Authority's decision of refusal.

Refusals of a renewal application will occur if the premises has refused access to an Authorised Authority Officer without reasonable excuse; or by in renewing the permit it would have a detriment to the licensing objectives, principally non-compliance issues.

Unless a permit lapses or is surrendered it can remain for 10 years.

5.4 (b) Statement of Principles relating to Direct Access between Adult Gaming Centres and Un/Licensed Family Entertainment Centres

Applicants must consider the protection of children and other vulnerable persons from being harmed or exploited by gambling; therefore they must ensure that children do not have 'direct access' to adult premises and are not attracted to adult only areas.

There is no definition of 'direct access' therefore this Licensing Authority will look at each application on a case by case basis with regards to access. It may be preferable that there is an area that separates the premises from other areas that the public use for purposes other than gambling, so there is no direct access.

The principles below can be applied:-

- Partitions should be permanently fixed between premises and should not be transparent;
- A gaming/skills with prizes machine or any other machine should not form the partition or any part of the partition;
- Minimum height for partitions should be 1.75 metres and a maximum of 0.15 metres from the floor.

If legislation offers further definitions of either 'direct access' or 'separation' this Licensing Authority will recognise that.

6.0 Small Society Lotteries

It is illegal to run a Lottery that does not fit into one of the categories permitted by the law contained in the Gambling Act 2005. There are two categories that they can fall into; Licensed Lotteries that require an operating licence from the Gambling Commission and Exempt Lotteries which require registration with the Licensing Authority. There are further Exempt Lotteries that do not require registration with the Licensing Authority, but are still subject to regulations laid out in the Gambling Act 2005.

A Lottery is a form of gambling that has three essential elements; a payment is required to participate; one or more prizes are awarded; and those prizes are awarded by chance.

Small Society Lotteries are Lotteries promoted for the benefit of a Non-Commercial Society. Such Societies are organisations that have distinct aims and objectives and meet the definition of a Non-Commercial Society set out in the Gambling Act 2005.

For a Society to be Non-Commercial it needs to be established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity;
- and for any other Non-Commercial purpose other than that of private gain.

Types of Lottery that **require** permission:-

- Small Society Lotteries – the Society in question must be set up for Non-Commercial purposes. There is a top limit of £20,000 in tickets sales.
- Large Society Lotteries – similar to the Small Society Lottery, but there is a minimum of £20,000 in ticket sales.
- Licensing Authority Lotteries – run by the Licensing Authority, to help with any expenditure it normally incurs.

Types of Lottery that **do not require** permission;

- Private Society Lotteries – any group or Society except those set up for gambling. The proceeds of the Lottery must go to the purposes of the Society.
- Work Lotteries – these can only be run and played by colleagues at a particular place of work. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Residents' Lotteries – these can only be run and played by people living at a particular address. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Customer Lotteries – these can only be run by a business, at its own premises and for its own customers. No prize can be more than £50 in value. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.

- Incidental Non-Commercial Lotteries – these are held at Non-Commercial events, such as school fetes etc. All the sales and the draw must take place during the main event, which may last more than a single day. Prizes cannot total more than £500.

These limits and definitions are correct as of the date of publication of this document, however they may be subject to change in the future by Government Legislation and any amendments to these definitions or limits will be corrected in the appendices of this policy.

Those wishing to run a Lottery may wish to seek independent legal advice to clarify which type of Lottery category their Lottery will fall into.

6.1 Rules of Small Society Lotteries

For a Society to run a Small Society Lottery, no more than £20,000 worth of tickets can be put on sale for each Lottery and the accumulative total in proceeds from the lotteries cannot surpass £250,000 in a year. The Society must register with the Licensing Authority. If the Society is approaching its yearly limit and believes that it will be exceeded by the end of the year it is responsible for applying to the Gambling Commission for a licence before it exceeds the limit.

If a Society has registered with the Licensing Authority and wishes to sell tickets for a lottery by means of remote communication (internet, telephone etc.) the Gambling Commission does not require them to hold a remote gambling licence.

Even those Small Societies who's Lotteries fall below the staking and prize levels that would require them to have an operating licence are still required to register with the Licensing Authority.

This Licensing Authority will take into consideration the Guidance set out by the Gambling Commission when exercising its functions with regard to Small Society and Exempt Lotteries.

Participants of a Lottery should be a minimum of 16 years of age, it would be an offence if anyone younger was permitted to enter a Lottery; therefore those Societies whom are licensed need to have written policies and procedures that state how they are going to manage their Lotteries and therefore prevent cases of under-age play.

6.2 Proceeds and Prizes

There is no maximum price for a lottery ticket.

Rollovers are allowed providing the maximum single prize limit is not breached.

A Small Society Lottery must apply a minimum of 20% of the gross proceeds of each Lottery directly to the purposes of the Society. Up to a maximum of 80% of the gross proceeds of each Lottery may be divided between prizes and the expenses of the Lottery. The maximum prize in a single Lottery is £25,000 in the case of a Small Society Lottery.

6.3 Policy

This Licensing Authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

An application will be refused by this Licensing Authority if:-

- an applicant has held an operating licence that has been revoked in the preceding 5 years;
- or they have applied for registration of an operating licence in the preceding 5 years that has been refused.

This Licensing Authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

Applications may also be refused by this Licensing Authority if they are of the opinion that:-

- The applicant is not a Non-Commercial Society;
- A person who will or may be connected with the promotion of the Lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.
- Previous lottery returns have not been provided as required.

When applicants apply to this Licensing Authority, they will need to inform the Licensing Authority the purpose in which the Society was originally established and the Society will need to declare that they represent a bona fide Non-Commercial Society and have no relevant convictions. Further information may be sought from a Society by this Licensing Authority.

When an application is going to be refused the Society will have an opportunity to make a representation against the decision. This Licensing Authority will notify the Society of the reasons for the refusal in writing.

If this Licensing Authority is of the opinion that the Lottery registration of a Society needs to be revoked, due to a reason that they would refuse the application if it were being made at the time, they will inform the Society in writing. They will outline the evidence that has led to the decision being reached to allow the Society the opportunity to make a representation.

6.4 Social Responsibility

Lotteries are a form of gambling and therefore it is the responsibility of the Society running the Lottery to make sure that children and vulnerable people are not exploited by their Lottery.

7.0 Temporary/Occasional Use Notices

7.1 Temporary Use Notices

Under Part 9 of the Gambling Act 2005 a Temporary Use Notice allows the use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards Temporary Use Notices. Regulations state that Temporary Use Notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Section 218 of the Gambling Act 2005 refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. This is not the same as the references to 'premises' in Part 8 of the Gambling Act 2005. The reference to 'a set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

In considering whether a place falls within the definition of 'a set of premises', Licensing Authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months. A set of premises may be the subject of more than one Temporary Use Notice in a period of twelve months provided the maximum aggregate for which the Temporary Use Notices have effect does not exceed 21 days.

If this Licensing Authority feels that Temporary Use Notices are resulting in allowing regular gambling to take place in a place that could be described as one set of premises, it will object.

Acknowledgement to the applicant will be made by this Licensing Authority when they are in receipt of a Temporary Use Notice.

7.2 Occasional Use Notices

Section 39 of the Gambling Act 2005 provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Gambling Act 2005 for applying for an Occasional Use Notice are different to those for Temporary Use Notices.

While tracks are normally thought of as permanent racecourses, this Licensing Authority would note that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place.

This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

This Licensing Authority will, however, consider what constitutes a ‘track’ on a case-by-case basis and will keep a record of the number of notices served to ensure that the statutory limit of 8 days in a calendar year is not exceeded.

7.3 Travelling Fairs

The Gambling Act 2005 defines a travelling fair as “wholly or principally” providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines, but must comply with the legal requirements about the way the machine operates.

It will fall to this Licensing Authority to decide:

- whether the applicant falls within the statutory definition of a travelling fair
- whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met
- and whether category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs in this county.

It should be noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8.0 Decision Making

8.1 Representations

Licensing Authority Officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious. For a representation to be relevant it needs to relate to one of the three licensing objectives and be made by a Responsible Authority or Interested Party.

Representations made in relation to demand or competition will not be accepted as relevant, moral objections to gambling will also not be accepted. Representations will not be considered relevant if the issues raised can be dealt with by other legislation.

If it is the case that a representation is rejected then the person who made the representation will be informed in writing that it will not be considered.

Those wishing to make a representation against an application are encouraged to do so as soon as possible in order to allow time for both parties to mediate and come to an amicable resolution. This could involve the voluntary agreement of the applicant to place conditions on their licence.

The decision of the Licensing Authority Officer that the representation is not accepted cannot be appealed against.

8.2 Conditions

Any conditions attached to licences will be proportionate and will be:-

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as a way in which the licensing objectives can be met effectively.

If there is a breach of licence conditions these will be dealt with by enforcement action (see Inspection and Enforcement section for further details).

8.3 Door Supervisors

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Where operators and Licensing Authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

8.4 Delegated Powers

Licensing Authority Officers will be responsible for issuing licences and permits for applications where no representations were received; and when representations were received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place. Licensing Authority Officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and representations for reviews of premises licences or permits.

For those instances where representations have been made by an Interested Party and/or a Responsible Authority a hearing will be arranged and a Licensing Sub-Committee will sit to determine the outcome of the application. The Licensing Sub-Committee will be made up of three Councillors. Councillors from the same area as the application will not be able to sit on that Licensing Sub-Committee for that hearing.

The decision of the Licensing Sub-Committee will be sent to the applicant and all of those who had made a relevant representation. The decision will be clear, concise and include the reasons for the decision.

8.5 Provisional Statements

Section 204 of the Gambling Act 2005 provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:-

- Expects to be constructed
- Expects to be altered; or
- Expects to acquire a right to occupy

Provisional statements are dealt with in the same way as premises licence applications. Representations may be made by Responsible Authorities and Interested Parties, and there is a right to appeal.

An application for a provisional statement differs from an application for a premises licence in as much as those applying for a provisional statement do not have to fulfil the same criteria as those applying for a premises licence. In order to apply for a premises licence the applicant must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have

the right to occupy the premises. These criteria do not have to be in place at the time of submitting a provisional statement application.

As a provisional statement can be applied for without the applicant having the right to occupy the premises this Licensing Authority can accept more than one provisional statement for a premises.

When a provisional statement has been granted, this Licensing Authority is restricted by what it can consider when the premises licence application is submitted for the same premises. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this Local Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional licence stage; or
- which, in the authority's opinion, reflect a change in the operator's circumstances;
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this Licensing Authority will discuss any concerns they have with the applicant before making a decision.

9.0 Inspection and Enforcement

9.1 Enforcement

The Gambling Commission will be the enforcement body for operating and personal licences along with illegal gambling. The Licensing Authority will take the lead in ensuring compliance with licences/permits and any relevant Gambling Commission Codes of Practice.

This Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities when it comes to enforcement action they will take against premises. The action will be:-

- **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

9.2 Inspection

This Licensing Authority aims to inspect premises on a risk based approach to secure compliance with the Gambling Act 2005, the Gambling Commissions Code of Practice and the licensing objectives.

Authorised Officers will have the discretion as to the frequency of inspections and which premises require an inspection while gambling activities are taking place. Where appropriate joint visits will take place encompassing a number of relevant agencies.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

This Licensing Authority will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks.

9.3 Complaints

Wiltshire Council as the Licensing Authority will investigate all complaints received related to gambling activities and will have regard for the licensing objectives when addressing any complaints. Licensing Authority Officers will refer complaints to or liaise with other relevant agencies/council services as appropriate in order to get complaints addressed.

9.4 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted.

Requests for a review of a premises licence can be made by Interested Parties or Responsible Authorities; however, it is for the Licensing Authority to decide whether the application for review is accepted. Consideration will be made as to whether the request:-

- is frivolous, vexatious or
- will certainly not cause this authority to wish alter/revoke/suspend the licence, or
- whether it is substantially the same as previous representations or requests for review.
-

This will be on the basis of whether the request for the review is relevant to the matters listed below:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Licensing Authority's Gambling statement of principles

When a valid representation against a premises or a valid application for a licence to be reviewed has been received by this Licensing Authority from an Interested Party; this Licensing Authority may arrange for a meeting between the Interested Party and Licence Holder in order to try to reach an appeasement in relation to the issues raised. This may not always be appropriate and therefore the Licensing Officer may deem a hearing by the Licensing Sub-Committee necessary.

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

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

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

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

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Appendix A – Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

Appendix B – Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Fire Service
- Local Planning Authority
- Environmental Health
- HM Revenue and Customs

In relation to a vessel;

- a Navigation Authority,
- the Environment Agency,
- the British Waterways Board,
- the Secretary of State.

A Licensing Authority in whose area the premises is situated that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two.

A body designated in writing that is competent to advise the Authority in matters relating to the protection of children from harm: Wiltshire Children's Services Department.

Appendix C – Useful Contacts

Gamble Aware
www.gambleaware.co.uk

GamCare
Head Office
2nd Floor
7-11 St John's Hill
London
SW11 1TR

Main switchboard: 020 7801 7000
Fax: 020 7801 7033
Email: info@gamcare.org.uk

Freephone: 0808 8020 133

<http://www.gamcare.org.uk/about-us>

Domestic Abuse
<https://www.victimsupport.org.uk/help-victims/ive-been-affected/domestic-abuse>

Womens Aid
<http://www.womensaid.org.uk/>

Gamblers Anonymous UK
<http://www.gamblersanonymous.org.uk/>

Samaritans
<http://www.samaritans.org/>

Debt Advice

Step Change
<http://www.stepchange.org/Howwecanhelpyou/Debtadvice.aspx>

Citizens Advice Beareu
http://www.adviceguide.org.uk/wales/debt_w/debt_help_with_debt_e.htm

National Debt Line
<https://www.nationaldebtline.org/>

Gov.uk
<https://www.gov.uk/options-for-paying-off-your-debts/overview>

Money Advice Service
<https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

Further Information

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Fax: 0121 230 6720

Telephone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Business opening hours: 9am to 5pm, Monday to Friday

<http://www.gamblingcommission.gov.uk/Home.aspx>

The Licensing Authority
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

publicprotectionnorth@wiltshire.gov.uk

www.wiltshire.gov.uk

Department for Culture, Media and Sport

<https://www.gov.uk/government/organisations/department-for-culture-media-sport/about>

Wiltshire Council

Licensing Committee

21 September 2015

**De regulation Act 2015 and Changes to
Licensing Fees**

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

Executive Summary

This report has been created to update members on the changes to licensing fees as a result of the De regulation Act 2015 (the Act) and for the Committee to agree new fees to apply and come into effect from 1 October 2015.

The aim of the Act is to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.

In addition, approval is sought to introduce a cancellation and missed appointment charge to taxi drivers that fail to attend a variety of pre-booked appointments such as vehicle inspections, renewals of licences and knowledge checks.

Proposal

The Licensing Committee is asked to agree the revision of renewal fees for hackney carriage and private hire driver and operator licences to:

- (i) the revision of fees from
- £71 Annual driver renewal fee
 - £91 Initial driver licence
 - £86 Annual operator charge for initial and renewal

to:

- £213 - Driver renewal (three year licence)
- £233 – Driver initial licence
- £430 - Operator renewal (five year licence)
- £430 – Operator initial licence

- (ii) The introduction of a cancellation charge for missed and cancelled appointments with less than 24 hours notice.
- (iii) If option (ii) is approved, set the fee of £25 for a missed appointment.

The new fees will take effect from 1 October 2015.

Reason for Proposal

Section 10 of the Deregulation Act 2015, which comes into effect on 1 October 2015, amends the standard duration of drivers' licences for hackney carriages and drivers' and operators' licences for private hire vehicles. As a consequence, the driver and private hire operator renewal charges will need to be amended to reflect these statutory changes.

From 1 October 2015, all hackney and private hire driver licences must be for a duration of three years unless there is a specific reason in individual cases to make it less. Previously the licensing authority could choose a duration period of up to three years, Wiltshire Council is currently licensing drivers annually.

In addition, all private hire operator licences must now be for five years, unless there is a specific reason in individual cases for this to be less. Wiltshire Council currently licences operators annually.

The council adopted an appointment system for drivers and operators to allow optimisation of officer time and reduce waiting time for drivers and operators. However, appointments are frequently missed by drivers or cancelled last minute, causing breaks in workflow and the need for additional appointments; therefore, a charge is proposed to discourage this practice.

Tracy Carter
Associate Director, Waste and Environment

**De regulation Act and Changes to
Licensing Fees**

Purpose of Report

1. To consider the licence fees for the renewal of hackney carriage and private hire drivers and private hire operators for the regulated area of Wiltshire Council in light of recent legislative changes.
2. To consider introducing a charge for hackney carriage and private hire drivers when appointments are missed and also when appointments are cancelled without good reason with less than 24 hours notice.

Relevance to the Council's Business Plan

3. The process of controlling and licensing hackney carriage and private hire vehicle operators assists the council in achieving a number of the outcomes in the Business Plan 2013-2017.

Business Plan Outcomes:

- 1 - Wiltshire has a thriving and growing economy
- 3 - Everyone in Wiltshire lives in a high quality environment
- 5 - People in Wiltshire have healthy, active and high-quality lives
- 6 - People are as protected from harm as possible and feel safe.

Main Considerations for the Council

4. In line with the De regulation Act 2015, from October 2015 officers will see drivers for licence renewal every three years and operators every five years, rather than annually; the driver and operator renewal fees have been amended to reflect this change.
5. Less officer time will be spent on driver and operator renewal appointments. This will allow officers time to undertake a more planned approach to enforcement and other compliance duties.
6. Currently, a driver renewal charge is £71. The revised fee of £213 for a three year licence has taken into consideration the current income and expenditure to the service.
7. The initial charge to a driver licence charge takes into consideration the initial charge of the licence at £91 and then two years of the renewal charge at £71, making the total initial charge for a driver licence £233.

8. Currently, a private hire operator renewal charge is £86, the revised fee of £430 for a five year licence has taken into consideration the current income and expenditure to the service.
9. Drivers would need to give 24 hours notice for cancellation of an appointment. Exceptional circumstances will be taken into consideration.
10. The cancellation fee of £25 includes officer time as well as the cost of the office and depot space required to carry out the appointment.
11. Case studies show a majority of other local authorities make a charge to drivers for cancellations of appointments and loss of time, such as Cornwall Council, Bedford Borough Council, Trafford Council and Nuneaton and Bedworth Council.
The following figures give a breakdown of costs against income for the licensing service (period 2014/15.)

Salaries	£163,700
Equipment Purchased	£12,000
Mileage and Fuel	£2,432
DBS checks	£12,496

Central Costs - Based on 2014/15

ICT	£32,990
Business Services	£864
Human Resources	£9,518
Communications	£3,982
Finance, Procurement and IA	£1,534
Admin and Property	£27,598
Insurance	£2,246
Total Expenditure	£269,360
Licensing Income	£268,111 (-£1,249)

12. The above financial information indicates that current charges are set at a level which recovers reasonable costs associated with providing the licensing service i.e. no large surplus or deficit is made on the council providing the licensing service. Income and expenditure have been projected over the next five years to ensure costs will be recovered in future years. The cost base of moving to a three and five year renewal for the respective licences is not anticipated to be significant, i.e. no material savings are anticipated to be achieved in shifting from an annual renewal to a longer period. Therefore, it is assumed prudent to continue with current fees but increase these in line with the longer periods which they cover. Inflation has been added to the expenditure for this exercise.

13. The cancellation cost has been calculated as follows:

Post	Hourly Rate	Hourly Rate with On costs
Compliance Officer	£14.06	£16.37
Vehicle Compliance Officer	£12.68	£14.77
Compliance Assistant	£9.87	£11.34
	£31.61	£42.48
Cost per half an hour appointment		£21.24

Allowing for a small cost for depot and office space, £25 would be a reasonable charge to make for an appointment cancellation.

Background

14. The Local Government (Miscellaneous Provisions) Act 1976 has been amended. The Government has introduced the Deregulation Bill as part of its drive to reduce the overall burden of regulation on business and individuals.

The Deregulation Bill 2015 received Royal Assent on Thursday 26 March 2015.

15. From 1 October 2015 all hackney and private hire driver licences must now be for a duration of three years, unless there is a specific reason in individual cases to make it less. This will be for reasons such as the age of the driver. Previously, the licensing authority could choose the duration period of up to three years, Wiltshire Council is currently licensing drivers annually.
16. All private hire operator licences must now be for five years unless there is a specific reason to be less in individual cases. Wiltshire Council currently licences operators annually. This will reduce the administrative burden of having to make more frequent licence renewals. More officer time can be spent on enforcement.
17. In addition, from 1 October, private hire operators may subcontract a job to a licensed operator in another district (zone) whereas currently it is only legal to subcontract within the same licensing district. Officers are unable to enforce in other counties and will rely on contact with other authorities for enforcement.
18. Drivers frequently cancel a variety of appointments, including renewals and inspections, without notice and also miss appointments without informing the team they are unable to attend. This has an impact on cost and resource within the service. When appointments are missed and cancelled without notice, it leaves the Vehicle Compliance Officer or Compliance Officer with available time within their appointments. This time could have been allocated to another driver for an appointment with sufficient notice. This also necessitates another appointment which means officers have less time to undertake other duties such as enforcement which the trade are requesting.
19. The council last reviewed the licence fee in 2012; the opportunity has been taken to review the fee to ensure that the council recovers its costs.
20. The payment of the fee will be at the beginning of the licence period, for the whole period, to ensure that debt management costs do not increase.

Safeguarding Implications

21. The introduction of a missed appointment penalty system will help ensure that drivers are motivated to renew their CSE training and therefore their awareness of safeguarding children

Public Health Implications

22. If a cancellation or missed appointment charge is not implemented there could be a reduction in the service given to both the trade and placing public safety at risk. This is due to the Compliance Team being unable to check driver and vehicle information and allowing them to still operate if an appointment is not rebooked.
23. The missed appointment charge should have a deterrent effect on providers missing appointments and this will lead to better guarantees for potentially vulnerable or disabled clients that their appointments will not be disrupted.

Environmental and Climate Change Considerations

24. There are no environmental or climate change considerations.

Corporate Procurement Implications

25. There are no direct procurement implications arising from this report.

Equality Impact of the Proposal

26. The impact of these proposals is assessed as 'low' against the council's statutory responsibilities.

Risk Assessment

27. If the driver and operator renewal fees are not amended in line with the De-regulation Act 2015, the council will be open to legal challenge.

Financial Implications

28. The charges proposed in the report are anticipated to recover reasonable costs associated with providing the service. It is recommended that the charges are reviewed on a periodic basis to ensure this is the case.
29. If a cancellation charge isn't introduced, the Licensing service will operate inefficiently due to missed appointments where the time cannot be re-allocated to another driver.

Legal Implications

30. Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to charge fees for hackney carriage and PHV driver's licences. The fees charged must be reasonable, with a view to covering the costs of issue and administration. Similarly, section 70 of that Act allows the council to charge fees for operator's licences which, together with charges for vehicle licences, are intended to cover the reasonable cost of inspecting vehicles, providing taxi ranks and supervising hackney carriages and PHVs.

31. Because the council is not proposing to amend the equivalent annual fees for operator's licences, there is no requirement to advertise the proposed changes before they are implemented.

Conclusion

32. There is a demonstrable need to revise the fees to three yearly for driver badge renewals and five years for private hire operator renewals.
33. The figures in the table above demonstrate the council will charge the same amount for appointments but multiplied this by the new length of the licence to ensure costs are covered.
34. There is a need for the introduction of a cancellation charge of £25 by the council to the trade for missed appointments and appointments cancelled without at least 24 hours notice. The charge has been kept to a level required to cover the council's costs in providing the service.

Proposal

35. The Licensing Committee is asked to agree the revision of renewal fees for hackney carriage and private hire driver and operator licences to:
- (i) the revision of fees from
- £71 Annual driver renewal fee
 - £91 Initial driver licence
 - £86 Annual operator charge for initial and renewal
- to:
- £213 - Driver renewal (three year licence)
 - £233 – Driver initial licence
 - £430 - Operator renewal (five year licence)
 - £430 – Operator initial licence
- (ii) The introduction of a cancellation charge for missed and cancelled appointments with less than 24 hours notice.
- (iii) If option (ii) is approved, set the fee of £25 for a missed appointment.

The new fees will take effect from 1 October 2015.

Tracy Carter
Associate Director, Waste and Environment

Report Author: Gemma Sadd
Contact Details: 01225 770465

Background Papers
De-regulation Act 2015

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Update on Wiltshire Alcohol Strategy 2014 – 2018

& Licensing Response

1. Purpose of Update

- 1.1 Members of the Committee are asked to note the Wiltshire Alcohol Strategy 2014 – 2018 which was approved by Cabinet on 21 April 2015.

2. Alcohol Strategy

- 2.1 The Wiltshire Alcohol Strategy 2014-18 (see Appendix 1) will provide the strategic direction for Wiltshire Council and its partners in promoting responsible drinking levels and reducing alcohol related harm.
- 2.2 The aim of the strategy is to provide a basis to inform Wiltshire's work in addressing alcohol related harms across a range of sectors (including healthy living and prevention, treatment and support services, night time economy initiatives and community wide engagement) over the next 3-4 years.
- 2.3 The strategy document is a high level vision document designed to enable the development of a delivery plan to meet identified need. Such plans may also contribute to public health and public protection activities for the delivery of services both to reduce and prevent alcohol related harms in Wiltshire.
- 2.4 Overall delivery, management and performance of the strategy will be overseen by the Joint Strategy & Commissioning Group (JSCG), a sub-group of the Wiltshire Community Safety Partnership. Progress will be monitored and coordinated via the Public Health Team; with engagement from all key partners.

3. Objectives

The key overarching objectives of the strategy are to:

- 3.1
- Raise awareness of sensible and responsible drinking levels and reduce the levels of high risk drinking
 - Reduce the level of alcohol related harm
 - Support individual treatment need to reduce levels of chronic and acute ill health caused by alcohol
 - Maintain Wiltshire's safe communities and economy environments
- 3.2 The strategy emphasises a partnership/multi-agency approach in delivering against the above objectives with 4 key thematic areas identified as a framework for action:

Theme 1 – Prevention

Improve knowledge about the risks of harmful drinking

Theme 2 – Intervention

Deliver high quality support services to meet individual needs

Theme 3 – Protection

Effective partnership approaches for a safer Wiltshire

Theme 4 – Engagement

Developing stronger and more resilient communities

4. Public Health Implications

- 4.1 Alcohol misuse and its associated health and other harms can negatively impact people's lives in many ways. Investing in targeted and well run alcohol interventions saves money. This alcohol strategy aims to minimise the health and other hidden harms, violence and antisocial behaviour associated with alcohol; whilst ensuring people in Wiltshire are able to enjoy alcohol safely and responsibly.
- 4.2 The outcomes of this strategy should assist in contributing to, reductions in health inequalities, and improving the health and wellbeing of Wiltshire's whole population. The strategy focusses on prevention by seeking to raise awareness of the harms associated, with excessive alcohol consumption. The strategy therefore aligns with the aims of the Wiltshire Health and Wellbeing Strategy.

5. Priorities Identified: 2015/16

- Reduce the under 18's alcohol related hospital admissions.
- Raising the awareness of the impact of drinking in the home to identified groups.
- Raising awareness of harmful consumption levels.

6. Licensing Service response

- Carry out visits to licensed premises to ensure age verification checks being a carried out.
- Participate and assist with three community engagement events linked to "The big Drink Debate model.
- Hold a forum with multiagency participation, to engage with a variety of operators from the licensed industry on a number of relevant topics.
- Improve intelligence pathways to aid information transference and collection to assist with safety guarding of vulnerable individuals/groups.

7. Proposal

- 7.1 That the Committee note the update.

**Prepared by Linda Holland – Public Protection Team Leader (Licensing)
September 2015**



Wiltshire Alcohol Strategy 2014 – 18



Foreword

We are delighted to present our new Alcohol Strategy for Wiltshire. This sets out the strategic priorities for local partners and identifies how we will tackle alcohol related harm and associated anti social behaviour over the next three years.

There can be no doubt that tackling alcohol-related harm is a priority both nationally and locally. Although the majority of people do consume alcohol sensibly, a significant number of people are exceeding safe drinking levels. Many who exceed those safe limits lack information about what safe levels are and the risk to health, however, the consequence is that stronger alcohol and generous home measures are impacting on people's health, often without them realising. We can combat this through promoting understanding of what a unit is, how many units are considered a safe drinking limit and how important it is to know the strength of the alcohol being consumed.

Every year we are seeing more and more people admitted to hospital with alcohol related conditions. Our priority is to promote a sensible drinking culture where everyone is aware of both the damage that alcohol can cause and the simple steps they can take to reduce that risk.

We aim to tackle the excessive consumption of alcohol that can lead to dependence which can ruin the lives of individuals and their friends and families. Alcohol addiction is characterised by a strong compulsion to drink, which can be severely damaging to a person's health and relationships. The approach we set out here will allow us to help those who are dependent and, crucially, to reduce the number of people who become dependent.

This approach is threefold:

- The alcohol strategy and licensing will be managed by the same team to allow us to empower local areas to tackle alcohol related harm; making it easier to act against problem premises, to use licensing powers to reduce the density of licensed premises and, most importantly, to make protecting public health a licensing objective.
- To have a clear needs assessment and strategy that informs commissioning of effective, accessible treatment services, and;
- To prioritise prevention by raising awareness amongst adults of the impact of alcohol and the risks of dependency, by educating young people on the dangers of alcohol, and by reversing a culture of acceptability of underage drinking. Along with reducing alcohol-related anti-social behaviour and crime in our communities and town centres, we aim to have safe town centres at night as well as a vibrant night time economy where alcohol is sold and consumed responsibly.

We are launching this strategy at a challenging time for public services, when we are working to deliver better services with less funding. However, through maintaining and developing our strong partnership approach we are confident we can make a real difference in reducing alcohol related harm across Wiltshire.



Maggie Rae

Maggie Rae

Director of Public Health and Corporate Director



Keith Humphries

Keith Humphries, Cabinet Member

Health, including Public Health and Adult Care



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Acknowledgements

This strategy document has been prepared by Wiltshire Council's Substance Misuse Commissioning Team.

Thanks are extended to all those who have assisted in the development of this strategy document.

This includes Wiltshire residents who took part in the Big Drink Debate survey during August and September 2014. Information and results from the Big Drink Debate survey are included later in this document.

Partnership representation and staff from:

BGSW Community Rehabilitation Company

Department for Work and Pensions

HM Prison Service - HMP Erlestoke

Ministry of Defence

National Probation Service

Public Health England – Alcohol and Drugs Team

Wiltshire Addiction Support Project (WASP)

Wiltshire Council – Children and Youth Services

Wiltshire Council – Knowledge Management Team

Wiltshire Council – Public Health and Public Protection Team

Wiltshire Council – Substance Misuse Commissioning Team

Wiltshire Community Safety Partnership

Wiltshire Police



Introduction

The use of alcohol in our society has changed dramatically over recent decades. Whilst many people enjoy and consume alcohol in moderation, factors such as the wider availability and affordability of alcohol have contributed to increased levels of alcohol related harm both locally and nationally. As noted by the Chief Medical Officer¹, the UK population in 2012 consumed about twice as many units of alcohol per person as the population fifty years ago.

The UK, has seen a 25% increase in liver disease between 2001 and 2009; with hospital admissions for liver disease (including alcoholic liver disease) continuing to rise. It is estimated that the annual cost of alcohol harm to the NHS in England is £3.5bn² (2009/10 prices).

Alcohol misuse also imposes wider harms and costs on society; such as crime and disorder, social and family breakdown and sickness absence. Estimated costs³ of alcohol misuse and crime in England are £11 billion per year (2010-11 costs) with the costs of alcohol related lost productivity in the UK of £7.3 billion per year (2009-10 costs). These costs also place additional burden and demand upon public services across a wide range of sectors; including health, social care, criminal justice, public protection and environmental services.

As such, the need to address alcohol related harm has gathered significant momentum in recent years; with publication in March 2012 of HM Government's Alcohol Strategy; which seeks to "reshape the approach to alcohol and reduce the number of people drinking to excess".

Addressing alcohol related harm is therefore complex and requires a long-term and structured approach. This refreshed and updated alcohol strategy for Wiltshire is informed and directed by national and local policy drivers, alongside statutory and regulatory frameworks. More information can be found in the appendix.

Developments following the Wiltshire alcohol strategy 2009-11

The first Wiltshire alcohol strategy and implementation plan ran during 2009-11; with further action plans running in 2011-12 and 2012-13. Previous plans focussed on four key themes to:

Prevent adults and young people from harming themselves and others by improving knowledge about the risks of hazardous drinking.

Intervene by providing better services to help people who have problems as a result of alcohol misuse, as well as their families or carers.

Take **enforcement** action against those committing alcohol related crime and anti-social behaviour.

Provide effective **rehabilitation** programmes for those within the criminal justice system.

Much progress has been achieved in Wiltshire following the previous alcohol strategy and implementation plans. This includes production of a dedicated alcohol needs assessment document alongside:

- Delivery of alcohol awareness raising training to multi-agency frontline staff including: health, adult social care (older people), education and youth development
- Targeted alcohol licensing and anti-social behaviour training to police and other relevant frontline staff groups
- Targeted alcohol health promotion activities: Alcohol Awareness Week (2012) and work with Wiltshire Council Occupational Health Team
- Establishment of multi-agency Licensing Tasking Group
- Launch of a specialist Alcohol Liaison Nurse (ALN) service at Salisbury Foundation Trust Hospital alongside joint working with the Royal United Hospital, Bath ALN service
- Launch of the Hidden Harm Strategy
- Targeted diversionary activities for children and young people
- Delivery of alcohol screening and brief interventions within HMP Erlestoke
- Delivery of alcohol arrest referral programme: Alcohol Referral Programme for Offenders and Victims (ARPOV)
- Streamlining and improvement of criminal justice interventions including SWITCH partnership approaches and delivery of Alcohol Treatment Requirements (ATRs)
- Data sharing system in place regarding alcohol related violence presentations at hospital emergency departments/minor injury units
- Use of Drink Banning Orders and multi-agency community safety approaches
- Targeted licensing approaches including a programme of test purchases
- Implementation of joint council and police inspections of door staff

Additional developments as a result of the last Wiltshire Alcohol Strategy:

- Launch of the new integrated drug and alcohol treatment service for adults: Wiltshire Substance Misuse Service (WSMS) using a new CarePath case management database
- Launch of the 'Alco hazards' Children and Young People's Project (2012) and Parents Project (2014)
- Re-design and tendering of the Motiv8 children and young people's substance misuse service (2014)
- Launch of primary care based alcohol screening, identification and brief advice (IBA) services in selected pharmacies and GP surgeries
- Extension of specialist substance misuse carer services
- Purple Flag status awarded for Salisbury (2012 and 2013)
- Delivery of multi-agency street drinkers project
- Extension of housing provision for those engaged with or exiting treatment services (alcohol and drugs)
- Securing a 3 year 'preparation for employment' programme (Skills Into-Employment); to support the recovery process
- Ongoing delivery of Royal College of General Practitioners (RCGP) specialist alcohol misuse training programme for GPs/primary care health professionals in Wiltshire
- Production of an updated alcohol needs assessment for Wiltshire 2013-14

Some of these developments also reflect Wiltshire's ongoing commitment and success in working with our third sector/voluntary and community organisation partners to address alcohol related harms.

Understanding the local profile

Wiltshire is a predominantly rural county in the south-west of England with a population of 476,816⁴. Although centrally divided by the large expanse of Salisbury Plain, Wiltshire has many market towns and villages; with mixed and vibrant communities. Wiltshire is also home to world-renowned cultural and heritage destinations such as Stonehenge and the internationally established WOMAD - World of Music, Arts and Dance Festival.

Larger populations live within the cathedral city of Salisbury to the south and in other towns such as Trowbridge and Chippenham to the north of Salisbury Plain. According to 2011 census figures, Wiltshire has a lower proportion of ethnic minorities (6.6%) than the South West region as a whole (8.2%)⁵. Wiltshire also has an ageing population. The county's fastest population increase has been, and will continue to be, in the number of people aged 85 years and over⁶.

The armed forces and their families form a significant population group in Wiltshire; with numbers set to expand significantly in future years as the Ministry of Defence relocates service personnel from overseas locations to Wiltshire in 2015-19. Plans are ongoing to accommodate approximately 11,000 military personnel and their families in the Salisbury Plain area to the south of the county⁷.

Wiltshire can generally be considered an area of prosperity with a high economic activity rate for residents aged 16-64⁸ and higher than average life expectancy rates. Despite this, the recent economic downturn has impacted Wiltshire residents. Around 1 in 12 people (8%)⁹ said their health had got worse for reasons connected to the economic downturn and there is a higher rate (compared to England and other south-west regions) of young people not in employment, education or training. Wiltshire has some areas of deprivation; with life expectancy 6.6 years lower for men and 3.8 years lower for women in Wiltshire's most deprived areas¹⁰.

Wiltshire is a safe county with lower levels of recorded crime than national averages. Despite this, alcohol related violence and anti-social behaviour does have an impact upon our communities across the county.

Night time economy

Alongside other areas of the UK, alcohol forms an important component of the local economy; with the diverse range of licensed premises throughout Wiltshire making a major contribution to attracting both initial and repeat visitors. Recent indicators¹¹ continue to demonstrate Wiltshire as having a higher level (as compared to the regional average) of employees in bars; with over 1,500¹² licensed premises in our locality.

Drinking behaviours in Wiltshire

Alcohol problems are widespread across the UK. Whilst it is difficult to accurately record levels of alcohol consumption and drinking behaviours; it is estimated there are over 4,200¹³ dependent drinkers (aged 18 – 75 years) in Wiltshire. Further estimates¹⁴ suggest there are over 132,000 people in Wiltshire classified as drinking at 'increasing' or 'higher' risk levels. Wiltshire also has a greater proportion of higher risk drinkers (6%) as compared to the south west average of 4.7%.

Alcohol related hospital admissions

The data collection and analysis methods for tracking the numbers of people admitted to hospital for alcohol related reasons has recently changed¹⁵. However, in the period 2012-13 in Wiltshire, we know that 1,246 people were admitted to hospital for an alcohol specific condition¹⁶. 119 people in Wiltshire also died from chronic liver disease in the period 2010-12¹⁷. Numbers of alcohol specific in-patient hospital admissions for individuals aged under 18 in Wiltshire has remained relatively static with 67 alcohol related admissions in 2011-12 (as compared to 74 in 2010-11 and 59 in 2009-10)¹⁸.

Additional work was undertaken in 2014 to explore the reasons behind repeat alcohol related hospital admissions of Wiltshire residents which will further inform our planning to address this issue.

Alcohol and violence; including domestic abuse and alcohol related recorded crimes

2012-13 Wiltshire Police data shows 2,163 alcohol related arrests were recorded in the county. A large proportion of the arrests occurred in Salisbury; with the top 3 offence types being assault, drink driving and drunk and disorderly. 27 sexual offence alcohol related arrests were shown¹⁹.

Although alcohol related domestic abuse crimes in Wiltshire have decreased from a peak in August 2010; alcohol related domestic abuse crime in Wiltshire increased by 2.7% in the 12 month period recorded (2012-13)²⁰. There were 1,234 domestic abuse crimes recorded in Wiltshire between August 2012 and July 2013²¹. These figures should be considered as a 'proxy indicator' for the volume of domestic abuse related crime where alcohol has been involved.

Other intelligence sources, including information from the drug and alcohol needs assessment 2013-14, have also helped inform our understanding and identify:

- During 2012-13, 544 adults were in alcohol treatment in Wiltshire, with a further 233 adults in drug treatment who cited additional problematic alcohol use²²
- 83 young people received substance misuse (alcohol and/or drug) treatment between April 2013 and February 2014 in Wiltshire. Cannabis and alcohol continue to be the main drugs for which treatment is sought amongst young people locally²³
- Wiltshire's hidden harm needs assessment²⁴ undertook an analysis of serious case reviews. This indicated that parental substance misuse, domestic abuse, mental health and physical abuse were key characteristics. It also estimates a minimum of 3,255 children are affected by parental alcohol misuse in Wiltshire
- There is a strong correlation between alcohol related admissions and local deprivation in Wiltshire. Admissions in the most deprived quintile are 61% higher than in the least deprived quintile²⁵
- A new Alcohol Liaison Nurse Service commenced in 2012 at Salisbury Foundation Trust Hospital. In the period October 2012 – July 2013, 639 new referrals were received²⁶
- Alcohol (and/or drug) misuse impacts negatively

upon the carers and family members of those with substance misuse problems. Of those adults accessing dedicated carer support services in Wiltshire in 2012-13, 54 cared for an individual with alcohol misuse problems²⁷

- In 2013-14 there were 15 'drug related deaths' notified to the council's substance misuse commissioning team. Of these deceased individuals, 11 had received treatment for alcohol misuse
- Use of specific schemes such as Drink Banning Orders have been successful in Wiltshire
- Alcohol Treatment Requirements (ATR) continue to be successfully delivered for adult offenders under probation supervision, through partnership working with the Wiltshire Substance Misuse Service

There are also areas where our knowledge, understanding and partnership working can be developed and improved:

- The impact of alcohol misuse upon Wiltshire's vulnerable and minority ethnic communities. Other specific groups include:
 - Canal and river dwellers
 - Older people
 - Those with mental health problems including dual diagnosis
 - Children and young people at risk from parental/carer substance misuse
 - Lesbian, Gay, Bisexual and Transgender (LGBT) groups
 - Offenders and those involved with the Criminal Justice System
- The impact of alcohol misuse in the workplace
- The prevalence of alcohol (and drug misuse) problems in both serving and ex-military personnel
- The underlying reasons for adult's re-entry into the treatment system
- Improved links with ambulance services
- Extent of counterfeit alcohol sales
- Prevalence of Foetal Alcohol Spectrum Disorder (FASD) in Wiltshire

What does this mean and how do we now move forward?

Addressing and reducing alcohol related harm is both complex and challenging. As a result of the work achieved with Wiltshire's last alcohol strategy and alongside our analysis of the current picture of alcohol related need in Wiltshire; we have identified four key thematic areas as a framework for action in 2014-18:

Theme 1 – Prevention

Improve knowledge about the risks of harmful drinking

Theme 2 – Intervention

Deliver high quality support services to meet individual needs

Theme 3 – Protection

Effective partnership approaches for a safer Wiltshire

Theme 4 – Engagement

Developing stronger and more resilient communities

Each theme is explored in more detail later in this document; with our priorities for action being guided by strong intelligence and evidence. We also aim to co-ordinate action and activities in a multi-agency and partnership led approach to make best use of our resources and target future investment. This work will be undertaken through a specific delivery plan to support the implementation of the alcohol strategy. More information on the development and implementation of the delivery plan is included later in this document.

Our aims and approach

Alcohol misuse and its associated health and other harms can negatively impact people's lives in many ways. Investing in targeted and well run alcohol interventions saves money. For every 5,000 patients screened in primary care, this may prevent 67 A&E visits and 61 hospital admissions, saving £90,000 against a cost of £25,000²⁸. Similarly, using a targeted and well run approach to the night time economy in Wiltshire can bring great benefits to our local communities in terms of the local economy and employment opportunities; alongside positive community integration and enjoyment.

This alcohol strategy aims to minimise the health and other hidden harms, violence and anti-social behaviour associated with alcohol; whilst ensuring that people in Wiltshire are able to enjoy alcohol safely and responsibly. This approach does pose some inevitable tensions and it must be acknowledged that whilst the burden of harm related to alcohol misuse is likely to increase when considering age and health profiles in Wiltshire, public sector funding budgets will remain under close scrutiny.

Our public sector delivery environment is also one of constant change; including significant changes resulting from the government's transforming rehabilitation plans due to take place during the course of this strategy's lifetime. The arrival of significant numbers of armed forces personnel and their dependents to Wiltshire in future years is another facet of considerable change for our county. These issues present both exciting opportunities for new ways of working alongside challenges; which this alcohol strategy aims to embrace.

Strong partnership approaches are therefore integral to effectively addressing alcohol related harms in Wiltshire. Our key strategic partners include:

HM Prison Service – HMP Erlestoke

Ministry of Defence

National Probation Service and BGSW Community Rehabilitation Company

NHS Wiltshire Clinical Commissioning Group (CCG)

Wiltshire Council

Wiltshire Fire and Rescue Service

Wiltshire Police and Crime Commissioner (PCC)

Wiltshire Police

Working in partnership, the key overarching objectives of this refreshed alcohol strategy are to:

- Raise awareness of sensible and responsible drinking levels and reduce the levels of high risk drinking
- Reduce the level of alcohol related harm
- Support individual treatment need to reduce levels of chronic and acute ill health caused by alcohol
- Maintain Wiltshire's safe communities and manage our night time economy environments

Consultation and feedback

This refreshed alcohol strategy for Wiltshire will again adopt a thematic approach to guide our priorities for action. The involvement of our local communities is also an important element in the development of our plans to reduce alcohol related harms. The alcohol strategy will therefore be informed by feedback from a public consultation process. This was undertaken by Wiltshire Council during 2014 and 2015 as part of Wiltshire's Big Drink Debate.

Implementation of the Strategy

The lead delivery manager for this alcohol strategy and its associated delivery plans is the Drug and Alcohol Delivery Manager (Public Health Consultant) based within Wiltshire Council's Public Health Team. Contact details can be found in the 'useful contacts' section at the end of this strategy.

Delivery, management and performance of the Wiltshire alcohol strategy 2014-18 will be overseen by the Joint Strategy and Commissioning Group (JSCG) at Wiltshire Council; a sub-group of the Wiltshire Community Safety Partnership. Progress of the strategy will be monitored on a quarterly basis and will be coordinated by Wiltshire Council's Public Health Team; with engagement from all key partners.

This strategy will have associated delivery plans which will operate over a four year period 2014-18. The delivery plan will be produced and reviewed on an annual basis in order to ensure it remains a dynamic and relevant document for Wiltshire; with clear and achievable objectives which are responsive to local needs and changing policy/legislative frameworks.

Alcohol Strategy 2014 - 18

Theme 1. Prevention

Improve knowledge about the risks of harmful drinking



Improve knowledge about the risks of harmful drinking

Alcohol misuse has far reaching effects on individuals, their families and local communities; in addition to the consequent impact upon local services in responding to, managing and treating alcohol related harms. Alcohol is 10% of the UK burden of disease and death, as measured by DALYs (disability adjusted life years) lost; smoking is 15%. By this measure, alcohol is one of the three biggest lifestyle risk factors for disease and death in the UK, after smoking and obesity²⁹. Improving public awareness about the risks of harmful drinking therefore plays an important role in alerting people to harms they might not be aware of, as well as helping them to change their behaviour.

Big Drink Debate:
57% correctly identified drinks containing the most units of alcohol

In addition to preventative health promotion work and training, this theme will also focus on preventative approaches to working with children and young people.

As the government's alcohol strategy 2012 notes, "supportive relationships, strong ambitions and good opportunities are key protective factors against early drinking and young people's misuse of alcohol".

Some areas identified for further development under this theme following the last alcohol strategy include:

- Ongoing development of strategic approaches across public health functions
- Wider community safety work to inform communication and public awareness raising

Our priorities for action:

We will aim to raise public awareness of alcohol related harms by developing a strategic approach with our partners and delivering targeted campaigns.

We will continue to train our frontline staff and voluntary sector partners to recognise the signs of harmful drinking; including that of parental/ carer alcohol misuse and risks linked to Child Sexual Exploitation (CSE).

We will aim to improve alcohol awareness within the workplace.

We will work with the Ministry of Defence to raise awareness of alcohol related harms to armed service personnel, and to support the forthcoming military personnel re-basing plans.

We will work to continue to reduce risks of alcohol related harms to children and young people through awareness raising activities in schools, colleges and with prospective parents; alongside the provision of diversionary activities. This work will link to targeted interventions to identify, prevent and protect children and young people at risk of Child Sexual Exploitation (CSE) in Wiltshire.

How we will know we have been successful and the progress measures we can use:

- Increased referrals to specialist community-based treatment services from multi-agency/voluntary sector partners; including older adults, maternity services and children and young people (CYP)
- Improved links and partnership working between WSMS, Motiv8 and CYP services
- Enhance young people's motivation to attend, alongside their successful and consistent engagement with diversionary schemes
- Reduction in hospital alcohol related admissions
- Improved knowledge and data on FASD prevalence in Wiltshire
- Increased uptake of alcohol identification and brief advice (IBA) sessions in primary care settings including GP surgeries and community pharmacies
- PharmOutcomes data on IBA delivery in pharmacies
- Improved links/data retrieval regarding the alcohol element of NHS Health Checks
- Consistent and improved uptake of Wiltshire Council public health alcohol awareness training and behaviour change programme, RCGP Certificate and ongoing continuing professional development (CPD) workshops
- Uptake of multi-agency CSE training course
- Increased public engagement with Wiltshire Council specific campaigns and surveys
- Review/revision/implementation of workplace policies
- Involvement of alcohol industry and retail partners

Alcohol Strategy 2014 - 18

Theme 2. Intervention

Deliver high quality support services to meet individual needs



Deliver high quality support services to meet individual needs

Effective and cohesive treatment services are key to addressing alcohol related harms. This includes wider treatment provision such as Alcohol Liaison Nurse (ALN) services and arrangements for offenders and prisoners. This theme will therefore focus not only on specialist treatment services but also on wider preventative and early intervention work.

Some areas identified for further development under this theme following the last alcohol strategy include:

- Increasing the proportion of dependent drinkers engaged with treatment services
- Developing opportunities to target 'increasing' and 'higher' risk drinkers in Wiltshire, including via the NHS Health Check scheme
- Ensuring easy and prompt access routes into adult and children and young people's treatment services
- Improved partnership working with children and young people's services to support hidden harm safeguarding work
- Further development of Alcohol Liaison Nurse work

Our priorities for action:

We will deliver an integrated alcohol treatment service with clear access, referral and treatment pathways into the Wiltshire Substance Misuse Service (WSMS) and children and young people's service (Motiv8) for Wiltshire's residents. This will include the development of treatment pathways with our multi-agency partners.

We will aim to engage and retain greater numbers of dependent drinkers (and at an earlier stage) with treatment services.

We will work with the Ministry of Defence to ensure we provide both targeted and appropriate levels of treatment service provision to support the forthcoming military personnel re-basing plans; alongside improving links with existing local military facilities.

We will develop and improve treatment service effectiveness and delivery to those adult clients with mental health problems; including greater partnership and joint working with specialist mental health services.

We will establish and promote the new children and young people's substance misuse service Motiv8 following re-tender of this service.

We will continue to actively promote our treatment services; including those for carers and families.

We will continue to reduce hidden harm and risks of parental substance misuse to children and young people through extended delivery of specialised programmes across Wiltshire.

We will continue to develop improved partnership working and stakeholder intelligence gathering to help identify and protect minors at risk of Child Sexual Exploitation (CSE).

We will streamline delivery of Criminal Justice System services in partnership with HM Prison Service, the National Probation Service, Community Rehabilitation Companies and Wiltshire Police in order to effectively engage those involved in or at risk of entering the Criminal Justice System.

We will extend and develop our ALN services; including links with our neighbouring hospital trusts in Bath and North East Somerset and Swindon.

We will continue to develop our recovery support provision via housing and education, training and employment (ETE) initiatives.

Big Drink Debate:

11% said they consumed 6 or more units of alcohol on one occasion on a weekly basis

Big Drink Debate: most respondents would prefer to get advice on safe and sensible drinking from their GP

Deliver high quality support services to meet individual needs

How we will know we have been successful and the progress measures we can use:

- Successful re-tender and launch of Motiv8 service
- Improved partnership working with MoD armed forces bases in Wiltshire
- Increased referrals to and successful completions of Moving Parents and Children Together (M-PACT) programme
- Increased carer/family member uptake of carers support services; including young carers
- Increased numbers of front line service staff trained in children and young people's substance misuse screening; and referrals to the Motiv8 service
- Increased service user uptake and engagement with recovery support housing and/or ETE initiatives

Researchers define binge drinking as consuming 8 or more units in a single session for men and 6 or more for women

- Increased referrals to specialist community-based treatment services; including from multi-agency partners such as mental health, maternity services, armed forces, adult and children's social care services and ALN services

- Establish coordinated intelligence data response through the Licensing Tasking Group to identify potential alcohol related CSE risks to children and young people

- Increased successful completions/exits from community based treatment services
- Reduction in repeat re-presentations to community based treatment services
- Reduction in hospital alcohol related admissions
- Improved data tracking of referrals to/from hospital based ALN services
- Improved joint assessment and engagement with community based treatment services of clients with dual diagnosis

Big Drink Debate:

most respondents would go to their GP, a specialist treatment service or to Alcoholics Anonymous for help with problematic drinking

Alcohol Strategy 2014 - 18

Theme 3. Protection

Effective partnership approaches for a safer Wiltshire



Effective partnership approaches for a safer Wiltshire

This theme will focus on objectives and actions to reduce alcohol related crime and disorder and anti-social behaviour in Wiltshire. This will include effective management of the night time economy, utilising partnership wide approaches and plans such as Wiltshire's licensing plan and the Police and Crime Commissioner's (PCC) Plan. In addition to enforcement activities, this theme will also focus on treatment and interventions regarding domestic abuse and binge drinking.

Some areas identified for further development under this theme following the last alcohol strategy include:

- Continued liaison and joint working with relevant partner agencies to inform community safety approaches including:
- Work with the new Community Rehabilitation Companies (CRCs)
- Engaging local retail sector/industry partners to promote responsible marketing, promotion and sales of alcohol
- Ongoing proportionate use of licensing tools and provisions to improve management of the night-time economy
- Development of 'recovery vehicle' community safety/night time economy initiatives with the Wiltshire Substance Misuse Service

Our priorities for action:

We will work jointly with our multi-agency partners to reduce and effectively manage incidents of 'binge drinking' in our town centres.

We will work jointly with our multi-agency partners to reduce alcohol related crime.

We will work jointly with our multi-agency partners to reduce alcohol related anti-social behaviour.

We will continue the effective management of the night time economy in Wiltshire; including through appropriate and proportionate use of licensing legislation and the associated range of enforcement powers, tools and provisions.

We will develop the existing Drink Banning Order (DBO) scheme in line with the Anti-Social Behaviour, Crime & Policing Act 2014.

We will continue to work jointly with our multi-agency partners to raise awareness of and highlight the risks and situations associated with domestic abuse and alcohol.

How we will know we have been successful and the progress measures we can use:

- Further implementation of Purple Flag scheme approaches
- Analysis of data/intelligence from the following sources:
 - Police/minor injury unit/emergency department
 - Ambulance
 - Environmental/Licensing and Public Protection services
- Police recorded crime/arrests data to demonstrate reductions in alcohol related crime and disorder and anti-social behaviour
- Analysis of licensing reviews called in response to alcohol related concerns
- Appropriate use of Anti-Social Behaviour, Crime and Policing Act 2014 tools and powers; including use of Public Space Protection Orders and Civil Injunctions to address alcohol related community concerns

Big Drink Debate:

109 respondents had been a victim of alcohol related crime or anti-social behaviour

Alcohol Strategy 2014 - 18

Theme 4. Engagement

Developing stronger and more resilient communities



Alcohol Strategy 2014 - 18

Theme 4. Engagement

Developing stronger and more resilient communities

The government's alcohol strategy 2012 states "Local communities, services and businesses are best placed to tackle alcohol-related issues in their area and enforce the behaviour and develop the cultures that they want"³⁰. Developing community resilience is also a key objective of Wiltshire Council's Business Plan and this theme will therefore seek to support and empower our local communities to do more for themselves to reduce alcohol related harms.

Wiltshire Council is also working to establish sensible and positive licensing approaches in Wiltshire. This recognises the need to properly balance the rights of residential communities, the business sector and other relevant parties.

Our priorities for action:

We will increase our local communities' involvement and engagement in alcohol related events and consultations.

We will encourage our local communities to identify their local needs regarding alcohol related harms and contribute to tailored approaches to address such harms. This includes the impact of drinking within the home.

We will encourage our local communities to contribute to and adopt partnership and innovative approaches to addressing their identified alcohol related needs. This includes our military communities and associated partners in Wiltshire.

We will work to improve data sharing and engagement with our multi-agency partners.

We will encourage local retail and industry partners to engage in schemes such as Pubwatch and to work with their local communities. National Pubwatch is a voluntary organisation set up to promote best practice through supporting the work of local pubwatch schemes. Its aim is to achieve a safer drinking environment in all licensed premises throughout the UK³¹.

We will work to secure the safety and amenity of residential communities whilst facilitating a sustainable and diverse entertainment and hospitality sector in Wiltshire.

How we will know we have been successful and the progress measures we can use:

- Local area board JSA data
- Public engagement with the Big Drink Debate survey and number of survey returns
- Public attendance at the Big Drink Debate forum event
- Public attendance and engagement with alcohol awareness raising events; including targeted events for identified groups/communities
- Take-up and use of the alcohol community toolkit
- Development of new local initiatives and activities with community groups/third sector organisations; including with local festivals and licensed trade members
- Public engagement with and uptake of social media techniques to address alcohol related harm
- Increased delivery of treatment services via partnership approaches in outlying rural areas
- Increased attendance and engagement with treatment services in outlying rural areas
- Industry take up of schemes such as Pubwatch and Purple Flag
- Industry engagement with public protection licensing initiatives such as induction training

Big Drink Debate:

300 respondents said drinking on the streets and in open places like parks should be banned

Appendix

National policy and guidance:

The Government's Alcohol Strategy, 2012 (HM Government)

This government document seeks to “radically reshape the approach to alcohol and reduce the number of people drinking to excess”. Its key aims include tackling alcohol related violent crime, binge drinking and reducing alcohol related deaths. It also focuses on changing behaviour and encouraging responsible drinking to address wider health and other harms. The strategy identifies local action and industry support as key partners in these aims.

Health and Social Care Act 2012 (HM Government)

This Act provides the legislative framework for structural changes to NHS delivery; including the establishment of Clinical Commissioning Groups (replacing the former Primary Care Trusts) and moving public health functions into Local Authorities. The Act also established Public Health England as an executive agency of the department of health. At the local level, the Act puts local authorities in charge of driving health improvement; pulling together the work done by the NHS, social care, housing, environmental health, leisure and transport services.

Improving Outcomes and Supporting Transparency; a public health outcomes framework for England 2013 – 2016 (Department of Health, 2012)

This framework sets out the overarching vision for public health delivery and the broad range of opportunities for public health work to improve and protect health across the life course and to reduce health inequalities. The framework includes a set of public health indicators across a range of domains and includes alcohol specific objectives. These indicators provide an important basis for local authority based public health work in addressing alcohol related harms in local areas.

Breaking the Cycle – Effective Punishment, Rehabilitation and Sentencing of Offenders, 2010 (Ministry of Justice)

This outlines the government's approach for delivering more effective punishment, improving public safety and starting to break the cycle of offending. It identifies the role of alcohol and wider

drug misuse in offending behaviour and examines a more localised approach to tackling offending behaviour.

Licensing Act 2003 (HM Government)

Selling Alcohol Responsibly: The New Mandatory Licensing Conditions 2010 (Home Office) and

The Licensing Act 2003 (Mandatory Conditions) Order 2014

The Licensing Act 2003 includes provision for mandatory licensing conditions relating to the sale and promotion of alcohol by licensed premises. Further conditions have been added since the 2003 Act. The most recent mandatory licensing condition came into force in May 2014 and bans the sale of alcohol below cost price.

Transforming Rehabilitation: A Strategy for Reform (Ministry of Justice, 2013)

Transforming Rehabilitation is a government reform programme changing the way offenders are managed in the community and giving statutory supervision and rehabilitation in the community to every offender released from custody. Key aspects of the reforms are to create a new public sector National Probation Service to work with the most high-risk offenders and forming 21 new Community Rehabilitation Companies for work with medium and low-risk offenders.

Local policy and guidance:

- Wiltshire's Joint Strategic Assessment for Health and Wellbeing 2013-14
- Wiltshire Health and Wellbeing Board Strategy 2014/15
- Wiltshire Council Business Plan 2013-17
- Other Wiltshire Council Strategies and Plans:
 - Wiltshire Joint Strategic Assessment 2012-13
 - Hidden Harm Strategy 2011-14
 - Swindon and Wiltshire Anti-Social Behaviour Reduction Strategy 2013-14
 - Swindon and Wiltshire Domestic Abuse Reduction Strategy 2013-15 (refreshed July 2014)
 - Statement of Licensing Policy 2014-18

References

- ¹ Department of Health (2014) Annual Report of the Chief Medical Officer, Surveillance Volume, 2012: On the State of the Public's Health
- ² NICE (2012) Local Government public health briefings – Alcohol. Available at <http://publications.nice.org.uk/phb6>
- ³ NWPHO (2011) Topography of Drinking Behaviours in England: synthetic estimates of numbers and proportions of abstainers, lower risk, increasing risk and higher risk drinkers in local authorities in England
- ⁴ ONS mid-year population estimates 2012
- ⁵ Wiltshire Health and Wellbeing JSA – Demographics: Ethnicity Chapter 2013/14
- ⁶ Wiltshire Joint Strategic Assessment 2012/13
- ⁷ Wiltshire Council/MoD (2014), Consulting for a Masterplan: Stakeholder Presentation. Available at: www.gov.uk/government/consultations/salisbury-plain-training-area-master-plan-army-basing-programme
- ⁸ Wiltshire Health and Wellbeing JSA – Wider Determinants of Health: Economy Chapter 2013/14
- ⁹ Ibid
- ¹⁰ PHE (2013) Wiltshire Health Profile
- ¹¹ LAPE (2014) Alcohol Profile for Wiltshire. Available at www.lape.org.uk
- ¹² Wiltshire Council Public Protection Team data
- ¹³ NTA (2012) JSNA Support Pack for Strategic Partners: The data for alcohol, Wiltshire UA
- ¹⁴ See 11 above
- ¹⁵ Centre for Public Health/Liverpool John Moores University (2014) Updating England Specific Alcohol Attributable Fractions
- ¹⁶ See 11 above
- ¹⁷ Ibid
- ¹⁸ WCSP Alcohol Needs Assessment 2013-14
- ¹⁹ Ibid
- ²⁰ Ibid
- ²¹ Wiltshire Council Knowledge Management Team (Wiltshire Police data)
- ²² PHE (2013) Drugs and Alcohol JSNA Support Pack
- ²³ Wiltshire Children and Young People's Substance Misuse Needs Assessment 2013
- ²⁴ Wiltshire Hidden Harm Needs Assessment 2012/13
- ²⁵ Wiltshire Health and Wellbeing JSA – Alcohol Misuse Chapter 2012/13
- ²⁶ Wiltshire Council Substance Misuse Commissioning Team data
- ²⁷ Ibid
- ²⁸ PHE (2013) JSNA Support Pack – Why Invest (PHE publications gateway number: 2013-190)
- ²⁹ House of Commons Health Committee (2012) Government's Alcohol Strategy, 3rd Report of Session 2012-13
- ³⁰ HM Government (2012) The Government's Alcohol Strategy
- ³¹ Pubwatch information: www.nationalpubwatch.org.uk

Useful contacts

Drug and Alcohol Delivery Manager

Tracy Daszkiewicz - Consultant in Public Health
Wiltshire Council
Public Health Team
County Hall
Bythesea Road
Wiltshire BA14 8JN

For further information, please contact:

Lydia Thomas - Senior Commissioning and Performance Officer (Alcohol Misuse)
Wiltshire Council
Public Health
Substance Misuse Commissioning Team
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

Local support organisations in Wiltshire:

Wiltshire Substance Misuse Service

Specialist community alcohol and drug treatment and support service for adults.

0345 603 6993

Motiv8

Children and Young People's Substance Misuse Service

Specialist community alcohol and drug treatment and support service for under 18s.

0800 169 6136

Email: info@dhimotiv8.org.uk

Wiltshire Addiction Support Project (WASP)

Peer led support for those with drug and alcohol problems, including carer and family support.

Beaufort Mansions, 55-57 Stallard Street, Trowbridge, Wiltshire, BA14 8HP

01225 775558

www.addiction-support.co.uk

Service User Involvement Coordinator: **07525 730586**

Carer Involvement Coordinator: **07920 744313**

Email: office@addiction-support.co.uk

Alcoholics Anonymous Wiltshire

24 hour helpline **01380 729064**

Action on Addiction – For Families

Specialist substance misuse carer/family support services including free support groups and counselling service .

01747 832015

www.actiononaddiction.org.uk/For-Families

Email: forfamilies@actiononaddiction.org.uk

Sparksite

Spark is a website by and for young people in Wiltshire.

www.sparksite.co.uk

Useful contacts

National information and support organisations:

NHS Choices Drinking and Alcohol

NHS website providing alcohol information, advice and guidance – including NHS reviewed apps to help deal with different aspects of drinking alcohol and cutting consumption down.

www.nhs.uk/Livewell/alcohol/Pages/Alcoholhome.aspx

Change 4 Life 'Choose less booze'

NHS healthy lifestyle website providing alcohol information, advice and guidance.

www.nhs.uk/Change4Life/Pages/drink-less-alcohol.aspx

Alcoholics Anonymous

National helpline: **0845 769 7555**

www.alcoholics-anonymous.org.uk

Email: help@alcoholics-anonymous.org.uk

Drinkaware

Website providing alcohol information and advice.

www.drinkaware.co.uk

ADFAM

For families and friends of alcohol and drug users.

www.adfam.org.uk

Al-Anon and Alateen

Self Help Family Groups provide support to anyone whose life is, or has been, affected by someone else's drinking. Alateen is for teenage relatives and friends of alcoholics. Alateen is part of Al-Anon.

Confidential helpline **020 7403 0888**
(available 10 am - 10pm, everyday)

www.al-anonuk.org.uk

Email: enquiries@al-anonuk.org.uk

National Association for Children of Alcoholics (NACOA)

Provides information, advice and support for everyone affected by a parent's drinking.

Free confidential helpline **0800 358 3456**

www.nacoa.org.uk

Email: helpline@Nacoa.org.uk



The big
drink
debate

Update on Premises Licence Annual Fees **Licensing Act 2003/The Police Reform and Social** **Responsibilities Act 2011**

1. Purpose of Update

- 1.1 The purpose of this update is to advise members of the progress regarding annual fees relating to licensed premises, and implementation of a new process and the positive outcomes.

2. Introduction & Background

- 2.1 Every Licensed Premise within Wiltshire is required to pay an annual fee. Wiltshire Council currently licence 1518 premises with alcohol, 270 without alcohol and 162 Clubs, totalling 1950.
- 2.2 Annual fees for premises licences have always been due on the anniversary of the licence. Historically the licensing department has requested an invoice for each fee to be sent out by the finance department. If the annual fee was unpaid within 28 days of the date of the invoice (irrespective of the date of the licence) it became the responsibility of the finance department to chase the debt. The licensing department had no authority to suspend licences for non-payment of fees. As a result, many invoices remained unpaid and the licensing department accrued a considerable amount of debt.
- 2.3 In April 2012, The Police Reform and Social Responsibility Act 2011 introduced powers to allow the Licensing Authority to suspend licences if the annual fee had not been paid on or prior to the anniversary date of the licence. The aim of the Home Office was to reduce the burden and bureaucracy of licensing for businesses and to ensure that licensing authorities do not face additional costs as a result of licence holders not paying their annual fees.
- 2.4 The Licensing Team investigated the costs involved in raising invoices in SAP versus creating renewals on our in house M3 Software system. A report outlining the cost and time savings for both teams was presented to the finance team in a bid to convince them to move away from the SAP invoicing system. After almost a year of liaising with finance we have finally moved on to the M3 system which has proven to make the process leaner with better outcomes and more customer focused.
- 2.5 Licensing Officers are able to be more proactive in collecting the annual fees and suspending for non-payment where necessary, due to the information being more readily accessible.

3. Summary

3.1 The expected income for June was £28,190, from 109 licensed premises. Out of these 109 premises, 7 were suspended due to non-payment, all have now paid and been reinstated.

3.2 This process has been a great achievement for all Tech Support Staff and Licensing Staff involved.

4. Proposal

4.1 That the Committee note the update.

Prepared by

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Public Protection Officers (Licensing)
August 2015**