

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 3 SEPTEMBER 2018 AT WEST WILTSHIRE ROOM - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Peter Evans (Substitute - Part II), Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr George Jeans, Cllr Pip Ridout, Cllr Ian Thorn and Cllr John Smale

Also Present:

Linda Holland (Licensing Manager), Tony Johnson (Solicitor), Jemma Price (Public Protection Officer – Licensing), and Lisa Pullin (Democratic Services Officer)

Julia Corbett – Wiltshire Times

11 **Apologies/Substitutions**

Apologies were received from Cllrs Mike Hewitt, Leo Randall and Pip Ridout and from Tracy Daszkiewicz (Director – Public Health and Protection) and Ceri Williams (Head of Prevention from Harm).

Cllr Peter Evans was substituting for Cllr Mike Hewitt.

12 **Minutes**

The Minutes of the meeting held on 4 June 2018 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 4 June 2018 be approved and signed as a correct record.

13 **Chairman's Announcements**

The Chairman, Councillor Peter Hutton made the following announcement:

Update on Overview & Scrutiny Late Night Taxi Fares Task Group

The following update has been prepared by Henry Powell, Senior Scrutiny Officer - The task group held its first meeting on 31 July and discussed how it would address its terms of reference. It received evidence from members of the council's licensing team, including comparisons between the maximum tariffs set by Wiltshire Council and those set by neighbouring local authorities. Initial comparisons with other local authorities' tariffs suggest that Wiltshire's are comparable until 1.00am, but then rise steeply and can be as much as double those in some neighbouring areas.

Key discussion points:

- The current system was introduced by the Licensing Committee in 2014 in order to harmonise the different tariffs of the four district councils. It includes a single set of maximum tariffs that applies across the whole county.
- Members noted that the 2014 system followed consultation with the taxi trade, but not anyone else, e.g. representatives of the night-time economy (NTE). Members agreed to seek evidence from:
 - Taxi trade representatives
 - Salisbury Business Improvement District (BID)
 - Salisbury Chamber of Commerce
 - Pubwatch
 - Purple Flag (which includes representation from a number of other organisations)
 - Wiltshire Police
 - Licensing teams from neighbouring areas
- Members considered whether to engage with equivalent groups from other parts of the county e.g. Chippenham. However, it was believed that only Salisbury now has nightclubs (with Chippenham only now having bars) that open late into the night and the question of late-night tariffs was therefore significantly more relevant in that area.
- The task group agreed to meet again in Salisbury in September.

Licensing Events

Linda Holland (Licensing Manager) provided a verbal update on the activity of the Licensing Team and it was agreed that this update would be attached to the minutes as **Appendix 1**.

The Chairman wished to record his thanks to all the Licensing Officers for their work and support.

Appendix 1 to Minutes - Licensing Team Update - September 2018

14 **Declarations of Interest**

There were no declarations of interest.

15 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting. There was one member of the public present to observe from the Wiltshire Times.

16 **Minutes of the Licensing Sub Committees**

Western Area

09/07/18 Application for a Premises Licence – The Toast Office, 116 Top Lane, Whitley, Melksham

Resolved:

That the Minutes of the meeting detailed above be approved and signed as correct records by the Chairman.

The Chairman wished to thank all Officers for the support received for Licensing Sub Committee hearings and for the Councillors that had sat on the hearings. A Councillor asked if more hearings were coming through and Linda Holland (Licensing Manager) reported that her Officers were pro-active in resolving concerns raised by those who make relevant representations, often resulting in hearings not being required.

17 **Statement of Gambling Principles**

Linda Holland (Licensing Manager) referred to the report circulated with the Agenda which asked the Committee to note the consultation that was undertaken and the subsequent amendments that were made to the Council's revised Statement of Gambling Principles. Linda highlighted the following:

- Following the last Committee meeting in June, a statutory consultation was carried out during which two responses were received – one from Wiltshire Council Planning Department (Responsible Authority) who requested additional wording in the document which sought to advise licence holders to seek planning guidance on any proposed changes to their building. The other response was from William Hill questioning the interpretation of Significant Change in relation to the Local Area Risk Assessment and remarking on an omission in the wording of section 5.2.1;
- Following the responses received, changes were then made to the Statement of Gambling Principles and that is now before the Committee;

- The Military were not consulted on this document because they are not a Responsible Authority and this was not a public consultation. As a licensing authority, we have had no issues with Military Personnel and our Gambling Premises within Wiltshire; therefore there has been no need for us to specifically engage with the Military in relation to the Statement of Principles. If this changed however we would of course consider the need to do so;
- The amendments of the document from the previous one for 2016 – 2018 were;
 - A change to the layout of the document to make it flow better
 - Addition of the Public Health and Money Laundering Section
 - Stronger and larger section on Social Responsibility
 - Inclusion of the Local Area Risk Assessment as the main document not an appendix.
 - Making the Local Area Profile an Appendix with more info that can be required instead of all needing to be requested
- Once approval from the Committee for the Statement of Principles is obtained, this would then be put forward to Full Council in October 2018 for final ratification. The Statement would then commence from January 2019.

The Chairman thanked Officers for the preparation of the document and commended its approval.

Resolved:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the final version of the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 16 October 2018.

18 **Dates of Future Committee Meetings**

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

3 December 2018

11 March 2019

3 June 2019.

19 **Urgent Items**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Linda Holland (Licensing Manager) wished to give pre-warning to the Committee of animal welfare legislation that was due to come into force on 1 October 2018. A large guidance document was issued to the Local Authority at the end of July which gave details of the changes that are being made to improve the effectiveness of existing regulations and to simplify the application and inspection process for businesses as well as maintaining and improving existing animal welfare standards. All previous animal legislation relating to dog boarding, dog breeding, sale of pets, hiring out horses and exhibiting animals would cease from 1 October.

This change would bring a significant increase in workload to the Licensing Team as new licenses would be granted on a risk rating basis for a period of 1 – 3 years and each premise would receive a 1-5-star rating (as food premises currently do).

Linda would prepare a briefing note for all members as it was anticipated that there would be a lot of enquiries in relation to this. Wiltshire currently has 269 establishments. Linda was in the process of arranging three seminars across the county to inform on the new legislation. This would be to advise on changes and answer any questions.

Venues and times as follows:-

- County Hall, Bythesea Road, Trowbridge, BA14 8JN - 9th October 2018 - 6pm to 8pm. [Book here](#)
- Monkton Park, Chippenham, SN15 1ER - 10th October 2018 - 6pm to 8pm [Book here](#)
- The Old Fire Station, Salt Lane, Salisbury, SP1 1DU - 15th October 2018 - 6pm to 8pm [Book here](#)

Linda was currently working on setting up the fee structure and a full report on the implications of the legislation would be brought to the next meeting of the Committee. It was also agreed that a Chairman's announcement would be drafted for circulation at all upcoming Area Board meetings.

(Duration of meeting: 10.30 - 11.05 am)

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

Update on the Licensing Service: September 2018

To update the Committee on the work of the Licensing Team in 2018

Licensing Activity Festivals

Wiltshire is a popular venue for festivals, by early intervention and positive engagement we are seeking to guide and educate organisers around managing alcohol consumption levels, drug prevention, antisocial behaviour, and wellbeing of all at the event.

Prevention of harm is a key element when planning an event; Licensing Officers are involved in considerable pre event work guiding organisers in managing their own event to lessen the impact on the local community and emergency services of Wiltshire.

Following the risk rating of the festivals over the past few years, the Licensing team have targeted its resources and focused on the events that are either high profile, have experienced issues previously or are new to Wiltshire. As with all our engagements with festival organisers and their staff, the focus is on a safe secure and enjoyable event for all, within sensible and responsible parameters.

A number of events are channelled through the Event Safety Advisory Group to be offered well informed advice and guidance from responsible authorities and emergency services in attendance, and to give the group the opportunity to learn more about the event and any potential issues and the positive benefits to Wiltshire from a well-run event taking place.

Wiltshire attracted a diverse range of events from motor bike rallies, pride marches to large events and small scale festivals in a rural location. Still planned for this year are carnivals, Christmas markets, Christmas lights switch on. A number of new events have come to Wiltshire this year.

Events 2018

The Licensing team have inspected / carried out prevention visits to festivals/ events during 2018, attending events over a number of weekends and evenings. The team were engaged in ensuring the safety of the public attending and staff working at the events and ensuring compliance with licences issued.

The weather played a significant part this summer; with events having to manage the very hot conditions, ensuring adequate water supply and increasing fire prevention measures, to reminding attendee's around sun prevention precautions.

Licensing Officers have been actively engaging with organisers prior to events in 2018, with the most high profile events being , Chalke Valley History Society in Broad Chalke in June, Womad in Charlton Park in July .

Visits were also made to:

Once Upton a Time in the West,
Trowbridge Festival
Trowbridge Armed Forces Day
Melksham Party in the Park
Field View Festival
Lamer Tree
Cock & Bull Festival
Saddlebacks Festival
Devizes Beer Festival
Westbury Festival

Womad

This year's event was a success with large numbers attending (the weather was very inclement and windy) with no significant issues noted by the Licensing or Public Protection Teams that visited the site. The team at Womad was geared up for the high winds and proactive measure meant the gusting winds caused little or no interference with the event, just inconvenienced the attendees who had been advised to collapse gazebos and ensure tents were securely rigged.

On A Disappointing Note

Sadly one event drew more attention of officers than others due to poor management and lack of planning, this required intervention by way of advice and a number of visits during the duration of the event.

Although the attendance was not significant in numbers the safety of the attendees was paramount and responsible agencies were asked to carryout joint visits to offer guidance to the licence holders. The event passed without incident and an urgent debrief was called by the Licensing Authority.

The event had been through an Event Safety Advisory Group meeting prior to the event taking place, which highlighted a number of concerns to the organisers.

Partnership Working

Purple Flag: Licensing supported Chippenham's recent re-assessment of their Purple Flag status by attending the meet and greet session with the assessors side a number of partner agencies, highlight the work of the licensing team and how it works with its key partners.

Wiltshire Council Licensing is working in partnership with Swindon Licensing and Wiltshire Police licensing preparing to launch the "Ask Angela" campaign as a cross county initiative.

“Ask Angela” campaign has been run successfully in Gloucester for the past year and its hoped to mirror is success in Swindon and Wiltshire, the launch will be through pub watches initially seeking the support of licensed premises whose participation will be recognised on our websites.

The aim of the scheme is to promote a safe route from an uncomfortable or difficult situation a person may find themselves in and applies equally to men and women when perhaps a date is not working out or they feel unsafe in the current situation.

Members will be asked to support this positive initiative to assist a person a time of vulnerability

The launch is aimed to coincide with fresher week at the local colleges

We are also working on a possible Christmas drink drive campaign as a across county initiative.

Licensing Applications

To give the Committee an update on the work of the Licensing Team, detailed in the table below are some the Licensing Applications from 1 January – 10 August 2018.

Licence Applications Jan – August 2017 &18

Year comparison	2017	2018
Temporary Events Notices	1053	1085
Late Temporary Events Notices	211	245
Licensing Applications (New /variation/minor variation/Variation of DPS)	581	615
Personal Licences	216	174
Gambling Permits (Gaming Machines)	25	27

Hearings

This year to date we have held 7 licensing hearings compare to 5 at the same time last year.

Off Licence Premises

The Licensing team have started a programme of inspections of all off licence shops within Wiltshire. The inspections are been carried out to check compliance and to ensure staff employed at these premises receive regular reminders / training in regard to the Licensing Act 2003.

Animal Licensing

As previously advised a new licensing regime for Animal licensing is taking effect from 1 October 2018, with significant implications for the service and new and existing licence holders

Links to the new regulations and DEFRA guidance documents are available on our website.

Below is a brief summary of the implications of the new regulations:

The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 define the animal based activities that require licences as follows:

- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold.
- Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business.
- Hiring out horses in the course of a business for either riding, instruction in riding, or both.
- Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.
- Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.

All four existing types of licence, together with the additional activity of keeping and training animals for exhibition, will be encompassed by one new 'Animal Activity licence'. If an applicant is running more than one licensable animal related activity, each activity will be assessed separately and set out in one licence. The length of licence (previously one year in most cases) may be anything between one and three years dependent on the outcome of their inspection, and the type of licence

Our existing arrangements included locally set conditions. The new provisions contain nationally set regulations for each animal based activity, which cannot be changed in any way and form the basis for conditions on the new licences going forward.

The fees are now to be split into two parts – the application fee, payable at the time of submission to cover the Council's costs in considering and determining the application, and the licence fee, which covers ongoing enforcement and compliance requirements.

Ahead of the implementation date, revised fees need to be set to accommodate the changes.

Currently there are 269 licensed premises that will be affected by the changes and the majority will need to be inspected prior to 1st January 2019.

The new regime requires a 'qualified inspector' to carry out the inspections, and in the case of the grant of a dog breeding establishment and at grant and renewal of horse riding establishments they must be accompanied by a veterinary surgeon. To qualify to inspect these premises, a person must hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulations which oversees training and assessment of persons inspecting and licensing certain animal activities businesses, and must have passed an independent exam. Their certificate must apply to the specific type of activities they are inspecting. If an inspector is not available, then a qualified veterinary surgeon must carry out the inspection.

Transitional provisions are in place to enable any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses to carry out the inspections until October 2021. After that time, the above requirements will need to be met.

Nationally a new course is currently being developed to meet the new demands of the regulations and the indicated costs are over £1000 per person.

Under the new arrangements, the inspection process will be much more comprehensive, and built around providing the premises with a 'risk rating'. This process will establish whether the business is 'low risk' or 'higher risk' based on the level to which it meets the standards set out in regulations and guidance, and award between one and five stars, thus determining the length of the licence (with the exception of 'Keeping and Training Animals for Exhibition' for which all licences will be issued for 3 years as default). The star rating will be displayed on the licence, and included in the Council's public register, published on Wiltshire Councils website.

Conclusion

The Licensing function continues to develop within Wiltshire Council. The core activity of supporting the licensing process has shown year on year improvement. There is also now a greater focus on preventing harm.

The new Animal Licensing regime will place huge demands on the team to ensure that it is implemented in line with the new regulations.

Linda Holland
Licensing Manager
3 September 2018

