

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

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

1. Update on Licensing Policy Review

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

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

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

This will include:

Prevention of Crime and Disorder

This section will focus on:

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

Promotion of public safety

Will include:

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

Prevention of public nuisance

Will focus on environmental aspects:

- Odour
- Lighting

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

Protection of children from harm

This will incorporate:

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

Licensing Process

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

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

Enforcement

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

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

New legislation

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

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

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

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

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

2. Consultation on Implementing a Cumulative Impact Area in Salisbury

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

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

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

This coincided with a radio interview with Spire FM.

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

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

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

There will also be a further press release in March.

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

3. Events in Wiltshire

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

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

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

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

Festival/Events 2014

Date

EAST

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

WEST

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

NORTH

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

SOUTH

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

4. Night Time Levy

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

Night Time Levy:

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

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

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

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

- Business Improvement Districts (BIDs).

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

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

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

(Appendix 1)

Councillors' Briefing Note

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

Date Prepared: 24th January 2014

Direct Line: 01225 716840

Consultation on Implementing a Cumulative Impact Area in Salisbury

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

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

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

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

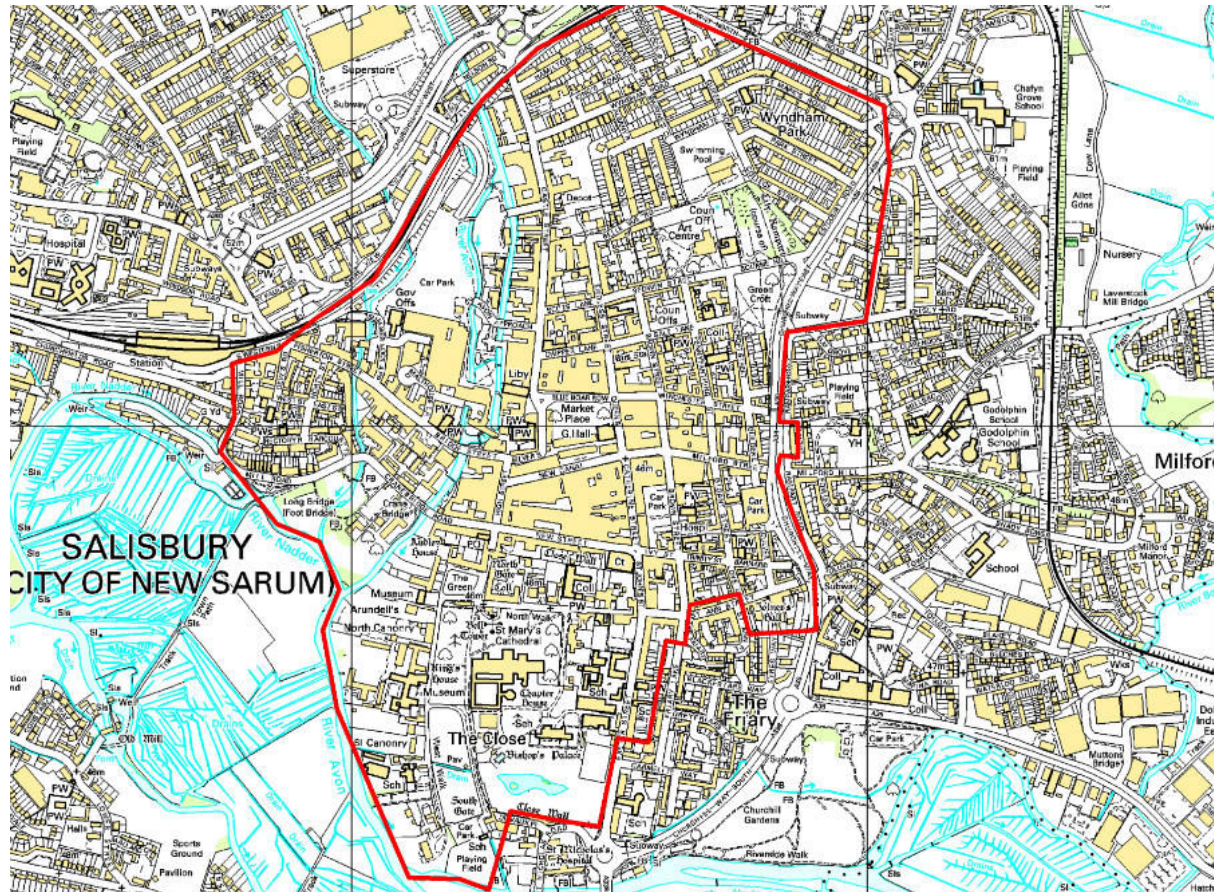
Salisbury has a vibrant and lively night time economy and has successfully achieved Purple Flag status for a second year. However, there continue to be areas within the Salisbury where the sheer density of licensed premises causes issues in relation to crime, anti-social behaviour, litter and noise nuisance.

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

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

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

Map of proposed CIA



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

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

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

Maggie Rae, Corporate Director