

# AGENDA

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**Meeting:** Licensing Committee

**Place:** Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Monday 5 December 2022

**Time:** 10.30 am

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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](mailto:lisa.pullin@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Peter Hutton (Chairman)	Cllr Andrew Davis
Cllr Allison Bucknell (Vice-Chairman)	Cllr Ruth Hopkinson
Cllr Steve Bucknell	Cllr George Jeans
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Daniel Cave	Cllr Tim Trimble
Cllr Kevin Daley	Cllr Robert Yuill

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## Substitutes:

Cllr David Bowler	Cllr Dr Brian Mathew
Cllr Ernie Clark	Cllr Charles McGrath
Cllr Jon Hubbard	Cllr Dr Nick Murry
Cllr Bob Jones MBE	Cllr Stewart Palmen
Cllr Jerry Kunkler	Cllr Nic Puntis

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

1 **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 7 - 20*)

To confirm and sign the minutes of the meeting held on 17 October 2022 (copy attached).

3 **Chairman's Announcements** (*Pages 21 - 22*)

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 on the front of the agenda 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 on the front of this agenda no later than 5pm on **Monday 28 November 2022** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Wednesday 30 November 2022**. Please contact the officer named on the front 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 **Licensing Appeals Update** (*Pages 23 - 24*)

To receive an update on any appeals lodged against Licensing Sub Committee decisions.

7 **Minutes of the Licensing Sub Committees** (Pages 25 - 54)

To receive and sign the minutes of the following Licensing Sub Committee:

**Southern Area Licensing Sub Committee**

07.11.22 Application for a Review of a Premises Licence – The Cuckoo Inn, Hamptworth, Salisbury

**Western Area Licensing Sub Committee**

16.11.22 Application for a Variation of a Premises Licence – The Bath Arms, Crockerton, Warminster

8 **Briefing Note - The King's Coronation - Community Celebrations** (Pages 55 - 56)

Kevin Oliver (Land Use/Events Authorising Officer) has prepared a briefing note to ensure that Wiltshire Council has a robust and straightforward system in place to ensure that communities wishing to celebrate the King's Coronation are signposted to the Council's web page where they will find the appropriate tools, support and guidance to hold a community party. Agreement will be sought to publish the briefing note on the Council's website and to share with all Town and Parish Councils.

9 **Update from the Taxi Licensing Team** (Pages 57 - 64)

Tom Ince (Principal Compliance Officer) has prepared the attached Taxi Licensing update as at November 2022 and will give an overview to the Committee.

10 **Update on Fulfilment of Passenger Transport Contracts** (Pages 65 - 66)

Adrian Weissenbruch (SEND and Passenger Assistant Transport Manager) will speak to an update on the current fulfilment of Passenger Transport Unit Contracts which is *to follow*.

11 **Film Classification: Amendment to Procedure and New Fees and Charges** (Pages 67 - 86)

The report of Linda Holland (Licensing Manager) seeks to ask the Licensing Committee to consider a charging regime in relation to the classification of films by Wiltshire Council and to review the procedure and implement an associated fee structure.

12 **Dates of Future Committee Meetings**

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

6 March 2023

19 June 2023  
11 September 2023  
4 December 2023.

13 **Urgent Items**

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

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## Licensing Committee

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### MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 17 OCTOBER 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Peter Hutton (Chair), Cllr Allison Bucknell (Vice-Chair), Cllr Steve Bucknell, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr Tim Trimble and Cllr Nic Puntis (Substitute)

#### **Also Present:**

Linda Holland (Licensing Manager), Adrian Hampton (Head of Highway Operations), Sarah Marshall, (Principal Solicitor), Lisa Pullin (Democratic Services Officer), Jason Salter (Head of Service – Passenger Transport), Adrian Weissenbruch (SEND and Passenger Assistant Manager) and Peter White (Enforcement Manager)

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#### 52 **Apologies and Substitutions**

Apologies were received from Cllrs Andrew Davis, and Pip Ridout and from Tom Ince (Principal Compliance Officer).

Cllr Nic Puntis was substituting for Cllr Pip Ridout.

#### 53 **Minutes**

The minutes of the meeting held on 20 June 2022 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 20 June 2022 be approved and signed as a correct record.**

#### 54 **Chairman's Announcements**

The Chairman gave details of the fire exits to be used in the event of the alarm sounding and made the following announcements:

Sarah Marshall (Principal Solicitor) would be leaving the Council in early January 2023. The Committee wished to record their thanks for her support and wished her well for her new role.

#### 55 **Declarations of Interest**

There were no declarations of interest.

56 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting.

57 **Licensing Appeals Update**

Sarah Marshall (Principal Solicitor) reported that there was one appeal technically still in progress with the Magistrates Court which had been with the court for a long period of time. There has been no formal notification to the Council from the court and she did not think it was a concern at this stage for the Licensing Committee. If there was anything to report in future on this appeal, this would be shared with the Licensing Committee.

58 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were presented to the Licensing Committee:

**Eastern Area**

08.03.22 Application for a Variation of a Premise Licence at The Crown Inn, Chandlers Lane, Bishops Cannings, Devizes

18.08.22 Application for a Premises Licence – Kaleidoscope Arts and Music Festival, unnamed field, Lower Road, Erlestoke, Devizes

**Northern Area**

30.11.21 Application for a Variation of a Premises Licence - The Pear Tree, Purton, Swindon

**Southern Area**

11.10.21 Application for a Variation of a Premises Licence – Tinga, 4a-4b, Endless Street, Salisbury

26.01.22 Review of a Premises Licence – The New Inn, 10-16 High Street, Amesbury

31.03.22 Application for a Premises Licence – The New Inn, 10-16 High Street, Amesbury

03.08.22 Application for a Premises Licence – West Barn Lodge, Fovant, Salisbury

06.09.22 Application for a Variation of a Premises Licence – The Chapel, 34 Milford Street, Salisbury

**Western Area**

07.02.22 Application for a Temporary Event Notice – Trowbridge Cricket Club, 20 Lower Court, Trowbridge



**Resolved:**

**That the above Licensing Sub Committee minutes be approved and signed as a correct record.**

59 **Update on behalf of the Licensing Team**

Linda Holland (Licensing Manager – Public Protection) referred to the update circulated with the Agenda and highlighted the following:

- Whilst the team had been very busy over the summer, there had been no significant incidents. Officers were however, receiving complaints and concerns being expressed about licensable activities, music events and noise from licenced premises;
- Advice was being given to premises in light of the forthcoming football World Cup on how to manage customers and those that may need to use Temporary Event Notices (TENS) to ensure they can stay open for other festive events over the Christmas and new year period;
- Other concerns were also being raised by residents related to parking and the Noise Team were involved with noise complaints having advise on management of noise breakout from some premises;
- Animal licensing continues to be busy, and they were just coming to the end of the 3 year licence for some premises and so there would be the next round of renewals taking place;
- A briefing report would be brought to the next meeting of the Licensing Committee to update the members on the revisions made to licence conditions that are applied to premises holding Dangerous Wild Animal licences.
- A report would also be brought to seek to modify the procedure for film classifications. Currently when a film does not have a classification these have to be classified by a Sub Committee, Officers are seeking the views of the Committee today as to whether they would agree that this could be delegated to Officers with any appeal of the decision being referred to the Licensing Sub Committee;

After a brief discussion it was agreed that the Committee would be happy to receive a report which sought agreement to delegate the classification of films to Officers, with an appeals process to the Licensing Sub Committee if the Applicant did not agree with the classification. Linda Holland confirmed that she would bring a report to the next meeting of the Committee on 5 December 2022.

The Chairman suggested that following the problems that were being reported by residents in relation to some premises with noise and parking etc that it might be a good idea to recirculate the Statement of Licensing Policy and to encourage Applicants to work with their town/parish Councils and local

community groups when they were making an application to keep them informed of the plans and to reassure what measures they would be taking to address any potential problems. Linda Holland stated that this could be done and that they were also looking at reviewing their “guide to licensees” document that could be shared with those concerned.

The Vice Chair thanked acknowledged the amount of work done by the small team and wished to thank them for all that they do. She noted that there was now a distinct lack of tolerance for premises that create problems for their local neighbours and that following Covid and the leeway that was given they are no longer tolerant and that would be the reason for the increase in complaints. She thanked Linda Holland for the TEN briefing note that had been prepared and would be shared via the Area Boards and suggested there could be further briefing notes to explain about licencing and seek to educate people (via Town/Parish Councils, Area Boards and social media) that if they live in the vicinity of a premises they cannot expect there to be a silent environment but give advice on the course of action to take if they do experience problems.

A Committee member asked about the unsustainable high workloads reported in the update and whether these high workloads were continuing? Linda Holland reported that their workloads fluctuate and at the current time they were struggling to recruit to a Technical Support Officer post, one Licensing Officer was on maternity leave, and another would be leaving at the end of the year. However, they were currently just about managing to keep up with the workloads which were demand led. There was a new computer system hopefully being introduced at some point next year which would see another member of staff being taken to lead on the licensing requirements, so may have to consider what may need to be set aside and what work is prioritised for the team.

The Chairman wished to pass on his thanks on behalf of the Committee to all staff and felt that information sharing is good for early engagement, particularly about national events and reminded to use Area Boards, and Town and Parish Council forms to avoid last minute applications for events.

**Resolved: That the Committee notes the update on behalf of the Public Protection (Licensing) Team.**

#### 60 **Update from the Taxi Licensing Team**

Peter White (Enforcement Manager) referred to the taxi licencing report for June 2022 circulated with the Agenda and highlighted the following:

- Tom Ince would be returning to work following his operation later this week;
- Driver numbers had stabilised over 2022 with the team seeing a recovery in numbers of new applicants and levels were back to those seen pre pandemic with 15 new licence applications and 111 renewals during June 2022;

- The processing team were working well although there had been some resource challenges due to sickness and the use of the temporary work bank is being investigated to support the team;
- The number of Hackney Carriage drivers fell by 7 compared to the previous month;
- The team continue to proactively enforce the Council's policies in relation to taxi licensing and penalty points were issued on 6 occasions during June 2022;

The Chairman asked if there was an indication of involvement by Uber in Wiltshire and reported that in Chippenham, they had seen more taxis from outside of the County in the area and asked if Officers were in a dialogue with other Councils reminding them that their taxis cannot work on Wiltshire ranks. Peter White reported that she would seek an update from his Compliance Officers on those issues.

A Committee member was aware of the lack of taxis available in Chippenham and gave an example of an elderly couple finding it difficult to get a taxi to their flu vaccination appointment in Corsham. He asked if there were any issues with taxis in the area and if there was a need to encourage more taxi drivers for the area and how we might do that?

The Vice Chair reported that a Wiltshire wide recruitment campaign had been running now for a number of months and they were highlighting the role of a driving being a good career choice with a number of Wiltshire Council contracts available in the hope to draw in more drivers. She reminded that residents could use their community transport/link scheme to seek assistances in transport for appointments. Any further ideas on how to help with the improvement would be welcomed – it had been circulated via Area Board and social media etc.

A Committee member suggested that it would be useful to know what the ideal number of drivers/taxis would be to be able to balance the supply and demand. The reporting of specific incidences in areas is useful and the Chairman asked for details to come to the next meeting of the latest figures for drivers.

A Committee member stated that in these difficult times, some now just cannot afford to run a car and with the costs of fuel and insurance etc rising that is likely to add to the demand for taxis, and taxis will want an increase in order for their business to be viable and continue providing the services to the public.

A Committee member stated that whilst Uber do not have direct services in Wiltshire as yet, they do allow other taxis firms to sign up to the Uber service and asked what was Wiltshire doing to encourage this? Peter White responded that he would need to look into this further with the team to be able to provide a response.

Adrian Hampton (Head of Highway Operations) confirmed that they were aware that there were not enough taxi drivers in Wiltshire and that that was a challenge they were currently trying to work through to improve.

Jason Salter (Head of Service – Passenger Transport) reported that the demand will continue to increase (especially in relation to SEND transport provision) where a rise of over 100% is anticipated for September 2023 with an increase of over 200 needing home to education transportation. This was an anticipated problem with the lack of drivers and they would be working hard to look at how they would be managing that demand.

**Resolved:**

**That the Committee notes the updated shared on behalf of the Taxi Licensing Team.**

#### 61 **Update on Fulfilment of Passenger Transport Unit Contracts**

Adrian Weissenbruch (SEND and Passenger Assistant Transport Manager) referred to the update on the current fulfilment of Passenger Transport Unit Contracts and highlighted the following:

- There were now currently 22 students without transport to education settings due lack of drivers/licenced vehicles;
- Officers were continuing to receive no bids for some contracts put out to tender and they had been notified that one operator would be handing back 5 contracts between now and Easter due to drivers leaving;
- Growth in demand for transport continues and Officers were expecting 201 students to require transport by September 2023;
- Whilst the current advertising campaign had shown lots of interest with over 25 enquiries being received in the Passenger Transport Team, they would need to check if those had converted into applications from the Taxi Licensing Team;
- The team were introducing a new Dynamic Purchasing System (DPS) to enable providers to bid on Wiltshire Council contracts and they were currently doing a big push to invite suppliers to bid on contracts this way;

The Chairman asked if they were looking at trends, particularly considering the five contracts known to be being returned? Adrian Weissenbruch reported that the 5 contracts being returned were due to driver's retiring and those operators not being able to recruit new drivers to replace them. Officers would continue to look at trends but reported that they would need to issue a specific survey for particularly enquiries and whilst they may be successful in recruiting new drivers, drivers are continuing to leave so that the actual numbers don't go up. In the survey they would look at what might be appealing in the industry to attract them in and then look at changing their strategies to accommodate that.

The Chairman asked if there would be any follow up to the queries received that did not progress into an application as he felt it would be useful to find out what was the barrier to them not applying and what we could do about that in the future.

Jason Salter (Head of Service – Passenger Transport) reported that he had produced a questionnaire for drivers/operators and would talk to Adrian Hampton and his team around this when it had received the appropriate Communications and Cabinet sign off.

A Committee member asked what would be the next plan if you they were not able to get more drivers to take on the Wiltshire contracts? Jason Salter reported that they would need to consider a blend of different things. Some of the contract services could come in house where the Council provides drivers for contract work, but they would still need to find the drivers themselves for those roles but it may be that the Council's terms and conditions may be more attractive than external companies. They would also look at ways to encourage parents to provide more transport themselves. It was often more cost effective for parents to provide transport with the Council paying parents to provide this. Officers would be looking at policies in order to find appropriate solutions to resolve this issue.

A Committee member asked if those parents who are entitled to transport but do it themselves are recompensed for this – Jason Salter confirmed that they were. It was suggested that this could be made more attractive and a higher percentage paid for this. Jason Salter reported that they try and base it on a rough mileage rate and they would know what it would cost the Council to get them to school and then they would look at negotiating a price for the parents to do this. That was something they did well on compared to other local authorities but for some parents of course they much preferred to not transport their children to school as that was one less thing for them to do particularly when there were SEND needs.

The Vice Chair asked if all children with SEND are entitled to free education transport? Jason Salter confirmed that this was not the case – it was a distance issue depending on if they were not able to attend their nearest school for reasons of suitability. There were 33% of children with an Education, Health and Care Plans (EHCP's) and not all of those were entitled to transport but a chunk of those did.

A Committee member asked how he would explain to his constituents why their Council Tax is high and why the Council is responsible for getting some children to school at an annual cost of £7k, with some children not having a SEND needs. Was this due to legislation or a choice that the Council made? Adrian Weissenbruch reported that this was a statutory requirement and that it was a priority of the SEND Team to support children where possible in the local schools/community and where this is not available to provide transport to a suitable location for their education.

**Resolved:**

- 1. That the Committee note the update on the fulfilment of passenger transport contracts.**
- 2. That the Committee continue to receive regular updates on the fulfilment of passenger transport contracts and the measures taken to make improvements in relation to this.**

62 **Wheelchair Accessible Vehicles**

An update on Wheelchair Accessible vehicles (WAV) had been circulated with the Agenda and Adrian Hampton (Head of Highway Operations) gave the following update:

- There is a challenge at the present time with the availability of WAV and Officers had to consider balancing the needs of users and the challenges on those in the industry;
- In Wiltshire as at the end of September 2022 there were 101 WAV vehicles which equated to 13.2% of the fleet. 30% of private hire vehicles in Wiltshire are WAV but only 6% of those are Hackney Carriages; and
- Wiltshire currently operate a policy for operators that 1 in every 10 vehicles must be WAV but there was a small number of other authorities that had a 1 in 5 requirement. Any change in Wiltshire's policy would need careful consideration but it was felt that this did require more investigation and a deeper dive. It was proposed that this be looked at as part of an annual review to ensure that Wiltshire remains compliant and if there were to be a change in policy proposed there would need to be evidence to support this.

The Vice Chairman felt that whilst the level of WAV's may not be a problem at the current time – an approach on how to tackle the lack of WAV could be had with discussions with organisations who represent those with disabilities such as the Centre for Independent Living as they would know if people were struggling to get around and find suitable transportation. We need to ensure that they and others know to raise complaints when they have been unable to get suitable transport and perhaps, we could link in with those organisations to work out a suitable strategy and then report back to the Committee on the progress of this.

A Committee member also expressed that there was a need for vehicles to be able to carry wheelchairs and mobility scooters in vehicles too.

Adrian Weissenbruch reported that as the Passenger Transport Unit was the biggest customer for taxis, they were aware of how difficult it was to obtain WAV's and that they were difficult to purchase – they were in a position that

they were not able to provide transport to some students due to the lack of availability of WAV.

**Resolved:**

- 1. That the Committee notes the update on the provision of Wheelchair Accessible Vehicles (WAV).**
- 2. That Officers prepare an annual report based on a needs assessment of WAV for Wiltshire.**
- 3. That an update be presented to the Licensing Committee in June 2023 on the provision of WAV and any strategies and plans to improve the provision.**

63 **Proposed Changes to Wiltshire Councils Hackney Carriage Licensing Zone Structure**

The report attached to the Agenda sought to provide the Licensing Committee with the relevant information to make an informed decision on authorising the Taxi Licensing Team to implement a single licensing zone for Hackney Carriages within the Wiltshire Council area. Adrian Hampton (Head of Highway Operations) highlighted the following:

- Hackney Carriages can pick up passengers from a rank or the street without being pre-booked. They are currently licenced for a specific zone and cannot pick up a fare outside of their zone, unless it is pre-booked. Private hire vehicles licensed in Wiltshire can operate anywhere in the county as their work is pre-booked and they are not restricted by zone, however they are not permitted to pick up off ranks or be flagged down in the street;
- The existing zones in Wiltshire are geographically placed in the North, East, South and West reflecting the old district council zones. The Council has a legal obligation to offer vehicle owners an inspection at a location within their zone. This means that the Council is currently operating four workshops to facilitate taxi licensing. These workshops are located at Riverway Depot - Trowbridge, Kennet House Depot - Devizes, Parsonage Way Depot - Chippenham and Churchfields Depot - Salisbury. The Riverway and Parsonage Way workshops have been temporarily closed due to infrastructure issues. Both workshops will require investment if they are to reopen;
- On 7 March 2022 the Licensing Committee gave approval for a consultation with the industry on proposals to create a single licensing zone for hackney carriages in the Wiltshire Council area:
- Response rates were very low with only 34 responses being received;

- There were some issues with regards to the depots – there were structural issues at the Riverway depot in Trowbridge and an inoperable inspection ramp, The current inspection facilities at the Parsonage Way depot in Chippenham are unavailable due to the site being changed to a salt store and the Churchfields depot was currently struggling with roof issues. The Kennet House in Devizes workshop has been refurbished as part of the Council’s Fleet and Depot strategies and is available to take on all of the taxi licensing work;
- There were not many financial savings associated with this proposal and there would be a one of cost with the implementation of a single zone to advertise the changes at a cost of approximately £5,000. If this proposal was not implemented that would need to be a major investment in the other depots and investment has yet to be secured for 2 of the other depot sites;
- The introduction of a single zone covering the whole of Wiltshire would see an alignment of all taxi licensing services in a central location and this would support the Council’s efficiency of fleet and taxi inspections, avoid the cost of depot repairs, allow taxis to not travel back empty from across the county and therefore increase their revenue and would also along with the Council’s carbon reduction commitment; and
- The Churchfields depot is to remain in operation (following the roof repairs) and it would be possible to use that as a backup depot for inspections etc if required.

The Chairman asked if the Committee agreed to the proposals today would that mean that the other depots would close? Adrian Hampton reported that if the single zone was not implemented, they would have to look at short term solutions as to how they could continue to operate in 4 zones. The Council would need to approve a capital spend which was unlikely in the current climate.

The Chairman asked if there would be capacity in the system for all of the inspections to be carried out at the Devizes depot without there being a backlog in the system and drivers having to wait for an inspection and therefore not be able to work. Adrian Hampton reported that historically each of the workshops were open one day a week so with the new proposed arrangements Kennet House would operate five days a week offering the same booking opportunities. The Churchfields depot in Salisbury would have additional capacity and there was resilience there to use that for any overflow.

A Committee member asked if two of the depots were to close would they be sold off for a cash benefit? Adrian Hampton responded that the Riverway’s depot workshop would require considerable investment and that there were not long term plans for that site. There had been a change of use at the Chippenham depot and the workshop would require investment to re-establish the facility there for the safe access of visitors. Whilst there is an issue with the



roof at the Salisbury site this is fully funded and would remain in use as a fleet depot.

A Committee member asked that given the disgruntlement from drivers in the South of the county – had any consideration been given to move to 2 licensing zones? Adrian Hampton responded that they could have the south drivers using the Churchfields site, but the issue is not just around the workshop that they have to visit for inspection twice a year there is also the being able to work in any area of Wiltshire and the Council's challenge of having 1 zone to reduce carbon emissions. The number of responses must also be considered. Running two sites full time impacts the effectiveness of the service and considerable support with the consultation would need to have shown this. The lack of a response impacts the justification of running two zones and work shops permanently.

The Committee member then asked if Salisbury drivers would be able to use the Churchfields depot and would there be sufficient capacity there for them to have the option to go to Salisbury for inspections. Adrian Hampton accepted that there had been greater challenge from drivers in the south but that he could not guarantee that all could be inspected in Salisbury. He confirmed that they had considered 2 zones but felt that reflecting the low consultation results and for the maximum carbon efficiencies as part of the long term strategy a single zone for Wiltshire gives the best outcome with the main inspection centre being centrally located in Devizes with the possibility of some inspections in Salisbury.

The Vice Chair asked if there would be changes to the knowledge test if we move to a single zone? Adrian Hampton confirmed there it was not proposed to change the knowledge test and would continue as historically.

Adrian Hampton reiterated that there is an issue with current depot provision and they had to maximise the use and efficiency of the depots. The argument to continue to run the Churchfields depot will be based upon the needs for taxi licencing. There would be challenges as Adrian Hampton's primary responsibility was to ensure that Council services were effective as possible and it was not felt to be unreasonable to ask drivers to attend inspections in Devizes to achieve maximum efficiencies and this would be offset with drivers now being able to fill return journeys. Also with the low consultation responses a two depot and zone outcome would be hard to justify.

A Committee member reported that she had no issues with the implementation of one zone but felt that the knowledge test would have to be reviewed/expanded. In relation to the depots she expressed concern about the resilience of Devizes to the detriment of the others and felt that for a second workshop to be functional that it could be scheduled that for x days in the month there be availability at the Salisbury depot and that it would be better for the machinery etc to be used on a regular basis etc.

The Chairman asked if the single zone was to be implemented would there be a review period. Adrian Hampton reported that he receives monthly update reports from the Taxi Licensing team and suggested that there could be six

monthly updates to the Committee on this. If the proposal was agreed there would be communications to the trade and public following the mandatory advertisement of the changes.

**Resolved:**

- 1. That the Licensing Committee authorises the Taxi Licensing team to implement a single licensing zone for hackney carriage vehicles across Wiltshire.**
- 2. That the driver knowledge test is reviewed accordingly in light of the change approved in 1. above.**
- 3. That the primary licensed vehicle inspections are undertaken from Kennet House in Devizes.**
- 4. That a backup vehicle inspection premises be maintained at Churchfields depot in Salisbury.**
- 5. That an update report be brought back to the Licensing Committee after 6 months of operation of the new single licensing zone.**

64 **Review of Consultation Feedback on the Council's Proposal to Increase Tariff 1 by 10% for Hackney Carriages**

Adrian Hampton (Head of Highway Operations) referred to the briefing note circulated with the Agenda which sought to brief the Committee on the feedback resulting from the consultation undertaken on the proposal to increase Tariff 1 by 10% for Hackney Carriages in Wiltshire following significant fuel prices rises during 2022 and highlighted the following:

- The Licensing Committee granted the Taxi Licensing team the authority to implement a 10% increase at the meeting on 20 June 2022 with any rise greater than 10% being referred back to the Committee;
- The level of feedback was low despite drivers and vehicle owners being emailed directly. A total of 32 responses were received from 674 licence holders;
- Of the 32 responses 53% supported the proposal for a 10% increase to tariff1, 41% were against, 6% put forward no opinion, only feedback. It was noted that the 32 responses represented 5% of all hackney carriage drivers which was a disappointing response;
- The Committee had asked for ideas on how it could support the industry through the current economic difficulties and some of the ideas suggested included: removing the tinted window restriction for vehicles, reducing licensing fees, allowing older vehicles to be licenced, ensuring there is an annual fare review, increase school contract prices to a level

where they allow us to recover costs and introduce a £50, 1 year starter licence to encourage drivers into the trade;

- There was only one objection received following the advertisement of the 10% increase for tariff 1 in taxis and the implementation was deferred whilst this objection was considered;
- The tables at paragraph 3.12 of the report detailed the objections received and the Officer comments. Give the low response rates it was very hard to draw conclusions. Drivers were fairly evenly split with 53% of respondents supporting the proposal;
- The most commented issues appeared to be that the increase should be larger, that tariff 2 should be included and that school contract fees should be raised to allow drivers to cover that cost;
- Respondents also cited the fact that meters had only just been updated in January 2022 and suggested that the Council cover the cost of this. The cost of approximately £18,865 was not budgeted for and therefore this would not be an option for the Council;
- The proposal had been approved by the Head of Service – Highway Operations and the relevant Director and Cabinet Member;
- Officers would be undertaking a benchmarking exercise in relation to the removal of the tinted window restriction and the introduction of a one year licence and would look to do that by 1 April 2023; and
- The Officers had been empowered to make the decision and were asking the committee to note the decision to be made.

A Committee member noted the disappointing engagement rate and wondered what could be done to increase this and look at other ways to engage with the trade.

The Chairman commented that he used to chair the taxi meetings and that it was an aspiration to reinvigorate those and get some new faces involved and attending. Adrian Hampton reported that they were looking at overall engagement and that they recognise they need to get more interest in taxis.

A Committee member felt that drivers being able to use older vehicles and if the tinted window restriction was relaxed this may encourage more taxi drivers and make them viable and agreed that we should be increasing the fares in line with the proposals.

Adrian Hampton reported that Officers would investigate what changes could be made, complete a review and report this back to the Committee in due course.

The Vice Chair wondered if drivers have to update their tariffs or if they could choose to continue with the existing prices and if there was a different way of looking at the costs for taxi drivers so that we could get the prices right for them. Adrian Hampton reported that he would be happy to look at any model.

**Resolved:**

- 1. That the Committee notes the Taxi Licensing team's decision to increase Tariff 1 fares by 10% for Hackney Carriages.**
- 2. A communication be prepared for the taxi industry and the general public notify them of the changes and the proposed timetable for implementation.**

65 **Dates of Future Committee Meetings**

Members noted the future meetings of the Licensing Committee, all to commence at 10.30am:

5 December 2022  
6 March 2023.

66 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.07 pm)

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

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**VAWG**  
TACKLING VIOLENCE  
AGAINST  
WOMEN & GIRLS

**OUR MISSION**  
I. BUILD TRUST & CONFIDENCE IN POLICING  
II. RELENTLESS PERPETRATOR PURSUIT  
III. CREATE SAFER SPACES

**PROJECT VIGILANT**  
PREVENTING  
SEXUAL VIOLENCE

## PARTNER BRIEFING: PROJECT VIGILANT

### PROJECT VIGILANT HISTORY

Project Vigilant is an operation developed by Thames Valley Police that deployed plain clothes police officers into the night-time economy (NTE) in Oxford. It was an operation that was **perpetrator focused**; it sought to deploy several disruption tactics to prevent offences taking place.

Project Vigilant was found to be an effective tool to combat sexual offending in the Oxford NTE. As a result of Vigilant deployments, there was a 50% reduction in NTE-related rapes and a 30% reduction in NTE-related sexual assault.

In 2021, Project Vigilant was rolled out in Wiltshire NTE locations. This operation was deemed successful, with important disruption achieved and intelligence obtained surrounding vulnerability and predatory behaviour.

Further NTE deployments are planned for Swindon in 2022/2023 as a result of successful Safer Streets funding bids by the local multi-agency groups.

### VIGILANT DAY

An early strategy for the Wiltshire VAWG (Violence Against Women And Girls) team was to refresh and re-focus Project Vigilant so that it not only tackled the NTE, but daytime public spaces like shopping centres and recreational parks where predators can loiter in plain sight and minor criminality and anti-social behaviour can make areas feel unsafe and intimidating.

Units target males who may seek to exploit, assault, harass or intimidate female members of the public who frequent the deployment areas. The method of policing is deliberately intrusive and robust without being aggressive or oppressive.

### INTENTION

- Safeguard the vulnerable from sexual violence through proactive disruptive patrols and providing an enhanced response to serious sexual offences
- Identify predatory behaviour by potential perpetrators and prevent further offences through overt intervention
- Gather intelligence around potential perpetrators for future disruption and to assist future investigations
- Deter violence, intimidation and street harassment against women and girls and offer reassurance through a visible uniformed presence
- Provide a robust 'broken windows' policing approach to deter and manage individuals engaged in disorder, anti-social behaviour and petty offences that affect the quality of life of those using the same public space (e.g. aggressive begging, public drunkenness)
- Identify vulnerable persons and safeguard them through engagement and advice – this includes women and girls who may benefit from signposting to support agencies such as SARC (Sexual Assault Referral Centre), drug & alcohol services, mental health services, domestic violence support and local authority housing/homelessness

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## **Licensing Appeals Update**

To receive an update on any appeals lodged against Licensing Sub Committee decisions.

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## Southern Area Licensing Sub Committee

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**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE REVIEW HEARING HELD ON 7 NOVEMBER 2022 AT THE ENTERPRISE NETWORK, (THE OLD FIRE STATION) 2 SALT LANE, SALISBURY, SP1 1DU IN RESPECT OF THE CUCKOO INN, HAMPTWORTH, SALISBURY**

**Present:**

Sub Committee Members

Cllr Kevin Daley, Cllr Tim Trimble, Cllr Robert Yuill

Wiltshire Council Officers

Lisa Alexander, Senior Democratic Services Officer

Sarah Marshall, Principal Solicitor

Katherine Edge, Public Protection Officer (Licensing)

Applicant

Katherine Fowler, Environmental Health Officer

Licence Holder's Representatives

Mr Sasha Moussaieff - Director Eagle Point Unlimited / Leaseholder

Mr Nikolaos Amlianitis – Designated Premises Supervisor (DPS)

Relevant Representations:

Rep 1 - Resident

Rep 2 - Resident

Rep 5 - Resident

Rep 6 - Resident

Rep 7 – Cllr Zoe Clewer

Rep 8 – Resident

Other / Public Attendance

Local Residents / Parish Council

Trish Morse, Senior Public Protection Officer (Observing)

Linda Holland – Licensing Manager (Observing)

Gary Tomsett Environmental Control Team Leader (Observing)

Mike Edgar – Senior Solicitor Wiltshire Council (Observing)

**1 Election of Chairman**

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

**Resolved:**

**To elect Councillor Kevin Daley as Chairman for this meeting only.**

2 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

3 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

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" as set out in the Agenda.

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

An application for the Review of the premises licence for The Cuckoo Inn, Hamptworth, Salisbury SP5 2DU has been made by Wiltshire Councils Environmental Control and Protection.

**Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Review, presented by Katherine Edge (Public Protection Officer – Licensing) for which 8 relevant representations had been received.

It was noted by the Sub Committee that there were five options available to them:

- i) To modify the conditions of the licence.
- ii) To exclude a licensable activity from the scope of the licence.
- iii) To suspend the licence for a period not exceeding three months.
- iv) To revoke the licence.
- v) To determine that no steps are necessary

The following parties attended the hearing and took part in it:

**On behalf of the Applicant – Environmental Health**

- Katherine Fowler, Environmental Health Officer

**Relevant Representations**

- Rep 1 - local residents in objection to the application
- Rep 2 - local residents in support of the application
- Rep 3 – not in attendance – letter read by Rep 2
- Rep 5 - local residents in support of the application
- Rep 6 - local residents in support of the application
- Rep 7 – Cllr Zoe Clewer, Wiltshire Council Divisional Member
- Rep 8 - local residents in support of the application

**On behalf of the Licence Holder**

- Mr Sasha Moussaieff – Lease Holder & Director of Eagle point Unlimited
- Mr Nikolaos Amlianitis – Designated Premises Supervisor (DPS)

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

**Applicant's submission**

The Applicant Katherine Fowler, Environmental Health Officer, noted that a Review of the licence had been requested due to conduct which had resulted in a failure to uphold one of the licensing objectives, namely, the Prevention of Public Nuisance. Further points raised included:

- A failure to comply with conditions attached to the premise licence, in particular the Noise Management Plan
- A lack of confidence in the management of noise monitoring following outside events in July and Sep
- The proximity of residents and the impact of rock/harsh music on them
- The Premises had consulted a licensing solicitor and a noise consultant
- A lack of confidence in the ability to manage future events in accordance with the conditions on the license and to uphold the Licensing Objectives.

- A request to restrict the number of events annually to two Beer Festivals (May and September) with no amplified music on Sundays (Music outside to be restricted to 22:30hrs)
- With scope for a maximum of four further events with amplified music, with a maximum of one per month (Music outside to be restricted to 21:00hrs)

### **Sub Committee Member's questions**

In response to Members questions the following points of clarification were given:

- Noise readings were taken by Environmental Health in July and September 2022 following complaints.
- Music was played loudly after advice had been provided by Environmental Health regarding the types of music to avoid.
- There was a very low level of background noise in the rural area, making it easier to hear any noise in addition to the standard background noise. Music with a heavy beat and specifically the lyrics of the songs were audible at the nearby premises.

### **Questions from those who made a relevant representation**

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- Music would be measured by means of Subjective Measuring due to being outside. If inside, ordinarily a noise limiter would be recommended. The noise consultant had provided training to the DPS and Lease Holder on how to carry out subjective monitoring.
- Noise level should be so that the lyrics were not heard at the residential properties. The license holder would be responsible for the subjective decision.
- The Manager/DPS had previously been advised to restrict the frequency of events and use bands that were softer and quieter.

### **Licence Holder submissions**

The Leaseholder/Manager, Mr Sasha Moussaieff and the DPS, Mr Nikolaos Amlianitis raised the following points:

- They offered to amend the license and to follow the recommendations, to avoid a requirement for a hearing
- The premises has been open 7 months and had engaged with members of the public since day 1 (March 18).
- They felt that the hearing was premature given the amount of work they had done to engage with the locals
- When the premises was taken on, they met with local residents to discuss how best to run the premises in an attempt to be in keeping with the previous owners. They were not previously aware of the festivals.
- The DPS confirmed he was very experienced at running businesses

- The main objector had been most encouraging about having beer festivals.
- There had been mistakes and a lot of resources had been spent on trying to rectify these.
- The premises operated an open door policy
- The Leaseholder visited a residents house on day of the next festival. He could hear the music, however on reading the decibel level, it was below what was permitted, but he agrees it was still audible.
- The nearest resident had bought his property next to the premises when music events have been going on for many years.
- They are in agreement regarding having a reduced music level.
- Excessive complaints from the same person had been received again and again but that should not be the ruling factor as amounted to a borderline obsession and surveillance. They felt there was a need to protect the premises from this level of complaint.
- During an indoor Elvis event, they received an email from the council asking what we were doing, due to the reporting by the neighbour.
- One statements made by a resident was very personal to the DPS.
- People who had used the premises for decades were in support.
- They have offered to make amendments.
- They do not accept any accusation of 'winding people up'. They had found there were neighbours hiding in the bushes filming them. Some of the things stated in the representations are fabricated.
- If the allowances for events were reduced, it would be at the cost of the premises which makes it more and more difficult to keep going, with no profit being made.
- The events do not achieve anywhere near 500, so there is no concern regarding the maximum capacity of the premises.
- The festivals were attended by young children and families having fun, and there was no aggressive behaviour.
- The pub had been brought back from closure. Residents could not expect to hear nothing at all when they have bought a house that close to a premises that had held events for so many years
- They accepted some of the bands were heavy (rock) in the past and this was being addressed and they had agreed to have quieter, acoustic bands.
- Out of a total of around 700 residents in the area, there have only been around 4 or 5 objections. Generally, residents felt that the premises was performing at the best level they have ever seen. The premises was always full, which was evidence that it was well supported.
- They have a professional consultant to manage all future events. If they had been aware of the issues from day one, these would have been dealt with earlier.
- They need to ensure the premises can continue to run.

### **Sub Committee Members' questions**

In response to Members questions the following points of clarification were given by the Leaseholder/Manager and DPS:

- The premises was closed for 2.5 years during the pandemic and there had been changes of ownership.
- Research was carried out on the types of bands previously booked to play at the premises. The same genres (large rock bands) had in the past previously played out of large trucks outside of the premises.
- The mini festival held in 2019 had loud rock bands, which it was agreed was too loud. The types of bands booked would address the issue of noise for future events.
- Previously, the premises had held 3 day festivals, but they agree now to only have 2 days festivals, with the third day being used for an acoustic guitar player.
- Environmental Health confirmed that no Noise Management Plan ('NMP') was in place and the Manager/DPS were not aware of the restrictions on the license when operating the premises.
- The Manager/DPS accept responsibility for the errors made during the first 7 months of being open. They have agreed to make changes to how the premises was operating.
- The Manager also owned and ran the Golf Club which backed on to the premises. He had invited locals to the Golf Club prior to the opening of the premises, to announce the plans for the opening. Since then, he had not turned down a meeting with anyone and further met with a resident who had raised concerns in July.
- Mr Moussaieff's company had bought the golf club and was now in process of buying the estate including the premises from the current owners.
- On legal advice from his solicitors, the license was not transferred to Mr Moussaieff, as he was waiting for the completion of the sale to be finalised.
- The Manager or the DPS confirmed they had no previous experience at running a license premises.
- Qualified security staff were employed during the events.

### **Questions from those who made a relevant representation**

In response to questions from those that had made a relevant representation, the following points of clarification were given by the Leaseholder/Manager and DPS:

- Security personnel had not made a record of an alleged incident at the May festival, relating to a female customer and a local resident.
- The customer in question was reported as being intoxicated and was escorted off the premises and barred from returning.
- Approximately 200 to 300 people attended the events.
- Three Security personnel were employed to manage the events.
- The amended license to reduce number of events and noise levels was agreed in October 2022, following a meeting with council officers.
- The reason for scheduling events on consecutive weekends was due to a request from the parish council, to celebrate the Queens Jubilee, to

bring people together. It was not a deliberate intention to go against the license conditions.

### **Questions from the Applicant:**

In response to questions from the Applicant, the following points of clarification were given by the Environmental Health Officer:

- Consistent specific advice was provided by Environmental Health to stop all the rock music, which was not adhered to.
- The Manager was aware that noise monitoring was taking place.
- During a visit by the Environmental Health Officer, the Manager/DPS were not aware of a NMP being in place and the consecutive weekends condition on the license, or aware that one was required.
- It would have been clear that the music would be loud when seeing the band unloading but no corrective action was taken.

### **Submissions from those who made relevant representations**

#### **Rep 1**

- Bought the house closest to the pub in the knowledge that the pub held 2 beer festivals per year.
- Concerned that under the new arrangement there would be a fundamental change, allowing highly amplified music.
- The pub was at the centre of a quiet hamlet.
- He had not had cause to complain in previous years and accepted there will be some noise.
- A public and statutory nuisance has occurred.
- The premises own noise consultant stated that the programme of events were not appropriate to such a venue.
- In July heavy metal and rock bands played.
- The Manager confirmed he could hear all lyrics at his front door and he had declined to dull down the music.
- Between 2 – 4 September 2022, two rock bands played for over 4 hours, including an amplified drum solo for over 1 minute, with the band encouraging the audience to further add to noise.
- Any solution must be clear and legally binding. He requests a restriction for no amplified outside music at any time.

#### **Rep 2**

- Their lives are disturbed due to events at the premises.
- There is a failure to comply with conditions in the NMP to control noise
- People should not be disturbed in their homes at night.
- The needs of local residents were not respected, with management constantly laughing and posting comments on social media, spreading a rumour to intimidate and incite hatred.
- Violence at the venue was not logged.
- They had previously supported events, attending each year.

- Outward aggression was shown to them at the beer festival, where they were barred from the pub by the DPS as he could not secure their safety.
- They had a lack of confidence in the management, particularly his inability to engage with neighbours.
- Two further events were held this weekend with no notice given to the neighbours.
- They feel the DPS should be removed and replaced with one that has a proven track record and experience.

### **Rep 3**

(Statement read by Rep 2)

- Following a stroke in June, this resident only had access to his sitting room and kitchen and required daily visits from carers. The loud barrage of music with a continuous boom was impacting on his recovery. He had pleaded for the noise to stop as he was in a state of distress.
- A recent car event at the premises accessed the field around his cottage boundary, where he felt his privacy had been compromised, due to a broken fence between his garden and the pub estate.
- The DPS was aware of the impact of events on him, due to his vulnerability. There had been no notifications or visits from the pub.
- He had lived in the property for 40 years with no previous issues.
- No former notification was provided to him regarding the events held this weekend. He could hear banging drums from his bed in the lounge and there were vehicles parked around his boundary.

### **Rep 5**

- The level of noise was not sustainable, there was a general disregard for neighbours.
- Have lived in the property for the last 5 years with no issues before.
- Repeatedly disturbed by loud events
- There is a lack of action to rectify issues.
- Conditions need to be applied to what constitutes a new event, including the TEN option for events. With clarity on definitions.
- There has been antisocial behaviour since 2022, including people urinating and vomiting, outside of the pub, around the hamlet and discarding broken bottles.
- There is a failure of the premises to respect and engage with us as neighbours.

### **Rep 6**

- Living off Hamptworth Road, we have heard music on a few occasions very clearly.
- The noise generated from the vehicles attending the events at the pub have also kept us awake.

### **Rep 7**

Cllr Zoe Clewer, Divisional Member.

- The actual population of Hamptworth is probably closer to 100 rather than the 700 stated by the Lease holder.



- Residents' concerns raised through her included the frequency of events and type of bands or music played at the events.
- The pub is situated in a quiet hamlet where noise travels easily.
- The New Forest was also a protected habitat, so there were also animals to consider.
- The duration of events and amplified music had increased on previous events
- Communication to residents on when and what was happening would be vital in rebuilding relationships
- This year had been hot, it was not feasible to have windows shut
- The Noise Consultant's report states that the location of the premises was not suitable to hold events outside, frequently or if at all.
- There was the need for a reasonable NMP, to address points raised
- Clarity on how volume was to be defined and measured would be beneficial
- As local councillor, Cllr Clewer asked the Sub-Committee to consider applying the proposals and to apply conditions to form a watertight agreement. Noting that there were some discrepancies between the versions, asking for assurance that the final version was satisfactory
- The antisocial behaviour reports of bad haviour and biohazards, such as vomit etc were not acceptable
- Relationships between the residents and the mangers/DPS at the premises had broken down.
- Grateful to know whether if any change of personnel would impact on the outcome of conditions

## Rep 8

- Have lived here with family since 2018, just 130m away
- The impact of the events on their home are caused by several elements, including the frequency, the genre and the noise levels.
- They have previously supported the pub, however the impact on their house and outside garden space since the new management has been in place has increased.
- They have an infant daughter and have not been able to open the windows on hot evenings due to the nature and the lyrics which are inappropriate for children to hear.
- Some customers are leaving the premises in a drunken state, or a disorderly condition, often urinating. There has been evidence of drug use. This should not be happening outside a village public house in a national park.
- Residents have been given little notice, so there was not enough time for them to make other plans
- There have been parking problems on days that the larger events occurred, with blocked driveways, resulting in them having to go to the premises to ask them to find the car owner to move it.
- Some promises were made but not followed through
- They request that the license is amended to prevent all amplified music going forward

- They would want any newly agreed NMP and to ensure that conditions are adhered to.

### **Sub Committee Members' questions**

In response to Members questions the following points of clarification were given:

- The antisocial behaviour was directly linked to the events as occurred on the same days.
- It would be possible to implement a perimeter fence on the field adjoining to the nearest dwelling on event days, creating a distance between attendees and the neighbours garden.
- The noise generated by the car show was expected to be minimal as vehicles on display were usually parked up and turned off. It could however be included in the NMP, but the field is not part of the licensable area.
- Residents should be notified that such an event is being held.

### **Closing submissions from License Holder**

In their closing submission, Mr Moussaieff highlighted the following:

- They are changing things to make sure these issues do not occur in the future. There have been untruths during statements, and it was not the case that there has been a lack of engagement.
- The premises is something they were doing for the community, and the premises would not survive without the community.
- They are trying to address the parking issue, with a car park across the road
- After all of this they will ask the council to assist them in methods to slow down cars leaving the pub.
- The premises is an easy target and cannot always be blamed. There are so few days where events are held with greater numbers.
- The residents have not tried to meet with them.

### **Closing submissions from those who made relevant representations**

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- There has not been engagement with them after raising issues with the DPS
- They need a binding solution for business and residents together, in hope that trust can be re-built and to move forward to operate on an acceptable basis for both.

### **Applicant's closing submission**

In their closing submission, the Applicant, Environmental Health, highlighted the following:

- They would need to be satisfied that the DPS and the Manager could control and manage noise from events, as that had not been demonstrated during 2022, despite their advice given on multiple occasions.
- The Live Music Act needs to be dis-applied to gain some control.
- With the assistance of their noise consultant and licensing solicitor there should be scope to be able to control noise in line with an agreed NMP.

### **Points of Clarification Requested by the Sub Committee**

There were none.

The Sub Committee then adjourned at 13:00pm and retired with the Principal Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Environmental Health Officer was called in briefly at 14.00pm approx. to answer a question from the Sub Committee. The Environmental Health Officer was asked how long did it take to put in an application for a DPS and she confirmed that an application can be made immediately. The Environmental Health Officer was then asked to leave.

The Hearing reconvened at 14.15pm.

The Principal Solicitor advised that she gave the following brief and relevant legal advice to the Sub Committee on the application of the four licensing objectives, the removal of the DPS and that the Sub Committee are not permitted to consider planning issues when determining a licensing application.

### **The Southern Area Licensing Sub Committee RESOLVED:**

#### **Decision:**

**At its meeting held on 7 November 2022, the Southern Area Licensing Sub Committee (Sub Committee) has resolved to Modify the License and to include the timings detailed below and subject to the following conditions;**

<b>LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE</b>						
<b>Licensable activities</b>	<b>Location</b>	<b>Day</b>	<b>Time From</b>	<b>Time To</b>	<b>Time From</b>	<b>Time To</b>
Indoor Sports Event Similar to any Music or Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		

		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>September Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00 – 22.30</p> <p>May Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00 - 23.00</p> <p>Christmas Eve 1200 - 0030</p>					
Indoor Live Music Similar to Making Music/Dance	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	22:30		
		Friday	11:00	23:00		
	Outdoors	Friday	11.00	21.00		
		Saturday	11.00	21.00		
Non-Standard Timings & Seasonal Variations	<p><b>May Beer Festival:</b> Three days (Fri, Sat &amp; Sun) from 12:00- 22.30</p> <p><b>September Beer Festival:</b> Three days (Fri, Sat &amp; Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 – 0030</p>					
Recorded Music Perform Dance Facilities for dancing Facilities for music	Indoors	Sunday	12:00	22:30		
		Monday	11:00	22:30		
		Tuesday	11:00	22:30		
		Wednesday	11:00	22:30		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
	Outdoors	Friday	11:00	21:00		

		Saturday	11:00	21:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 - 0030</p>					
Late Night Refresh	Indoors and Outdoors	Sunday				
		Monday	23:00	23:00		
		Tuesday	23:00	23:00		
		Wednesday	23:00	23:00		
		Thursday	23:00	23:00		
		Friday	23:00	23:00		
		Saturday	23:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 - 0030</p>					
Alcohol Sales	ON and OFF Sales	Sunday	11:00	23:00		
		Monday	11:00	23:00		
		Tuesday	11:00	23:00		
		Wednesday	11:00	23:00		
		Thursday	11:00	23:00		
		Friday	11:00	23:00		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	<p>May Beer Festival: Three Days (Fri, Sat &amp; Sun) from 12:00- 22.30</p> <p>September Beer Festival: Three days (Fri, Sat &amp; Sun) from 12:00 – 22.30 hrs</p> <p>Christmas Eve 1200 -0030</p> <p>New Year's Eve – 12.00 to 00.00 and 1<sup>st</sup> Jan 00.00 to 01.30.</p>					

Hrs premises open to public	whole premises	Sunday	11:00	23:30		
		Monday	11:00	23:30		
		Tuesday	11:00	23:30		
		Wednesday	11:00	23:30		
		Thursday	11:00	23:30		
		Friday	11:00	23:30		
		Saturday	11:00	23:00		
Non-Standard Timings & Seasonal Variations	Good Friday 12:00 – 23.00 hrs Christmas Day 12:00 - 15:00 hrs Christmas Day 19:00 - 22:30 hrs Christmas Eve 11.00 - 01.00 hrs New Year's Eve Until start of business on 02.00 1st January All other Bank Holidays to close 23:30					

- 1. The provisions of the Live Music Act 2012 be disapplied to this premises.**
- 2. The current DPS, Nikolaos Amplianitis be removed.**
- 3. The two Beer Festivals permitted to be held at the premises (one in May and one in September) and a maximum of up to an additional three events permitted to take place at the premises through the months of June, July and August but those events not to be scheduled on consecutive days or weekends.**
- 4. A Noise Management Plan must be submitted and agreed by the Licensing Authority by 4 December 2022. Noise must be managed in accordance with the Noise Management Plan submitted to the Licensing Authority. Any future changes to the Noise Management Plan must be agreed in writing by the Licensing Authority.**
- 5. To give the Parish Council notice of any event and to display a notice outside of the premises, at least 14 days before the event date.**
- 6. A telephone number for complaints to be provided to the Parish Council and available online and outside of the premises at all times and to be answerable during all operational hours.**
- 7. A log of any complaint or incident to be kept and made available to the Licensing Officer/Environmental Health Officer upon request.**

**Informative – A Cordoned off section in parking field around the premises boundary with residents to be provided for vehicles attending events at the premises.**

Reasons for Decision:

In reaching its decision, the Sub Committee took account of and heard and considered all of the documentary and oral evidence from the Licensing Authority, Environmental Health, the Owner / License Holder's representative and the parties that had made a Relevant Representation.

The Sub Committee noted from Environmental Health that several attempts had been made to meet with and advise the DPS on the conditions of the premises Licence.

The Sub Committee noted the history to the Premises, in that it had previously been operated and held music and beer festival type events under previous ownerships. It was also noted that the current owner had been operating since April 2022, when he had taken the premises on after a period of closure due to the Pandemic. It was clearly stated that the intention of the Owner was to replicate the offer which had been previously available under previous owners.

The Sub Committee considered the evidence presented by Environmental Health and those that made Relevant Representations, relating to the level of noise emanating from the premises during scheduled events, the differences between various genres of music and specifically the impact of bands and performance styles of artists playing extreme styles of rock, including explicit lyrics.

The Sub Committee considered, the inexperience of both the current DPS and the Owner and the Owner's representative in managing a Licenced Premises and the resulting failure to establish a strong understanding of the conditions on the License and of the Licensing Objectives, prior to opening. Further noting the differences between managing non licensed premises and licensed.

The Sub Committee noted the conflict between the local residents and the DPS and other patrons at the premises which had risen to a degree of tension between the parties.

The Sub Committee noted that the premises location was situated in a quiet rural area, which had a low level of general background noise, and that any additional noise in such a location would have a significant impact on the residential properties closest to it.

The Sub Committee considered that the removal of the current DPS would appropriately address issues concerning the poor management of the premises in upholding the Licensing Objectives and would give the opportunity for a new more experienced DPS to demonstrate that they could positively and proactively promote the Licensing Objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, 51 and 52); the Licensing Act 2003 (Hearings) Regulations 2005, the four Licensing Objectives; the revised guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

#### Right to Appeal

All parties attending the hearing were informed they have the right to appeal to the Magistrates Court within 21 days of the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.30 am - 2.30 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail [lisa.Alexander@wiltshire.gov.uk](mailto:lisa.Alexander@wiltshire.gov.uk)

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## Western Area Licensing Sub Committee

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**MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 NOVEMBER 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR THE BATH ARMS, CROCKERTON, WARMINSTER, WILTSHIRE**

**Present:**

Cllr Trevor Carbin (Chair), Cllr Stewart Palmen and Cllr Tim Trimble

**Also Present:**

Those who made a Relevant Representation

Rep 1 – Resident – *Not present but represented by Rep 10*  
Rep 3 – Resident  
Rep 4 – Resident  
Rep 6 – Resident  
Rep 9 – Resident – *Not present but represented by Rep 10*  
Rep 10 – Resident  
Rep 12 – Resident – *Not present but represented by Rep 4*  
Rep 14 - Resident

Wiltshire Council Officers

Carla Adkins (Public Protection Officer – Licensing)  
Asifa Ashraf (Solicitor - Observing)  
Mike Edgar (Solicitor - Observing)  
Sarah Marshall (Principal Solicitor)  
Lisa Pullin (Democratic Services Officer)

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**1 Election of Chairman**

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

**Resolved:**

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

**2 Apologies for Absence/Substitutions**

Apologies were received from Mr Paul Gardner, the Applicant. There were no substitutions.

### 3 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes or decision notice.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

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 to 10 of the Agenda refers).

### 4 **Chairman's Announcements**

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

### 5 **Declarations of Interest**

There were no interests declared.

### 6 **Licensing Application**

**Application by The Chaffinch Pub Company Limited for the variation of a Premises Licence in respect of The Bath Arms, Crockerton, Warminster**

#### **Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a variation of a Premises Licence, presented by Carla Adkins the Public Protection Officer (Licensing) for which 14 relevant representations had been received. The application was for the following licensable activities:

- To extend the existing licensable area to include the outside space;
- To extend the timings for the sale of alcohol to 00:30hrs daily and remove the non-standard timings; and
- For the addition of an outside bar.

It was noted by the Sub Committee that there were 3 options available to them:

1. To grant the application, on the terms and conditions applied for
2. To grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives,
3. To reject the application in whole or in part.

The Public Protection Officer (Licensing) then highlighted the following:

- That the current Applicant had been the premises licence holder since July 2022 and the premise has benefited from a premises licence since November 2005 under the Licensing Act 2003 and prior to this under previous legislation;
- Sixteen relevant representatives were initially received, 15 from local residents in objection to the application and one from the Senior Public Protection Officer (Environmental Control and Protection) in relation to concerns over noise nuisance. A number of conditions to mitigate the potential noise nuisance were proposed by the Senior Public Protection Officer and these were agreed by the Applicant who then requested that an email be sent to all those who had made a relevant representation to outline the Applicant's intention and their agreement with the proposed conditions. As a result of this communication one of the local residents withdrew their representation;
- Many of those that had made representations commented on a perceived change to the opening hours of the premises. The current premises licence allows the premises to open until 01:00hrs daily and the variation application did not seek to change that; and
- The appeals procedure for the parties following a decision made at the hearing.

The Chairman asked the Public Protection Officer (Licensing) if the wooden fence that was understood to have already been erected met the specification recommended by the Senior Public Protection Officer (Environmental Control and Protection) to be constructed of a material with a density no less than 10kg/mc and that there should be no gaps or holes in the structure? The Public Protection Officer (Licensing) reported that she was not sure if this was the case and that the Senior Public Protection Officer intended to inspect the fence to see if this was the case.

The following parties attended the hearing and took part in it:

**On behalf of the Applicant**

- The Applicant was not present at the meeting

**Relevant Representations**

- Rep 1 – Local resident in objection to the application – *Not in attendance but represented by Rep 10*

- Rep 3 – Local resident in objection to the application
- Rep 4 – Local resident in objection to the application
- Rep 6 – Local resident in objection to the application
- Rep 9 – Local resident in objection to the application – *Not in attendance but represented by Rep 10*
- Rep 10 – Local resident in objection to the application
- Rep 12 – Local resident in objection to the application – *Not in attendance but represented by Rep 4*
- Rep 14 - Local resident in objection to the application

The Chair advised that all of the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

### **Applicant's submission**

No representatives of the Applicant were present at the meeting.

### **Submissions from those who made relevant representations**

Rep 10

- The premises was previously a quiet country pub, run in a pleasant way that was well appreciated by local residents;
- There were a few weddings each year and the pub had closed at a reasonable time and this was appreciated as they lived opposite the premises;
- The premises had now been closed for 4 years, the Applicant seemed to be refurbishing it in a quality way and they were happy to see it being restored to reopen;
- Now there was concern that the application was for the premises to be able to serve alcohol every day until 00:30hrs and that with the later hours there would be more patrons in the premises and then they would be closing and leaving later causing noise nuisance to the surrounding residents with clearing up and people talking and vehicle movements;
- There had been no outside bar before, but the Applicants had now built an outside area for 50-60 people and as the premises was surrounded on three sides by residential properties and the fourth with privately owned land with an animal this would involve a significant increase of noise when the outside space was being used; and
- Public safety was also a concern with increased staffing and patrons at the premises this would mean more vehicles trying to park in the very small parking area that would obviously overspill onto to the neighbouring roads and this coupled with the outdoor bar, later licence to serve alcohol would create more disturbance to the local residents.

Rep 1 (represented by Rep 10 at the meeting)

- Whilst they did not live in the immediate vicinity of the premises because of the valley they would also be disturbed by noise and from the premises even on their side of village; and
- They were concerned about the later alcohol licence and the possibility of more events at the premises as the Applicant had already posted online his plans for premises, advertising they as being available for private hire events. In the worst case if this was taken up as a regular line of business this could result in disruption to the neighbours.

Rep 9 (represented by Rep 10 at the meeting)

- They were new arrivals to the village, and whilst they did not have children their land backed on to the rear of the premises and their paddock had horses. Because the Applicants were requesting to extend their licensable area, they would face disruption up to their fence line which would impact them and their livestock. Their home was also side on to the premises and there would be disruption and noise from people leaving the premises.

Rep 12 (represented by Rep 4 at the meeting)

- Despite communication to the Applicants from the Senior Public Protection Officer (Environmental Control and Protection) stating the suggested fence specification between the outside bar area and neighbouring properties, they were now aware that this had been constructed but not to the specification raised by the Senior Public Protection Officer and the cheaply constructed fence was inadequate and would not provide nowhere near the required acoustic protection. This had led to the Senior Public Protection Officer withdrawing her representation and that this was misleading and they felt that it did not bode well for the Applicant. They suggested that the outside area should only be able to be used up until 22:00 hrs and that better acoustic fencing be erected.

Rep 4

- They lived next door to the premises and were 25 metres from the outside area and whilst they know that the premises was needed and they applaud their determination to make a go of it, the issue is the with the outside area which is now a fully blown function area with approximately 70 seats and a stretch tent to allow all weather access; and
- The concern is that this will change from an occasional venue and that there needs to be a balance between life in village and for the commercial venture that to be a success. When they had purchased

properties in the immediate vicinity the commercial venture was not an issue and the use if it is at odds with what was expected by those who live in Crockerton.

#### Rep 6

- They reiterated what had been raised by the other representations and had lived directly opposite the premises for 27 years, during which time there had been 6 different landlords. There had previously been village pub quizzes and extensions for Christmas/New Year celebrations etc and the occasional wedding which had never been a problem for them;
- The Applicant had stated that at 23:00hrs he would close the outside area and gather everyone into the premises so that alcohol sales and consumption could continue inside. They felt that this was unrealistic to expect a wedding party etc to move inside at 23:00hrs to continue and then there would then be people leaving later at 00:30hrs/01:00hrs making noise at the later time with talking more loudly when intoxicated, car doors slamming and vehicle movements. This would cause a considerable disturbance to everyone including children living in and around the premises; and
- The Applicant had not interacted with the villagers at all and his attitude in an email sent on 20 October said that for those who objected to the application they should vote with their feet and move and let others move in. They felt that this was very rude to the residents of Crockerton.

#### Rep 3

- They were concerned about the outside bar area; the site was already built and wouldn't be an inside area to prevent noise nuisance – they had created a tented area;
- The fencing that had been constructed was not an acoustic barrier fence;
- The Applicant's intention was to open until 00:30hrs to serve alcohol and there had been an article in the Wiltshire Life magazine for the premises to be available as a standalone venue for hire for private functions and events. This would not benefit anyone in village and those attending those events won't care about their noise and how it travels even more in a valley;
- The main concern is that the outside area wasn't there before when the premises was run as a village pub - that was what they were expecting and they do want a village pub, but a venue for people to come do did not benefit residents. They were objecting to sale of alcohol to 00:30hrs as they were concerned that the patrons would be parking on the neighbouring streets and creating noise nuisance;

- The Applicant had not engaged with village residents or the Parish Council. At a Parish Council meeting the application was not supported and the Applicant did not attend the meeting to explain his proposals for the premises; and
- At the nearby Bradley Hare and Woolpack premises they had outside areas that were open to 22:00hrs in the week and 23:00hrs at the weekends. The Applicant could have spoken to them and attending the hearing to allay their fears and inform them of their plans regarding the hours of business to reassure the neighbours but had not – they felt this was indicative of how the Applicant intended to run the business.

Rep 14

- They lived a fair distance from the premises up the valley, there was a direct line of sight and they had lived there for 7 years. If anyone in Clay Street had a party or were talking outside/where playing music they were able to hear it. So far people had been respectful and ceased at a reasonable hour but their concern was with the application to serve alcohol late at night – this could occur at the premises for up to 7 nights a week which would likely be at least all weekends with the proposed commercial venue. If there were music/bands the noise would be extremely loud; and
- The premises was an asset for village but there appeared to be no real interest by the Applicant to be conciliatory to the villagers feelings.

### **Sub Committee Members' questions**

In response to Members questions the following points of clarification were given by those that made a relevant representation:

- There had not been a problem with premises before when they were open, they used to close by 23:00hrs. If there was the occasional wedding there would be some noise but there were only up to 12 events a year and they considered the neighbours and adhered to the cut off time. Most of the events had local people attending and was likely to be a community event at the village pub, if there was a function, they would open to 00:00hrs under a temporary events notice;
- The previous landlord was very good if it was a wedding or a Christmas or New Year's party, they music would stop at the correct time. This Applicant had no consideration for villagers in their commercial plans for the premises and this had caused quite a lot of mental distress;
- The outside structure consisted of a paved area of 45m by 60m with a stretch ten over one part. There was seating by way of fixed benches for 70 patrons. The outside bar was a refurbished outbuilding which was shown on the plans. This had been done in an attractive way as it was

obvious that this was a pretty serious business model to attract functions for the Applicant to balance the viability. There was parking for only 23 vehicles;

- Whilst there was the tented area there was still a garden area that could be developed and it was possible that yurts or tent could be but in – it was understood that this was undecided as yet;
- There were benches outside of the premises originally and the seating had now been put outside before any licensing approval. The Applicant had started doing work on the listed premises before consent was obtained and he was stopped from doing this until the consent had been obtained;

The Public Protection Officer (Licensing) clarified that the Applicant did not need to have a licence for patrons to be able to drink outside of the premises as they already had a licence for on and off sales and having seating outside was not licensable. However the Applicant was not currently able to sell alcohol outside.

- There was a tension with proposals for the outside area with an outside bar that was yet to be authorised and which was now sought to be a standalone commercial opportunity. It was understood that the intention of the Applicant was for there to be a Michelin star restaurant at the premises. It was questioned how are those diners going to feel if at 23:00 those at an event outside are then required to come into the premises whilst the patrons inside are trying to enjoy their fine dining. It was hard to understand how this would work in reality;
- From looking at the plans submitted with the Agenda papers it could be seen that the bar was half of the size it originally used to be and they wondered how those patrons joining from outside would all be able to be served at the much smaller bar that was proposed to already be filled with diners; and
- The Applicant had no track record in running a public house business – if the Applicant had come with experience of running several similar premises this may have allayed their fears but it would appear that he had bought the premises but had not thought to engage with residents on a face to face basis to inform them of his plans.

The Principal Solicitor wished to remind those making representations that had made references to planning issues and that this was not a planning application but a hearing for the determination of an application to vary the premises licence.

### **Closing submissions from those who made relevant representations**

In their closing submission, the persons who had made a relevant representation in objection to the application highlighted the following:



- They gave thanks to the Sub Committee for listening, for their engagement and allowing those who had made representations to be given the opportunity to speak and express their views in a non-rigid way;
- The Applicant had indicated in his application that there would be changes to the kitchen but he had not applied for planning permission in relation to this. They were concerned about the noise nuisance these changes would also cause with these building works. It was felt that the Applicant had walked into the village and rode rough shod with residents with his proposed plans for the premises; and
- The Applicant had extended the red line outside of what is a village pub – whilst they accepted the need for the Applicant to have a commercial operation to ensure that business is successful, the Applicant needed to also consider and take into account how that impacts the local residents.

### **Points of Clarification Requested by the Sub Committee**

No points of clarification of were requested by the Sub Committee.

The Sub Committee then adjourned at 11.20hrs and retired with the Principal Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Public Protection Officer (Licensing) was called in briefly at 12:00hrs approx. to answer a question from the Sub Committee regarding the Applicant's email regarding Live Music. The Public Protection Officer confirmed that the Live Music Act provisions apply to the premises. The Public Protection Officer was then asked to leave.

The Hearing reconvened at 12.15hrs.

The Principal Solicitor advised that she gave brief and relevant legal advice to the Sub Committee on the application of the four licensing objectives and that the Sub Committee were not able to consider any planning and highways issues that had been raised by the parties in their representations and at the meeting.

### **Decision:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003 the application for a variation of a Premises Licence in respect of The Bath Arms, Crockerton, Warminster be granted for the licensable activities shown below and subject to the relevant conditions agreed by the Applicant as requested by the Senior Public Protection Officer – (Environmental Control and Protection) and an additional condition imposed by the Sub Committee (detailed below)**

<b>Licensable Activities</b>	<b>Days</b>	<b>Timings</b>
<b>Sale by retail of alcohol for consumption ON and OFF the premises</b>	<b>Sunday to Thursday</b>	<b>11.00 – 23:30</b>
<b>Sale by retail of alcohol for consumption ON and OFF the premises</b>	<b>Friday to Saturday</b>	<b>11.00 – 00:30</b>
		<b>(All existing non-standard timings now removed)</b>

- **To extend the licensable area to include the outside space as outlined in red on the attached map.**
- **The addition of an outside bar.**

**Conditions as proposed by the Senior Public Protection Officer – (Environmental Control and Protection) and agreed by the Applicant**

1. Provision of Regulated Entertainment (Live and Recorded music) and management of the outside seating area will be carried out strictly in accordance with the Noise Management Plan, which will be raised by the Applicant and agreed by the local authority by 16 December 2022.
2. Outside seating area and outside bar will be fully closed at 23:00hrs. Patrons will not be permitted to take drinks or food outside after that time.
3. Doors and windows to be kept closed, except for access and egress, when regulated entertainment (live and recorded music) is taking place.

**Condition imposed by the Sub Committee**

4. An acoustic barrier to be constructed of a height no less than 1.8m consisting of material with a density of no less than 10kg/m<sup>2</sup> with no gaps or holes to be placed on the western boundary of the site between the patio area and the nearest residential property.

**Reasons for Decision**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns raised by the residents at the hearing concerning the Applicant's engagement with residents and regarding noise and use of the outside area but considered that the changes to the hours for the sale of alcohol and with the inclusion of the three conditions proposed by the Public Protection Officer – Environmental Control and Protection and an additional condition relating to acoustic barrier fencing would deal with these concerns. The Sub Committee heard no evidence that the Applicant would fail

to promote the licensing objectives and as the premises was not currently open there was no evidence of noise complaints placed before the Sub Committee.

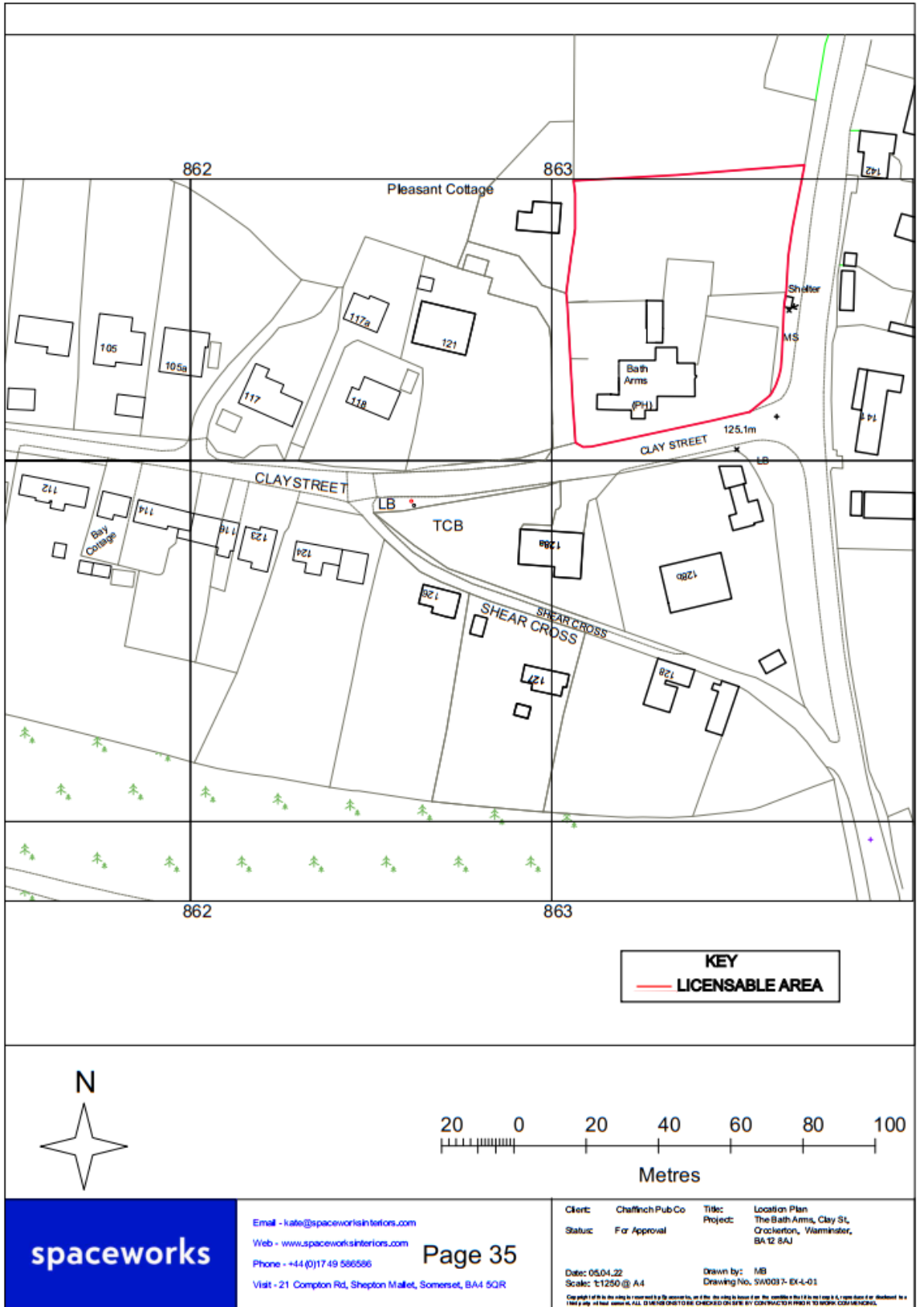
The Sub Committee were not able to consider any issues raised concerning parking, lighting, planning and highway matters as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

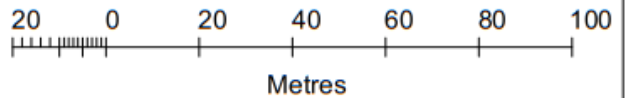
### **Right to Appeal**

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.



**KEY**  
 — LICENSABLE AREA



**spaceworks**

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**Page 35**

Client: Chaffinch Pub Co Title: Location Plan  
 Project: The Bath Arms, Clay St, Crockerton, Warminster, BA 12 8AJ  
 Status: For Approval  
 Date: 05.04.22 Drawn by: MB  
 Scale: 1:1250 @ A4 Drawing No. SW0017-EX-4-01

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(Duration of meeting: 10.30 am - 12.20 pm)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services,  
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**The King's Coronation – Community Celebrations  
Briefing Note**

**Service:** Enforcement, Highways and Transport.

**Further Enquiries:** Kevin Oliver

**Date Prepared:** 7 November 2022

**Direct Line:** 01380 826335

**The King's Coronation – Community Celebrations**

**1. Purpose**

- 1.1 To ensure that Wiltshire Council has a robust and straightforward system in place to ensure that communities wishing to celebrate the King's Coronation are signposted to the council's web page where they will find the appropriate tools, support and guidance to apply to hold a community party.

**2. Background**

- 2.1 Although King Charles officially became Sovereign on Thursday 8 September 2022 when his mother, Queen Elizabeth II, passed away at Balmoral, Scotland, there will be a ceremonial Coronation to follow. The Coronation is a religious service that requires the King to take an oath before his country.
- 2.2 King Charles III Coronation will take place on Saturday 6 May 2023 at Westminster Abbey. The service has been carried out here for more than 900 years, and the King will be the 40<sup>th</sup> Monarch to be crowned in the Abbey.
- 2.3 The Prime Minister has decided to proclaim an additional bank holiday to mark the Coronation of His Majesty King Charles III next year. The Bank Holiday will fall on Monday 8 May 2023, following the Coronation on Saturday 6 May. This will be an opportunity for families and communities across the country to come together to celebrate.

2.4 Similar events have taken place in the county on many occasions with communities holding community parties, barbeques, and tea parties. Wiltshire Council have specified previous guidance and relevant officers will follow the same process as used for past celebrations.

### **3. Procedure and Management of Applications**

3.1 The application process will be a combined departmental effort, as with previous events of this nature.

3.2 The council's Traffic Orders and Highways teams will need time to ensure that all road closure notices and provisions are in place to allow for a safe and enjoyable event for all guests, while maintaining and facilitating access for emergency services at all times.

3.3 The council is committed to managing this process utilising a cross departmental approach. Such departments will include the Strategic Engagement and Partnerships Managers, Traffic Orders, Communications, Highways, Streetscene, Wiltshire Police and Waste.

### **4. Production of Applications and Guidance.**

4.1 The departments listed above have met and will continue to meet to discuss and agree responsibilities which will include the production of all relevant application and guidance documents. These will be approved by all relevant internal departments and will be signed off by the Communications Team.

### **5. Conclusion**

5.1 Relevant council departments are aware of the importance that community parties are to the residents of Wiltshire to celebrate the King's Coronation.

5.2 Planning in preparation for these activities is underway and the Licensing Committee can be assured of the successful delivery for the 2023 celebrations.

5.3 The Licensing Committee will be updated by the relevant departments as and when necessary.

**Briefing Note produced by Kevin Oliver (Land Use / Events Authorising Officer)**

Email: [kevin.oliver@wiltshire.gov.uk](mailto:kevin.oliver@wiltshire.gov.uk)



## Licensing Committee Tax Licensing Update – November 2022

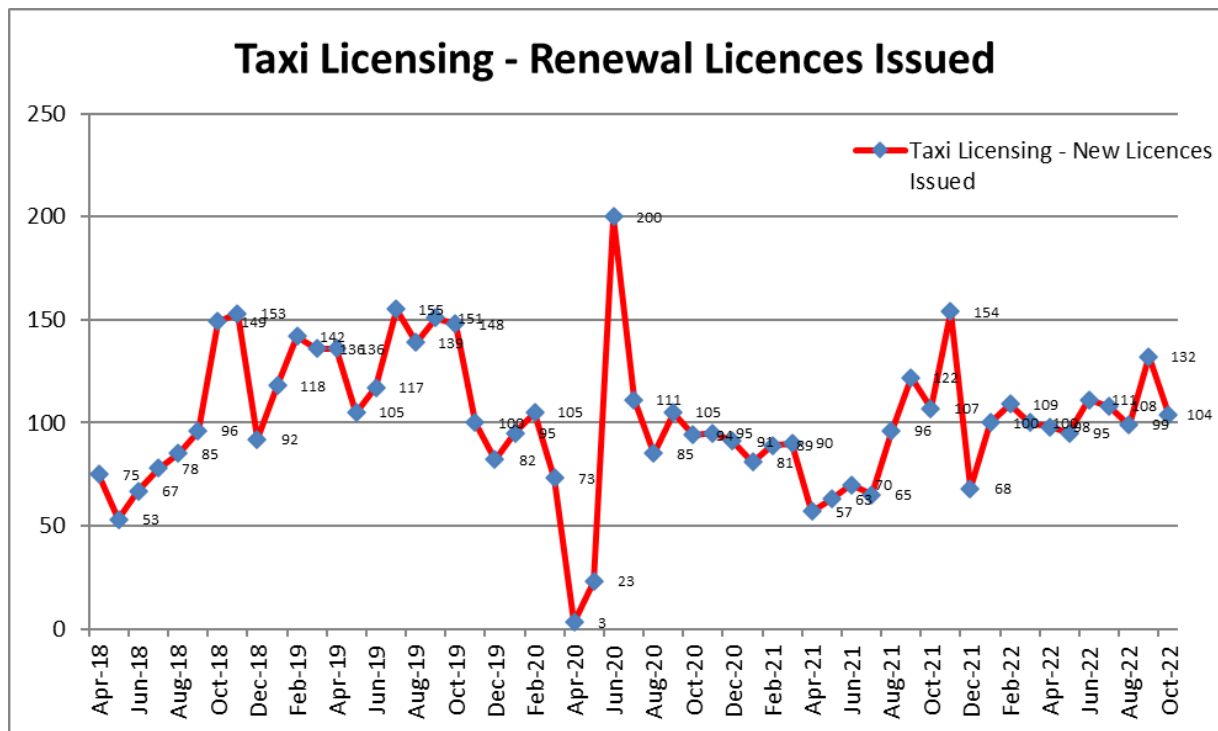
### 1.0 Licensed Drivers

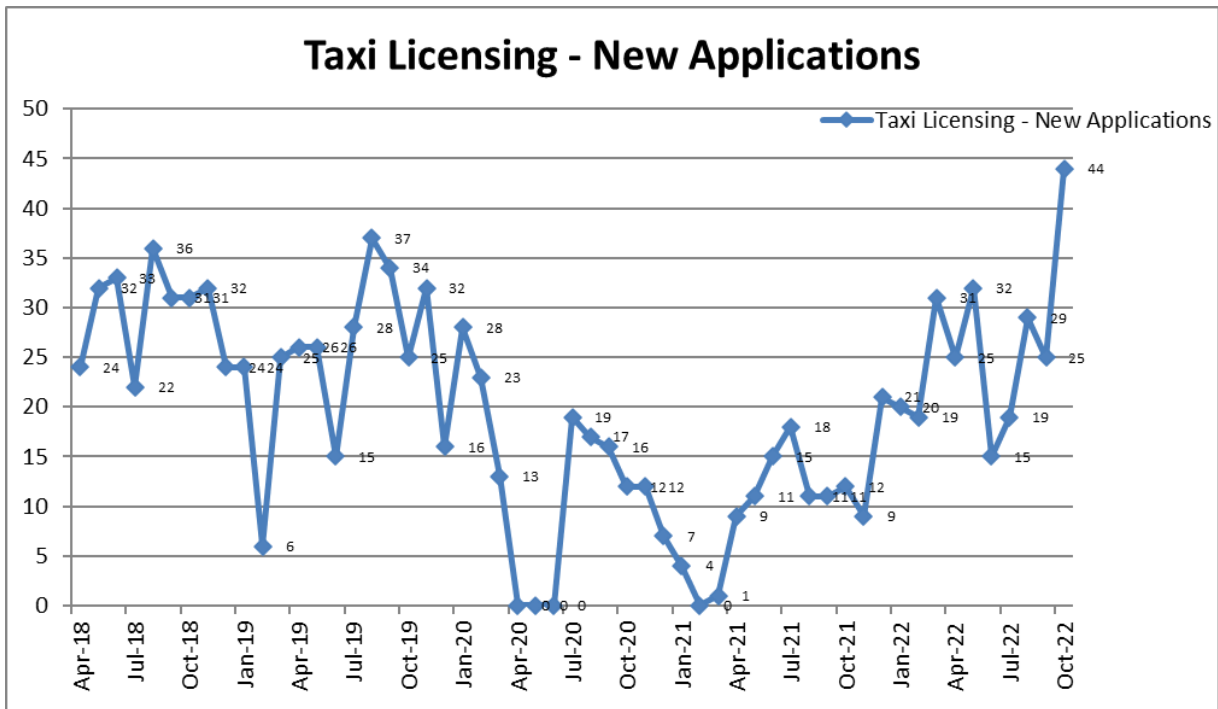
Driver and vehicle numbers have stabilised over 2022 following both showing month on month declines between 2020 and 2021. Drivers are reporting higher levels of business now the economy is beginning to recover; however the Council has received a number of complaints over the last two months from individuals struggling to book a taxi, especially at school run time.

To counter this the Taxi Licensing and Passenger Transport Team have launched a driver recruitment campaign with the support of the Council’s Communications Team which has resulted in a higher level of new driver applications.

The fall in drivers and vehicles is being seen at a national level as drivers move into the more stable delivery industry and other jobs where they can earn a similar wage without working unsociable hours

New driver and vehicle applications had fallen since the start of the pandemic however the team are starting to see a recovery in numbers of new applicants and levels are back to those seen pre pandemic. The team processed 44 new licence applications and 104 renewals during October 2022. It should be noted that a reducing number of licence applicants and holders would reduce the Council’s income from taxi licensing. The current economic position within the UK may result in a recovery in the taxi industry taking longer than expected, if indeed it ever returns to pre-pandemic levels.





The chart below shows the total number of licences produced each month. Driver licences are issued for one or three years, most drivers opt for a three year licence as it is more cost effective. 2019 saw a large number of drivers renew and is behind the increased numbers for 2019/20. 2020 numbers were below those seen historically, however numbers have climbed steadily during 2021 and 2022/23 levels are expected to be high. The number of new applications has risen over the last 3 months to a level seen prior to the pandemic. Whilst new applications are up overall driver levels remain flat as older drivers continue to leave the industry.

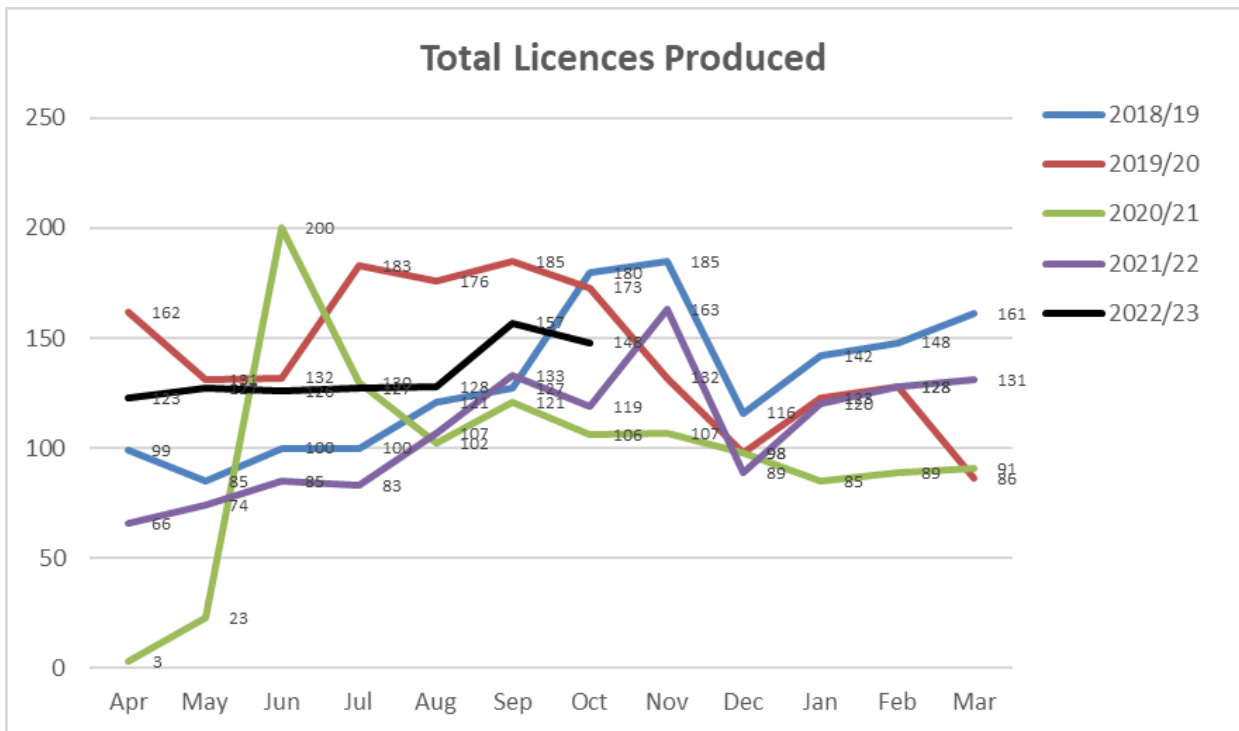


Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

The total number of licensed hackney carriage drivers at the end of October 2022 was 666, a decrease of 9 on the previous month. 132 were licensed in the North area, 75 in the East, 277 in the South and 182 in the West. Over the year April 2019 to April 2020 the number of hackney carriage drivers fell 44, for the same period in 2020 to 2021 driver numbers fell 89 demonstrating the effect of the pandemic. Between April 2021 and April 2022 numbers fell 79 as the effects of the pandemic and the economic situation still weighed on the industry. The number of private hire drivers rose by 12 over the same period, April 19 to April 20 giving an overall fall in driver numbers of 32 for 2019-20. For the period April 2020 to 2021 private hire driver numbers fell by 35 giving an overall for of 124 between April 2020 and April 21, between April 2021 and 2022 private hire drivers rose by 1, giving an overall fall between April 21 and April 22 of 78. This is far better than the 124 fall during the same period the previous year but the fall in drivers continues to put pressure on Passenger Transport Unit. Coronavirus and lockdown restrictions have seen a reduction in hackney carriage drivers of 195 over the period March 2020 to October 2022, representing a fall of 23%, this appears to be in line with the national average. It is noted that driver numbers have stabilised over the last 3 months.

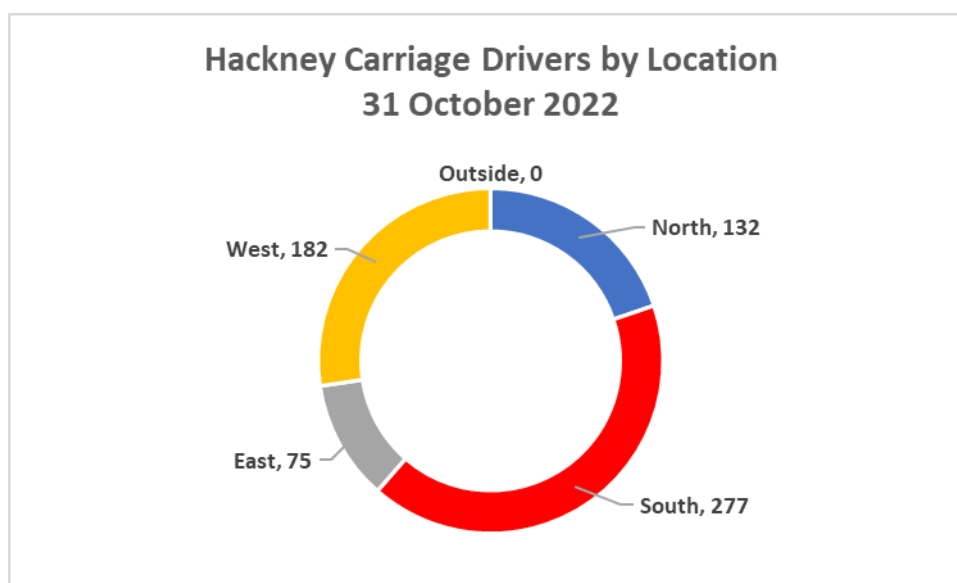
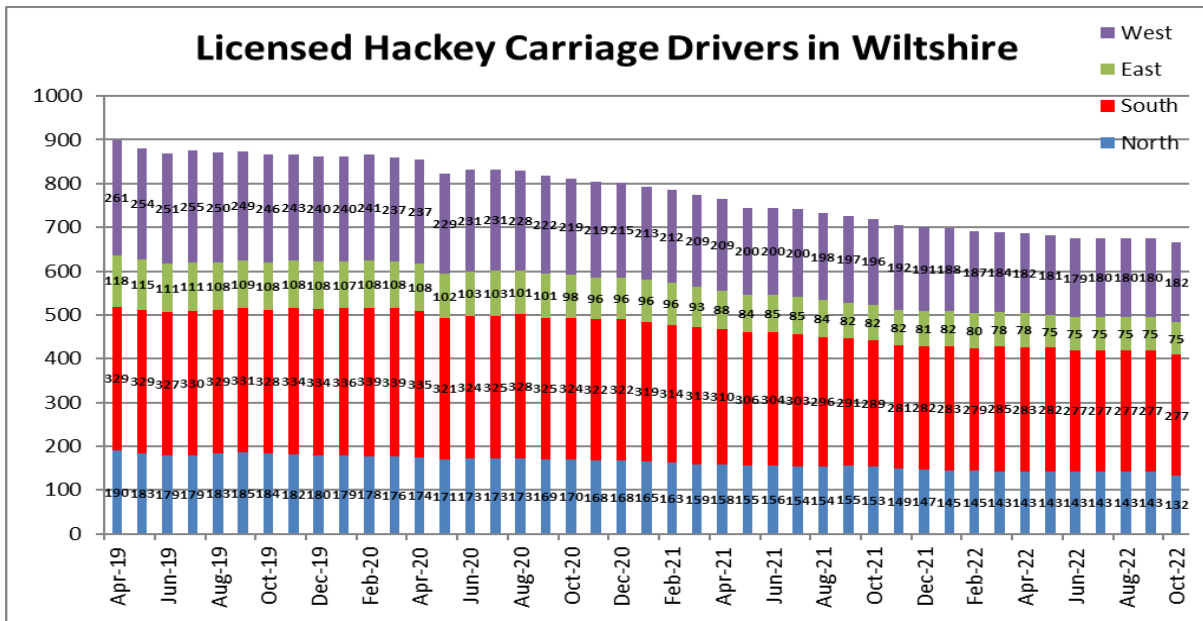


Fig.2

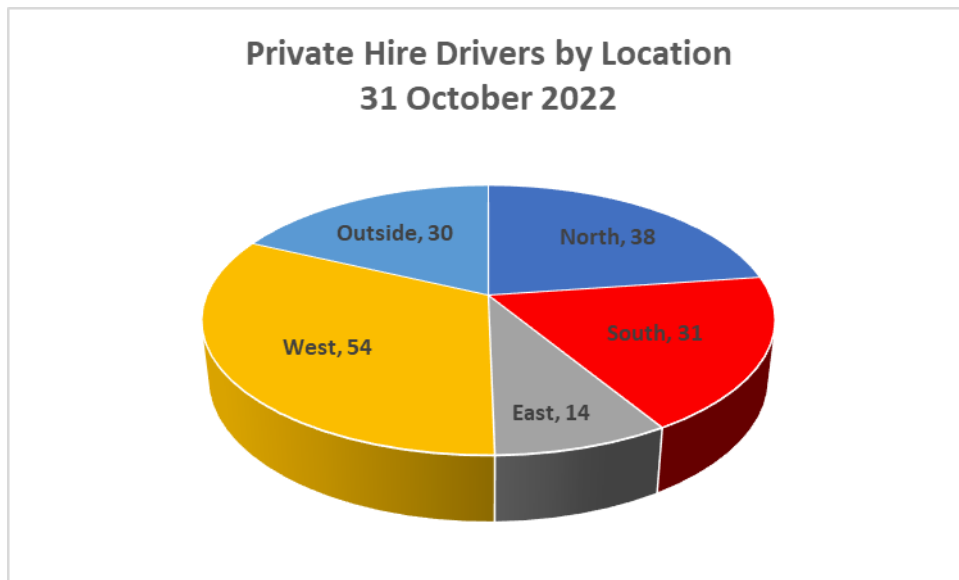
The graph below shows the monthly variation in hackney carriage driver numbers during 2019/20 and 2021/22. During October 2022 numbers fell by 9, numbers in the North fell by 11, the South and East stayed the same whilst the West rose by 2 when compared to the previous month.

Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 79 in the West, 58 in the North, 43 in the East and 52 in the South. The West is clearly the worst affected area.

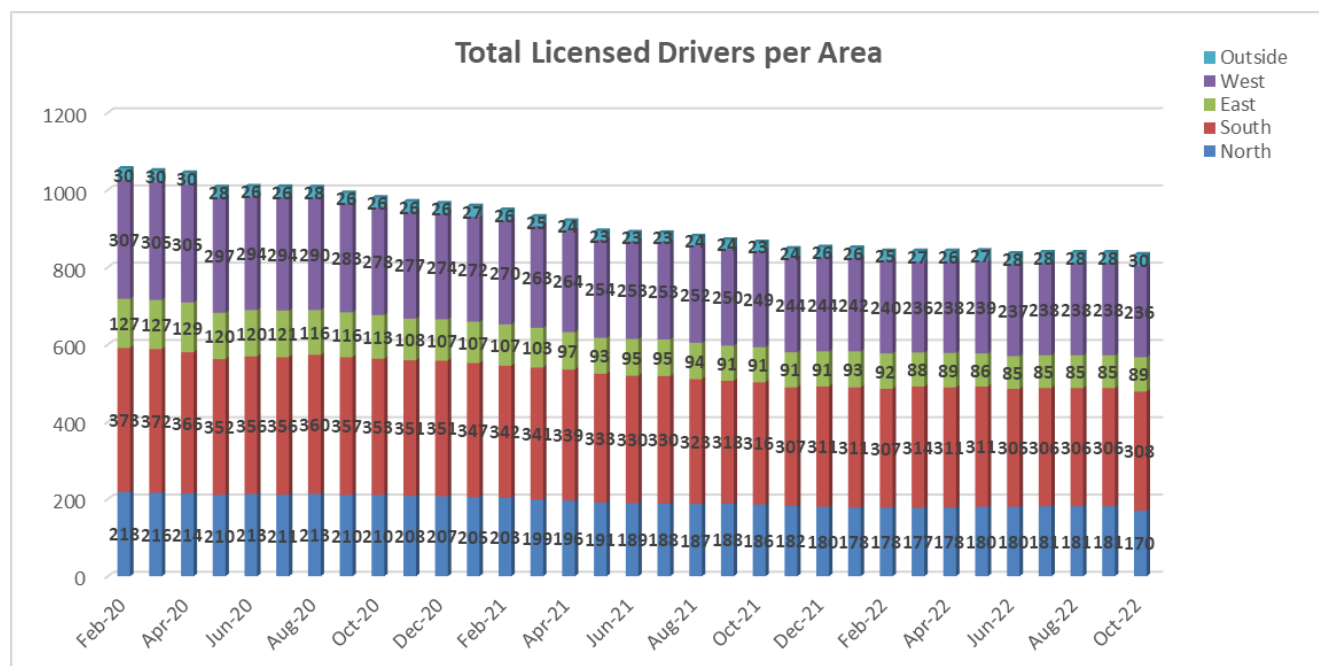


The team also license private hire only drivers, these totalled 167 as at the end of October 2022, an increase of 4 over the month, bringing the total number of drivers licensed to 833, an decrease of 5 on the previous month. It should be noted that as of 22 November 22 driver numbers had risen by 4 to 837. It is clear there is a trend of drivers switching from hackney carriage to private hire, this reflects the lower footfall in our town centres and the reducing amount of business available from the town centre ranks.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country. It is interesting to note that we have more private hire drivers living outside of the county than in the east of the county. For information the area in which the private hire drivers are registered is as follows;



The graph below shows total driver numbers since February 2020, the month prior to the pandemic.



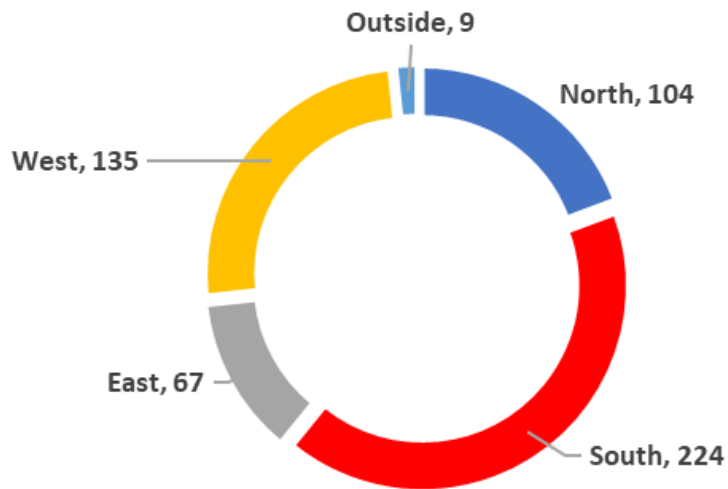
Since April 2019 the number of hackney carriage drivers has fallen by 232 and the number of private hire drivers has fallen by 11, an overall fall of 243 drivers or 23%. However 217, a large percentage of the reduction of 243 drivers has occurred since the first national lockdown in March 2020 as a result of Covid-19.

## 2.0 Licensed Vehicles

At the end of October 2022 the taxi licensing team licensed a total of 772 vehicles, an increase of 9 over the previous month. As of 22 November 2022 vehicle numbers had risen to 791, up 19 since the end of October. The impact of lockdown and the Covid restrictions had taken effect and vehicle numbers had dropped for 8 consecutive months prior to May 2021, it was hoped numbers would stabilise after restrictions were lifted but this is taking longer than expected although the team feel numbers have stabilised over the last three months and are beginning to rise. The vehicle split is as follows, 539 hackney carriage vehicles and 233 private hire vehicles, hackney carriage numbers rose by 3 and private hire vehicle numbers rose by 6 over the month when compared to the previous month. Of the 772 vehicles licensed 13.7% or 106 vehicles are wheelchair accessible. It should be noted that 32% of licensed private hire vehicles are wheelchair accessible compared to 6% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

The chart below shows the location split of all hackney carriage vehicles.

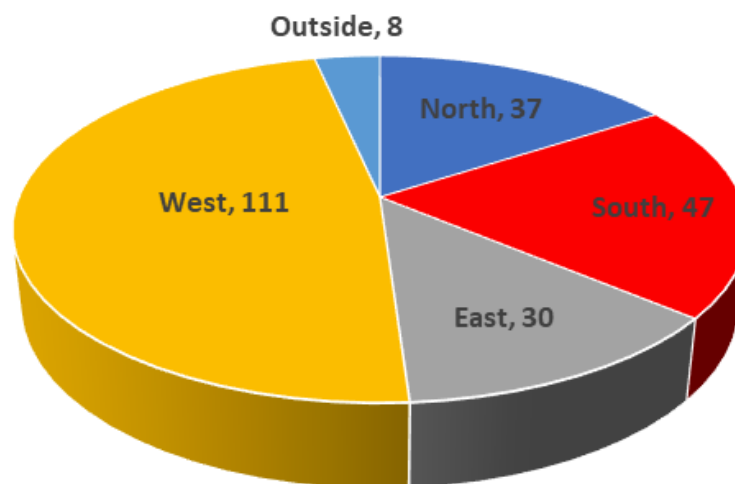
### Hackney Carriage Vehicles by Location 31 October 2022



The team also license private hire only vehicles, as advised above these totalled 233 as at the end of October 2022.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country if they wish. For information the area in which the private hire vehicles are registered is as follows;

### Private Hire Vehicles by Location 31 October 2022



Between April 2019 and October 2022 the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 159, the number has reduced by 158 or 17% since the first Coronavirus lockdown was announced in March 2020, this is in line with national trends.

### 3.0 Enforcement actions

The team continue to proactively enforce the Council's policies in relation to taxi licensing, ensuring we have a visible presence on the rank, however staff sickness during the period March to October 2022 has seen the level of enforcement reduce over the last 6 months. On 30 June 2022 night time enforcement on the ranks was undertaken with Wiltshire Police who communicated with drivers to spread information on their campaign to reduce violence against women and encouraging drivers to report concerning behaviour. The team issued penalty points to on 24 occasions during March 2021, the highest monthly total ever recorded. The enforcement officers also undertook drive by inspections and rank visits within our towns to identify potential issues.

No penalty points were issued during October 2022. The numbers have fallen recently as one team member is off on long term sick and enforcement officers have had to step in reducing the level of enforcement.

The Council operates an internal penalty points scheme under which a driver will be suspended if they reach 12 points in a rolling 12 month period.

The graph below shows a trend of enforcement as the team effectively manage our driver database.

The team revoked one driver during October 2022.

The team also completed 32 DBS checks during October 2022. An issue had been identified with the latest Government advice on DBS checks and the team worked with the Council's DBS team on a solution during June 2022 which was achieved.

Following presentation of a report to Licensing Committee recommending an increase to tariff 1 in light of the record fuel prices that are currently being seen, a 10% increase to the tariff 1 mileage rate will be implemented on 1 December 2022.

The team presented the report after undertaking a fare benchmarking exercise with our neighbouring local authorities as a number of drivers and operators had requested fare increases in lieu of the escalating fuel prices.

The team continue to work on updated driver and vehicle guidelines in line with government advice which will further enhance standards within Wiltshire for the benefit of service users and the industry in general.

As you will be aware Licensing Committee approved the creation of a single Licensing Zone for hackney carriages in Wiltshire. The team are currently working on process changes to move to a single zone with implementation planned for 1 April 2023.

The current Covid-19 pandemic hit the taxi industry very hard and all local authorities have seen reducing driver numbers. The team believe numbers are stabilising and are working with our colleagues in Passenger Transport Unit on initiatives to encourage recruitment of new drivers in Wiltshire.

However given the current economic situation within the UK the team believe that driver and vehicle numbers are unlikely to return to those seen prior to the Covid-19 pandemic.

This is concerning as Passenger Transport Unit have advised they are struggling to fulfil all of their SEND school contracts due to a lack of drivers and vehicles. It is hoped that the driver recruitment campaign will assist PTU and the results of this are starting to feed through, however PTU face increased demands for their services at a time when driver and vehicle numbers are shrinking nationally.

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## **Update on Fulfilment of Passenger Transport Contracts**

Adrian Weissenbruch (SEND and Passenger Assistant Transport Manager) will speak to an update on the current fulfilment of Passenger Transport Unit Contracts which is *to follow*.

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**Wiltshire Council**

**Licensing Committee**

**5 December 2022**

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## **Film Classification: Amendment to Procedure & New Fees and Charges**

### **Summary**

The Licensing Authority already operates its own film classification procedure where films do not already have a film classification from the British Board of Film Classification (BBFC), but this involves members of the Licensing Committee viewing the films.

Historically we have not charged for this process but officers are aware that other Licensing Authorities do make a charge for providing a film classification.

The Licensing Authority proposes to introduce a fee scheme run on a cost recovery basis and as a result is not intended to impact upon community-run events.

The fees charged will cover the costs associated with the film classification process.

To amend the procedure for classification of films for showing in Wiltshire.

### **Proposal(s)**

To amend the current procedures for classification of films in Wiltshire, by revising the delegation to officers and to introduce a fee structure for film classifications.

### **Reason for Proposal**

By introducing a fee for the classification of films, the Licensing Team is proposing to recover reasonable costs to cover the classification process.

To streamline the current process for film classification and reduce the burden on Members and Officers and reduce the time taken to process a request for a classification.

This is proposed as the practicality of classifying films can be more effectively dealt with by Officers.

**Sarah Valdus**  
**Assistant Director - Environment**

**Film Classification Amendment to Procedure and New Fees and Charges**

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**Purpose of Report**

- 1.1 For Members to consider a charging regime in relation to the classification of films by Wiltshire Council.
- 1.2 To review the Film Classification procedure and implement an associated fee structure.
- 1.3 It is also proposed to introduce appropriate deadlines when applying for a film classification. The Licensing Authority proposes that film classifications are received at least 6 weeks before the date of a film screening for individual film classification requests, and at least 8 weeks before the date of any film festival. Any late submissions will only be considered on a case-by-case basis. However, it is likely that late requests will be refused based upon the impact it will cause on the workload of the Licensing Team.

**Relevance to the Council's Business Plan**

- 2.1 The policy helps the Council to meet the policy objectives of delivering a cost-effective regime, customer focused services, and working towards safe and healthier local communities.

**Main Considerations for the Council**

- 3.1 The Licensing Authority can be required to classify previously unclassified films, consider appeals by distributors against BBFC's decisions or determine requests to reclassify films. The Council's responsibilities in relation to film classification are now incorporated in the Licensing Act 2003. It is necessary for the Licensing Committee to have a procedure to deal with these matters.

**Background**

- 4.1 Wiltshire Council is the classification body for the public exhibition of films shown within its area, by virtue of the Licensing Act 2003 (the Act). As such the Council has the right to classify films that are shown in premises such as cinemas, hotels, clubs public houses and community premises.
- 4.2 Sections 20 and 74 of the Act provide that a mandatory condition shall be applied to all premises licences and club premises that authorise the exhibition of films. This relates to the restriction of the admission of children (defined as 'persons aged under 18')
- 4.3 Premises must restrict the admission of children to the exhibition of any film to either the film classification recommended by the BBFC, or to such classification recommended by Wiltshire Council.

## **Current position**

- 5.1 Members will be aware that on 2<sup>nd</sup> September 2019, Wiltshire Council adopted a procedure to be followed when issuing a certificate to a film.
- 5.2 Since this time, a number of films and film festivals have received classifications issued by this Authority.
- 5.3 The current process for correctly issuing a classification is a lengthy one, involving significant resources and time and currently with no fee charged for this work.
- 5.4 Wiltshire Council is entitled to charge a fee which is appropriate to recover the costs of any activity associated with the film classification function, and Members are therefore asked to consider adopting a suitable fee.
- 5.5 In order to carry out a thorough classification, the time taken to undertake a film classification function is often double the length of the film.
- 5.6 Currently film classification requests are carried out by a Licensing Sub-Committee supported by a number of relevant officers.

## **Amendment to Procedure**

- 6.1 Following a review of the process it would appear more effective to bring film classification in line with other licensing processes. With all other licensing applications there is a delegation to officer level so that the officers deal with the more straight forward matters. Should the matter be more complex, only then, will the matter be submitted to the sub-committee for determination.
- 6.2 At the Licensing Committee meeting on 17<sup>th</sup> October 2022 members views were sought on whether a change to the procedure would be appropriate and if delegation to Officers would be supported. Following the feedback received the proposal is to amend the procedures to reflect this.
- 6.3 Members are asked to consider amendments to the current procedures to delegate any applications received by Wiltshire Council for Film classification or reclassification to the Licensing Manager and / or Licensing Officers.
- 6.4 This is recommended for consideration by Members as the practicality of classifying films can be more effectively dealt with by Officers. It should be noted there is currently no legal right of appeal for film classification decisions and a challenge to a film classification can only be made by an application to judicially review the decision.

## **Fees**

- 7.1 The BBFC charges a fee for the classification of films. The standard fee is a £500 per film, a discount of 50% is provided to UK registered charities
- 7.2 Commercial releases will be submitted to the BBFC as a matter of course, and therefore submissions to local authorities usually originate from local students and arts groups.

7.3 **New proposed process** - Two officers will view the film and reach an agreement on the appropriate certification of the film.

The current hourly rate for the Licensing Manager is £67

The current hourly rate for a Licensing Officer is £45.

**Fee for Film classification per Film:**

- The proposal is to charge £100 for first hour plus £20 for each additional 15 minutes or apart thereof.
- The administrative fee per single film will be £25

1 hour film = £100 + £25 = £125

1 hour 20 minute film = £100 + £40 + £25 = £165

**Fees for Film Classification for Film Festivals:**

- Film festivals (1 - 25) films £110 first hour plus £20 for each 15 minutes or part thereof + one off £35 admin (charge to cover all films viewed in one siting)

Film festival with 10 short length films = 90 minutes = £110 + £40 + £35 = £185

- Film festivals (25-50) films £130 first hour plus £20 for each 15 minutes or part thereof + one off £35 admin (charge to cover all films viewed in one siting)

Film festival with 31 short length films = 310 minutes = £130 + £300 + £35 = £465

7.4 Fees have been proposed following consideration of other local authority charges to ensure that they are reasonable and proportionate to the work involved. These will be reviewed on an annual basis as part of the budget setting process. See **Appendix 2** for other Local Authority charges.

7.5 The proposed fee is lower than that charged by the BBFC which is appropriate given the nature of the films that will be submitted to the Council, to encourage local film making talent. These films are generally low budget and would have a limited release.

**Safeguarding Implications**

None

**Public Health Implications**

None

**Environmental and Climate Change Considerations**

None

### **Corporate Procurement Implications**

None

### **Equalities Impact of the Proposal**

None

### **Risk Assessment**

13.1. The correct classification of films will prevent them being viewed by inappropriate audiences, and there are no significant risks arising from amendment to the procedure and adoption of fees.

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

14.1. There are no particular risk identified from any of the proposals.

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

15.1. There are no identified risks from any of the proposals.

### **Financial Implications**

16.1 There is a cost to the Council to deal with any film classification requests, the fees proposed will recover this cost.

### **Legal Implications**

17.1 There is no right of appeal when a decision to classify a film is made by the Council, but any decision could be the subject of a judicial review which would result in the Council incurring legal fees to defend the review and further costs which the Council would seek to recover if the judicial review was unsuccessful. In the event of a successful review the Council may also be ordered to pay the applicants costs. This risk is considered to be reduced by having in place a film classification procedure following the BBFC guidance and ensuring that classification decisions are made in line with the Licensing Act 2003, the Revised Guidance 2018 issued under s.182 of the Licensing Act 2003 and the Council's Licensing Policy 2019 - 2024.

### **Options Considered**

18.1 To implement no change and hence no cost recovery which would mean incurring cost to the authority on each discretionary request.

18.2 To stop offering the discretionary service to local businesses when certification is required signposting them to the BBFC service only.

- 18.3 For consideration of an appeal process by way of a Licensing Sub Committee Hearing following Officers decision but there would be no legal right of appeal.

### **Conclusions**

- 19.1 Any amendments to the procedures agreed by Members will come into immediate effect regarding the classification of films by the Council
- 19.2 Any fees agreed by Members will come into effect from 1<sup>st</sup> April 2023.

### **Proposal**

- 20.1 Agree and adopt the amendments to the procedure.
- 20.2 Approve the delegation to the Licensing Manager and / or Licensing Officers the classification or reclassification of films, this is recommended as the practicality of classifying films in accordance with the procedure can be more effectively dealt with by Officers.
- 20.3 That Part 3, Section D of the Scheme of Delegation specific to Licensing Act 2003 in terms of reference of the Licensing function, be amended as follows: To determine film classification restrictions where there has been no classification by the British Board of Film Classification, be delegated to Officers. **See Appendix 3.**
- 20.4 Members consider and agree the proposed fees in respect of film classifications carried out by Wiltshire Council.
- 20.5 Recommend to Council that proposed fees plus associated cost or such other fee and associated costs as considered appropriate be approved .

### **Reason for Proposal**

- 21.1 To recover costs of Officers time involved in rating films but support local businesses by offering a discretionary service at rate lower than that of the equivalent BBFC service.
- 21.2 To reduce the burden on Members and Officers by streamlining the process for Film Classification and ensure an effective service for applicants.

**Sarah Valdus**  
**Assistant Director Environment**

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Report Author: Linda Holland

Linda Holland Licensing Manager [linda.holland@wiltshire.gov.uk](mailto:linda.holland@wiltshire.gov.uk)  
November 2022



## **Background Papers**

Licensing Act 2003  
The BBFC Guidance

## **Appendices**

**Appendix 1** - Revised Film Classification Procedure

**Appendix 2** - Film Classification fees other Local Authorities

**Appendix 3** - Revised scheme of delegation

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## PROCEDURE FOR THE CLASSIFICATION OF FILMS

1. Occasionally Wiltshire Council receives requests from local cinemas, film producers and /or distributors to show small production unclassified films that due to their small-scale production and limited distribution will not go through the BBFC system. To be screened within the Council area, these films must be presented to the Council's licensing authority so that a classification can be awarded before they can be shown to the public.
2. Such requests will require an undertaking from the applicant that they have satisfied themselves after proper enquiry that no matter to be exhibited contravenes the current interpretation of the Obscene Publications Acts 1959, and 1964 the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence. The licensing authority shall not be liable for any material that has been created through the commission of a criminal offence.
3. The licensing authority can also be requested to classify films that have already been classified by the BBFC under the following circumstances:
  - (a) Where at least three members of the Council give notice to the Head of Public Protection of their wish to call-in a film for classification by the licensing authority; or
  - (b) Where a distributor of a film appeals a decision of the BBFC and requests that the licensing authority classifies the film.
4. Any request to classify a film under the circumstances referred to in paragraphs 1 or 2 above shall be referred to and determined by Officers on behalf of the licensing authority.
5. Any request to classify a film made under paragraph 3(a) above must be accompanied by reasons for calling-in the film. Such requests will be dealt with as expeditiously as possible bearing in mind that films are generally only shown in cinemas for relatively short periods.
6. All requests submitted under the circumstances referred to in paragraphs 1 and 3(b) must:
  - (a) be accompanied by a synopsis of the film and a full copy of the film in DVD format and all films should include English subtitles or provide an English script in order for members to determine the classification; and
  - (b) give a minimum of 6 weeks before the date of a film screening for individual film classification requests, and at least 8 weeks before the date of any film festival. Any late submissions will be considered on a case-by-case basis. However, it is likely that requests will be refused based upon the impact it will cause on the workload of the Licensing Service

7. A report containing a brief synopsis of the film(s) and other relevant information will be completed. The Officers will view the entire film, assess it against the latest BBFC Guidance, and issue the appropriate classification. When considering classification requests, the Officers must do so with a view to promoting the relevant licensing objective(s).
8. The distributor and/or the party requesting the classification together with the premise's licence/club premises certificate holders of all relevant premises licensed for the exhibition of films will be notified of the Officers decision in writing, which will include reasons for the decision.
9. There is no right of appeal only a review of the decision by way of a judicial review.

**The British Board of Film Classification (BBFC) is the independent regulator of the film and the video industry in the UK. All films that have been classified by the BBFC are given a rating.**

The Universal Film Classifications are: **Uc | U | PG | 12A | 12 | 15 | 18 | R18**



### **Uc and U Classification**

It is impossible to predict what might upset any particular child. But a 'U' film should be suitable for audiences aged four years and over. U films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

Videos classified 'Uc' are particularly suitable for pre-school children and normally raise no issues of concern.

### **'PG' Parental Guidance Classification**

Suitable for general viewing, but some scenes may be unsuitable for young children

Unaccompanied children of any age may watch. A 'PG' film should not disturb a child

aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

### **12A Classification**

Suitable for 12 years and over. No-one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult. No-one younger than 12 may rent or buy a '12' rated video or DVD. Responsibility for allowing under-12s to view lies with the accompanying or supervising adult.

### **'15' Classification**

Suitable only for 15 years and over. No-one younger than 15 may see a '15' film in a cinema. No-one younger than 15 may rent or buy a '15' rated video or DVD.

### **'18' Classification**

Suitable only for adults. No-one younger than 18 may see an '18' film in a cinema. No-one younger than 18 may rent or buy an '18' rated video.

### **'R18' Classification**

Films rated R18 are to be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years.

The 'R18' category is a special and legally restricted classification primarily for explicit works of consenting sex between adults. Films may only be shown to adults in specially licensed cinemas, and videos may be supplied to adults only in licensed sex shops. 'R18' videos may not be supplied by mail order.

## Film Classification decision by Officers

On receipt of an application and fee for a film classification a worksheet will be created on M3.

**The Council's Licensing Officer**



**The film applicant**



**PRIVATE FILM (S)  
Viewing /  
&  
Deliberation**



**Officers announce their decision**



**Officers send film(s)  
certification to applicant**

The Licensing Officer will complete Film classification form completing the relevant information prior to viewing film

The Officers may contact the applicant for more information or / and invite to come to the office prior to the viewing. The film applicant or the person representing him/her will be invited to address the officers.

The Officers will view the film(s) and deliberate in order to make their decision, any other person's present will be asked to leave the room.

If applicant wishes they may return or arrive in time for the decision. In all cases the decision will be sent to the applicant in writing within 5 days.

M3 updated, certification and Film classification form saved onto worksheet.

### Film Classification fees other Local Authorities

Authority	Per film	Minutes	Other
Merton	<ul style="list-style-type: none"> <li>Fee per film issue - report and certification £97</li> <li>Fee per film for two viewing officers £164</li> </ul>		
City of Westminster	Standard film £96.00 Film festival (1 to 25 films) £120.00 Film festival (26 to 50 films) £144.00 Film festival (51 or more films) £168.00 Foreign language feature film with subtitles £96.00	£1.60 per minute – all	
Royal Borough of Greenwich	Standard Film £53.10 Foreign Language Film £66.38	£1.77 per minute all	£0.80 per minute
Tunbridge wells	Film £75 per hour		
Mendip	Film £51 per hour for each officer	£25.50 admin	
West Devon	Per film £103 Per film festival £515.00		
Barnet	Per film £80		
Oxford	£8.00 per 15 minutes	£8.00 for certificate	
Southwark	Up to 30 minutes £50 Additional 20 minute film duration £23.00		
Chelmsford	Per film £180		
Tower hamlets	£37 processing fee plus £25 per hour or part hereof.		
Bedford	Per film £75	Plus £1 per minute	
Leeds	£50 per 30 minutes	Each additional 20 minutes £23	
Barnet	£80 per film		
South Derbyshire	£50 admin and first half and hour of viewing	£20 for every additional half and hour or part thereof	

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# PART 3 SECTION D4 SCHEME OF DELEGATION SPECIFIC TO LICENSING

**Licensing Act 2003: Table of Delegations of Licensing Functions**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for personal licence with unspent convictions		If a police Objection	If no objection made
Consideration of Personal Licence following notification of relevant convictions		If representation received from Police or Licencing Authority	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police Objection	All other cases

Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police Objection	All other cases
Application for interim authorities		If a police Objection	All other cases

Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a representation to a temporary event notice		All cases	
Determination of Film Classification requests			All cases

## Gambling Act 2005: Table of Delegations of Licensing Functions

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officers</b>
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

## Table of Delegated Functions - Miscellaneous

Matter to be dealt with	Licensing Committee	Sub-Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any application	The Licensing Committee or Sub Committee will determine any application	To determine Renewals where no objections have been received
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases
<p>Powers to grant licences and permits under the following legislation:</p> <p>Town Police Clauses Act 1847 as amended Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous Provisions) Act 1976 (Hackney carriages)</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear Piercing and electrolysis)</p> <p>Zoo Licensing Act 1981</p> <p>House to house collections Act 1939</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court</p> <p>The Licensing Committee will determine any application made by an officer or Member of the Council.</p>	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates' Court	In all other cases

Dangerous Wild Animals Act 1976			
Lotteries and Amusements Act 1976			
Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982			
The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018			All other cases  Appeals to Head of Service or Licensing Manager

**Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006  
Table of Delegations of Licensing Functions**

<b>Matter to Be Dealt With</b>	<b>Full Council</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officers (Corporate Director Place)</b>
Making Designated Public Places Orders (DPPOs)		X	