



Licensing Act 2003

Statement of Licensing Policy 2004

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Executive Summary

This is West Wiltshire District Council's first Statement of Licensing Policy required under the Licensing Act 2003 in its role as the Licensing Authority.

As well as containing all the legal requirements that the Act and guidance requires the Licensing Authority has also provided its view on certain issues it feels fundamental to the licensing objectives.

It is recognised that most current licensable activities take place without undue concern in relation to the licensing objectives and that some relaxation could be achieved without detriment. However, there is the intention to address the minority of cases where there are problems.

Applicants are provided with subjects that they will need to address in their Operating Schedules, together with how they can be dealt with.

The main specific policy matters that result from these fundamental issues are:

- Takeaways will need to consider the potential impact of their customers in the area surrounding their premises.
- A general presumption that shops will be permitted to sell alcohol whenever they are open, although the times will have to be agreed.
- Areas will not be 'zoned' where closing times are fixed.
- For traditional public houses there is a presumption that longer hours will be permitted where this is unlikely to create problems or where they are addressed.
- Maximum occupancy figures for premises that could potentially be crowded, or provide certain types of entertainment.
- Adequate control of noise nuisance from premises.
- The need to prevent loss of sleep by residents between 2300 and 0700 except in very infrequent cases.
- Preventing children from being exposed to adult or sexual entertainment.
- The need for robust checking of age procedures to prevent under age sales.

The overriding principle is that all applications will be considered on their merits

1 INTRODUCTION

Introduction

- 1.1 West Wiltshire District Council (the Council) is responsible under the Licensing Act 2003 for the licensing of ‘licensable activities’ within its area as the licensing authority.
- 1.2 This is the first statement of licensing policy in relation to the Licensing Act 2003 (hereafter referred to as ‘the Act’), which sets out what this Licensing Authority wishes to achieve in implementing the Act. It seeks to be compliant with the requirements of the Act and the Guidance issued under section 182 of the Act by the Department of Culture Media and Sport (hereafter referred to as ‘the Guidance’).
- 1.3 The Act contains a duty for licensing authorities to control licensed premises and activities according to the four licensing objectives, which are as follows:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.4 This policy seeks to balance support for a vibrant local economy with the need to provide adequate protection for local residents and others in relation to the four licensing objectives.
- 1.5 Most premises and activities covered by the new Act in West Wiltshire currently operate without complaint or undue concern in relation to the four licensing objectives. While it is acknowledged that the previous licensing regimes may have been too restrictive in regulating some premises and activities, a small number of premises have caused significant and chronic problems to residents.

Purpose of the Licensing Policy

- 1.6 This licensing policy has four main purposes, these are:-
 - To advise elected Members of the Licensing Committee on the boundaries and powers of the Licensing Authority and to provide them with parameters within which to make their decisions. The Committee should be able to test the application against criteria set out in the policy and, if necessary, add conditions to those set out in the operating schedule.
 - To inform the licence applicants of the parameters under which the Licensing Authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area.
 - To inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
 - To inform a court of law how the Licensing Authority arrived at its decisions when these are challenged in a court, and to support these decisions.

Scope of the Licensing Policy

1.7 The scope of this policy covers the following:-

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

1.8 Further information on premises and activities covered by the Act and exemptions is contained in Appendix A.

Consultation on this Policy

1.9 On publication of the first draft of this initial policy, the consultation was confined initially to those statutory consultees contained in the Guidance. Those consultees were sent a copy of the draft and invited to comment and attend one of two discussion forums.

1.10 The comments from this initial consultation, together with suggestions from the council's specially convened Policy Project Group, were then used to make amendments to the draft policy where necessary. A second, more widely targeted consultation was then undertaken, the consultees also being listed in Appendix B. The consultation was also advertised in the Wiltshire Times and on the Council's website, (www.westwiltshire.gov.uk) inviting comment from interested parties. The draft policy was available to inspect at the Council's offices.

1.11 Following due consideration of all comments received during the consultations, the draft policy was amended and considered by the Council's corporate management team, Cabinet and finally by a full Council meeting.

Dates when this policy will be in force and timing of subsequent reviews

1.12 This policy will come into force on 7 February 2005, which is the first appointed day for the Act to commence operation. This is the date when the licensing Authority can start to receive and determine applications.

1.13 In line with the requirements of the Act, this policy will be reviewed and published every three years. Any review of the policy will again be subject to the consultation process. In addition the policy will be, if necessary, be subject to review in between the main three yearly reviews, and revisions made as appropriate following consultation.

The West Wiltshire District Council Area

1.14 West Wiltshire is a rural district covering an area of 517 square kilometres. Two Areas of Outstanding Natural Beauty account for a third of the land area and green belt covers a further fifth. Rail and road links are good.

1.15 The district has a population of 118,150 (2001 Census). It experienced significant population growth of 9% between 1999 and 2001. For the first time, West Wiltshire has

more adults over the age of 60 than children under 16. The proportion of people from ethnic groups other than 'white British' is 3.9 per cent. The population is centred on the five market towns of Bradford on Avon, Melksham, Trowbridge, Warminster and Westbury – each with its own distinctive character. Local architecture reflects the importance of the nineteenth century weaving industry with many conservation areas and listed buildings.

- 1.16 The economy is varied, with over 80% employed in service industries including distribution and the public sector. Manufacturing employs nearly 19%. Unemployment is low at 1.1% (December 2002). Average earnings are lower than the national rate, but slightly higher than elsewhere in the South West. There is a growing demand for homes and house prices are rising, but average prices are still below national and regional levels. There are pockets of deprivation in the towns and rural areas, with some wards among the most deprived in Wiltshire. However, in national comparisons, deprivation levels are relatively low with West Wiltshire standing at 250 out of the 354 English districts. Crime rates are low.

Licensable Matters at the Present Time

- 1.17 Most premises that sell alcohol for consumption on the premises operate in the traditional 'Public House' style with many offering hot bar snacks or restaurant meals. These premises are spread throughout the district's towns and villages. There are a smaller number of restaurants and hotels. A minority of these premises, substantially operating in the towns, provides regulated entertainment after the traditional closing time of 2300.
- 1.18 Most outlets for alcohol to be consumed off the premises are combined with smaller convenience shops and large supermarkets. There are a small number of dedicated off-licences situated in the towns.
- 1.19 There are a small number of members' club premises in the district.
- 1.20 There are a small number of outdoor musical events held each year that require public entertainment licences under the previous legislative control. These range from events that cater for less than 500 people to concerts and festivals for several thousand people over up to five days. The largest event licensed was a dance party for 30,000 people.
- 1.21 Cinemas and theatres are small in number and little licensable sporting activity, such as wrestling, takes place. None of these venues are large.
- 1.22 All of this activity benefits the local economy and the majority is provided for the enjoyment and cultural development of the local resident population. In addition the activities benefit tourists, and hence the tourist trade, as well as those resident in adjacent areas and further afield.
- 1.23 Most premises and activities covered by the new Act currently operate without complaint or undue concern in relation to the four licensing objectives. While it is acknowledged that the previous licensing regimes may have been too restrictive in regulating some premises and activities, a small number of premises have caused significant and chronic problems to residents.

- 1.24 Complaints to the Council's Environmental Protection team, some of which have resulted in legal action, have mainly occurred in relation to:-
- Noise from pub 'beer gardens' during normal licensing hours.
 - Music from licensed premises serving alcohol for consumption on the premises and musical events both within normal 'drinks' licensing hours and in particular those in operation after midnight.
 - Noise from people leaving licensed premises serving alcohol for consumption on the premises, particularly where they do not disperse but remain in groups.
- 1.25 Additional premises, activities or extended opening hours have the potential to increase the level of complaint.

2 GENERAL POLICY

Licensing Objectives and the fundamental issues

2.1 This policy promotes the four licensing objectives contained in the Licensing Act 2003:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 The following are considered to be fundamental issues in relation to these objectives:

The prevention of crime and disorder

- Prevention of underage drinking
- Prevention of drunkenness on licensed premises and in the surrounding area.
- Prevention of illegal drug possession, drug taking and drug dealing on licensed premises and in the surrounding area.
- Prevention of violent behaviour or circumstances leading to violent behaviour on licensed premises and in the surrounding area.
- Prevention of antisocial behaviour and the circumstances leading to antisocial behaviour on licensed premises and in the surrounding area. This includes:
 - ◆ Shouting and abusive behaviour
 - ◆ Urinating and vomiting
 - ◆ Damaging property
 - ◆ Sexual activity and unauthorised nudity

Public Safety

- Protection of the public in licensed premises from risks relating to:
 - ◆ Fire safety (including means of escape, naked flames, fabric and other materials, alarms systems, extinguishers, fire certificates and risk assessments)
 - ◆ Excessive number of people present
 - ◆ Consumption of alcohol and other activities
 - ◆ Customer profile (e.g. age or disability)
 - ◆ Use of special effects such as lasers, pyrotechnics, smoke machines and foam machines
 - ◆ Unruly or violent behaviour
 - ◆ Evacuating the premises
 - ◆ Seating and premises layout
 - ◆ Excessive temperature

The prevention of public nuisance

- Effective control of:
 - ◆ Noise (both on and off the premises)
 - ◆ Light pollution
 - ◆ Litter
 - ◆ Anti social behaviour
 - ◆ Fly posting and other illegal signage

Where they impact on those living, working or otherwise engaged in normal activity in an area.

- Hours of opening

The protection of children from harm

- Prevention of underage sales or consumption of alcohol
- Preventing underage exposure to inappropriate activities:
 - ◆ Films with age classification
 - ◆ Video and television films and programmes with adult or violent content
 - ◆ Adult entertainment (such as swearing, striptease, lap dancing and gambling)
- Exposure to drugs, drug taking and drug dealing
- Control of hazards particular to children (falls from height, resultant from play type activity).

Transitional Arrangements

- 2.3 The Act provides for existing licence holders to apply for personal licences and premises permissions under transitional arrangements. It is not the intention of this policy to interfere with these rights.

Additional Information

- 2.4 Although not forming part of this policy it is the intention to provide separate additional information to advise applicants of the licensing legislation, process and assist in the production of operating schedules.

Character of the Surrounding Area

- 2.5 All applications, other than those for personal licences, should have regard for 'the character of the surrounding area' when assessing the likely impact. While each area will be different and each application considered on its individual merits, the following guidance is offered in relation to categorising areas:
- Commercial area
Almost exclusively commercial or industrial with little or no living accommodation
 - Mainly commercial area
Mainly commercial or industrial but with some level of residential accommodation, not exceeding 20%
 - Mixed area
An area of mixed residential and commercial/industrial where the residential part is between 20% and 50%
 - Residential area
An area where the majority of properties are residential
- 2.6 Note that agricultural land should be ignored when considering 'character'. This is because, for instance, a small group of isolated houses surrounded by agricultural land may not receive sufficient protection.

Size of the ‘Surrounding Area’

- 2.7 This policy does not seek to define the size of the surrounding area where its ‘character’ will be considered when processing a licence application. The size of the area to be considered is likely to be that which may be significantly affected by the applicant’s proposals.

Temporary Event Notices (TENS)

- 2.8 There is a statutory minimum period of ten working days for organisers to provide notification of small events of limited duration. The Police then have 48 hours to serve an objection notice. Unless such an objection notice is withdrawn a hearing will be arranged to consider the matter. If the Police do not make an objection then there will be no intervention by the Licensing Authority. Only the Police can object to a TENS notification and then only on the grounds of crime and disorder.
- 2.9 These TENS may be independent events on premises not holding a premises licence or temporary variations or extensions to existing licences. Other than for those which are in effect minor temporary additions to an existing premises licence, this ten working day period may not provide enough time before any hearing for the Police to make enquiries to satisfy themselves that the prevention of the crime and disorder licensing objective will be complied with. In these cases it is expected they will object on that basis. This policy supports that refusal may be appropriate in those cases.
- 2.10 In order to provide adequate time for consideration and prevent refusal on those grounds, it is suggested that applicants consider how much notice it is reasonable to give for their particular event. In some cases this may be more than 8 weeks. It is however appreciated that some events may need to take place at short notice and therefore only the statutory minimum notice of 10 working days will be possible. The Police suggest that a minimum of 28 days notice would be helpful. Event organisers are encouraged, as a general principle, to give as much notice as possible, which will assist in consideration of their notification.
- 2.11 Where the applicant is aware that there may be crime and disorder issues that the Police will wish to consider, it is suggested that additional details are provided in addition to the minimal information that a TENS requires.
- 2.12 TENS notifications may be referred, for information, to other parts of the Council and other Agencies who may wish to have involvement or take their own action in relation to the licensing objectives or other matters. They may intervene but only by using their own, separate, regulatory powers. They may not seek to use the Licensing Act.

Attaching conditions to licences

- 2.13 Where the responsible authorities and interested parties do not make any relevant representations about the application, it is the duty of the Licensing Authority to grant the application, subject only to the conditions that are consistent with the operating schedule, or club operating schedule and any mandatory conditions prescribed by the Act itself. The current list of these mandatory conditions is attached as Appendix C.

- 2.14 Additional conditions may only be attached to licences when they are necessary to achieve the licensing objectives and following consideration of relevant representation. These will be proportionate and reasonable and suit the specific needs of the individual premises operation. Conditions will be attached that are either drawn from the pool of model conditions within the Guidance, or have been produced to address the concerns of relevant bodies who have made representations, such as the Police.
- 2.15 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

Cumulative Impact

- 2.16 Nothing in this Policy will seek to limit the number of licensed premises on the basis that there are already sufficient to satisfy demand. Where a planning application is submitted, this is a matter for the planning process and market forces and therefore falls outside the scope of this Policy.
- 2.17 The Licensing Authority is, however, aware of the cumulative impact that can arise from a concentration of licensed premises in a particular area as a result of the increased number of people dispersing from licensed venues, or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise, other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling. In such cases, the amenity of local residents can be adversely affected but may not be readily attributable to any individual premises. The Licensing Authority wishes to ensure that these adverse effects are minimised.
- 2.18 The cumulative impact of licensed premises in a particular area may, on representation from residents or businesses, or a responsible authority, trigger the consideration of whether any additional licences or variations to existing licences (e.g. to increase such aspects as capacity or operating hours) would lead to an unacceptable saturation in an area. In these circumstances, the onus will be on the objector to provide evidence that additional licences, or the variation of existing licences, are likely to produce the cumulative impact claimed.
- 2.19 When considering such representations, the Licensing Authority will have regard to such matters as the character of the surrounding area, the impact of the licence on the surrounding area, the nature and character of the proposed operation as well as published government guidance.

Application of the Policy

- 2.20 The policy will be relevant to all licensable activities in the Licensing Act 2003 unless specifically excluded.
- 2.21 Nothing in this policy prevents any application being considered on its own merits.

Consideration of representations

- 2.22 All relevant representations received concerning licence applications, except those that are frivolous, vexatious or repetitious, will be given full consideration but only where they relate to the licensing objectives.
Relevant representations are defined in Appendix D.

Level of control

- 2.23 The licensing process can only seek to control those measures within the control of the licensee on and 'in the vicinity' of a premises where licence holders themselves can exercise control.
- 2.24 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

Exclusion of children under 18

- 2.25 This policy does not seek to require that access to any premises be given to children at any or all times. Under normal circumstances this will be left to the discretion of the licensee.

Enforcement

- 2.26 Any compliance checking work, either as part of routine inspections or following complaint from the public or representation from a recognised body, will be undertaken on a risk based approach taking into account the licensing objectives.
- 2.27 Where any contraventions are identified, the appropriate remedy from informal warning through to prosecution will be determined in compliance with the current Council enforcement policy at the time.

Licence Reviews

- 2.28 A representation from an interested party or responsible authority can request a review of an existing licence. Representations that are irrelevant, frivolous or repetitious will not be considered.
- 2.29 In line with the Guidance, any application for a review of a premise licence will not normally be considered where a review had been carried out within the last 12 months on similar grounds.
- 2.30 Should any review be successful, the Licensing Authority will generally take the minimum steps necessary to provide compliance with the licensing objectives. This could include modifying the conditions of the licence, excluding certain activities, removing the premises supervisor, suspending the licence for up to three months, revoking the licence, or a combination of these.

Multiple Licences

- 2.31 Nothing in this policy prevents any person or body from applying for or holding more than one premises licence or certificate under the Act.

Duplication of existing legislation and regulatory regimes

- 2.32 This policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators. These include The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, disability discrimination legislation, and the new Fire Safety Regulatory Reform Order when it comes into force.
- 2.33 Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of that licensing objective.

Link with other strategies, policies and responsibilities

- 2.34 Nothing in this policy is designed to prevent this Council from fulfilling any other of its prescribed or suggested responsibilities.
- 2.35 The input of those involved in other strategies and policies, in both the formulations of this policy and its application, is welcomed where it can assist in securing the licensing objectives.
- 2.36 In particular the Council has responsibilities under the Crime and Disorder Act 1998. It is the intention that this licensing work will invite the participation of the West Wiltshire Community Safety Partnership.

Cultural Activities

- 2.37 This Council has adopted a cultural strategy and some of the activities it wishes to promote are those that will require licensing under the Act.
- 2.38 This policy seeks to apply conditions and restrictions only where they are necessary, proportionate and reasonable for promoting of the four licensing objectives. This policy recognises that unnecessary conditions could place substantial and unreasonable financial burdens on those providing cultural entertainment. If the Council has, or receives evidence that this policy may be significantly deterring cultural activity, in particular live music, dancing and theatre, then a review of this policy will be considered.
- 2.39 Applications from the Council or other community bodies for premise licences for public spaces will be considered using the normal criteria.
- 2.40 The Licensing Committee will be permitted to receive reports on the needs of the Council's cultural strategy where appropriate. The information may reflect in the considerations of that Committee.

Tourism and Employment

- 2.41 The Licensing Committee will be permitted to receive reports on the needs of the local tourist economy, the employment situation in the area and the need for new investment and employment where appropriate. The information may reflect in the considerations of that Committee.

Planning

- 2.42 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and it is expected that licensing decisions will not normally cut across decisions taken by the planning committee or permissions granted on appeal. However, it should be noted that there is no legal basis to refuse a licence application simply because it doesn't have planning permission.
- 2.43 The licensing process should integrate with the planning process. This may include, where appropriate, providing occasional reports following a request from the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, following consultation with appropriate bodies such as the Police.

Preparation of Operating Schedules

- 2.44 Applicants are responsible for producing the Operating Schedule that needs to accompany an application for grant of a Premises Licence or variation of an existing Premises Licence. It is suggested that this should include a risk assessment of the proposed activities in relation to the four licensing objectives and identify relevant and proportionate control measures. In order to produce an Operating Schedule that is less likely to result in objection, applicants are strongly advised to seek advice from the organisations contained in Appendix E relevant to their application.

Applicants for Premises Licences

- 2.45 The following extract from the Guidance is provided for information:-
- “Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises, (which includes any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. “A person” in this context includes, for example, a business or a partnership.
- 2.46 Licensing Authorities should not require the nomination of an individual to hold the licence. It is not for the licensing authority to decide who is the most appropriate person to hold the licence. For example, in respect of most leased public houses, a tenant may run or propose to run the business at the premises in agreement with a pub owning company. Both would be eligible to apply for the appropriate licence and it is for these businesses or individuals to agree contractually amongst themselves who should do so. It is not for the licensing authority to interfere in that decision. However, in the case of a managed public

house, the pub operating company should apply for the licence as the manager (an employee) would not be entitled to do so. Similarly, with cinema chains, the normal holder of the premises licence would be the company owning the cinema and not the cinema manager (an employee of the main company).

- 2.47 In considering joint applications (which is likely to be a rare occurrence), it must be stressed that under section 16(a) of the 2003 Act each applicant must be carrying on a business which involves the use of the premises for licensable activities at the premises. In the case of public houses, this would be easier for a tenant to demonstrate than for a pub owning company that is not itself carrying on licensable activities. The Secretary of State recommends that where licences are to be held by businesses, it is desirable that this should be a single business to avoid any lack of clarity in terms of accountability.”

Application for Personal Licence

- 2.48 The Act requires all applicants (other than transitional applicants) to provide a Criminal Record Bureau (CRB) certificate. Due to Police concerns only CRB certificates dated no longer than one month before the application made will normally be accepted as satisfying this requirement.

Problems beyond the Boundary of Premises

- 2.49 Guidance issued under the Act suggests that conditions should not be attached to a licence that seek to deal directly with customer behaviour once they are beyond the control of the licence holder. The Guidance however is also clear that it is appropriate to consider what action the licence holder could take to help prevent public nuisance and crime and disorder issues, once customers have left the premises. Licence holders are therefore expected to consider potential problems and exercise suitable controls over customers’ behaviour in the immediate vicinity as they seek to enter and leave.
- 2.50 The guidance also states that premise reviews are appropriate upon relevant representation if specific problems can be attributed to a particular premise. This policy supports these views.

3 SPECIFIC POLICY

Licensing Hours

- 3.1 With regard to licensing hours, consideration will be given to the individual merits of each application. The Government strongly recommends that longer licensing hours for the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided. The experience within West Wiltshire is that customers do not always disperse quickly after leaving on-licensed premises at closing time, particularly when nearby takeaway premises are open. Any 'ready to eat' food purchased is then often consumed close to the premises where it was bought, which can prolong any period of public nuisance. Operating schedules for premises serving takeaway food will therefore need to have regard to this potential impact on the surrounding area taking into account the closing times and types of nearby premises that serve alcohol.
- 3.2 This policy supports the principle that shops, stores and supermarkets that sell alcohol only for consumption off the premises should be able to do so at all times the outlet is open, unless there are very good reasons for restricting those hours. However, a limitation may be appropriate if there are Police or other representations in the case of shops known or expected to be a focus of disorder and disturbance because people gather there. Operating schedules for these premises will be expected to demonstrate a robust approach to underage sales and the supply of alcohol to people who are already drunk, as well as any likely crime and disorder issues.
- 3.3 This policy does not include 'zoning', which is the setting of fixed trading hours (closing times) within designated areas, as this can lead to the significant movement of people across boundaries in search of premises opening later. It is expected that those premises in areas of denser residential accommodation will have stricter conditions applied in relation to noise control. While this will not in itself limit opening hours, the standards expected will normally reflect the need for residents to sleep undisturbed after 2300. The World Health Organisation classifies night-time as being between 2300 and 0700. There will also need to be regard to the time of day or night that the premises will be open in order to reflect residents need to enjoy normal activities, as well as sleeping.
- 3.4 The new legislation does not provide automatically for "drinking up time". It does however allow for hours to be specified in the licence application for both the sale of alcohol and times when the premises will be open.
- 3.5 Although there is no longer any control over drinking up time there is an assumption that licence holders would seek to prevent purchase of excessive amounts of alcohol that could legally be consumed on the premises that would in effect mean that the premises were 'open' for a long time after the time for the sale of alcohol had finished.
- 3.6 In order to allay these concerns operating schedules could include a statement to the effect that alcohol would only be sold or supplied in quantities that could reasonably be expected to be consumed within twenty minutes of the premises ceasing to be licensed for the sale or supply of alcohol, unless it was clear that the alcohol was to be consumed away from the premises but without detriment to the surrounding area.

- 3.7 It is thought that some premises that operate without concern could open for longer hours without detriment to the licensing objectives. These could include some of those that carry out traditional ‘public house’ activities, where seating is provided but without regulated entertainment, as well as other premises. There is a presumption that applications for longer hours will be granted where either there is unlikely to be any detriment relating to the licensing objectives or where the operating schedule satisfactorily addresses any concerns. When considering which opening hours are to be proposed, applicants will need to have regard to the likely impact on the surrounding area.

Prevention of Crime and Disorder

- 3.8 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes, generate crime and disorder problems if not properly managed. Additional risk factors could include gambling or the proximity to other licensed premises. The Licensing Authority will expect licensees of premises to submit operating schedules that satisfactorily address these issues, from the design of the premises through to the day to day operation of the business.
- 3.9 In developing such operating schedules, applicants should take notice of this Policy, its contents and appendices and, where appropriate, are recommended to seek advice from Wiltshire Constabulary’s Licensing Officer who will be in contact with local crime and disorder reduction forums.
- 3.10 Additional to requirements for the Council, in it’s role as Licensing Authority, to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the District. The Licensing Authority will expect applicants to consider what actions they can take in the management of their premises that will contribute towards the reduction of crime and disorder, and also their responsibilities to the community in general when engaged in activities and trading as licensed premises.
- 3.11 When considering all licence applications, account will be taken of the measures proposed to deal with prevention of crime and disorder, having regard to all circumstances of the application. Applicants should include information on how they intend to address these issues within the operating schedule. In particular, good practice would normally include a Personal Licence holder being present in the licensed area of the premises:-
- Between 2200 and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises;
 - At all times in premises classified as vertical drinking establishments where little or no seating is provided
- 3.12 In other cases, while the guidance or case law or any other authoritative interpretation continues to allow the sale of alcohol without a Personal Licence holder being present on the premises, the Designated Premises Supervisor will be expected to nominate a person to control the sale of alcohol in the absence of a Personal Licence holder and act on their behalf. It would be good practice to record this nomination in writing. In premises

offering music and dancing in 'night club' type premises, applicants will be expected to show how they will comply with the Home Office Guidance 'Safer Clubbing' in relation to the control and use of illegal drugs on their premises (see Appendix H). They should agree a protocol with Wiltshire Constabulary on the handling of illegal drugs found on their premises or adopt any other locally or nationally recognised protocol that may be agreed in the future.

3.13 The Licensing Authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:-

- Planning controls
- Powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas
- Police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
- Police enforcement of the law with regard to disorder and anti-social behaviour
- The power of the police, local business or resident to request a review of the licence

3.14 It is expected that action will be taken against those selling alcohol to people who are already drunk where this course of action is confirmed by the Council's Enforcement Policy.

3.15 Some of the above will also be relevant to other licensing objectives but it is not proposed to repeat them elsewhere.

3.16 Where following a relevant representation, it is the view of the Licensing Authority that the proposed controls in the operating schedule do not adequately address the licensing objectives, the application may be refused or additional conditions applied. It is suggested that applicants carry out a risk assessment of the fundamental issues, where they may be relevant to the premises.

Below is a list of the fundamental issues that were identified in the general policy on page 8:-

- Prevention of underage drinking
- Prevention of drunkenness on licensed premises and in the surrounding area.
- Prevention of illegal drug possession, drug taking and drug dealing on licensed premises and in the surrounding area.
- Prevention of violent behaviour or circumstances leading to violent behaviour on licensed premises and in the surrounding area.
- Prevention of antisocial behaviour and the circumstances leading to antisocial behaviour on licensed premises and in the surrounding area. This includes:
 - ◆ Shouting and abusive behaviour
 - ◆ Urinating and vomiting
 - ◆ Damaging property
 - ◆ Sexual activity and unauthorised nudity

3.17 The following are examples of control measures that could be appropriate:-

- recording of all incidents to identify impact and areas for further control
- adequately qualified, trained and experienced persons in charge of and working at the premises
- monitoring of the premises and the surrounding area when it is open
- guidance and training for staff regarding crime prevention, conflict management, under age drinking and drug related issues
- the position of cash registers and gaming machines
- the use of a recording CCTV system covering appropriate areas, for instance public entrances and exits, areas where door supervisors check customers
- the use of toughened or plastic drinking glasses and plastic bottles
- good management practices in relation to responsible pricing promotions, ‘happy hours’, and in the case of ‘off sales’ limiting sales of alcohol which appears to be for immediate consumption as well as applying codes of practice from organisations such as the British Beer and Pub Association – see Appendix H
- monitoring and controlling how much alcohol customers consume
- refusing people who are already drunk access to the premises
- using door supervisors registered with the Security Industry Authority (SIA) in appropriate circumstances and locations to regulate entry and prevent disorderly and criminal behaviour
- using effective communication systems with other licensees and the Police using radios, pagers or ring rounds
- implementing measures in the Alcohol Harm Reduction Strategy for England published by the Cabinet Office (see Appendix H)
- active participation in local Pubwatch and/or Shopwatch schemes
- music wind-down policies
- employing measures to prevent the taking or supply of illegal drugs, such as search procedures, entry policies and monitoring areas where drugs are likely to be sold or used
- if the premises are subject to age restrictions, carrying out age verification checks. Acceptable documents for verifying proof of age are contained in Appendix G. Licence holders will need to consider the risk of forged documents, particularly for proprietary schemes
- the ratio of seated accommodation to standing room and dealing with issues of ‘vertical drinking establishments’ where little or no seating is provided
- providing adequate lighting in all areas
- Door Stewards preventing bottles and glasses from being taken from the premises.

Public Safety

3.18 The Act covers a wide range of premises that require licensing, including cinemas, night-clubs, public houses, village and community halls, schools, cafes, premises for outdoor events, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks to public safety, some of which may be common to most premises, whilst others will be unique to specific operations. It is expected that Operating Schedules will need to satisfactorily address these issues. Applicants are encouraged to seek advice from the Council’s Health and Safety Officers and the Fire Safety Section of the Wiltshire Fire Brigade – contact details Appendix E.

- 3.19 Establishing a maximum number of people to be in the premises at any one time can help ensure the safety of these people and provide a safe means of escape from fire or other emergency. It is suggested that occupancy limits will normally only be set on representation from and in consultation with Wiltshire Fire Brigade. Premises that are likely to need occupancy limits include theatres, cinemas and premises where regulated entertainment is being provided as defined in the Act, or where the premises has the characteristics of a vertical drinking establishment. A vertical drinking establishment is one that the Guidance refers to as having little or no seating for patrons. Other premises may also require occupancy limits to be set, for instance where they are likely to become crowded or where the means of escape is limited. Where a fire safety certificate has been issued under the Fire Precautions Act 1971 which imposes an occupancy limit the premises licence will not specify an occupancy limit unless the Fire Authority recommends a change. Applicants will need to show in their operating schedule how they intend to monitor the numbers of persons on the premises in these cases at times when they are likely to be busy.
- 3.20 Operating schedules will need to identify adequate controls when special effects such as lasers, smoke machines, pyrotechnics or foam machines are to be used.
- 3.21 The age group of the expected clientele will need to be considered in relation to the design and operation of the premises.
- 3.22 Organisers of public events that require Premises Licences or TENS are encouraged to liaise with the West Wiltshire Public Event Safety Group (WWPESG) to help produce proposals that will be satisfactory to all parties. The WWPESG comprises representatives from West Wiltshire District Council, Wiltshire County Council Emergency Planning and Highways together with the Wiltshire Police, Wiltshire Fire Brigade and Wiltshire Ambulance Trust. Contact details can be found in Appendix E. Organisers of private functions such as weddings and birthday parties may not need to discuss their proposals with the WWPESG. It should be noted that this does not form part of the licensing process as TENS can only address concerns of crime and disorder but this guidance is provided in order that organisers can receive advice on best practice and comply with their obligations under other legislation.
- 3.32 When considering the need for stewards the ratio of children to adults will need to be considered.
- 3.24 Where following a relevant representation, it is the view of the Licensing Authority that the proposed controls in the operating schedule do not adequately address the licensing objectives, the application may be refused or additional conditions applied. It is suggested that applicants carry out a risk assessment of the fundamental issues, where they may be relevant to the premises and the activities taking place on those premises and identify suitable control measures in their operating schedule.

Below is a list of the fundamental issues that were identified in the general policy on page 8:-

- Protection of the public in licensed premises from the risks relating to:
 - ◆ Fire Safety (including means of escape, naked flames, fabric and other materials, alarms systems, extinguishers, fire certificates and risk assessments).

- ◆ Excessive number of people present
- ◆ Consumption of alcohol and other activities.
- ◆ Customer profile (e.g. age or disability)
- ◆ Use of special effects such as lasers, pyrotechnics, smoke machines and foam machines
- ◆ Unruly or violent behaviour
- ◆ Evacuation of the premises
- ◆ Seating and premises layout
- ◆ Excessive temperature

3.25 The following are examples of control measures that could be appropriate:-

- seeking and implementing advice from the Fire Officer
- ensuring adequate means of escape and emergency lighting for use in the event of an emergency and having measure in place to ensure that routes are kept clear and unlocked
- determining a maximum safe number for the premises depending on different types of activity
- use of stewards to direct the public and prevent overcrowding
- implementing any special measure that may be required when the majority of public are children or infirm, such as increased supervision
- proper risk assessment of special effects and including advising the public of their use
- provision of first aid facilities including the training of staff
- use of flame retardant materials
- specifying seating plans for each type of activity
- providing adequate ventilation or suitable air conditioning in order to regulate temperature
- providing information to customers by way of notices and printing on tickets
- providing a PA system for use in an emergency.
- In the case of outdoor events:-
 - ◆ structural calculations are carried out to ensure that staging, seating and other structures are fit for the purpose
 - ◆ adequate arrangements are in place in case of inclement weather conditions
 - ◆ suitable traffic management
 - ◆ arranging for inspection and certification of the electrical installation.

Prevention of Public Nuisance

3.26 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisance impacting on people living, working or sleeping in the surrounding area. The Licensing Authority will expect to protect the amenity of residents and businesses in the area surrounding licensed premises. When considering all licence applications the adequacy of measures proposed to deal with the potential for nuisance will be taken into account.

3.27 In relation to public nuisance, similar activities that take place frequently will have more of an impact than short duration one-off events. This will be reflected in the consideration of whether a licence should be granted and any conditions that are attached.

- 3.28 Activities and premises will be regulated with a view to preventing loss of sleep by residents for the period between 2300 and 0700, other than on a very infrequent basis. They will also be regulated at other times in order to protect people's need to peacefully enjoy their property to a level that prevents statutory nuisance.
- 3.29 It is recognised that licensable activities are important to the local economy as well as helping to satisfy cultural and leisure aspirations. The Council will, therefore, try and work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 3.30 Where following a relevant representation it is the view of the Licensing Authority that the proposed controls in the operating schedule do not adequately address the licensing objectives, then the application may be refused or additional conditions applied.
- 3.31 It is suggested that applicants carry out a risk assessment of the fundamental issues, where they may be relevant to the premises and the activities taking place on those premises and identify suitable control measures in their operating schedules.

Below is a list of the fundamental issues that were identified in the general policy on page 8.

- Effective control of:-
 - ◆ Noise (both on and off the premises)
 - ◆ Light pollution
 - ◆ Litter
 - ◆ Anti Social Behaviour
 - ◆ Fly posting and other illegal signage
 Where they impact on those living, working or otherwise engaged in normal activity in an area.
- Hours of opening.

- 3.32 The following are examples of control measures that could be appropriate:-

- well located, adequately silenced air conditioning and other plant
- control of noise and vibration that could escape from the premises by soundproofing, acoustic double glazing, acoustic lobbies and sound limitation devices combined with monitoring by staff and recording of those observations. Note that mechanical ventilation may be necessary to ensure adequate ventilation;
- preventing disturbance by customers arriving at or leaving the premises, particularly between the hours of 2300 and 0700, by restricting entry or re-entry after a particular time
- preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
- ensuring those working at the premises leave quietly
- provision of, or links to, public transport (including taxis and private hire vehicles) for patrons arriving and leaving
- establishing a protocol with local licensed taxis or private hire vehicles companies to minimise disturbance to local residents
- signs advising customers to leave the premises quietly

- use of special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship
- restricting the hours use of use of 'beer gardens' and other open-air areas to prevent local residents being affected by customer noise and controlling volume levels and use of any public address systems, music or other entertainment;
- careful location of external lighting, including security lighting and shielding against intrusion into neighbouring properties
- making sure that deliveries to the premises and refuse collection take place at a time that should not give cause for complaint
- employing registered Door Supervisors to monitor or prevent nuisance by customers in the immediate vicinity of the premises
- in the case of takeaway food minimising the amount of packaging that could become litter if not disposed of properly as well as providing litter bins at appropriate locations and carrying out litter patrols
- clearing event sites of litter and the use of control fencing
- providing only biodegradable packaging material, where it could result in litter
- use of radio and newspaper advertising instead of flyposting and leaflets
- careful consideration of opening times

3.33 Some of the above will also be relevant to other licensing objectives but it is not proposed to repeat them elsewhere.

Protection of children from harm

3.34 This policy will only seek to limit the access of children to any premises where it is necessary for preventing their physical, moral or psychological harm.

3.35 There is no intention to attempt to anticipate every issue that could arise in respect of children. General rules will be avoided and each application will be considered on its merits. However this policy highlights the following areas that will give rise to particular concern in respect of children:

- The view of the policy is that children shall not be exposed to entertainment or services are of an adult or sexual nature. (This would generally include topless bar staff, striptease, lap-, table- or pole-dancing, performance involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language)
- there is also particular concern where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a record of underage drinking
- there would be a presumption against children having access to premises where the Police provide evidence that there is a current association with drug taking or dealing
- there is also concern about whether it is appropriate for children to attend where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).

3.36 Applicants will need to demonstrate how the issues relating to children are addressed when attending night-clubs and discos where persons over the age of 18 are permitted at the same time as children, other than in the case of family aimed entertainment.

Operating schedules will be expected to contain a relevant system to verify the age of those who may be under 18 in order to restrict access to premises, or parts of premises, or the purchase or consumption of alcohol, except in the limited conditions allowed by law. Acceptable documents for verifying proof of age are contained in Appendix G. Licence holders will need to consider the risk of forged documents, particularly for proprietary schemes.

- 3.37 Where non statutory age restrictions may be appropriate, Wiltshire County Council Social Services are recognised as being competent to advise on matters relating to the protection of children from harm. Applicants should in appropriate cases discuss their applications with them in its capacity as the ‘responsible authority’. Contact details can be found in Appendix E.
- 3.38 It is recognised that tobacco smoke would not fall into matters that the Act seeks to control in the objective 'The protection of children from harm', except in very exceptional circumstances. It is therefore not something, except in very exceptional circumstances, that applicants would need to address in their operating schedules or form part of any consideration for a licence. Nevertheless a local responsible body can request a review of a premises licence if it considers that levels of tobacco smoke would be so great as to be relevant to the licensing objective.
- 3.39 In the case of premises giving film exhibitions the applicant will need to include in the operating schedule, arrangements for restricting children from viewing age restricted films. In relation to such premises, a mandatory condition will be applied requiring that access will be restricted to only those who meet the required age limit, in accordance with any certificate granted by the British Board of Film Classification.
- 3.40 It is expected that where those attending premises are mainly children, conditions will be applied concerning the presence of adult staff in order to control the access and egress of children and to protect them from harm. The applicant will need to demonstrate that appropriate advice has been obtained to determine the proposed numbers of adult staff in the operating schedule. It may be appropriate for some or all of these staff to have undertaken a Criminal Record Bureau check
- 3.41 Where following a relevant representation it is the view of the Licensing Authority that the proposed controls in the operating schedule do not adequately address the licensing objectives, then the application may be refused or additional conditions applied.
- 3.42 It is suggested that applicants carry out a risk assessment of the fundamental issues, where they may be relevant to the premises.

Below is a list of the fundamental issues that were identified in the general policy on page 9.

- Prevention of underage sales or consumption of alcohol
- Preventing underage exposure to inappropriate activities:-
 - ◆ Films with age classification
 - ◆ Video and television films and programmes with adult or violent content
 - ◆ Adult entertainment (such as swearing, striptease, lap dancing and gambling)
- Exposure to drugs, drug taking and drug dealing

Control of hazards particular to children (falls from height, resultant from play type activity).

3.43 The following are examples of control measures that could be appropriate:

- limitations on the hours when children may be present
- exclusion of children under certain ages from the premises when inappropriate activities are taking place
- excluding over 18 year olds from children's discos in night-clubs
- age restrictions for parts of the premises
- requirements for children to be accompanied adults
- full exclusion of those people under 18 from the premises when any licensable activities are taking place that are aimed at an adult audience
- ensuring that signage, views into the premises and window displays do not allow the viewing of adult content
- staff training and monitoring of staff
- signage advising of a robust approach to under age sales.
- In the case of 'off sales':
 - ◆ Where there is an electronic scanning electronic till systems a 'flag' to consider proof of age if an alcoholic product is scanned;
 - ◆ Only permitting the sale of alcohol with the consent of a staff supervisor to those who appear to be aged under twenty-five;
 - ◆ The use of CCTV to record the sale of alcohol and thereby providing a deterrent;
- the naming, marketing and promotion of alcohol products in such a way as not to appeal to or attract minors. Applicants should consider the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks -Appendix H
- direct supervision by staff
- CCTV monitoring
- use of ID cards where children are to be excluded (see Appendix G for suitable schemes)
- control of television programmes shown after 2100 where they may contain adult material.

Administration, Exercise and Delegation of Functions

3.44 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Licensing Sub-Committee or by one or more officers acting under delegated authority.

In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council will have in place a scheme of delegation to deal with applications received applications received under the Act.

3.45 The table contained in Appendix F sets out the delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

3.46 This form of delegations is without prejudice to:-

- Officers referring an application to a Licensing Sub-Committee if considered appropriate in the circumstances of any particular case; or,
 - The Chair of the full Licensing Committee or a resolution by a Sub-Committee requesting a matter to be considered by the full Licensing Committee.
- 3.47 Any applications dealt with by Officers will be reported to the next meeting of the Licensing Committee for the purposes of information and comment only.
- 3.48 Any member of the Licensing Committee or a Licensing Sub-Committee **MUST** declare an interest in any application made for their ward and take no part in the decision.
- 3.49 Likewise a Ward Member can only make representations against an application for the grant, variation or review of the premises licence, if they have been specifically requested to do so by an ‘interested party’ as defined in the Act. Their ‘representative’ role as a Ward Councillor does not automatically entitle them to be consulted or to be asked to speak for or against an application.

APPENDICES

Appendix A- Activities covered by the Act and exempted activities

Activities covered by the Act

- The retail sale of alcohol (including via the internet or mail order)
- The wholesale of alcohol to members of the public
- The supply of alcohol to members of registered clubs
- The supply of hot food or hot drink between 2300 and 0500 which include both premises and 'mobile traders'
- The provision of regulated entertainment in the presence of an audience

Regulated entertainment includes:

Performance of a play
Film exhibitions
Indoor sporting events
boxing or wrestling events (indoor and outdoor)
Performing live music
Playing recorded music (except incidental music)
Dance performances
Entertainment of similar descriptions

Exemptions

The following activities are not regarded as Regulated Entertainment and are therefore exempt for the purposes of the Act:

Exhibition of a Film

If the sole or main purpose of the entertainment is to demonstrate any product, advertise any goods or services, or provide information, education or instruction.

If the entertainment consists of or forms part of an exhibit put on show for any purposes of a museum or gallery.

- **Live Music or the Playing of Recorded Music**
if the entertainment is incidental to some other activity which is not in itself within the description of Regulated Entertainment or the provision of entertainment facilities.
- **Television or Radio Receivers**
If the entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990.
- **Religious Services and Places of Worship, etc.**
If the entertainment is for the purposes of, or for the purposes incidental to, a religious meeting or service or at a place of public religious worship.
- **Garden Fetes, etc.**
If the entertainment is at a garden fete or at a function or event of a similar character, unless the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain (as defined in the Lotteries and Amusements Act 1976).

- **Morris Dancing, etc.**

If the entertainment is a performance of Morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or facilities for enabling persons to take part in such activities.

- **Vehicles in Motion**

If the entertainment is on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked.

- **Small Venues Providing Dancing and Amplified or Unamplified Music**

Where:

- a Premises Licence or Club Premises Certificate authorises the supply of alcohol for consumption on the premises and the provision of music entertainment (live music and dancing)
- the relevant premises are used primarily for the consumption of alcohol on the premises
- the premises have a capacity of up to 200

Any conditions relating to the provision of music entertainment imposed on the Licence by the Licensing Authority, other than those set out by the licence or certificate which are consistent with the Operating Schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

In addition, where

- a premises Licence or Club Premises Certificate authorises the provision of music entertainment (live music and dancing)
- the premises have a capacity limit of up to 200

then, between the hours of 0800 and midnight, if the premises are being used for the provision of unamplified live music but no other description of regulated entertainment, any conditions imposed on the Licence by the Licensing Authority, again other than those which are consistent with the Operating Schedule, which relate to the provision of that music entertainment, will be suspended.

(Note that the exemptions for small venues may be disapplied following a review of a premises licence or club premises certificate)

Appendix B- Consultees on this policy

Wiltshire Constabulary
Wiltshire Fire Brigade
West Wiltshire District Council, including environmental protection, health and safety, community safety and arts development
All Town and Parish Councils in the West Wiltshire area
Wessex Association of Chamber of Commerce
Bradford on Avon Licensed Victuallers
Melksham & District Licensed Premises Association
Trowbridge Pub & Club Watch
Warminster Pub Watch
Westbury Pub Watch
The British Institute of Innkeeping
Federation of Small Businesses (Western Region)
Association of Convenience Stores Ltd
The Association of Licensed Multiple Retailers
Community First – Village Hall Adviser
Wiltshire County Council Social Services
Wiltshire County Council – Head of Safe Care and Child Protection
Wiltshire Area Child Protection Committee
Police Schools Liaison Officer
Wiltshire Magistrates' Court
Wiltshire County Council Trading Standards Department
Wiltshire County Council Emergency Planning Department
Health and Safety Executive (Bristol Office)
Wiltshire Ambulance Service NHS Trust
Rural Arts Wiltshire
Arts Council of England
Independent Street Arts Network (ISAN)
The Musicians Union (South West Region)
Jazz Services Ltd
Equity
CAMRA (Campaign for Real Ale)
ACAD Bath (Advice on Alcohol)
National Association of Farmers' Markets
All likely holders of premises licences in West Wiltshire
Holders of outdoors Public Entertainment Licences in 2003 and 2004
Focus Training, Wiltshire College
Bowerhill Residents' Association
Melksham Forest Tenants & Residents Association
Newtown Area Residents Association
Seymour Tenants and Residents Association
Oldfield Park Tenants & Residents Association
Leigh Park Community Association
Westbury Market Place and Environs Association

Appendix C- Mandatory Conditions

MANDATORY CONDITIONS THAT MUST BE ATTACHED TO LICENCES

Where a Premises Licence authorises the supply of alcohol

1. That no supply of alcohol may be made under the Premises Licence:
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. That every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a Premises Licence or Club Premises Certificate authorises the exhibition of films, the Licence or Certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.
2. Where the film classification body is specified in the Licence or Certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where,
 - a) The film classification body is not specified in the Licence or Certificate, or
 - b) The Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question,admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.
4. In these paragraphs, ‘children’ means persons aged under 18, and ‘film classification body’ means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

Door Supervision

1. Where a Premises Licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the Licence must include a condition that each such individual must be licensed by the Security Industry Authority.

Appendix D- Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

‘Interested party’ means any of the following:

- (a) a person living in the vicinity of the premises
- (b) a body representing persons who live in that vicinity
- (c) a person involved in a business in that vicinity
- (d) a body representing persons involved in such businesses

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 2300 and 0500

‘Licensable Activities’ means:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed):

- the relevant licensable activities
- the times at which the licensable activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the licensable activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the licensing objectives

‘Regulated Entertainment’ means:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoor and outdoor)
- a performance of live music
- any playing of recorded music
- a performance of dance

(or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Activities that are not regarded as regulated entertainment are contained in Appendix A.

‘Relevant Representation’ means a representation relating to the licensing objectives made by an interested party or a responsible authority.

‘Responsible Authority’ means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board

‘Temporary Event Notice’ means a permitted temporary activity involving one or more Licensable Activities subject to the following various conditions and limitations: duration – they are limited to events lasting for up to 96 hours

- scale – they cannot involve the presence of more than 499 people at any one time
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used
- the number of notices given by an individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year, and another person to five notices in a similar period

(in any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved)

Appendix E-Contact Details for Responsible Authorities and Similar Organisations
These contact details may be subject to change.

Wiltshire Police

West Wiltshire Licensing Officer
Wiltshire Constabulary,
Divisional Police Headquarters,
Semington Road,
Melksham,
SN12 6QQ
telephone 01225 703444

Wiltshire Fire Brigade

Fire Safety Trowbridge Fire Station,
Hilpertown Road,
Trowbridge
BA14 7JB
Telephone 01225 756500
trowbridge.firesafety@wiltshire.gov.uk

Health & Safety Executive

4th Floor The Pithay,
All Saints Street,
Bristol BS1 1ND
telephone 01179 886000

West Wiltshire District Council Health & Safety Team

Bradley Road,
Trowbridge,
BA14 0RD
telephone 01225 770388

West Wiltshire District Council Environmental Protection Team

telephone 01225 770358

West Wiltshire District Council, Community Safety Officer

telephone 01225 770338

West Wiltshire District Council Planning Section

telephone 01225 770382

Wiltshire County Council Social Services Department

Bythesea Road, Trowbridge,
BA14 8JN
telephone 01225 713000

Wiltshire County Council Emergency Planning Department

telephone 01225 713000

Wiltshire County Council Trading Standards Department

telephone 01225 713000

Wiltshire Ambulance Service NHS Trust

Malmesbury Road,
Chippenham,
SN15 5LN
telephone 01225 454239

West Wiltshire Public Events Safety Group

c/o Licensing Section,
Environmental Health Department,
Bradley Road,
Trowbridge,
BA14 0RD
telephone 01225 770328

The Environment Agency

2 Rivergate,
Temple Quay,
Bristol
BS1 6EH
telephone 0117 9001700

British Waterways Board

Harbour House
West Quay
The Dock
Gloucester
Telephone 01452 318000
Southwest@britishwaterways.co.uk

Appendix F
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
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 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 police representation to a temporary event notices		All cases	

Appendix G- Acceptable proof of age documents

The Council agrees that the following can be used to verify age:

- A passport;
- Photocard driving licence issued in a European Union country;
- Proof of Age Scheme card
- Citizen Card, supported by the Home Office (details from www.citizencard.net);
- An official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

In addition the following schemes may be useful in helping to determine age:

- Validate
- Portman Group
- Prove It

Appendix H-Guidance

The following publications may be of help in relation to the formulation of Operating Schedules:

- **Guidance issued by the Department of Culture Media and Sport:** 2-4 Cockspur Street, London SW1 5DH. Tel: 02072 116347
- **Responsibilities under the Crime and Disorder Act 1998:** HMSO, ISBN 0105437980
- **Guide to Safer Clubbing** published by the Home Office (Drugs Prevention Advisory Service and the London Drug Policy Forum) January 2002: ISBN 1840827807
www.drugs.gov.uk
- **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks:** www.portman-group.org.uk
- **British Beer and Pub Association Codes of Practice:** www.beerandpub.com
- **Alcohol Harm Reduction Strategy for England** – published by the Cabinet Office: www.strategy.gov.uk
- **Good Practice Guide on the Control of Noise from Pub and Clubs** (Institute of Acoustics)
- **Tackling Crime in the Night Time Economy:** Issued by the Home Office
- **Guide to Fire Precautions in Existing Places of Entertainment and Like Premises:** HMSO, ISBN 0113409079
- **Justices Clerks Society Good Practice Guide:** www.magistrates-association.org.uk
- **Code of Practice on Environmental Noise Control at Concerts:** HMSO
- **Guidance to Health and Safety at Outdoor Events:** HSE Books
- **LACORS/Trading Standards Code of Best Practice on Test Purchasing:** www.lacors.gov.uk
- **Child Protection Policy,** Wiltshire County Council Social Services: www.wiltshire.gov.uk



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This information is available on request in large print, braille or on tape.

If English is not your first language we can also arrange for it to be produced in another language.

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