

AGENDA

Meeting: Licensing Committee
Place: The West Wiltshire Room - County Hall, Trowbridge BA14 8JN
Date: Monday 13 March 2017
Time: 10.30 am

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

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

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Membership:

Cllr Pip Ridout (Chairman)	Cllr Sue Evans
Cllr Desna Allen (Vice Chairman)	Cllr Jose Green
Cllr Nick Blakemore	Cllr Mike Hewitt
Cllr Allison Bucknell	Cllr Simon Jacobs
Cllr Andrew Davis	Cllr George Jeans
Cllr Dennis Drewett	Cllr Leo Randall

Substitutes:

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

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AGENDA

1. **Apologies**

To receive any apologies and details of any substitutions.

2. **Minutes** (*Pages 7 - 14*)

To confirm and sign the minutes of the meeting held on 19 September 2016 (copy attached).

3. **Chairman's Announcements**

4. **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named 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 6 March 2017** 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 8 March 2017**. 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. **Minutes of the Licensing Sub-Committees**

To receive and sign the minutes of the following Licensing Sub-Committees:

Eastern Area

- 12/10/16 Application for a Premises Licence
Potterne Social Club, Ewarts Croft, Potterne, Devizes
- 31/10/16 Application for a Variation of a Premises Licence
Crown & Anchor, Crowood Lane, Ramsbury, Marlborough

Northern Area

- 21/09/16 Application for a Variation of a Premises Licence
SN15 Leisure Ltd, Station Hill, Chippenham
- 12/10/16 Application for a Premises Licence
Centre News, High Street, Calne
- 28/11/16 Application for a Variation of a Premises Licence
Calne Town Council, Bank House, The Strand, Calne

Southern Area

- 17/01/17 Application for a Personal Licence

Western Area

- 04/10/16 Application for a Variation to a Premises Licence
Center Parcs, Longleat Forest, Warminster

7. **Proposed Changes to Licensing Fees** (*Pages 69 - 76*)

The report of the Fleet Compliance Team Leader asks the Committee to consider a proposal to increase licensing fees for hackney carriage and private hire drivers and private hire operators within the administrative area covered by Wiltshire Council.

8. **Update from the Licensing Service** (*Pages 77 - 80*)

The Licensing Manager will present an update on the work of the Licensing Team to the Committee.

9. **Dates of Future Committee Meetings**

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

12 June 2017
11 September 2017
11 December 2017
12 March 2018.

10. **Urgent Items**

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

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 19 SEPTEMBER 2016 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Pip Ridout (Chairman), Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Sue Evans, Cllr Jose Green, Cllr Simon Jacobs and Cllr George Jeans

Also Present:

1 Apologies and Substitutions

Apologies were received from Councillors Davis, Hewitt and Randall.

2 Minutes

The minutes of the meeting held on 21 September 2015 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 21 September 2015 be approved and signed as a correct record.

3 Chairman's Announcements

There were no Chairmans's announcements.

4 Declarations of Interest

There were no declarations of interest.

5 **Public Participation**

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

6 **Minutes of the Licensing Sub Committees**

The draft minutes of the following Licensing Sub Committees were presented for consideration:

Eastern Area

- | | |
|----------|---|
| 20/04/16 | Application for a Premises Licence, National Trust Ltd, Avebury National Trust areas in Avebury |
| 22/06/16 | Application for a Variation to a Premises Licence Hillworth Park, Hillworth Road, Devizes |

Northern Area

- | | |
|----------|--|
| 14/09/15 | Application for a Premises Licence
The Old Bank House, The Strand, Calne |
| 09/12/15 | Application for a Premises Licence
Wadswick Green Retirement Village, Corsham |
| 16/12/15 | Application for a Variation to a Premises Licence
Morrisons, Cepen Park North, Chippenham |
| 16/12/15 | Application for a Temporary Events Notice
SN15, 17 Station Hill, Chippenham |
| 19/01/16 | Application for a Variation to a Premises Licence
SN15, 17 Station Hill, Chippenham |

Southern Area

- 14/09/15 Application for a Premises Licence
Ludgershall Sports and Social Club, 37 Tidworth Road,
Ludgershall
- 05/10/15 Application for a Personal Licence
- 02/03/16 Application for a Variation to a Club Certificate
Salisbury Lawn Tennis Club, Old Blandford Road, Harnham,
Salisbury
- 29/06/16 Application for a Premises Licence
Harnham Local, 1 Harnham Road, Salisbury

Western Area

- 04/11/05 Application for a Premises Licence
1 Bratton Road, Westbury
- 24/05/16 Application for a Premises Licence
Field Trip Festival, Grange Farm, West Ashton, Trowbridge
- 22/06/16 Application for a Variation of a Premises Licence
The Three Dagers, Edington, Westbury
- 26/07/16 Application for a Variation of a Premises Licence
Foresters Arms, Sandridge Road, Melksham

Resolved:

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

7 Update on the Licensing Service: September 2016

Linda Holland (Licensing Manager) referred to the update on the Licensing Service that was circulated with the Agenda. She highlighted the following:

- There were now a number of high profile festivals/events being held in Wiltshire which she and her team supported by way of inspections and prevention visits. They were proposing to hold a festival training/engagement day in March 2017 for both existing and potential new events to Wiltshire. They would offer peer learning from well-established events and give new organisers guidance from a number of key organisations and partners.

- Licensing had been working with Tom Ward (Public Health Specialist for alcohol and drugs misuse) with an aim to enable the Wiltshire Substance Misuse Service (WSMS) and they had attended events to offer relevant messages about misuse to festival goers and this was received positively.
- The Licensing Team were also hosting three trade seminars in September and October offering free advice and guidance to the trade. The events were being run to support the important role that businesses have in their local communities whilst highlighting evolving changes and best practices. The seminars would include speakers from a variety of organisations and partner agencies all providing information and answering questions and concerns. A Chairman's announcement and leaflets to circulate should be made available to all relevant forthcoming Area Boards. The Chairman encouraged Members to attend the seminars if they were able to.

The Committee made the following observations/raised questions as below:

- Is Longleat going to be the venue for Glastonbury Festival?

This is obviously a decision for the organisers, and the site was considered, but recent press articles have indicated this is now not considered a feasible option due to the impact/mess left on the festival site afterwards. In Glastonbury the site takes months to be returned back to normal and Longleat we believe have stated they would not wish for their premises to be closed to the public whilst clean up took place during their busy summer months.

- The Committee and Portfolio Holder wished to congratulate the Licensing Team on the volume of work that they handle and the work they do with promotion/prevention and engagement with the trade.

Resolved:

That the Committee note the update.

8 **Briefing Note - Introduction of Public Spaces Protection Orders**

Tom Ward (Public Health Specialist – Substance Misuse and Community Safety) referred to the Briefing Note on the introduction of Public Spaces Protection Orders (PSPO) that was circulated with the Agenda. He highlighted the following:

- All current Designated Public Protection Orders (DPPO) had to be replaced by a PSPO by October 2017. Wiltshire currently has DPPO's in 8 towns across the county. A DPPO creates an offence when a person

refuses to stop drinking alcohol when asked to do so by the Police or a Police Community Support Officer.

- The new Orders can be bespoke to the town to address the problems in that particular area.
- The first PSPO order to be considered is to cover the Trowbridge area. A multi-agency meeting held agreed that the order was required to address the large number of alcohol related incidents. This was also put out to public consultation – 98% were in favour of the Order.
- A PSPO has a 3 year life span and if there is currently a DPPO in place we have to apply to convert it. Salisbury and Chippenham are being considered next.
- By October 2017 all DPPO's will expire and each area will be reviewed to see if conversion to a PSPO is required.

The Chair commented that there is positive evidence (i.e. fewer occurrences of alcohol related incidents) that having these Orders in place is useful and they should continue.

The Portfolio Holder commented that he had been monitoring the establishment of a PSPO in Swindon and there had been uproar as residents in some areas were saying that they were not aware of this introduction and that they did not want it. There would be a Members Briefing Note prepared so that all Wiltshire Councillors were aware of the proposed changes before they were implemented. It would give details of the areas affected and the timescales involved so that Members could inform their constituents.

Resolved:

That the update be noted.

9 **Proposed Appendix to the Council's Statement of Principles on the Gambling Act 2005**

Linda Holland (Licensing Manager) referred to the proposed Appendix to be added to the Council's Statement of Principles on the Gambling Act 2005 that was circulated with the Agenda. She highlighted the following:

- As of 6 April 2016 it became necessary for all gambling premises to conduct a local area risk assessment. Guidance on the preparation of how to carry out a Local Area Risk Assessment to meet the Council's expectations had been prepared and it was proposed that this be annexed to the existing Statement of Gambling Principles.

- Premises that require a local risk assessment included Adult Gaming Centres, Family Entertainment Centres, non-remote betting (Betting shops), non-remote bingo, non-remote casinos and remote betting intermediary (trading room only).
- In the risk assessment, applicants and existing licence holders must take into consideration how they intend to operate their business within the local area. They will need to consider the likely harm that their premises could have to the local community and consider that in relation to the licensing objectives.
- The big name betting shops (Betfred and Coral) already have these risk assessments in place, but each premise have to consider the local area as the assessments cannot be generic.
- There were 37 premises in Wiltshire that this would have an impact on and these were mostly betting shops.
- If the inclusion of the Appendix was agreed by the Licensing Committee they would be asked to recommend that the document be agreed by Council at their next meeting on 18 October 2016.

Resolved:

That the Licensing Committee agree the inclusion of the proposed Appendix A – Local Risk Assessment to the Council’s Statement of Gambling Principles and recommend to Council that it be adopted at their meeting on 18 October 2016.

10 **Dates of Future Committee Meetings**

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

5 December 2016.
13 March 2017.
12 June 2017.

11 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.15 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 OCTOBER 2016 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE, POTTERNE SOCIAL CLUB, EWARTS CROFT, POTTERNE, DEVIZES

Present:

Cllr Desna Allen, Cllr Ernie Clark and Cllr Sue Evans

Also Present:

Wiltshire Council

Jemma Price (Public Protection Officer – Licensing)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)
Cllr Peter Evans (Observing)

Applicants

Jenny Brown, Secretary to Potterne Social Club
Lorna Hale, Club Member

Those who made a Relevant Representation

Ciara Murphy
Elaine Wakefield

7 Election of Chairman

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

8 Apologies for Absence/Substitutions

There were no apologies or substitutions.

9 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – ?? of the Agenda refers).

10 **Chairman's Announcements**

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

11 **Declarations of Interest**

There were no interests declared.

12 **Licensing Application**

Application by Potterne Social Club for a Premises Licence at Potterne Social Club, Ewarts Croft, Potterne, Devizes, SN10 5QY

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

- This was an application for a Premises Licence. Potterne Social Club currently holds a Club Premises Certificate and the purpose of the application was to permit licensable activities without the requirement for patrons to be members or guests of members;
- The only difference between the licensable activities on the Club Premises Certificate and proposed Premises Licence was the provision of late night refreshment;
- During the consultation process, two relevant representations were received. One further representation was received and subsequently withdrawn, following correspondence with the applicant; and
- Neither Wiltshire Council Officers nor Wiltshire Police had received any previous complaints for these premises.

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

Key points raised by Jenny Brown, Secretary of Potterne Social Club on behalf of the Applicant were:

- There would be no change to the hours of licensable activity for the Club, they were seeking the inclusion of late night refreshment from 23:00 to 23:30 Sunday to Thursdays, 23:00 to 00:30 on Fridays and 23:00 to 01:00 on Saturdays;
- Following an inspection by the Licensing Officer it was suggested that they apply for a Premises Licence so that when they hold private events they do not have to have a list of attendees (members and guests of members) under the Club Premises Certificate;
- The Club was run by a group of volunteers and if there was a Premises Licence then this could be used when required and it would mean that there was less admin and the running of the premises would become more manageable for the volunteers;
- It was the intention that the Premises would still continue to operate as a Club, but that the Premises Licence would sit alongside it and be used when necessary for particular functions; and
- The Social Club had been in the village for about 40 years and worked well with other local groups in the village to provide for the community.

The Sub Committee and those who had made relevant representations were then given the opportunity to ask questions of the Applicant:

Q It says on the application form that Late Night Refreshment would be provided both indoors and outdoors – is this correct?

A This should have been marked as indoors only, late night refreshment of teas and coffees would be provided indoors only.

Q if the Premises Licence was to be granted, would you have more events than you do currently?

A Possibly, we currently have about 1 event a month; it depends on bookings we receive. In the last year we had bookings for 5 parties.

Q Does the Club put on their own events?

A We have in the past but they don't work particularly well. Often the outgoings are more than the income generated.

Q We see that dancing is now included as a licensable activity, but this has not been mentioned.

A The Licensing Officer confirmed that she had overlooked this when she detailed the proposed changes, and yes that was now proposed to be included, but the hours of the sale of alcohol and opening hours had not changed and so there should be no impact on the inclusion of dancing.

Q If you are granted a Premises Licence and Members or their guests are not required to sign in, are you becoming a pub and not a club and how many patrons do you think it will draw in if it runs as a pub?

A The premise is run by volunteers, we intend in the main to still run it as a Club and get the support and membership fees from our members. The Premises Licence would only be used when we have a function so that we don't have to apply for a Temporary Event Notice on each occasion. We intend to run the two licences side by side.

To clarify, the Licensing Officer explained the differences and benefits of Premises Licences and Club Premises Certificates so that those who had made relevant representations could see why the Club had made the application.

Q Your application does not clearly show your intentions that you are proposing to run both types of licence.

A We are proposing to use both. If we run it under a Premises Licence all of the time then there would be no benefit to Members and they would not join the Club and support it, but equally, the club cannot survive without the income from hosting private functions. The premises are rarely packed and are a place where Members can come along and have a quiet drink and a chat.

Q What is the process the premises use to show on any given day under which licence they are operating under?

A The management of the premises would have to decide which licence they are using and demonstrate what they are working under in the record keeping. If a Premises Licence is being used the gaming machines are unable to be used and would be covered up. They can only be used when the premises is operating as a Club.

Key points raised by Elaine Wakefield who made a Relevant Representation were:

- The information heard today has been useful, we met with the Club a few days ago and there were a few things that we couldn't resolve;
- My property is 5/10 metres opposite the club and my bedroom window overlooks the club. Often patrons are smoking on the front steps of the club which can be a bit intimidating as they look into my bedroom window

and they can at times be a bit noisy. I have a gas tank in my garden which I worry about if a lot of people are at the club as I am concerned that there could be a fire risk with any unextinguished cigarettes;

- When there was a Christmas market held at the premises that were a lot more cars around and some were encroaching on my property and
- I would like to know more about proposed junior club membership?

Mrs Brown on behalf of the Applicant clarified that there was currently one junior member (who was the child of an adult member) who came in to enjoy pool and darts. It was not anticipated that junior membership would exceed 5 or 6 young people and junior members would not be able to bring in guests with them.

Key points raised by Ciara Murphy who made a Relevant Representation were:

- I am concerned about the increase in noise disturbance. On a number of occasions I have been disturbed by patrons and although I want the Club to increase its use, by applying for a Premises Licence (like a pub has) it is contravening why it was set up as a club originally.
- There is only parking for 6 to 8 cars in the car park; and
- If the licence is granted and the premises are allowed to be used by non-members then I anticipate that the noise disturbance for me will increase and I am apprehensive about this.

The Sub Committee and the Applicant were then given the opportunity to ask questions of those who had made a relevant representation:

Q Have you ever made a complaint about the premises?

A No. We have accepted the disturbance from events as a one off and we are trying to be neighbourly and not negative.

The Licensing Officer clarified that if problems/disturbance was experienced then the residents could report this and incidents could be dealt with. If a premises was acting inconsiderately then the Licensing Authority would respond accordingly.

Q Could the smoking area be relocated to another place so that patrons were not directly opposite the neighbour's bedroom window?

A Yes the Club would be more than willing to look at relocating the smoking area to another part of the premises.

Q If the Premises Licence is granted, would you instigate a two tier pricing structure so that Members have the benefit of cheaper drinks?

A If were hosting a function we could look at increasing the tariff, but currently the cash registers did not have the features to do this automatically.

Jenny Brown on behalf of the Applicant made the following point in summation:

- This application is trying to secure the future of the Club and enable us to host functions correctly without the extra administration and planning.

Elaine Wakefield who had made a relevant representative made the following points in summation:

- I look forward to you relocating the smoking area to decrease the disturbance to me;
- There is noise nuisance when patrons spill out on to the car park (*The Applicants confirmed that there were notices in the premises asking patrons to leave quietly and respect neighbours*) and
- Could the Applicants do what they can to ensure that patrons are not walking through my garden?

Ciara Murphy who had made a relevant representative made the following points in summation:

- There should be a general level of respect for the neighbours who live in close proximity to the club. I do believe that your intentions on how to run the premises but I am concerned that the volume of noise and events will increase and cause me disturbance.

The Sub Committee then adjourned at 13:50 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 14:10.

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

Resolved:

Decision:

The Eastern Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence for Potterne Social Club, as applied for - (detailed below)

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Indoor sporting events Live music, Recorded Music, Performance of Dance and Anything of a similar description - INDOORS	11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs 11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs	Sunday to Thursday Friday Saturday Sunday to Thursday Friday Saturday
Provision of late night refreshment	23:00hrs to 23:30hrs 23:00hrs to 00:30hrs 23:00hrs to 01:00hrs	Sunday to Thursday Friday Saturday
Sale by retail of alcohol ON and OFF Sales	11:00hrs to 23:00hrs 11:00hrs to 00:00hrs 11:00hrs to 00:30hrs	Sunday to Thursday Friday Saturday
Non Standard Timings	New Years Eve up to 02:00hrs on 1 st January Bank Holidays and Christmas Eve up to 01:00hrs	

And subject to the following conditions:

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- Bottles will not be disposed of outside the premises between 21:00 hours and 09:00 hours.

- Adequate records shall be kept to demonstrate when the Premises Licence is in operation, such records to be made available upon request to any Responsible Authority.
- A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for any person who appears to be under the age of 25 and who wishes to purchase or consume alcohol. Notices will be prominently displayed.
- All staff will be fully trained in their responsibilities; this training will be recorded and refreshed every 6 months.

Advisory Note

The Premises Licence holder is advised to consider providing an alternative smoking area for the premises so as not to cause nuisance to neighbours.

Reasons

The Sub Committee considered the concerns that were put forward in writing and at the hearing by the neighbouring residents. They noted that the premises already operated under a Club Premises Certificate and that there was no intention to increase the licensable activities at the premises (other than the provision of late night refreshment) or the hours of those activities. The Sub Committee did not consider that the use of the premises under a Premises Licence would necessarily lead to any increase in noise or other nuisance to neighbours, given the way that the premises were to be operated. They therefore considered that it would be appropriate to grant the licence as requested, with the conditions as offered in the operating schedule and the additional condition regarding record keeping, as set out above.

The Sub Committee noted that the current external area used for smoking may not be the most suitable, in terms of minimising nuisance to neighbours, and therefore requested that the licence holder consider, in discussion with the Licensing Officer, whether there may be a more appropriate area

Right to Appeal

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

(Duration of meeting: 1.00 - 2.15 pm)

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

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

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EASTERN AREA LICENSING SUB COMMITTEE

MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 OCTOBER 2016 AT RAMSBURY MEMORIAL HALL, 26 HIGH STREET, RAMSBURY MARLBOROUGH, WILTSHIRE, SN8 2PB IN RESPECT OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE, CROWN AND ANCHOR, 1 CROWOOD LANE, RAMSBURY, MARLBOROUGH

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Mike Hewitt

Also Present:

Hannah Hould (Public Protection Officer), Paul Taylor (Senior Solicitor), Kieran Elliott (Senior Democratic Services Officer), Ray Penny (Applicant).

Those Making Representation: Helen Lyons, Sheila Glass, Ian Smith, Ken Baker, Steven Standage, Carol Standage, Judith Daniel, Richard Daniel, Eric Webster, Paul Segal, Henry Allen, Janet Webster, Kenneth Birbeck, Trish Birbeck

1 **Election of Chairman**

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

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications".

3 **Chairman's Announcements**

There were no announcements.

4 **Declarations of Interest**

There were no interests declared.

5 Licensing Application

Application by Mr Raymond Penny for a Variation of a Premises Licence: Crown & Anchor, Crowood Lane, Ramsbury, Marlborough, SN8 2PT

The Licensing Officer, Helen Hould, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. In particular it was noted the application had been amended following representations and meetings with the parish council. In total seven representations in objection had been withdrawn from the initial application.

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

Key points raised by Raymond Penny, applicant, and Ian Smith in support of the Applicant were that the intention of the variation was to permit more flexible use regarding the use of music and sale of alcohol, not that music would be performed every evening. The extension to the garden area was only to allow people to legally drink there, not hold events, the lack of which had been an oversight of the previous landlord. It was stated the community was forefront in the mind of the applicant, and there was no evidence to support allegations of poor behaviour linked to the operation of the current licence that would be worsened if the variation was granted, and other licensed properties in the area had even later hours permitted.

Key points raised by Paul Segal in objection were that the location was not suitable for operation of such late hours, that the current hours were appropriate and warnings had been given due to the playing of music outside licensed hours in the past year. Management of noise and numbers of patrons was not good, and conditions had not been taken seriously.

Key points raised by Sheila Glass, Parish Councillor, were that the parish council were not formally in support or objection, but had held meetings to discuss the objections that had been raised and attempted to facilitate a compromise suitable to all.

The parties were given the opportunity to ask questions of the Applicant, those who made a Relevant Representation and Wiltshire Council Officers. Clarity was sought on the number of likely events with regulated entertainment, management of patrons, noise levels and mitigation measures that would be put in place.

The Sub Committee members sought clarification on further points, and after summary statements from those making representations and the applicant, retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 1100.

The Hearing reconvened at 1130.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed no specific legal advice had been given in the closed session.

Resolved:

The Eastern Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence in respect of the Crown & Anchor, Crowood Lane, Ramsbury, Marlborough, SN8 2PT, as detailed below:

Licensable Activity	Hours
Live Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday: 19:00-23:30 Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00
Recorded Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday: 19:00- 23:30 Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00
Sale of Alcohol (ON & OFF the premises)	Monday-Thursday: 10:00-23:00 (same as current licence hours) Friday-Saturday: 10:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00hrs New Year's Eve until 02:00hrs

Subject to the following conditions

The DPS and Premises Licence Holder to take all reasonable measures to manage and control noise emissions from regulated entertainment. These management measures shall include:

- Control of internal source noise levels and bass component to ensure that the impact outside the premises is not unreasonable
- Regular noise levels to be recorded whenever regulated entertainment is taking place, such levels to be kept below 65dB constant and no more than 70dB at peak , with a reduction of source noise level by 5dB between 23:00 and 00:00hrs
- Closure of all windows during regulated entertainment
- All external doors to remain closed during regulated entertainment except for ingress and egress

- Management of the numbers and frequency of events so as not to cause an unreasonable incremental impact on the locality
- Regular checks externally when licensable activities are taking place to ensure that the impact is not unreasonable

Reasons:

The concerns raised by the objectors related primarily to the proposed additional hours of regulated entertainment on Friday and Saturday nights, given that the premises were in a predominantly residential area.

After considering the written evidence and that submitted orally at the hearing, the Sub Committee was satisfied that the proposed additional conditions were appropriate to address the concerns of neighbouring residents regarding possible noise nuisance and met the licensing objectives. They also noted that the applicant had stated that he intended to introduce further sound proofing measures, including installation of double glazed windows

Right of Appeal:

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

(Duration of meeting: 10.30 - 11.30 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504 , e-mail kieran.elliott@wiltshire.gov.uk

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

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 21 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SN15 LEISURE LTD, SN15, 17A STATION HILL, CHIPPENHAM

Present:

Cllr Desna Allen, Cllr Peter Evans and Cllr Simon Jacobs

Also Present:

Wiltshire Council

Roy Bahadoor (Public Protection Officer – Licensing)
Cllr Sue Evans (Reserve Member)
Richard Francis (Environmental Control and Protection Officer)
Linda Holland (Licensing Manager – Public Protection)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicants

Philip Kolvin QC
Piers Warne (TLT Solicitors)
Adam Hatch (Designated Premises Supervisor)
Paul Shayegan (SN15 Director)

Wiltshire Police

Sian Kalyinka (Acting Licensing Manager)
Martin O'Neill (Licensing Officer)

Those who made a Relevant Representation

Cllr Chris Caswill (Wiltshire Council)
Cllr Nick Murry (Chippenham Town Council)

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies.

3 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – ?? 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 SN15 Leisure Limited for a Variation of a Premises Licence in respect of SN15, 17a Station Hill, Chippenham

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

- This was an application to amend the existing Premises Licence conditions, including those relating to SIA security staff, use of polycarbonate/glassware and the use of the outside area;
- The Premises Licence was granted on 26 November 2014 and was varied at a hearing on 19 January 2016; and
- During the consultation process, six relevant representations were received – 1 from a resident, 1 from the Town Councillor for the area, 1 from the County Councillor. Three representations were received from Responsible Authorities – Wiltshire Council - Licensing Authority, Wiltshire Council - Environment Control and Protection and from Wiltshire Police.

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

Key points raised by Philip Kolvin, QC, on behalf of the Applicants, were:

- Prior to the meeting this morning they had met with the Responsible Authorities who had made a relevant representation in an attempt to clarify, simplify and agree the amendments to the licence conditions that they were seeking. Handwritten proposed amended conditions were circulated to all parties at the hearing for consideration;
- Since these Premises began trading again in 2015 there have been no complaints to Environmental Health, no incident call outs at the premises requiring the Police. The Applicants have had an extremely good record since they were open. Minor breaches of the licence had occurred , but in general it was a well-managed establishment;
- A new Manager – Adam Hatch who was now the Designated Premises Supervisor and he had a decent track record in the industry and of managing late night venues;
- Since the premises reopened they have only been trading on Friday and Saturday nights. Tantra is a bar/lounge on the ground floor which opens at 7pm, plays background music and probably receives 30-50 patrons on a good evening. Very occasionally there may have been up to 100 patrons on the premises. Upstairs is a nightclub which has seating and a dancefloor and a VIP area/cocktail bar. At most there had only been 200 in the venue at any one time.
- The business was currently losing £3,000 a week because of the low attendance and the need to provide a large number of door staff as soon as the doors open. Research has been carried out and there is no

demand for a nightclub in Chippenham 7 nights a week and there is currently not enough business in the town to go around, so things have to change or it would be extremely unsustainable and the premises would have to cease trading;

- The Applicants are proposing to run the downstairs Tantra lounge bar until 00.00, similar to the way the Rivo Lounge operates. For this the Applicants feel that they don't need swarms of security staff. It is their intention in Spring next year to apply for planning permission to open the premises during the day to become a restaurant/bar, The Applicants wish to be able to use their outside areas to make it more inviting for their day visitors;
- They would propose to open the nightclub on Saturday nights only and perhaps hire out the premises on Friday evenings for private functions;

Following our discussions with the Wiltshire Council Officers and Police representatives we have proposed the following conditions for the Sub Committee's consideration:

SIA Security Staff

On any night when the premises trades beyond midnight or when the nightclub is trading door staff shall be used from 22:00 as follows:

- ❖ 2 total from 22:00
- ❖ 3 total from 23:00
- ❖ 1 further for every 100 patrons or part after 300

Polycarbonates

On any night the nightclub is operating all drinks must be served in polycarbonates after 23:00 except for wine, sparkling wine, cocktails and spirits in the VIP area.

Patio

- ❖ No drinks on the patio after 23:00.
- ❖ The patio area may only be used for smoking after 23:00.
- ❖ Premises management shall actively manage the patio to ensure compliance with the above
- ❖ A scheme for acoustic insulation shall be agreed with the Environmental Health Officer.

Following discussions with Richard Francis from Wiltshire Council Environmental Control and Protection he confirmed that he would not be agreeable to the above conditions relating to the patio as he stood and so then the Applicants offered to include the following amendments/added conditions:

- ❖ A scheme for acoustic insulation shall be proposed by a competent person on behalf of the Premises Licence holder and agreed by the Environmental Health Officer.
- ❖ In addition to the SIA numbers referred to above, one SIA Supervisor shall supervise the patio after 23:00 on any night the nightclub is operating.

Mr Kolvin reported that the Applicants had had a discussion about limiting numbers on the patio, but the Applicants felt that if the above conditions were in place there should be no problems on the patio area.

The Sub Committee and those who had made relevant representations were then given the opportunity to ask questions of the Applicant:

Q Who carries out your Risk Assessments to decide on the level of SIA staffing you will require?

A Earlier in the week we consider what our needs will be for that weekend. We consider what type of clientele we are hoping to attract, and consider if we are hosting a special event in which we are hoping to attract more customers. In that case we would put in a staff request for a larger number of SIA staff. For example on 1 October we have a celebrity coming to an event, we gauge the interest on Facebook and as we expect more than 300 patrons we have put in an order for 8 SIA staff that night.

Q What would happen if a coach load of patrons arrived any particular evening?

A Eight SIA staff is the maximum number of door staff we need to have in any event at present.

Q In relation to the protection of Children from Harm on page 19 of the Agenda you appear to contradict yourself by stating that: "No under 18's shall be permitted on the premises after 21:00, except to pre-booked functions/private parties" And "There shall be no admittance to persons under 18, except to pre-planned 'student nights' or pre-booked private parties".

A It should be "No under 18's shall be present on the premises after 21:00, except to pre-booked functions/private parties".

Q In relation to the availability of your door staff – how soon can they be called upon?

A If we are expecting to be busier than usual we sub-contract the service to the local area if this is needed. If we get more than the expected level of

patrons we can call them (staff live locally) and ask them to come in to work. We would probably have had some local staff on standby in this eventuality. If our capacity levels were at their maximum with the numbers of staff we had on duty we would be checking numbers on our clicker system and no more patrons could enter unless some left or until the additional security staff arrived.

Q What would happen if you were at your maximum capacity for the building?

A We would count our patrons in and out and we would not exceed our capacity limits.

Q You have shown us revised conditions – but what conditions are you actually seeking them to replace?

A Our amendments given today replace the relevant conditions detailed on pages 8,9,10 and 11 in Agenda Supplement 1.

Q The whole building is described as a nightclub – is this correct?

A The ground floor is a lounge/bar and upstairs is the nightclub with a dancefloor and VIP area.

Q My point is relevant that at any time any part of the premises could be used as a nightclub.

A If any such changes were to be carried out by the Applicant and they used the whole premises as a nightclub and there were problems then a request to review the licence could be made at any time. This would mean a radical change but what is actually happening and what the Applicants are proposing for the future.

Q In March 2016 you refer to “minor breaches” that occurred at the premises – Management plan out of date, the serving of spirits in bottles, faulty CCTV that would not download, ejections of patrons not being reported, seized drugs not being reported and SIA staff not properly signed in. I would say that this is quite a bunch of breaches that are occurring within 2 months of you trading – what confidence can you give me that these breaches have all been put right?

A I, the Designated Premises Supervisor joined SN15 in August and met with the Licensing Officer to go through all of the problems that had been experienced previously. I bring with me experience and the work that I have carried out in the short time that I have been employed should show that I will address the issues and ensure full compliance.

Q In relation to SIA Security staff – what time do you propose that they finish? In the previous conditions it stated that they would remain in place for 30 minutes after the premises had closed?

A This condition should have been carried forward as it is the intention that “2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons”.

Key points raised by Linda Holland, Licensing Manager on behalf of Wiltshire Council – the Licensing Authority were:

- The Authority was disappointed to once again make a representation against an application made by SN15 so soon have the variation applied for in December 2015;
- We feel that a relaxation or change to the conditions as requested will not promote the Licensing Objectives;
- In January 2016 we were told by the Applicants that they fully understood their obligations and the conditions attached to their premises licence:
- The Licensing Team carried out a visit to the premises in March 2016 and breaches were identified and a formal warning letter was issued to the Applicants. I would not call them minor breaches and we were disappointed:
- In June 2016, Mr Shayegan enquired again about the use of glass (Spirits) in the VIP area, and the existing conditions were again explained to Mr Shayegan;
- We were not notified of the change of DPS and had to contact the Applicants in this regard to ensure that the premises was in a position to comply with their licence. The premises operated for two weekends in breach of the mandatory condition;
- On another Licensing Team visit in August 2016 we found poor record keeping in relation to door stewards and incident logs. We also noted that a fence had been erected closing off the top patio area and we were told this was because of a bees nest. When we met with the new DPS the Licensing Team had to tell him about the detail of the licence as it seemed that the Management Team at SN15 are unable to fulfil this role;
- The Licensing Authority had now had sight of the proposed management plan and history summary of the application received on 14th September 2016. We were unaware of the proposal to open the premises during the

day offering a food provision as there was no indication of this within the variation application submitted;

- If the revised conditions as requested by the Applicants were approved, a huge reliance would be made on staff to ensure that the correct policies and procedures are adhered to. The licence requires that the management plan is made available for inspection on request and to be accessible to staff, the new security company had no awareness of the drugs policy operated by the premises;

The parties were then given the opportunity to ask questions of Linda Holland:

Q Given what you have heard today in respect of the clarified conditions – are you confident that these are now clear and can be fully carried out by the Applicants?

A Yes the conditions are clearer, but I do have concerns about the Applicants ability to carry them out.

Key points raised by Richard Francis, on behalf of Wiltshire Council, Environmental Control and Protection Team were:

- Prior to the hearing I have had the opportunity to meet with the Applicants and had agreed some additional conditions to alleviate the potential for public nuisance;
- Previously I have worked extensively to protect the neighbours from noise breakout from the premises and this had worked well and there had been no noise complaints;
- I welcome the addition of the condition that a SIA Security staff will be present on the patio after 23:00 on any night that the nightclub is operating;
- I would wish for there to be a restriction on the numbers of those using the patio at any time after 23:00 and I would recommend up to 40 patrons; and
- I also welcome the offer for a scheme of acoustic insulation to help the potential for noise nuisance during the day. I would like for the condition to be amended to ensure it is recommended by a competent person, not just a general builder.

On behalf of the Applicant, Philip Kolvin confirmed that they would be happy to amend the conditions to confirm that there would be no more than 40 patrons using the patio at any one time after 23:00 and that the scheme for acoustic insulation would be proposed by a competent person on behalf of the premises licence holder and agreed with the Environmental Control and Protection Team.

There were no questions for Richard Francis.

Key points raised by Sian Kalynka, Licensing Officer on behalf of Wiltshire Police were:

- SN15 had a low customer base. From their visits when the premises were open they had noted low numbers of customers, ranging from 8 to 185 (when a VIP was due to attend but did not on that occasion);
- When the Police requested CCTV footage in March 2016 to refer to an incident that had occurred outside of the premises (not to do with the premises) they were unable to download the recording for them and therefore not complying with their conditions;
- Requests were made for the Management plans to be provided on a number of occasions and these were not provided until 14 September 2016. During the summer there was a period when the premises was operating without a Designated Premises Supervisor (DPS);
- As the new DPS has only been in post for a short time there has been little chance for him to prove himself. When the Police visited on 9 September 2016 the DPS was not present and no one on the premises was able to download the CCTV to a memory stick upon request. There were no staff records available to view (these were said to be with the DPS). We feel that the management team continue to show an inability to effectively manage the premises and communicate with their own DPS;
- If the Sub Committee were to grant the application they would wish for the condition in relation to CCTV to be amended to read as follows:

“A CCTV system with recording or monitoring capability shall be installed to cover all floors of premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and at all times when the premises are open for business a member of staff shall be present, who is capable of operating the CCTV system and downloading images at the request of any authorised Officer of the Council or a Police Officer”.
- It was confirmed that capacity for the whole building was 600 patrons with a maximum of 276 on the ground floor and 291 on the first floor. If used the balcony could have a maximum of 45.

The following questions were asked of Sian Kalynka:

- Q Of the revised conditions offered today by the Applicants, what do you support?

A We are happy that there are to be SIA staff on the patio. I think that the number of SIA staff increasing when 1 person over 100 is admitted is open to abuse. We are happy that polycarbonates are to be used after 23:00 in the nightclub in line with other venues in the area. We would say that this is a vertical drinking venue as there is not currently a lot of seating available. We were unaware of the intention for the premises to become a food venue and would wish for there to be a clear transition of day time and evening activities as a cutlery knife could become a weapon. An example of another business that operates as a food venue and a nightclub ensure that all cutlery is removed 30 minutes before the venue commences as a nightclub. We are concerned about the Applicant's currently ability to manage the premises, but the position has somewhat been clarified at this hearing.

The following question was then asked of the Applicants:

Q Are you able to prevent access by patrons to other areas in the building that were not in use?

A Yes we are.

The Licensing Officer commented that what had been offered by way of SIA door staff at the hearing today was less than what was offered in the Variation Application.

Philip Kolvin on behalf of the Applicants reported that if it was 23:00 and the nightclub was operating there would be 3 SIA staff and 1 in the smoking area on the patio. The Applicants felt that this was adequate SIA staff coverage for those numbers.

Key points raised by Cllr Chris Caswill who had made a relevant representation and was also speaking on behalf of Mr Robert Burford (who was representing the residents) were:

- We would be more than happy for SN15 to become a food premises in the future and we have sympathy with their current trading issues;
- We need to be aware that the premises does have the potential to be a nightclub with 600 patrons every night of the week and the current intentions for the business could change at any time;
- We are not clear at which stage the decision would be made to trade beyond 00:00 to ensure that the correct number of SIA staff are present;
- We are concerned with the formal warning letter that was issued in March 2016. When the application was received it was inadequate and we feel that the Licence should be reviewed;

- We would say that there should be two separate licences for the business – one for the downstairs lounge bar and one for the 1st floor nightclub. The Applicants are not surrendering the right to stop regulated entertainment on the ground floor and so this could be implemented at any time;
- We agree that 8 SIA staff for 75 patrons is unreasonable and that 3 SIA staff for up to 276 patrons is reasonable. We support Mr Francis suggesting that there be a limit of 40 patrons on the patio after 23:00;
- There appears now to be no SIA staff at the front door of the nightclub

The DPS reported that there would be SIA staff for the nightclub as they do ID and bag searches. 1 member of SIA staff would be on the door from 22:00.

- We feel that you should come back and make an application for two distinct businesses.

The Licensing Officer wished to clarify with the Applicants that two SIA staff would remain on duty outside of the premises for not less than 30 minutes after the premises has closed. This was currently included as a condition of the licence but was not included in the variation application. The Applicants confirmed that this was the intention to include this.

Linda Holland, Licensing Manager on behalf of Wiltshire Council made the following points in summation:

- Paper records/systems are not currently well operated by the management of the premises and this is a weakness and a cause for concern. The premises should be operated robustly without errors and the management staff should carefully consider their management practices and procedures; and
- It is the view of the Licensing Authority that the variation application should not be granted, with the proposed amendments without careful consideration of the matters raised by the authority.

Richard Francis, Environmental Control and Protection made the following point in summation:

- If all of the revised conditions proposed today are accepted by the Sub Committee then I am happy.

Sian Kalynka, on behalf of Wiltshire Police made the following point in summation:

- The Police have concerns about the ability of the management of the premises and their prevention of the crime and disorder objective.

Cllr Chris Caswill on behalf of the residents made the following points in summation:

- We endorse the concerns of the Local Authority and Wiltshire Police;
- We invite the Applicants to produce further proposals to split the business to show that the nightclub will only operate at weekends as currently their intentions are not clear.

Philip Kolvin QC on behalf of the Applicants made the following points in summation:

- We have submitted revised conditions, agreed by the Licensing Authority, Wiltshire Police and Environmental Control and Protection and are happy to adopt a revised CCTV condition as requested by the Police. Fire Safety conditions are unenforceable and that is why that condition is not included anymore;
- The Premises have appointed a good experienced DPS and there was no objection to his appointment;
- There was now a much better Management Plan in place than previously and there were now a set of much clearer conditions to enable compliance;
- There had been no complaints about noise, nuisance or fighting at the premises;
- The ground floor would not be trading as a nightclub, it was carpeted and there was no dance floor;
- If the premises were full there would be 8 SIA staff in attendance. At present if there were only 75 patrons in on a Saturday evening there had to be 8 SIA staff and the business was losing £3,000 a week. There would be 3 SIA staff as a minimum from 23:00 and this would increase by 1 every further 100 patrons;
- At present the business was unsustainable and if no changes were made then then it would be forced to close. We ask the Sub Committee to accept the revised conditions as agreed between the parties and we anticipate coming back for a variation to include the food element in 2017.

The Licensing Officer wished to clarify glasses would only be used in the VIP area on the first floor. This was confirmed by the Applicants.

The Sub Committee then adjourned at 15:25 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 16:05.

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

Decision:

The Northern Area Licensing Sub Committee has resolved to vary the Premises Licence in respect of SN15, 17a Station Hill, Chippenham as follows:

Variation to Conditions:

The Conditions in Annex 3 of the current premises licence are to be replaced by the following conditions:-

Prevention of Public Nuisance

Noise

Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property

The premises licence holder or the DPS shall carry out observations from time to time in the vicinity of the nearby properties, between 2300 and closing time to establish whether there is a noise breakout from the premises.

The premises licence holder or the DPS shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter, or leaving, the premises.

The Patio Areas

After 2300 hours on any day, the use of the external amenity area at the rear of the premises comprising the 3 patio areas is to be restricted to a maximum of 40 persons and is only to be used for the purposes of smoking

The licence holder and DPS shall actively manage the patio area to ensure compliance with the above restrictions

One door supervisor shall supervise the patio areas after 2300 hours on any night that the nightclub is operating. This is in addition to the requirements for door supervisors set out below

A scheme for acoustic insulation of the patio areas shall be prepared by a competent person on behalf of the Premises Licence Holder and agreed with the Environmental Health and Protection Team.

Litter Disposal

No rubbish or recyclable material is to be disposed of from the premises between the hours of 0200 and 0700 hours.

Public Safety

Overcrowding/capacity

Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises. The maximum number of persons permitted to use the parts of the premises as detailed below should not exceed the figures stated:-

- **Ground floor (open plan) when used for dancing/standing – 276**
- **Balcony (open plan) standing – 45**
- **First floor dance/bar areas – 291**

Total floor space capacity – 612

Total available exit capacity for normal risk rating and 2.5 minute simultaneous evacuation time – 600 persons

Maximum number permitted at any one time: 600 persons

Arrangements will need to be made to control the number of persons attending the premises and to avoid overcrowding by people migrating from one area to another

Lighting

In all parts of the building to which the public are admitted a means of illumination shall be provided capable of illuminating those parts clearly.

It is the personal responsibility of the premises licence holder to ensure that all conditions are complied with. The premises licence holder shall ensure that at all times when the licence applies there is a person nominated by him/her who will have control of the premises and will ensure that all licence conditions are adhered to.

If the premises are hired out, the premises licence holder shall draw the attention of the hirer to all of the above requirements and make effective arrangements to ensure they are all complied with.

Protection of Children from Harm

Challenge Policy

The premises licence holder shall conduct the premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.

No under 18s shall be permitted on the premises after 2100 hours except to pre-booked functions/private parties.

Clear procedures are to be in place for the operation of private parties and under 18 events

Prevention of Crime and Disorder

SIA Security Staff

On any night when the premises trades beyond midnight or when the nightclub is trading, SIA registered door supervisors shall be provided from 2200 as follows:

- 2 in total from 2200
- 3 in total from 2300
- 1 further door supervisor to be engaged for each additional 100 customers, or part thereof, beyond 300 persons

These requirements to be in addition to the provision of a SIA registered door supervisor to manage the patio area, after 2300, when the nightclub is operating, as set out above.

When operating as a nightclub, two SIA registered door supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour.

Polycarbonates

On any night the nightclub is operating, all drinks must be served in polycarbonate vessels after 2300, except for wine, sparkling wine, cocktails and spirits in the VIP area on the first floor.

Management Plan/ control of customer numbers

The premises licence holder or DPS shall draw up and implement a detailed management plan ('the Plan') which must include details of the chain of command and responsibilities, risk assessments, procedures, policies (including dispersal policy) to enable the premises licence holder or DPS to comply with the four licensing objectives. The premises shall be operated in accordance with the Plan. The Plan is to be made available for inspection upon request by the Police and Licensing Authority and shall be made available to staff.

The premises licence holder the DPS or any person authorised on their behalf shall record and control at the time the number of persons in the premises. The premises licence holder, the DPS or any person authorised on their behalf shall keep records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other accurate method.

CCTV

A CCTV system with recording or monitoring capability shall be installed to cover all floors of premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and at all times when the premises are open for business a member of staff shall be present, who is capable of operating the CCTV system and downloading images at the request of any authorised Officer of the Council or a Police Officer.

The CCTV system shall be maintained in full functioning order and used at all times the premises are open to the public.

The CCTV system is to be periodically reviewed and updated to standards required by Wiltshire Police Crime Reduction Officer.

Drugs/Excessive Drinking

All reasonable steps shall be taken by staff to ensure that persons entering the premises are not carrying any illegal drugs.

Regular searches by staff in all areas open to the public will be undertaken during trading hours to ensure that drugs or excessive drinking is not taking place on the premises.

Any person found in possession of illegal drugs, is excessively drunk or violent will be asked to leave the premises immediately.

DPS/Personal Licence holder

The DPS or other identified responsible person who holds a personal licence is to be present at the premises during all key trading times

Refusals Log

An accurate and up-to-date incident and refusal log ('the Log') is to be maintained at all times the premises are open to the public. The Log is to include ejections from the premises. All entries will identify the name of the person making the entry.

Training

All bar staff will undertake an alcohol awareness course by a recognised training provider and records of all staff training will be kept on file.

All staff (to include management) to undertake induction and refresher training, to include roles and responsibilities and the current licensing objectives.

Pubwatch

The DPS or nominated person shall attend local pubwatch meetings.

Sound Levels

Any adjustments to the agreed music levels shall be made through a licensing variation and in agreement with the Wiltshire Council Public Protection Officers.

Risk Assessments and Policies

The premises licence holder shall ensure that clear risk assessments and management procedures and practices as required by these conditions are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council licensing authority.

Incident register when door staff on duty

A security incident register ('the Register') will be kept and maintained, with door supervisors signing on and off duty, including their full 16 digit SIA licence number. Any incidents or entry refusals are to be recorded in the Register, with the name of the person making the entry. The duty manager is to sign off to say that he/she has checked the register at the end of each trading day.

Training

The DPS is to undertake, or have undertaken, training as approved by Wiltshire Police.

Reasons

The Applicants stated that their business model for the premises had changed since the licence had been originally granted and since the previous variations. It was their intention now to operate the ground floor of the premises as a bar and only to operate the upstairs nightclub facilities on a more limited basis. As such, they considered that the existing licence conditions were too onerous and excessive. They wished to make three main changes to the existing licence conditions, in order to better reflect their proposed business activities. These involved a reduction in the requirement for door supervisors, a relaxation of the requirements to serve drinks only in polycarbonates and the ability to make greater use of the patio areas to the rear of the premises. In addition there were further minor changes to the existing conditions to bring them into line with current legislation, by remove those conditions that duplicated requirements under other statutory legislation.

The Sub Committee were presented with revised wording for the conditions dealing with the provision of door supervisors, the use of the patio area and the use of polycarbonates, following discussions that had taken place between the Applicant and the Responsible Authorities immediately prior to the start of the hearing.

Having heard representations on those revised wordings from all parties, the Sub Committee accepted that these were, in general, appropriate to address the concerns that had been raised, particularly in relation to the prevention of public nuisance and the prevention of crime and disorder. However, the Sub Committee accepted the views of the Council's Public Protection Team that, given the proximity of the patio areas to neighbouring residences, it would be appropriate to retain the limit of 40 people in those areas after 2300. They also accepted the police's view that it was appropriate to tighten up the CCTV condition, in respect of the retention and retrieval of recordings from the CCTV system.

The Sub Committee felt that the revised proposals for the number of door supervisors were sufficient for the intended use of the premises and that they were less confusing than the originally proposed variation.

Right of Appeal:

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

(Duration of meeting: 1.00 - 4.10 pm)

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

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NORTHERN AREA LICENSING SUB COMMITTEE

MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 OCTOBER 2016 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE, CENTRE NEWS, 9 HIGH STREET, CALNE

Present:

Cllr Desna Allen, Cllr Ernie Clark and Cllr Sue Evans

Also Present:

Cllr Peter Evans (Reserve), Lisa Pullin (Democratic Services Officer), Jemma Price (Public Protection Officer – Licensing) and Paul Taylor (Senior Solicitor)

1 **Election of Chairman**

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

Resolved:

To elect Councillor Ernie Clark as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

3 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 5 – 12 of the Agenda refers).

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 for a Premises Licence in respect of 9 High Street, Calne, made by Centre News

The Sub Committee decided to delay the start of this hearing as neither party was present at the due start time of the meeting (10.00 hours). At 10.20 hours as there were still no parties present and in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub Committee resolved that it would hold the hearing in the absence of the parties and would make its determination based on consideration of the application and the written representations that had been received.

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

The Sub Committee noted the additional conditions relating to a refusals book; staff training, implementing Challenge 25 and CCTV that had been agreed with Wiltshire Police.

They considered the relevance of the representation made by Calne Town Council.

The Sub Committee then considered the application and it noted that the decision would be notified to all of the parties by telephone and in writing with a full decision notice.

The Hearing closed at 10.30 hours.

Resolved:

The Northern Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence, as detailed below:

Licensable Activity	Timings
Sale by retail of Alcohol (for consumption Off the Premises)	24 hours daily

And subject to the additional conditions agreed with Wiltshire Police as follows:

Prevention of Crime and Disorder

- An incident/refusals book will be kept and staff made aware of its existence. Details recorded will include time and date, the name of the member of staff dealing with the incident/refusal, and action taken.
- Regular staff training will be undertaken on roles and responsibilities and the current Licensing objectives. A record will be made of the training provided.
- CCTV to be installed at the premises and is to be in operation during trading hours. The system is to be of sufficient quality as to enable identification. Images must be retained for a minimum of 28 days and be capable of being downloaded to disc or other media, and produced to a Police officer or Wiltshire Council Licensing officer on request.

Protection of Children from Harm

- A Challenge 25 Policy will be implemented. A recognised proof of age which includes a photograph is required for anyone who appears to be under the age of 25

Reasons

Neither of the parties attended the hearing. In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub Committee resolved that it would hold the hearing in the absence of the parties and would make its determination based on consideration of the application and the written representations that had been received.

The Sub Committee noted that, in its representation, Calne Town Council had expressed concern about the potential for incidents of anti-social behaviour in the local area, if this application were to be granted. They referred to previous problems that had occurred when a public house had been operating in the area and were concerned that the availability of

alcohol at the Applicant's premises would lead to similar issues in the future.

The Sub Committee noted that the type of premises involved in this application was different from the one that had led to problems in the past, as it was a shop rather than a public house. There was no evidence that the grant of this application would lead to the sort of issues raised by the Town Council.

The Sub Committee considered the nature of the establishment and felt that the conditions agreed with Wiltshire Police sufficiently addressed the concerns that had been raised.

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

Right to Appeal

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

(Duration of meeting: 10.20 - 10.30 am)

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

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 28 NOVEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE -CALNE TOWN COUNCIL, BANK HOUSE, THE STRAND, CALNE

Present:

Cllr Allison Bucknell, Cllr Bill Douglas and Cllr Trevor Carbin

Also Present:

Wiltshire Council

Lisa Pullin (Democratic Services Officer)
Jemma Price (Public Protection Officer – Licensing)
Paul Taylor (Senior Solicitor)

Made a Relevant Representation

Jon Jones

7 Election of Chairman

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

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

8 Apologies for Absence/Substitutions

Apologies were received from Councillors Simon Jacobs (Cllr Trevor Carbin substitute member) and from Councillor James Sheppard (Cllr Bill Douglas substitute member).

9 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 - 11 of the Agenda refers).

10 **Chairman's Announcements**

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

11 **Declarations of Interest**

There were no interests declared.

12 **Licensing Application**

Application by Calne Town Council for a variation of a Premises Licence in respect of Calne Winter and Summer Festivals.

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

- This was an application for a variation of a Premises Licence to increase the number of people permitted to attend to 9,999. The current Premises Licence permits a maximum of 4,999; and
- During the consultation process, one relevant representation was received citing concerns over anti-social behaviour and criminal damage causing public nuisance.

There were no representatives on behalf of the Applicant present at the hearing and in accordance with the procedure detailed in the agenda, the written submission from the Applicant was noted and the person who had made a Relevant Representation was given the opportunity to address the Sub Committee.

Key points raised by Jon Jones who made a relevant representation were:

- My property is on the high street and I experience a persistent level of anti-social behaviour from patrons who frequent the town, especially when they have been drinking alcohol;
- I have tried to work with the Police to minimise the anti-social behaviour aspects that I suffer and the problems increase when there are large events held in the Town;

- I am frustrated that following these events there appears to be no follow up to make improvements for future events. These events are well meaning for the town and I support them but there is no feedback loop and problems that are reported occur again as they have not been dealt with;
- I spend a lot of my time stuck in processes to report incidents and nothing seems to improve. Linda Holland, Licensing Manager for the Council has told me that she is conscious and aware that she is not getting all of the relevant information from Wiltshire Police, i.e. reported incidents that back up the problems that are being suffered;
- I feel there is a failure in the process and incidents are not being monitored accurately with the relevant information being passed along the chain. I had included an email from my local Police Officer, Benjamin Huggins and note that this was not included within the Agenda papers;
- When the Bike Fest event happened the employed security ended when the event did although the revellers were still in the Town Centre and using my gateway as a toilet;
- I am concerned about how Calne Town Council manages their events. I expect some inconvenience when these events are on, for example noise and not being able to get my car in and out, but not people urinating by my property;
- I can document that I have reported these incidents (as I have installed my own CCTV outside my property) and images of perpetrators have been passed on to the Police to try and identify the individuals so that they can be fined for the offence; and
- I spent time re-wording the conditions offered by Calne Town Council but these were not accepted and I am disappointed to note that they are not present at the hearing today.

The Sub Committee were then given the opportunity to ask questions of Mr Jones who had made a relevant representation:

Q We appreciate that you have experienced a whole raft of issues that are not related to this event for which the variation is applied for, have you involved your local Wiltshire and Town Councillor?

A I experience anti-social behaviour problems at Halloween with the noise from the funfair and youths throwing eggs and stones at my property. I have been into the Town Council offices and they say they cannot help as the funfair is not a licensable activity. I have installed shutters to block out the sound, but this also impedes my view of who is acting inappropriately

outside of my property. It has been suggested that I install £5k worth of gates onto the archway which is on my neighbour's property.

Q Do you understand that we cannot control and take action if the incidents are not related to licensable activities?

A Yes, but you have an application before you which over populates the town and there are not enough facilities provided and you are aware of the nature of the problems that arise from this. There is nothing in a management plan for the dispersal of people at the conclusion of the event and no method to evaluate the success of the event and prepare for future events. I feel that if you grant the application you will be subjecting me to a raft of problems that exacerbate the already unpleasant situation.

Mr Jones said he felt the process wasn't working, people should be made responsible for their actions and suitable outcomes should be achieved. Local residents should be respected and looked after and he was disappointed that the Town Council have not sent anyone here today to support their application. The Chairman clarified that the Licensing Authority had been informed that the Town Council had been unable to send any representatives today due to staff shortages over sickness. Mr Jones felt that the Town Council should have engaged with him prior to this meeting.

The Sub Committee assured Mr Jones that they would take into account all representations raised and the Licensing Team would work with him to help do what they could to minimise the impact of the anti-social behaviour, etc that he was suffering.

The Sub Committee then adjourned at 11.05 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11.30.

Resolved:

That the Northern Area Licensing Sub Committee REFUSED the application for a Variation of a Premises Licence for Calne Town Council to increase the number of people permitted to attend to their events to 9,999.

Reasons

The Sub Committee heard oral representations from Mr J. Jones, in support of his written representation. The Applicant did not attend the hearing.

The Sub Committee noted the concerns that had been raised in the representation from Mr Jones regarding problems that had occurred

during previous licensed events that had taken place under the existing premises licence.

The proposed variation sought to double the maximum number of persons who could attend such events. The Sub Committee considered that the Applicants had failed to satisfactorily demonstrate how they would promote the Licensing Objectives, particularly in relation to the prevention of public nuisance, at events where such larger numbers of persons may be present.

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

Right to Appeal

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

(Duration of meeting: 10.30 - 11.35 am)

The Officer who has produced these minutes is Lisa Pullin, Democratic Services,
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SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 17 JANUARY 2017 AT CITY HALL, SALISBURY, IN RESPECT OF AN APPLICATION FOR A PERSONAL LICENCE

Present:

Cllr Simon Jacobs, Cllr Trevor Carbin & Cllr Mike Hewitt

Also Present:

(Applicant), Sue Thurman-Newell (Wiltshire Police), Paul Taylor (Senior Solicitor), Ian Garrod (Public Protection Officer - Licensing), Lisa Moore (Democratic Services Officer).

1 Election of Chairman

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

Resolved:

To elect Cllr Simon Jacobs as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

3 Chairman's Announcements

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

4 Declarations of Interest

There were no declarations of interest.

5 Exclusion of the Public

Resolved:

That, in accordance with Regulation 14 of the Licensing Act (Hearings) regulations 2005 the public be excluded from the hearing as the public interest in so doing outweighed the public interest in the hearing taking place in public.

6 Licensing Application

Application for a Personal Licence

The Licensing Officer introduced the purpose and scope of the application and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority (Wiltshire Police) were given the opportunity to address the Sub Committee and ask questions.

Having heard all of the representations and summations from the Applicant and Responsible Authority, the Sub Committee retired to consider the application at 11.03am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.30am.

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

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

Resolved:

The Southern Area Licensing Sub Committee has resolved to REJECT the application by the Applicant for a personal licence.

Reasons:

Given the nature and circumstances of the relevant offences, including the fact that the applicant had only been convicted of those offences in November 2016, the Sub Committee accepted the Police's concerns that there was a risk of re-offending in this instance and that it was appropriate to reject the application for the promotion of the crime prevention objective.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

(Duration of meeting: 10.30am – 11.30am)

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

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 4 OCTOBER 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - CENTER PARCS, LONGLEAT FOREST HOLIDAY VILLAGE, WARMINSTER

Present:

Cllr Desna Allen, Cllr Allison Bucknell and Cllr Trevor Carbin

Also Present:

Wiltshire Council

Hannah Hould (Public Protection Officer – Licensing)

Lisa Pullin (Democratic Services Officer)

Paul Taylor (Senior Solicitor)

Applicant

Gemma Burrows (Legal and Insurance Advisor for Center Parcs)

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

There were no apologies.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 – 12 of the Agenda refers).

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 Center Parcs Limited for a variation of a Premises licence in respect of Center Parcs, Longleat Forest, Warminster

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

During the consultation process, one relevant representation had been received from Horningsham Parish Council who had concerns that the traffic from the further 3700 persons would cause even more public safety issues than were being had a present.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. No representatives from Horningsham Parish Council were present at the meeting.

Key points raised by Gemma Burrows, Legal and Insurance Advisor for Center Parcs on behalf of the Applicant were:

- The variation application had been submitted to address the numbers that could be on the premises at any one time. They were confident that during non-change over days (change over days were Monday and Friday) that there would be no more than 4,999 visitors present in any of the licenced areas. On changeover days there were likely to be more on site as some visitors would exit their accommodation and continue to use the site

facilities and some guests would arrive early to use the facilities before they accessed their accommodation.

- The numbers would not be rising by 3,700. The figure of 8,700 has been calculated as the absolute maximum of people that could be on site at any time and this would only likely to rise above 5,000 on the Monday and Friday changeover days.
- The Applicants did not anticipate for there to be any traffic increases at all.
- The figure of 8,700 also included staff as they may be present in a licensing area at a particular time.

The Sub Committee asked the following questions.

Q How is traffic managed off site?

A *We were not aware of any traffic issues and this is the first concern about traffic that we had heard about, We were hoping to attend a meeting of the Parish Council who were going to discuss our application but we never received an invitation to such a meeting. We were aware that there was a lot of traffic in the area on the day that the Elton John concert was held at Longleat, but they are separate from us. There is a long drive to the entrance of Center Parcs and we have a smooth check in system to prevent delays. We do have another entrance that can be used to get onto the site and this is used when necessary. Our occupancy is constant all through the year and we are not aware of traffic problems.*

Q Do you have any local community liaison with local residents?

A Not that I am aware of as I am based in the Head Office. I do know that a staff member is also a member of the Parish Council and we would be happy to attend any meetings we were invited to.

It was reported by a Sub Committee member that local community liaison had been useful in the past and it helps to explain the reasons behind applications and alleviate any concerns that may be raised.

Gemma Burrows on behalf of the Applicant did not wish to make any points in summation.

The Sub Committee then retired to consider the application at 10.45am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11am.

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

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

Resolved:

That the Western Area Licensing Sub Committee grant the variation of the Premises Licence in respect of Center Parcs, Longleat Forest, Warminster, as applied for, as detailed below:

- **To amend the licensed area, to exclude the holiday accommodation, car park and arrivals lodge, as shown on the application plan.**
- **To amend the plans of each individual unit within the licensed areas, with unit name changes reflected.**
- **Addition of indoor sporting events as a licensable activity.**
- **Increase the maximum numbers permitted in the licensed areas, from 4,999 to 8,700 to include 'changeover days'.**
- **Add the following condition:**
"Temporary bars may be placed in various locations within the perimeter of Center Parcs licensed areas for special events, including:
 - **Winter Wonderland (Nov-Dec): temporary bar outside of the Sports Café and at Village Square**
 - **New Year's Eve: temporary bar outside the Jardin Des Sports**
 - **Sporting events: temporary bars in each of the above locations**For any additional temporary bars, Center Parcs will notify Wiltshire Council at least 7 days in advance of the event and confirm the location of the temporary bar, the date(s) it will be in place and the hours of operation."

Informative

That the Applicant should seek to establish a channel of communication with the local communities via their Parish Councils to discuss any issues that may be of concern to local residents, arising from the operation of the holiday village.

Reasons:

The Sub Committee were informed that, although the application sought a significant increase in the maximum numbers allowed in the licensed areas, there would be no increase in the total numbers of persons on the site itself as a result of this application. Consequently, there would be no

effect on traffic movements in the vicinity of the site, which was the issue that had concerned those who had made representations. The purpose of the variation application was essentially to regularise the current position, particularly in relation to the site plan. The Sub Committee therefore considered the variation application to be acceptable.

Right of Appeal:

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

(Duration of meeting: 10.30am – 11.05am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services
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Wiltshire Council

Licensing Committee

13 March 2017

Proposed Changes to Licensing Fees

Cabinet Member: Councillor J Wickham – Health (including Public Health) and Adult Social Care

Executive Summary

Wiltshire Council recovers the reasonable costs of providing the hackney carriage and private hire driver and operator licensing service through the licence fee. Previously this has not been subject to regular reviews. As a consequence there have been some increases in the licence fee which were above inflation. Whilst reviewing the fees last year, when licences changed to three year and five years, the council committed to reviewing the figure annually to ensure the costs of providing the service could be regularly updated. This work is undertaken to avoid drivers being subjected to any more significant increase in fees and to ensure the council continues to recover the reasonable costs, of delivering the service.

This report updates members on the proposed licensing fees for 2017/18 and explains the introduction of a monthly fee to enable the council to fulfil its obligations in line with the Immigration Act 2016.

Proposal

1. That the Licensing Committee agrees the proposed revision of fees for hackney carriage and private hire drive and operator licences.
2. Officers be authorised to carry out the necessary public consultation in relation to the proposed fee changes and to implement the revised fees in the event that no significant objections arise from that consultation.

Reason for Proposal

The council has committed to reviewing licensing fees annually to avoid drivers being subjected to more significant increases and to ensure the council continues to recover its reasonable costs.

The Immigration Act came into effect in December 2016. As a consequence, on occasion we will need to issue a driver with a licence for a short period of time to correspond with the period covered by their visa. A monthly fee has been calculated to enable a licence to be granted which would terminate at the same time as the period covered by the visa expires.

Tracy Carter
Associate Director, Waste and Environment

Proposed Changes to Licensing Fees

Purpose of Report

1. To consider the proposal to increase licensing fees for hackney carriage and private hire drivers and private hire operators within the administrative area covered by Wiltshire Council.

Relevance to the Council's Business Plan

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

Business Plan Outcomes:

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

Main Considerations for the Council

3. Increasing fees would ensure that the council continues to recover its reasonable costs associated with providing the licensing service
4. Current charges are set at a level which enables the council to recover its reasonable costs. Income and expenditure have been projected over the next five years to ensure the proposed fees will enable recovery of reasonable costs in future years. The proposal is to increase fees by 5% in line with the decision made by full Council at its meeting held on 21 February 2017. The proposed revised fees are set out in **Appendix 1**.
5. The proposed fees should be published for public consultation, to come into effect, if no objections are received, 28 days after publication of the proposed changes.
6. In the event that objections are received within the above timescale, the Head of Service Environment, would consider those objections in consultation with the Head of Legal Services. If the objections are considered to be minor and do not warrant any changes to the proposals, the Head of Service Environment would set a new date for the increases to come into effect. If the objections received do warrant further consideration, they would be reported back to this committee for a further decision.

7. The Immigration Act 2016 ('the 2016 Act') amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle sector. With effect from 1 December 2016, the provisions in the 2016 Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty through immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK. The proposed monthly fee is set out in **Appendix 1**.

Background

8. The council last reviewed licence fees in 2015; the opportunity has been taken to review the fees to ensure that the council continues to recover the reasonable costs of delivering the service.

Safeguarding Implications

9. There are no safeguarding implications arising from this report.

Public Health Implications

10. There are no public health implications arising from this report.

Environmental and Climate Change Considerations

11. There are no environmental or climate change considerations arising from this report.

Corporate Procurement Implications

12. There are no procurement implications arising from this report.

Equality Impact of the Proposal

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

Risk Assessment

14. If the driver and operator renewal fees are not amended the council will not continue to recover the reasonable costs of operating the service.

Financial Implications

15. The charges proposed in the report are anticipated to recover reasonable costs associated with providing the service and are in line with the council's Medium Term Financial Strategy. It is recommended that the charges are reviewed on an annual basis to ensure this continues to be the case.

Legal Implications

16. Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to charge fees for hackney carriage and private hire vehicle drivers' licences. The fees charged must be reasonable, with a view to covering the

costs of issue and administration. Similarly, Section 70 of that Act allows the council to charge fees for private hire operators' licences which, together with charges for vehicle licences, are intended to cover the reasonable cost of inspecting vehicles, providing taxi ranks and supervising hackney carriages and private hire vehicles.

Conclusion

17. There is a need to revise the fees to ensure the council continues to recover the reasonable costs of delivering the service.
18. There is a need for the introduction of a monthly charge to enable the council to comply with its obligations under the Immigration Act 2016.

Proposal

19. That the Licensing Committee agrees the proposed revision of fees for hackney carriage and private hire driver and operator licences.
20. Officers be authorised to carry out the necessary public consultation in relation to the proposed fee changes and to implement the revised fees in the event that no significant objections arise from that consultation.

Tracy Carter
Associate Director, Waste and Environment

Report Author: Gemma Sadd, Fleet Compliance Team Leader
Contact Details: 01225 770465

Background Papers

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APPENDIX 1

ENVIRONMENT SERVICES : LICENSING ACT

**Service Area
Associate Director**

**Waste and Environment
Tracy Carter**

LICENSING

All of the fees and charges below are discretionary

Income Type	2016/17 Financial Year	2017/18 Financial Year	% Increase
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Licensing - Taxi Fees

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Hackney Carriage Vehicle - Initial Licence	£198.00	£208.00	5%
Hackney Carriage Vehicle - Annual Renewal	£187.00	£196.00	5%
Hackney/Private Hire Drivers - 3 year Initial Application	£241.00	£253.00	5%
Hackney/Private Hire Drivers - 3 year	£220.00	£231.00	5%
Hackney/Private Hire Drivers - 3 year - Payment Plan	£77.00	£81.00	5%
Private Carriage Vehicle - Initial Licence	£198.00	£208.00	5%
Private Carriage Vehicle - Annual Renewal	£187.00	£196.00	5%
Private Hire Operator - 5 year	£445.00	£467.00	5%
Private Hire Operator - 5 year - Payment Plan	£93.45	£98.00	5%
Hackney/Private Hire Drivers Monthly Licence Fee	Not Applicable	£20.00	Not Applicable

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Update on the Licensing Service: February 2017

To give the Licensing Committee an update on the work of the Licensing Team.

Licensing Activity

Several members of the Licensing Team undertook training given by an officer of the Gambling Commission recently when a number of joint inspections took place of betting premises in Wiltshire. Having undertaken the training, Licensing Officers will now be carrying out their own inspections of the remaining gambling premises over the next few months ensuring they meet the required standards; conditions of licence and that local area risk assessment are available.

This work is important to protect the vulnerable and to ensure those who wish to gamble responsibly can do so safely.

On 24 January 2017, the Licensing Manager presented a day's training to the Wiltshire Council Licensing Team and Wiltshire Police Licensing Team on a number of topics which included, the new Immigration Bill 2016, Police and Crimes Bill 2016 both these Acts will have an impact on the Licensing Act 2003 going forward, the training also covered Small Society Lotteries (Gambling Act 2005), Police Powers, festivals and Event Safety Advisory Group process.

Events 2017

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

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

A number of proposed new events/ and changes to existing events for this year have already presented their own challenges both to organisers, the responsible authorities and interested agencies with a number of Event Safety Advisory meetings taking place which are chaired in the main by the Licensing Manager .

Womad

This year's event looks to build on last year's success when over 35,000 attended; the weather was kind in 2016 with no significant issues noted by the Licensing or Public Protection Teams that visited the site.

For 2017 arena layout will be similar to 2016, which enhance the visitor experience with the arboretum area now part of the arena area, and the internal traffic management system updated accordingly. A variation application has been

submitted to bring the areas currently operated under Temporary Events Notices (staff bar, Molly's bar, back stage bar and slight changes to the noise conditions to reflect the evidence and practices over the past two years, this variation will extend any conditions on the licence to these areas where before they sat outside the main licence).

Partnership Working to continue in 2017

This year licensing will again be working with Tom Ward, Public Health Specialist alcohol and drugs misuse, with an aim to enable WSMS (Wiltshire Substance Misuse Service) to build links with festival organisers (from street fayres, folk festival, mini and large scale events). WSMS will be attending a number of events and offer relevant prevention messages, and support to attendees of events. They have previously been received very positively with good outcomes.

Licensing Applications

Since July 2016 we have been able to offer online payment for Licensing Act 2003 annual fees, we are now looking at the opportunities to extend this to Gambling Act 2005 renewal fees as it has proved very successful.

Licensing transactions Jan – December 2015 & 2016

Year comparison	2016	2015
Temporary Event Notices	1669	1678
Late Temporary Event Notices	369	405
Licensing Applications (New/variation/minor variation/Variation of DPS/Annual fees/Amendments to licences)	2572	2655
Personal Licences	384	427
Gambling Permits/Gaming Machines/Lotteries/Annual fees	707	776
Animal Licensing	287	268
Other Licensing	3	3

Hearings

Last year we held 14 licensing hearings, one up on 2015. To date this year one hearing has taken place following Police objection to a Personal Licence application, where the applicant had relevant convictions under the Licensing Act 2003.

Licensed Trade Event

The Licensing team hosted three trade seminars in September and October offering free advice and guidance to the trade. The events were run to support the important role businesses have in their local communities whilst highlighting evolving changes and best practices.

The seminars included speakers from a variety of organisations and partner agencies: National Pub Watch, Gambling Commission, Public Health, Dorset and Wiltshire Fire Service and Child Sexual Exploitation. There were numerous stands including the Immigration Service, Trading Standards, Licensing, Pest Control, Street Pastors, etc., all providing information and answering questions and concerns.

Licensing would like to thank all the Members who kindly attended to give their support.

Licensing Looking Forward

Immigration Bill 2016 (Headlines)

- Immigration Enforcement will be a responsible authority.
- Personal and premises licences: individuals must have permission to live and work in the UK.
- Immigration offences will be relevant offences (civil penalties) under the Licensing Act 2003.
- Immigration officers will have the power of entry to investigate immigration offences in licensed premises.

Police Crime Bill 2016 (Headlines)

- amends meaning of 'alcohol'
- S.191(1) amended to include powdered or vaporised alcohol and bring it within the Act by inserting 'in any state' after liquor.
- Licensing Authority will now have the authority to consider revoking a personal licence when notified of a conviction for a relevant offence.
- Expand list of relevant offences for personal licences holders.
- The Government is proposing to amend the Late Night Levy and to place Cumulative Impact Policies on a statutory footing.

Animal Licensing

New model conditions for Home Boarding of dogs, were implemented from November 2016 and existing and new licence holders must now be compliant from the new/amended requirements.

Conclusion

The Licensing function continues to develop within Wiltshire Council. The core activity of supporting the licensing process has shown year on year improvement,

with the budget aspects, showing the greatest improvement over the past twelve months.

There continues to be a greater focus on preventing harm, this emphasis towards Prevention of Harm and the proactive work undertaken by the team is to ensure safe environments for people to enjoying the various Licensable activities across the county.

The Licensing Authority has implemented two reviews processes, and made a number of representations demonstrating the Authorities commitment with the Statement of Licensing Policy to protect local communities and support well managed licensed premises.

Thank you to members

The Licensing Team are grateful for all the support and interest the Licensing Committee members have shown over the last four years in a variety of licensing issues.

The Licensing Committee are asked to note the above update.

**Linda Holland
Licensing Manager
27th February 2017**