

AGENDA

Meeting: Licensing Committee

Place: [Online meeting](#)

Date: Monday 1 March 2021

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.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell	Cllr George Jeans
Cllr Trevor Carbin	Cllr Jim Lynch
Cllr Sue Evans	Cllr Pip Ridout
Cllr Jose Green (Vice-Chairman)	Cllr Ian Thorn
Cllr Mike Hewitt	Cllr Peter Evans
Cllr Peter Hutton (Chairman)	Cllr Kevin Daley

Substitutes:

Cllr Clare Cape	Cllr Steve Oldrieve
Cllr Ernie Clark	Cllr Stewart Palmen
Cllr Anna Cuthbert	Cllr James Sheppard
Cllr Gavin Grant	Cllr Graham Wright
Cllr Howard Greenman	Cllr Atiqul Hoque
Cllr Nick Murry	

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AGENDA

1 **Apologies/Substitutions/Membership Changes**

To receive any apologies and details of any substitutions.

To note any changes to Committee membership.

2 **Minutes** (*Pages 7 - 42*)

To confirm and sign the minutes of the meeting held on 7 September 2020 (copy attached).

3 **Chairman's Announcements**

To receive any announcements from the Chairman.

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. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this is electronically to the officer named on this agenda **no later than 5pm on Thursday 25 February 2021**.

You must state whom the statement is from (including if representing another person or organisation), state points clearly and be readable aloud in approximately 3 minutes. Up to three speakers are allowed for each item on the agenda.

Questions

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than **5pm on Monday 22 February 2021** 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 24 February 2021**.

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 members prior to the meeting and made available

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** (Pages 43 - 64)

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

Southern Area Licensing Sub Committee

20.01.2020 Application by Keystone Entertainment Ltd for a Variation to the Premises Licence at The Bank Cocktail Lounge & Events, 18 High Street, Amesbury – *to follow*.

Western Area Licensing Sub Committee

04.08.2020 Application for a Variation of a Premises Licence - The White Hart, Lane End, Corsley, Warminster.

19.08.2020 Application for a Premises Licence - Wicker Hill Food Stores, 1b Wicker Hill, Trowbridge.

7 **Proposed Changes to Wiltshire Council's Street Trading Consent Scheme** (Pages 65 - 94)

The report of Tom Ince (Principal Compliance Officer) seeks to provide the Licensing Committee with the relevant information to make an informed decision on the proposed changes to Wiltshire Councils approved Street Trading Consent Scheme.

8 **Taxi Licensing Update** (Pages 95 - 104)

Tom Ince (Principal Compliance Officer) has prepared the attached Taxi Licensing update for the Committee.

9 **Licensing Update**

Linda Holland (Licensing Manager) will provide a verbal update to the Panel on behalf of the Licensing Team.

10 **Dates of Future Committee Meetings**

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

7 June 2021
13 September 2021
6 December 2021

7 March 2022.

11 **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

MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 7 SEPTEMBER 2020 AT [CLICK HERE TO VIEW THE ONLINE MEETING](#).

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr Pip Ridout, Cllr Ian Thorn and Cllr Peter Evans

Also Present:

Cllr Atiqul Hoque, Adrian Hampton (Head of Service – Highway Operations), Linda Holland (Licensing Manager), Tom Ince (Principal Compliance Officer), Lizzie Kingsbury (Project Worker – Gambling Support Service – South West), Sarah Marshall (Senior Solicitor), Martin O’Neill (Licensing Officer – Wiltshire Police), Lisa Pullin (Democratic Services Officer), and Sgt Leighton Williams

8 Apologies/Substitutions/Membership Changes

Apologies were received from Councillors Kevin Daley, Mike Hewitt, George Jeans and Jim Lynch. There were no substitutions. Following recent changes made at Full Council, Councillor Kevin Daley has replaced Councillor Leo Randall on the Committee.

The Chair wished to thank Councillor Leo Randall for his work and support of the Committee and welcomed Councillor Kevin Daley to the Committee.

9 Minutes

The minutes of the meeting held on 2 December 2019 and the minutes of the extraordinary meeting held on 27 January 2020 were presented to the Committee.

Resolved:

That the minutes of the meetings held on 2 December 2019 and 27 January 2020 be approved and signed as a correct record.

10 Chairman's Announcements

On behalf of the Licensing Committee, the Chairman wished to acknowledge all of the work of the Officers and their teams and to thank them for all they had done during the Covid pandemic.

11 **Declarations of Interest**

There were no declarations of interest.

12 **Public Participation**

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

13 **Minutes of the Licensing Sub Committees**

Eastern Area

15/01/20 Application for a Review of a Premises Licence – Tale of Spice, 9 North Street, Pewsey

Northern Area

15/01/20 Application for a Review of a Premises Licence – Tale of Spice, Malmesbury Road, Chippenham

Resolved:

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

14 **Presentation - Wiltshire Police Licensing Team**

Sgt Leighton Williams and Martin O'Neill (Wiltshire Police Licensing Officer) had been invited to provide an update on behalf of the Police Licensing Team to the Committee. Sgt Williams highlighted the following:

- Late in 2015 Wiltshire Police changed to Community Policing teams taking away the neighbourhood element and putting it back into the response teams. After 4 years there was a review of this model and it identified that Neighbour Officers were required - that was the role carried out by Sgt Williams – a Neighbourhood Sgt, once of several across the force. That role also supervises the Police Licensing Officer (Martin O'Neill). Prior to the changes the Police Licensing Officer roles were supervised by a Sgt with a large portfolio and it was identified that there was a need for them to have top cover from those above in Sgt and Inspector roles;
- The Neighbourhood teams were introduced in December 2019 and the Police Licensing Officers now come under that team. There were obvious benefits to this – the Police Community Support Officers who are the eyes and ears on the ground feed into the intelligence and information sharing picture and assist the Police Licensing Officers by conducting tasks for and with the Licensing Officers e.g. premises visits etc. Operationally it gives them more support and there is a more joined up approach and the information sharing is there, so it all works well; and

- The Neighbourhoods team have a weekly tasking and briefing meeting which the Licensing Officers sit in on this then produces a weekly priority list and tasking and briefing slides which are shared with Officers at the start of every shift. E.g. if there are particular premises that are causing concern, the Licensing Officer would raise it as a concern, highlight it to the Police Officers that cover that area and also put a slide up for it to be briefed to them. That then gives the Licensing Officers the top cover and support and allows the Sgt to assess and check that the visits are being carried out in a more accountable way.

Martin O'Neill (Police Licensing Officer) who is also a retired Police Officer was then invited to speak. Martin highlighted the following:

- The Police feel that they have a really strong partnership working relationship with teams at Wiltshire Council, particularly with Licensing, Trading Standards and Immigration;
- In the future they would like to carry out initiatives such as looking at underage sales, promoting Pubwatch as it's a useful vehicle for licensees to share their experiences and help keep the night time economy going and for it to be safe; and
- As the Police Licensing Officers are attending the Neighbourhood tasking meetings already referred to, they are able to identify premises that may be used for certain acts of criminality and they can then be targeted appropriately to keep an eye and if necessary, intervene or enforce.

Sgt Williams then spoke about the future of Licensing within Wiltshire Police. Before lockdown the organisation was taking a stance on the role of the Police Licensing Officer, revisiting the risk assessments and looking at what was expected of the role. In the current circumstances that work has stalled but going forward a full review will be conducted of the role with some requirements to change the stance in relation to hours worked, more support on the ground and the Sgt role would be supporting the Officers with external visits and meetings. It was hoped that there would be a greater presence of Wiltshire Police at all sorts of meetings, including Pubwatch and Licensing meetings that perhaps need to be staffed by Police and to continue with the good collaborative working.

There were many fears of the re-opening of licensing establishments over the weekend of 4/5 July 2020 following the Covid restrictions. Sgt Williams was involved with the great partnership working with Wiltshire Council and their Licensing Officers who were working with the Police Licensing Officer to carry out visits and this was beneficial to the Police Officers. The knowledge of the Licensing Officers allowed the strategic commanders of the operation to nip in the bud any issues by sending in a Licensing Officer, paired up with any Police Officers to really identify and tackle the problems. It was felt that this was a

great example of collaborative working and hoped that it could continue further in the future.

The Chairman asked Sgt Williams to explain where in relation to premises re-opening and to whom does the responsibility stand for the issue of enforcement/assessment of non-compliance of Covid regulations lie.

Sgt Williams responded that he felt it was all around collaborative working and going forward that enforcement would be a partnership approach. Any quick response calls coming during the night time economy would be down to the response officers and the neighbourhood's teams. Other issues that were not as time critical and would require a problem-solving approach would be worked through with partners in order to prevent any re-offending. The sole role of Neighbourhood Sgt is to reduce demand on the Police, therefore if they can work with our partners to all reduce demand that it where we should be headed in the future.

A Committee Member asked the following:

Q Can I ask about the views of the Police when Licensing Act applications are submitted. There had been some recent Sub Committee hearings where some of the parties to the case had thought that there might have been response from the Police in relation to the application. Please could you explain how you might use your local knowledge and connections to comment on licensing applications.

A Sgt Williams responded on behalf of Martin O'Neill who had temporary lost connection to the meeting - Usually the application would come in and they would assess it from a local perspective for any concerns. The difficulties that Police encounter are around staffing capacity to be able to assist and be available to attend hearings. Sgt Williams was surprised to hear that there has been no comment to licensing applications submitted.

The Councillor reported that it wasn't felt that there had been no "comment" from the Police relating to an application but that there has been no objection (representation) from the Police whereas the public might have expected there to be so. She was trying to understand how any response that the Police might give to an application would link into local intelligence as well.

Sgt Williams reported that going forward it would be his expectation that there would be Police comment on an application, particularly in relation to more difficult premises and a representation would be submitted when required. He may need to look at and assess resourcing issues around attendance at meetings.

The Councillor clarified that it was not always clear if the Police had seen the application and not responded or that they had seen it but did not wish to make any comments or a relevant representation. The Councillor felt that it was about public perception so that they know that the Police were taking their concerns seriously, rather than just not commenting at all. It was suggested

that the Police consider positive responses as even neutral comments are quite helpful.

The Chairman suggested that some work could be done on the wording of responses when applications are sent out to responsible authorities.

The Chairman then invited the Wiltshire Council Officers present to give an update to the Committee on their work and commitment of partnership working with Wiltshire Police.

Linda Holland – Licensing Manager highlighted the following:

- Covid had been a challenge for all, it was felt that the Licensing teams partnership working had been immensely successful;
- Since the implementation of Neighbourhood Policing Teams, the collaborative working has been a lot more positive with Police Officers on the ground engaging;
- There are a number of grey areas in licensing under Covid and how the guidance is interpreted but Officers would continue to look at how they could provide an advisory and guidance service to the premises and would only seek to use enforcement if we had to;
- The team usually receive a large volume of licensing applications – this did drop off during the initial stages of the Covid lockdown but again applications were now coming in in high numbers. The Police are consulted on all relevant applications and give responses when they feel it is appropriate, but these would usually be targeted and focused on applications that they feel they have something to raise. It is suggested that we can learn from this and perhaps add something to the report that Officers prepare for the Sub Committee to indicate that the Police have responded and made no comments on the application and did not wish to submit a relevant representation;
- Officers had been carrying out advisory visits to premises to ensure that they had Covid secure measures in place. The biggest challenge had been around events and what can and cannot take place. The Government guidance changes frequently (sometimes daily about what is and is not permitted and our Officers have worked with the Police and Premises Licence holders to help advise them so that their events can be run safely if they are able to do so at the current time;
- Positive working through all of the Public Protection teams will benefit all. If the local businesses are supported it is hoped that they would engage with the Council's tandem working with partners to provide positive outcomes. Sadly, some business choose not to engage, and there are tools to manage that – licence reviews are possible but Officers would

prefer that premises licence holders are informed and supported rather than going down an enforcement route;

- The Police have two Licensing Officers and Wiltshire Council has a team of seven Officers that support each other well. For Operation Quantum carried out in July 2020, Officers carried out 175 observation and checks over the first weekend of the re-opening of pubs etc and 165 visits on the second weekend. All Officers were positively engaging with the premises – a few needed more guidance, but the majority understood what was required of them to be Covid secure;
- During the Covid period all animal inspections were postponed for 4 months and these had just restarted. All 300 licenced animal premises received a 3-month extension to their licences;
- All licensed premises with annual licence fees due during the initial Covid period (end of May to September) were given a reprieve and licence fees were not being requested to be paid during that time; and
- Officers had received a lot of positive feedback around the support that was being providing to the premises.

Adrian Hampton (Head of Highway Operation) highlighted the following:

- Thanks should be given to the former Manager of the Service (Julie Anderson-Hill) for her management of the excellent team that Adrian had now taken on. Tom Ince and Kevin Oliver should also be thanked for leading on licensing and events management as they had had to undertake a huge amount of additional work during the Covid period;
- Our Team agree that partnership working is vital as it avoids us replicating work and wasting time that would not be achieved if we did not work together;
- Another challenge had been the introduction of pavement licencing and ensuring that our teams work together to consider highway safety, reallocation of road space for pedestrians etc;
- Officers had also been working to support communities and where there may have previously just been one contact, there now may be multiple contacts. Also, many communities had set up their own support groups to work with the Council; and
- Officers had seen the emerging guidance and had sought to move ahead of it to benefit Wiltshire communities.

Tom Ince – Principal Compliance Officer) highlighted the following:

- Feedback from the taxi trade informed us that their business had dropped by about 80% in first week of lockdown. It was felt that the Council needed to do something positive to support them during the difficult time, so it was agreed that temporary 3 month licences would be issued for all drivers and vehicles that were due to renew between April and June 2020 free of charge. This was to keep the industry moving and reduce the financial burden for drivers and vehicle owners during that time;
- For the small team of just 4 Officers this doubled the workload during that period. In July Officers looked forward to recovery and considered the next phase, it was recognised that consideration should be given to processes for attendance at Council premises for vehicle inspections and licence checks as clearly this could not happen in the Covid environment. All vehicle inspections were suspended for April to June. Officers devised a new process for existing drivers to be able to renew their licence without physical attendance. This was obviously a time saving process for drivers and Council Officers and so that this efficiency continues – this will be the process going forward;
- From 1 July, vehicle inspections were recommenced. This was an amended process where the driver does not need to get out of their vehicle. Obviously, this ensured that there was less staff exposure to any Covid risk, and the team were slowly getting their taxi licencing regimes back to normal;
- There had been a reduction in driver numbers which fell (following first month of lockdown) and the same with the numbers of vehicles being licenced, Over the last month there had been a slight increase in driver numbers and vehicles being licensed and it was hoped that this meant that the trade was in a recovery phase;
- As part of the Environment and Planning Bill of 2020 the Government had introduced the Pavement Licence to aid the economic recovery of the hospitality sector. Wiltshire Council implemented this prior to the legislation being approved, taking the lead on this and approached the relevant businesses in the hospitality sector to offer them the option of a Pavement Licence. Whilst there was the ability to make a charge for this Licence the Council decided to offer this for free to support the businesses in Wiltshire. There was a quick 10-day turnaround process (not the historic 30-day process). Approximately 20 applications had been received, 12 of those were in Salisbury. To date, no applications had been refused although some premises needed a bit of guidance to look at plans and advice provided on social distancing measures etc. Officers were also working with colleagues in Highways, particularly in the re-allocation of road space programme to ensure that any licences that were being issued were not having a detrimental impact on that programme.

The Chairman thanked all the Officers and their teams for all the work carried out during this difficult period and their continued collaboration with the Police. The Chair also thanked Sgt Williams and Martin O'Neill for attending the meeting and offered that they would be invited to attend future meetings and provide updates via the Clerk as required.

Resolved:

That the update from Wiltshire Police and Council Officers be noted by the Committee.

15 **Presentation - Gambling Awareness Support Service**

Lizzie Kingsbury (Project Worker – Gambling Support Service – South West) had been invited by the Committee to give details of the national Citizens Advice Gambling Support Service.

The slides from the presentation are attached as **Appendix 1** to the Minutes. There would be further documentation to share with the Licensing Committee members following the meeting and this would be done via the Clerk. Lizzie would also keep the Committee updated with any developments as necessary.

The Chairman thanked Lizzie for attending and her presentation and would look forward to any future updates. The Chairman reported that prior to Covid the Committee had received regular licensing updates and that they had always been concerned about the advertising of gambling and the impact of gambling on young people. Obviously, the key area of concern was around online gambling and with the Covid situation it was even more likely that there would be an increase in online gambling.

Lizzie offered that she would be available to speak to the relevant Licensing Officers and those that deal with the public and provide a more detailed session on gambling awareness. It was agreed that the contact details would be passed onto the Licensing Manager.

Resolved:

That the update on gambling awareness be noted by the Committee.

16 **Appendix 1 - Gambling Awareness Presentation**
Briefing Note - Taxi Licensing Line Management Responsibilities

Tom Ince (Principal Compliance Officer) referred to the briefing note circulated with the Agenda and highlighted the following:

- In March 2020 the Council undertook a senior management restructure. The taxi licensing team would continue to sit under the enforcement team so that there was good continuity in terms of knowledge and working relationships. The taxi licencing team would now report directly into Adrian Hampton who is the Head of Service – Highway Operations; and

- Officers were looking forward to making improvements and look at how they could continue to drive the service forward in the future.

Resolved:

That the update on taxi licensing line management responsibilities be noted.

17 **Briefing Note - Proposed Changes for Taxi Tariff Schedule for Hackney Carriages**

Tom Ince (Principal Compliance Officer) referred to the briefing note circulated with the Agenda and highlighted the following:

- At the Committee meeting in January 2020, Members were asked to give agreement for Officers to commence consultation on a proposal to change the taxi tariffs in Wiltshire. This came following extensive work to look at ways to increase safeguarding issues, encourage people to use taxis more and to aid recovery of the late-night sectors across the towns;
- The consultation took place successfully in February 2020. The Council received 257 responses to the consultation, 207 of these from hackney carriage drivers and 50 from the public or businesses. The 207 responses represented 24% of licensed hackney carriage drivers responding. 10% were in favour of the proposal and 14% were against it. Most drivers generally had no opinion – they were not for or against the proposals that Officers were trying to put in place to try and stimulate the night time economy in Wiltshire. There were however pockets of support, mainly in the north and south of the county;
- After reviewing feedback and listening to the views of the trade Officers considered that there could be an option for drivers to be able to charge tariff 2 on a Sunday as that appeared to be the only contentious point to the proposal;
- At the January meeting, Officers were given delegated authority to implement the changes but because of Covid and the additional financial pressures on the Council Officers were not able to get approval for any unbudgeted advertising spend (which is a requirement as per legislation) at this time. Officers would need to submit a revenue bid as part of the 2021/22 budget setting process amount, and they were hopeful that if this could be approved the changes could then be implemented; and
- Officers wished to assure all that this development had not been stopped, but that there had been a delay, primarily due to Covid and because of the financial impact on the Council.

The Chair reminded the Committee of the detailed process that had been undertaken to get to this stage and to reassure that there was a willingness to have a stronger and proactive relationship with the taxi trade now and in the future and those stronger links will move more a more efficient service for all.

A Committee Member reported that whilst they had no issue with the recommendations they were concerned about a proposal to suggest that the costs for statutory advertising of the changes could be funded by Area Boards or the Salisbury Recovery Fund as they did not think those were the appropriate places to seek the funding from and that the issue was that unless the funding from the revenue bid was successful, the Council would not be in a position to make any changes to tariffs again that needed advertising. If Officers needed support around that as a fundamental part of the service's regulatory process, then the Member felt that to be denied the opportunity to do that stops Officers from doing their jobs. The Member felt that this would need to be looked at so that time was not wasted on carrying out a consultation from which changes could not be implemented due to financial restrictions.

Tom Ince (Principal Compliance Officer) confirmed that since the circulation of the briefing note that it had been identified that those funding streams were not appropriate and that was why they would be putting in the revenue bid to the 2020/21 budget and would continue to do so, so that they were in a position to carry out the necessary advertising to make the changes.

Adrian Hampton (Head of Service – Highway Operations) reported that this had been a budgetary challenge as when consideration had been given to the level of response to the consultation and the because the appetite for change was quite low – assessments had to be made on the priority for spending on advertising. It was accepted that when Officers consult on proposed changes that this should be a driver for revenue budgets and although the pockets of demand across the county was small, Officers were supportive to make those changes and it would be helpful to capture the comments and views of this Committee to strengthen the revenue bid.

The Committee member felt that Officers had carried out a lot of work, issued a consultation, raised expectations that there was to be a change and now we were in a position that were not able to currently proceed because the money was not budgeted for and that perhaps going forward this should be in place before such work is carried out.

Sarah Marshall (Senior Solicitor) was asked to reiterate the Council's position from a legal perspective and confirmed that there was a reasonable expectation from the public that changes would be proposed, consulted on, responses received, properly considered and then any changes implemented. For the Council to then report that no funding was now available may encourage a challenge. Whilst the demand county wide for change was low, there were small areas within Wiltshire where there would potentially be a higher expectation of change.

Adrian Hampton confirmed that with the support of Officers and the Licensing Committee a revenue bid of £10,000 would be submitted to the 2021/22 budget (capturing the views of this Committee) whereby it was hoped that the revenue bid would be successful and the changes could be duly advertised and implemented.

Another Panel Member felt that the current predicament was unsatisfactory and was concerned that should the bid be refused and have to be resubmitted a later date the trade may have changed their views on the proposed changes. He felt that it was important to get this agreed and implemented as soon as possible.

Sarah Marshall suggested that there may potentially be relevant case law which may assist Officers dealing with the revenue bid and Officers could be advised on this outside of the meeting.

Resolved:

That the update on proposed changes to the Taxi tariff schedule for hackney carriages be noted.

18 **Dates of Future Committee Meetings**

The next meeting of the Committee would be held on 7 December 2020.

19 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.00 pm)

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

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

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Gambling-related harm

An introduction

Wiltshire Council – Licensing Committee
7 September 2020



BeGambleAware.org[®]



National Strategy to Reduce Gambling Harms

- The Gambling Commission launched the new National Strategy to reduce Gambling Harms April 2019
- **3-year strategy** to drive and coordinate work to bring a lasting impact on reducing gambling harms.
- Bringing health organisations, charities, structured services, **local government**, businesses, and **communities** together in partnership to effectively tackle the issue of gambling related harm

Research, education and treatment



**GAMBLING
COMMISSION**



GambleAware

South West Gambling Support Service (GSS)

Gambling-related harm (GRH) minimisation project

Currently training front-line staff and advisers to identify and offer early advice and information

Gathering data through screening and assessments - measuring harm

Providing in-house introduction sessions and awareness training & for staff of statutory and voluntary services

Advocating a public-health approach to gambling-related harm

Strategic priority areas

- 1. Prevention and Education** – making significant progress towards a clear public health prevention plan which includes the right mix of interventions
- 2. Treatment and Support** – delivering truly national treatment and support options that meet the needs of users



South West Gambling Support Service

Raise
awareness

Deliver or
embed
training

Help you
help your
staff

What is gambling?

Gambling is betting, gaming or participating in a lottery, where gaming means playing a game of chance for a prize and a prize is defined as money or 'money's worth'. (The Gambling Act 2005)

A person is gambling whenever he or she takes the risk of losing money or belongings, and when winning or losing is decided mostly by chance. (Institute of Ontario: Problem Gambling, 2019)

<https://www.gamblingcommission.gov.uk/for-the-public>

Gambling Commission licencing objectives:

Prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

Ensure that gambling is conducted in a fair and open way

Prevent children and other vulnerable persons from being harmed or exploited by gambling

<http://www.gamblingcommission.gov.uk>

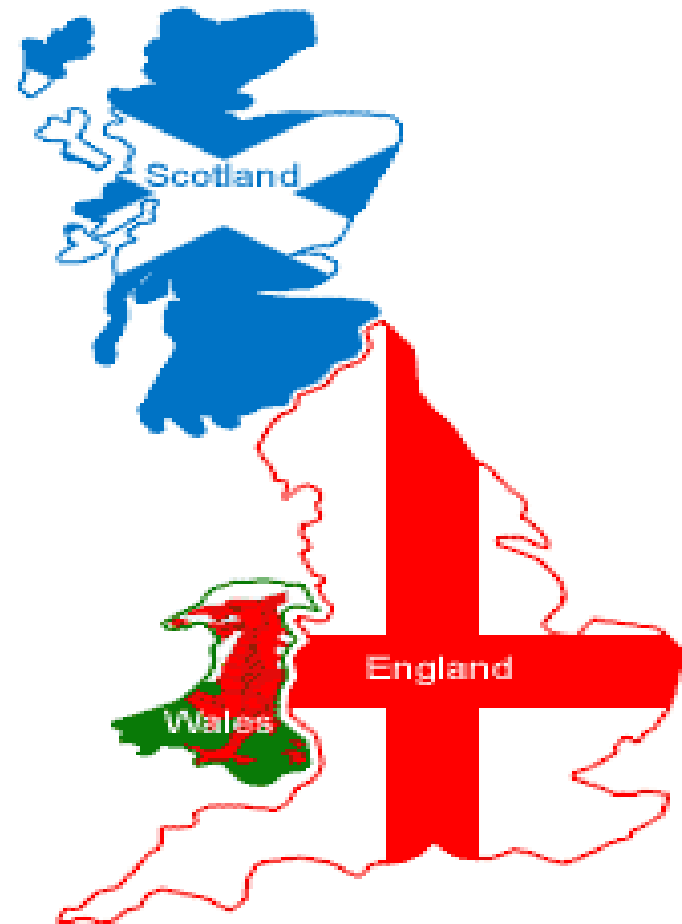
What is gambling related harm?

“**gambling-related harms** are the **adverse impacts** from gambling on the **health and wellbeing** of individuals, families, communities and society”.

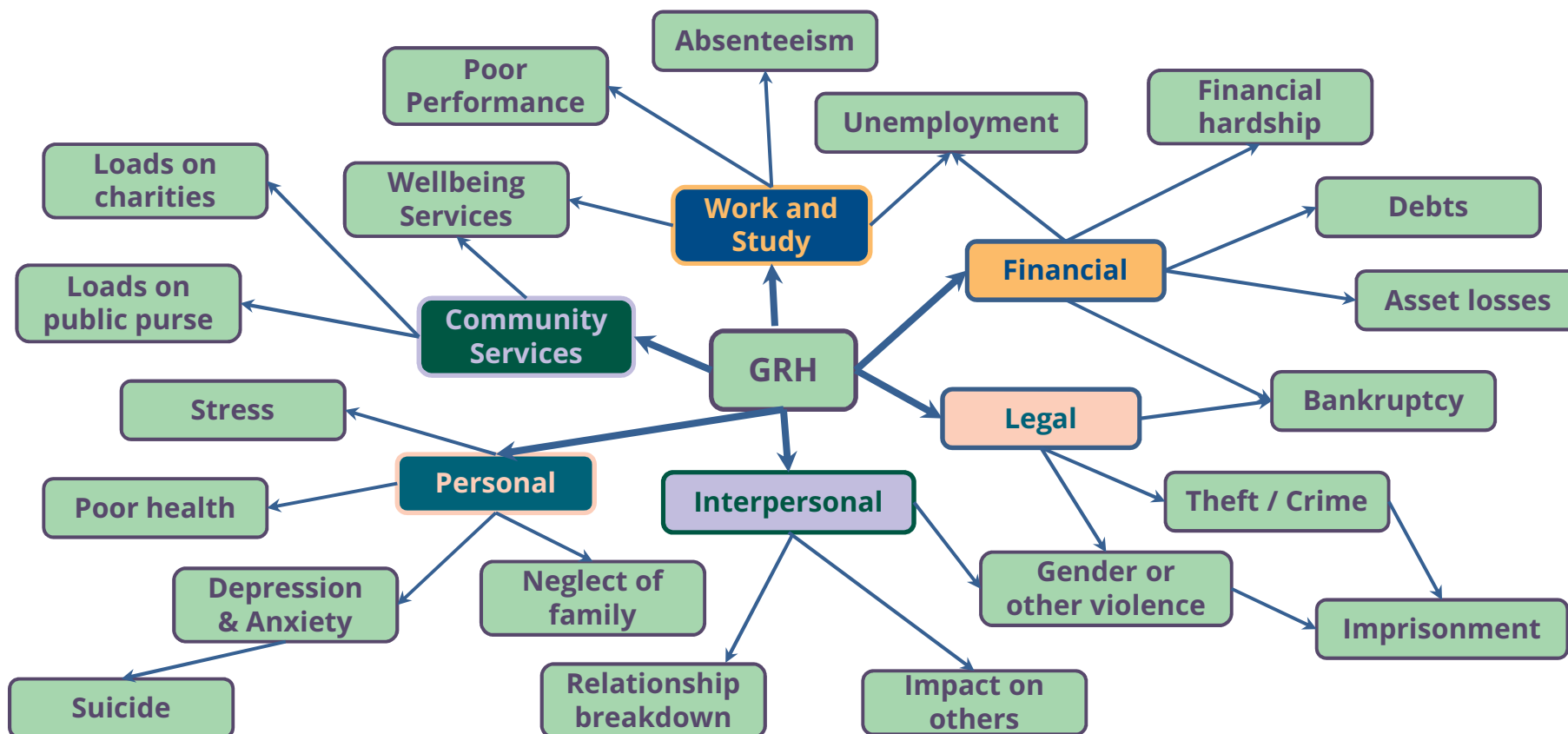
Gambling-related harm

600,000 people are officially recognised as **pathological gamblers** with a further 2 million needing intervention to keep them from tipping ... *National Problem Gambling Clinic 2018*

It is estimated that for every **problem gambler** - between 6 and 10 additional people are directly affected – that's roughly 2.5-4.3 million that could be affected by **gambling-related harm**



Gambling related harm



Identifying gambling-related harm

Gambling-related harm – groups at risk

- a. Children, adolescents and young adults (including students)
- b. People with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions)
- c. Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/ Black British and Chinese/other ethnicity
- d. The unemployed, people with lower incomes and problem gamblers seeking treatment
- e. People who are financially constrained – those living in deprived areas.

Defining gambling-related harms

In terms of **resources**, harms that can impact on people's lives include:

- Employment – impacts
- Learning - opportunities lost
- Money – losses and debt
- Housing issues
- Engagement in criminal activities – legal implications
- Use of foodbanks & need for state support

Defining gambling-related harms

In terms of **relationships**, harms can include:

- Disruption and erosion of relationships
- Emotional and social isolation
- Impaired ability to understand actions
- Loss of trust
- Reduction of stability and security
- Diversion of money, time and attention
- Anti-social behaviour

Defining gambling-related harms

In terms of **health**, harms relate to:

- physical ill-health, psychological distress (feelings of shame, stigma and guilt),
- mental health problems (including anxiety and depression) and, in some cases, suicidal behaviour.
- Insomnia and confusion
- substance abuse

These harms may be felt by both individuals and families.

Gambling-related harm

The impact of problem gambling extends beyond individual gamblers themselves

SW GSS - Tackling gambling-related harm

Working with frontline, welfare and support staff in:

Local authorities - statutory services including Education, Housing, Community Safeguarding

Voluntary sector organisations - including health and social care providers

Public Health - organisations that work with or refer clients to specialist treatment services

Advisers working within local Citizens Advice offices across the region

Housing Associations and Debt and money advisers

HM Forces & Service Veterans and Emergency Service

Universities and Higher Education

Gambling-related harm

A council-wide approach to identifying people impacted by harmful gambling:

Awareness raising and training for relevant frontline staff and partner organisations. i.e. debt support agencies, licensing staff, community safety and mental health workers.

Consider designating an organisational lead for harmful gambling issues.

Implement screening processes to strengthen data collection.

Develop relationships with local treatment organisations, service providers and the responsible gambling community.

Gambling-related harm

Problem gambling can be associated with a number of adverse impacts on the lives of individual problem gamblers, subsequently this could mean they require higher rates of access to certain local public services and provisions.

Problem gambling affects the lives of millions of people in Great Britain and has been shown to have a significant impact on public finances.

'Cards on the table' report - The cost to government associated with people who are problem gamblers in Britain – Institute for Public Policy Research 2017

... so not that much of a problem ...

- 600,000 people are officially recognised as pathological gamblers with a further 2 million needing intervention to keep them from tipping... *National Problem Gambling Clinic 2019.*
- It is estimated that for every problem gambler - between 6 and 10 additional people are directly affected.
- 47% adults gambled in the last week – 20.6% gambled online - 4/10 online gamblers bet after seeing an advert *Gambling-related harms evidence review October 2019*
- Amount lost by gamblers in GB 2018/9 – 14.4 billion – *Gambling Commission industry statistics July 2019.*
- 30% rise in the number of calls to gambling helplines over the past five years.
- Close to half a million children (11 - 16) now bet regularly online. 55,000 classified as having a problem with a further 70, 000 at risk. *GC Young people and Gambling October 2019*
- Only one in fifty adult problem gamblers get support *Addaction Voices March 2020*

Thank you!
Questions if time permits

lizzie.kingsbury@centraldorset.org.uk

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Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 4 AUGUST 2020 HELD VIA MICROSOFT TEAMS.

Present:

Cllr Allison Bucknell, Cllr Peter Evans (Substitute) and Cllr Peter Hutton

Also Present:

Carla Adkins – Public Protection Officer, Wiltshire Council
Kevin Fielding – Democratic Services Officer
Sarah Marshall – Senior Solicitor, Wiltshire Council
Lisa Pullin – Democratic Services Officer, Wiltshire Council

1 **Election of Chairman**

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

Resolved:

To elect Councillor Peter Hutton 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”.

4 **Chairman's Announcements**

The Chairman advised that this was the first Western Area Licensing Sub Committee online hearing.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence in respect of The White Hart, Lane End, Corsley made by Adelle Gill.

Licensing Officer's Submission

1. Carla Adkins - Public Protection Officer - Licensing, Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Points made included:

2. That an application for a variation of a Premises Licence in respect of The White Hart, Corsley had been made by Adelle Gill for which nine relevant representations had been received. The application for a variation to the premises licence was received and accepted as a valid application on 11 June 2020.
3. That copies of the application form, plan and current premises licence were contained in the agenda pack.
4. Due to COVID-19 restrictions, a Licensing Officer was unable to carry out a site visit and check the blue notice and as such on the 18 June 2020, the applicant was contacted and asked to provide an email with a photograph of the blue notice in-situ which was promptly provided. The Licensing Officer was unable to see the date on the blue notice and contacted the applicant on 21 June 2020. The applicant gave assurances that the date 11.06.20 was handwritten in biro on the blue notice, however it was faint from the outside of the premises and the Licensing Officer requested that the date be written in bold so it could be clearly seen. The request was complied with and a photograph of the amended blue notice in situ was emailed to the Licensing Officer on 21 June 2020.
5. That a notice was not published in a locally circulating publication within 10 days of submitting the application which resulted in the consultation period being extended to 14 July 2020.
6. That there were nine valid representations against the application. The Licensing Authority also received ten emails of support for the application, however these were not included in the report as they do not relate to the licensing objectives.
7. During the consultation period Wiltshire Council's Environmental Health Officer requested a noise management plan from the applicant. This was provided by the applicant and accepted by the Environmental Health Officer.
8. It was then noted by the Sub Committee that there were three options available to them;
 - i) To grant the licence as applied for.

- ii) To modify the conditions of the licence.
- iii) To reject the whole or part of the application.

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

On behalf of the Applicant

- Adele Gill – The Licence Holder

Relevant Representations

- Mr Paul Evans who made representations on behalf of himself, the Chudleys and the Pugsleys
- Cllr Neil Britton for the Parish Council
- Simon Jasper – observer for the Parish Council
- Mr Hanney - local resident
- Mr Parkinson – local resident

Applicants Submission;

- 10. Adelle Gill – Licensee of The White Hart, Lane End, Corsley outlined why she had applied for an application for a variation of a Premises Licence.

Points made by the Applicant include:

- 11. She was not intending to run a takeaway food outlet but looking to provide food for her customers to take away.
- 12. She did want to provide the odd bit of live music, but these events would number no more than twelve per year. She was trying to do her best for the business, and they had to pay for each TENS application made.
- 13. The pub had good relationship with the local police.
- 14. The premises had been closed for some seven years and that she was keen to make it a going concern and a real part of the village.
- 15. She was more than happy to discuss with local residents any concerns that may have.

Members Questions to the Applicant

- 16. How were you planning to publicise your events? –
The pub has a good social media presence with a calendar of events and advertising with local papers.
- 17. Why not a licence that would cover just Bank Holidays and weekends?
The Applicant would like the licence to cover the odd special events during the week.

18. Would you admit people into the pub after 11pm for takeaway?
No, just patrons using the pub.

19. Noise issues – do you have a contact number?
The licensee or manager would be on hand at all times.

20. How many people usually attend your music events?
No more than 50.

21. What Area do you advertise to?
We advertise with Caravan Clubs as a tourist area, Warminster and Frome, plus social media advertising.

22. What sort of outdoor lighting does the pub have?
All outdoor lights could be turned off.

Questions from other parties to the Applicant

23. Why do you need to extend your business and licensing hours to make it work?
As the licensee, I just want some flexibility.

24. Will you be running events over a two-day period?
There will be no two-day events.

25. The Chair of the Sub Committee clarified that for licensing purposes New Year's Eve to New Year's Day are considered a two-day period.

26. Why an extra hour till Midnight?
Just to give the pub an extra bit of freedom however, we'd be happy with 11:30pm.

27. Why haven't you contacted villagers about your plans?
This is because of Covid restrictions etc. We have tried to work with Corsley Parish Council.

28. The Applicant in summary stated she wanted to work with local residents, and she did not feel she blocked any communications and she wanted to build a relationship. The premises had been closed for 7 years and she is working hard and investing in the premises and she also lives on the premises.

Relevant Representations

29. Mr Paul Evans - representative for local residents felt that local residents understood the need for local enterprise, and pro-active marketing, however this shouldn't come at the detriment of local residents or their environment. Many residents were either elderly or had young children. The noise from the premises in the past in the summer has been

considerable. There are homes located close to the premises car park and noise arising from banging of car doors and shouting.

30. Cllr Neil Britton – Corsley Parish Council advised that the Parish Council had no desire to discourage the applicant, however with the pub's location there were concerns re local residents and noise related issues in particular late at night. Concern that the Applicant was seeking to bring camper van parking to the car park and the issue of littering. There were also highways related concerns.
31. Mr Parkinson – stated he hoped that the premises could thrive, and they want the Applicant to improve her communications with the village and can the overnight parking be stopped.
32. The Chair of the Sub Committee stated that issues such as littering can be dealt with outside of the Licensing hearing. Highway issues are not a matter for the Licensing Sub Committee.
33. The Sub Committee members sought clarification on some points concerning Reviews of Licenses and the number of TENS applications that can be made per year by Licensed Premises (15) before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.
34. The Sub Committee then retired to consider the application.
35. The Senior Solicitor advised that he gave no significant legal advice to the Sub Committee.

Resolved:

- 36. That the application for a Variation of a Premises Licence in respect of The White Hart, Lane End, Corsley made by Adelle Gill be granted.**
- 37. In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and those who made relevant representations at the hearing.**
- 38. The Sub Committee considered representations made by the Applicant regarding the merits of her application and the concerns raised at the hearing by Mr and Mrs Evans (who also represented Ms Pugsley), Mr and Mrs Chudley, Mrs Liquorice, Mr and Mrs Hanney, Mr and Mrs Parkinson, and Mr Eggleton and Corsley Parish Council (Mr Neil Britten – Parish Councillor and Mr Simon Jasper – Parish Councillor who was observing only) regarding the application. Those concerns related to the perceived public nuisance arising from noise of the live and recorded music on the premises after 23:00 if the hours were extended to midnight and the**

impact of the noise on neighbouring properties. Concerns were also raised about the potential noise arising from patrons and their vehicles attending and leaving the premises and noise and litter from those using the takeaway service. The issues raised by Corsley Parish Council concerned the highway junction, parking and traffic issues were not considered by the Sub Committee as these issues did not address the Licensing Objectives. No representations from the Police as a responsible authority were received.

39. The Sub Committee noted that the Applicant wished to have flexibility while she built up the business which had been previously closed for seven years before she took the lease in September 2019 and the Applicant had informed the Sub Committee that although she had applied for live music indoors until midnight she would not object to 23:30 as her main concern was the risk of breaching the licence if the live music was played for a few minutes beyond 23:00 . The Applicant had completed her personal licence holder training and had carried out further training with a licensing training company. The Sub Committee further noted from the Applicant that she would undertake noise monitoring during live events, and she wished to engage with the village in future regarding potential events.

40. The Sub Committee considered it was appropriate to restrict the live music indoors until 23:30 Friday, Saturday and Bank Holidays.

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

Additional Conditions

42. No new admission of customers to the premises after 23:00.

43. The Premises Licence Holder to publicise any planned live music events that will end after 23:00 at least 14 days in advance of that event.

44. An updated Noise Management Plan to be submitted to the Licensing Authority within 28 days for approval.

Right to Appeal

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

46. A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

(Duration of meeting: 10.00 am - 12.25 pm)

The Officer who has produced these minutes is Kevin Fielding - Tel 01225 706612
email committee@wiltshire.gov.uk of Democratic Services

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

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DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 4 August 2020

Application for a Variation of a Premises Licence in respect of The White Hart, Lane End,
Corsley made by Adelle Gill

Decision:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Variation of a Premises Licence to further include the activities and timings detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Live music (indoors)	17:00 – 23:30 <u>Non-standard timings</u> 13:00 – 23:30 New Year’s Eve from the end of permitted hours until permitted hours the following day	Friday, Saturday and Bank Holidays Bank Holidays
Recorded Music (indoors)	08:30 - 23:30 <u>Non-standard timings</u> New Year’s Eve from the end of the permitted hours until permitted hours the following day	Friday, Saturday and Bank Holidays

Performance of Dance	<p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve 17:00 – 00:00</p>	
Provision of late-night refreshment (indoors and outdoors)	<p style="text-align: center;">23.00 – 00.00</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily
Sale by retail of alcohol (on and off sales)	<p style="text-align: center;">10.00 – 00.00</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily
Hours open to the public	<p style="text-align: center;">08:30 - 00:30</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily

Subject to the following additional conditions:

1. No new admission of customers to the premises after 23:00.
2. The Premises Licence Holder to publicise any planned live music events that will end after 23:00 at least 14 days in advance of that event.
3. An updated Noise Management Plan to be submitted to the Licensing Authority within 28 days for approval.

Reasons

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and those who made relevant representations at the hearing.

The Sub Committee considered the representations made by the Applicant regarding the merits of her application and the concerns raised at the hearing by Mr and Mrs Evans (Mr Evans also represented Mr and Mrs Chudley and Ms Pugsley and Mr Eggleton), Mrs Hanney and Mrs Parkinson, and Corsley Parish Council (Mr Neil Britten – Chair of Parish Council) regarding the application. Those concerns related to the perceived public nuisance arising from noise of the live and recorded music on the premises after 23:00 if the hours were extended to midnight and the impact of the noise on neighbouring properties. Concerns were also raised about the potential noise arising from patrons and their vehicles attending and leaving the premises and noise and litter from those using the takeaway service. The issues raised by Corsley Parish Council concerned the highway junction, parking and traffic issues were not considered by the Sub Committee as these issues did not address the Licensing Objectives. No representations from the Police as a responsible authority had been received.

The Sub Committee noted that the Applicant wished to have flexibility while she built up the business. The premises had previously been closed for seven years before she took the lease in September 2019 and the Applicant had informed the Sub Committee that although she had applied for live music indoors until midnight she would not object to this ended at 23:30 as her main concern was the risk of breaching the licence if the live music was played for a few minutes beyond 23:00.

The Sub Committee further noted that the Applicant wished to engage with the village in future regarding potential events.

The Sub Committee considered it was appropriate to restrict the live and recorded music indoors until 23:30 Friday, Saturday and Bank Holidays.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; 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 the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

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Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 AUGUST 2020 VIA MICROSOFT TEAMS.

Present:

Cllr Allison Bucknell (Substitute), Cllr Trevor Carbin and Cllr Ernie Clark

Also Present:

Applicant/Applicant's Representatives

Bejar Hoshair Shwani – Applicant
Tony Clarke – JMC Licensing
June Clarke – JMC Licensing

Those who made a relevant representation

Cllr Stewart Palmen on behalf of Trowbridge Town Council

Wiltshire Council

Teresa Issacson – Public Protection Officer - Licensing
Sarah Marshall - Senior Solicitor
Lisa Pullin - Democratic Services Officer

Also, in attendance

Ellen Ghey – Democratic Services Officer – Technical support

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 Apologies for Absence/Substitutions

Cllr Allison Bucknell was substituting for Cllr Peter Hutton. 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 – 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman made no announcements.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Bejar Hoshair Shwani for a Premises Licence in respect of Wicker Hill Food Stores, 1B Wicker Hill, Trowbridge

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) for which determination was sought for an application for a Premises Licence, presented by Teresa Issacson (Public Protection Officer – Licensing). One relevant representation had been received on behalf of Trowbridge Town Council. The application was for the following licensable activity:

- Sale by retail of alcohol (Off Sales only) from 00:00 – 23.59, Monday to Sunday at Wicker Hill Food Stores, 1B Wicker Hill, Trowbridge.

Mrs Issacson reported the following to the Sub Committee:

- After the consultation period had ended the Applicant had offered directly to Trowbridge Town Council a reduction for the hours of the Sale of Alcohol from 24 hours to 06:00 to 02.30 Sunday to Saturday and the following additional conditions in an effort to mitigate their application:
 - a. From 00.30 of every morning, all sales of alcohol will be conducted via a secured hatched window system.
 - b. CCTV cameras shall be fixed and monitor the front and side of the premises 24 hours of each day.
 - c. The Management will regularly monitor the frontage of the premise, check for any litter and clear on a regular basis within daytime trading hours.
 - d. The Management will ensure that a refuse bin will be positioned outside the premises.
 - e. The Management and staff will use their best endeavours to monitor the exterior of their premises using their CCTV system and report any concerns of people congregating or street drinkers in their Incident Log.

- f. The Management will display the Trowbridge Public Space Protection Order (PSPO) on the front of the premises and also near the point of sale inside the shop.
 - g. The Management will ensure that all staff will be familiar with the contents of the PSPO using the written training guidance (see attached). This training guidance will also be displayed in a convenient area inside the premises where it can be easily read by all staff when on duty.
 - h. Proxy signage will be prominently displayed at the areas of the display of alcohol, stating the maximum fine.
- Following this offer, Trowbridge Town Council confirmed that they wished to continue with their representation in objection to the application.

The Chair confirmed that the Sub Committee had only received the details of the reduction of hours for the sale of alcohol from 24 hours to 06:00 to 02:30 Sunday to Saturday and the additional conditions offered directly to the Town Council prior to the hearing. However, the Sub Committee agreed to accept this information as part of the submission to them.

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

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

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

On behalf of the Applicant

- Mr Bejar Hoshair Shwani - Applicant
- Ms June Clarke – JMC Licensing – Agent for the Applicant
- Mr Tony Clarke – JMC Licensing – Agent for the Applicant

Relevant Representations

- Cllr Stewart Palmen on behalf of Trowbridge Town Council

The Chair advised that all the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

June Clarke, JMC Licensing (Agent for the Applicant) spoke in support of the application, highlighting the following points:

- The original application reasonably addressed each of the Licensing Objectives and a robust and effective Operating Schedule was submitted with the application. None of the six Responsible Authorities had made a relevant representation which showed that they had no concerns for the granting of a licence for the sale of alcohol for 24 hours;
- The Applicant had held a premises licence for 5 years at 1A Wicker Hill which was a continental grocery and off sales supermarket trouble free from 08:00 to 23:00 day days a week. It had included the sale of alcohol and which was well managed by the Applicant. Staff had been sufficiently trained and there were no failed test purchases or other breaches during that time;
- The Town Council assert that street drinking is a long-standing issue on the town bridge and inside the current Public Spaces Protection Order (PSPO) area. It was noted that there was a CCTV camera opposite that premises that appeared to monitor the town bridge area and was assumed that the problem was being managed to the satisfaction of Wiltshire Police as they had made no representation;
- Evidence over the past 15 years has shown that most night-time drinkers actually buy all their alcohol in the daytime from cheaper outlets like major supermarkets where there are “offers”;
- The Town Council had suggested that the licensed hours should be limited to 09:00 to 21:00. The Council’s Licensing Policy states that the licensing function was not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned;
- The Applicant’s business was a large grocery store and not solely an off licence, although alcohol would contribute an essential percentage of sales as it does with other retailers. The Applicant had been selling responsibly for 5 years and his business was part of the service industry which it was expected and acceptable to function with extended trading hours in comparison to ordinary high street shops;
- When the representation was submitted by Trowbridge Town Council, the Applicant had reluctantly agreed to offer a reduction of the hours for the sale of alcohol from 24 hours to 06:00 to 02:30 Sunday to Saturday. However, the Applicant would now wish for the Sub Committee to consider the application for a 24-hour licence as submitted;
- That a number of conditions had been offered as part of the application to promote the Licensing Objectives; and

- The Applicant was fully aware of his obligations and understood that failure to comply with a Premises Licence and its conditions could lead to a review and revocation of the licence.

Sub Committee Member's questions

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

- Longer opening hours were sought to the premises (1B Wicker Hill) in relation to the Applicant's other premises (1A Wicker Hill) so that a bigger return could be made – there would be an increase in staffing costs with longer opening hours;
- 1A Wicker Hill is a larger premise than 1B Wicker Hill which included a butcher counter. 1A Wicker Hill was able to open between 08:00 and 23:00;
- If the licence was granted the Applicant intended to continue with both premises but with different opening hours;
- It was anticipated that most customers would be served in 1A Wicker Hill but if they needed provisions after 23:00 then they would be able to go to 1B Wicker Hill;
- There would not be less than 2 staff at the premises after 23:00. If there were sales from a hatch, then there could be 1 member of staff at the premises; and
- All sales from 00:30 would be made through the hatch.

Questions from those who made a relevant representation

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

- The full trading hours available were not currently being used at 1A Wicker Hill and the premises would usually close around 21:00. During the current pandemic the premises had been closing around 19:00 but the hours were being extended now to get the business moving again.

Responsible Authorities' submissions

There were no Responsible Authorities present as no representations had been submitted.

Submissions from those who made relevant representations

Cllr Stewart Palmen on behalf of Trowbridge Town Council who had made a relevant representation highlighted the following:

- That serving from a hatch late at night would only attract one market which would be people coming home from town who have been out drinking and wishing to purchase more alcohol. They would then become more intoxicated and some may cause anti-social behaviour;
- It would appear that the Applicant was going after that market of customers and it was not felt that there was a market for these patrons. Whilst alcohol could be purchased at Tesco's 24 hours a day this was to give customers a chance to purchase alcohol as part of the normal food shop whenever they chose to do this;
- Street drinkers will look to buy their alcohol cheaper and it is not known from where that demand is being met. . The current licence for the Applicant's other premises is not currently being taken full advantage of and the Town Council do not see a need for the supply of alcohol to be increased further;
- Whilst the Town Council appreciate the conditions offered regarding CCTV, litter and relevant signage, none of these mitigate the concerns that patrons are likely to consume alcohol on their way home from other licenced venue in the area. It is not thought that premises in this area should be available for drinkers to be served further on their way home.

Sub Committee Members' questions

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

- Different points had been raised by Cllr Palmen from that made in the representation submitted on behalf of the Town Council;

The Chair felt that as part of the oral submission made by Cllr Palmen was not in line with the Town Council submission it was effectively new evidence and could not be considered by the Sub Committee. Cllr Palmen reported that the details he had raised had been discussed at the Town Council's meeting but was unfortunately not included in the written representation submitted by Lance Allan on behalf of Trowbridge Town Council. The Chair suggested that the level of detail to be included in a representation should be considered so that the persons attending the meeting refer to the full concerns that have been raised.

- There was no direct evidence provided to the Sub Committee that that alcohol purchased from premises with late license had led to anti-social behaviour issues, but assumptions based on intoxicated people causing potential issues with noise and litter etc. There were no known Public Spaces Protection Order (PSPO) prosecutions.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given:

- Cllr Palmen was not aware of approximately 6 other premises (mostly garages) with a 24-hour licence within a 2.5-mile radius of 1B Wicker Hill; and
- The issue of demand and need for alcohol is not a consideration for the Sub Committee. An Applicant's role is to uphold the Licensing Objectives.

Closing submissions from those who made relevant representations

Cllr Stewart Palmen, on behalf of Trowbridge Town Council made the following point in summation:

- This application for the premises in this location with a large footfall coming of town we feel is unsuitable for alcohol sales.

Applicant's closing submission

In their closing submission, the June Clarke on behalf of the Applicant highlighted the following:

- The Applicant wished the Sub Committee to consider the original application (24-hour licence) as they felt that they had clearly highlighted how they intended to meet the Licensing Objectives.

Points of Clarification Requested by the Sub Committee

The Chair confirmed that the Sub Committee confirmed that they would be considering the application as set out in the Agenda papers.

The Sub Committee then adjourned at 11.03am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11.30am.

The Senior Solicitor advised that she gave no significant legal advice to the Sub Committee.

The Chair reported that Mrs Isaacson the Licensing Officer had been asked to briefly return to the Sub Committee during their closed session deliberations to clarify a single point relating to a document that was referred to by June Clarke in relation to the licensing conditions.

The applicant's representative June Clark had referred to a schedule of licensing conditions and the Licensing Sub Committee needed to ask the Licensing Officer whether these had been sent to her. The Licensing Officer stated that only the expired PSPO and a copy of the Trowbridge PSPO had been sent to her.

RESOLVED THAT:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence to include the activity and timings detailed below:

Licensable Activity	Timings	Days
Sale by retail of alcohol (off sales only)	00.00 – 23:59	Monday to Sunday

Subject to the inclusion of the conditions as offered in the application with condition 1.1 to be amended to read as follows:

The premises shall install and maintain a digital CCTV system to include CCTV cameras that shall be fixed and monitor the front and side of the premises 24 hours of each day.

Reasons

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the Applicant and those who made relevant representations at the hearing.

The Sub Committee considered the detailed representations made on behalf of the Applicant regarding the merits of his application and what steps the Applicant intended to take to ensure that the Licensing Objectives would be met. The Sub Committee also considered the concerns raised at the hearing by Councillor Stewart Palmen on behalf of Trowbridge Town Council which related to patrons possibly purchasing more alcohol on their return home from other venues, becoming further intoxicated and causing anti-social behaviour during their journey home and that he felt that there was no perceived need for this facility to be available in this location for the hours applied for. It was highlighted to Councillor Palmen by the Chair of the Sub Committee that the points he raised in his representation to the Sub Committee were significantly different from the relevant representation submitted by Mr Allan of Trowbridge Town Council and as such this further information which was new evidence that had not been included in the Town Council's representation and could not be considered by the Sub Committee.

The Town Council had submitted no evidence in support of its representation in relation to any Public Spaces Protection Order offences/other criminal offences for the area, but it appeared to the Sub Committee that the Town Council had made assumptions that if this application was granted this would add to any existing problems with street drinking in area. The Sub Committee were informed that no representations were received from any of the six responsible authorities during the statutory consultation period including the Police.

The Sub Committee noted that prior to the hearing, the Applicant had offered to reduce the hours of the sale of alcohol from 24 hours to 06:00 to 02:30 daily and had proposed a number of additional conditions to further support the licensing objectives, but this offer had been rejected by Trowbridge Town Council. The Sub Committee further noted that the Applicant wished for them to consider their original application as made to be able to offer a shopping and sale of alcohol facility at the premises for 24 hours a day, 7 days a week.

The Sub Committee considered that there was no evidence that the sale of alcohol for 24 hours a day would contribute toward street drinking in the area and there were other premises with sale of alcohol licenses for 24 hours a day in the vicinity and the Sub Committee could see no reason why this premises should be restricted.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; 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 the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

The meeting closed at 11.37am.

(Duration of meeting: 10.00 - 11.37am)

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

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

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Wiltshire Council

Licensing Committee

1 March 2021

Proposed Changes to Wiltshire Council's Street Trading Consent Scheme

Executive Summary

Wiltshire Council operates a Street Trading Consent Scheme that allows individuals to apply to use Council owned land and highway for street trading purposes on a daily or annual basis. This scheme was approved by Members in April 2012 and is operated under the Local Government (Miscellaneous Provisions) Act 1982. A copy of the council's current scheme guidelines is attached at Appendix A.

All street trading applications are subject to a 30-day consultation and if approved a street trading fee is payable. There are two tiers of street trading fee; in town and out of town. Prices range from £23.95 for a daily out of town consent to £4,133 for an 'in town' annual consent. Appendix B is attached showing the current level of street trading fees.

At present there are 23 active consented street traders in Wiltshire generating income of £61,900 per annum.

The scheme does not currently accommodate those wishing to operate on a round, trading at multiple locations for more than 15 minutes within a single day/week, such as ice cream sellers and village fish and chip rounds.

The scheme does allow those traders who wish to trade from multiple locations to stay in a single location for up to 15 minutes before a street trading consent is required. This period of time is often insufficient for traders so they utilise private land more than 10m from the highway to negate the need for consent under our current scheme.

The Council receives a number of applications of this type each year. To date officers have guided applicants to utilise village halls and pub car parks more than 10m from the highway due to not being able to issue the appropriate street trading consent.

The Council has recently received an application from 'Tis The Future', a Tisbury based group promoting recycling and plastic free food by offering plastic free refills of store cupboard staples e.g. pasta/oats/lentils and local produce. This group wish to operate four-hour slots at various locations in Tisbury, Dinton and Semley.

The scheme does not currently provide for a round such as this. After researching how other local authorities operate street trading, four authorities were identified as operating short term static consents or mobile consents that allowed traders to trade in multiple locations for more than 15 minutes or a single location for a reduced time and rate, allowing traders to apply cost effectively for multiple locations. Advice has been taken from the Council's

Legal Team on whether a multiple site consent can be offered. As a result this report proposes two additional consent options to be included in the Council's Street Trading Consent Scheme for traders who wish to trade across multiple sites.

Proposal

It is proposed that the Licensing Committee considers and approves adopting the proposed changes identified in Section 13 at the end of the report.

The proposed changes are:

- 1. Introduce a Mobile Consent that would allow traders to trade from up to 10 (pre-arranged) locations, up to 3 hours per week (per location).** The cost of the annual consent is proposed at £ 2,066 for 'in town' trading and £1,103 for 'out of Town' trading. These fees represent a 50% reduction on the annual static street trading fee due to the reduced number of working hours available to traders. In town and out of town locations could not be mixed on a single consent.
- 2. Introduce a Short-Term Static Consent that would allow traders to trade from a set location for up to 2 days per week for up to 4 hours per day for a reduced fee.** The cost of annual consent per location is proposed at £1,500 in town and £800 for out of town.

If approved by the Licensing Committee the revised street trading consent scheme will take effect from 01 April 2021.

Reasons for Proposal

- To ensure that the Council's Street Trading Consent Scheme covers all types of trading.
- To provide greater options for income generation derived from street trading.

Parvis Khansari
Director, Highways, Transport & Waste

Proposed Changes to Wiltshire Council's Street Trading Consent Scheme

1.0 Purpose of Report

- 1.1 To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on the proposed changes to Wiltshire Councils approved Street Trading Consent Scheme.

2.0 Background

- 2.1 Wiltshire Council has a statutory responsibility under the Local Government (Miscellaneous Provisions) Act 1982 to provide a street trading application and management process to applicants who apply to street trade in the County.
- 2.2 Wiltshire Council has operated a street trading consent scheme since April 2012 at which point all streets within Wiltshire were designated 'Consented Streets'.
- 2.3 The current schedule allows applicants to apply for consent for a static pitch, in a set location, on a daily or annual basis. Fees are charged on an 'in town' and 'out of town' rate. A copy of the Street Trading Consent Guidelines is included as Appendix A.
- 2.4 The scheme allows for an events operator to apply for multiple stalls in a single location via a block street trading consent.
- 2.5 All traders must supply public liability insurance, gas safety and electrical safety certificates before a consent is issued. All food traders must be food business registered with their local authority.
- 2.6 At present the scheme allows mobile traders to trade from multiple locations for up to 15 minutes per location.
- 2.7 The current scheme has not changed since its introduction in 2012.
- 2.8 There are currently 23 active street traders at static sites across Wiltshire, generating income of £61,900 per annum.
- 2.9 The Council does not currently issue consent for multiple locations.

Standard advice has been to direct applicants to utilise private locations such as village halls, with land owner consent, to avoid the requirement for street trading consent.

3.0 Relevance to the Council's Business Plan

3.1 The process of controlling and licensing street traders assists the council in achieving a number of the outcomes in the Business Plan 2017-2027. Adoption of an updated scheme allowing mobile and multiple site consents would assist these outcomes by:

- **Growing the economy** – Increased number of traders providing opportunity for new business growth across Wiltshire who provide access to goods and services throughout. A greater range of consent types would potentially result in an increase in Council income.
- **Building strong communities** – Provision of greater services within our rural economies e.g. fish and chip village van helps build a sense of community and social engagement.
- **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access to services and food provision within their local area, reducing the need to travel. Providing an opportunity for social inclusion.

4.0 Main Considerations for the Council

- 4.1 Licensing authorities must ensure that any street trading consent scheme meets trader requirements. At present the scheme does not allow for mobile traders or multiple locations for more than 15 minutes.
- 4.2 Any change to the current scheme to allow traders to trade from multiple locations for a reduced fee may impact the Wiltshire's regular markets. For example, a trader may elect to use a short-term static consent to trade in multiple towns rather than attending a market. This is because the proposed cost of £1,500 equates to £30 a week or £15 per day for the 4 hours trading slot. This is cheaper than the fee currently charged at Council and other markets across the County. The fee is lower as it is acknowledged that traders would not have the benefit of other stalls to draw footfall and all applications are subject to consultation which may not be approved. It should be noted the traders trading time would be reduced in each location and restricted to 4 hours. However, this may be less of an issue for applicants as footfall at markets has graduated to be between 10:00am and 13:00pm in most locations.
- 4.3 Introducing a mobile consent would cover all ice cream sellers, village fish and chip shop vans and mobile traders that currently trade without consent. These traders would now have to apply for consent at additional cost at a difficult time for the economy, this may have a negative reputational impact for the Council.
- 4.4 Introducing the ability to trade for shorter periods, for restricted times and a lower fee may encourage more would be entrepreneurs to try out a business idea, potentially leading to more new businesses and higher employment levels within the County whilst also generating increased income for the Council.

5.0 Safeguarding Implications

- 5.1 The additional consent types, if approved, do not have any additional safeguarding implications or impact over the existing street trading consent scheme.

6.0 Public Health implications

- 6.1 Additional street trading consent types could result in further street trading activity which could be a positive for public health, assist in building stronger communities, provide areas for social inclusion within our communities and provide increased employment. However, the type of trader, such as mobile hot food takeaways serving foods such as fish and chips, burgers and kebabs could negatively impact on our national and local priority of our population achieving healthy weight.

7.0 Corporate Procurement implications

- 7.1 There are no direct procurement implications arising from this report.

8.0 Environmental and Climate Change Considerations

- 8.1 There are potential environmental or climate change considerations arising from this report. The 'Tis the Future' group from Tisbury are looking to utilise a round to sell dry recycling products and plastic free products to have a positive impact on the environment. The new consents may encourage more traders of this type with a positive impact on the environment. However, all trader applications will be treated equally regardless of product type and assessed against the criteria for determining applications within the scheme guidelines.

9.0 Equalities Impact of the Proposal

- 9.1 The impact of these proposals is assessed as 'medium' against the council's statutory responsibilities. The new consents would provide a legal framework for all types of trader within Wiltshire.

10.0 Risk Assessment

Risks that officers consider may arise if the proposed decision and related work is not taken:

- Traders operating a round type business may trade undetected and may not be subject to the management and safety checks placed on licensed street traders.
- Incorrect or unauthorised use of Council land leading to disparity between how certain groups of street traders are treated.
- The overriding principle of street trading consent is to manage street traders, manage their numbers and take into account local opinion through consultation. If rounds type traders go unmanaged, they can just turn up and trade where they like, even if this is not supported by the local community and council.

Risks that may arise if the proposed decision is taken and actions to mitigate these risks:

- There will be existing mobile traders, such as ice cream sellers and village fish and chip vans, that do not support the proposals and see them as a reduction to their income and an additional cost placed on their business at what is a very difficult time. There is potential for adverse publicity and reputational damage as we ask ice cream sellers and other mobile traders to apply for mobile consent.
- There is the possibility that the counties markets could see reduced trader levels as traders may choose to apply for more advantageous positions across multiple locations as the short-term static consent is cheaper than current market rates.
- There is a risk of negative press coverage as a result of traders now having to apply for street trading consent that have not previously been required to e.g. village fish and chip rounds and ice cream sellers.

11.0 Financial Implications

- 11.1 There are no additional costs associated with the implementation of these new street trading consent types. The potential income could be in excess of £40,000. There at least 20 known ice cream sellers in Wiltshire.
- 11.2 There is no financial impact on current revenue of not implementing the proposals, other than the potential for lost revenue.

12.0 Legal Implications

- 12.1 The Council's Legal Team have been consulted to ensure the legislation allows the scheme to issue mobile and short-term static consents. There is no legal requirement to advertise changes to the scheme.

13.0 Options for consideration and approval

- 13.1 The Markets team propose that the following changes be made to the published Wiltshire Council Street Trading Consent Scheme:
- a. **Implement a new Mobile Street Trading Consent** – This consent can be offered to traders who wish to be mobile and want to stay in a location for more than 15 minutes. This consent would provide a trader to trade from 10 agreed locations over the course of a 7-day period, up to a maximum of 3 hours in each location per week. Trading would be limited to 30 hours per week. The cost of the annual consent is proposed at £2,066 for in town trading and £1,103 for out of town trading. This represents a 50% reduction on the annual static street trading fee due to the reduced number of working hours available to traders. In town and out of town locations could not be mixed on any single consent.
 - b. **Implement a new Short-Term Static Consent** – This consent would be offered to traders who want to operate rounds within villages or towns in Wiltshire. The applicant would be able to trade from a set location for up to 2 days per week for up to 4 hours. The cost of the annual consent per location is proposed at £1,500 in town and £800 out of town.

14.0 Conclusions

- 14.1 To ensure the Street Trading Consent Scheme provides for all types of trading. Consents are required for mobile traders spending more than 15 minutes in a single location. These variations would ensure that all mobile traders are treated consistently and fairly when using the highway or council land to trade.
- 14.2 It is therefore proposed that the Licensing Committee gives permission for the Market team to implement the proposed new street trading consent types.

Parvis Khansari
Director, Highways & Waste

Report Author: Tom Ince, Principal Compliance Officer
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Tel: 01380 826334

February 2021

The following unpublished documents have been relied on in the preparation of this report:

Appendices

Appendix A – Wiltshire Council Street Trading Consent Guidelines

Appendix B – Schedule of Wiltshire Council Street Trading Fees

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Harmonised Street Trading Scheme

Controlling the sale of goods in the Wiltshire Council area.

All streets in Wiltshire have been designated as consent streets. It is illegal to trade in a consent street without first obtaining a Street Trading Consent from the council.

Guidelines

How to apply for a Street Trading Consent

Glossary

The council. Means Wiltshire Council.

The applicant. The trader who has submitted an application for a Street Trading Consent.

Consent Holder. An individual that holds a Street Trading Consent.

Trading area. All street traders in town centres must trade within an area not exceeding 4 metres by 3 metres. This is known as the trading area. The pitch size for traders outside of town centres will be decided on a case by case basis at the discretion of the Authorised officer.

Street trading. The selling, exposing or offering of articles for sale in a street, excluding the exemptions listed in the legislation and on pages 5 to 6 of this policy.

A Street. Includes-any road, footway, beach or other area to which the public have access without payment, this does not include privately run shopping centres.

Consent street. A street in which street trading is prohibited without the consent of the council.

Street Trading Consent. A permission to trade, which is granted by a council subject to conditions and the payment of a fee.

Block Street Trading Consent. One Street Trading Consent issued to an individual who organises a street trading event with five or more traders. The holder of a Block Street Trading Consent is responsible for all individual trading activities.

A roundsman. An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. Ice-cream vans are not classed as rounds men.

A pedlar. To operate legally as a pedlar you must

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- carry all goods for sale and not use a trolley or stall
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.

Authorised officer. An officer employed by Wiltshire Council and authorised by the council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Licensing Sub-Committee. Elected Wiltshire councillors who have received special training on licensing matters. The Licensing Sub-Committee is supported by a clerk

and a solicitor and meets on a regular basis. Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Licensing Sub-Committee is to consider any appeals against decisions by Authorised officers.

The Sub-Committee. The Licensing Sub-Committee.

A town: A location that has a town council as opposed to a parish council.

Town trader: A street trader within the boundaries of a town council area.

Purpose

Wiltshire Council's street trading policy aims to:

- create a street trading environment that complements premises based trading
- promote fairness and consistency across the county
- improve the local environment
- be sensitive to the needs and concerns of residents
- involve local communities in street trading decisions
- control street trading through a fair and proportionate enforcement procedure

What is street trading?

Street trading is selling, exposing or offering articles for sale in a street.

This includes:

- trading from mobile and static structures, including kiosks
- the sale of food and drink
- ice-cream vans
- mobile artists and musicians who sell their recorded work on the street
- the sale of Christmas trees and other festive items

This does not include:

- the contractual sign up of gas, electricity or other domestic services
- subscriptions to motor breakdown organizations
- handing out promotional literature for goods, services or venues.

Exempted street trading activities

Some types of street trading are legally exempt from the need to obtain a Street Trading Consent.

A Street Trading Consent is **not required** if you are:

- a pedlar with a valid pedlar's certificate issued by a chief constable of police
- trading in a charter market or a statutory market
- trading in a trunk road picnic area under the Highways Act 1980
- trading as a newsvendor within a maximum area of 0.25 square metres and only sell newspapers and periodicals
- trading as a roundsman
- undertaking a permitted street collection
- trading on premises used as a petrol station or on the street adjoining premises used as a petrol station and you own the shop or petrol station
- trading in a kiosk placed on a highway under the Highways Act 1980
- operating refreshment facilities under the Highways Act 1980.

As a matter of Council policy a Wiltshire Council Street Trading Consent will **not** be required for the following activities:

- trading on private land (including land owned, leased or maintained by a town/parish council) where this is **not** a road, road lay-by, car-park or industrial estate with public vehicular/foot access or within 10 metres of any road, road lay-by, car-park or industrial estate with public access
- trading in a market run by Wiltshire Council. A list of current markets run by the council can be obtained from the council's web site or our markets team.
- trading in a market run by a town/parish council
- trading from a motorised ice-cream van that keeps moving from street to street not stopping in one place for longer than fifteen minutes
- fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity or political/ educational organisation
- sales of articles by householders on land within the curtilage of their property, for example garage sales
- goods from working farms or smallholdings sold at the premises where they were produced

- trading in privately run shopping centres or *covered mall walkways, for example Emery Gate and Borough Parade in Chippenham and the Martingate centre in Corsham*
- *trading as part of a travelling fair where permission for the event has already been granted by the Wiltshire Council*
- *pavement cafes where payment takes place outside (a Highway Amenity Licence will be required for this activity)*
- *farmers markets organised by the Wiltshire Farmers Market Association.*

What is a street?

A street is any area which the public can access without payment, including private land. This does not include privately run shopping centres.

This street trading policy covers all streets in Wiltshire. All streets in Wiltshire have been designated as consent streets. (i.e. streets where consents are needed to trade)

A Street Trading Consent is required to trade in the following locations:

- roads and walkways
- lay-bys and verges
- footpaths
- car-parks
- residential streets
- industrial estates
- any other publically controlled highway or land owned, leased or maintained by Wiltshire Council
- unenclosed land within 10 metres of any of the above.

What is a Street Trading Consent?

A Street Trading Consent is a permission to trade. It is granted by Wiltshire Council subject to conditions and usually involves the payment of a fee.

It can be withdrawn at any time or not renewed if conditions are not complied with or the required fee is not paid.

A Street Trading Consent is specific to the person it is issued to and is non-transferable.

Who can apply for a Street Trading Consent?

To apply for a Street Trading Consent **you must be:**

- over the age of 17

- a named individual (two people can apply jointly on the same consent). A company or body corporate can apply for a Street Trading Consent, but it must be issued to a named individual. An additional Consent badge can be applied for at the cost of £10.00.
- legally entitled to live and work in the UK.

A Street Trading Consent **cannot be issued:**

- to trade on a highway controlled by the Highways Agency (at present the M4, A419, A36 and A303) without the permission of the Highways Agency
- for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply. (This provision prevents trading on a Highway where such trading represents a danger to road users or it impedes the flow of traffic.)

Prohibited goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:

- Alcohol except:
 - sales of mulled wine and similar at street fairs or community events. No sale will be permitted to anyone under the age of 18.
 - for consumption with a sit down meal at the premises.

Note that any sale of alcohol will require a separate permission under the Licensing Act 2003.

- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons
- Tobacco products
- Fireworks
- Articles that would typically be sold in sex shops
- Animals

Types of Street Trading Consents

Wiltshire Council will accept applications for the following types of street trading consents:

- **Annual Street Trading Consent.** Consent to trade on all days of the year.
- **Daily Street Trading Consent.** Consent to trade for a maximum of 14 single days, 28 consecutive days (for seasonal events selling seasonal goods such as Christmas stock), or a specific day for the year, including bank holidays where these fall on the days included in the consent.
- **Block Street Trading Consent.** Consent for organisers of street trading events with five or more traders. The event organiser in receipt of a Block Street Trading Consent is responsible for all individual trading activities and must ensure that street traders at their event comply with the Standard Conditions and any Additional Conditions. A copy of the Standard Conditions is available at Appendix 1. Regular event organisers can apply Block Street Trading Consents on an annual basis for up to ten events per year.

The size of the trading area will be decided on an individual basis at the discretion of council officers. The size of the trading area will be specified on the Street Trading Consent.

Procedure for determining applications for Street Trading Consents

How to submit the application

An application for a Street Trading Consent must be made to Wiltshire Council **in writing**.

Applicants must seek advice from Wiltshire Council planning department for any planning permission requirements.

To apply for a Street Trading Consent you need to submit the following:

- A completed and signed Street Trading Application Form with a 10% deposit.
- A Basic Disclosure certificate from Disclosure Scotland issued within the last 3 months. This can be obtained from Disclosure Scotland, PO Box 250, Glasgow, GS1 1YU. Telephone: 0870 609 6006, Website: www.disclosurescotland.co.uk. A Basic Disclosure is the lowest level of disclosure and checks the Police National Computer (PNC) for details of all current criminal convictions (convictions considered unspent under the Rehabilitation of Offenders Act 1974)
- Written permission from the land-owner (if applicable)
- 1 copy of a map of at least 1:1250 scale. This should clearly identify the proposed site position by marking the site boundary with a red line.

- If you intend to sell food, you must demonstrate that you are registered with the Wiltshire Council Food Safety Team, or another local authority. If you are already registered with another local authority then you will not need to register with Wiltshire Council, but you will need to provide proof of this registration. If you are not currently registered, you should complete a separate Application to Register a Food Business Establishment Form.
- First time applications for Annual and Daily Street Trading Consents will take a **maximum of 60 days** to be determined.

Consultation on an Application

Officers will carry out a consultation process with relevant interested persons and groups before a street trading application is considered.

This may include:

- Wiltshire Council environmental protection, food and health and safety team, planning department, neighbourhood services (including the parking operations manager and highway enforcement officers) and trading standards
- The appropriate town or parish council *
- Wiltshire Police
- Wiltshire Fire and Rescue Service
- Ward Councillors*
- The land owner if you are applying to trade on private land
- The local Chamber of Commerce

Written observations and recommendations will be taken into consideration when the application is determined.

*Affected local neighbours to make objections through these channels

Full consultation will not take place on applications for Block Street Trading Consents for community events, although if necessary the Authorised officer may informally approach any of the consultees.

Criteria for determining applications

The Authorised officer will assess applications for Street Trading Consents against the following criteria:

- **Site safety.** The location should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. Observations from council officers will be taken into consideration.
- **Public order.** The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from Wiltshire police and council officers will be taken into consideration.
- **Avoidance of nuisance.** The street trading activity should not present a substantial risk of nuisance from noise, smells, fumes, litter or the discharge of fluids to households or businesses in the vicinity of the proposed street trading site. Observations from council officers, residents and businesses will be taken into consideration.
- **Consultees' observations.** Consideration will be given to written objections from consultees. Objections and recommendations will be assessed by the Authorised officer for reasonableness and appropriateness before they are taken into consideration.
- **Permitted trading hours.** In town centres street trading hours will normally mirror those of shops in the immediate vicinity. However, the council will consider each application on its merits before agreeing permitted trading times. The council retains the right to specify permitted trading hours that are less than those applied for. Any trading involving hot food between 11pm and 5 am will also require a separate application under the Licensing Act 2003.
- **Suitability of the applicant.** The council may take relevant unspent convictions, complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a Street Trading Consent into account.
- **Proximity to schools and colleges.** No Street Trading Consents will be granted for trading at locations within a 200 metre walk using the public highway of a school or sixth form college, unless otherwise agreed in writing by Wiltshire Council.
- **Proximity to existing consent holders.** Consideration will be given to the number of existing consent holders in the area.

Objections

The consultees listed will be asked to respond in writing **within 30 days**.

Officers will assess the reasonableness and appropriateness of all objections before they are taken into consideration.

How applications will be determined

All applications will be determined by the Authorised officer acting on delegated authority.

Officers will evaluate applications against the criteria and then consider all reasonable and appropriate objections. Reasonable and appropriate objections are those that relate to the criteria and aims of this street trading policy.

The officer will approve the application if it:

- meets the criteria and
- there are no reasonable and appropriate objections.

If the application:

- does not meet the criteria, or
- there are reasonable and appropriate objections

the officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal.

The officer, applicant and objectors may discuss:

- changes that could be made to the proposed location, goods or trading hours and
- additional conditions that could be introduced.

If the applicant refuses the offer of a meeting the officer will either introduce additional conditions or refuse the application.

If the objections and failure to meet scheme criteria **can** be resolved by changing the application and/or introducing additional conditions the officer will **approve the application**.

If the objections and failure to meet scheme criteria **cannot** be resolved by making changes to the application or introducing additional conditions the officer will **refuse** the application.

Approval of applications

The applicant will be advised by letter that their application has been successful and they **need to accept the offer of a Street Trading Consent and make a full payment within 21 days**.

After that time a letter will be sent to the applicant reminding them of the need to make a full payment.

If the fee is still not received within five working days the offer will lapse and the applicant will need to make a new application to the council and pay another ten percent administration fee.

A Street Trading Consent will not be issued until the street trading fee has been paid in full.

Applications may be approved subject to additional conditions. **These additional conditions form part of the Street Trading Consent and must be complied with at all times.**

Refusal of applications

Where the council refuses an application the applicant will be informed **in writing** of the reasons for not granting the application.

The ten percent administration fee will not be refunded to the applicant if their application is refused. No refund will be made if an application is withdrawn or a granted application is not taken up.

A waiting list will be kept in cases where an application has been refused where another trader is already trading in the location applied for.

Applicants who feel aggrieved by the officer's decision to refuse an application or to introduce additional conditions may appeal to the Licensing Sub-Committee. Please see '**Appeal to the Licensing Sub-Committee**' for more details.

Note that trading will not be permitted during the appeal period when an application has been refused and can only take place within the conditions of any street trading consent that has already been granted where the appeal relates to conditions that have been imposed.

There is no right of appeal to the Magistrates Court .

A person aggrieved by a decision of the Licensing Sub-Committee may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

Issue of Street Trading Consents

Where approved, before the Street Trading Consent is issued the applicant will need to provide:

- An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million
- Two passport photos- one for their Street Trader Identity Badge and one for the council's street trading records.

- Copies of Gas, Electric safety Certificates and recent records Periodic Inspection Reports to BS7671.

The applicant will also need to read and sign a copy of the Street Trading Consent, including the Standard Conditions and any additional conditions.

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. **Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.**

All Street Trading Consents are issued subject to a set of Standard Conditions. The council may attach additional conditions to the Standard Conditions. Any appeal against the additional conditions will be dealt with by the Licensing Sub-Committee. Please see '[Appeal to the Licensing Sub-Committee](#)' for more details.

All conditions attached to the Street Trading Consent **must be complied with at all times. Failure to comply with either Standard Conditions or additional conditions may lead to the consent being revoked or not renewed.** Consent Holders are requested to familiarise themselves and their employees with the conditions attached to their Street Trading Consent.

The granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

The council reserves the right to revoke a Street Trading Consent at any time without compensation, although some fees will be reimbursed.

If the Consent Holder wishes to alter any of the terms of the Street Trading Consent, an Application to Alter Terms and Conditions must be submitted to the council in writing. Any changes to the terms and conditions of a Street Trading Consent will be subject to the payment of an administration fee.

Reimbursement of fees

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Street Trading Consent to the council or have their Street Trading Consent revoked by the council.

Any refunds will be made from the date that:

- the Street Trading Consent is surrendered to Wiltshire Council
- the Street Trading Consent is revoked by Wiltshire Council.

Refunds will be based on the number of complete months remaining minus the current administration fee.

Business rate payers

Consent Holders who can demonstrate that they have paid business rates will be eligible for a refund of part of their street trading fees. This refund will be calculated on the following formula:

The street trading fees paid by the Consent Holder minus the business rates paid by the Consent Holder **less** the current administration fee.

Where the Consent Holder has paid more in business rates than in street trading fees, the council will refund the whole of the street trading fees less the current administration fee.

Appeal to the Licensing Sub-Committee

The role of the Licensing Sub-Committee (the Sub-Committee) is to consider any appeals against decisions by the officer.

The applicant can appeal to the Licensing Sub-Committee where the officer has decided to:

- refuse an application
- introduce additional conditions or
- revoke a Street Trading Consent.

The right to appeal to the Licensing Sub-Committee does not apply if the Street Trading Consent has been revoked because the Consent Holder has not paid street trading fees.

The Licensing Sub-Committee consists of elected Wiltshire councillors who have received special training in licensing issues. The Sub-Committee is supported by a clerk and a solicitor and meets on a regular basis. Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

Once arrangements have been made for the appeal to be heard by the Sub-Committee, the applicant will be informed in writing of the time, date and place where the appeal will be heard. The council will endeavour to hear all appeals as quickly as possible.

The applicant will be expected to attend the hearing and can be represented by a solicitor or supported by a friend or colleague. The Sub-Committee will follow a set procedure. The applicant will be notified of this procedure before the hearing, along with any officer reports that will be presented at the hearing.

In assessing the manager's decision the Sub-Committee will consider representations from the applicant and the officer. Both the applicant and the officer may call witnesses. Supporting documentation may be submitted to the Sub-Committee in advance of the hearing for consideration.

The Sub-Committee will consider all the evidence presented during the hearing and may ask questions of the applicant and manager.

After hearing the evidence presented to it the Sub-Committee will retire and come to a decision on the appeal. When a decision has been reached the Sub-Committee will inform the applicant of their decision and the reasons for reaching that decision.

The Sub-Committee's decision will be confirmed to the applicant **in writing** within 5 working days of the hearing.

The Licensing Sub-Committee will always strive to ensure that all persons get a proper and fair hearing by:

- considering each appeal on its merits
- using these guidelines to assess officer decisions to refuse the application or introduce additional conditions
- being impartial and balanced throughout the appeal
- ensuring that rules of natural justice are applied at all times
- giving the applicant and officer sufficient opportunity to present their case, ask questions of officers and members of the Sub-Committee and present information for consideration in support of their case.

Renewals

All Street Trading Consents will be renewed automatically unless:

- there have been any complaints from members of the public, or
- concerns raised by consultees` or council officers, or
- consent conditions have been breached.

In these circumstances a full or revised application process may be used at the discretion of the officer.

If a renewal offer is not accepted or payment has not been made within 21 days, this offer will be withdrawn and the trader will need to make a new application. Priority will be given to the next relevant person on the waiting list.

Enforcement

The council may revoke a Street Trading Consent at any time and shall not be liable to pay compensation to the Consent Holder, although some fees will be reimbursed. Please see Issue of Street Trading Consents for more details on the reimbursement of fees.

The following principles will be applied to all enforcement action:

- **Openness and transparency.** Council officers will discuss all problems, including failure to comply with conditions, clearly and in plain language. The council will be open about how it enforces street trading legislation and will inform interested parties of what they can expect from the enforcement procedure.
- **Consistency.** Council officers will seek to take a similar approach in similar circumstances and will carry out their duties in a fair and equitable manner.
- **Proportionality.** The council will ensure that the action taken is proportionate to the risks involved or the seriousness of the breach of conditions.
- **Helpfulness.** The council will provide advice on the relevant legislation and assist with compliance. Council officers will provide a courteous and efficient service.

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:

‘A person who engages in street trading in a consent street without being authorised to do so, or being authorised by a consent, trades in that street

- (i) from a van, cart, barrow or other vehicle, or
- (ii) from a portable stall,

without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence.

Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

A person guilty of an offence shall be liable on summary conviction to a fine. The maximum fine is level 3 on the standard scale, currently £1000.'

Appendices

Appendix 1: Standard conditions for all Consent Holders

Appendix 2: Street trading fees

Appendix 1: Standard conditions for all Consent Holders

General conditions for all traders

1. The Consent Holder shall wear the Street Trader Identity Badge during all trading hours.
2. **The consent holder must be on site during all trading hours.**
3. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Wiltshire Council in writing.
4. The Consent Holder shall pay all Street Trading Consent fees in advance.
5. The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.
6. Once a Consent has been granted it is anticipated that the Consent Holder will regularly trade in the designated trading area.
7. The Consent Holder must have written permission from the owner of the land to trade on private land which is not part of the public highway.
8. Consent Holders shall not trade outside of the designated trading area.
9. The trading area must be located:
 - In the general area specified in the street trading consent

- At least 3 metres away from any ground floor window, door or other opening of any premises, except where those premises are occupied by the person holding the street trading consent unless agreed in writing by Wiltshire Council
 - At a place which does not obstruct access to any other premises by vehicles or pedestrians
 - At any exact location specified by an officer of the Licensing Authority.
10. The Consent Holder will vacate the pitch upon request ,and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/ or pedestrian management arrangements. **No compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.**
11. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
12. All activities of storage and display and any temporary structure such as a stall or tables and chairs, must be contained within the trading area specified on the Street Trading Consent.
13. The Consent Holder must not cause or allow anyone to cause damage to the street surface, street furniture, lighting and landscaping within the trading area and will be responsible for making good any such damage.
14. A clear pedestrian route of at least 2 metres shall be maintained along the highway, adjacent to the building line. A minimum distance of 2 metres width should be kept between the edge of the trafficked route and the street trading unit boundary. The street trading activity shall not impede any existing driver or pedestrian sight lines.
15. The Consent Holder shall not do anything that is likely to cause danger, nuisance, annoyance, obstruction, damage or inconvenience to the council, adjacent/ neighbouring premises, road users or members of the public. This includes noise, smoke, fume or odour.
16. A rubbish bin must be provided in the Trading Area where goods are sold that are for immediate use or consumption. Waste must not be placed in litter bins provided for public use. Any waste arising from the trading activity within 100m of the stall in any direction must be removed and properly disposed of at the end of each trading day.

17. Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
18. No live or recorded music shall be played at any time.
19. Advertisements or other notices must not be placed outside of the trading area.
20. The use of generators is not permitted, unless permission has been specifically granted by an authorised council officer.
21. Consent Holders and their employees shall not trade under the influence of any illegal or intoxicating substance.
22. **A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Highways Act 1980, the Food Safety Act 1990, the Town and County Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990, the Licensing Act 2003. It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The Council may revoke a Street Trading Consent for any failure to comply with general or local legislation.**
23. **A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.**

Appendix 2: Street trading fees 2019/20

Town traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£ 4133.00
Daily Street Trading Consent- All days of the week including bank holidays where these fall on the days included in the consent.	£ 52.00 per day
Block Street Trading Consent	£ 281.00 per day

All other traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£ 2206.15
Daily Street Trading Consent- all week days including bank holidays	£ 23.95 per day
Block Street Trading Consent	£ 281.00 per day

Fees can be paid by cheque, debit or credit card:

- Online at www.wiltshire.gov.uk
- By telephone on 0300 456 0100

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Markets, Street Trading, Events and Enforcement Fees and Charges decisions

Service Area:
Director:

Income Type	2020-21 Financial Year
<u>STREET TRADING CONSENT</u>	
<u>Town Traders</u>	
Annual Street Trading Consent - all days of the year, including Bank Holidays	£4,133.00
Daily Street Trading Consent - All days of the week, including Bank Holidays where these fall on the days included in the consent.	£52.00
Block Street Trading Consent	£281.00
Block Street Trading Consent - where the proceeds will not be used for private gain or will go to a registered charity	No charge
<u>Out of Town Traders</u>	
Annual Street Trading Consent - all days of the year, including Bank Holidays	£2,206.15
Daily Street Trading Consent - All days of the week, including Bank Holidays where these fall on the days included in the consent.	£23.95
Block Street Trading Consent	£281.00
Block Street Trading Consent - where the proceeds will not be used for private gain or will go to a registered charity	No charge

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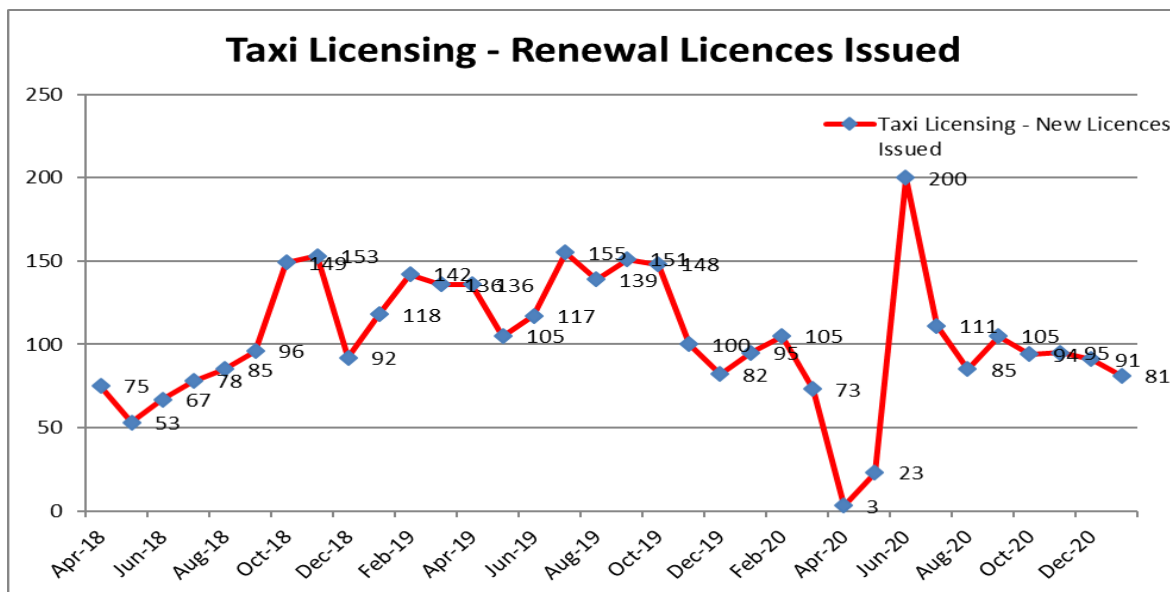
Taxi Licensing Update for Licensing Committee – February 2021

1.0 Licensed Drivers

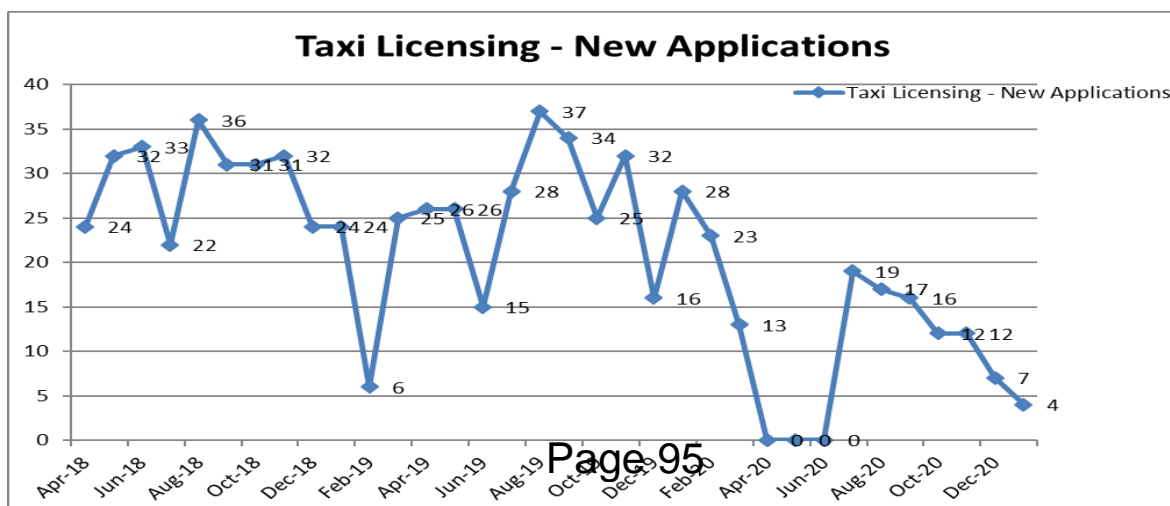
1.1 Covid-19 has presented the taxi industry with challenging conditions during 2020 and 2021. The announcement of the first lockdown on 23 March 2020 saw business levels drop significantly for the industry. Operators and drivers reported an 80% fall of business within the first week of the first lockdown. The second and third national lockdowns have continued to impact on the industry and driver and vehicle numbers continue to fall.

1.2 Due to the announcement of Lockdown 3, starting on 04 January 2021 the team cancelled all face to face appointments for new drivers between 04 January and 22 February 2021. The team have devised Covid secure processes for both driver and vehicle licence renewals which has allowed these licence renewals to continue unchanged through the third lockdown, minimising the impact of drivers and vehicle owners. The team will continue with the driver renewal process adopted under Covid, which negates the need for the driver to attend the office and allows them to provide documents electronically making the process far more efficient.

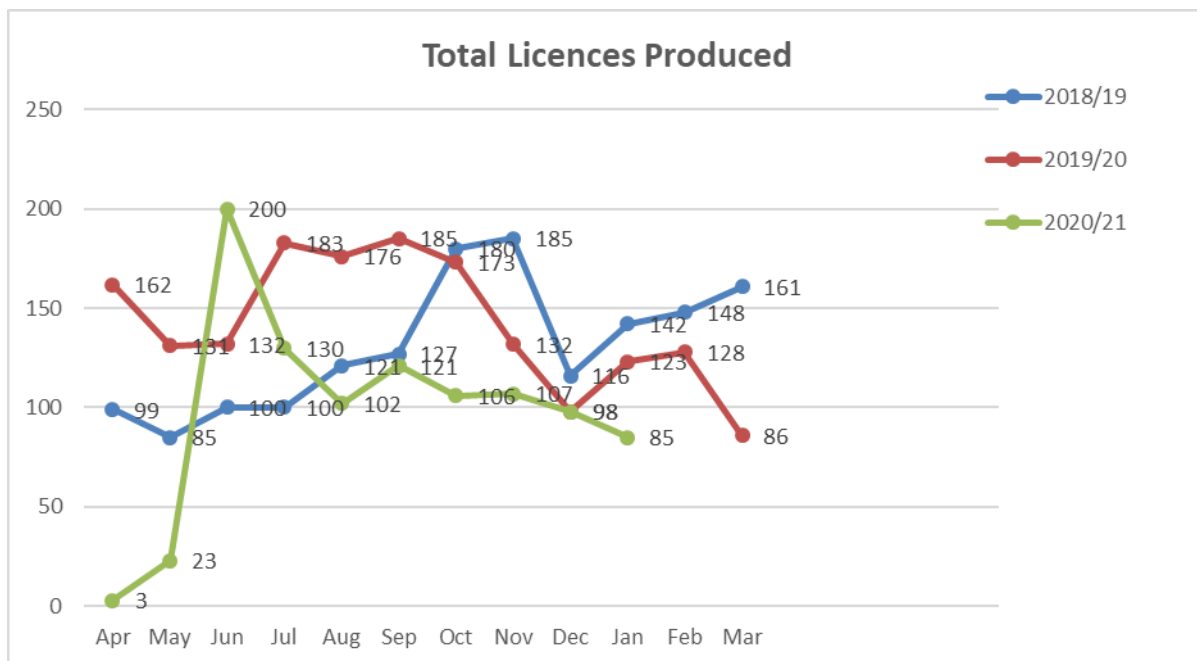
1.3 The chart below shows the level of licence renewals. Driver licences are typically issued for 3 years. Figures are down on 2019, primarily due to the 3-yearly cycle of licensing and 2019 identified a large percentage of drivers renewing their licence.



1.4 The below chart shows the level of new licence applications processed.

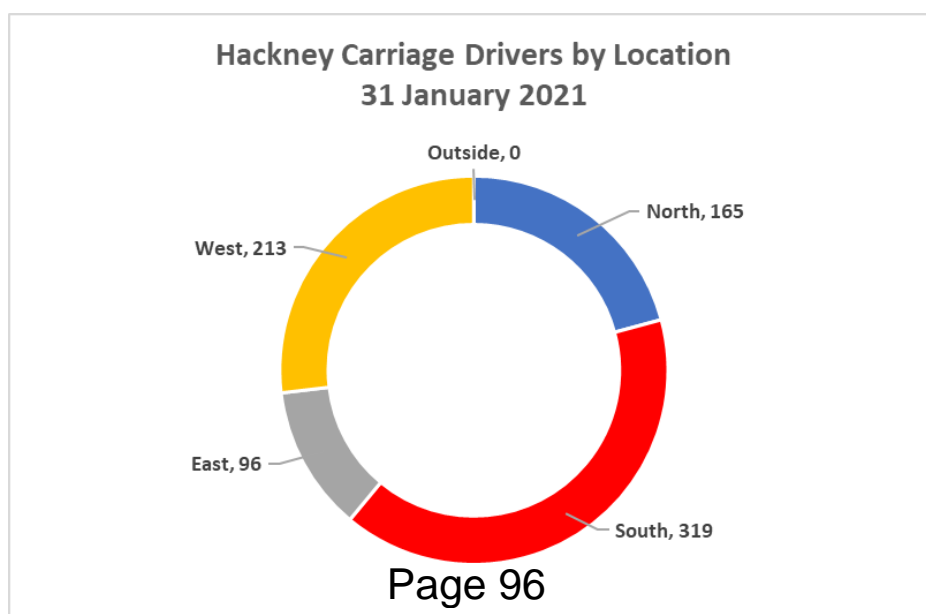


1.5 The chart below shows the total number of licences produced each month. Driver licences are issued for one or three years, with most drivers opting for a three-year licence. 2019 identified a large number of drivers renew and is behind the increased numbers for 2020.



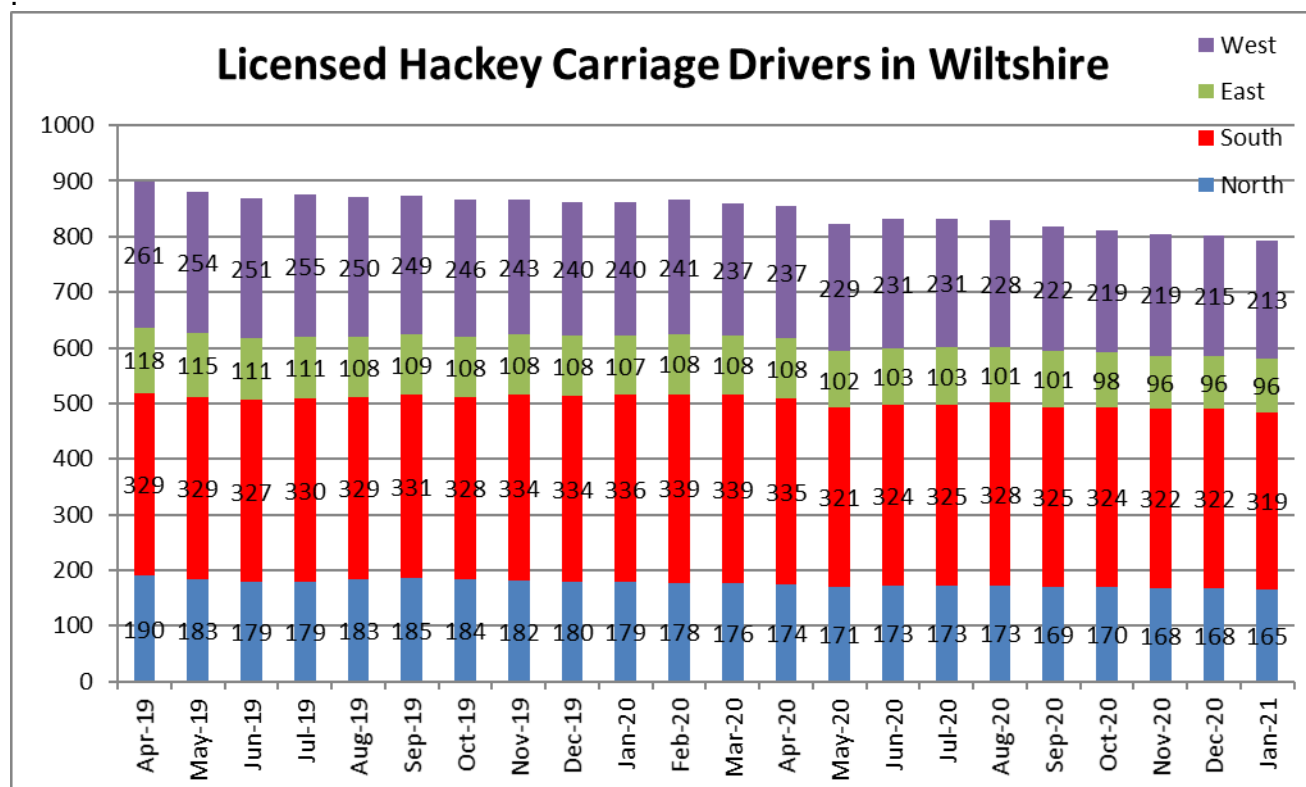
1.6 The total number of licensed hackney carriage drivers in Wiltshire and their location is shown below.

The total number of licensed hackney carriage drivers at the end of January 2021 was 793, a decrease of 18 over the previous two months. 165 were licensed in the North area, 96 in the East, 319 in the South and 213 in the West. Over the year April 2019 to April 2020 the number of hackney carriage drivers fell by 44. The number of private hire drivers rose by 12 over the same period, giving an overall fall in driver numbers of 32. Covid-19 and lockdown have seen a reduction in hackney carriage drivers of 67 since the end of February 2020, this represents an 8% fall in hackney carriage drivers. Other Local Authorities are reporting falls in driver numbers of between 10% and 20% so Wiltshire has not been impacted as heavily as other areas.



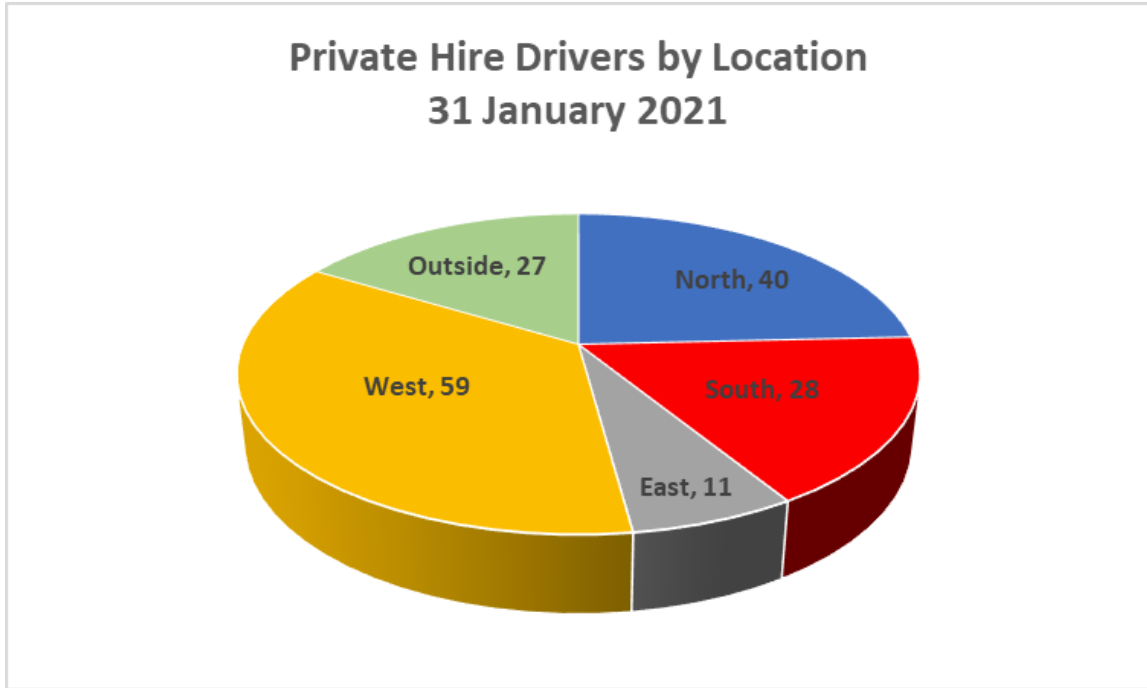
1.7 The graph below shows the monthly variation in hackney carriage driver numbers during 2019/20 and 2021/22. During January 2021 numbers decreased by 8, numbers in the North fell by 3, the West fell by 2, the South fell by 3 and numbers in the East remained unchanged when compared to the previous month.

Since April 2019 Hackney Carriage driver numbers have fallen in all areas, down 48 in the West, 25 in the North, 22 in the East and 10 in the South.

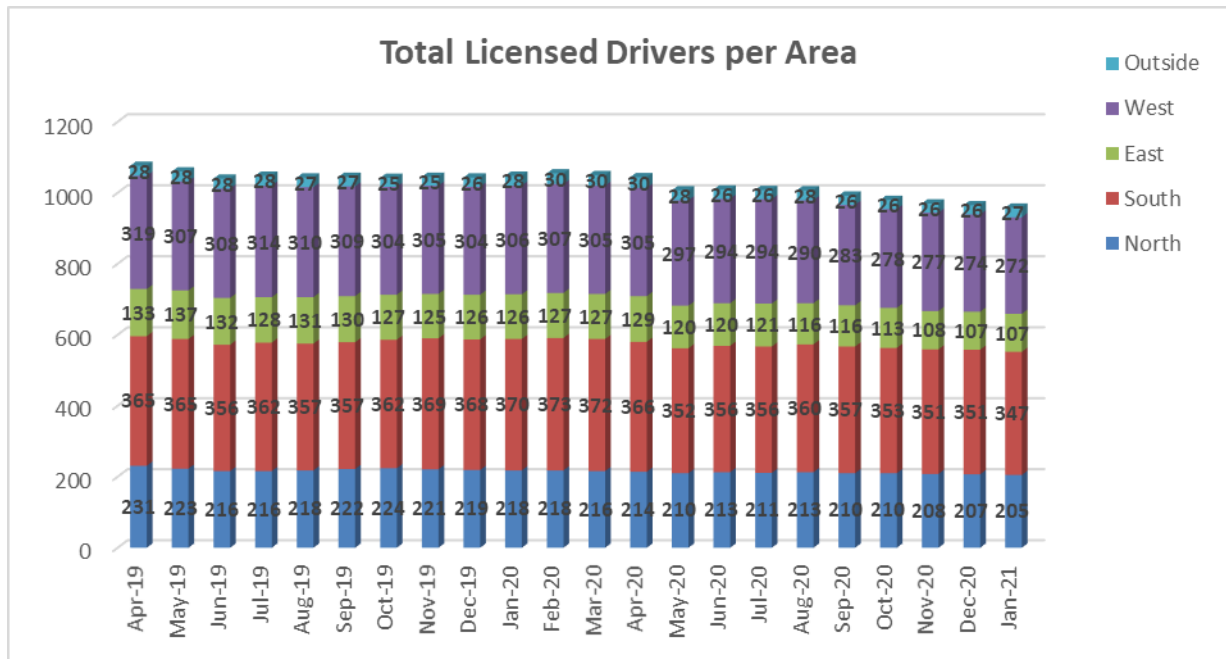


1.8 The team also license private hire only drivers, these totalled 165 as at the end of January 2021, an increase of 1 over the month. This brought the total number of drivers licensed to 958, a reduction of 7 over the month.

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



1.9 The total number of licensed drivers in each area since April 2019 is shown below:



1.10 Since April 2019 the number of hackney carriage drivers has fallen by 98 and the number of private hire drivers has fallen by 9, an overall fall of 107 drivers in 18 months. However, if we look at the data for the period between the end of February 2020 and January 2021 the fall in drivers is 97. It is clear that the pandemic this year has had a significant impact on the industry. The fall of 97 drivers since the end of February 2020 represents a fall of 9%.

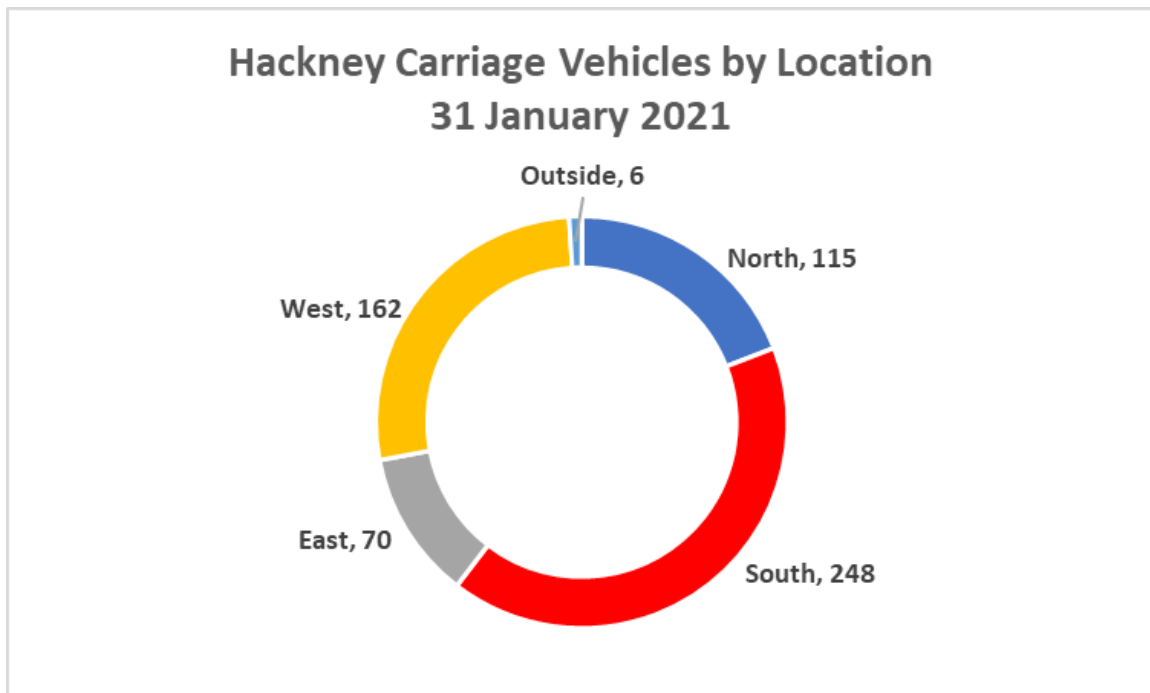
2.0 Licensed Vehicles

2.1 At the end of January 2021 the taxi licensing team licensed a total of 825 vehicles, down 15 on the previous month. A number of drivers issued with temporary permits have chosen not to renew in light of the impact of Covid-19 on the industry. The impact of lockdown and the Covid restrictions is starting to take effect and the vehicle numbers are starting to drop. Between February 2020 and January 2021 vehicle numbers fell 105 or 11%. The vehicle split is as follows:

601 hackney carriage vehicles and 224 private hire vehicles, a decrease of 11 hackney carriage vehicles and 4 private hire vehicles on the previous month.

Of the 825 vehicles licensed, 13.5% or 111 vehicles are wheelchair accessible (WAV), the number of WAV vehicles remains consistent. 30% of private hire vehicles are wheelchair accessible but only 7% of hackney carriages can carry a wheelchair.

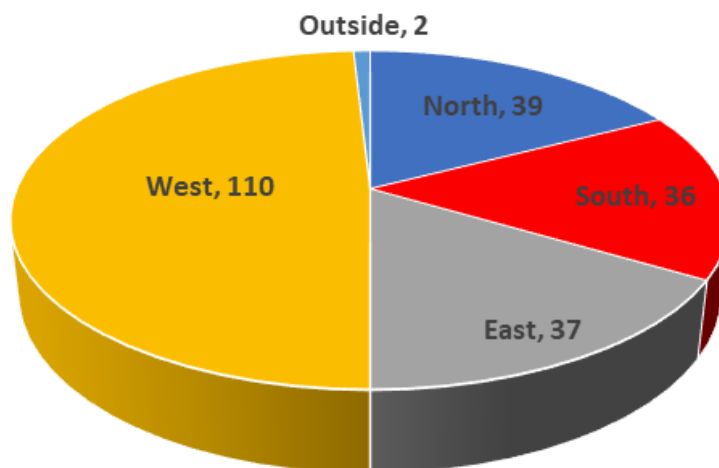
The location split of all hackney carriage vehicles is shown below.



The team also license private hire only vehicles. As advised above these totalled 224 as at the end of January 2021.

2.2 Private Hire drivers are not restricted by zone and can take bookings from anywhere in the Country if they wish. For information the area in which the private hire vehicles are registered is shown below:

Private Hire Vehicles by Location 31 January 2021



Between April 2019 and January 2021, the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 103. This number has reduced by 102 since the first Covid-19 lockdown when announced in March 2020.

3.0 Enforcement actions

3.1 The team underwent a structure change in October 2019 to allow for more visible enforcement. The team commenced a proactive enforcement plan on 15 October 2019 ensuring we have a visible presence on the rank. This has seen increased enforcement and a greater number of penalty points and formal notices issued. The team issued penalty points on 23 occasions during January 2021, our highest monthly total, as well as undertaking drive-by inspections within our towns to identify potential issues.

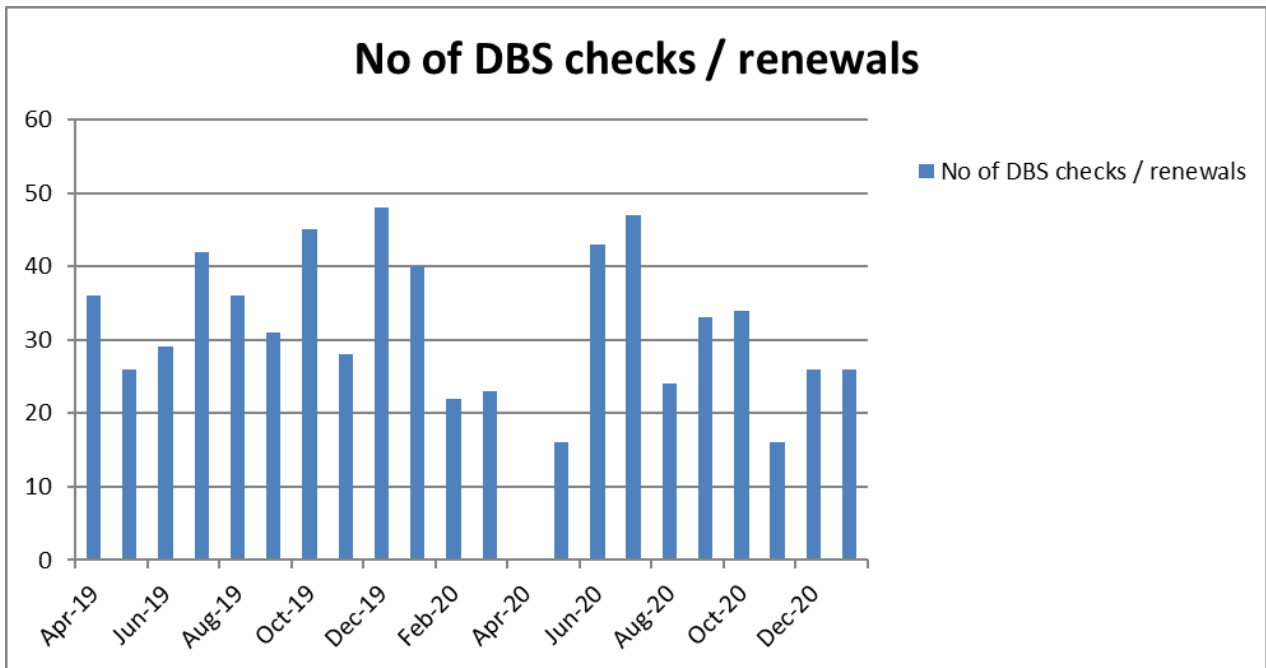
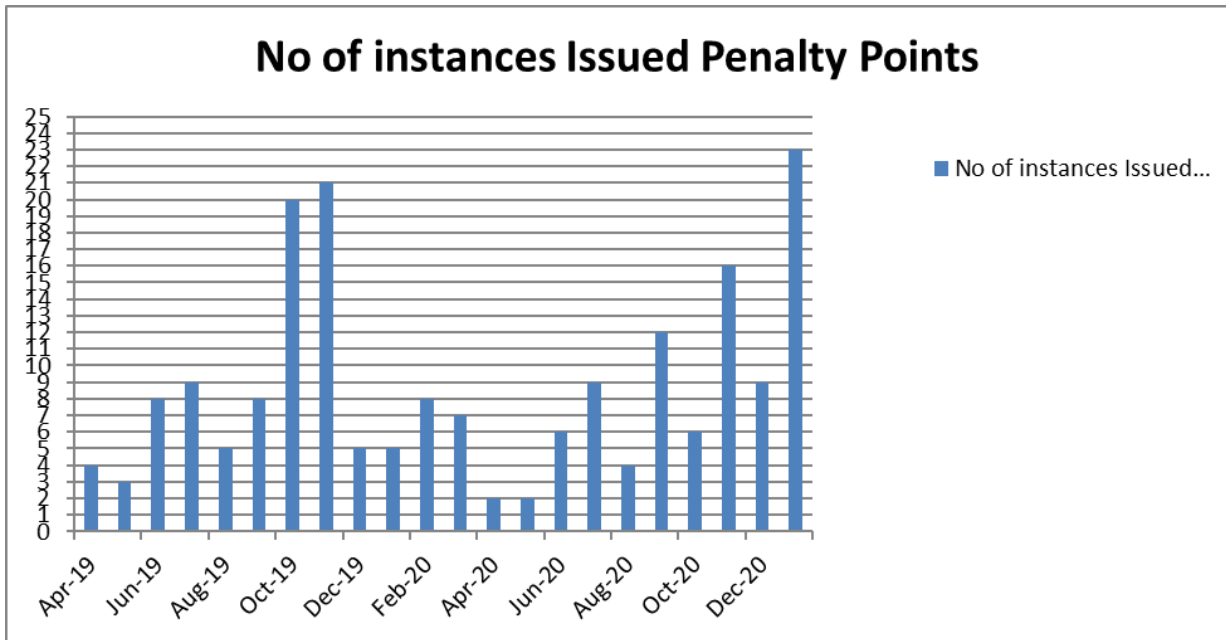
3.2 Penalty points were issued 23 times during January 2021, to 17 different drivers and 6 vehicles, the reasons are detailed below;

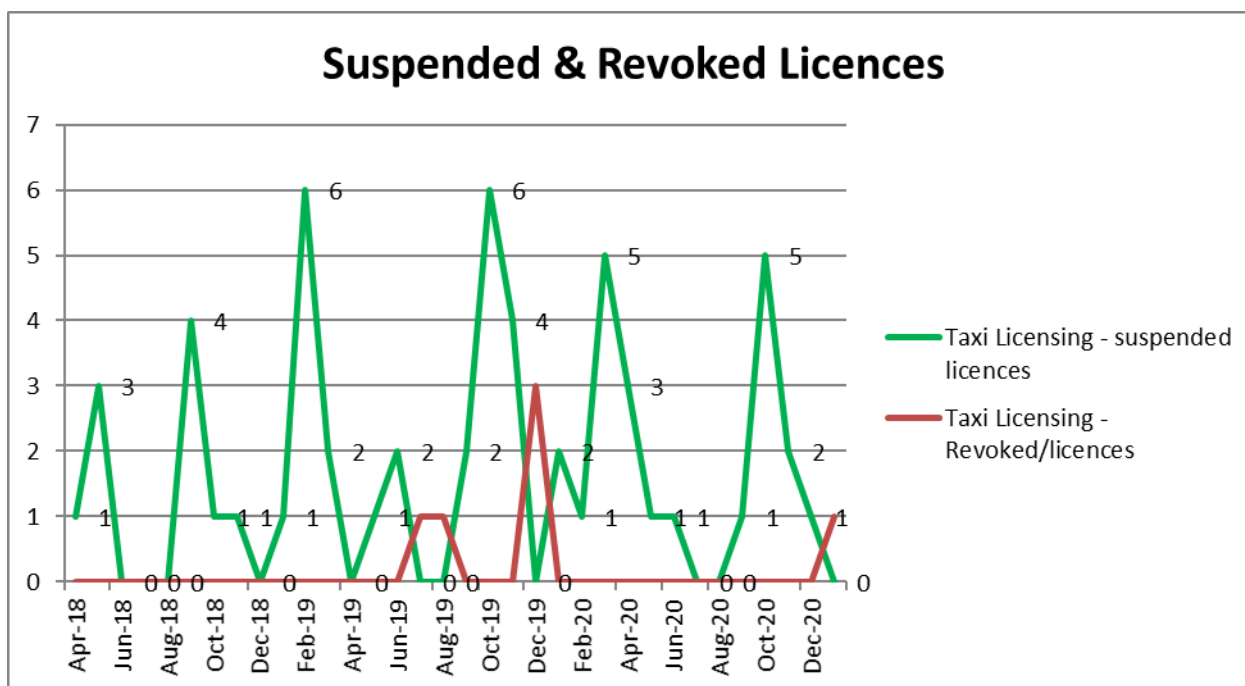
Reason for Penalty Points	Number of Instances
Using a Vehicle with no MOT	11
Unsatisfactory Behaviour	5
Failure to display drivers' badge	2
Failure to be with vehicle on a rank	2
Failure to notify of a driving conviction	1
Failure to clean licence plates	1
Failure to display licence plate correctly	1

3.3 The Council operates an internal penalty points scheme under which a driver or vehicle licence will be reviewed and potentially suspended if they reach 12 points in a rolling 12-month period.

3.4 The Team revoked one driver's licence but did not suspend any licences during January 2021 and also completed 26 DBS checks during January 2021.

The graphs below show the trend of increased enforcement as the team effectively manage our driver database.





3.5 The team have commenced weekly data downloads to DEFRA in relation to our vehicle fleet after the implementation of the Environment Bill 2020 which placed requirements on local authorities to manage air quality. This will impact taxis and our guidelines around vehicle age and emissions. The Council is also looking at how it delivers its commitment to carbon targets and is developing a strategy for moving our existing taxi fleet to electric or alternative fuels. Work is at an early stage and a further update will be provided to the Licensing Committee in due course.

3.6 As advised, the current pandemic has hit the taxi industry very hard with business volumes dropping 80% overnight and threatening the very existence of operators and drivers. The Taxi Licensing team have provided drivers and operators with the latest Government advice at every stage of the pandemic.

3.7 The Department of Transport (DfT) have produced Covid-19 guidance aimed at the taxi and PHV trade. This guidance, has been continually updated and has been shared with drivers and operators and can be read here: <https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers>

They have also created a resource page dedicated to Taxis and PHV on their Extranet: For further information click on the following link: <https://extranet.dft.gov.uk/safer-transport-campaign/resources-for-taxi-phv/>

3.8 The Team continue to work on a number of initiatives as a result of the DfT issued statutory taxi & private hire vehicles standards in July 2020. These were in response to evidence to support the view that taxis and private hire vehicles are a high-risk environment in terms of risks to passengers. The initiatives include:

- Licensing Committee involvement in decisions to suspend or revoke a licence to increase transparency. Formation of a regulatory committee or panel.
- Joint authorisation of Local Authorities e.g. Agreement with Mendip that they can enforce against any drivers operating in their area and vice versa.
- Documentation of the Council's complaints procedure which will be included in one overall policy
- Update of both driver and vehicle guidelines

- Identifying training that can be provided to drivers on subjects such as County Lines
- Enhancing operator licence requirements, DBS checks on all office staff who handle taxi bookings, completed risk assessments on staff, processes and policies on employing individuals under the Rehabilitation of Offenders Act 1974.

3.9 The team will provide further updates on these workstreams in 2021.

Tom Ince
Principal Compliance Officer
February 2021

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