

Appendix 2

Respondent	Response	Comment
Public Health – Vulnerable Communities	<p>Section 2.3 <i>“Anti- Social Behaviour Orders (sec 1 Crime and Disorder Act 1998), Public Space Protection Orders (sec 59-68 Anti-Social Behaviour, Crime and Policing Act 2014) and any replacement powers will be utilised to assist in the prevention of crime and disorder.”</i></p> <p>These are no longer used and so should be amended to read as:</p> <p><i>Drink Banning Orders (sec 1-14 Violent Crime Act 2006), Exclusion Orders (sec 1 Licensed Premises Act 1980), Public Space Protection orders (sec 59-68 Anti-Social Behaviour Crime and Policing Act 2014 and any replacement powers will be utilised to assist in the perception of crime and disorder</i></p> <p>Section 7.4</p> <p>We think: Anti-Social Behaviour Act 2003 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. Should be: Anti-Social Behaviour, Crime and Policing Act 2014</p> <p>Section 9.0</p> <p>Delete the following:</p> <ul style="list-style-type: none"> ● Wiltshire Drug Strategy ● Wiltshire Alcohol Strategy ● Wiltshire Children and Young People’s Substance Misuse Strategy <p>And replace with:</p> <ul style="list-style-type: none"> ● Health and Wellbeing Strategy ● Joint Strategic Needs Assessment ● Wiltshire Anti-Social Behaviour Strategy 2016-2020 	<p>All amendments highlighted in Statement of Licensing Policy (Appendix 1)</p> <p>Further comments from Public Health have requested that there should be reference to the “Wiltshire Drugs and Alcohol Strategy” within this policy and also to remove “Wiltshire Anti-Social Behaviour Strategy 2016-2020” as this is due to expire in March 2020 and will not be renewed.</p> <p>The wording for the Violent Crime strategy should actually be “Strategy to prevent and tackle serious violence”</p>

	<p>Glossary Change: Crime and Disorder Reduction Partnership to Community Safety Partnership</p>	
Public Protection - Licensing	<p>1.1 Should the department now be Digital, Culture, Media and Sport? Remove blank page/space after 'The solicitor to the council..' point</p> <p>1.4 Deregulation Act 2015 quoted for circuses – should this be the Legislative Reform (Entertainment Licensing) Order 2014?</p> <p>2.5 Perhaps change 'will' prepare a dispersal policy to should or advised to?</p> <p>3.2 Alcohol consumption, this makes reference to ASB and violent crime, could we add vulnerability into this?</p> <p>4.6 Last sentence – change 'out of doors' to outdoors</p> <p>6.1 Could we add in an expectation for all areas of consumption of alcohol to be added to the plans accompanying an application? S.182 guidance 8.35-8.37 makes reference to outdoor spaces and whether they are used for off sales or on sales. It mentions that there is no requirement to show consumption areas for off sales on the plan of the premises, but it must be on the application form. I think for consideration by all parties it should be expected/recommended that all areas of consumption are marked on the plans. Areas used but not marked on the plans could have the potential for undermining the prevention of public nuisance.</p> <p>6.2 Should we add the operating schedule/steps to promote into this section as well as imposed conditions?</p> <p>6.7 Should we add the new(ish) LA powers regarding Personal Licences?</p>	<p>Amended</p> <p>This is the Legislative Reform Order 2014 - Amended</p> <p>Amended</p> <p>Amended</p> <p>Added to policy</p> <p>Added to Policy</p>

	<p>Appendix B – Add an s to Premise (in heading)</p> <p>Appendix G –Is this section all from the Live Music Act rather than the LRO?</p>	<p>This is the Live Music Act – no change required</p>
<p>Public Protection - Environmental Health</p>	<p>Could the following be added to the list in section 6.5 – or something of that nature</p> <ul style="list-style-type: none"> • health and safety management for members of the public • Welfare provision for members of the public 	<p>Added to policy</p>
<p>Salisbury Licence holder</p>	<p>Section 1.2</p> <p>Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties. <i>While keeping the economic success of our town and city centres at the heart of our decision making.</i></p> <p>reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on A&E services <i>Completely agree. Proper data should be gathered and shared with relevant parties</i></p> <p>Section 1.3</p> <p>The consultation process was conducted between May 2019 and July 2019 by way of a direct letter to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration. <i>Not on the consultation portal and not easy to find. Not sent to the Pubwatches and the 2 week extension doesn't allow for discussion. Not sure if sent to parish councils or area boards.</i></p> <p>Section 1.5</p> <p>Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only</p>	<p>This policy is for the whole of Wiltshire not just town and city centres.</p> <p>This data can be found on the NHS website, which is subject to regular updates. The link to this website has been added to Section 10 of the policy (Further advice and Guidance)</p> <p>This wording is from the previous statement of licensing policy and has been amended. Please see section 9 of this report for consultation. The statement of licensing policy was sent to all Pubwatches on 1st April 2019 and was also available to view on Wiltshire Council's website from this time.</p>

to conditions which reflect the operating schedule and any mandatory conditions.

Is this just for applications and so isn't worded right?

Section 2.0

The council as a member of the Wiltshire Community Safety Partnership will work with relevant partners to utilise legislation as required to prevent crime and disorder issues. ***More understanding of this partnership and its work would be appreciated***

Section 2.1

It is suggested that where the application relates to the sale of alcohol on the premises, the applicant considers measures to prevent glass bottles or glasses being taken off the premises. ***Suggest this should include risk assessment of event and expected clientele as this sentence doesn't cover incidents within a venue or in the garden.***

In particular this is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond 11pm. ***I think police logs would show that events in high turnover (non local clientele) pubs and bars have a high incidence. More data to inform?***

The licensing authority believes that the use of safer alternatives to annealed glass i.e. polycarbonate "glasses" will help promote public safety and the prevention of crime and disorder in licensed venues. ***efficient use of the risk assessment process would inform licensees of the appropriate use of glass#***

Section 2.2

Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises. ***and late night food premises where they are an integral part of the late night***

More information regarding this can be found on the Safer Communities pages of Wiltshire Council's website

<http://www.wiltshire.gov.uk/community-safety-safer-communities>

This link has been added to Section 10 of the Policy (Further Advice and Guidance)

	<p>economy</p> <p>Section 2.5</p> <p>Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises. This should be prepared in consultation with the licensing authority and police and reviewed regularly and staff should be trained in how to implement this policy. An understanding of the Late Night Taxi Tariff rationale would be good here</p> <p>Section 2.6</p> <p>The licensing authority expects licensees to permit access for drugs analysis equipment and staff so that random drug tests can be carried out on the skin of persons wishing to have access to the licensed premises, in addition to the staff and contractors employed at the premises. Licensees should actively welcome these activities as they assist in the prevention of crime. The licensing authority should be aware of the difficulties in the current partnerships with this proactive work and be part of the solution in combatting drug harms</p> <p>It is expected that licensees have a written drugs policy for their premises or event which staff are fully trained in. It would be good for the licensing authority to have some standard form policies on dispersal and drugs and to work with the venues and Pubwatches in personalisation and implementation of these</p> <p>Section 3.3</p> <p>Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities. Do these data sharing partnerships include Pubwatches?</p> <p>Groups such as licensing tasking will continue to formulate the basis of partnership work and will have clear aims and objectives to ensure they are fit</p>	<p>Hackney Carriage/Private Hire is covered by different legislation and does not form part of the Licensing Act 2003. However a working group has been set up with regards to the Hackney Carriage Tariff within Wiltshire – details can be found on the Wiltshire Council Website</p> <p>Each individual licensed premises will operate differently and should have a policy which is unique to them. Building design, staffing rates, type of business, client base will all have an impact on the policy.</p> <p>Licensing Officers and Police attend at the invitation of Pubwatch groups when practicable. Best practice is shared where</p>
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<p>for purpose. This group will sit within the governance of Wiltshire Community Safety Partnership and will feed into local initiatives such as Pubwatch, Purple Flag, and other new schemes as and when required. <i>How does this work in practice?</i></p> <p>Section 3.4</p> <p>Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. <i>This data is relevant to designated premises supervisors to help in their role in preventing crime. No information, anonymised or otherwise is shared with venues</i></p> <p>Section 3.6</p> <p>The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives. It is recommended that premises assess and set limits appropriate to their premises/event. <i>Surely essential not recommended?</i></p> <p>Section 6.1</p> <p>Applicants will be encouraged to make themselves aware of any relevant planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule. <i>This is a big area for the High Street teams, economic development and encouragement of entrepreneurial initiatives. Working with BIDs, Chambers, PF groups, Pubwatches, Parishes or Licensing and planning officers. More help needed.</i></p> <p>Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the council's licensing team and the various responsible authorities early in the planning stages in</p>	<p>appropriate.</p> <p>This information can be found online at:</p> <p>https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-alcohol/2019</p> <p>This web address has been added to section 10 of the policy</p>
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	<p>order to reduce the risk of confusion and disputes arising. The licensing authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area. <i>So important - and to work hand in hand with the planning officers.</i></p> <p>Section 9.0</p> <p>The Wiltshire Community Safety Partnership is a statutory partnership, which includes a number of local partners. Together the partnership oversees the development of various Wiltshire strategies, in particular:</p> <ul style="list-style-type: none"> • Wiltshire Drug Strategy • Wiltshire Alcohol Strategy • Wiltshire Children and Young People’s Substance Misuse Strategy • Wiltshire Anti- Social Behaviour Strategy • Wiltshire Violent Crime Strategy • Wiltshire Domestic Abuse Strategy. <p><i>We are only linking public protection strategies here. We should be also linking economic, tourism, High Street, loneliness, health and cultural policies?</i></p> <p>Section 11.0 APPENDIX A – Premises Licence – New Applications <i>Liaison with planning (pre app) would best be made at these early stages. Economic teams or BID/Parishes may lead on these?</i></p> <p>APPENDIX B – Premise Licence – Variations - <i>same as above if the variation affects the vitality of the area</i></p>	<p>The Planning authority is a statutory consultee under the Licensing Act for all new applications and variations.</p> <p>Please see changes suggested above by Public Health – Vulnerable communities</p> <p>Appendix A and B set out the statutory requirements of the Licensing Act 2003 for processing applications.</p>
Public Protection - Licensing	<p>Page 48 copy sent to Immigration service.</p> <p>In Appendix A and B should Club certificate be included as well and a separate Appendix for Minor variations?</p>	<p>Responsible Authorities list amended to add Immigration Service</p> <p>Amend policy to add Club premises Certificate to Appendix A& B</p> <p>Appendix added for Minor Variations</p>

		(temporarily at Appendix Ba)
Malmesbury Town Council	I have read over the draft policy changes, I think the changes are understandable, for the right reasons.	
Public Protection - Licensing	<p>I have come up with some wording to add to the licensing policy below, in relation to 'shadow' licences. Feel free to add/amend.</p> <p>“Nothing within the 2003 Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person. (section 2, Licensing Act 2003). The s.182 Guidance further provides at paragraph 8.19, “There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.” When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence. It must be clear which licence is in play at any one time; you cannot have two individuals trading within the same licensed area at the same time, under different premises licences.”</p> <p>Would we want to state that the 'shadow' licence would be reviewed should the original licence be reviewed?</p>	<p>Section added into the policy for “shadow” licences (temporarily labelled 6.2a – however all sections will be renumbered to accommodate this. Current numbering system unchanged so as not to cause confusion with comments/responses)</p> <p>- This would be a policy decision?</p>
Durrington Town Council	Durrington Town Council has reviewed the Licensing Act and changes to it. It has one comment to make with regards to the consultation with the public over Licensing Applications. This year we commented on an application which we were informed about via email from Wiltshire Council. Through this process we learned that local residents, near to where the application was for were not aware of the application and therefore had not had the opportunity to comment on the application. Having contacted Wiltshire Council we found that there is no requirement to make neighbours aware, rather it is advertised in a local paper and a notice is also placed on the premises where the application is being made. The Town Council feels that these applications should be dealt with in a more transparent manner, similar to that of routine Planning Applications, whereby local residents, neighbouring the property where the application is for are informed by letter,	<p>It is a requirement of the Licensing Act that all applicants for a new licence or variation must:</p> <ul style="list-style-type: none"> - Display a blue notice on the premises so that it can be read from the outside for no less than 28days - Publish a notice in a locally circulating publication <p>In addition to this the Licensing Authority publishes a notification on Wiltshire Councils website and as a courtesy informs the local Town or Parish Council.</p>

	<p>so are offered the opportunity to comment. Likewise signs are placed on local posts near to the property/premise. We are hoping this is something that can be considered.</p>	<p>The Licensing Authority have recently changed its procedure to add more information onto their website with regards to applications for a new or to vary a licence.</p>
<p>Corsham Town Council</p>	<p>Corsham Town Council considered the Consultation - Statement of Licensing Policy 2019-2024 at its Council (Planning) Meeting last night. It was</p> <p><i>Resolved that the following comments be made:</i></p> <p>(i) <i>Clause 6.5 could impact on local events. The Town Council felt that this clause covered too wide a spectrum of events and that less stringent rules should apply to events that were expected to attract less than 3000 people and had a duration of less than 12 hours. For these types of events the six-month notification period could be reduced and the event management plan could consist of a risk assessment and indicative layout.</i></p> <p>(ii) <i>The Town Council welcomes the increase in the number of TENS from 12 to 15 per year.</i></p>	<p>Members to advise if they require any changes to the policy</p>
<p>Member of Public (Devizes)</p>	<p>Since I moved to [REDACTED], Devizes, with my 80yr-old mother, we have been perturbed by the loud and unruly behaviour of customers in the [REDACTED]. This internal courtyard is nestled within a residential conservation area, bordering several houses directly, and it seems wholly inappropriate for the [REDACTED] to have a license to sell alcohol until 1am. The noise is extremely bothersome at the weekend, but in particular (and almost without exception) on a Thursday. It is quite intolerable that I am unable to simply go to sleep in my own house – in order to get up and work on a Friday morning – before 1am. The noise rising from the courtyard is so strong and distasteful that it constitutes a disturbance of the peace. It has also become increasingly common for loud music to be played until 1am.</p>	<p>Respondent has been contacted and the details of this complaint have been forwarded to both the Licensing Officer and Environmental Health Officer for the area. A meeting has been sent up with the Licence holder and the public protection officers from environmental health and licensing. This relates to one specific premises.</p>

	<p>I hope my comments can be taken into account in the present consultation on the Wiltshire Statement of Licensing Policy. This states under section 4.6:</p> <p style="padding-left: 40px;">‘Appropriate steps must be taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance and anti-social behaviour. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. ...</p> <p style="padding-left: 40px;">Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am.’</p> <p>This applies directly to [REDACTED], where no steps have been taken to prevent such anti-social behaviour and public nuisance. I would recommend that licenses for pubs set deep in residential areas should not extend beyond 11pm. It is the outrageous disturbance into the early hours of the morning that is unacceptable.</p>	
Calne Town Council	The policy states the intention to use polycarbonate “glasses” rather than glass to address safety issues; however, it was suggested that this be amended to multi-use plastic.	Propose members agree to this change
Melksham Parish Council	Melksham Without Parish Council considered the Licensing Policy consultation documentation and felt that a problem area in the current process was that the applicant for a TENS (temporary licence) did not have to	TENS applications are submitted to Police and Environmental health for consultation. If there has been a history of public

be the licence holder of a particular venue. This proved to be an issue back in May when [REDACTED] held an event and residents complained about the noise level. The Public Protection Officer came out whilst the event was on and agreed that the noise level was too high, but was unable to take enforcement action or impose sanctions on the licence holder of the [REDACTED] as a third party had taken out the licence for this event. This was not only an issue with regard to the noise levels, but also with the traffic management plan submitted for this event. Where an event venue has a permanent licence (such as a sports club, village hall, public house, etc) the Parish Council feel that the policy should be that the licence holder for this venue should be the person who applies for a TENS, not a third party, this would enable enforcement action or sanctions to be imposed should breaches of the licence conditions take place.

Please see the extract below from the Parish Council's Planning committee meeting held on the 20th May 2019 where they discussed this issue following the complaints from residents after an event held at [REDACTED]

[REDACTED] Licence Issues: Noise Complaint following event at [REDACTED]
[REDACTED]: The members noted correspondence from a resident of Bowerhill Lane wishing to report the level of noise coming from this event. The Clerk reported that Wiltshire Council Licencing Officer concurred that the noise level was significant and she was investigating this issue with the Public Protection Officer. One of the issues which had subsequently come to light was that the event plan, which covered the traffic management and noise plan for the event, had not been submitted by the licence holder, but a third party, and therefore the licence holder was not the person in control of the event. It was felt that this was something to be taken into consideration when the Parish Council was asked to comment on future applications.

Thank you for consulting us.

nuisance or crime and disorder at a premises then these bodies may object to future TENS applications.

Anybody can apply for a TEN, the local authority cannot refuse applications if they have been made correctly, however advice can be given to event organisers.

It is for land owners or premises owners to take responsibility for events which take place on their own land and this includes who should apply for the necessary licence if required.

<p>Member of Public (Devizes)</p>	<p>Comments on <i>The Statement of Licensing Policy 2019 - 2024 (Draft)</i></p> <p>We are writing to comment on <i>The Statement of Licensing Policy 2019 - 2024 (Draft) (SLP Draft)</i> document.</p> <p>Our contention is that the document is not sufficiently robust in its drafting to ensure that the Licensing Objectives are met. The language and style of the document are permissive, and lack the rigour required to ensure compliance with its provisions; for example the word requires should, as a general rule, be used instead of the word expects.</p> <p>As a way of illustrating this, we shall take as an example the conditions under which [REDACTED], Devizes, a pub close to our house, appears to be operating in respect of a number of the provisions in the <i>SLP Draft</i>.</p> <p>It is not easy to comment on the document as the paragraphs within the headed Sections are not numbered.</p> <p>1.3 Consultation</p> <p>This paragraph states that “In reviewing this statement, the licensing authority consulted widely with all necessary bodies and relevant stakeholders....by way of a direct letter...and via consultation on the Council’s website.”</p> <p>We live very close to [REDACTED] We would regard ourselves as “relevant stakeholders” by virtue of that proximity and would therefore expect to be informed by letter that a consultation was taking place. <i>We were not so informed.</i> Furthermore, there would be no reason for us to look at the Council’s website to make ourselves aware that a consultation on <i>SLP</i> was taking place.</p>	<p>Respondent has been contacted and the details of this complaint have been forwarded to both the Licensing Officer and Environmental Health Officer for the area. A meeting has been sent up with the Licence holder and the member of public.</p> <p>To meet this request, Wiltshire Council would need to write to every household in the county.</p>
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1.4 Licensing function

Paragraph 3 of this Section states “The licensing authority has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime.”

██████████ is situated in a sensitive part of Devizes’ conservation area which is largely residential. St John’s Court, a pedestrianized thoroughfare leading from the Town Hall to St John’s Parish Church and churchyard is a very important part of the street scene of Devizes, is often photographed, and is a pathway for the newly married to take from the Church into the town.

██████████ operating schedule permits it to serve alcohol and play music seven nights a week until 1am. It is a music venue for the Folk Club on a Monday, for karaoke on a further night and for live or amplified recorded music on at least one further night extending beyond 11pm.

The seven ancient residential properties in the High Street, St John’s Court and St John’s Churchyard which directly abut ██████████ and its open rear courtyard are at risk of being left empty (two are already empty because the late night noise from music was intolerable through their walls) and will then deteriorate and may be lost to the street scene.

2.0 Prevention of Crime and Disorder

Paragraph 2 of this Section reads “Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises”.

Paragraph 3 states “Licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities”.

On Thursday 25 July, one of us went to ██████████ shortly after midnight to enquire at what time the loud music would stop. The rear courtyard, which

A review process is available to any person or responsible authority who believes that a licensed premise is not upholding the four licensing objectives.

accommodates smokers, was very crowded.

Although under Section **3.6 Occupancy Limits** “It is recommended that the applicant...set occupancy limits...appropriate to their premises/event”, it is not clear how this is or can be enforced on any particular occasion except where a gross infringement occurs resulting in a public order offence.

It cannot be safe to permit a small courtyard completely enclosed by ancient houses to be filled to capacity with late night drinkers and smokers on a hot night. The surrounding buildings have exposed wooden beams and in at least one case wooden panelling ([REDACTED] currently unoccupied) which must pose a serious fire risk.

4.0 Prevention of public nuisance

Paragraph 1 begins “Public nuisanceconcerns how the activity of one person (or business) affects the rights of others, for example how noise from playing music interferes with another person’s right to sleep.”

Paragraph 2 continues “The Act requires, and the licensing authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.”

Section **4.4** acknowledges that “Both direct and indirect noise will be of great importance between 11pm and 7am.”

Section **4.5** says “Appropriate control measures are needed for premises that operate late at night (after 11pm) and /or have regular entertainment...This may include noise from music, human voices or other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive locations such as dwellings...”

The main ‘control measure’ used ‘to ensure noise is not audible at sensitive

locations such as dwellings' is as stipulated in Annex 3 'Conditions Attached After a Hearing by the Licensing Authority' in respect of [REDACTED] 'All doors and windows to be closed except for access or egress during the playing of live or recorded music.'

[REDACTED] is a small pub. On our last late night visit, after midnight, disturbed by loud music and singing in the courtyard, all doors and windows were open. Because the pub was very crowded, no occupancy limit apparently having been applied, shutting all doors and windows would have dangerously restricted the air available. Shutting the courtyard would have led to smokers in the High Street creating a new source of disturbance. A further problem is that, despite windows and doors being closed, the noise passes through the party walls of the adjoining properties.

It is extraordinary that [REDACTED] has an operating schedule which permits it to operate at all after 11pm, let alone play amplified music after that hour, when it is physically closely connected to seven residential properties in a largely residential area. Public nuisance interfering with the right to sleep is inevitable.

4.8 Servicing

"Steps should be taken....to prevent noise from servicing of the premises causing nuisance....this may include noise from....the disposal of bottles and other recyclable materials."

Household recyclable waste is collected from the north end of St John's Court fortnightly on Monday mornings.

Quantities of glass are brought from [REDACTED] for this collection, sometimes late on a Sunday night, on one occasion at 11.40pm, being spilt in transit, with consequent disturbance.

We have described above, using as an example [REDACTED] our

experience where Wiltshire's Licensing Authority is supposedly applying the provisions of the *SLP* to a pub in a mainly residential part of Devizes' conservation area close to the town centre.

Sections **6 Licensing process and 7 Enforcement** of the *SLP* describe the considerations which apply in granting a licence, determining any conditions and deciding hours of operation. Set out below are those considerations which are most relevant to the problems which have arisen in relation to the case of [REDACTED] which further illustrate the weakness of measures in the *SLP* document as operated by the licensing authority.

6.2 Licensing conditions

Paragraph 2 states "Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard, the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned."

6.3 Licensing hours

Paragraph 1 reads "The licensing authority deals with the issue of licensing hours on the individual merits of each application. *However, when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises which are situated in, or near, residential areas.....There is no presumption within the legislation for longer opening hours.*" (our italics).

Paragraph 3 reads "Where no representations are received an application is approved as applied for."

It is astonishing that, despite the statement in **6.2 para 2** that "*the licensing authority primarily focuses on the direct impact of any activities taking place*

on those living, working, or otherwise engaged in the area concerned”; and despite 6.3 para1 “when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included.....especially for premises which are situated in, or near, residential areas”, there is a presumption in favour of granting a licence without further conditions:

6.3 para 3 “Where no representations are received an application is approved as applied for”.

The effect of this policy is to allow a licence, without conditions, even in areas which are clearly sensitive, until complaints are received. The licensing authority’s Licensing objective of the **prevention of public nuisance** suggests that a proactive policy is required to ensure that public nuisance does not occur. It is likely that local residents will have suffered considerable nuisance before complaints are made, received and dealt with. This has been the experience of those living in properties in the vicinity of [REDACTED] *Inn* as described above.

7.0 Enforcement

Despite suffering the forms of public nuisance described above, there is no clear guidance in the *SLP* to assist those who have or are suffering nuisance as to the correct course of action to take. There seems to be no requirement for pub premises clearly to display their licensing conditions; nor are they available on the internet, either on the Wiltshire Council website or on pubs’ own websites; nor, in our case, were they available from the landlord [REDACTED]. It is thus impossible to know whether infringements are taking place.

Clearly, in the case of substantial street disorder in the vicinity of a pub, the Police should be contacted. But in the case of noise from inside a pub, are disturbed neighbours, perhaps elderly, expected to enter a crowded pub after midnight to complain? Are they expected in the middle of the night to search for the right course of action?

There is reference to where the public protection enforcement protocol can be found on the website, however perhaps this needs to be expanded upon within the policy? i.e. what action the licensing authority may take to ensure licence holders adhere to their licence conditions etc.

	<p>Conclusion</p> <p>The paragraphs above have attempted to describe the practical result of the policies of the <i>SLP</i> in relation to a pub, [REDACTED], situated in a mainly residential part of the conservation area close to the town centre of Devizes.</p> <p>We argue strongly for a proper and adequate measure of consultation in respect of the <i>SLP</i> to take place.</p> <p>We should like the <i>SLP Draft</i> document and Wiltshire Council's policies to be amended in the following ways:</p> <ol style="list-style-type: none"> 1. The whole document to be written in a manner which robustly enforces the Licensing Authority's objectives. Thus words such as expects and aims should be replaced by requires and will. 2. Full licensing conditions for all public houses to be clearly displayed in all premises; and all to be easily available on Wiltshire Council's website. 3. As part of the advertisement of conditions in pubs and also on Wiltshire Council's website, contact details to be available for all matters where the public need advice or wish to make a complaint in relation to the enforcement of the licensing conditions of any premises. 	<p>We are currently undergoing a software review with an expectation that the new provider will be able to facilitate the downloading and displaying of current licences and their conditions on the Council's website</p>
<p>Westbury Town Council</p>	<p>Response to Wiltshire Council 06.08.19 Statement of Licensing Policy – Draft for Consultation</p> <p>Section 1.2 – Key Aims</p> <ul style="list-style-type: none"> • <i>Reduce the impact of alcohol related incidences on A&E services. I would like this to be changed from A&E services to emergency services, as the town council frequently sees the impact of alcohol misuse on police resources</i> 	

	<p>Section 2.6</p> <ul style="list-style-type: none"> It is expected that licensees have a written drug policy for premises or event in which staff are fully trained. <i>This policy should be available on demand to the licensing authority or police</i> <p>Section 3</p> <ul style="list-style-type: none"> Contact Details are available from the licensing authority <i>It would be helpful to add a generic email address for the ESAG on the relevant pages of the Wiltshire Council website</i> <p>Section 3.7</p> <ul style="list-style-type: none"> No comment, although text includes vulnerable people, consider including reference to both mental health and dementia <p>Section 6.5</p> <ul style="list-style-type: none"> Consider if a terrorism/bomb threat policy should be submitted with the EMP Should this now include the expectation of a drugs policy submitted with the EMP rather than just a headline in the EMP Evidence that the applicant has considered and where appropriate trained staff in identifying child sexual exploitation and promoting the safety of vulnerable people See also comment in 8.2 <p>Section 8.2</p> <ul style="list-style-type: none"> No comment – but should the late-night levy also apply to 6.5 large scale events 	<p>Many pubs/late night drinking establishments have a condition on their licence which states a drug policy must be in place and must be made available to the licensing authority or police. This is not applicable for every type of premises.</p> <p>This is often discussed with applicants and indeed encouraged for large scale events. It also forms part of the ESAG process.</p> <p>Wiltshire Council do not currently implement a Late-Night Levy.</p>
Amesbury Town Council	Overall, we appreciate that most of the updates reflect the changes to legislation that have occurred since the last review, there is therefore no comment to be made on those changes. We welcome the improved diagrams which will enable greater understanding of the licensing requirements. We have made a few comments on the remainder.	

	<p>Section 6.5 Large Scale Events</p> <p>We welcome the confirmation of the current practice of creating a management plan for large scale events. In addition, it would be helpful to include requirements for traffic control and signage and the requirement to employ trained and competent persons. It was always a believe that untrained persons could man a diversion route to assist drivers and give direction but not control traffic; this needs clarification.</p> <p>Section 8.2 Late Night Levy</p> <p>The late night levy would appear to only encompass premises offering late night refreshment. Can this be expanded to include assemblies of intoxicated people outside licenced premises, unless of course that a late night levy is already in force. But despite frequent complaints in Amesbury there doesn't seem to be a levy in place. Perhaps Wiltshire Council need to be more active in raising the levy, this would encourage the Police to take further action to deal with increased public nuisance around these premises.</p> <p>There does appear to be some inaccuracies in the draft document.</p> <p>Section 3.0, the correct name of the service is "Dorset and Wiltshire Fire and Rescue Service".</p> <p>Section 3.5, a health and safety policy is required when 5 or more persons are employed, not "more than 5".</p> <p>We assume the document will be proof read to remove the occasional typo (6.5 marshall - only one L and in 3.7 behaviour not "behavior")</p>	<p>Event Management Plans are quite often forwarded to the Highways team. The Highways team are also invited to attend Event Safety Advisory Groups (ESAGs) so that they can discuss any concerns with event organisers.</p> <p>Wiltshire Council currently do not implement a Late Night Levy, however it is included in the Statement of Licensing Policy as it may be utilised in the future.</p> <p>Amended</p> <p>Amended</p> <p>Amended</p>
Chippenham Town Council	<p>Members of the Town Council's Planning, Environment & Transport Committee considered the draft Statement of Licensing Policy for 2019-24 at its meeting last evening.</p> <p>I am pleased to report that they raised no objections.</p>	

Luckington and Alderton Parish Council	On behalf of Luckington and Alderton Parish Council the Councillors would like to respond supporting the proposed draft policy and its incorporated principles and changes.	
Additional comments further to report being sent for checking		
Public Health	See comments in Public Health section at the top of this table.	
Child Protection	References to general "child exploitation" to be added as opposed to focusing on "child sexual exploitation"	