

## **Wiltshire Police and Crime Panel**

**15 January 2015**

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### **Task Group update**

#### **Purpose**

1. To provide an update on recent PCP task group activity and propose any decisions requiring Panel approval.

#### **Volunteers and Special Constables Task Group**

##### Membership

Cllr Glenis Ansell  
Cllr Andrew Bennett  
Cllr Richard Britton  
Mr Malcolm Grubb (Chairman)  
Cllr Peter Hutton

##### Terms of Reference

The Task Group's review focused on two key themes:

- a) Special Constables
- b) Community Safety Volunteers and 'Watch' schemes.

##### Activity

2. In June 2014 the task group submitted its final report to the PCC. It contained 7 key recommendations to which the PCC responded on 4 September 2014.
3. In order to monitor implementation of the task group's recommendations (where appropriate) the Panel Chairman has now submitted a series of questions to the PCC asking for updates in the relevant areas. These questions are attached at **Appendix 1**.

#### **Licensing Task Group**

##### Membership

Cllr Richard Britton (Chairman)

Cllr Chris Caswill  
Mr Chris Henwood  
Cllr Linda Packard – co-opted task group member

### Terms of Reference

To explore how, working with partners as appropriate, the Commissioner intends to:

- ensure that only responsible applicants are licensed by local authority licensing committees;
- encourage and support the responsible management of licensed premises
- identify licensed premises that are being managed irresponsibly;
- take a “firm approach” with licensed premises identified as being managed irresponsibly.

To consider whether any of his intended measures could be enhanced and make recommendations in support of the Commissioner’s objective to reduce the harm caused by irresponsible licensed premises.

### Activity

4. The task group’s final report was submitted to the Commissioner on 10 December 2014 and a response requested. The final report is attached at **Appendix 2**.

## **Police Performance Review Working Group**

### Membership

Cllr Julian Johnson  
Cllr Andrew Bennett  
Chris Henwood  
Cindy Creasy

### Activity

5. Recent quarterly performance reports to the Panel have briefed members on the direction of Wiltshire Police’s ongoing performance review. The PCC has reported an aspiration that a new style of performance reporting to the Panel, more in keeping with the principles established by the review, will take effect from 1 April 2015.
6. In October 2014 a small working group of Panel members was invited to meet with the Police’s Business Improvement Team and hear about the Force’s review of its performance culture. The working group met for the first time on 15 October 2014 and the following was discussed:

- A central question is “What is quality and how do we measure it?”
  - Police staff must understand any targets or thresholds for them to be effective. This requires appropriate training and clear communication.
  - Targets or thresholds set high up in the hierarchy do permeate the performance culture further down the organisation.
  - ‘Bad’ performance should not to be feared or denied. It should be understood and responded to appropriately.
  - The performance culture must enable the public and the Panel to be assured of the police’s effectiveness in an evidence-based way.
7. The working group met for the second time on 19 December 2014 for further discussions with the OPCC and the Police Business Improvement Team. The working group considered examples of how other bodies monitor Police performance including:
- HMIC
  - Wiltshire Police’s internal monitoring arrangements
  - Other Police and Crime Panels (e.g. Derbyshire, which has recently revamped its performance monitoring framework)
8. The working group will meet again in February to begin to define what future performance reports to the Panel should look like. In redesigning the most effective performance framework for the Panel, working group members have identified the following as key questions for consideration:
- a) Does the current performance report’s ‘traffic light’ rating system give a meaningful measure of performance and/or outcomes and should it remain?
  - b) Should the performance indicators reported always be the same, or should they only be included by exception i.e. when they show a meaningful change in activity or outcomes?
  - c) Is the set of performance indicators agreed by the Panel and OPCC two years ago still relevant and appropriate?
  - d) Should performance data relating to all six outcomes in the PCP’s Plan be considered at every quarterly meeting, or should each performance report focus on one or two outcomes?
  - e) Should the new performance report place more emphasis on what the **Commissioner** has done to drive performance, as opposed to what the Force has done? If so, how?

f) How can the new performance report monitor the Commissioner's understanding and prioritisation of the public's concerns?

#### Proposed Terms of Reference

9. Following discussion of how the working group could add most value, members would like to propose the following terms of reference for endorsement:

- a) To monitor implementation of the Police's performance culture review on the Police and Crime Panel's behalf, reporting back to the Panel as appropriate.
- b) To provide constructive input on the Police performance culture review to the Police and Crime Commissioner as appropriate.
- c) To work with the Police and Crime Commissioner to agree a performance reporting mechanism that enables the Panel to effectively monitor delivery of the Police and Crime Plan. This mechanism should emphasise contributing to a culture of achieving positive outcomes, rather than a culture of perverse incentives.

#### **Regional Collaboration Task Group**

10. At its meeting on 19 November 2014 the Panel decided upon the issue of the increasing number of collaborations between regional police forces as the subject of its next task group exercise. A report proposing terms of reference and a methodology is attached at **Appendix 3** for endorsement.

#### **Proposal**

**The Police and Crime Panel are asked to**

- 1. Note the update on task group activity provided;**
- 2. Note that the Panel Chairman has submitted a series of questions to the PCC asking for updates on issues raised in his response to the Final Report of the Volunteers and Special Constables Task Group;**
- 3. Note the Final Report of the Licensing Task Group and that this has been submitted to the PCC and a response is awaited.**
- 4. Endorse the terms of reference proposed for the Police Performance Review Working Group;**

**5. Endorse the terms of reference proposed for the Regional Collaborations Task Group (Appendix 3).**

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**Appendices**

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| Appendix 1 | Questions submitted to the PCC asking for updates on issues raised by the Volunteers and Special Constables Task Group |
| Appendix 2 | Final Report of the Licensing Task Group   |
| Appendix 3 | Proposed terms of reference for the Regional Collaborations Task Group   |

## **Appendix 1**

### **Follow-up review of the Volunteers and Special Constables Task Group's recommendations**

#### **Introduction**

In June 2014 the PCP's Task Group on Volunteers and Special Constables submitted its final report to the PCC. It contained 7 key recommendations to which the PCC responded on 4<sup>th</sup> September 2014.

The PCP now wishes to ascertain the status of those recommendations in terms of implementation and would be grateful if the Commissioner would provide answers to the following questions.

#### **Recommendations**

##### **1 Clearly define how Special Constables will be attached to communities.**

In his response the Commissioner explained the model of the employment of Specials which had been used in Trowbridge and told us that this model was to be rolled out across the County.

Please could the Commissioner confirm that the Chief Constable agrees this model as being the one to be rolled out across the County and Swindon?

Could the Commissioner tell us how many NPTs now have a team of Specials attached to them?

##### **2 Agree an appropriate number of Special Constables and develops a strategy and implementation plan for the recruitment, retention and training of Special Constables.**

Could the Commissioner confirm that his target of having 300 Specials is now agreed with the Chief Constable?

To what extent has the force's Action Plan:

- reduced the training time for new recruits using e-learning?
- been successful in improving retention of Specials?
- increased the number of hours contributed by Specials?
- increased the number of Specials qualified for independent patrol?

**3     Uses available national guidance and the experience of the Kent Constabulary to explore opportunities for achieving best practice in the recruitment, training and deployment of Special Constables.**

In his response the Commissioner contrasted the current training programme of weekend training for around six months to having an intensive three week period at the beginning of the training period which has been trialled by Devon and Cornwall.

Which approach is now being followed by Wiltshire Police?

**4     The Task Group recommended that the Commissioner considers various methods of recruiting, utilising and recognising the contribution of Volunteers.**

In response the Commissioner referred to the work of the force Lead on Volunteers, Scott Bateman, to whom the Panel's recommendations were passed.

Is use now being made of the Volunteer Centre Wiltshire to help develop and enhance the Constabulary's use of volunteers?

Has the force signed up to the Valuing Volunteering Promise?

Has, or will, the force introduce a time credits scheme to recognise the work of the many police officers who take part in unpaid voluntary work?

Is any work being done to encourage employers to support and promote the recruitment of Police and Community Safety volunteers from within their workforces?

**5     Confirms that Neighbourhood Alert will: (a) Be implemented with crime-reduction as its central purpose; (b) Be used to reinvigorate the Neighbourhood Watch schemes across Wiltshire and Swindon; and (c) co-ordinate the growing number of different 'Watch' schemes.**

How far has the system been rolled out across the Area Boards and Localities?

Please illustrate how the system is being used to reinvigorate Neighbourhood Watch.

To what extent is the Commissioner's ambition to integrate the other 'Watch' schemes being realised?

**6     The Panel acknowledged that achieving Neighbourhood Alert's full potential as a crime-reduction tool will require active and on-going commitment from Neighbourhood Policing Teams.**

To what extent is the Neighbourhood Alert system being ‘driven’ by the NPTs?

How far has the PCC’s Corporate Communications team got in training Neighbourhood Watch volunteers?

**7     The criteria used to monitor and assess Neighbourhood Alert’s effectiveness.**

When does the Commissioner intend to call for a formal review of the effectiveness of Neighbourhood Alert using the criteria he supplied to the Panel’s Task Group?

**Wiltshire Police and Crime Panel**

**Licensing Task Group**

**November 2014**

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**Final Report of the Licensing Task Group**

**Purpose**

1. To present the conclusions and recommendations of the Licensing Task Group.

**Background**

2. On 6 March 2014 the Panel considered potential topics for focus through dedicated task and finish groups with the aim of supporting the Commissioner in the delivery of relevant parts of his [Police and Crime Plan 2013-17](#). Licensing was selected as the next topic for examination.

**Terms of reference**

3. The task group closely aligned its Terms of Reference to relevant parts of the Commissioner's Police and Crime Plan 2013-17, namely:
  - “[Broad objective:] To reduce the harm caused by irresponsible licensed premises”(page 9)
  - “[Key initiative:] Joint approach with local authorities to encourage management of responsible licensed premises coupled with a firmer crackdown on irresponsible ones” (page 9)
  - “[Objective:] To work with our local authorities to encourage responsible licensed premises and take a firm approach to licensed premises that abuse their position of social responsibility” (page 32)
  - “[Key new initiative:] Alcohol is a factor in far too many crimes and anti-social behaviour incidents. In addition to treatment services, I will work with partners to crack down on licensed premises that abuse their position of social responsibility. The partners, working together, can make use of the new licensing regime to reduce problems caused by irresponsible management. This is an area where we can achieve huge benefits for our communities if all agencies provide the necessary resources and coordinate their response.

Providing adequate police resources for this will be a priority for me.” (page 33)

So the Task Group decided to explore how, working with partners as appropriate, the Commissioner intended to:

- ensure that only responsible applicants are licensed by local authority licensing committees;
- encourage and support the responsible management of licensed premises
- identify licensed premises that are being managed irresponsibly;
- take a “firm approach” with licensed premises identified as being managed irresponsibly.

And consider whether any of his intended measures could be enhanced and make recommendations in support of the Commissioner’s objective to reduce the harm caused by irresponsible licensed premises.

4. The review addressed “licensing” in the sense of the Licensing Act 2003, which covers a number of “licensable activities” relating to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. It did not address “licensing” in the sense of gambling (Gambling Act 2005) or firearms (Firearms Act 1968).

### **Methodology**

5. The Task Group met four times between May and November 2014. It originally comprised the following members:

Cllr Richard Britton – task group chairman  
Cllr Chris Caswill  
Cllr Brian Ford  
Mrs Amanda Newbury  
Cllr Linda Packard

6. Following the task group’s initial meeting it was decided that Mrs Newbury’s position as manager of a licensed premise within Wiltshire constituted a potential conflict of interest which would undermine the perceived objectivity of the task group’s work. Mrs Newbury therefore left the task group at this point and the task group wish to thank her for her valuable contribution at the review’s early stage.
7. In May Cllr Packard and Cllr Ford ceased to be members of the Police and Crime Panel. Cllr Ford left the task group while Cllr Packard kindly agreed to remain as a co-opted member. Mr Chris Henwood subsequently joined, making the task group’s final membership as follows:

Cllr Richard Britton – task group chairman  
Cllr Chris Caswill

Mr Chris Henwood  
Cllr Linda Packard – co-opted task group member

8. The task group met with, or considered written evidence from, the following:

- Angus Macpherson, Wiltshire Police and Crime Commissioner
- Kieran Kilgallen, Chief Executive, Wiltshire OPCC
- Dave Bennett, Licensing Manager, Wiltshire Police
- Naji Darwish, Head of Public Protection, Wiltshire Council
- Linda Holland, Public Protection Team Leader (Licensing), Wiltshire Council

9. The task group also sought to meet with Swindon Borough Council's licensing team, but were unable to fix an appointment prior to the report's publication. This is regrettable because the task group has been unable to ascertain the nature of the licensing arrangements in Swindon, such as the liaison between the Police's licensing team and that of Swindon Borough Council.

**a) Licensing applications**

**Evidence**

10. Licensing Authorities are responsible for determining all applications under the Licensing Act 2003. For new premise licenses or license variations there is a 28-day consultation period during which responsible authorities and interested parties can raise objections, which should relate to one of the four objectives in the Act, which are:

1. Prevention of crime & disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

The responsible authorities are:

- Wiltshire Police
- Wiltshire Fire & Rescue
- Planning
- Enforcing agency for health & safety
- Trading Standards
- Child protection agency
- Licensing Authority
- Public Health

(Councillors and members of the public can make representations in certain circumstances.)

11. Where no representations are made the license must be granted as applied for subject to conditions in the operating schedule. If valid representations are made the application must be referred to the relevant licensing authority's Licensing Committee to determine the application within statutory timescales.
12. Local authorities are able to make representations regarding applications on evidence drawn from the licensing team's data system or from documented evidence of historic issues with premises or applicant. The Police are able to use individuals' criminal records as evidence for their objections to license applications. The task group believes this happens only infrequently.
13. The licensing process is quasi-judicial and both applicant and objector are required to support their case with high quality evidence. The cases made by both sides are judged on their own merits and one side's case is not viewed as being inherently more valid than the other. Placing conditions on an application or refusing it all together without robust evidence can lead to the decision being successfully challenged in court, with the associated resource and cost implications for the licensing authority.
14. The Commissioner has expressed some frustration with the Police's lack of success in raising objections that lead to a license application not being granted. In part the Commissioner cites the legislation as the cause of this frustration due, in his view, to its emphasis on granting applications wherever possible. It can, for example, be very difficult to provide sufficient evidence linking historic irresponsible management at a licensed premise with a new application submitted under a different name. The Police therefore have to make an anticipatory judgement of the new applicant, which is a weak argument and rarely leads to the application being refused, despite any concerns the Police may have.
15. The Commissioner has also expressed some frustration with the level of evidence the licensing committees require before refusing an application. Wiltshire Council's licensing team have emphasised that without robust evidence of mismanagement or criminality, the licensing authority must grant the application. Denying someone the right to operate a business is a major step and requires evidenced reasons. There is also the question of proportionality: Minor incidents of criminality in an applicant's past would not necessarily justify the refusal of a license. Wiltshire Council's licensing team emphasise their work in supporting applicants to improve their application or management plan so that it meets the necessary standards. Once applications are granted, areas of concern can be monitored, and evidence of poor management can be gathered and legitimately challenged. Initially this tends to be through informal routes and then, if these are unsuccessful, through the license review process.

16. The task group is unclear on the Commissioner's own role in objecting to – or encouraging the Chief Constable to object to – licensing applications that he has concerns about.

## **Conclusions**

17. Without high quality evidence that relates to the Act's licensing objectives there is a presumption in favour of granting licensed premise applications. This would seem to represent an obstacle to ensuring that only responsible applicants are licensed. Overall the Commissioner and the Police have a very limited ability to ensure that only responsible applicants are licensed (it should be noted that this is **not** an aspiration included in the Police and Crime Plan). It is clearly easier, and less liable to legal challenge, to approve applications and then monitor the management of those premises, taking supportive or enforcement action as necessary once evidence is available. However, it must be acknowledged that this approach potentially exposes communities to the impact of irresponsibly managed premises until successful enforcement action can be taken.
18. Evidence submitted by the Police to support their objections is not always of a standard that would, in the view of licensing committees, withstand legal challenge. The task group is not in a position to draw its own conclusions on this matter. However, it is mindful of the Police and Crime Panel's concerns regarding the proportion of prosecutions in Wiltshire that fail due to the quality of Police input; a statistic reported to the Panel on a quarterly basis.
19. The task group is not in a position to assess whether the two licensing authorities are unduly cautious in the level of evidence they require before refusing applications. Making such assessments would require a thorough understanding of licensing law and a detailed analysis of historic applications, which are not within the scope or capacity of the task group.
20. What is clear is that the Commissioner feels a degree of frustration in the difficulty the Police have in raising objections that lead to applications of concern being refused. This seems to suggest some lack of clarity between the Commissioner, perhaps the Force itself, and the licensing authorities, in terms of their expectations of the other party during the licensing process.

(See recommendations 1 and 2)

### **b) Monitoring the operation of licensed premises**

#### **Evidence**

21. The Police and Crime Plan does not define "responsible management" or "irresponsible management" in terms of licensed premises. It also doesn't state how the "harm caused by irresponsible licensed premises" is defined and therefore how it is measured.

22. The quarterly performance monitoring scorecard brought to the Police and Crime Panel includes only one indicator relating explicitly to licensed premises: ‘Number of Licensed Premises checks’ carried out’. The Commissioner has reported previously that the figures for this indicator are unreliable because it is not known if officers record the visits consistently. Some of the Panel’s performance reports have included further ad hoc information about Police activity in respect of licensed premises, for example: “Within the first nine months of 2013/14 there have been 46 (14 in Q3) interventions by licensing officers...” However, the task group is not aware if this kind of data is systematically monitored by the Commissioner.
23. The task group asked the Commissioner which crime types he uses to measure progress towards realisation of the licensing objectives in his Police and Crime Plan. It also asked what performance thresholds had been set to this end. In response the Commissioner referred the task group to the ongoing review of the Police’s performance culture, which highlights how a culture of targets and quantitative measures can result in perverse behaviours. The Commissioner stated that recording the number of licensed checks conducted, test purchases carried out or review hearings taking place does not provide evidence on whether the system is working or demonstrates success. He reported it is “more important to focus on the use of interventions and the outcomes that these provide to demonstrate what works well and helps to reduce alcohol related violence.” The task group therefore remains unclear about what data the Commissioner uses to monitor the delivery of his Plan objectives.
24. The Police’s licensing team systematically monitors Incident Room Storm Logs and Niche reports for all incidents and crimes relating to licensed premises. This enables them to identify trends and, in collaboration with the local authorities and take action regarding specific premises that may be being managed irresponsibly. It also enables them to build an evidence base should formal action become necessary. The task group is not aware if/how the results of this analysis are then used by the Commissioner to enable an informed allocation of resources at a strategic level.
25. The task group met with the Commissioner to discuss the mechanism(s) in place through which he:
  - a) formally monitors licensed premises which are being managed “irresponsibly”;
  - b) monitors the impact of “irresponsible” management, such as through the monitoring of certain crime types, and the analysis of those crimes to determine what proportion relate to licensed premises; and
  - c) having established the above, allocates appropriate resources.

However, it was not able to establish this.

## **Conclusions**

26. Without a stated definition of “responsible” or “irresponsible management” it is not possible to measure the achievement of the aspirations to “encourage

responsible premises” or “take a firm approach with licensed premises that abuse their position of responsibility”. Without defined indicators – whether they be volume of police activity, crimes recorded or impact on the community – it is not possible to measure the achievement of the licensing aspirations in the Police and Crime Plan.

27. The Police licensing team closely and systematically monitor all incidents relating to licensed premises recorded in some form by police officers on the ground. This provides a detailed picture of the individual premises and areas where poor management may be an issue, enabling the licensing team to take targeted action as necessary. The task group supports this systematic approach.
28. There appears to be no system currently used by the Police or the Commissioner at a strategic level to measure the harm caused by irresponsibly managed licensed premises on communities, and inform the resource to apply in response.
29. The Plan articulates a number of objectives relating to licensed premises and in doing so potentially creates expectations for:
  - a. the public: it states that the Police will crackdown on ‘irresponsible’ licensees. Without a definition of what is considered irresponsible there is potential for the public to be disappointed.
  - b. Wiltshire licensees: if they perceive that there is no objective measure of ‘irresponsible’ behaviour, they may object to any reactive action taken by the Police.
  - c. the Police and Crime Panel: there is no satisfactory way of judging the extent of the realisation and impact of the Commissioner’s objectives regarding licensing and whether Police resources are being allocated to best effect.

(See recommendations 3 to 5)

**c) Police recording of incidents at (or near) licensed premises**

**Evidence**

30. When a police officer attends a licensed premise and there is an incident of concern (though not necessarily a crime) the attending officer is expected to speak to the licensee and to log the incident electronically. This log then forms part of the internal Police database known as Storm, which is a record of officers’ communications with the incident room, and Niche, which is a more complete record of incidents and crimes. In practice, attending officers use their discretion when deciding whether or not to log such incidents. Indeed, a Police working group has been established in order to improve levels of incident recording in this regard.
31. Historically, when an individual was apprehended regarding an incident that was suspected to be alcohol-related, the attending officer was required to

record the last licensed premise visited by the individual. This system was based on the idea that the licensed premise may have served the individual alcohol when they were clearly already intoxicated, potentially suggesting irresponsible management. The task group understands that attending officers are no longer required to record the 'last premise visited' in such cases.

## **Conclusions**

32. Inconsistency or inaccuracy in the recording of incidents taking place in or near licensed premises undermines the ability of the Commissioner, Police Command, and the Police and local authority licensing teams to:
  - Accurately identify which premises are being managed irresponsibly;
  - Accurately assess the number and impact of those being managed irresponsibly;
  - Ensure that licensed premises in different areas are treated equitably
  - Determine the appropriate form and level of resource to direct towards certain premises or areas;
  - Measure the delivery of the licensing aspects of the Police and Crime Plan.
33. The task group therefore welcomes the formation of the Police working group, established to improve the consistency of Police recording of incidents relating to licensed premises.
34. The removal of the 'last licensed premise visited' field for attending officers to complete reduces all parties' ability to identify and 'crack down on' irresponsibly managed licensed premises.

(See recommendations 6 and 7)

### **d) Data recording, sharing and analysis**

#### **Evidence**

35. As described above, Wiltshire Police's licensing team systematically monitors relevant Police databases in order to identify licensed premises that may be being managed irresponsibly. Wiltshire Council's licensing team also receives and records a variety of information from the public and other agencies relating to potential issues with licensed premises. (The task group was frustrated by not being able to establish the equivalent systems in place at Swindon Borough Council.) This evidence may trigger action at a variety of levels by the licensing authority and/or the police. This includes making informal visits to premises to speak to the licensee; invitations to formal meetings to discuss areas of concern and offer support; or the initiation of enforcement action through the licensing review process. Both licensing teams have advised that initially the emphasis is always on encouraging responsible management by offering education and support, rather than on taking punitive action in the first instance.

36. The information gathered by both parties is brought together for discussion at the Licensing Tasking Group (see paragraph 40) as well as more informally between meetings. The task group cannot make a judgement as to whether the information held by each party would enable robust analysis and future use by replacement staff following personnel changes.
37. Wiltshire Council's licensing team do not have routine and open access to the Police's data on licensees but are provided with specific information on request.

## **Conclusions**

38. The licensing teams of Wiltshire Police and Wiltshire Council clearly have good joint-working arrangements, open communication channels and established informal information-sharing systems. There is regular contact between the two teams and a good understanding of their respective roles and responsibilities. The task group was told that a similar relationship exists between the Police and the licensing team of Swindon Borough Council.
39. Informal communication channels are valuable, but any lack of systematic data recording and/or reliance on the (undocumented) experience and knowledge of a few key personnel could present a risk to:
  - The technical resilience and continuity of Police and local authority licensing teams;
  - The consistent and evidence-based analysis of licensed premises of concern.
  - The perceived fairness and transparency of the licensing system.

(See recommendation 8)

### **e) Licensing Tasking Group**

#### **Evidence**

40. Wiltshire (not Swindon) operates a multi-agency Licensing Tasking Group that meets monthly to share information, consider evidence of irresponsible management and agree actions as necessary. The Group is chaired by Wiltshire Council's Head of Public Protection and includes representation from the Police, Fire Service, Wiltshire Community Safety Partnership and Wiltshire Environmental Health. In the Police and Crime Plan, the Commissioner acknowledges the "excellent work" undertaken by this Group. The Tasking Group's aims include:
  - Improve inter agency working and develop strong cooperation between agencies
  - Share intelligence on licensing and alcohol-related night time economy issues
  - Agree and carry out actions and activities using a multi agency approach to target resources and review outcomes

- Produce and regularly review a list of priority premises in Wiltshire
41. The Licensing Tasking Group tends to focus on premises with the highest number of linked incidents, though in isolation this can be misleading and requires consideration alongside other indicators. Wiltshire Council's Licensing Team intends to increase the robustness of the data analysis undertaken by the Licensing Tasking Group to ensure that premises that are genuinely of most concern are prioritised. An intention to take an increasingly holistic view of the wider night time economy was also expressed.
42. The Commissioner reported that Swindon does not operate an equivalent multi-agency tasking group. The Commissioner favours the idea of a single tasking group for both Wiltshire and Swindon rather than separate groups working in silos. However, he also accepts that this may prove difficult given the detailed knowledge of local areas and he is therefore recommending that Swindon establish its own multi-agency tasking group.

## **Conclusions**

43. The existence of Wiltshire's Licensing Tasking Group, through which different agencies share information, draw conclusions and agree appropriate actions, would appear to represent best practice in terms of joint working and is commended by the task group. The task group also welcomes the Tasking Group's intentions to increase the robustness of its data analysis and to take an increasingly holistic view of the night time economy in its approach.
44. Without having had the opportunity to consider the equivalent arrangements in Swindon, it is not possible to compare their effectiveness. However, the Commissioner has supported the idea of an equivalent Licensing Tasking Group being developed for the Swindon area. In the task group's view, it would probably not be feasible to create a combined Wiltshire and Swindon Licensing Tasking Group at this stage, given the specificity of local issues and the demarcation between the two local authority areas of jurisdiction. However, the task group does support the Commissioner in his desire for a Swindon-based Licensing Tasking Group.
45. As in other areas of collaborative work between the Police and local authority licensing teams, ensuring that the Licensing Tasking Group's work is documented, systematic and evidence-based will help ensure that it prioritises the right issues and can continue to function effectively when key personnel move on.

(See recommendations 9 to 12)

### **f) Temporary Event Notices (TENs)**

#### **Evidence**

46. Temporary Event Notices (TENs) are granted by licensing authorities and permit applicants to hold an event of a defined size and duration involving any form of licensable activity in a premises not already licensed for that activity.

TENs can also cover extensions of hours or additional licensable activities in premises that are already licensed. Licensable activities include the sale of alcohol, regulated entertainment and the provision of late night refreshment. A maximum of 12 such events per year can be held at any one premises and 5 per year can be submitted by any one individual. However, Personal License Holders may submit 50 TEN applications per year.

47. Wiltshire Council's licensing team receives between 2,000 and 3,500 TEN applications per year. The Police and Environmental Health are the statutory consultees for TENs and, as with license premise applications, any representations must be substantiated with evidence. Local Authority licensing teams facilitate the application process, but are not consultees. As with licensed premise applications, the assumption is that TENs will be granted unless there are evidenced concerns from a responsible authority relating to one or more of the 4 licensing objectives in the Licensing Act 2003.
48. The Police and Environmental Health have 3 working days to object to a TEN application and the local authority then has 10 working days to organise a hearing if necessary. It is not unusual for TENs to be submitted exactly 10 working days before the event is due to take place, meaning that the working deadlines can be extremely tight.
49. Existing conditions on the license of a premise, such as a nightclub, do not apply for Temporary Events taking place in that same venue. This allows licensed premises to host 12 events per year that theoretically may be little or no different from their normal Saturday night but without the requirement to meet the normal conditions of their license, for example, to provide security staff.
50. Most TEN applications relate to very small events, such as village fetes, and require no policing. However, approximately 5-10% of the TEN applications received require extra attention and these can represent a significant drain on the time of the Police and local authority licensing teams. This is particularly the case when applicants submit their Event Management Plan to the licensing authority at a very late stage, which they are legally permitted to do. The Police licensing team view scrutinising TEN applications as an important element of their work and believe that events that would potentially be unsafe would go ahead without their work in this area.
51. As with licensed premise applications, the local authority and Police licensing teams seek to work with the applicant to ensure that all parties are satisfied with the how the event will be managed. The aim is to reach agreement on the Event Management Plan and, in doing so, avoid the TEN application having to be heard by a licensing sub-committee.

## **Conclusions**

52. Several aspects of the TENs process concern the task group in that they represent potential obstacles to ensuring the responsible management of licensed events:

- TENs are logged against a premises but not often against individuals, potentially allowing individuals with poor licensed premise or event management histories to run Temporary Events without appropriate consideration of their suitability to do so;
  - existing conditions on licensed premises do not apply to Temporary Events held on those premises, potentially allowing unscrupulous license holders to effectively dodge the responsibilities set out in their premises license on up to 12 occasions per year;
  - the challenging deadlines in which consultees and the licensing authority must object to and process TEN applications limits all parties' ability to scrutinise those applications robustly;
  - the significant drain on resources caused by processing TEN applications must inhibit the ability of the Police and local authorities to manage other licensing issues effectively and therefore the Commissioner's ability to deliver the licensing objectives in the Police and Crime Plan.
53. The current legislation prevents a more proactive and considered approach to considering TEN applications. Moreover, the effort required to manage TEN applications is disproportionate with respect to the ability of the licensing authority and consultees to ensure they are managed responsibly.
54. The task group is sympathetic to the Commissioner in this area because the concerns outlined are due to current legislation and therefore not within his gift to change. This obviously limits his ability to deliver some aspects of the licensing ambitions in his Police and Crime Plan.

(See recommendation 13)

### **g) Late Night Levy**

#### **Evidence**

55. The Late Night Levy was introduced in the Police Reform and Social Responsibility Act 2011 and enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. The authority can choose the period during which the levy applies, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations. The amount of the late night levy is set at a national level and the charge is calculated according to a premises' rateable value. The police will receive at least 70% of the net levy revenue and the licensing authority can retain up to 30% of the net levy revenue to fund other activities besides policing. There are restrictions on the types of services that licensing authorities can fund with the levy revenue in order to ensure that it is spent on tackling alcohol-related crime and disorder and services connected to the management of the night-time economy. The licensing authority is able to deduct permitted administration, collection and enforcement costs from the gross levy revenue.
56. The Commissioner believes further consideration should be given to the introduction of a Late Night Levy in Wiltshire and Swindon, recognising that

there are significant differences between the night time economies of Wiltshire and Swindon and between the major conurbations in Wiltshire and the rural surroundings. As a minimum, the Commissioner would like to see Business Improvement Districts (BIDs) making a significant contribution to the cost associated with the night time economy if a levy is not to be imposed. A BID is a defined area within which businesses pay an additional tax (or levy) in order to fund projects within the district's boundaries.

57. To this end, the Commissioner has asked the two licensing authorities to provide data indicating the approximate likely revenue that would be generated if a Levy were introduced. The Commissioner has stated that he needs to know how much a Levy would generate before speculating on how he would use the income.
58. The task group is not aware of the Commissioner's position on the other measures available for managing the night time economy, such as Cumulative Impact Polices and Early Morning Restriction Orders.

## **Conclusions**

59. Any revenue generated through the introduction of a Late Night Levy, and its effective deployment, could enhance the Police's ability to "take a "firm approach" with licensed premises identified as being managed irresponsibly". However, it is not certain that the income generated through a Levy would outweigh the cost of implementation, particularly given that the Levy would exclude BID areas.
60. While the Commissioner views the introduction of Levies as deserving serious consideration, it is clear that there is scepticism in some quarters about their applicability to Wiltshire and Swindon. The Levy is viewed by some as only being appropriate in urban areas with a high concentration of late-opening establishments with the associated drain on police resources.
61. There may also be a natural tension here between licensing authorities and the Police: Licensing authorities have a greater role in supporting the local economy, while the Police's primary focus is to protect the public and enforce law and order.
62. Given this tension and the likely divergence of views between the Commissioner and the two local authorities, the Commissioner's first objective should be making a strong case for the principle of introducing the Late Night Levy. This would facilitate the provision of the necessary data to enable the Commissioner to produce a detailed business case.

(See recommendations 14 and 15)

## **Recommendations**

**The task group recommends that the Commissioner:**

- 1. Instigates a dialogue with the two licensing authorities in order to clarify all parties' understanding of the level of evidence required from responsible authorities in order to justify conditions being placed on a premises license or its refusal;**
- 2. Assures himself that the Police licensing team is resourced to submit the required standard of evidence in the license application process;**
- 3. Working in conjunction with the two licensing authorities, considers the publication of a charter or protocol in which their joint views of what constitutes the responsible management of licensed premises are set out;**
- 4. Satisfies himself about the completeness and accuracy of the figures he receives from the Force regarding incidents and crimes relating to licensed premises and confirms that he receives those figures as a standard item in his performance reviews and that they are being proactively used by the Force to inform the allocation of police resources;**
- 5. Establishes the extent of any correlation between certain crime types and the irresponsible management of licensed premises in order to inform his allocation of resources in this area;**
- 6. Satisfies himself that both he and the Police and Crime Panel are able to assess the true level of irresponsible management by ensuring that data recording on the ground is complete, accurate and consistent;**
- 7. Considers the extent to which the removal of the 'last licensed premise visited' data field for officers attending alcohol-related incidents inhibits his ability to identify and 'crack down on' irresponsibly managed licensed premises;**
- 8. Satisfies himself that the delivery of the licensing aspects of the Police and Crime Plan would not be jeopardised by:**
  - The loss of a significant amount of unrecorded historic information through the departure of a key member of the Police licensing team;**
  - Inaccurate or incomplete data regarding licensed premises adversely affecting the allocation of police resources on the ground;**
- 9. Satisfies himself that irresponsibly managed premises are being identified using a consistent and evidence-based methodology, so that licensed premises can have confidence in the fairness of the enforcement regime;**
- 10. Continues to encourage Swindon Borough Council to consider the creation a Licensing Tasking Group along the lines of the model adopted by Wiltshire Council;**

11. Supports Wiltshire Council's intention to take a more holistic view of the night time economy;
12. Satisfies himself that the Licensing Tasking Group's work is documented, systematic and evidence-based in order to ensure it
  - prioritises the right issues and premises;
  - can continue to function effectively when key personnel move on, and
  - Licensed premises can have confidence in the fairness of the enforcement regime;
13. Works with other Commissioners and other colleagues nationally to raise the profile of the issues identified regarding the current Temporary Event Notice (TEN) system;
14. Publishes an indicative business case for the introduction of Late Night Levies in Wiltshire and Swindon, including:
  - details of the Levy's successful introduction in local authority areas that are comparable to Wiltshire and Swindon;
  - how the income generated by the Levy in those area(s) is being used to support the achievement of the licensing aspects of the relevant Police and Crime Plans and the objectives of the Licensing Act 2003;
  - the extent of the current "harm caused by irresponsibly managed licensed premises" in Wiltshire and Swindon;
15. Publicly takes a position on the other measures available for managing the night time economy, such as Cumulative Impact Policies and Early Morning Restriction Orders.

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**Licensing Task Group,  
Wiltshire Police and Crime Panel**

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## **Appendices**

None

## **Appendix 3**

### **Proposed Terms of Reference for the Regional Collaborations Task Group**

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#### **Introduction**

(Note: "Wiltshire" is used throughout to denote Wiltshire and Swindon.)

At its meeting on 19 November 2014 the Panel decided upon the issue of the increasing number of collaborations between regional police forces as the subject of its next task group exercise.

In pursuance of this, at that meeting OPCC was asked to provide a brief description of the various collaborations which Wiltshire police are either already involved in or which are currently being negotiated.

The project is difficult to scope because:

- The Panel has no direct access to the force on operational matters
- We cannot consider the workings of the collaborations outside of Wiltshire (*is this true?*)

#### **Terms of Reference**

To consider how the various collaborations between Wiltshire Police and its regional neighbours further the objectives of the Commissioner's Police and Crime Plan and whether they are in the best interests of the people of Wiltshire.

To make recommendations on how existing collaborations could be enhanced, and to identify opportunities for where further collaborations could be investigated.

#### **Points for investigation**

For each collaboration:

1. What is the overall scope and the key provisions?
2. Which force has command and control?
3. How are resources allocated and by whom?
4. What are the financial arrangements?
5. What is the Commissioner's main objective in signing up to this collaboration? What is he seeking to achieve? In what ways does the collaboration provide a better service for the people of Wiltshire than if it were retained by Wiltshire police acting alone?

6. How does the Commissioner measure if/how the collaboration is delivering on the objectives set for it?

## **Methodology**

The task group will:

- consider how the list of collaborations relate to the Commissioner's objectives as set out in his Police and Crime Plan;
  - request sight of the collaboration agreements. If for some reason these cannot be provided a synopsis will be requested;
  - seek an opportunity to review the list of collaborations with the Commissioner;
  - ask OPCC to provide examples of how the collaborations work in practice to provide more effective policing in Wiltshire.
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Cllr Richard Britton, Chairman of Wiltshire Police and Crime Panel

01/01/2015