

Swindon Borough Council

Licensing Committee

Thursday, 8 January 2015

Committee Room 6, Civic Offices (Anticipated meeting room)

At 5.30 p.m.

Conservative Councillors

Andrew Bennett
Alan Bishop
Michael Bray
Oliver Donachie
John Haines
Eric Shaw (Vice-
Chair)
Timothy Swinyard
Vera Tomlinson
(Chair)

Labour Councillors

Junab Ali
Abdul Amin
John Ballman
Derique Montaut
Steve Wakefield
Peter Watts

Liberal Democrat Councillors

Stan Pajak

Committee Officer: Shaun Banks (Telephone: 01793 463606)
sbanks@swindon.gov.uk
Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH
(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 4)

To receive the minutes of the meeting held on 13th August 2014.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Statement of Licensing Policy (Pages 5 - 82)

6. Animal Boarding Establishments (Pages 83 - 120)

Date of Despatch: 30 December 2014

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

LICENSING COMMITTEE

WEDNESDAY, 13 AUGUST 2014

PRESENT:- Councillors Junab Ali, Abdul Amin, John Ballman, Andrew Bennett, Alan Bishop, Michael Bray, Oliver Donachie, John Haines, Derique Montaut, Timothy Swinyard, Vera Tomlinson (Chair), Steve Wakefield and Peter Watts.

Apologies for absence were received from Councillors Stan Pajak and Eric Shaw.

12. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

13. Public Question Time

No public questions were received during the meeting.

14. Minutes

Resolved – That the minutes of the meeting held on 2nd July 2014 be confirmed and signed as a correct record.

15. Revision of Street Trading Policy

The Council's Licensing Officer submitted a report setting out proposed revisions to the Council's Street Trading Policy and in particular permitting music to be played during street markets organised by InSwindon on behalf of this Council.

Resolved – That Council be recommended to approve and adopt the revised Street Trading Policy, as set out in Appendix 3 to the report of the Council's Licensing Manager.

16. Delegation of Functions under the Scrap Metal Act 2013

The Council's Licensing Manager submitted a report setting out (a) a proposal to seek the agreement of the Cabinet to delegate functions under the Scrap Metal Dealers Act 2013 from itself as the executive body to the Licensing Committee, and (b) subject to the concurrence of the Cabinet, to further delegate those functions to the Licensing Sub-Committees and the Head of Planning and Regulatory Services.

Resolved – (1) That the Cabinet be requested to delegate all the Council's (executive) functions under the Scrap Metal Act 2013 to the Licensing Committee.

(2) That, further to (1) above, the Cabinet be requested to approve the following delegations to the Ad-Hoc Licensing Sub-Committee:

(i) The determination of new and renewal applications under the Act where:

(a) the applicant or site manager has been convicted of a relevant offence or subject to relevant enforcement action under the Act, or

(b) a previous application for a scrap metal licence or environmental permit/registration has been refused, or

- (c) a previous scrap metal licence has been revoked; and
- (ii) The revocation of a licence issued under the Act or the variation of a licence to include conditions.
- (3) That, further to (1) above, the Cabinet be requested to approve the following delegations to Head of Planning and Regulatory Services:
- (i) The administration and enforcement of the functions under the Act;
- (ii) The power to request further information of applicants;
- (iii) The determination of new, renewal or variation applications, other than where:
- the applicant or site manager has been convicted of a relevant offence or subject to relevant enforcement action under the Act, or
 - a previous application for a scrap metal licence or environmental permit/registration has been refused, or
 - a previous scrap metal licence has been revoked;
- (iv) The power to give notice to an applicant or licensee of the authority's proposal to consider refusing an application or revoking or varying a licence, and to invite representations from the applicant or licensee; and
- (v) The power to issue or cancel a closure notice for unlicensed sites under Schedule 2 to the Act, and where appropriate, to apply for closure orders and take such other action in this respect as may be required.

(4) That, subject to the approval of the Cabinet to the proposals set out in (1) to (3) above, the Director of Law and Democratic Services be requested to make the necessary arrangements for the inclusion of these delegations in the Council's Constitution and Scheme of Delegations.

17. Adoption of Consolidated Skin-piercing Byelaws

The Council's Licensing Manager submitted a report setting out proposals to revoke existing Swindon Borough Council Byelaws relating to Acupuncture and Tattooing and to replace them with the Department of Health's model consolidated Byelaw relating to Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

Resolved – (1) That Council be recommended to:

- (a) subject to (b) below, approve that it revokes the existing Swindon Borough Council Byelaws relating to Acupuncture and Tattooing (Appendices A and B of the Licensing Manager's report);
- (b) approve, adopt and affix the Council's common seal to the Byelaw on Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis set out in Appendix C to the Licensing Manager's report; and
- (c) authorise the Director of Law and Democratic Services to carry out the necessary procedure to apply to the Secretary of State for the confirming of the Byelaw.

18. Introduction of Licence Conditions for Home Boarding of Dogs

The Council's Licensing Manager submitted (a) a report reviewing the licence conditions currently in force in respect of home boarding for dogs pursuant to the Boarding Establishments Act 1963, and (b) a LACORS briefing note in respect of

the home boarding of cats and dogs.

Resolved – (1) That the proposed conditions for the of home boarding for dogs from different families with licensed commercial home boarding dog establishments within the Borough, as set out in Appendix 2 of the Licensing Manager's report, be approved.

(2) That, further to (1) above, the Council's Licensing Manager be authorised to undertake a consultation with interested individuals and businesses, on the proposed revised conditions for the home boarding of dogs from different families with licensed commercial home boarding dog establishments within the Borough, as set out in Appendix 2 of the Licensing Manager's report.

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Statement of Licensing Policy

Licensing Committee

Date: 8 January 2015

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 Section 5(1) of the Licensing Act 2003 provides that each Licensing Authority must determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy for each 5 year period. The policy must be kept under review and amendments made when considered necessary.
- 1.2 There have been a number of legislative changes since the policy was last determined and it therefore seems appropriate to now review the policy. A draft policy is attached to the report as **Appendix A**, for consideration.
- 1.3 In addition, Wiltshire Police have requested that a Cumulative Impact Zone (CIZ) is created by Swindon Borough Council and included in the Statement of Licensing Policy that covers parts of New Town, Old Town and the Broadgreen area of Swindon. The effect of such a policy will be to create a rebuttable presumption that where relevant representations are received about any application for a premises licence or club premises certificate to be granted in these areas, or any application to vary existing authorisations in these areas, the application will be refused. Information provided by Wiltshire Police to support their request is attached as **Appendix B**.
- 1.4 The revised Statement of Principles will be subject to statutory consultation prior to the final determination of the policy by the full Council.

2. Recommendations

- 2.1 It is recommended that the Committee:
 - 2.1.1 Consider the evidence prepared by Wiltshire Police about the cumulative effect of the concentration of licensed premises in the areas of the Borough of Swindon set out in **Appendix B** and decide if one or more cumulative impact zone should be included in the draft Statement of Licensing Policy.
 - 2.1.2 Approve the draft Statement of Licensing Policy (**Appendix A**) for consultation and commence the statutory consultation process.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: kashton@swindon.gov.uk.

Statement of Licensing Policy

Licensing Committee

Date: 8 January 2015

3. Detail

- 3.1 Swindon Borough Council determined its first Statement of Licensing Policy (SLP) on 18 November 2004. The current SLP, which was determined in 2011, is attached to the report as **Appendix C**.
- 3.2 Section 5 of the Licensing 2003 Act (as amended by the Police Reform and Social Responsibility Act 2011) requires that the Council determines the policy at intervals of no greater than 5 years.
- 3.3 The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 since the policy was last determined.
- 3.4 The changes introduced are summarised in paragraphs 3.5-3.7 below.
- 3.5 On 25 April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 as follows:
 - 3.5.1 The Licensing Authority and Local Authority responsible for public health became responsible authorities;
 - 3.5.2 The vicinity test for those who make a representation was removed and 'interested parties' became 'other persons';
 - 3.5.3 The test which Licensing Authorities must apply when considering the steps taken for the promotion of the licensing objectives has changed so that it is no longer whether the steps are 'necessary' but rather whether they are 'appropriate' to the promotion of the licensing objectives;
 - 3.5.4 A Late Temporary Event Notice may now be accepted up to 5 working days prior to the event instead of 10 working days, and the Environmental Protection Team are now a consultee for all Temporary Event Notices received by Swindon Borough Council. The time limits for temporary event notices have also been relaxed such that an event may last for up to 168 hours instead of 96 hours and events may now take place on no more than 21 days in a calendar year, instead of 15 days;
 - 3.5.5 A Premises Licence or Club Premises Certificate must be suspended for non-payment of the statutory annual fee unless the amount payable is disputed, or non-payment is due to an administrative error in which case, a 21 day grace period is provided; and
 - 3.5.6 The Statement of Licensing Policy must now be reviewed at 5 yearly intervals instead of 3 yearly intervals.
 - 3.5.7 The Licensing Authority can determine a late night levy that applies to all premises or clubs that supply alcohol for consumption on the premises

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between a period that begins no earlier than midnight and ends no later than 6 am, as set by the Licensing Authority

- 3.5.8 The Licensing Authority can determine that an early morning restriction order will apply to one or more areas of the Borough that requires premises to close no later than midnight and not reopen until no earlier than 6 am, with the time set by the Licensing Authority.

- 3.6 On 01 October 2012, the Live Music Act 2012 also amended the Licensing Act 2003 by changing the definition of regulated entertainment:

- 3.6.1 Entertainment consisting of a performance of live music is no longer considered regulated entertainment if it is performed between 8:00am and 11:00pm and:

3.6.1.1 The live music is unamplified;

3.6.1.2 The live music is amplified but the audience is no greater than 200 people and it is performed in a work place (as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992) other than a premises that is licensed for the supply of alcohol or regulated entertainment;

3.6.1.3 The live music is amplified but the audience is no greater than 200 people and it is performed in a premises or club premises that is authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises and the premises or club is open for purposes of being used for the supply of alcohol for consumption on the premises at the time that the entertainment is provided.

- 3.6.2 Any condition attached to a premises licence that relates live music ceases to have effect until such time as the premises licence is reviewed and the condition varied to include a statement that section 177A of the Licensing Act 2003, which relates to the suspension of conditions relating to live music, does not apply.

- 3.7 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 also changed the definition of regulated entertainment such that the following activities provided between 8:00am and 11:00pm are not considered regulated entertainment:

- 3.7.1 Performance of a play or performance of a dance where the maximum number of people who are in the audience does not exceed 500 people

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- 3.7.2 Indoor sporting events (excluding boxing/wrestling or boxing/wrestling with one or more martial arts) where the audience consists of no more than 1000 people.
- 3.8 The draft policy (**Appendix A**) has been formulated in view of the statutory changes summarised to avoid inconsistencies.
- 3.9 Wiltshire Police have requested that a Cumulative Impact Policy is included within the Statement of Licensing Policy that applies to parts of New Town, Old Town and the Broadgreen area of the Borough. The inclusion of such a policy will result in the creation of a rebuttable presumption that if relevant representations are received about any application for the grant of a premises licence or club premises certificate, or any application to vary existing authorisations in these areas, the application will be refused. Information to support this request is shown in **Appendix B**.
- 3.10 The introduction of a cumulative impact policy must be sufficiently evidenced and the Licensing Authority must be able to justify that its introduction is appropriate due to the effect of the number of licensed premises in a particular area.
- 3.11 Any revision to the Statement of Licensing Policy must undergo statutory consultation and it is proposed to undertake 12 weeks consultation in accordance with the Government's Code of Practice on Consultation. This period seems appropriate in view of the content of the policy and the potential impact on residents and business in the Borough of Swindon and also the length of time that the policy may be effective.
- 3.9 The results of the consultation exercise will be presented to Members at a future Licensing Committee meeting for consideration prior to referral to full Council for final determination of the Statement of Licensing Policy.

4 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 There is a cost associated with any consultation. However, it is proposed to minimise expenditure by consulting via electronic means where possible.
- 3.2 As the consultation is a statutory requirement, it must be undertaken by Swindon Borough Council and will be done using existing resources.

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Legal and Human Rights Implications

- 4.3 The Secretary of State has certified that the Act is compatible with the European Convention on Human Rights.
- 4.4 Determining the Statement of Policy is a statutory function that must be carried by Swindon Borough Council and consultation must be undertaken prior to determining the final policy. Failure to determine the policy may lead to judicial challenges.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 3.5 The consultation will be undertaken using existing staffing resources.
- 4.6 There are no other implications associated with this report.

Diversity Impact Assessment

- 4.7 No diversity impact assessment has been undertaken at this stage.

Risk Management

- 4.8 Failure to determine the policy or adequately consult may lead to judicial review proceedings. Commencing the consultation will avoid this.

5 Consultees

- 5.6 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

6 Background Papers

- 6.6 [Licensing Act 2003](#)
- 6.7 [Police Reform and Social Responsibility Act 2011](#)
- 6.8 [Live Music Act 2012](#)
- 6.9 [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)
- 6.4 [Revised Guidance issued under section 182 of the Licensing Act 2003 \(published October 2014\)](#)

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Date: 8 January 2015

7 Appendices

- Appendix A - Draft Statement of Licensing Policy
- Appendix B - Evidence from Wiltshire Police about the Cumulative Effect of Licensed Premises in the Borough of Swindon
- Appendix C - Swindon Borough Council's Existing Statement of Licensing Policy

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: kashton@swindon.gov.uk.

SWINDON BOROUGH COUNCIL STATEMENT OF LICENSING POLICY

PART 1

1. INTRODUCTION

This Statement has been prepared in pursuance of section 5 of the Licensing Act 2003 ('the Act') and sets out Swindon Borough Council's policies in respect of the exercise of its licensing functions under the Act.

Swindon Borough Council, is committed to maintaining a safe, sustainable and thriving economy that can be enjoyed by persons of all ages and from all sections of the community.

The Authority recognises that it must consider the legitimate interests of owners, employees, customers and neighbours of licensed premises but that its determinations will be with a view to the promotion of the following four licensing objectives of the Act:

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Authority acknowledges, however, that the licensing process can only seek to control those measures within the control of the licence holder, and in the immediate vicinity of licensed premises. The Licensing Act 2003 is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town centres.

The policies set out in this Statement do not seek to undermine the right of any individual to apply under the Act for a variety of permissions and to have any such application considered on its individual merits, nor to override the right of any person under the Act to make representations about an application, or to seek a review of a licence or certificate issued by the Licensing Authority.

2. Profile

Swindon is a large town and unitary authority located within Wiltshire in South West England. It is midway between Bristol, approximately 40 miles to the west and Reading, approximately 40 miles to the east. Swindon Railway Station is on the main line from London, Paddington to Bristol and South Wales. Swindon Borough Council has been a unitary authority independent of the rest of Wiltshire since 1997. Swindon was named an Expanded Town under the Town Development Act 1952 and this led to a major increase in its population. Current population estimates show the population of the Swindon urban area as 174 000 with around 206,000 as the Borough wide estimate, which includes the satellite towns of Highworth and Wroughton and annexed villages (Bishopstone, Blunsdon St Andrew, Castle Eaton, Chiseldon, Hannington, Inglesham, South Marston, Stanton Fitzwarren and Wanborough).

The town is located between junctions 15 and 16 of the M4 and is on the main rail line to London. Thamesdown and Stagecoach are the main Swindon bus operators. Swindon Borough Council recognises its responsibility to the environment, realizing the impact it creates upon the planet, but are fully committed to minimise this whilst becoming as sustainable as possible.

There are approximately 750 premises and clubs licensed by Swindon Borough Council which include pubs, nightclubs, restaurants, cinemas, theatres, takeaways, off-licences/supermarkets and members clubs. The Authority welcomes and encourages new and existing businesses that bring a range of diverse activities to the borough, but the Authority's primary consideration will always be the promotion of the licensing objectives.

3. Consultation

In accordance with section 5(3) of the Act, consultation has been undertaken prior to the determination of this Statement of Licensing Policy.

Having regard to the Cabinet Office's 'Consultation Principles' document (revised 05 November 2013), the Licensing Authority considered that a 12-week consultation period was an appropriate timescale to undertake the statutory consultation process, in view of the nature of the policy, its potential impact on the residents & businesses of Swindon and the length of time that the policy may be effective.

The list of consultees, which includes those set out in section 5(3) of the Act, is included as Annex 1.

4. Commencement

This statement of licensing policy was determined on XXXXX and comes into force on XXXXXXX. It remains effective for a period of 5 years but will be kept under review by the Authority and revisions made, as and when it is considered appropriate.

5. PURPOSE AND SCOPE OF THE LICENSING POLICY

Licensing Objectives

When carrying out its licensing functions, the Licensing Authority shall seek to promote the four licensing objectives set out in Section 4 of the Act. These objectives are:

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

Each objective has equal importance.

Licensable Activities

The Act regulates the following licensable activities:

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

Authorisations

These activities may be authorised by a premises licence, temporary event notice or, in the case of qualifying club activities, a club premises certificate.

The licensing authority is responsible for the administration and enforcement of these authorisations issued under the Act in respect of premises situated in the Borough of Swindon. The authority also administers personal licences for those individuals who live in the Borough of Swindon at the time that they apply for such a licence.

Each application will be considered on its own merits in the context of the four licensing objectives. Unless relevant representations or objection notices are received from responsible authorities or any other person, the application must be granted and where appropriate, the licence or certificate issued on the terms sought.

Where relevant representations or objections notices are received about an application for an authorisation, the authority shall determine if the application should be granted. This Statement of Licensing Policy shall be taken into account where such discretion is engaged.

In exceptional circumstances, the Licensing Authority may deviate from any of the policies included in this statement where considered appropriate for the promotion of the licensing objectives. In deciding whether an exception to a policy should be made, the Licensing Authority shall consider the reasons underlying the policy and

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determine whether the objectives of that policy would be undermined by making an exception to it. Such an exception would, however, be unusual and in such circumstances reasons will be given.

Unless otherwise stated, the policies set out in this Statement apply to all applications for authorisations administered by Swindon Borough Council.

PART B

1. PREMISES LICENCES & CLUB PREMISES CERTIFICATES

The policies set out in this section apply to applications made for premises licences and club premises certificates to be granted and applications to vary these authorisations.

GENERAL

POLICY G1 –

The Licensing Authority will normally expect applicants to address all four licensing objectives in their Operating Schedule when applying for a new authorisation or to vary an existing one. When setting out the steps that the applicant proposes to take to promote the four licensing objectives, the applicant should have regard to the following matters.

- **the activities to take place there;**
- **the time at which such activities will take place;**
- **the proposed hours of opening;**
- **where the applicant wishes the licence to have effect for a limited period, that period;**
- **the steps to be taken to promote the licensing objectives; and**
- **where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.**

Reason:

To give responsible authorities and other persons a clear indication of how the applicant, or holder of the authorisation in the case of variation applications, proposes to ensure the promotion of the licensing objectives

Additional Information:

Operating Schedules are the key to ensuring compliance with the four licensing objectives. The terms of the Operating Schedule will translate into the licence conditions that set out how the business will be run. The Authority will endeavour to work in full co-operation with the applicant or holder of the authorisation to minimise the number of disputes that may otherwise arise in this area.

In this respect the Authority will expect that the Schedule will demonstrate how it is intended that the premises will be a 'good neighbour' both to residents and to other venues and businesses in the locality. The Authority further expects applicants to provide evidence within the Operating Schedule, of effective and responsible management of the premises, including the effective instruction, training and supervision of staff being specifically addressed.

POLICY G2 –

Where an application is required to be advertised in a local newspaper circulating in the vicinity of the premises, the applicant shall provide proof of the advertisement to the Authority.

Reason:

To ensure that the legislation has been complied with and that the application is valid.

Additional Information

The Authority considers that an advertisement in the Swindon Advertiser would be sufficient for this purpose.

POLICY G3 -

The Authority will attach conditions to licences, which are tailored to the individual style and characteristics of the premises. Any condition in addition to those set out in the applicants operating schedule will be formulated based on an individual case

Reason:

To ensure that only conditions which are appropriate are attached to the licence thus promoting the licensing objectives.

GENERAL – ALL FOUR LICENSING OBJECTIVES**POLICY PW1 -**

The Authority will expect that licence holders will work with and in support of other licence holders in the vicinity of their premises to develop schemes and initiatives that seek to promote the licensing objectives.

Reason:

To promote the licensing objectives of preventing crime and disorder, ensuring public safety, the protection of children from harm and minimising or preventing public nuisance.

CRIME & DISORDER**POLICY CD1 – CCTV**

For premises or clubs that supply alcohol for consumption on or off the premises and for premises that supply late night refreshment only, the Licensing Authority will normally expect that CCTV shall be installed in the premises and that it shall be operational at all times that the premises is trading. It is further expected that all CCTV recordings shall be retained for a minimum of 28 days and a copy of any such recordings made available to a police constable or officer of the Licensing Authority within 24 hours of the request being made.

Reason:

To promote the licensing objectives of preventing crime and disorder,

POLICY CD2 – Provision of Door Supervisors

For premises or clubs that supply alcohol for consumption on the premises beyond 11.30pm on any day (other than New Year's Eve), save for restaurants that supply alcohol ancillary to a table meal, the Licensing Authority will normally expect that from 10.00pm until the close of the premises:

A minimum of two door supervisors shall be employed and present in the premises and in addition, where the capacity of the premises exceeds 200 people, door supervisors shall be employed and present in the premises at a ratio of 1 door supervisor to up to 100 persons that are present in the premises.

Reason:

To promote the licensing objectives of preventing crime and disorder, ensuring public safety, the protection of children from harm and minimising or preventing public nuisance.

Additional Information:

The provision of door supervisors and security teams may be valuable in:

- *preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;*
- *keeping out excluded individuals (subject to court bans or imposed by the licence holder);*
- *searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons;*
- *maintaining orderly queuing outside of venues prone to such queuing;*
- *ensuring that the premises are not overcrowded; and*
- *generally promoting public safety.*

POLICY CD3 Safer Glassware/Bottles

For premises or clubs that supply alcohol for consumption on the premises beyond 11.30pm on any day (other than New Year's Eve), save for restaurants that supply alcohol ancillary to a table meal, the Licensing Authority will normally expect that from 10.00pm until the close of the premises:

Only polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of container shall be used in the premises.

POLICY CD4 – DRUGS

The Authority will normally expect applications for premises licences which provide regulated entertainment and/or provide alcohol after 11.30pm to include a written drugs policy in their Operating Schedule.

Reason:

The Authority recognises that drug problems are not something which are relevant to all licensed premises. Many entertainment venues can, however, be popular both with drug users and suppliers. The production of a 'Drugs Policy' combined with effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum. Such policies may address, amongst other things,:

- the installation of a drugs deposit box in all licensed premises providing entertainment beyond 11.30pm;
- a Drugs Register to record confiscated drugs and drugs deposits;
- Suitably qualified First Aiders at all premises which provide entertainment beyond 11.30pm;
- the provision of cooler, quieter “chill out” areas for patrons.

POLICY CD5 – DPS

The Authority will normally expect that the designated premises supervisor (DPS), where applicable, shall be in day to day control of the licensed premises and to achieve this, they shall live no further than a 30-minute normal commuting distance from the licensed premises.

Reason:

To ensure the effective management of the licensed premises.

POLICY CD6 – COMMUNITY PREMISES

The Authority would expect where an application is made by the management committee of a community premises to include the alternative licence condition in a premises licence that sufficient policies are in place to ensure that the sale by retail of alcohol is effectively managed.

Reason:

To ensure that if the management committee of a community premises are responsible for the sale by retail of alcohol that the licensing objectives of the prevention of crime & disorder and the protection of children from harm are not undermined.

Additional information

The Authority accepts that community premises are used by a wide variety of people and may be hired by users of the premises for private events. However, where the management committee take on the role of being responsible for the sale by retail of alcohol, instead of a DPS, they must ensure that those running events are sufficiently briefed and understand the legal and social responsibilities associated with the supply of alcohol under the premises licence.

THE PREVENTION OF PUBLIC NUISANCE

POLICY PN1 –

The Authority will strike a fair balance between the benefits of a licensed premises to a community and the risk of disturbance to local residents. Consequently in certain areas the Authority may restrict the hours of operation of licensable activities.

Reason:

This Policy is aimed at the fulfilment of the licensing objective of “preventing public nuisance”.

Additional information:

The Government’s view is that variable licensing hours may facilitate a more gradual dispersal of customers from premises. The Authority acknowledges this view but also considers that it is evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents’ sleep being disturbed by patrons leaving licensed premises is obviously greater at 2.00am than at 11.30pm.

POLICY PN2 – PERMITTED HOURS

The Authority will normally grant authorisations for a time period commencing no earlier than 10.00am and terminating no later than 11.30pm for those premises licensed to sell alcohol for consumption on the premises and which are located in primarily residential areas. However, hours beyond 11.30pm may be permitted:

- a) for premises located in predominantly commercial areas, such as the Town Centre and Old Town where there is a high level of accessibility to public transport services; or**
- b) the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it; or**
- c) there will not be any increase in the cumulative impact from these or similar activities, on any neighbouring residential area and the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.**

Additional information:

This part of the policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In those parts of the Borough, which are predominantly residential, it is anticipated that the terminal hour of premises licensed to sell alcohol for consumption on the premises would normally be 11.30pm, unless there are exceptional circumstances.

The supply of alcohol before 10.00am and after 11.30pm may be considered to be acceptable in principle, for premises in commercial areas with high levels of public transport accessibility. However, in all cases, the granting of a licence will depend on impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the level of impact that could arise from noise and vibration,

litter, parking, people coming and going, crowds and queuing; and whether any impact is particularly unacceptable late at night or in the early hours of the morning.

POLICY PN3 – OPENING HOURS OF PREMISES

The Authority will expect the Operating Schedule to indicate that patrons will vacate the premises no later than sixty minutes after cessation of any licensable activities.

Reason:

This policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas, like parts of the Town Centre and other parts of the Borough. Any activity involving regulated entertainment, or eating or drinking either on or off the premises, has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by patrons being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially patrons departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the Borough are very sensitive to the impact of licensable activities because they are either residential in character or close to residential areas. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents being prevented from parking close to their homes and by increasing the danger from traffic in residential streets.

POLICY PN4 – OUTSIDE AREAS

For premises located in primarily residential areas:

- i) The Authority will normally expect that the provision of regulated entertainment in any outside areas will cease no later than 8.00pm on any day.**
- ii) The Authority will normally expect the use of any outside area to cease no later than 10:00pm on any day.**

Reason:

Noise generated by regulated entertainment provided in outside areas and/or patrons congregating in outside areas can have a detrimental effect on neighbouring residential properties. Restricting the use of such areas will prevent an unreasonable disturbance to these properties.

POLICY PN5 – NOISE ASSESSMENTS

The Authority will expect applicants for premises licences to provide evidence, within their Operating Schedule, of any assessments made to minimise noise disturbance, both inside and outside of the premises, and to fully implement any measures identified as being required to prevent nuisance to patrons, local residents and local businesses.

Reason:

One of the greatest causes of annoyance to residents trying to sleep is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence or if one has already been granted for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990. Responsible applicants and holders of authorisation will avoid the need for such action if they comply with the licensing objective of preventing public nuisance.

In addition, residents are frequently disturbed by patrons leaving entertainment venues in the early hours of the morning. While licence holders cannot be held solely responsible for the behaviour of their Patrons after they have left the premises, they have a duty to put in place such measures that will assist in the quieter exiting and dispersal of such patrons, who may be less inhibited about their behaviour and be unaware of the noise and disturbance they are creating for residents. A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance.

PUBLIC SAFETY**POLICY PS1 –**

The Authority will normally expect that a licence holder or club will be aware of the safe permitted capacity of their premises and have appropriate systems in place to ensure that this is not exceeded

Reason:

To prevent overcrowding in the premises, or in parts thereof, in the interests of promoting the public safety licensing objective.

PROTECTION OF CHILDREN FROM HARM**POLICY PCH1**

The Authority will take robust measures to protect children from harm and, where relevant representations are received, will normally impose conditions for limiting the access where it considers necessary to prevent harm to children.

Reason:

This policy is designed to allow flexibility for the individual Licensee to ensure that where appropriate, licensed premises are suitable for children, whilst ensuring that they are adequately protected.

Whilst the prevention of children from harm is a key licensing objective, the Authority will not normally impose restrictions on admission of children to any premises as it considers that it is a matter for the holder of the authorisation to determine. However, premises that may require conditions relating to access by children may include the following:

- a) Where there have been convictions for serving alcohol to minors.
- b) Where entertainment of an adult or sexual nature is provided;

- c) Where there is a strong element of gambling on the premises;
- d) Premises with a known association with drug taking or dealing.
- e) Where the supply of alcohol is the exclusive or primary purpose of services provided.

In such circumstances it may be necessary to impose a condition banning entry to those premises by children under the age of 18 years. Options other than a complete ban can include the following:

- Limitations on the hours when children may be present;
- Proof of age arrangements for alcohol sales, for example the PASS scheme;
- Age limitations [below 18];
- Limitations on exclusions of the presence of children under certain ages when particular activities are taking place;
- Requirements for accompanying adults;
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place.

Where there are large numbers of children expected to attend any licensable activities, or the entertainment is specifically provided for children, the Authority will, by way of suitable conditions, require the presence of stewards to control the access and egress of the children and ensure their safety within the premises. Such adults shall be over 18 years of age and have training in the means of escape arrangements and other facilities. The stewards will also be required to undergo a periodic PNC/DBS checks to the satisfaction of the Authority.

POLICY PCH2 – Challenge 25

The Authority will normally expect that premises authorised to supply alcohol for either consumption on or off the premises will operated a Challenge 25 policy, such that all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The Authority would expect that the only acceptable forms of identification for proof of age would be a photo driving licence, passport, or home office approved identity card baring the holographic "PASS" mark. It is further expected that where such a scheme is in operation, all staff working at the premises should be fully trained and aware of the scheme and appropriate training records maintained.

Reason:

The 'Challenge 25' policy is a nationally recognisable scheme that aids in the prevention of the supply of alcohol to children, thereby promoting the protection of children from harm licensing objective.

POLICY PCH3 – Film classification

- 1. Where a premises licence or club premises certificate authorises the exhibition of a film, the Licensing Authority will normally specify that the**

admission of children to any exhibition shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of such a recommendation, the Licensing Authority itself. Any recommendation by the Licensing Authority to restrict the admission of children to an exhibition of a film will normally be made in accordance with the current BBFC Classification Guidelines.

2. The Licensing Authority will normally expect that any request for a recommendation on the restriction of the admission of children to an exhibition of a film is made no later than 4 weeks prior to the proposed exhibition, or first exhibition as the case may be.

Reason:

To ensure that children are not exposed to unsuitable material. Also, to allow sufficient time to give appropriate consideration to an unrated film where the Licensing Authority is asked to give a recommendation on the restriction of the admission of children to the film.

POLICY PCH4 – ADULT ENTERTAINMENT

The Authority will not normally grant premises licences for entertainment which involves a sex related or adult element in any premises which are located in the vicinity of schools, youth clubs or any other premises where significant numbers of children are likely to attend.

Reason:

To further the licensing objective of protection of children from harm by preventing them being exposed to unsuitable material or acts, and also to further the crime and prevention objective.

Where activities specified in an applicant's operating schedule include activities of an adult or sexual nature, for example, male and/or female striptease, lap-, table, or pole-dancing, topless waitresses, entertainment involving strong and offensive language etc., the Authority will take into consideration the risk to the promotion of the licensing objectives particularly in respect of the protection of children and prevention of crime and disorder.

Where such applications are made, it will be for the applicant to demonstrate in their operating schedule all preventative measures which will be taken to ensure that there is no risk to the promotion of the licensing objectives. Where such licences are granted, the Authority will impose suitable conditions to prevent the admission of children and to prevent crime and disorder problems.

Where the Authority grants a premises licence that includes activities of an adult or sexual nature, it will impose conditions relating to the following:-

- the location within the premises where activity takes place;
- the absence of advertising the activities outside the premises;
- the measures taken to ensure no person under 18 years of age enters the premises;

- the position of the performers' dressing rooms in relation to the area in which they perform;
- physical contact between performers and customers

POLICY PCH5 – DESIGNATION OF RESPONSIBLE AUTHORITY

The Authority considers it appropriate to designate Swindon Borough Council's Head of Children, Families & Community Health as the Responsible Authority for the prevention of harm to children.

Reason:

To promote the licensing objective of protecting children from harm.

2. PERSONAL LICENCES

POLICY PL1 -

At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Authority will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances put forward by the applicant or licence holder (as appropriate). The Authority's determination will ensure the promotion of the prevention of crime objective.

Reason:

Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a person with a relevant criminal record could undermine rather than promote the crime prevention objective.

PART 3

1. Integrating Strategies and the avoidance of duplication

By consultation and liaison, the Authority will secure the proper integration of this licensing policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the Borough and the night-time economy. Many of these strategies directly impact upon the four licensing objectives.

Transport: Where any protocols agreed with the police identify a particular need to disperse people swiftly and safely from a particular part of the Borough to avoid concentrations which could lead to disorder and disturbance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

Planning, building control and the licensing regimes will be separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. When a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.

So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

In order to avoid duplication and to safeguard the rights of applicants the Authority will endeavour to avoid so far as it is possible, attaching conditions to licences or certificates that duplicate other regulatory regimes.

Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.

2. Licence Reviews

The Licensing Authority can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or an Interested Party, that any of the licensing objectives are being undermined. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;

- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the sale of stolen goods;
- Police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety;
- serious risk to children.

The Police may also seek expedited reviews of Premises Licences that authorise the sale by retail of alcohol where they consider that the premises are associated with serious crime or serious disorder. The powers do not apply to Club Premises Certificates.

At a review hearing, the Licensing Authority may:

- add conditions to the licence
- modify conditions of the licence
- remove certain licensable activities from the licence
- reduce the hours during which licensable activities may take place
- remove the Designated Premises Supervisor
- suspend the licence for up to three months
- revoke the licence

3. Administration, Exercise and Delegations of Functions

All functions of the Licensing Authority under the Act, save for the determination of the Statement of Licensing Policy, may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

Many of the decisions and functions are largely administrative in nature and in the interests of speed, efficiency and cost-effectiveness these are, for the most part, delegated to officers as set out in the Swindon Borough Council Constitution.

In determining applications where the Licensing Authority has acted as a responsible authority, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating distinct functions to different officials within the authority, so the Officer presenting the report to the Sub-Committee and advising the Members (for example) will be a different individual to the Officer who is acting as the responsible authority. The Officer acting as the responsible authority will not be involved in the decision making process.

4. ENFORCEMENT

The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.

Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the night time economy is to prevent problems from occurring before they begin.

However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
- verbal warning
- written warning
- mediation between licensees and residents
- simple caution
- prosecution

These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances. Additionally, responsible authorities and interested parties may seek a review of a Premises Licence if they feel the licensing objectives are not being properly upheld, and the Police have the power to issue Closure Notices against certain problem premises.

Before deciding which course of action to take, the Licensing Authority shall . This may include the following matters:

consider the following matters:

- the history of the premises
- the relevant history of the offender
- the offender's attitude
- the circumstances of the offence
- whether the offender has a statutory defence to the allegations
- the impact or potential impact of the breach on the public
- the quality of the evidence against the offender
- the likelihood of achieving success in a prosecution
- the likely punishment that will be incurred if the case goes to Court
- whether the course of action proposed is likely to act as a deterrent
- whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

Any enforcement action will be both proportionate and risk-based, targeting high risk premises which require greater attention, while applying a lighter touch approach in respect of low risk premises.

5. Promotion of Equality & Human Rights

In accordance with the duty imposed by the Equality Act 2010, the Authority has due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations, between persons with different protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and

sexual orientation. Additionally a diversity impact assessment has been completed in respect of this Statement of Licensing Policy.

The Authority will also have regard to the Human Rights Act 1998 when exercising its licensing functions, with particular reference to the following relevant provisions:

- *ARTICLE 6* - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- *ARTICLE 8* - everyone has the right to respect for his/her home and family life;
- *ARTICLE 1* of the first protocol - everyone is entitled to the peaceful enjoyment of his/her possessions.

6. CONTACT DETAILS/ ADVICE AND GUIDANCE

Further information about the application processes, including application forms, fees levels, and the contact details for our responsible authorities is available from the Licensing Team and on the Authority's website. Electronic applications and payment may also be made through the website.

Applicants are strongly recommended to make early contact with the Licensing Authority and Responsible Authorities where possible before making an application. Informal discussions can invariably help to resolve potential problems and avoid unnecessary hearings and appeals.

For applicants who are arranging outdoor or special events, it is further recommended that an application is made to Swindon's Event & Safety Advisory Group.

The Licensing Authority
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH
E-mail: licensing@swindon.gov.uk
Telephone: 01793 445500

WILTSHIRE POLICE

Ref Cumulative Impact Policy DT18, DT15, DS12 Station Gablecross, Swindon

Division D Date 28th November 2014

Wiltshire Police believe that the Town centre and Old Town areas of Swindon would benefit with the introduction of a Cumulative Impact Policy.

Swindon Town Centre for many years has been the main Night Time Economy (NTE) in Swindon and this is predominantly 2 streets of licensed premises. 75% of these premises are vertical drinking establishments that have the aim of selling high volumes of alcohol at low prices. Each venue offers drinks promotions that ranges from £1 shots and Jaeger bombs to £1.50 pints and £5 fish bowls of alcohol.

The Town Centre over recent years has become less popular and the trade in Old Town has seen a dramatic rise in custom over the last 3 years.

Many of the premises in Old Town have also become vertical drinking establishments at weekends due to the increase in the night time population. The ratio of vertical drinking establishments is now matching that of the Town Centre which is also seeing levels of crime and disorder rise due to the levels of drunkenness.

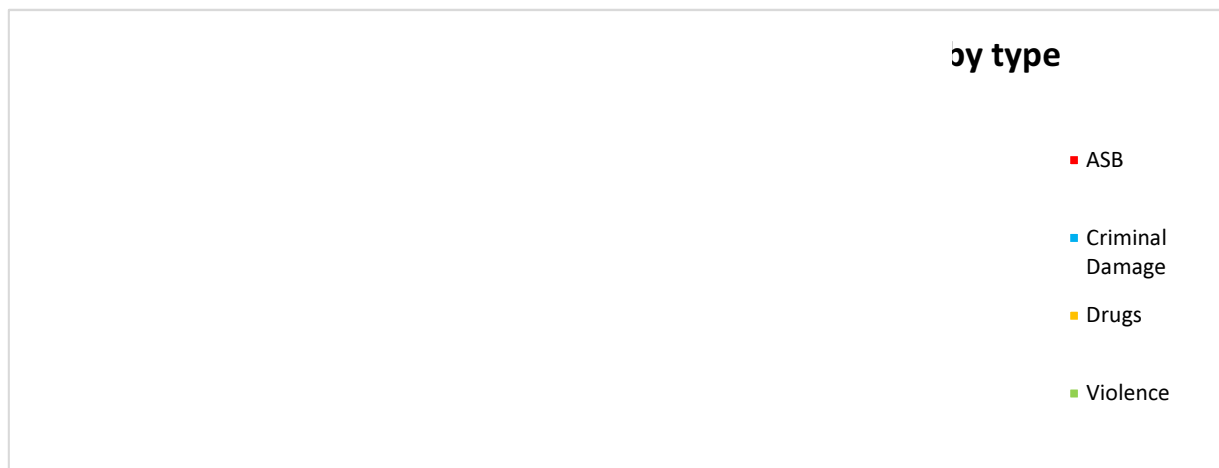
Licensed premises in Old Town are now offering drink promotions such as 2 for 1's and lower price drinks that have never existed in this area before. Old Town is also surrounded by residential premises and the close proximity to these premises has become apparent with noise complaints by residents to the local authority.

The licensed premises in these 2 areas are surrounded by late night refreshment premises which exacerbate incidents in the early hours of the morning allowing crowds to gather from the various pubs and clubs.

The grant of any further licences would exacerbate problems in these areas which is why the introduction of a CIP in this area is vital.

The evidence to support the introduction of a cumulative impact policy is as follows –

- The Occurrence types within the NTE (recorded crime)
- Top 5 Streets across a 4 year period
- Maps highlighting the hotspot areas for crime
- Tables highlighting the nature of the crimes throughout the NTE for ASB, Violence, drunk and disorderly and criminal damage.

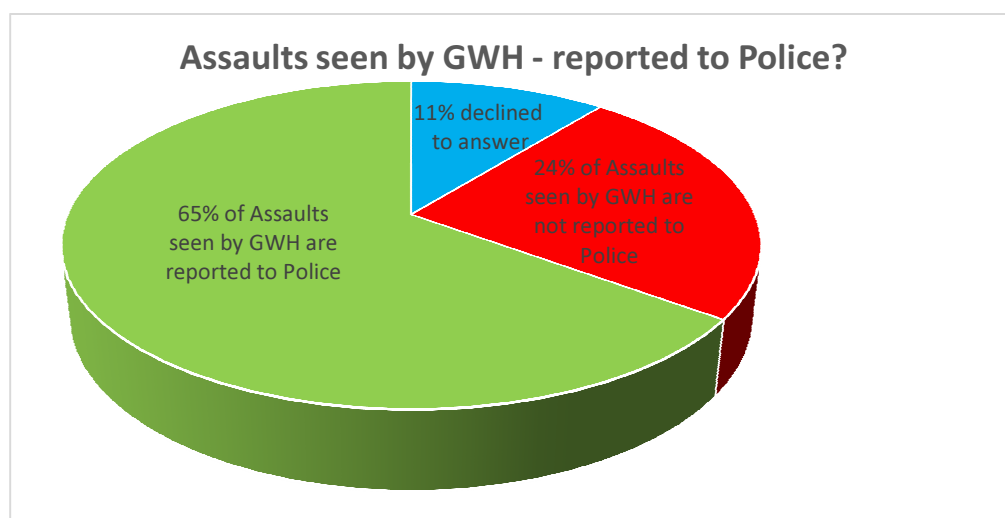
Occurrence Types in the NTE

Occurrence	Total Incidents 01/01/2009 – 28/10/2014
ASB	990
Criminal Damage	441
Drugs	308
Violence	2004
NTE Offences Total:	3743

Please note ASB included Drunk and Disorderly

The pie chart demonstrates that violence against the person accounts for the largest proportion of crime type in the last 6 years from our NTE period. The NTE parameter is Thurs-Sunday 21.00-06.00hours. Violence offences includes incidents such as GBH, ABH and Common Assault.

This figure can be seen as under reported as shown in statistics from GWH Accident and Emergency which indicate that potentially 35% of all NTE violent incidents are not being reported to the police.



Top 5 Streets for NTE Recorded Occurrences

The NTE areas of Swindon have remained the same for the last 6 years and this is indicated by the streets that have remained in the Top 5 for most recorded occurrences over the 6 year period. However 2014 has seen a new location of Regent Street emerge as a location showing that people are moving between the Old Town and the Town Centre Economies.

Street Position	2009	2010	2011	2012		2013	2014
				01/01/12 - 28/10/12	29/10/12 - 31/12/12		
1	Fleet Street (156)	Fleet Street (191)	Fleet Street (117)	Fleet Street (129)	Fleet Street (63)	FLEET STREET (199)	FLEET STREET (134)
2	Havelock Square (79)	Victoria Road (41)	Victoria Road (63)	Victoria Road (47)	Victoria Road (8)	BRIDGE STREET (82)	BRIDGE STREET (57)
3	Bridge Street (72)	Bridge Street (51)	John Street (46)	John Street (47)	John Street (8)	WOOD STREET (51)	WOOD STREET (53)
4	Victoria Road (54)	Havelock Square (54)	Bridge Street (42)	Bridge Street (39)	Bridge Street (6)	VICTORIA ROAD (45)	VICTORIA ROAD / JOHN STREET (29)
5	John Street (29)	John Street (25)	Havelock Square (39)	Havelock Square (UNKNOWN)	Havelock Square (2)	JOHN STREET (31)	REGENT STREET (14)

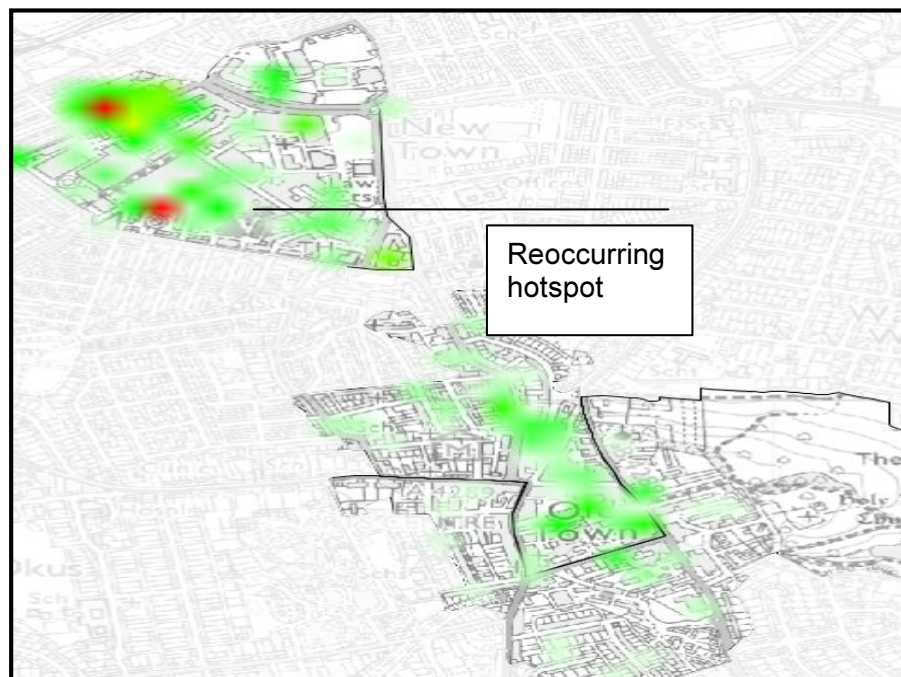
Fleet Street has recorded the most occurrences over the 6 years and this is due to the number of licensed premises along this street. This table highlights that the 3 main streets in the town centre where licensed premises exist all appear in this top 5.

Hotspot Map Analysis

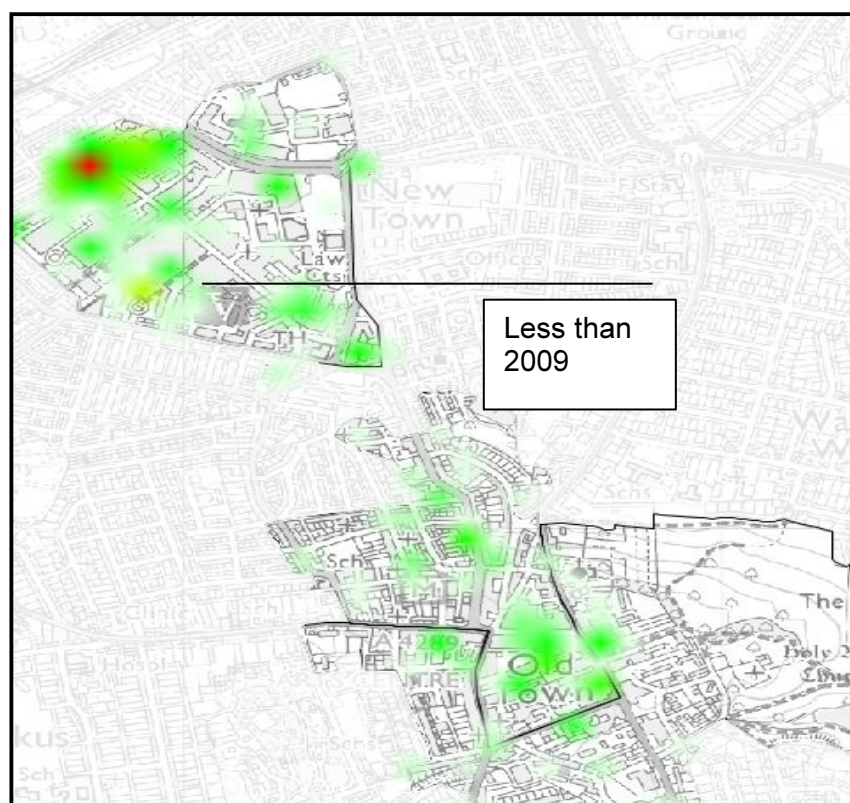
The hotspot analysis for the areas of Swindon Town Centre and Old Town NTE show a consistent pattern over the 6 year period showing that this is a constant problem and not one that has suddenly occurred overnight.

The coloured areas on the maps show that there are levels of crime occurring in this area and the red and yellow shades show a higher intensity of crimes. These areas relate to the top 5 streets which are all surrounded by a high number of licensed premises. The green highlights that there is crime recorded within the NTE area consistently around the licensed premises in both of these area.

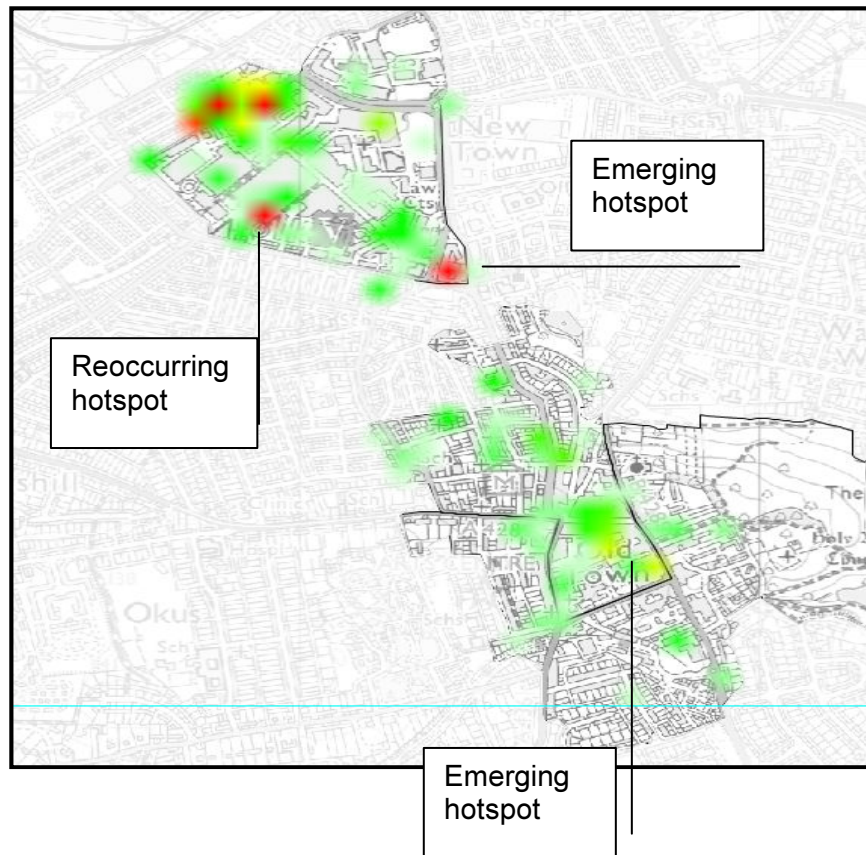
2009



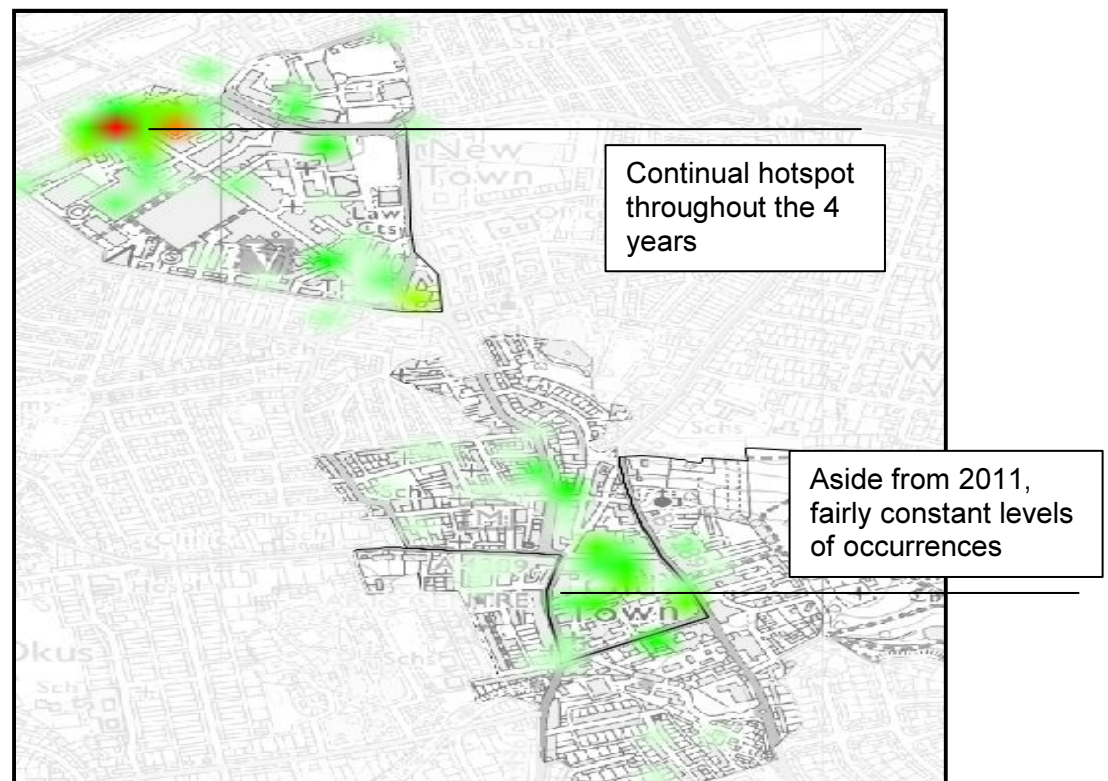
2010

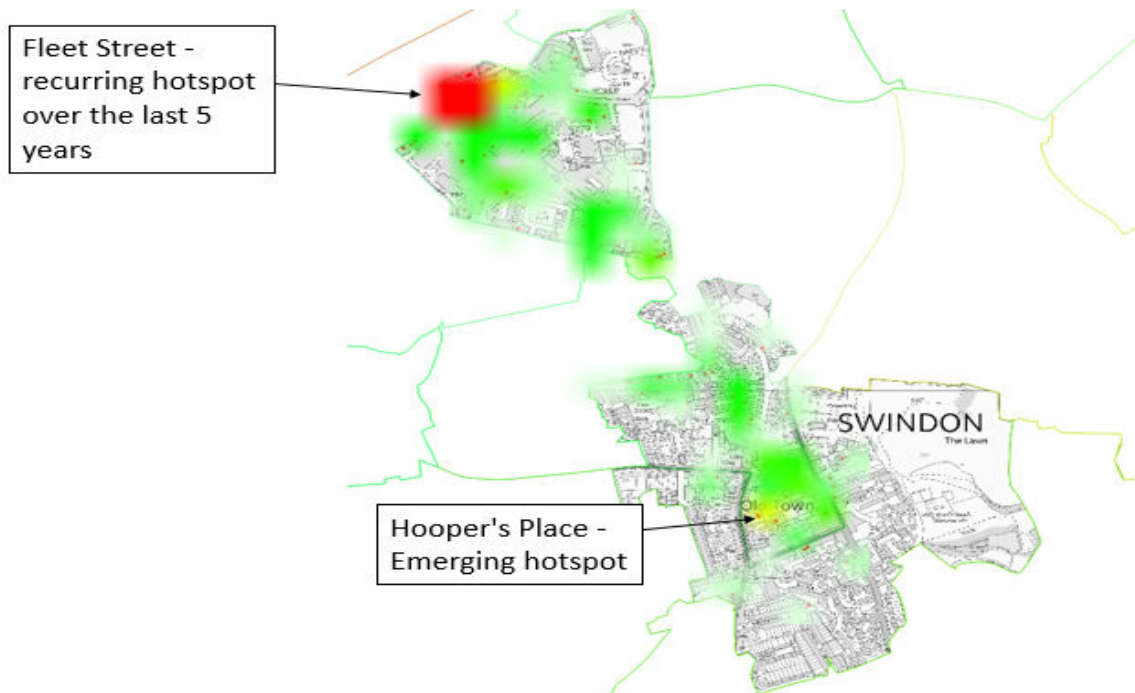


2011



2012



2013**2014**

Analysis on particular crime types and location in the NTE

Analysis has been carried out on 4 different crime types that feature within the NTE these tables can be seen at Appendix 1.

The first table demonstrates that on average the number of ASB incidents recorded has reduced since 2010. This is due to better use of police powers to disperse individuals from the area using s.27 direction to leave notices and more recently s.35 dispersal notices under the new Anti social behaviour legislation which prevents a number of arrests. The areas of the NTE have also been covered by a dispersal area for several years in order to tackle antisocial behaviour.

The peak streets for ASB are consistent, with Fleet Street coming out on top with Bridge Street, Victoria Road and Wood Street featuring as well.

Peak time analysis shows that throughout the 6 years the early morning hours of 00.30 hours – 02.30hours are consistently peak times and Saturday nights into Sunday mornings are the peak days for offences of ASB to occur.

The general theme running through the ASB occurrences are that offenders are intoxicated and acting inappropriately such as drunk and disorderly behaviour, making threats to others, using obscene language in the street and some occurrences with racist/homophobic connotations.

The second table records violence against the person occurrences and many of the same streets are highlighted as before. Fleet Street features prominently as does Victoria Road. It is interesting to note that over the last 2 years Wood Street and High Street in Old Town appear which illustrates the area rise in popularity.

The third table shows Criminal Damage occurrences over the 6 year period which also shows a decline however the streets that are affected remain mainly the same. The impact of criminal damage offences is heightened in Old Town due to the amount of residential in the area. This is shown by the streets that are affected in the top 5 of the table. Those streets in Old Town are either part residential or all residential properties and some of the top 5 streets also have late night refreshment premises attracting customers after they have finished in the bars and clubs..

The peak time for damage to occur in 2014 has extended to 01.00-05.30hours which is a longer and later period of time caused by individuals walking home.

Table four demonstrates that there has been a large increase in the number of occurrences relating to drunk and disorderly behaviour from 2009 onwards. With a reduction in 2014 however we still have 2 months remaining at a particularly busy period for the NTE.

The table highlights the growing popularity of Old Town as more Old Town streets are within the top 5 streets for drunk and disorderly occurrences from 2011 than shown in 2009 and 2010. The rise in drunk and disorderly occurrences of 39 in 2009 to 111 in 2012 shows the influence alcohol led venues are having on its customers.

Summary

Swindon Town Centre is at saturation point as it has a significant concentration of alcohol led late night venues. The evidence highlights a number of assaults and other related crime and disorder including public nuisance and risk to public safety. The Town Centre incidents are high and there are clear links to the streets where late night licensing trade exists.

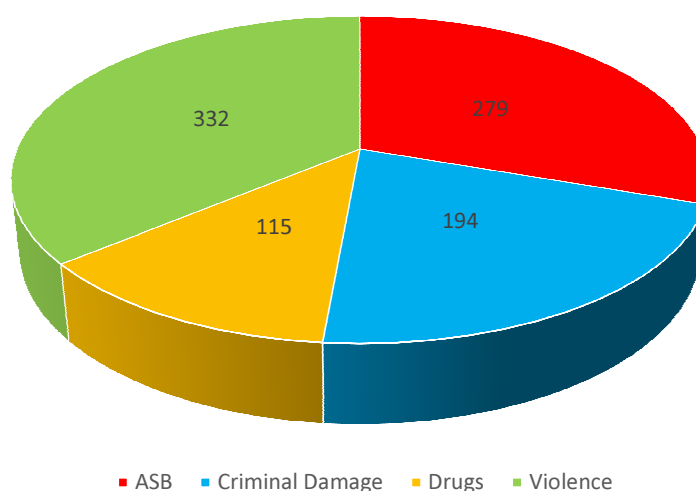
In Old Town the cumulative impact that occurs as a result of a concentration of licensed premises differs to that of the Town Centre as a result of a number of people dispersing from venues or congregating in the streets does not just affect crime. The cumulative impact can include an increase in noise, disturbance to residents, parking difficulties, traffic congestion and an increase in littering and fouling. The amenity of local residents can be put under pressure in this area and the effects of this cannot be readily attributable to any individual premises.

Wiltshire Police do not wish to affect businesses coming into the Town Centre or Old Town areas and openly welcome the diversification of venues and entertainment to include family orientated entertainment. Applications for these types of licence would be likely to be supported by the police, as they promote activities other than vertical drinking. The cumulative impact policy is required to focus on alcohol led establishments that remain open into the early hours of the morning that make the promotion of the licensing objectives difficult to achieve.

Sian Kalyuka 6454
Police Licensing Officer

Statistics for DT11 for inclusion in the Cumulative Impact Policy (01/01/2012 – 28/10/2014)

**Pie Graph Representing the number of occurrences by type,
raised between 01/01/2012 - 28/10/2014**



Occurrence	Number of Occurrences between 01/01/2012 - 28/10/2014
ASB	279
Criminal Damage	194
Drugs	115
Violence	332
Total:	920

Street Position	2012	2013	2014
1	Manchester Road (58)	Manchester Road (75)	Manchester Road (65)
2	County Road (46)	County Road (42)	Country Road (37)
3	Ocotal Way (45)	Broad Street (34)	Roseberry Street (26)
4	Broad Street (23)	Ocotal Way (25)	Ocotal Way (25)
5	Roseberry Street (18)	Roseberry Street (24)	Broad Street (17)

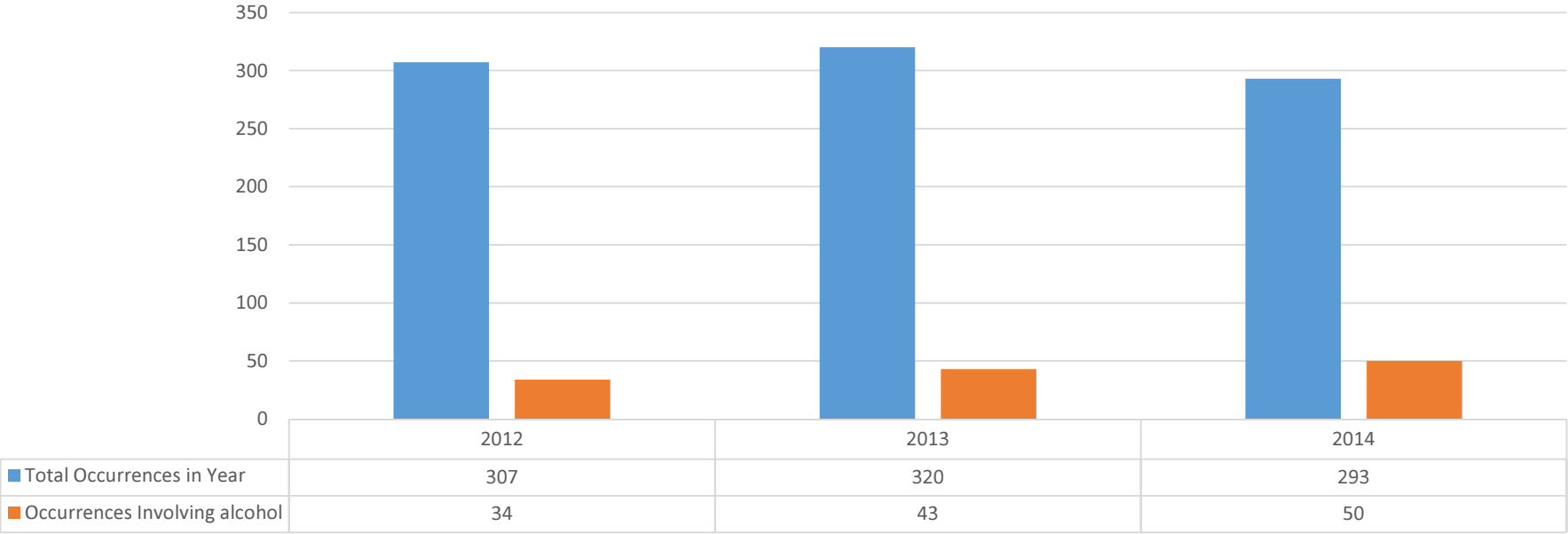
Top 4 Premises Per Year

2012	
Premises	No of Occurrences
TESCO STORES LTD	35
TRANSFER BRIDGE INDUSTRIAL ESTATE	5
STATION ROAD	5
ST JOHNS HOUSE	4
TAP & BARREL	3
JDS PROPERTY GROUP	3
GREAT WESTERN HOTEL	3

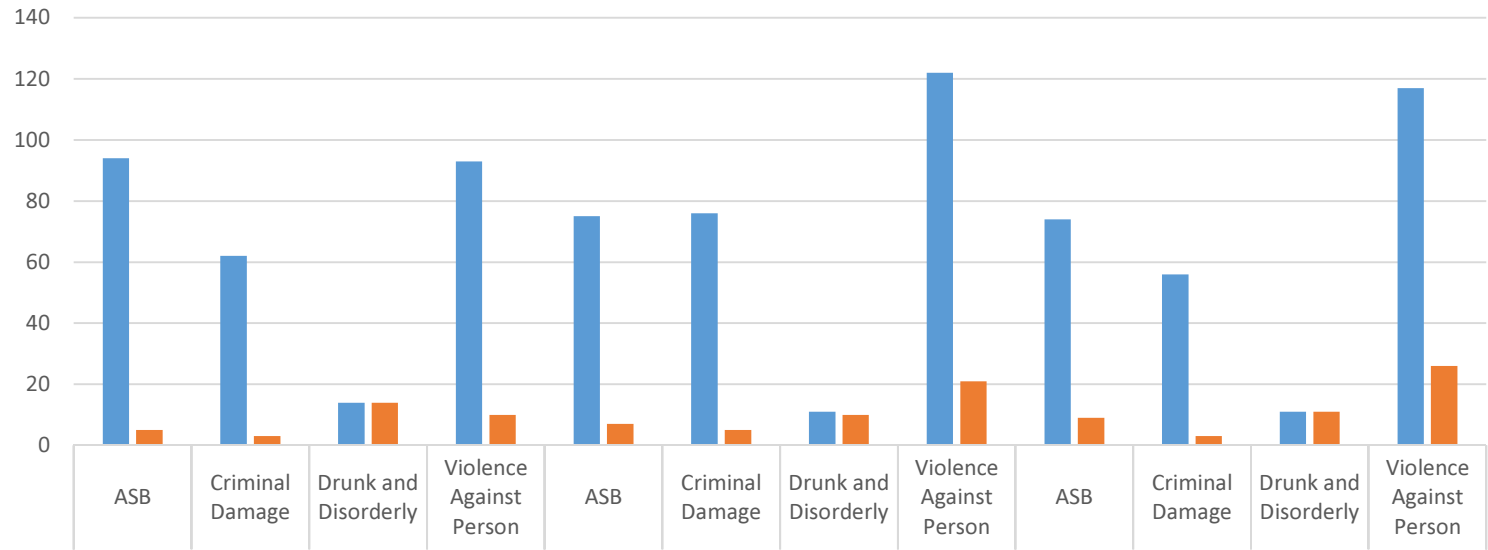
2013	
Premises	No of Occurrences
TESCO STORES LTD	18
STATION ROAD	7
TRANSFER BRIDGE INDUSTRIAL ESTATE	5
COCKRAM COURT, 11	3
ST JOHNS HOUSE	3
TAP & BARREL	3
ISAMBARD PLACE	3

2014	
Premises	No of Occurrences
TESCO	18
AMBER COURT	5
STATION ROAD	5
TAP & BARREL	3
ST JOHNS HOUSE, 4	3
COUNTY VIEW GUEST HOUSE	2
KUBUS POLSKI SKLEP	2
THE QUEENS TAP,74	2
OPEN HANDS CHRISTIAN FELLOWSHIP	2

Comparison between Total Number of Occurrences per Year Vs. Total No. of Occurrences where NICL qualifier for Alcohol was present



No. of Occurrences per Type involving the NICL Qualifier



■ Total Occurrence No. per Type	94	62	14	93	75	76	11	122	74	56	11	117
■ No of Occurrence involving alcohol	5	3	14	10	7	5	10	21	9	3	11	26

■ Total Occurrence No. per Type ■ No of Occurrence involving alcohol

Occurrence Type:	ASB
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Year	Number of Occurrences	Top 5 Streets (No. of Occurences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2012	94	County Road (18) Manchester Road (13) Broad Street (12) Ocotal Way (11) Roseberry Street (8)	14:00 - 15:30 and 20:00 - 22:00	Friday and Saturday	January (14)	8
2013	75	Manchester Road / Broad Street (14) Roseberry Street (7) Ocotal Way/County Road (6) Station Road (5) Graham Street (3)	15:30 - 22:30	Sunday and Monday	July (10)	6
2014 (01/01/2014 - 28/10/2014)	74	Manchester Road (20) Ponting Street (8) Broad Street/County Road (6) Colbourne Street (5) Roseberry Street (4)	14:00 - 16:00, 18:00 - 20:00 and 23:00 - 01:30	Friday Night - Saturday, Sunday Evening, Monday Afternoon	July / September (13)	7

Occurrence Type:	Criminal Damage
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Year	Number of Occurrences	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2012	62	County Road (10) Manchester Road / Ponting Street (6) Ocotal Way (5) Broad Street / Graham Street (4) Haydon Street / Aylesbury Street / Elmina Road (3)	22:30 - 06:30	Friday Night - Saturday Morning, Sunday Night - Monday Morning	April (8)	5
2013	76	Manchester Road (15) Station Road / Roseberry Street (8) County Road (7) Broad Street (6) Ocotal Way / Aylesbury Street (5)	22:30 - 05:30	Sunday Morning, Sunday Evening into Monday Morning	August (16)	6
2014	56	Manchester Road / Roseberry Street / County Road / Graham Street (6) Ocotal Way / Gladstone Street (5) Colbourne Street / Broad Street (4) Station Road (3) Ponting Street (2)	23:00 - 05:30	Saturday Night - Sunday Morning, Sunday Night - Monday Morning, Monday Night - Tuesday Morning	September (8)	6

Occurrence Type:	Drunk & Disorderly
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Year	Number of Occurrences	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2012	14	Manchester Road (7) Ocotol Way (4) Colbourne Street, Wellington Street, Ponting Street (1)	19:00 - 22:30	Monday Night - Tuesday Morning	July (3)	1
2013	11	Manchester Road (3) Broad Street (2) Corportation Street / County Road / Milford Street / Roseberry Street / Graham Street / Gloucester Street (1)	Two specific peaks at 17:30 and 00:30	No Peak	February (3)	1
2014	11	Manchester Road (3) Ponting Street / Elmina Road (2) Station Road / Wellington Street / County Road / Broad Street (1)	00:00 - 03:30	Saturday and Sunday	January / April / June / October (2)	2

Occurrence Type:	Violence Against Person (VAP)
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Year	Number of Occurrences	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2012	93	Manchester Road (25) County Road (17) Ocotal Way (12) Aylesbury Street (6) Graham Street / Roseberry Street (5)	No Peak	All day Sunday, Monday Evening	January (15)	8
2013	122	Manchester Road (31) County Road (25) Ocotal Way (11) Roseberry Street (8) Broad Street / Station Road (7)	18:30 - 23:30	Saturday and Sunday, Thursday evening	November (18)	10
2014	117	Manchester Road (32) Roseberry Street (16) County Road (14) Ocotal Way (10) Graham Street (6)	14:30 - 17:30	No Peak	July (22)	12

Appendix for Cumulative Impact policy report 2014 offence tables

currency Type:	ASB
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Year	Number of Occurrences	Top Beat	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2009	101	DT18	Fleet Street (33) Bridge Street (14) Victoria Road/Havelock Square (6) John Street/Regent Street (5) Godwin Court/Henry Street (4)	01:30-03:30	Fri Night/Sat AM	August (16)	8
2010	173	DT18	Fleet Street (76) Bridge Street (15) Havelock Square (11) John Street (9) Wood Street (5)	00:30 - 02:00	Fri night/Sat AM & Sat night/ Sun AM	August (22)	14
2011	170	DT18	Fleet Street (41) Wood Street (21) John Street (19) Bridge Street (16) Victoria Road (11)	01:30 - 02:30	Fri night/ Sat AM & Sat night / Sun AM	December (21)	14
2012	155	DT18	Fleet Street (45) Bridge Street (19) John Street (13) Victoria Road (11) Wood Street (10)	01:30 - 02:30	Sat Night/Sun AM	January / July (22)	16
2013	108	DT18 (82)	Fleet Street (29) Bridge Street (18) Wood Street (11) Linden Court, Henry Street (7) John Street/Regent Street (6)	00:30 - 02:30	Fri night/ Sat AM & Sat night / Sun AM	February (14)	9
2014 (01/01/2014 - 28/10/2014)	67	DT18 (51)	Fleet Street (26) Bridge Street (9) Wood Street (7) Regent Street/Victoria Road/John Street/Bath Road (7)	00:30 - 02:30	Fri night/ Sat AM & Sat night / Sun AM	February (14)	7

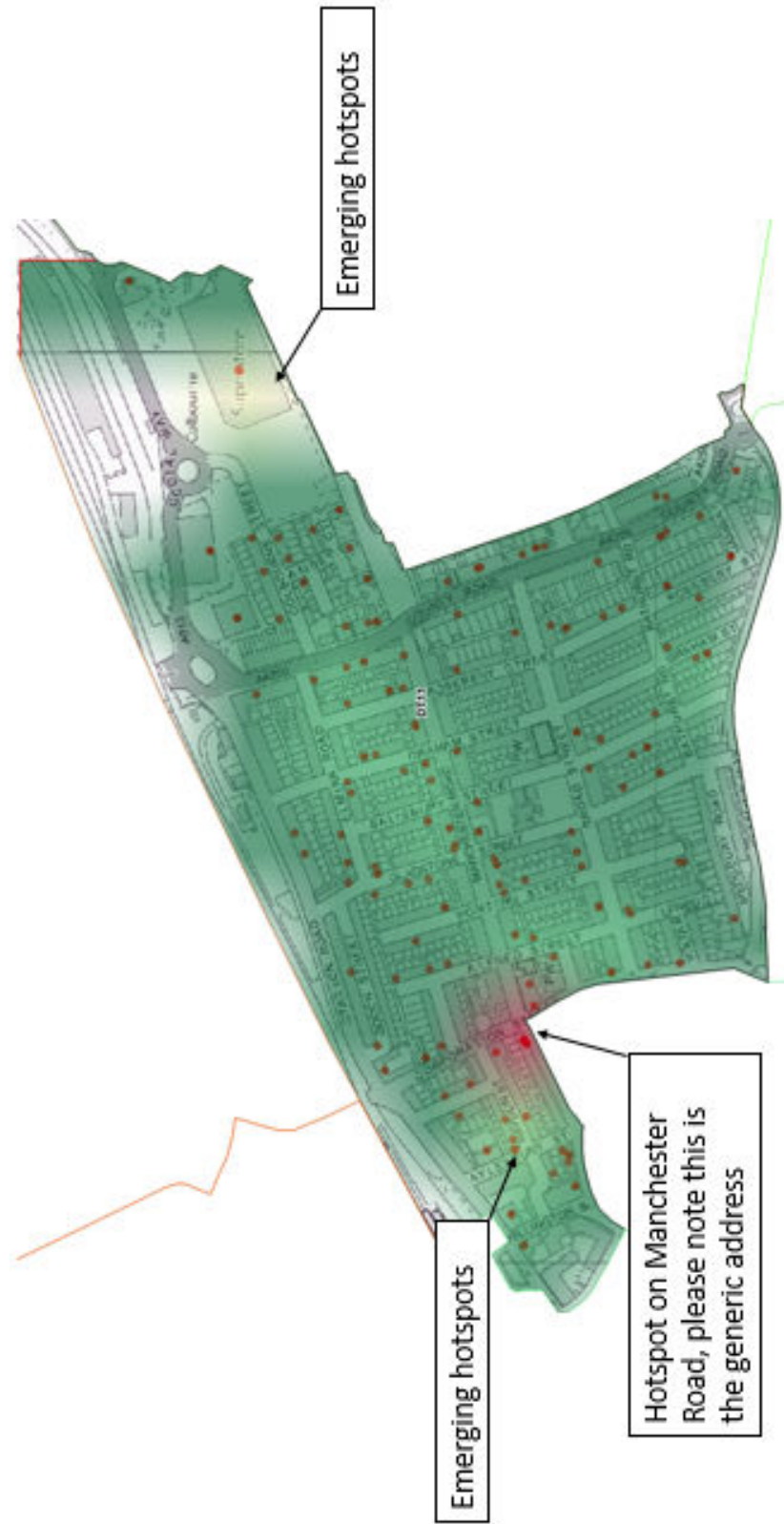
Occurrence Type:		Violence Against Person (VAP)					
Year	Number of Occurrences	Top Beat	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2009	406	DT18	Fleet Street (95) Havelock Square (52) Bridge Street (48) Victoria Road (33) Regent Street (23)	01:30 - 03:00	Sat night/Sun AM	December / October (45)	34
2010	398	DT18	Fleet Street (103) Havelock Square (32) Bridge Street (30) High Street (28) Victoria Road (24)	01:30 - 02:30	Sat night/Sun AM	April / May (49)	33
2011	335	DT18	Fleet Street (83) Victoria Road (45) Havelock Square (30) Wood Street (24) High Street (21)	01:00 - 02:30	Sat night/Sun AM	December (43)	28
2012	244	DT18	Fleet Street (59) Victoria Road (31) John Street (28) High Street (20) Wood Street (16)	00:30 - 03:00	Sat night/Sun AM	Janaury (31)	24
2013	322	DT18	Fleet Street (107) Bridge Street (38) Victoria Road (30) John Street (18) Wood Street (17)	00:00 - 03:30	Sat night/Sun AM	October (38)	27
2014	228	DT18	Fleet Street (71) Wood Street (32) Bridge Street (28) John Street (20) Victoria Road (18)	00:30 - 03:30	Fri Night/Sat AM and Sat Night/Friday AM	May (27)	23

Occurrence Type:	Criminal Damage						
Year	Number of Occurrences	Top Beat	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2009	106	DT18	Victoria Road (14) Fleet Street (13) Bridge Street (6) Belle Vue Road (5) High Street/Prospect Place/Regent Circus/Fleming Way (4)	02:30 - 04:00	Fri/Sat and Sat/Sun	January (13)	9
2010	88	DT18	Victoria Road (12) Fleet Street (7) High Street/Brunel Plaza/Havelock Square (5) Faringdon Road (4) Bath Road (3)	00:00 - 03:00	Sat Night/Sun AM	January (15)	7
2011	70	DT18	Fleet Street (12) John Street (7) Victoria Road (5) The Parade/Regent Street/Bridge Street/Wood Street (4)	00:30 - 04:00	Sat Night/Sun AM	April (10)	6
2012	51	DT18	Fleet Street (10) John Street / Godwin Court (4) Victoria Road/Fleming Way/Regent Street (3) Union Street/Wood Street/High Street (2)	00:30 - 03:30	Sat Night/Sun AM	September (12)	5
2013	66	DT18 (34)	Victoria Road (7) Fleet Street / Wood Street (6) Godwin Court / North Street / Bridge Street (4) Regent Street / Commercial Road / Fleming Way (3) Faringdon Road / Croft Road / Canal Walk / High Street (2)	01:00 - 04:30	Sat Night/Sun AM	February (11)	6
2014	49	DT18 (26)	Fleet Street (8) Victoria Road (5) High Street (4) Bridge Street / Cross Street (3) Regent Street / Union Street / Wood Street / John Street (2)	01:00 - 05:30	Sat Night/Sun AM	May (11)	5

Occurrence Type:	Drunk & Disorderly
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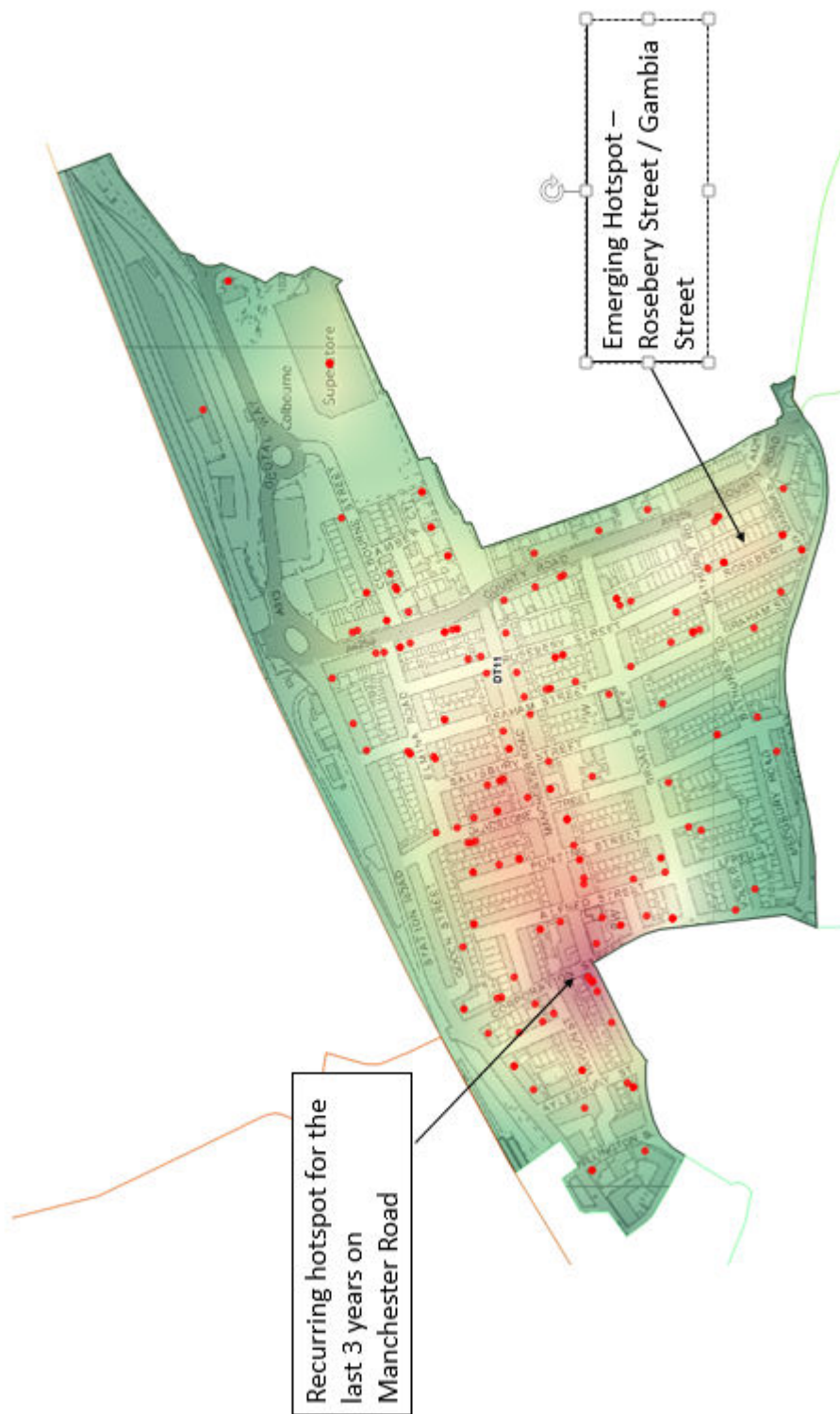
Year	Number of Occurrences	Top Beat	Top 5 Streets (No. of Occurrences)	Peak Time	Peak Day	Peak Month	Avg Per Month
2009	39	DT18	Fleet Street (16) Bridge Street (4) Henry Street (3) Godwin Court (3) Regent Street (2)	02:30 - 03:00	Fri Night/Sat AM	November/August (7)	3
2010	95	DT18	Fleet Street (48) Bridge Street (7) John Street (7) Havelock Square (6) Regent Street (4)	00:30 - 02:00	Sat Night/Sun AM	December (13)	8
2011	117	DT18	Fleet Street (32) John Street (14) Wood Street (14) Bridge Street (11) Victoria Road/High Street (5)	02:00 - 02:30	Fri/Sat and Sat/Sun	December (18)	10
2012	111	DT18	Fleet Street (49) Bridge Street (13) John Street (9) Wood Street (7) Godwin Court/Victoria Road (4)	01:30 - 02:30	Sat Night/Sun AM	January (18)	11
2013	106	DT18 (78)	Fleet Street (40) Bridge Street (17) Wood Street (10) High Street (5) John Street / Victoria Road / Regent Street / Havelock Square / Hoopers Place (4)	00:30 - 02:30	Fri Night/Sat AM and Sat Night/Sun AM	October (13)	8
2014	63	DT18 (52)	Fleet Street (27) Bridge Street (12) Wood Street (6) John Street (5) Regent Circus / Regent Circus (2)	23:30 - 03:00	Sat Night/Sun AM	May (15)	6

2012 DT111 Hotspots



Emerging hotspot on Broad Street

Hotspot on Manchester Road



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Licensing Statement of the Licensing Authority for the Swindon Borough Council area, Licensing Act 2003

About this Statement

This document is a formal statement of the policy adopted by the Licensing Authority for the Swindon Borough Council area, setting out how it will secure the 'licensing objectives' as defined by the Act. The Statement is restricted by law to dealing *solely* with these licensing objectives.

The 'licensing objectives' are defined by the Act as

- (a) the prevention of crime and disorder;**
- (b) public safety;**
- (c) the prevention of public nuisance; and**
- (d) the protection of children from harm**

Exclusions Excluded from the scope of the Licensing Act 2003 and from this policy are e.g. the collection of tax revenues, employment rights and working times, discrimination against people with disabilities etc. These and similar matters are of great importance but they are covered by other legislation. The Licensing Act 2003 does not substitute for any of these legal controls. Race relations matters are addressed by the Race Relations 1976, as amended, and are referred to in the Swindon Borough Council race equality scheme.

The Licensing Act is only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to maintain public order. Planning controls, partnership schemes, routine enforcement of the criminal law by the police and the exercise of separate powers to restrict street drinking are examples of other legal frameworks, which work together with licensing controls.

This document does not set out an overview of all shades of opinion. It is a coherent statement of Council policy, which has been produced after careful consideration of many different and sometimes sharply opposing views. It adopts a single, clear position, having taken into account all of the suggestions put forward by interested parties. It is written for Swindon, so is not identical with the policy of any other local authority, even though there are many areas of common ground.

Statutory guidance

This policy was drawn up within the legal constraints dictated by the July 2004 'Guidance issued under section 182 of the Licensing Act'. Licensing authorities are required to follow this guidance, which has been produced by the Secretary of State for Culture, Media and Sport.

Our general approach

1. Swindon Borough Council is committed to building and maintaining a diverse, thriving, vibrant and sustainable leisure and hospitality economy. We value the contribution which this sector of the economy makes to the economic well being of Swindon and to the quality of life of those who live here and those who visit us.
2. This Licensing Statement takes account of the need to regulate the carrying on of licensable activities which take place on licensed premises, qualifying clubs and temporary events in order to limit, within the terms of the 2003 Act the potentially adverse impact of those activities on the public living, working or engaged in normal activity in the area concerned. The Licensing Committee cannot use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.
3. This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. It does however consider all such issues at licensed premises and in the vicinity of licensed premises. In situations where a licence holder really would not have been able to do anything that might have prevented an undesirable incident, the Licensing Authority will not hold the licence holder to account. Where it is plain though that they are indirectly or directly partly responsible for what has happened (perhaps by employing unsuitable people or exercising poor standards of management), then the Licensing Authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.
4. Unless the legal framework says otherwise, the content of this Licensing Statement applies to the consideration of applications for provisional statements and club premises certificates and to variations to premises licences and club premises certificates, in the same way as it applies to applications for premises licences.
5. Those making representations to committee may call on expert witnesses to support their case, if they wish.
6. The broad expectations of the Licensing Authority for 'typical and uncomplicated' premises in the Take Aways, Village Halls and Off Licences categories are well described by the simple off the peg templates that Swindon Borough Council has produced to assist proprietors of these businesses. These templates appear together with this Licensing Statement but those documents are not in themselves part of this Statement and they may be reviewed and updated independently.

7. Swindon Borough Council will not use its Licensing powers to dictate whether there is a market need for additional licensed premises. That will always be a planning and/or a business decision. The Licensing Authority does not impose a ceiling on the number of licensed premises overall nor does it have a quota system for broad classes of licensed premises, such as public houses.
8. The Licensing Authority will not downgrade its commitment to the Licensing Objectives to assist a failing venue, even if that means that the business ceases trading.
9. The onus is placed on applicants for premises licences other than by the conversion route to demonstrate in their operating schedules that they are proposing appropriate steps to secure the licensing objectives. In the absence of such evidence, applicants run the risk that representations will be made, that would lead the Licensing Committee to refuse the application or to impose conditions of a more prescriptive nature.
10. The bodies and individuals entitled to make representations about Licensing applications evaluate the operating schedule, taking into account factors such as who will use the building, the activities which will take place there how the details of that use will evolve during the course of the day. The responsible authorities also monitor compliance with the requirements attached to a licence, which will often be more detailed than those attached to Planning permissions. Where those requirements are not met, various parties can make representations to the Licensing Authority. One possible outcome of such representations would be the revocation (cancellation) of the licence.
11. Where no representations have been made, the power to impose conditions exists only when the Licensing Act 2003 makes them compulsory or when they are taken from the Operating Schedule proposed by the applicant. Where representations are made, the Licensing Committee can respond by imposing additional conditions.
12. In considering representations regarding an operating schedule, the Licensing Committee will pay particular attention to considering who the likely customers will be, what they will do while they are on the premises and what they are likely to do when they leave. The impact of premises where most of the clientele are young and where customers spend their time standing up in large crowds will be quite different from premises of the same size, where most of the customers are of mature years and are sat down. These differences may be even greater, where premises of the first kind are clustered together.

Concentrations of licensed premises

1. In some circumstances, licensing authorities are permitted to introduce a 'cumulative impact policy' covering specific target areas. In the words of the statutory guidance, this is appropriate only in town centres and city centres "where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise".
2. The night time leisure economy in Swindon is not entirely free of disorder problems but relative to the small number of areas throughout the country where the situation is seriously out of control, we are fortunate. There is nevertheless an unusual concentration of licensed premises in Bridge Street and Fleet Street and this area is generating social problems.
3. Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the vicinity of premises for which an application has been made and the future operation of premises which are due to open in the vicinity are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, they will have a bearing on the decision making process.
4. Applicants should consider this point carefully when there is already a predominance of businesses which are mainly geared to the sale of alcohol and which are designed to appeal to the younger end of the market. In the case of national chains, evidence as to the character of premises already operating elsewhere under a particular brand may be taken as relevant.
5. In any consideration of the introduction of a 'cumulative impact policy', the Licensing Authority will rely on the evaluation of evidence and a balanced assessment of outcomes. In particular, such consideration will only follow the presentation of concrete evidence of severe social disruption by crime and disorder or nuisance, from a responsible authority or from residents' representatives. In making that judgement, the question will be whether part of the Swindon area should be seen as a trouble 'hot spot' from a national perspective.
6. Any discussion of the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.
7. If it can be shown that factors such as the availability of taxis or the number and location of late night mobile food traders are important contributors to reported problems, the Licensing Authority will refer those concerns to other parts of Swindon Borough Council and to our partners (including the New Swindon Company), so that a better balance can be achieved between

placing limits on commercial activity and dealing with underlying environmental and transport issues. The Licensing Authority notes that there are substantial benefits to having queue wardens at taxi ranks and town centre bus stops late at night.

8. Without prejudice to any other course of action open to them, the Wiltshire Constabulary shall be entitled to make written representations at any time to the Director of Environmental and Property, concerning any observations, which it may wish to make on the practical link between the available transport infrastructure and the incidence of crime and disorder. If matters are raised, which cannot be easily resolved by discussion and delegated action, they will be referred in the first instance to the Lead Member for Environmental and Property. The Wiltshire Constabulary is further granted the right to insist that any concerns they may have on this subject are put before an appropriate committee of the Council.
9. In evaluating the facts, the Council will rely on objective evidence that crime and disorder or nuisance are occurring at an exceptional level and that these problems would not occur, were it not for the customers of licensed premises in the vicinity. If this is established, then the extent of the area concerned will be identified.
10. Only if it is demonstrated with hard evidence that a 'cumulative impact policy' is necessary and that no lesser measure is likely to have the desired effect, will such a policy be introduced.

A vibrant leisure sector

1. One of the most desirable characteristics of urban centres in terms of reducing disorder and antisocial behaviour is diversity in the provision of leisure and hospitality. Encouraging people of many ages to use the facilities provided challenges the maintenance of a youth ghetto.
2. In line with the Council's commitment to diversity, the Licensing Authority welcomes any general shift away from the provision of leisure premises seen mainly as "places for consuming alcohol", to the creation of businesses, which "also sell alcohol"
3. The Licensing Committee will not stifle any trend of this kind by placing restrictions on the use of premises by children, in response to representations, simply on the grounds that sales of alcohol take place there. Restrictions will be applied only where there are distinct issues such as the provision at a particular time of entertainment of a sexual nature or where the general atmosphere is such as to be unsuitable for children.

4. It is not the Licensing Authority's policy to stifle the development of the leisure and hospitality sector of the economy, just in order to make the task of regulation and enforcement easier.
5. The 'promotion of live music' falls outside the scope of the Licensing Act 2003 but Swindon Borough Council has a strong commitment to the arts and performance, embodied in its cultural strategies. The Licensing Committee will monitor the impact of Licensing regulation on live events by being receptive to any documented representations that this strand of regulation is having a damaging effect on the overall provision of regulated entertainment, and particularly music and dancing. Where it has been demonstrated that such entertainment has declined and that the decline is substantially a result of regulation brought about by the Licensing Act 2003, the committee will consider what administrative or other measures might be taken to rectify the situation, without prejudice to the Licensing Objectives, as set out in the Act.
6. The Licensing Authority will provide an opportunity for officers concerned with tourism and cultural strategies to present reports to the Licensing Committee, on licensing matters. Similarly, an opportunity will be given to provide the Licensing Committee with a briefing on the employment and economic circumstances of the leisure and hospitality industry in Swindon.
7. On a periodic basis, a briefing will be given to the Planning Committee, to inform Members of issues connected with Licensing, which are likely to be of relevance when they make Planning determinations.
8. Where an objector asserts that the addition of new premises alongside existing premises would be an obstacle to the achievement of the licensing objectives, the objector must make the case for such an assertion by producing appropriate evidence. Valid comparisons with actual experience elsewhere would carry particular weight.
9. The Licensing Authority acknowledges that the potential for disorder on the street is much reduced if queuing for entry to premises and competition for facilities such as taxis and fast food can be kept to a minimum. The imposition of staggered closing times would not be in line with the statutory guidance but the Licensing Authority will look favourably on other ways to discourage sudden peaks of pedestrian movement.

The night economy

1. The Licensing Authority does not seek to re-impose a statutory system of controls by operating a blanket 'last admissions' policy.

2. The Licensing Authority embraces the principle that the hours during which licensable activities can take place should be controlled only where there is a good reason for doing so. When considering whether to impose any restriction on opening hours, the Licensing Authority will reflect on the fact that the diversity and location of late night trading facilities and the availability and range of transport options late at night are critical to the dispersal of customers in a trouble free and orderly fashion at the end of the trading session.
3. In considering representations, unless there are exceptional circumstances, the Licensing Authority accepts that licensed shop premises should be free to sell alcohol, for consumption off the premises, at any time of day when they are open for normal business. On the basis of the established trading patterns of some supermarkets, this may result in 24 hour trading in alcohol.

Responsible trading

1. The Licensing Authority's policy is to resist so far as it is within its power to do so the operation of reckless drinks promotions, the effect of which is to encourage uncontrolled drinking and disorderly behaviour.
2. The Licensing Authority does not oppose a commercial arrangement whereby the price of admission to premises also covers the cost of the first drink or arrangements in which a normal serving of wine is offered 'free' with a main meal. The Licensing Authority respects the exercise of normal commercial freedom.

Outdoor events

1. The Licensing Authority considers that outdoor festivals enrich the life of the community and should be facilitated rather than discouraged.
2. Generally speaking, outdoor events occur seldom and usually at the same small selection of locations. Often they have extensive local involvement and therefore enjoy a great deal of goodwill. Such events can bring some inconvenience in the form of noise and disruption but that is generally counterbalanced by the contribution, which they make to the culture and life of the community.
3. Accordingly, appropriate allowances for outdoor events should be made and

the Licensing Authority will not expect of the organisers of such events some of the more exacting limitations, which are appropriate for fixed venues, where events are held on a regular basis. This does not mean that the Licensing Authority will tolerate gratuitous nuisance or inconsiderate behaviour nor will it compromise on public safety.

4. Characteristically outdoor events depend on assembling all the component parts of an entertainment venue on a temporary basis, within a short space of time. Once the process has begun it is anticipated that decisions affecting the venue will have to be taken without time for proper reflection. There is little or no opportunity to try out alternative options in order to establish the best one. As outdoor events are usually short term, it will also be difficult to build up any routine of team working.
5. Unlike the manager of licensed premises who can introduce changes in procedures or in the layout of furniture, in order to improve service delivery in the next week of trading, an event organiser has only one opportunity to get it right and therefore immediate decisions can be critical to public safety.
6. These distinctive features of outdoor events mean that an organiser must possess suitable experience, ability and competence. For larger events, organisers may therefore be expected to submit at an early stage to inquiries about their experience, ability and competence. Alternatively, the organiser can nominate someone with a proven track record to take charge of practical details for them. The Licensing Authority does not consider it right to place undue reliance on bringing legal proceedings, once an outdoor event has gone badly wrong. Large outdoor events carry serious risks and if there are insufficient grounds for confidence that an event will be conducted properly, the Licensing Committee will refuse a licence.
7. It is essential that the detail of an event is planned well in advance. Failure to do so may generate unanticipated problems, insurmountable in the time available. The emergency services and the Licensing Authority will need advance detail of an event in order to ensure that they can play an appropriate role.
8. If an inadequate time has been set aside for the preparation and planning of an event or the skills available to the applicant (either their own or what they are able to call on) are inadequate, that in itself might lead to representations being made to the Licensing Committee, that the Licensing Objectives are endangered. The Licensing Authority has an obligation to protect public safety and reliance on prosecuting the culprits after the event if something goes badly wrong does not provide proper protection. The Licensing Committee will therefore normally be constrained to refuse an application or to scale down an event, where risks identified in formal representations are considered to by the Licensing Committee to be unacceptably high.

9. The extent of the preparatory work needed and the amount of advance notice which is appropriate will vary with the scale and complexity of the event. Applications will be accepted if submitted within the requisite statutory notice period but submission within that period will not be regarded as evidence that the applicant has allowed sufficient time to make proper preparations.
10. Voluntary, community-based groups, which have limited resources, often present events on a smaller scale. Within the limits of ensuring public safety and preventing unreasonable disturbance, the Licensing Authority will adopt a supportive approach. Such an approach is built into the Temporary Event Notice procedure but the Licensing Authority will carry the same spirit into events, which attract one or perhaps two thousand people and which are otherwise low risk.
11. Once attendance reaches a level of about 10,000 or more the logistics are clearly those of a 'large' event and there is no room for any scaling down of the necessary documentation and preparatory meetings will be required to manage the event.
12. In the course of an event requiring a premises licence, it is possible that potential sources of combustion such as pyrotechnic materials or faulty electrical apparatus will be brought onto premises. Additional items brought in for the occasion, such as stage sets, costumes and decorations can render routine fire safety measures inadequate. The Licensing Committee will therefore consider the use of licensing controls to require notification before the introduction of significant new factors, which pose the possibility of additional hazards, in order that appropriate advice can be given and a framework for safe operation can be put in place before the event.

Joined up government

1. The Licensing Statement as set out in this document does not stand in isolation. In the course of its preparation, submissions have been invited from the Community Safety Partnership Team, lead officers for Planning, representatives from the Transport Working Party, the Tourism Development Officer and the Social Inclusion Working Party. It is therefore informed by those who have responsibility for formulating a range of other policies and the aim has been that it should complement those policies.
2. Good communication on a day-to-day basis is the key to effective integration of policies across service areas and agencies enabling a timely and flexible response to common issues. The Licensing Authority considers that a proliferation of working parties and consultative committees would make communication cumbersome and decision-making slow and muddled.

3. Excessive bureaucracy also provides poor value for money. The Licensing Authority's approach is to maximise useful dialogue and simplify the decision-making process without needless bureaucracy.
4. This Licensing Statement is the key reference point for all local policy considerations which impact on licensing decisions. Stakeholder representations on all aspects of the operation of the licensing function were taken into consideration and these representations assisted the formulation of the policy and brought about changes as the document progressed.
5. Regular meetings take place between the Licensing Officers for the local authorities within the Wiltshire area. These meetings will continue to facilitate the exchange of information and the sharing of best practice.
6. It is neither lawful nor desirable that the Licensing Statement of all five local authorities in Wiltshire should be identical. However there are some straightforward matters, on which we have taken a similar approach.
7. From time to time, contact meetings between partner agencies and responsible authorities look at operational matters, principally to identify those premises that appear to be failing to meet the licensing objectives. Working in partnership in this way assists in remedying shortcomings in the management of those premises and, where necessary, co-ordinating enforcement action and setting inspection priorities. A joint Enforcement Protocol will be used to guide the operational aspects of co-operation between the Licensing Authority and the Police in meeting the Licensing Objectives and this protocol will be revised periodically. Without prejudice to the requirements of the Licensing Act 2003, all joint working between police and local authorities takes place against the background of Section 17, Crime and Disorder Act 1998.
8. Similarly, regular meetings are held between the Council's Licensing Officer and Planning Officers in order to formalise the exchange of information and to facilitate a coherent approach between these distinct regulatory functions.
9. Following representations, when the Licensing Committee is formulating conditions to be attached to a premises licence, it will have regard to the desirability that these should complement the Crime and Disorder Partnership objectives and those of other partnerships to which the Council is party.
10. In order to avoid duplication and to safeguard the rights of applicants, the Licensing Authority will endeavour to ensure, so far as possible, that Planning and Licensing applications are each given a distinct focus, which differentiates between the two functions.

Licensing and Planning

1. The Planning Authority is consulted about Licensing applications and has the right to make representations on them, whereas the Licensing Authority has no statutory role in Planning consultations. Applicants will therefore see the sense in resolving Planning issues first, where their proposals have both Planning and Licensing aspects. It should not be thought that any decision made about a Licensing application will influence the decision on a Planning application or vice versa. The objectives and the tests that are applied are different in each case. Nevertheless, the exercise of powers under the two sets of legislation can have similar effects and the Licensing Authority will bear in mind the desirability of avoiding duplication or ambiguity where possible.
2. In any case where premises are Listed or situated within a Conservation Area, a brief summary will be obtained from the Design, Conservation & Development Group within Environment and Property, setting out in general terms the substance of any potential clash between Licensing conditions and Planning restrictions, to inform the determination of the Licensing application.
3. The Planning process is principally concerned with establishing whether a building can be used for a broadly specified purpose, at a particular location. It is also concerned with the size of the building, its visual appearance and the demands it will impose on the local infrastructure. Generally, a Planning permission is broad in character with few conditions attached to it.
4. It is recognised that there is the potential for overlap between the Planning and Licensing processes. In particular, people living nearby can make similar representations under both processes to the effect that what is proposed would result in disruption or nuisance.
5. This can lead to submissions in an identical format to two separate committees of the Council, each of which could refuse the licence or permission, necessary if the business proposal is to proceed. This could breach the principles of natural justice. There is no equivalent difficulty if an objector raises a set of Planning specific points as the basis of one objection and a set of Licensing specific points as the basis of a second objection.
6. Where an individual or a body has exercised their opportunity to comment on a Planning application, they should not think that it is legitimate to move their comment 'sideways' and make it a Licensing representation, in order to have a second opportunity to object. Planning rules are quite different from the Licensing Objectives, so what is relevant for Planning will not normally be relevant for Licensing.

7. Where by its nature an objection has a direct bearing on the Licensing determination but is not a matter which has relevance for the Planning process, full weight will be given to that objection if it is put forward as part of the Licensing process, even though it was effectively disregarded in the Planning process.
8. To illustrate this point, an objection claiming that there was nothing to stop the business from attracting a young, noisy crowd and that there was bound to be karaoke every Friday night would be ignored if it was made in relation to an application before the Planning Committee in respect of a proposed change of use. The outcome might be a quiet daytime cafe. An objection in those terms might nevertheless be persuasive in a Licensing context, where an operating schedule allows for such activities.

The prevention of crime and disorder

Public disorder

1. The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs. Those concerns are predominantly but not exclusively focused on the 16 - 25 age range because that age group is typically the most socially active, uninhibited and adventurous.
2. It is also the case that people of that age are those who are disproportionately at risk from the forms of crime which licensing is designed to discourage and they are therefore the principal beneficiaries of the licensing constraints on the licensed sector.
3. It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature.
4. Measures which are designed to control disorder and vandalism or which disrupt the distribution and use of illegal drugs are legitimate in the licensing context. Where representations are made about such matters, appropriate measures may be imposed as formal requirements of the licence. The need for such measures and extent to which they are appropriate in each individual case will be judged on a risk assessed basis, having regard to such factors as the type of clientele, the location of the premises and the times of operation.

5. The operation of premises close to pubs and night clubs is known to impede dispersal and in many cases generates local crowding, increasing the risk of violent exchanges. When representations have been made that a significant crime and disorder risk and practical policing difficulty would be likely to arise if a premises licence permitted such trading, the Licensing Committee will consider placing restrictions on the licence, limiting where trading can take place. There will be a presumption in favour of such conditions where there is the possibility that trading might take place near a large club or pub, in an enclosed area where buildings or other physical barriers prevent people from spreading out or where access for police vehicles is particularly hazardous for them or for pedestrians.
6. The behaviour of customers once they have left the immediate area may cause problems but the Act restricts potential objectors to commenting on matters that affect the 'vicinity' of the licensed premises. General information about improper behaviour short of overt violence, further afield than the vicinity of particular premises, must form part of the context in which licensing decisions are taken but taken individually those remote events will have no direct bearing on the licensing of individual premises.
7. The Licensing Committee will respond favourably to proposals from the police that premises in busy areas should adhere to core elements of a dispersal policy, designed to alleviate crowding as customers leave and to avoid a situation where customers arrive on the street in a boisterous and excitable mood.
8. Those having control of licensed premises which sell alcohol, have important responsibilities for deciding who is permitted onto their premises and for controlling the quantities of alcohol, which individual customers are allowed to drink while they are on the premises. A failure by licensees to exercise their responsibilities can impact on the incidence of violence fuelled by alcohol.
9. Where particular licensed premises are repeatedly and disproportionately associated with the sale of alcohol giving rise to incidents of violence, the Licensing Committee will, in the event that representations are made that the licence should be reviewed, consider withdrawal of the licence to sell alcohol.
10. Groups of revellers celebrating special occasions can on occasion have a clear intent to drink to excess and to behave outrageously. When this happens it imposes extra burdens on management and door supervisors. Not all premises will have the resources to deal with such groups and admission policies should reflect their capacity to cope. Where representations are made, the Licensing Committee will give thought to these supervision and admission issues.

11. Most of the distinctions between indoor and outdoor use of premises found in earlier legislation are absent from the Licensing Act 2003. The placing of bars out of doors or in a street is no longer forbidden. The use of beer gardens and pavement cafés is rarely a source of problems but the Licensing Authority is concerned that proper supervision extends to those areas. Table service and externally located bars can assist.

Closed circuit television

1. In some circumstances, the provision of CCTV cameras and video recording apparatus will be a formal condition of granting a Premises Licence, where an opportunity to impose conditions arises. However in respect of some licensed premises such as a small, rural public house which has the service of meals as the key part of its business and which has a mature clientele, the provision of any CCTV facility will be left to the discretion of the owner, unless there is good evidence that licensable activities on the premises are or are likely to be responsible for crime and disorder problems.
2. A distinction will be made between good practice - which will be promoted by advice - and the minimum standard, which all businesses of a particular character must meet and which will be the subject of suitable licence conditions.
3. In responding to representations, it is expected that the Licensing Committee will normally apply a formal licensing requirement for the provision of CCTV to late night premises in areas where customers typically move from venue to venue in the course of the evening and to similar premises elsewhere that are a sufficient 'destination' in their own right that they attract a significant number of customers who have been drinking at other licensed premises for the earlier part of the evening. Rural or family pubs would not normally have this as a formal requirement, just because they open late. Where formal requirements are applied, these will extend to coverage of internal entrance lobbies and any part of the premises (such as lobbies and stairwells), which are not routinely under the visual supervision of responsible members of staff.
4. In addition, such premises may be required to make provision for comprehensive video surveillance of the immediate approaches to the entry and departure points routinely used by customers and of external features such as alleys, which are adjacent to the structure of the premises.
5. When a licensing requirement for CCTV is imposed, a recording facility will usually also be necessary, to assist in fighting crime. It is a Data Protection Act 2000 offence to keep tapes for longer than needed, so the two requirements have to be balanced. The advice of the Information Commissioner is that for cameras covering the inside of licensed premises, recordings can be kept for seven days. If there is an incident, the relevant

recordings should be kept for longer. Where cameras cover what is happening on the street, the advice is that recordings should be wiped after 31 days because incidents may be captured that have not been noticed at the time. Where private cameras on licensed premises overlook the street, the logic is that the 31 day limit is the one that applies. The CCTV Code of Practice is continually under review. If new time limits are advised, those will automatically substitute for those shown above. CCTV conditions will have flexibility built into them so that they move with the times, rather than having to be changed by varying the premises licence.

6. Provided that the video data is accessible to authorised officers on request, no requirement will be imposed on licensed premises that any equipment used for recording such data should be compatible with that used by any enforcement body.
7. Where there is no cost implication and no impact on the potential choice of suppliers, the Licensing Authority will be sympathetic to representations that the technical specification of any new CCTV system should have compatibility with the district CCTV system.

Door supervision

1. Those factors which give rise to the need for sophisticated CCTV systems will also generally point to the necessity of providing door supervision. Where it is very likely that premises will be challenged for entry on a regular basis by individuals who are under age, inebriated, believed to be potentially violent or intent on trading in drugs then door supervisor cover will be a formal requirement unless the circumstances are such that a personal licence holder or competent staff member should be able to deal with such matters without the benefit of specialist assistance.
2. At one extreme, if a public house in the town centre is busy and there is a crowd forming outside, it is obvious that there should be door supervisors on duty, to maintain control. At the other end of the scale, a quiet country pub in the evening or at lunch time when the town centre public house is either almost empty or is concentrating on serving meals, door supervisors are not necessary. The only exception then would be if there is a heightened risk of disorder as a result of a particular football match or a similar circumstance.
3. There are some circumstances where the normal level of door supervisor and management cover will be inadequate. Where events are directed at unaccompanied children, a greater level of supervision will be expected. There may be several ways to achieve the same thing, so no set formula will be applied. The presence of parents would make a marked difference to the assessment of cover. Where famous individuals make a guest appearance, additional personal guarding resources may need to be made available, to protect them and to maintain order. Similarly, in establishments which cater for stag nights or which offer entertainment of a sexual nature, a greater level

of supervision is needed in order to maintain order and again the resources given over to supervision will have to be higher.

4. Where a drink has been purchased for consumption on the premises the expectation of the Licensing Authority is that door supervisors and others who have control over the premises will prevent customers from taking the container with them when they leave. Where the container is the residue of a bottle of wine and it is clear from the context that the customer simply plans to continue drinking it at home, common sense should prevail. Similarly, there can be no objection to customers carrying purchases across a road or street, to reach a beer garden or proper sitting out area.
5. In order that door supervisors can carry out their duties properly and so that they can be distinguished from customers by police officers, it is important that they are dressed in a distinctive manner. The Licensing Committee will favourably consider representations that this should be made a formal requirement.

6. Illegal drugs

7. Much attention has been given to the use of drugs on licensed premises and the consequences for personal safety. The Safer Clubbing Guide concentrates on this issue and directs its attention particularly to the use of Ecstasy tablets by those attending night clubs. The fashion for the use of this drug was closely related to a particular dance culture which now has a considerably reduced following. Whilst the content of that guide dates quickly, it nevertheless contains useful suggestions, which the Licensing Authority will use when addressing drug related issues in the licensed sector.
8. Leisure venues often have a significant role in the distribution and consumption of unlawful drugs although the distribution and consumption of drugs is not an issue limited exclusively to the 'night club' sector or even to the night time economy as a whole.
9. The unlawful sale and supply of illegal drugs can take place at any time and venues such as public houses can become a focus for this activity. Such venues are also attractive to those engaged in trading in goods stolen from retail premises, since they are open at the same time as the shops and such illegal activities are more easily passed off as harmless socialising.
10. The Licensing Committee will address these issues no matter what the type of licensed premises involved and the time of day, when it receives representations.

Public safety

1. The Licensing Act 2003 complements but does not seek to duplicate the statutory requirements of other legislation regulating the conduct of licensed premises, such as the Health and Safety at Work Etc. Act 1974.
2. The Health and Safety at Work Act provides a statutory framework for ensuring the health and safety of employees and members of the public. It requires the implementation of a safe place to which the public and employees have access and further requires that risk be planned out of work processes. Licensing requires procedures, suitable construction and design; information systems and adequate staff cover as preconditions, which must be in place before a licensable activity may lawfully take place. Licences are permissions for an activity, rather than just formal frameworks within which activities must take place.
3. Glasses and glass bottles can be dangerous weapons. Subject to stock availability, realistic cost and the limits of available technology, the Licensing Authority will consider the desirability of safer options, when representations are made that the risk to public safety in any particular case merits special controls.
4. One of the things which the licensing system can provide is agreement in advance on a standard layout for furniture, location of stage, placing of linked seats etc. so that licensees can be confident about their practical arrangements, provided that they stick to that way of doing things. With other legislative controls, there may be no official view of the arrangements made, unless there is an investigation, after something has gone wrong.
5. As a consequence of the many common features of leisure businesses, such as the operation of door policies, competition for taxis and the interaction with people on the street late at night, individual premises necessarily function as part of a network of businesses, sharing information on crime and disorder issues which affect them all.
6. Participation in forums such as Pubwatch and the proper use of network radios are key to the safe operation of the majority of leisure businesses. Licence conditions will not normally be used to compel involvement with particular initiatives but when reviewing a licence, the Licensing Committee will take into account the extent to which the proprietors of the venue have participated in arrangements designed to improve communication and to promote public safety. Specific examples would be the practical arrangements put in place around 'high risk' football matches and campaigns to reduce drug crime.

7. Fire safety requirements are determined principally by specific fire safety legislation. Nevertheless, the overall standard of fire safety is an important consideration in determining the suitability of premises for licensable activities.
8. The Licensing Authority will not use the licensing process to secure routine compliance with fire safety requirements, which arise from other legislation. Nevertheless, where it is established upon representations being made by Wiltshire Fire Brigade that fire safety inadequacies pose a risk to the health and safety to those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy, the Licensing Committee will take appropriate steps to ensure that the risk is removed including, where necessary, revocation of the licence.
9. In addition licensing must consider and deal with the introduction of further hazards to public safety as part of an event and the exercise of controls over occupancy, so that a building can be cleared safely and efficiently, in the event of an emergency. Where the Wiltshire Fire Brigade is able to provide occupancy figures and there is a real prospect that overcrowding might occur, the Licensing Committee will impose occupancy limits, if given that option.

10. Limits on occupancy

11. General restrictions on the occupancy of buildings or of floors within buildings are made on the advice of the Wiltshire Fire Brigade, having regard to the need to safely evacuate the premises in the event of a fire or some other emergency.
12. Licensing controls will be used to address localised overcrowding and circulation pinch points within buildings. Localised overcrowding and pinch points occur as a result of areas of the premises being disproportionately popular, the formation of queues and the crowding of people at the front of a performing area. There may be a requirement to provide in some venues a 'chill out' area, which is more relaxed, quieter and less crowded than the premises overall.
13. Where appropriate and following representations, the Licensing Committee may impose measures designed to deal with excessive numbers of people congregating in specific parts of the licensed premises. In some cases, occupancy limitations will be variable, in line with the practical circumstances pertaining in the premises at the time.

Prevention of public nuisance

1. The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.
2. As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However it is clear that the person in control of the premises has a responsibility imposed by the licence to ensure that disturbance to residents is kept to the minimum.
3. Disturbance caused by pedestrians some distance away, once they have left licensed premises, is difficult to relate back and the premises operator has little or no legal responsibility at that point. If the individuals concerned had chosen instead to socialise at a private house, the effects would have been much the same.
4. The Licensing Authority accepts that annoyance caused by people in the street other than in the vicinity of licensed premises, falls outside the scope of licensing control.
5. Ancillary noise from equipment associated with the provision of entertainment (e.g. portable generators) will be controlled where possible through the imposition of licence conditions. Licensing controls on such matters as siting, specification and times of use may be augmented by powers exercised under noise specific legislation.
6. Fixed apparatus, which is simply there as part of the day-to-day functioning of the premises (such as externally mounted air conditioning units), will be controlled where necessary by noise specific legislation and not by licensing conditions.
7. When considering the potential impact of noise from premises, the Licensing Committee will not distinguish between prosperous areas and areas which suffer significant social deprivation. Nevertheless, the presence of a hospital, residential accommodation for the elderly or the number of young children living in the vicinity will be practical considerations which will influence licensing judgements.
8. The proximity of residential premises and the number of people who live close by will have a bearing on the noise assessment.

9. The perception of noise as a nuisance has a very substantial subjective element. The extent to which the local community participates in the licensed activity or identifies with it, is an important factor in determining what is reasonable in particular circumstances.
10. The numerical balance between those benefiting from an entertainment and those inconvenienced by it may also be a material factor, although due allowance will be made for the rights of minority groups, when weighing this factor.
11. The frequency of relatively noisy licensable activities at a given site is a material factor in deciding what is reasonable for any one day. It may be that musical events should take place on a particular field no more than two or three times a year or that residents should be guaranteed relative peace from Sunday to Thursday, to make up for the intrusiveness of events or entertainment held at a public house on Saturdays.
12. The time of day is a crucial factor in determining whether noise will constitute a nuisance. Background noise levels generally fall away significantly, from the evening into the early hours. A source of amplified music at a fixed level may not be noticed in the middle of the day but the same noise could be very intrusive if it continues into the middle of the night.
13. Atmospheric changes, which take place as night falls frequently causes sound to carry further. This can increase the impact of any uncontained amplified music or other noise on the local residents.
14. The times which follow are just a rough indication of the points at which noise becomes progressively more intrusive during the course of the evening. The general level of noise outdoors is likely to be dropping but at the same time, activities inside residential premises change and the occupants are more affected by noise. Switching off the television and going to bed are obvious examples.
15. In the early part of the evening, after about 6.30 p.m. young children are being put to bed and outside noise can make it more difficult to get them settled.
16. Elderly people often go to bed at around 10.00 p.m. and without the background sound of radio or television they too become more susceptible to noise.
17. Most people have gone to bed by about 11.30 p.m. and then very much larger numbers of residents are easily affected by noise.
18. Who lives in the vicinity and how close their living areas are to particular licensed premises are factors which the Licensing Committee will take into account, when deciding what is a reasonable balance between the right of the business to operate and the right of those living and working in the

locality to be protected from undue disturbance.

19. The shifts in sensitivity with time described above are part of the overall picture used to decide what is reasonable in terms of noise. They are not part of a simplistic formula for working out imposed finishing times. No special account will be taken of the needs of individuals who work night shifts. The Licensing Committee will take into account the ordinary needs and reasonable expectations of the community and will not make special allowances for individuals who have an exceptional susceptibility to noise.
20. The character of a sound makes a contribution to its nuisance value. This is more than just a function of its measured volume. Karaoke vocals and distorted public address announcements can be particularly intrusive because voice is more difficult to push into the background than music.
21. There are few or no instances in Swindon where premises would be able to produce noise in an uncontrolled manner, secure in the knowledge that there are no neighbours to annoy.
22. The Licensing Authority does not take the view that it is appropriate to impose any absolute standard of sound insulation and attenuation across the board. In each case, a proportionate level of care must be exercised, taking into account all of the factors set out earlier in this document and having regard to the nature of the particular premises. In practical terms, good neighbour practices such as keeping doors and windows closed while music is playing will often make a greater contribution to avoiding nuisance than any specialist technical measures which have been put in place.
23. More substantial sound attenuation and more robust management measures will be necessary where music is played at high volume within premises.
24. Sound outside generated by an 'overspill' activity from fixed premises (e.g. a pub garden or a balcony) cannot be easily contained and has the potential to cause disturbance, even in the middle of the day. Noise at hazardous levels is indicated by the necessity to shout in order to be heard. That shows how loud voices can be. Even without music, beer gardens can cause substantial disruption to neighbours and the situation must be managed. If necessary, special conditions will be imposed. The use of balconies, patios and similar areas is likely to cause particular problems in the evening. Steps may be taken to curb amplified music in such areas. Movement in and out of the building to use the area can allow music to escape from indoors. That may lead to restrictions on the use of outdoor areas, after a set time in the evening.

The protection of children from harm

1. The Act makes provision for the protection of children from harm. It does this by prohibiting the sale of alcohol to children and controlling their unaccompanied access to licensed premises.
2. In most cases, these basic restrictions are adequate. Premises where children are accompanied and supervised by their parents or carers will not generally merit any special additional measures.
3. Where entertainment of an adult nature is provided or the atmosphere within the premises is likely to be particularly boisterous, there will be a requirement for access by children to be restricted.
4. It is undesirable that children should be exposed to foul language but where such language is not a dominant feature or a pervasive aspect of an entertainment, it will be left to parents and carers to decide whether particular premises are a suitable place to take children, on that account. By way of illustration, it is considered that the exposure of children to entertainment with a somewhat risqué content is not sufficient cause to exclude children from premises but a sustained atmosphere of bad language and heated discussion brought about by the consumption of alcohol might make controls appropriate in a particular case.
5. Where the Licensing Committee has a reasonably founded concern, based on representations made to it, that children may be exposed to an atmosphere in which drug taking is approved or that they may witness transactions of a drug related nature, it may exercise its discretion to limit access by children to particular premises, without prejudice to any other formal action which might be appropriate in the circumstances.
6. Similarly, if the level of consumption of alcohol on particular premises is at a level which, whilst lawful, is associated with a general lifting of inhibitions and in the context is likely to make many of those present behave in an inconsiderate, unpredictable manner likely to make any average child anxious, restrictions may be put in place, limiting access by children.
7. Where formal representations are made that access by children ought to be limited, the Licensing Committee will consider imposing restrictions relating to different ages at different cut off times. Restrictions may be heightened or imposed in respect of specific circumstances. As an example, a televised football match of particular importance may draw a large attendance, with passions running high and with an elevated consumption of alcohol. That could create an atmosphere which is quite intimidating.

8. Where children are old enough to be present on licensed premises without being accompanied by an adult, a restriction which says that they must be accompanied may nevertheless be considered by the Licensing Committee if there are representations about a special set of circumstances. Such a restriction would be used for specific reasons however and not as a mechanism for imposing a general regime which is more rigid than that allowed for in the Licensing Act.
9. In community centres, leisure centres, schools and similar venues or where events are held by youth organisations, there are already established mechanisms in place, for checking staff and volunteers. These arrangements will not be extended by any Licensing condition and similar measures will not be imposed by default on all premises, which happen to be licensed.
10. Commercial undertakings wishing to hold events, such as youth discos, specifically targeted at unaccompanied children, may be required to submit those employees or other persons who will be regularly responsible for supervising the children, to the standard disclosure mechanism operated by the Criminal Records Bureau, in the light of representations.
11. Where representations to that effect are made, operators of premises which offer a substantial play facility where children can be left under the supervision of staff will be expected to submit those members of staff responsible for child care to the advanced disclosure mechanism operated by the Criminal Records Bureau. The requirement of such checks will not be necessary simply because the garden of a licensed premise contains some children's play equipment.
12. The system of age classifications for films imposes a specific regime on cinemas and other premises, which show them. The policy of the Licensing Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.
13. The Licensing Authority will not force any establishment to admit children, as a condition of granting a licence.
14. In matters concerning the protection of children from harm, the Licensing Authority regards the Director of Social Services for Swindon Borough Council as the 'responsible authority' within the terms of Section 13 (4).f of the Licensing Act.

Delegation

The Licensing Authority will follow the scheme of delegations outlined in paragraph 3.49 of the Guidance issued under Section 182 of the Licensing Act 2003, with the exception that any decision on whether an objection is 'frivolous or vexatious' will be made by the Licensing Committee or Licensing Panel. In the event that a binding ruling clarifies that Section 10 of the Licensing Act does not preclude the delegation of such matters to officers, that more efficient mechanism will be used instead, in clear cut cases.

Modification of this Licensing Statement

In accordance with the Licensing Act, this Licensing Statement will be modified to incorporate any essential changes whenever appropriate and a full review will be carried out every three years. Circumstances may arise in which binding legal interpretations appear, the effect of which is to invalidate a part or parts of this policy. In such a case, the policy overall is deemed to continue in effect, following the deletion of the minimum amount of text necessary to restore compliance. This task will be delegated to the Director of Environment and Property. No replacement or substitute wording will be inserted at this stage but as soon as possible afterwards a formal process will be undertaken in accordance with the requirements of the Act, to decide what the new wording of the policy should be.

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Animal Boarding Establishments

Licensing Committee

Date: 8th January 2015

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider the responses to the Home Boarding of Dogs Consultation exercise and to recommend approval of licence conditions for adoption.

2. Recommendations

That the Committee be recommended to approve:

- 2.1 The revised licence conditions for the Home Boarding of Dogs as detailed in Appendix 5 to the report, taking into account the consultation responses received.
- 2.2 That the revised conditions shall apply to any new applications made for the home boarding of dogs within the Borough, and for all existing licensees, with the exclusion of numbers at Vals Pals, as detailed in paragraph 3.9 of this report.
- 2.3 That this licensee shall retain grandfather rights for the duration of their licence.

3. Details

- 3.1 The Animal Boarding Establishments Act, 1963 gives local authorities the power to license home boarding premises. The principle difference between the model conditions for dogs kept at an animal boarding premises and home boarding is that home boarded dogs must be housed inside the home and not a kennel.
- 3.2 In response to the home boarding of dogs, The Local Government Association, (formerly the Local Authority Co-ordinating Organisation for Regulatory Services LACORS) has developed a set of model licensing conditions. These conditions secure similar standards of care and attention for a home boarded dog as for a dog placed in a traditional licenced boarding establishment.
- 3.3 Swindon Borough Council did not formally adopt the conditions at the time although it has been used as a guide for Officers to assist with inspections and in the determination of licence applications.
- 3.4 A set of conditions was drafted and tabled at the Licensing Committee meeting on the 13th August 2014 (Appendix 1). The Committee agreed that a consultation exercise be carried out and that the results of the consultation exercise and proposed licence conditions be brought back for consideration by Members.

Animal Boarding Establishments

Licensing Committee

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- 3.5 The consultation document was advertised in the Swindon Advertiser, posted on the Council web site, and copies were also sent to all currently licensed commercial and home boarders in the district (Appendix 2). Responses received are detailed in (Appendix 3).
- 3.6 All responses have been acknowledged and all enquiries have been clarified as to the purpose and extent of the consultation.
- 3.7 A Summary of responses is detailed in Appendix 4.
- 3.8 The responses were generally positive with some queries that have been answered. After considering all responses it is recommended that:
3.9 The only establishment that is affected by the change in the model conditions is "Vals Pals" who is licensed for more than the new maximum number of dogs. This establishment was the first licensed home boarder in the Borough and has been in business for many years with no complaints. It is therefore recommended that "grandfather rights" be considered and they be permitted to continue to have a maximum of 10 dogs.

Proposal

- 3.10 It is proposed to adopt the conditions (see Appendix 1) with the following changes:
- 3.11 The introduction to include a description confirming what is considered to be home boarding.
- 3.12 To add the following to paragraphs 3.6 and 3.7: Following a risk assessment by the licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed.
- 3.13 To add the following to paragraph 5.5.4: Commercial kits are available at a minimal cost or the recommendations of Blue Cross or other relevant agency could be considered if assembling own.
- 3.14 To amend typographical errors at paragraphs 5.6 to 5.6.4.
- 3.15 To add the following to paragraph 5.7.2: The register must be kept readily available for a minimum of 3 years
- 3.16 To add the following to paragraph 5.10.6: shut at night in normal circumstances although can be at Licensee's discretion following a risk assessment approved by the Licensing Authority.
- 3.17 Although it was not included in the proposed conditions, it is also recommended that the Committee approve the inclusion of the following condition: Paragraph 5.10.13 A card or sign be displayed at the property visible from the outside showing an emergency contact number.

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- 3.18 This is good practice recommended by the emergency services for businesses, especially those with animals.. Although this was missed in the proposed conditions it is something that is requested during inspections and all current establishments can readily comply with such a condition
- 3.19 The revised conditions are detailed in Appendix 5 with the changes in bold italic.

4. Alternative Options

- 4.1 The Licensing Committee could choose not to accept the changes and not adopt policies for home boarding. This would mean that the existing arrangements would be retained which provide fewer controls over the licensing of home boarding establishments, and their attendant health, welfare and amenity impacts.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.
- 5.2 Licensees can appeal to the Magistrates Court, where they are aggrieved by any condition subject to which such a licence is proposed to be granted (section 1 (4) Animal Boarding Establishments Act 1963).

Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 No other specific implications were identified in the preparation of this report.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment has been completed for this report. This has identified that the conditions should be amended to ensure that access to all licensed establishments is made available to any person with disabilities wishing to board their dog(s). This amendment is additional to those highlighted in Section 4, and is proposed in the revised conditions.

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6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Animal Boarding Establishments Act 1963
- 7.2 Licensing Committee Agenda Item 18 - Wednesday, 13th August, 2014 5.30p.m

8. Appendices

- 8.1 Appendix 1: Proposed conditions for the home boarding for dogs
- 8.2 Appendix 2: List of consultees
- 8.3 Appendix 3: Responses received
- 8.4 Appendix 4: Summary of consultations received and officer
- 8.5 Appendix 5: Revised conditions for the home boarding of dogs.

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Appendix 1

Proposed conditions for the home boarding of dogs

Model Conditions for the Home Boarding of Dogs under Boarding Establishments Act 1963

1. Introduction

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.

1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

1.3 The Licensee must ensure that the establishment is covered by adequate and suitable insurance (including liability) and where necessary, adequate and suitable employees insurance

1.4 No dog registered under the Dangerous Dogs Act may be accepted for home boarding.

1.5 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs.

1.6 Dog hybrids (e.g. Wolf Hybrids) are not to be accepted for home boarding

2. Licence display

2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder

3. Number of animals

3.1 The absolute maximum number of dogs to be kept at any one time is 4, with a maximum of 1 additional resident dog(s). (The maximum numbers are subject to Veterinary and/or Inspector approval of the suitability of each individual premises and licensee to operate a home boarding establishment). If there are two resident dogs then the maximum number of boarders is 3 and so on.

3.2 Only dogs from the same household maybe boarded at any one time unless written consent is gained from the owners following a trial familiarisation session.

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3.3 Where dogs from different families are permitted by the Licensing Authority to be boarded together at any one time, the additional requirements are to be followed:

3.4 To obtain specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others

3.5 To conduct a mandatory, trial (documented) familiarisation session for all dogs prior to stay.

3.6 To ensure separation of dogs from different households in secure areas when left unattended.

3.7 To carry out separate feeding of dogs to minimise the likelihood of dispute and aggression.

3.8 Dogs must not be boarded with any cat, unless they normally live together in the same household.

3.9 Where there is a resident dog kept at the household, written consent from the owners of the boarded dog must be gained following a trial (documented) familiarisation session.

3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

4. Construction

4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs (the garden may be split into sections to provide separate exercise areas for dogs).

4.2 There must be adequate space, light, heat and ventilation for the dogs.

4.3 There must be sufficient space available to be able to keep the dogs separately if required.

4.4 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided and the licence holder must comply with the Welfare of Animals (Transport) Order 1997

4.5 The premises shall have its own entrance and must not have shared access e.g. communal stairs.

4.6 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.

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5. Management

5.1 Training

5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out (where applicable).

5.2 Cleanliness

5.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with Licensing Authority

5.2.3 All bedding areas must be kept clean and dry.

5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final disposal route for all such waste must be incineration.

5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5.3 Food & water supplies

5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.

5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.

5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned after each meal and each dog must be provided with its own bowl.

5.4 Kitchen facilities

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5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal leak proof containers in the fridge.

5.4.2 All bulk supplies of food shall be kept in vermin proof containers.

5.5 Disease control & vaccination

5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

5.5.2 Proof must be provided that dogs boarded or resident have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment, which have been given by a veterinary surgeon must be strictly followed.

5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

5.5.5 The licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

5.5.7 The premises must be regularly treated for fleas and parasites with a veterinary recommended product. A good standard of hygiene must be achieved.

5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

5.6 Isolation and Contagious Disease Outbreak

5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal

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5.6.2 The licensee must inform the licensing authority on the next working day if a dog develops an infectious disease.

5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. The Licensing Authority as agreed with their authorised veterinary surgeon will specify this period.

5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at the vets until the owners return unless prior written consent is gained from the owner for the body to be disposed of through a licensed pet crematorium.

5.7 Register

5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:

- date of arrival
- name of dog, any identification system such as microchip number, tattoo
- description, breed, age and gender of dog
- name, address and telephone number of owner or keeper
- name, address and telephone number of contact person whilst boarded
- name, address and telephone number of dog's veterinary surgeon
- anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- health, welfare nutrition and exercise requirements

5.7.2 The register must be kept readily available for a minimum of 2 years (3 is recommended) and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.3 If medication is to be administered, this must be recorded.

5.7.4 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.8 Supervision

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.

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5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left longer than 3 hours and then not on a regular basis.

5.8.3 No home where there are children under 10 years of age will be licensed.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places. Only people over 21 years of age may walk dogs off lead with owner's prior written consent

5.9 Exercise

5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

5.9.4 If there is a pond, it must be covered to avoid drowning.

5.9.5 If front garden fencing is not of equal height or higher than that of the back garden, a double door system must be employed so no dog has direct access to an external door if left alone in a hallway.

5.9.6 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

5.9.7 The licensing authority must be informed immediately if a dog is lost (24 hour number: 01793 466453).

5.10 Fire & emergency precautions

5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.

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5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.

5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.

5.10.6 All doors to rooms must be kept shut at night.

5.10.7 All electrical installations and appliances must be maintained in a safe condition.

5.10.8 All Heating Appliances must be free of risk of fire as is reasonably practicable

5.10.9 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs and dogs must not have access to any heater with a direct flame.

5.10.10 No dog must be left alone in a room with loose or trailing cables or wires.

5.10.11 There must be no use of freestanding gas or oil appliances.

5.10.12 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

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Appendix 2

List of Consultees

Business name	Owner / Manager	Address
Avalon	Shelly Taunt	21 Lechlade Road, Highworth, Wiltshire, SN6 7QR
Bryonyhill Cattery & Pet Grooming	Mr And Mrs Hood	427 Cricklade Rd. Swindon, SN2 1AQ
Chimneys Cattery	Mr Brad Owen	1 The Broadway Rodbourne Cheney Swindon SN1 4NU
The Dogs House	Mrs Helen Bellinger	25, Norris Close, Chiseldon, SN4 OLP
DogHouse	Marilyn Simpson	27 Windflower Road, Swindon, SN25 1QS
The Dog Walker Swindon	Mrs Lisa Cobb	26 Copse Avenue, Swindon, SN1 2PX
Doggy Styles	Mrs Emma Dickson	125 Cricklade Road, Swindon, SN2 1AD
Drove Way Kennels	Adrian Lyle	Droeway House The Droeway Castle Eaton Swindon SN6 6JX

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Highmead Cattery	Mr and Mrs Richens	Eddystones, Kingsdown Lane, Blunsdon, Swindon, SN25 5DL
Highworth Pet Care	Nicola Dangerfield	19 Wessex Way, Highworth, SN6 7NT
K9 Walkies	Steve and Carol Blanchard	19 Burden Close Stratton St Margaret Swindon SN3 4HE
Paw-fit Pet Services	Alex Giles	19 Goddard Avenue, Swindon, SN1 4HR
Pitcher's Pet Care	Deborah Pitcher	27 Ashburnham Close, Freshbrook, Swindon, SN5 8RA
Steppes Lodge Cattery	Mrs Jan Graham	15-16 Dores Road Upper Statton Swindon SN2 7QT
TLC	Michelle Tucker	10 Nythe Road Swindon SN3 4AN
Wagging Tails	Hilary Coates	3 Tregoze Way, The Prinnels, Swindon, SN5 6NW

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Waggy Walks	Amanda Prosser	31 Cobbet Close Abbey Meads Swindon SN25 4GZ
Val's Pals	Mrs Val Wakefield	33 Oxford Road Stratton St Margaret Swindon SN3 4HP
Westleaze Cat Hotel	Mr R Cooper	1 Mill Lane, Swindon, SN1 4NU

Wagging Tails Carers

	Mr and Mrs Adams	37 Alveston Close Westlea Swindon SN5 7DE
	Mr and Mrs Sturrock	28 Godolphin Close, Freshbrook, Swindon, SN5 8RL
	Mrs King	1 Orchard Grove, Swindon, SN2 7QR
	Mrs Hines	54 Pheobe Way, Swindon, SN25 2JP
	Mr and Mrs Light	25 Thyme Close, Swindon, SN2 2QZ

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	Barbara Webb	521 Ferndale Road, Swindon, SN2 1DG
	Mr and Mrs Little	33 Linslade Street, Swindon, SN2 2BL
	Mr and Mrs Bennett	12 Portland Avenue, Swindon, SN1 4JW

We Love Pets Franchise Holders

	Claire Newport	Chestnut Cottage, Ampney St Mary, SN5 6AL
	Clare Brown	16 Inholmes, Hungerford, RG17 7SX
	Joanne Tomlinson	64 Queen Elizabeth Drive, Swindon, SN25 1UF

We Love Pets Carers

	Caroline Barnard	6 Bosworth Close, Grange Park, Swindon, SN5 6AL
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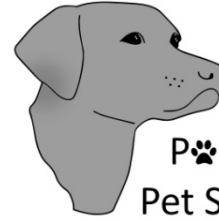
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Appendix 3

Responses received



**Paw-Fit
Pet Services**

19 Goddard Avenue, Old Town, Swindon SN1 4HR.
Mobile: 07974 387237
Email: alex.giles@yahoo.co.uk

Katherine Ashton
Licensing Manager
Swindon Borough council
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

11th October 2014

Dear Ms Ashton,

Re: Draft Consultation of changes to terms of Animal Boarding licensing – Swindon Borough Council

Firstly, thank you for inviting me to participate in this consultation. After much searching I eventually found a link to the documentation you referred to. It would have been helpful if you could have clearly given a link to the document in your letter. May I also point out that the document also does not indicate it is a draft.

I have taken the time to read the draft and would like to make the following comments/observations:

Para 1 Introduction

A description of what 'Home boarding' refers to may be helpful here – are you also referring to day care/crèche facilities or does this apply only to overnight stays? What is home boarding? This may be interpreted in many different ways.

3. Number of Animals

3.1 *The absolute number?* If this applies to day care also, consideration needs to be made over how one might earn a reasonable living from providing dog minding services. This is particularly relevant to those who wish to run a small

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establishment without subletting, creating an agency or employing other individuals.

3.2 *Only dogs from the same household may be boarded.* Again precludes individual business growth and many dogs feel more secure in the company of other dogs.

3.5 *Mandatory trial period.* I personally will only accept dogs that the owners have given me absolute understanding that their dog will safely mix with other dogs. Following a trial period and subsequent observation, I then ascertain if separate sleeping arrangements are required as part of my risk assessment process.

I believe that no dogs should be boarded overnight without a trial day, not just to ascertain suitability to mix boarding dogs but to ensure the safety of my own animal/s.

5.1 Training

A written training policy for staff must be provided. This statement requires clarification. Training courses for animal welfare are very expensive and you would need to be able to offset this from your limited income. This is not always financially viable. However, I do believe it is essential to have knowledge of pet first aid.

5.2 Cleanliness

General comment: Would this be demonstrated through conversation and observation at the annual inspection prior to gaining a licence or renew a licence? It might be useful if to identify where the licensee is required to provide evidence and whether this is written by the licensee or as suggested earlier is met through the inspection.

5.2.4 If incineration is required are you able to direct where this could be sourced and again if there is a cost to this?

5.9 Exercise

5.9.6 *The tag must display the name, address and telephone number of the boarding premises. Again a cost incurred to the business. I insist that all dogs wear a collar with the minimum recommended information as per Kennel Club advice.*

In addition to the above comments, could there also be a policy/procedure relating to lost, missing or escaped dogs. There have been a number of reports recently of animals that have escaped from boarding establishments which have resulted in the death of the animal. I believe all providers should be able to demonstrate what should be done not only to prevent an incident but what to do in the event of a missing dog.

I applaud your efforts to ensure that this business is sufficiently regulated. However, it is equally important to encourage good dog ownership. These small businesses can offer working people the opportunity to enter into the rewarding world of dog

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ownership while ensuring their beloved pets are adequately looked after while they are out. In order for us to do this we need to be able to offer a service that is not going to financially push owners into leaving their pets at home for long periods without sufficient exercise and attention.

I have enjoyed this last 10 months since becoming a home boarding establishment and I wish to grow my business based on good customer service but also need to earn a living and ensure that I have sufficient funds to improve my home environment to meet the ongoing needs of my clients. This includes increased home decoration and potentially reconstruction of my external space to improve cleanliness and hygiene within my home.

I welcome the opportunity to assist with this review and support any changes that seek to protect the welfare of animals.

I look forward to hearing from you in due course.

Yours Sincerely

Mrs Alex Giles

c.c. Alison Waine

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Date: 8th January 2015

Dear Kathryn,

Further to your letter of 13 October 2014, please find below the response from Wroughton Parish Council to the Consultation on the Animal Boarding Establishment Act 1963.

The Parish Council considered this at the Planning Committee meeting held on Wednesday 12 November 2014 and resolved that

Wroughton Parish Council agree with the revised model conditions.

I would be grateful if you could confirm your receipt of the above response via email.

Regards,

Sue Fletcher

Assistant Clerk - Wroughton Parish Council

Tel: 01793 814735

Email: finance@wroughton.gov.uk

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Date: 8th January 2015

From: Niki King [<mailto:>]
Sent: 14 October 2014 13:35
To: E & P Licensing
Subject: Animal Boarding Establishment Act 1963

Dear Ms Ashton,

Thank you for your letter dated 9th October. I'm commenting on the revised Model Conditions for the Home Boarding of Dogs paper as a carer with the Wagging Tails franchise. Please note I am not replying officially from Wagging Tails, merely as an individual who has a licence!

3.6 To ensure separation of dogs from different households in secure areas when left unattended

I don't agree with this. If the dogs in question are regularly left alone together in one of the owner's houses then they may in fact become distressed if separated in the carer's home. The issue of suitability for any particular dogs should be discussed with both owners at the familiarisation session

3.7 To carry out separate feeding of dogs to minimise the likelihood of dispute and aggression.

As above, this should be discussed with both owners at the familiarisation session and agreement reached depending on each individual circumstance (and with the owners input and consent)

4.4 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided and the licence holder must comply with the Welfare of Animals (Transport) Order 1997

Wagging Tails don't provide a collection and delivery service however there will be occasions when the carer will want to take the boarded dog out in their car (e.g. for walks at different locations). The above order is lengthy and I don't pretend to be an expert however a couple of things spring to mind:

- Does the single animal exemption apply?
 - The regulations surrounding economic activity are not very clear. E.g. taking a dog in the car to go to a walking location does not directly involve or aim at a financial gain so is this an exempt activity?
- Overall I think this Order is onerous and open to interpretation for the purposes of home boarding of dogs

5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out (where applicable).

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Does this refer to the franchisee of the dog boarding business or the individual carer?

5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

What is the council's definition of a well-stocked first-aid kit suitable for use on dogs?

5.10.6 All doors to rooms must be kept shut at night.

I don't agree with this. It should be left up to the individual carer and owner(s) to agree what is appropriate and this should be in-line with, and as close as possible to, what the dog is used to in their own home. If routines are changed too much the dog could become distressed

5.10.12 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

I don't agree with this. In an emergency the emergency services can gain access to a house (as they can for all other emergencies) and this is not a requirement when you have your own pet (of whatever sort) resident with you. It also places too much reliance on a relative, friend or neighbour who may in any event be out at work all day!

Do please feel free to contact me if you have any queries on my comments above.

Niki King

Licence number: 881140350ANIMBD

1 Orchard Grove

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Date: 8th January 2015

From: CAROL-ANNE ANDERSON [
Sent: 26 October 2014 16:26
To: E & P Licensing
Subject: Re: Changes to Animal Boarding Establishment Act 1963

Dear Mrs Ashton,

this email is to convey to you the fact that Steven Blanchard and Carol Anderson from StevesK9Walkies have read the new Animal Boarding model conditions and are happy with them. Most we already comply with at the moment, a change you have made to store the contact details of a second key holder is very sensible and we are happy to provide those details if you let us know where to send them. A couple of changes you are making will help us in particular.

We currently have a couple of dogs with different owners who are extremely sociable, and who we give 'respite' care to occasionally when their owners (who are ill) are in need, but this can happen at very short notice and due to the nature of our business we are usually full most of the time. With the new rules enabling dogs from different owners to be boarded with written consent, it would give us the ability to take these dogs for the occasional night or 2 when we are already boarding another dog, as long as the other dog is sociable (only ones we have already had experience of boarding) and both owners give their consent. It would be easy to socialise them for an afternoon beforehand to see how things go.

I also think that restricting the number of dogs is a good idea. We find it time consuming enough to give 3 dogs the attention they need. I can't imagine how people manage the large quantity of dogs that they sometimes stuff into a house (without the use of cages etc. which would turn the place from a Home boarding establishment into a kennels).

regards,

Steven Blanchard and Carol Anderson

Animal Boarding Establishments

Licensing Committee

Date: 8th January 2015

From: Gordon Wilson [[mailto:](#)]

Sent: 24 November 2014 15:05

To: E & P Licensing

Cc: Liz Carmichael

Subject: Swindon Borough Council draft Model Conditions covering the licensing of Home Boarders of Dogs consultation

Swindon Borough Council draft Model Conditions covering the licensing of Home Boarding of Dogs - consultation

Liddington Parish Council agrees in principle with the contents and aims of this document but we consider prior licensing/planning permission is required for those who run such establishments before a nuisance is caused due to ignorance of the conditions animals should be kept under.

Licensing will ensure all parties are familiar with the conditions and procedures for housing of animals. For instance those who run such establishments should be asked to sign a copy of the Model Conditions to say that have read, understood and will comply with, the conditions set out. It shouldn't be a major effort or costly to comply with this. If not prior licensed in this way boarders could legitimately claim ignorance if and when a nuisance or injury results.

Kind regards

Gordon Wilson, Chairman Liddington Parish Council

Responding on behalf of Liddington Parish Council, 24th November 2014

Animal Boarding Establishments

Licensing Committee

Date: 8th January 2015

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Appendix 4

Summary of consultations received and officer responses

Consultee	Summary	Response	Proposed Action
Alex Giles	1.Description of what 'Home boarding' is	Considered to be valid point	Amend as follows: Draft description added to introduction
	3.1 Number of animals – does this include day care	Both day care and overnight stays are considered to be boarded in the legislation	No change
	3.2 don't agree with only dogs from the same household to be allowed	(3.4-3.7) Scope to consider granting a licence for dogs from different households if the property is suitable and the subsequent requirements are followed	No change
	3.5 Mandatory trial period - agree	Noted	No change
	3.6 Separation of dogs when not attended – risk assessed on individual basis	Recommendation. Would recommend written permission from owners if not separated	Amend as follows: "3.6...left unattended. Following risk assessment by licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed"
	5.1 Training - concern of the cost	If staff are employed by the establishment then required. Would not apply to most establishments	No change

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Consultee	Summary	Response	Proposed Action
Alex Giles (cont.)	5.2 Cleanliness – is this demonstrated by the annual inspection?	Yes, is part of the inspection	No change
	5.2.4 Incineration – direct source and if there is a cost	Recommend discuss with vet treating the dog	No change
	5.9.6 The tag must display the name, address and telephone number of the boarding premises. - Again a cost incurred to the business	As owners may be out of the country during the dog's stay or otherwise unavailable it is stated that the boarding premises details be on the tag instead as they have responsibility for the dog. The cost is minimal	No change
	Should be policy/procedure relating to lost, missing or escaped dogs and reporting to the council.	5.9.7 The licensing authority must be informed immediately if a dog is lost (24 hour number: 01793 466453	No change
Wroughton Parish Council	Agree with the revised model conditions	Noted	No change
Liddington Parish Council	Prior Licensing should be required	Currently the case	No change
	Planning should be required	1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted	No change

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Consultee	Summary	Response	Action
Steven Blanchard and Carol Anderson	Agree with the revised model conditions	Noted	No change
Niki King	3.6 To ensure separation of dogs from different households in secure areas when left unattended	Recommendation. Would recommend written permission from owners if not separated following risk assessment	Amend as follows: "3.6...left unattended. Following risk assessment by licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed"
	3.7 To carry out separate feeding of dogs	Recommendation. Would recommend written permission from owners if not separated following risk assessment	Amend as follows: "3.7...feeding of dogs. Following risk assessment by licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed"

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Consultee	Summary	Response	Proposed Action
Niki King (cont.)	4.4 Welfare of Animals (Transport) Order 1997 – Onerous order	Does not apply to most premises but is legal requirement for those that provide that service	No change
	5.1.1 A written training policy for staff must be provided – who has to do this	Only apply to premises that employ staff	No change
	5.5.4 definition of a well-stocked first-aid kit	No set definition.	Amend as follows: “5.5.4...first-aid kit. Commercial kits are available for a minimal cost or consider recommendations of Blue Cross or other relevant agency if assembling own.”
	5.10.6 All doors to rooms must be kept shut at night – do not agree, should be individual decision	Recommendation from fire brigade	Amend as follows: “5.10.6...shut at night in normal circumstances. Can be at Licencee’s discretion following risk assessment”
	5.10.12 Emergency Key Holder – do not agree	This is as per requests from the emergency services as well as standard practice within councils. Important that owner leaving their dog with a licensed home boarder can be satisfied of their pet’s safety	No change

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Consultee	Summary	Response	Proposed Action
Vals Pals	Clarification of dog boarding and dog crèche	Both require licence under legislation, covered by amended introduction	Amend as follows: Draft description added to introduction
	Told when started business could have no grass and no carpets and soft furnishings that cannot be washed. Is this still the case?	At the time of initial application standard model conditions were not known of by the council, not deemed as necessary by current standards following agency investigations	No change
	5.7.2 why does it state 2 years(3 years is recommended) ,can you not just say 3 years?	2 years is recommended considering the boarding establishments legislation but 3 years is considering the Animal Welfare Act 2006. Valid point	Amend as follows: "5.7.2 The register must be kept readily available for a minimum of 3 years"
	5.6(should this be 5.6.4?)	typographical error	Amend as follows: "5.6.4"

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Appendix 5 Revised Model Conditions

Model Conditions for the Home Boarding of Dogs under Boarding Establishments Act 1963

The keeping of a boarding establishment for animals is defined by the Animal Boarding Establishments Act 1963 and means the carrying on at any premises, including a private dwelling, of a business providing accommodation for other people's cats and dogs.

Where a person provides accommodation in connection with a business but the provision of such accommodation is not the main activity of the business, for example a vet, then such activity falls outside of the definition.

The dictionary definition of 'board' means the provision of meals, with or without lodgings. Therefore, where a 'crèche' is providing food and water for animals they are effectively providing board and are, to that end, a Boarding Establishment and would require a licence. However, if food and water were not provided the premises could still require a licence if the primary function is to board animals. A lack of food and/or water might constitute a welfare matter.

If a home boarder is providing board during the day only then this will also require a licence. As noted in 4.1: Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs (the garden may be split into sections to provide separate exercise areas for dogs).

1. Introduction

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.

1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.

1.3 The Licensee must ensure that the establishment is covered by adequate and suitable insurance (including liability) and where necessary, adequate and suitable employees insurance

1.4 No dog registered under the Dangerous Dogs Act may be accepted for home boarding.

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1.5 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs.

1.6 Dog hybrids (e.g. Wolf Hybrids) are not to be accepted for home boarding

2. Licence display

2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder

3. Number of animals

3.1 The absolute maximum number of dogs to be kept at any one time is 4, with a maximum of 1 additional resident dog(s). (The maximum numbers are subject to Veterinary and/or Inspector approval of the suitability of each individual premises and licensee to operate a home boarding establishment). If there are two resident dogs then the maximum number of boarders is 3 and so on.

3.2 Only dogs from the same household maybe boarded at any one time unless written consent is gained from the owners following a trial familiarisation session.

3.3 Where dogs from different families are permitted by the Licensing Authority to be boarded together at any one time, the additional requirements are to be followed:

3.4 To obtain specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others

3.5 To conduct a mandatory, trial (documented) familiarisation session for all dogs prior to stay.

3.6 To ensure separation of dogs from different households in secure areas when left unattended. Following risk assessment by licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed

3.7 To carry out separate feeding of dogs to minimise the likelihood of dispute and aggression. Following risk assessment by licensee this may be relaxed with written permission from owners. This would be reviewed on annual inspections and if any issues identified the concession will be removed

3.8 Dogs must not be boarded with any cat, unless they normally live together in the same household.

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3.9 Where there is a resident dog kept at the household, written consent from the owners of the boarded dog must be gained following a trial (documented) familiarisation session.

3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

4. Construction

4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs (the garden may be split into sections to provide separate exercise areas for dogs).

4.2 There must be adequate space, light, heat and ventilation for the dogs.

4.3 There must be sufficient space available to be able to keep the dogs separately if required.

4.4 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided and the licence holder must comply with the Welfare of Animals (Transport) Order 1997

4.5 The premises shall have its own entrance and must not have shared access e.g. communal stairs.

4.6 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.

4.7 Licensees of boarding establishments shall ensure that any visitors and clients with disabilities attempting to access the licensed premises have adequate arrangements made available to them to access the property. This may include providing assistance to transport dogs to and from outside areas of the licensed premises and such arrangements shall be approved by the Licensing Authority.

5. Management

5.1 Training

5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out (where applicable).

5.2 Cleanliness

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5.2.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with Licensing Authority

5.2.3 All bedding areas must be kept clean and dry.

5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final disposal route for all such waste must be incineration.

5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5.3 Food & water supplies

5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.

5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.

5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned after each meal and each dog must be provided with its own bowl.

5.4 Kitchen facilities

5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal leak proof containers in the fridge.

5.4.2 All bulk supplies of food shall be kept in vermin proof containers.

5.5 Disease control & vaccination

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5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

5.5.2 Proof must be provided that dogs boarded or resident have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment, which have been given by a veterinary surgeon must be strictly followed.

5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site. Commercial kits are available for a minimal cost or consider recommendations of Blue Cross or other relevant agency if assembling own.

5.5.5 The licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

5.5.7 The premises must be regularly treated for fleas and parasites with a veterinary recommended product. A good standard of hygiene must be achieved.

5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

5.6 Isolation and Contagious Disease Outbreak

5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal

5.6.2 The licensee must inform the licensing authority on the next working day if a dog develops an infectious disease.

5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. The Licensing Authority as agreed with their authorised veterinary surgeon will specify this period.

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5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at the vets until the owners return unless prior written consent is gained from the owner for the body to be disposed of through a licensed pet crematorium.

5.7 Register

5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:

- date of arrival
- name of dog, any identification system such as microchip number, tattoo
- description, breed, age and gender of dog
- name, address and telephone number of owner or keeper
- name, address and telephone number of contact person whilst boarded
- name, address and telephone number of dog's veterinary surgeon
- anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- health, welfare nutrition and exercise requirements

5.7.2 The register must be kept readily available for a minimum of 3 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.7.3 If medication is to be administered, this must be recorded.

5.7.4 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.8 Supervision

5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.

5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left longer than 3 hours and then not on a regular basis.

5.8.3 No home where there are children under 10 years of age will be licensed.

5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places. Only people over 21 years of age may walk dogs off lead with owner's prior written consent

5.9 Exercise

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5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

5.9.4 If there is a pond, it must be covered to avoid drowning.

5.9.5 If front garden fencing is not of equal height or higher than that of the back garden, a double door system must be employed so no dog has direct access to an external door if left alone in a hallway.

5.9.6 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

5.9.7 The licensing authority must be informed immediately if a dog is lost (24 hour number: 01793 466453).

5.10 Fire & emergency precautions

5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.

5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.

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5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.

5.10.6 All doors to rooms must be kept shut at night in normal circumstances. Can be at Licencee's discretion following risk assessment"

5.10.7 All electrical installations and appliances must be maintained in a safe condition.

5.10.8 All Heating Appliances must be free of risk of fire as is reasonably practicable

5.10.9 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs and dogs must not have access to any heater with a direct flame.

5.10.10 No dog must be left alone in a room with loose or trailing cables or wires.

5.10.11 There must be no use of freestanding gas or oil appliances.

5.10.12 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

5.10.13 A card or sign be displayed at the property visible from the outside showing an emergency contact number

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