



CITY OF GLOUCESTER

LICENSING AND ENFORCEMENT COMMITTEE

Meeting: Tuesday, 12th October 2010 at 18:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Durrant (Chair), C. Witts (Vice-Chair), Gillespie, Tracey, Noakes (Spokesperson), Gill, Field, Brown, Dee, Porter, Taylor, Beeley and Dallimore

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To receive from Members, declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item. Please see Notes 1 and 2 overleaf.

3. MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting on 13 July 2010.

4. MINUTES OF LICENSING SUB-COMMITTEE (Pages 5 - 16)

Minutes of the Licensing Sub Committees held on 19 July 2010 and 13 September 2010.

5. PUBLIC QUESTION TIME (15 MINUTES)

To receive any questions from members of the public.

6. PETITIONS AND DEPUTATIONS (10 MINUTES)

To receive any petitions and deputations.

7. REVISED LICENSING POLICY STATEMENT - LICENSING ACT 2003 (Pages 17 - 84)

Report by the Food Safety and Licensing Service Manager.

8. TAXI/PRIVATE HIRE SCRUTINY STUDY (Pages 85 - 94)

Report by the Food Safety and Licensing Service Manager.

9. DATE OF NEXT MEETING

Tuesday 16 November 2010 at 18.30 hours.



.....
Amanda Wadsley
Corporate Director of Strategy and Development

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
 - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;
 - (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Adam Chalmers, Democratic and Electoral Services Manager, Tel. No. 01452 396125/e-mail: committeesection@gloucester.gov.uk if you have a general query on any agenda item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's Website - www.gloucester.gov.uk

If you would like a translation of agenda/minutes/reports or would like a large text version or an audio version please contact the Democratic and Electoral Services Manager and we will try to accommodate your needs.

This page is intentionally left blank

LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 13th July 2010

PRESENT : Cllrs. Durrant, Gillespie (Chair), Tracey, Gill, Field, Brown, Dee, Taylor, Beeley and Dallimore

Officers in Attendance

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Julie Wells, Group Manager, Regeneration Services, Facilities and Support

Steve Isaac, Solicitor

Amanda Tarren, Democratic Services Officer

APOLOGIES : Cllrs. C. Witts, Noakes and Porter

ELECTION OF ACTING CHAIR

Councillor Tracey proposed and Councillor Dee seconded that Councillor Gillespie be elected as the Acting Chair, in the absence of the Chair.

9. DECLARATIONS OF INTEREST**10. MINUTES**

The minutes of the meeting held on 15 June 2010 were approved as a correct record.

11. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from the public.

12. PETITIONS AND DEPUTATIONS (10 MINUTES)

There were no petitions or deputations.

13. STREET TRADING APPEAL STAPP38 - MR STEVENS**Officer's Report**

The Group Manager Regeneration Services, Facilities and Support outlined the report recommending to refuse street trading consent, for the addition of freshly cooked doughnuts to an existing unit. The reasons for refusal would include:

- The product is not compatible with the prime retail location
- Associated cooking odours
- There were ten retail outlets in the city centre selling doughnuts, therefore the product did not enhance or add vitality to the area.

**LICENSING AND ENFORCEMENT COMMITTEE
13.07.10**

Appellant's Questions

Mr Stevens asked the Group Manager if there were any other retailers in the city centre selling hot, fresh doughnuts. She replied that there were none to her knowledge. Mr Stevens asked if there were any retailers in Eastgate Street selling doughnuts. She replied there were not.

Members' Questions

Members queried if similar applications to sell hot doughnuts had been refused, and the Group Manager confirmed this was correct. Mr Stevens had previously sold hot doughnuts on his stall, and Members queried why the Street Trading Policy had not been enforced previously. The Group Manager confirmed that the Street Trading policy had not been introduced at that time. The Group Manager confirmed that they had received no complaints regarding the product when sold previously.

Appellant Case

Mr Stevens expressed the view that the offensive cooking odour referred to in the officers report was an individual point of view. He felt that there was overwhelming support from the public in his favour. He felt that the product would add vitality to the area, as no other retailer in the centre sold hot fresh doughnuts. He had received no complaints. He confirmed that they did not use hot fat during cooking and that the oil was drained on a daily basis, to reduce cooking odours. He explained that he was a member of the Showmen's Guild, and as such they had strict guidelines regarding not operating on other member's pitches. Therefore he could not accept the council's offer to sell hot doughnuts from Gloucester Park. He had tried to sell the equipment used to make the hot doughnuts, without any success, and this was a financial liability for him. He did not feel that the sale of the product was

Officer summary

The Group Manager summarised her report, and reasons to recommend refusal of the application, as follows:

- Incompatibility of the product in a prime retail location, due to associated cooking odours.
- It was considered that the product did not enhance the area or add vitality, due to other retailers selling a similar product in the area.

Appellant Summary

Mr Stevens felt that the impact of the officer decision had a large financial impact on both his family and his business. He felt that the product did comply with the council's street trading policy.

Members' Discussion

Members discussed the points highlighted by the officer and appellant.

Appeal Decision

A vote was taken to uphold the officer's recommendation.

Members voted to allow permission for the appellant to sell hot fresh doughnuts from his stall, for the following reasons:

- The product enhanced the local area.
- It was a unique product to the area.
- The cooking odour was subjective.

The appeal was allowed.

14. STREET TRADING POLICY UPDATE

The Group Manager Regeneration Services, Facilities and Support, outlined the report updating Members on improvements in the City, following the introduction of the Street Trading Policy in 2009.

Significant progress had been made through the policy, which included the removal of low-grade market stalls; no street traders in arrears; the easier maintenance of gate streets and street cleaning; and ensuring that the city centre was not overcome by street traders. All the improvements made had aided the regeneration of the City. It was noted that there were several areas which could not be regulated by the City Council, such as pedlars.

15. DATE OF NEXT MEETING

Tuesday 17 August 2010 at 18.30 hours.

Time of commencement: 18:45 hours

Time of conclusion: 20:25 hours

Chair

This page is intentionally left blank

LICENSING SUB-COMMITTEE

MEETING : Monday, 19th July 2010

PRESENT : Cllrs. Durrant, Dee and Taylor

Officers

Steve Isaac, Solicitor

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Lloyd Griffiths, Environmental Protection Service Manager

Lisa Wilkes, Food Safety and Licensing Service Manager

Tony Moseley, Licensing Enforcement Officer

Philippa Finnegan, Licensing Officer

Amanda Tarren, Democratic Services Officer

Also in Attendance

Inspector Carole Anjinka, Gloucestershire Constabulary

Mr P. Trott, Force Solicitor, Gloucestershire Constabulary

Mike Matthews, Applicant's Solicitor

Cleo Pearson, All Nations Community Centre

Paul White, All Nations Community Centre

Keith Sinclair, All Nations Community Club

B Webster, All Nations Community Club

1. ELECTION OF CHAIR

Councillor Durrant was elected as Chair.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. INTRODUCTIONS AND PROCEDURES

The Chair introduced the Panel and the officers in attendance. The applicants were introduced, and confirmed that they represented themselves at the hearing. The Chair outlined the procedure to be followed.

4. REVIEW OF CLUB PREMISES CERTIFICATE UNDER SECTION 87 OF THE LICENSING ACT 2003 - THE ALL NATIONS COMMUNITY CENTRE, 61- 63 CHASE LANE, EASTERN AVENUE**Officer's Report**

The Licensing and Enforcement Officer outlined the report, regarding a review of the Club Premises Certificate for the All Nations Community Centre (ANC). This

followed an application made by Gloucestershire Constabulary under Section 87 of the Licensing Act 2003.

There were no questions from the applicant or the Police at this stage.

Police Application

The solicitor representing Gloucestershire Police, presented his report and a revised representation and set of recommended conditions was given to Members.

Environmental Protection Officer

The Officer had investigated complaints made by local residents and found that the noise nuisance from the ANC was subject to review, and made several recommendations in the report (appendix E) to control noise from the club.

ANC Solicitor

The solicitor representing the All Nations Community Centre (ANC), presented their case and comments regarding the serious incidents listed by the Police in the report.

Member's Questions

Members did not have questions for the Police or Environmental Protection Officer at this stage.

Residents Representations

There were no questions from the public or residents.

Police Summary

Inspector Anjinka gave her concerns regarding the serious nature of previous incidents at the club, and the risk of increased crime and disorder.

ANC Solicitor Summary

It was stated that the staff at the club had done as much as possible to protect the customers. They had taken the advice of the Police, to report incidents promptly. He asked Members to note that the club had operated for 500 nights over 3 years, without any similar problems.

Decision

Members retired from the room at 22.15 hours, to decide the outcome of the review. Members returned at 23.47 hours to advise that the Premise Licence would not be revoked.

**LICENSING SUB-COMMITTEE
19.07.10**

Members made due consideration to representations made by all parties, and in order to achieve the three licensing objectives, considered that the following list of conditions are added to the certificate.

Conditions

Supply of alcohol, live music, recorded music, performance of dance, other, making music and dancing. Premises Opening Hours

| | | |
|--------------------|-------------|-------------|
| Monday – Wednesday | 12:00-00:00 | 12:00-00:30 |
| Thursday | 12:00-00:00 | 12:00-00:30 |
| Friday | 11:30-01:00 | 11:30-02:00 |
| Saturday | 11:30-01:00 | 11:30-02:00 |
| Sunday | 11:30-00:00 | 11:30-00:30 |

Bank Holiday Sunday, Bank Holiday Monday, Christmas Eve, Boxing Day, New Years Day and Jamaican Independence Day to remain as current.

The Club membership book must be available for inspection by the Police or Licensing Authority at any time that the premises are open.

A signing in book for members and guests must be kept at the premises, as per the club rules section 8.1 and be available for inspection by the Police or Licensing Authority at any time that the premises are open.

In the event that a club member applies for the use of the club premises for a private function, a list of names and addresses of all persons attending must be maintained in the signing in book and available for inspection by the Police or Licensing Authority at any time that the premises are open.

CCTV will be operative at the premises of a satisfactory standard to the Police and Licensing Authority and shall monitor all areas used by patrons, including the outside and designated smoking areas.

All CCTV equipment shall be maintained in good working order and shall continually record during licensable hours and for a minimum period of two hours afterwards.

In the event of any extension or replacement of the CCTV equipment, any replacement or additional CCTV equipment shall be installed to the satisfaction of the Police and Licensing Authority.

That tapes, or other recording media relating to CCTV equipment, be retained for a minimum of 31 days and made available to any authorised officer of the Police or Licensing Authority, immediately upon request. The correct time and date shall be generated onto both the recording and real time image.

If the CCTV equipment breaks down, the ANC committee members shall ensure that they verbally inform the Council's Licensing Officer and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the club incident report register and shall include the date, time and by what means

Page 8
LICENSING SUB-COMMITTEE
19.07.10

this notification was achieved and to whom the information was passed. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Office and the Police shall be informed when faults are rectified and the fact recorded in the incident report register.

A member of ANC staff that is technically able to operate the CCTV system shall be available during all hours that the premises are open and shall comply with any reasonable request of an authorised officer of the Council or Police to view any CCTV footage that has been recorded. The ANC committee shall ensure that a technically able member of staff can reproduce CCTV images onto a removable format and that such format shall be produced within 24 hours following any request from an authorised officer of the Council or Police.

Signage shall be clearly displayed to the effect that the CCTV (Closed Circuit Television) equipment is in operation to monitor security and customer safety.

All drinking glasses used within the premises to be of polycarbonate type, toughened material or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

Training

The ANC committee shall ensure that all members working at the premises whether paid or voluntary staff, shall receive appropriate training commensurate with their duties and that staff are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of all training including reviews and refresher training shall be documented and shall be available upon request by an Officer of the Police, Fire or Licensing Authority.

Dispersal

The ANC to link with taxi and private hire operators to assist customers with their bookings from the premises.

Door Supervisors

Will encourage customers to drink up and progress to exit within the venue throughout the latter part of drinking up time.

Will draw attention of existing customers to the notices in the foyer and ask them to be considerate.

Will ensure the removal of open bottles and glasses from any customers who attempt to leave the venue carrying them. Will actively encourage customers not to assemble outside the venue.

Will direct customers to taxi/transportation from the area.

Drug Policy

Page 9
LICENSING SUB-COMMITTEE
19.07.10

The aim of the drug policy is to prevent drug dealing or usage on the premises.

Door staff will conduct searches to prevent controlled drugs being brought into the premises. Posters will be displayed advising that no drugs will be brought onto premises.

Door staff and staff to conduct regular patrols of all areas including the toilets to ensure no drug misuse.

Members or guests will be barred from premises if found in possession of drugs.

All drugs found on the premises should be recorded in an incident book, and such drugs be secured in a safe place until collected by the Police.

Noise Condition

i) Within 3 months of the date of issue, appoint a suitably qualified and competent noise consultant to carry out a noise assessment in respect of the premises. This should pay particular attention to the assessment and control of low frequency noise. A report should be submitted, detailing the methodology and results to the Environmental Protection Service for approval. The report must include a detailed scheme of works designed to reduce noise to a level where it is inaudible at the nearest noise sensitive dwelling.

ii) Within 2 months of written approval being provided in respect of the scheme of works by the Environmental Protection Service, carry out all works as detailed to the approval of this Authority.

Time of commencement: 18:30 hours
Time of conclusion: 23:55 hours

Chair

This page is intentionally left blank

LICENSING SUB-COMMITTEE

MEETING : Monday, 13th September 2010

PRESENT : Cllrs. Durrant, Brown and Dallimore

5. ELECTION OF CHAIR

RESOLVED

That Councillor Durrant be elected Chair for the meeting.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. PERSONAL LICENCE APPLICATION APPEAL BY MR LAMBDEN

In addition to members of the Sub Committee, the following persons were present –

| | |
|----------------|--|
| Mr Kim Lambden | Personal Licence Applicant |
| PC Lucy Smith | Gloucestershire Constabulary |
| Steve Isaac | Solicitor, Gloucester City Council |
| Gill Ragon | Group Manager, Environmental Health and Regulatory Services, Gloucester City Council |
| Carl Knights | Licensing and Enforcement Officer, Gloucester City Council |
| Anthony Hughes | Democratic Services Officer, Gloucester City Council |

The Chair informed all present the procedure to be followed.

The Sub-Committee and all parties had received prior to the meeting a Report by the Group Manager, Environmental Health and Regulatory Services presenting to members an application for a Personal Licence made under section 117 of the Licensing Act 2003 received from Mr Kim Steven Lambden to which a Police objection had been made under section 120 (5) of the Act.

On the invitation of the Chair, Mr Carl Knights, Licensing and Enforcement Officer, presented the report.

The Chair individually asked Mr Lambden, PC Smith and members of the Sub Committee whether they had any questions of Mr Knights and each responded saying they had no questions.

On the invitation of the Chair, Mr Lambden presented his case in support of his application for a personal licence.

The Chair asked PC Smith whether she had any questions to ask Mr Lambden and she indicated she had no questions.

Members of the Sub Committee asked questions of Mr Lambden and answers were given.

On the invitation of the Chair, PC Smith presented the case for the Police objection.

The Chair asked Mr Lambden whether he had any questions to ask PC Smith who indicated that he had no questions.

Members of the Sub Committee asked questions to PC Smith and answers were given.

Mr Carl Knights, PC Smith and Mr Lambden respectively were given the opportunity to sum up their positions.

The Sub-Committee retired from the meeting to consider their decision.

On returning, the Chair informed Mr Lambden and all parties present the decision of the Sub Committee as follows.

In making their decision tonight, the Sub-Committee does have sympathy for Mr Lambden's position and that he is moving on to make a new life for himself and his family.

However the Sub Committee has decided not to grant the licence. The Sub Committee is mindful of the promotion of the relevant licensing objectives set out in the Act namely the prevention of crime and disorder and are satisfied that if the application was to be granted such licensing objectives could be undermined. The Sub-Committee are also mindful of the Secretary of State's recommendation that a personal licence application shall be refused where an objection has been issued and are of the view that there are no exceptional circumstances for the granting of a personal licence in this case. It is therefore,

RESOLVED

That a Personal Licence to Mr Lambden be not granted for the reasons set out above.

The Chair informed Mr Lambden that he had a right of appeal to the Magistrate's Court.

8. PERSONAL LICENCE APPLICATION APPEAL BY MR HUXSTEP

In addition to members of the Sub Committee, the following persons were present –

| | |
|------------------------|--|
| Mr Christopher Huxstep | Personal Licence Applicant |
| PC Lucy Smith | Gloucestershire Constabulary |
| Steve Isaac | Solicitor, Gloucester City Council |
| Gill Ragon | Group Manager, Environmental Health and Regulatory Services, Gloucester City Council |
| Carl Knights | Licensing and Enforcement Officer, Gloucester City Council |
| Anthony Hughes | Democratic Services Officer, Gloucester City Council |

The Chair informed all present the procedure to be followed.

The Sub-Committee and all parties had received prior to the meeting a Report by the Group Manager, Environmental Health and Regulatory Services presenting to members an application for a Personal Licence made under section 117 of the Licensing Act 2003 received from Mr Christopher William Huxstep to which a Police objection had been made under section 120 (5) of the Act.

On the invitation of the Chair, Mr Carl Knights, Licensing and Enforcement Officer, presented the report.

The Chair individually asked Mr Huxstep, PC Smith and members of the Sub Committee whether they had any questions of Mr Knights and each responded saying they had no questions.

On the invitation of the Chair, Mr Huxstep presented his case in support of his application for a personal licence.

The Chair asked PC Smith whether she had any questions to ask Mr Huxstep. PC Smith queried the statement in Mr Huxstep's supporting letter in which he stated that he had a clean record and she made reference to a previous conviction. Mr Huxstep clarified the basis upon which he had made the statement and PC Smith acknowledged that this was a misunderstanding and that Mr Huxstep had not intended to mislead the Sub Committee.

A Member of the Sub Committee asked a question of Mr Huxstep and an answer was given.

On the invitation of the Chair, PC Smith presented the case for the Police objection.

The Chair asked Mr Huxstep whether he had any questions to ask PC Smith who indicated he had no questions.

Members of the Sub Committee asked questions to PC Smith and answers were given.

Page 14
LICENSING SUB-COMMITTEE
13.09.10

Mr Carl Knights, PC Smith and Mr Huxstep respectively were given the opportunity to sum up their positions.

The Sub-Committee retired from the meeting to consider their decision.

On returning, the Chair informed Mr Huxstep and all parties present the decision of the Sub Committee as follows.

In reaching their decision, the Sub-Committee has given due consideration to information contained in the application for a personal licence, the objection notice and the submissions made at the Hearing by the applicant and the Police.

The Sub Committee has decided not to grant a Personal Licence. The Sub Committee is mindful of the promotion of the relevant licensing objective in the Act namely the prevention of crime and disorder and is satisfied that if the application was to be granted, the objective could be undermined.

The Sub Committee is mindful of the Secretary of State's recommendation that normally a licence application should be refused where an objection has been issued. The Sub-Committee is of the view that there are no exceptional circumstances to justify the granting of a personal license in this case. It is therefore,

RESOLVED

That a Personal Licence to Mr Huxstep be not granted for the reasons set out above.

The Chair informed Mr Huxstep that he had a right of appeal to the Magistrates Court.

Time of commencement: Time Not Specified hours
Time of conclusion: Time Not Specified hours

Chair

This page is intentionally left blank

FOR DECISION BY COUNCIL**Gloucester City Council**

| | |
|--------------------------|--|
| COMMITTEE | : LICENSING & ENFORCEMENT COMMITTEE COUNCIL |
| DATE | : 12 OCTOBER 2010 25 NOVEMBER 2010 |
| SUBJECT | : REVISED LICENSING POLICY STATEMENT - LICENSING ACT 2003 |
| DECISION TYPE | : BPF |
| WARD | : ALL |
| REPORT BY | : FOOD SAFETY & LICENSING SERVICES MANAGER |
| NO. OF APPENDICES | : A: DRAFT REVISED LICENSING POLICY STATEMENT B: CONSULTEES C: FORMAL WRITTEN RESPONSES |
| REFERENCE NO. | : ES21005A |

1.0 PURPOSE OF REPORT

- 1.1 To present to Members the result of the consultation on the Draft Revised Licensing Policy Statement.
- 1.2 To agree a final draft version of the Licensing Policy Statement for adoption by Council at the meeting on 25 November 2010.

2.0 RECOMMENDATIONS

- 2.1 That the Draft Revised Licensing Policy Statement and consultation feedback be noted by Members and that the Licensing Policy Statement be recommended for approval and adoption by Council and either:
- (a) Retain the special policy for Eastgate Street area
 - (b) Vary the area covered by the special policy
 - (c) Remove the special policy

3.0 BACKGROUND

- 3.1 The Licensing Act 2003 requires that the Council produce, consult on and publish a Policy Statement that sets out the policies that the Licensing Authority will apply in exercising its functions under the Licensing Act 2003.
- 3.2 Section 5 of the Act also requires that the Statement should be kept under review and must be re-published at least every three years.

3.3 Gloucester City Council published its existing Licensing Policy Statement to take effect from 7 January 2008.

3.4 The Statement is now due to be reviewed and the new Statement will need to be published to take effect from 7 January 2011.

4.0 PROGRESS

4.1 Attached at Appendix A is a copy of the draft revised Licensing Policy Statement including any amendments detailed below.

4.2 The consultation ran from 16 June 2010 until 17 September 2010.

4.3 A list of consultees is attached at Appendix B.

4.4 In addition the consultation was published on the Council's website, a press release was published in the Citizen and copies of the Draft Policy together with explanatory notes and feedback forms were placed in the City libraries.

4.5 In total four formal written responses were made and these are attached at Appendix C, summarised thus:-

C1 Response from Butlers Bar, Eastgate Street, Gloucester

The comments deal largely with the 'special policy' and are supportive of keeping this policy in place. The point is made that should the special policy be removed the area could become more attractive to the larger national operators who have the capacity to heavily discount the cost of drinks and the propensity to start a price war. The point is also made that the current licensed venues have and are continuing to work with the various agencies to help combat anti-social behaviour and crime and disorder so the current status quo should be preserved.

C2 Response from the British Institute of Innkeepers on behalf of the British Beer and Pub Association

Following this initial response no further comments were made.

C3 Response from the Association of Convenience Stores

This document is a general response which was sent to all those Licensing Authorities who included them in as a consultee. There is nothing in this document which relates specifically to our Licensing Policy Statement and, in fact, some of the items mentioned here such as 'mandatory conditions', 'test purchasing' are beyond the remit of this Authority. It is suggested, therefore, that no amendments to our policy are required.

C4 Response from Gloucestershire Constabulary

The Police have made some interesting comments concerning statements of intent which are made in the policy but which have not seemingly come to any fruition. These concern conditions on licences and a workable integrated transportation policy.

The situation regarding the Eastgate Street area and the special policy has been addressed and the information provided by the Police would suggest that there has been little real improvement in the level of crime engendered by the late night premises in the area so the proposal is that the special policy should be retained.

4.6 There was some other feedback concerning issues to do with wording and clarification and these are included as suggested amendments below:-

- One respondent advised that (para 3.6 page 10 of the Policy refers) the correct name for the S.I.A. was the Security Industry Authority and not 'Industries' as printed. This is accepted.
- The Health and Safety Executive advised that their contact telephone number has changed from a Bristol to a Cardiff one (02920 263000).
- It was mentioned by a Member at the earlier meeting of the Licensing and Enforcement Meeting on 15 June 2010 that the wording at para 9.3 page 22 concerning Temporary Event Notices was confusing. It is suggested that the following is added to that paragraph:-

'This means that day one will be the first working day following the day when the Temporary Event Notice is given to the Licensing Authority and the tenth working day must not be later than the day before the event is due to take place.'

4.7 Members are reminded that the effect of adopting a special policy is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

4.8 A special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations the Licensing Authority must grant the licence in terms that are consistent with the operating schedule as submitted.

4.9 The absence of a special policy does not prevent any responsible authority or interested party from making a representation on the grounds that the premises may give rise to a negative cumulative impact on one or more of the licensing objectives.

5.0 FUTURE WORK

- 5.1 The Council must publish its Licensing Policy Statement prior to 7 January 2011 so that it may be effective from that date.
- 5.2 The next revision of this Policy will be undertaken no later than the autumn of 2013 unless statutory requirements are subsequently amended.

6.0 CONCLUSIONS

- 6.1 The Draft Licensing Policy Statement has been widely consulted upon and the feedback is contained within this report. Apart from minor amendments already made to the draft document Members must decide whether they wish for any other amendments to be made before the final version is approved by Full Council.
- 6.2 Members are referred to the recommendations at paragraph 2.0 in the report.
- 6.3 The Council will need to approve and publish the Licensing Policy Statement no later than 7 January 2011 and will therefore need to agree the revised Statement at Full Council on 25 November 2010.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The recommendations have no impact on the Council's budgets.

8.0 LEGAL IMPLICATIONS

- 8.1 The legal implications are adequately dealt with in the main body of the report.

9.0 RISK MANAGEMENT IMPLICATIONS

- 9.1 The risk management implications for this report and Licensing Policy Statement are as follows:-

- Licensing Policy Statement unfair or too prescriptive.
- Revised Licensing Policy Statement not published on time (by 7 January 2011).
- Consultation inadequate.

- 9.2 The risks identified above are all low due to the actions / risk responses taken.

10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

- 10.1 A full predictive impact assessment has not been undertaken for this report and the Licensing Policy Statement as they will not have an impact on customers and staff. This is a general document which sets out how licensing decisions under the Licensing Act 2003 will be made in Gloucester. The document follows legislative procedure and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

None

2. Environmental

None

3. Staffing

None

4. Trade Union

No comments.

Background Papers : Licensing Act 2003
LACORS Draft Best Practice Framework for the Review of
Licensing Policy Statements

Published Papers : Licensing Act 2003
Secretary of State's Guidance issued under Section 182 of
the Licensing Act 2003 (March 2010)
HM Government Code of Practice on Consultation

Person to Contact : Anthony D Moseley
Tel: 396322
E-mail: anthony.david.moseley@gloucester.gov.uk

This page is intentionally left blank

THE LICENSING ACT 2003

LICENSING POLICY STATEMENT

2011/2014

DRAFT SEPTEMBER 2010

ENVIRONMENTAL HEALTH & REGULATORY SERVICES

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email heretohelp@gloucester.gov.uk
The Docks Minicom 01452 396161
Gloucester GL1 2EQ www.gloucester.gov.uk



PREAMBLE

The Licensing Act 2003, which received Royal Assent on 10th July 2003, means that the, Gloucester City Council has responsibility for the licensing of all premises in the District that sell alcohol, provide regulated entertainment or serve hot food or drink to the public between 23.00 and 05.00. In addition the Authority must issue Personal Licences to persons responsible for the retail sale of alcohol and accept Temporary Event Notifications from persons requiring occasional permissions for activities licensable under the Act.

To comply with the legislation, Licensing Authorities must publish a Licensing Policy that sets out the position in relation to its duties under the Licensing Act to guide its work to implement the Act. The Council welcomes the powers granted to it by the legislation and will continue to use them, in consultation with 'Responsible Authorities' (e.g. Police, Fire Service, Planning, Environmental Health etc), licensees, local businesses and residents, in a socially responsible way.

This document is the fourth Licensing Policy Statement to be consulted upon by Gloucester City Council . The Licensing Authority will consult widely on this issue as it affects a very large number of people in the District (e.g. licensees, residents and businesses) as well as statutory agencies and the like.

This Licensing Policy has been drawn together based on the last edition with some updates where appropriate and reflects the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon. The intention is that the policy will be reviewed at least every 3 years and if considered necessary will be revised. This policy will come into force on 7 January 2011.

Comments and queries should be directed to:

**Lisa Wilkes
Food Safety and Licensing Service Manager
Environmental Health
Gloucester City Council
Herbert Warehouse
The Docks
GL1 2EQ**

**Fax: 01452 396340
Email: [mailto: heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk)**

Further copies may be obtained from the above address or from the Council's website www.gloucester.gov.uk

CONTENTS

| | Page |
|--|------|
| Introduction | 4 |
| The Licensing Process | 7 |
| Prevention of Crime and Disorder | 10 |
| Public Safety | 14 |
| Prevention of Nuisance | 15 |
| Protection of Children from Harm | 17 |
| Licensing Hours | 19 |
| Enforcement and Complaints | 20 |
| Temporary Event Notices | 22 |
| Further Information | 23 |
| | |
| APPENDIX A - Table of Delegated Functions | 24 |
| APPENDIX B - The Licensing Policy Process - Additional Information | 25 |
| APPENDIX C - Map identifying area for 'Special Policy' adopted by Gloucester City Council | 33 |
| APPENDIX D - Glossary of Terms | 34 |
| APPENDIX E - Reference Sources | 37 |
| APPENDIX F - Useful References (Organisations) | 38 |
| APPENDIX G - List of Responsible Authorities | 40 |

1. INTRODUCTION

1.1 Gloucester City Council (the Licensing Authority) is responsible for the licensing of 'licensable activities' under the Licensing Act 2003 (The Act). According to the Act, licensable activities are as follows:

- The retail sale of alcohol (including via the internet or mail order);
- The supply of alcohol to members of registered clubs;
- The provision of regulated entertainment in the presence of an audience including the performance of a play; film exhibitions; indoor sporting events; boxing or wrestling events (indoor and outdoor); performing live music and playing recorded music (except incidental music); dance performances and entertainment of similar descriptions;
- The provision of facilities for dancing and making music;
- The supply of hot food or hot drink between 2300 hours and 0500 hours ('late night refreshments').

1.2 The Licensing Act 2003 imposes a duty on the City Council as Licensing Authority to produce, develop and review a Licensing Policy that sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions under the Act. The Licensing Authority will actively seek to promote the four statutory licensing objectives that are set out in section 5 of the Licensing Act 2003, which are as follows:

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

These 4 objectives are the only matters to be taken into account in determining the application. Each objective is of equal importance and the Licensing Authority's policy relating to each of them is given in this Licensing Policy. Where the Licensing Authority receives relevant representations regarding an application from a "Responsible Authority" (a list of Responsible Authorities is attached together with their contact details in Appendix G) or an "Interested Party", thereby invoking the Licensing Authority's discretion to consider the matter, the Licensing Authority may consider attaching conditions to licences to promote the licensing objectives as appropriate. If no relevant representations are received by the Licensing Authority the application will be granted in the terms sought and no additional conditions imposed; conditions will be proportionate and only those necessary to achieve the licensing objectives will be applied.

1.3 This Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under Section 182 of the Act. The Policy will take effect on 7 January 2011 and will remain in force for a period of not more than three years. A review and further consultation will be carried out no later than Autumn 2013. If any amendments to the Licensing Policy are needed before the review period they will only be made following consultation with those parties referred to in paragraph 1.4 below.

- 1.4 There are a number of groups who have an interest in the licensing of premises under the Licensing Act 2003, including the licensed trade, customers, residents and enforcing agencies. All these parties have views and concerns that require consideration as part of the licensing function. Before publishing the Licensing Policy and any amendments to it, the Licensing Authority will consult with Gloucestershire Police; Gloucestershire Fire and Rescue Service; City Council Planning and Environmental Health, bodies representing local holders of personal licences, premises licences and club premises certificates; and local businesses and residents in the District. In addition, the Licensing Authority may also consult with other local bodies and agencies as appropriate.
- 1.5 In drawing up and reviewing this policy the Licensing Authority must consult with:-
- The Chief Officer of Police for the area;
 - The Fire and Rescue Authority for the area;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences; and
 - Persons/bodies representative of businesses and residents in its area.
- In addition the Licensing Authority will seek to identify and consult with other organisations and individuals who may be affected by this policy in an attempt to ensure that a balanced policy is achieved.
- The Policy Statement and future drafts for consultation will be placed on the City Council website which can be found at www.gloucester.gov.uk. Letters will be sent to advise those considered to have an interest informing them of this and that hard copies can be obtained on request if necessary. In addition a press release will be made advising the public that the document is available for consultation.
- 1.6 The objective of the licensing process is for a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that promotes the licensing objectives. The Licensing Authority's aim is to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. To this end, conditions attached to the various permissions granted under the Act will be focused on matters within the control of the individual licensees and others granted relevant permissions.
- 1.7 Licensing law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. 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 and city centres. Therefore, as a matter of policy the Licensing Authority expects every holder of their licence, certificate or permission to be responsible for minimising the impact of their activities and anti social behaviour by their patrons within the vicinity of their premises.
- 1.8 The Licensing Authority's Policy is to create a safe and family-friendly environment within the District, particularly within the City Centre.
- 1.9 The Licensing Authority is keen to promote the artistic and cultural life of the City and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives.

- 1.10 When applications are considered by the Licensing Authority following receipt of relevant representations, they will be considered on their own merits. The Licensing Authority will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by the activities. The views of vocal minorities will not usually predominate over the general interests of the community. Where it is necessary to depart from the national guidance, either in this policy or at any other time, the Licensing Authority will give clear and sound reasons for doing so.

- 1.11 The Licensing Authority will work in partnership with other local authorities, particularly in Gloucestershire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.

2. THE LICENSING PROCESS

- 2.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 2.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 2.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness these are delegated to Officers. Attached at Appendix A to this Licensing Policy is a Table of Delegated Functions setting out the agreed delegation of decisions and functions to the Licensing Authority's Licensing Committee, Sub-Committees and Officers. These delegations are without prejudice to Officers referring an application to a Sub Committee or the Licensing Committee if considered appropriate in the circumstances of the case. The Licensing Committee will regularly receive, review, comment and consider other relevant policies relating to employment, transport, cultural development and community safety as far as they affect its' licensing function.
- 2.4 The Licensing Act 2003 requires all applicants for new and varied premises licences to provide an Operating Schedule. Applicants when completing their operating schedule should consider the licensing objectives and state in this schedule any steps that they propose to take to promote the licensing objectives. Further details of issues that applicants may wish to consider are listed under the sections for each of the licensing objectives, sections 3 to 6 and in particular the list in paragraph 5.4.
- 2.5 The Licensing Authority will work closely with any relevant planning and transportation policies, tourism and cultural strategies, equality and diversity policies, the evening economy strategy in Gloucester, or local crime and disorder strategies and to take account of these where appropriate.
- 2.6 Operators of licensed premises are reminded that they will have to comply with planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises.
- 2.7 Responsible Authorities and Interested Parties may make representations about a licence application. In order for the representations to be relevant they must be made within 28 days of the application being lodged with the Licensing Authority and they must relate to one of the 4 licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance or protection of children from harm). Where relevant representations have been received from responsible authorities or interested parties, the Licensing Authority will consider whether it is necessary, having regard to the representations, to modify the conditions proposed in the operating schedule. In such cases, the authority will seek to impose the minimum burden which is necessary in order to promote the licensing objectives in the individual case.

- 2.8 It is important to note that relevant representations do not have to be of a negative nature. This is why the word 'objection' is not used in the Licensing Act. The Department for Culture Media and Sport want to allow for representations urging the grant of a licence e.g. for cultural reasons. Clearly if all the representations received for an application were to be of a positive nature then there would be little point holding a Hearing. Also should a Hearing be required where both positive and negative representations have been received it will lend a more balanced and beneficial perspective to that Hearing.
- 2.9 Where relevant representations are received and upheld, the Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.
- 2.10 Where relevant representations are received applications will be considered on their individual merits and decisions made in relation to licensing applications will be made entirely separately from any decision in relation to planning.
- 2.11 Some regulations do not cover the unique circumstances of some entertainment. Where relevant representations are received, and upheld, the Licensing Authority will consider attaching conditions to premises licences and club premises certificates where these are necessary to promote the licensing objectives and are not already provided for in any other legislation.
- 2.12 In circumstances where conditions are imposed, they will be tailored to the individual style and characteristics of the premises and events concerned. In addition, the Licensing Act 2003 prescribes mandatory conditions in certain circumstances.
- 2.13 Additional information relating to the licensing application process is contained within Appendix B to the statement of Licensing Policy.

How this policy applies

- 2.14 All applications for new premises licences or variations need to be supported by an operating schedule. Applicants should specify (among other things) the steps that they propose to promote each of the licensing objectives.
- 2.15 If no responsible authority or interested person lodges an objection (known as a "relevant representation") to the application, the Licensing Authority will grant the application as set out in the operating schedule, subject only to mandatory conditions under the Licensing Act 2003. The steps proposed by the applicant will become licence conditions but only insofar as they relate to the licensing objectives, are achievable by the applicant and are enforceable by the Authority. The Licensing Authority has no discretion to refuse the application or add to the conditions arising from the operating schedule.
- 2.16 Where, however, there are relevant representations, then a hearing before a licensing sub-committee will normally follow. After the hearing, the sub-committee must, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.

- 2.17 In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this Licensing Policy.
- 2.18 Where there have been relevant representations, the Licensing Authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Blanket or standard conditions will not be applied.

THE LICENSING POLICY OBJECTIVES

3. PREVENTION OF CRIME AND DISORDER

- 3.1 The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1988 to do all it reasonably can to prevent crime and disorder in the District.
- 3.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, if not properly managed, can sometimes be a source of crime and disorder problems.
- 3.3 The Licensing Authority recommends that licensees of premises develop Operating Schedules that address these issues from the design of the premises through to the daily operating of the business.
- 3.4 In developing an Operating Schedule, applicants may wish to seek advice from the Licensing Authority or Gloucestershire Police. When planning and preparing Operating Schedules applicants may take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.
- 3.5 The Licensing Authority along with the Police and Trading Standards fully supports the aims and objectives of the Gloucester LVA/Pubwatch Online Scheme and encourages the use of the Publink Radio System. The Authority will also continue to work with the Crime and Disorder Reduction Partnership, Safer Community Teams, Neighbourhood Projects, Ward Councillors and others to help reduce crime and disorder associated with licensed premises.
- 3.6 The prevention of crime and disorder may, for example, be promoted by employing registered door supervisors, ensuring all staff have appropriate training, incorporating a search policy into the entry conditions of the premises, the location and standard of any CCTV on the premises, and the inclusion of written dispersal policies.

***Door Supervisors**

*From 23 August 2004, all staff undertaking Door Supervisor duties on licensed premises are required to be licensed by the Security **Industry** Authority (SIA). The Licensing Authority recommends that premises currently using door staff will continue to do so, and that premises who operate in the City Centre or premises seeking to change their style of operation, in particular to a music and dancing venue, will employ the use of door staff.*

- 3.7 Applicants for late night entertainment and liquor premises are referred to the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. -It is a good idea to agree a protocol with Gloucestershire Police on the handling of illegal drugs found on their premises.

Cumulative Impact – Special Policies

- 3.8 Where there is evidence that a particular area of the District is already suffering adverse effects on the licensing objectives from the concentration of late night premises, when determining any further application for premises within the area identified when relevant representations have been received and upheld the Licensing Authority will take into account:

- the character of the surrounding area;
 - the impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
 - the nature and character of the proposed operation.
- 3.9 The Licensing Committee's starting point is in terms of seeking a reduction in crime and disorder throughout the City, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through reduction of anti social behaviour.
- 3.10 The Licensing Authority recognises that the cumulative impact of a number of late night entertainment premises (including takeaway establishments) in some areas may result in an increase of people either walking through, or congregating in, streets during the night. This may in turn have a number of undesirable consequences, for example:
- an increase in crime against property and/or person;
 - an increase in noise causing disturbance to residents;
 - traffic congestion and/or parking problems;
 - littering and fouling.
- 3.11 This may result in the amenity of local residents in some areas being placed under pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action may be taken to ensure conditions are complied with, this may not resolve all the problems.
- 3.12 Where, following the receipt of relevant representations, there is evidence that a particular area of the City is already suffering adverse effects from the concentration of late night premises, the Licensing Authority will take into account:
- the character of the surrounding area;
 - the impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
 - the nature and character of the proposed operation.
- 3.13 As part of this policy the Licensing Authority will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but will consider the cumulative impact any new licensed premises would have.

Special Policy in respect of Eastgate Street and area

- 3.14 The Licensing Authority is aware of the cumulative impact that can occur from a concentration of licensed premises in a particular area, as a result of the increased number of people dispersing from licensed venues or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but these effects may not be readily attributable to any individual premises. The Licensing Authority wishes to ensure that these adverse effects are avoided and to this end has adopted a 'Special Policy' for an area around Eastgate Street where there is a concentration of licensed premises. Where applicants are applying for a new licence in this area, it is recommended that they clearly state in their operating schedule how they will ensure that their premises does not add to the cumulative impact in respect of two of the licensing objectives, prevention of crime and disorder and prevention of nuisance.

- 3.15 This Special Policy was adopted by the Council in 2004 as a direct response to concerns and information put forward by Gloucestershire Police in relation to incidents of both crime and disorder associated with the area particularly on a Friday and Saturday night. A large number of these incidents are alcohol related. Eastgate Street has, for a number of years, borne the unfortunate distinction of having the highest crime rate for any one street in the County.
- 3.16 The current issue with Eastgate Street that led to the creation of the 'Special Policy' is that the night-time economy in Eastgate Street relies on a monoculture. This centres around "nightclub" type premises, with the music and alcohol being the only entertainment on offer, followed by a takeaway meal.
- 3.17 The Special Policy will be kept under constant review and it is anticipated that a time may come when it could be removed. However, the important considerations for removal of the special restriction should still be a matter of ensuring that crime and disorder do not increase as a result. Prior to removing the 'Special Policy' the crime and disorder considerations should include, amongst other things, the following matters:
- Improving street lighting.
 - Restricted vehicular access to the entire length of Eastgate Street at the most relevant times. (Emergency and public service, public transport vehicles only)
 - An integrated public transport and dispersal plan, which allows the users of Eastgate Street to leave quickly without creating new bottlenecks or hotspots.
 - To continue to provide a supervised taxi rank in the lower Eastgate area.
 - More comprehensive talking CCTV coverage of Eastgate Street to take into account potential new venues.
 - The possible creation of an Alcohol Dispersal Zone for Eastgate Street.
 - The provision of extra Street Warden patrols, or additional funding for Police Officers to meet the additional demands that would be created.
- 3.18 The effect of adopting this policy is to create a rebuttable presumption that applications for new premises licences, or club premises certificates or material variations will normally be refused, if relevant representations to this effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 3.19 This presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may consider giving effect to its special policy. If no representation is received, as with all other cases any application must be granted in terms that are consistent with the operating schedule submitted.
- 3.20 Accordingly applicants are advised to demonstrate why the operation of the premises would not add to the cumulative impact being experienced. This should be addressed in the applicants operating schedule.
- 3.21 The Special Policy is not absolute and the circumstances of each application will be considered carefully. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted. The diversification of venues and entertainment, to include more family orientated restaurants, a wider range of public entertainment such as theatre, cabaret type shows, live music, comedy and culturally themed premises, would clearly support the aims of the City. Applications for these types of licence would be likely to be supported by the Police, as they promote activities other than vertical drinking.

- 3.22 The area of the Licensing Authority to which this 'Special Policy' will apply is identified in the map attached at Appendix C. The area identified includes the following streets:

Eastgate Street
Clarence Street (south east side)
Brunswick Road (south east side)
Park Road (north side)
Bruton Way (west side from Park Road to Market Parade)
Station Road
Russell Street
Hampden Way
Wellington Street
Cromwell Street
Arthur Street
Belgrave Road
Kingsbarton Street
St Michael's Square
Market Parade (south east side)

- 3.23 As part of this policy, the Licensing Authority will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but will consider the cumulative impact any new licensed premises would have on the City Centre.
- 3.24 This 'Special Policy' does not impose any quotas of premises or licences and does not include any provisions for a terminal hour in any area. As stated above types of premises and commercial need is a matter for the Planning Committee and market forces. Terminal hours will only be considered where relevant representations have been received that highlight an issue.

4. PUBLIC SAFETY

- 4.1 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations.
- 4.2 Applicants are encouraged to seek advice from the Licensing Authority and the Fire Safety Section of Gloucestershire Fire and Rescue Service with regard to these issues and to carry out their own risk assessments.
- 4.3 In order to ensure the safety of persons at premises and to ensure a safe means of escape from fire, or other emergency, occupancy limits may be included in Operating Schedules in appropriate cases and if so should be set in consultation with Gloucestershire Fire & Rescue Service and the Council's Building Control Officers (or others if appropriate). The Licensing Authority will not normally seek to impose an occupancy limit different to that already identified by the Fire Authority in previous correspondence if this differs from the figure set in applicants Operating Schedules unless there have been relevant representations and the Fire Authority recommends a change or there are crime and disorder prevention reasons for doing so.
- 4.4 Every applicant granted a licence, certificate or permission would also be under a duty to comply with the Health and Safety at Work etc. Act 1974 and regulations made under it. In many cases, the Council will also be the enforcing authority responsible for ensuring compliance with the Health and Safety at Work etc. Act in licensed premises.

5. PREVENTION OF NUISANCE

- 5.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 5.2 The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. In order to assist applicants and residents the Authority believes it would be helpful for it to provide guidance as to how it will approach the meaning of the term “vicinity”. For these purposes the Council proposes that ‘vicinity’ means:

‘being sufficiently close enough to be directly affected by the behaviour and activities on those premises.’

NB: The Licensing Authority will need to decide in each specific case whether an individual claiming to be an interested party may be considered to be within ‘the vicinity’ of a premise.

This ultimately will be a matter of fact.

The Licensing Authority will consider whether an individual residing or running a business is likely to be directly affected by the activities occurring or potentially occurring on that premise.

- 5.3 It should be noted that other legislation is available to address nuisance issues. Furthermore it is acknowledged that licensed premises are limited with regard to controlling customer behaviour away from the immediate vicinity of their premises.
- 5.4 In addition, the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Licensing Authority will, therefore, try to work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 5.5 When considering licence applications where relevant representations have been received the Licensing Authority will take into account measures proposed by the applicant to promote the prevention of nuisance and/or anti-social behaviour. In particular the Licensing Authority may consider the following matters, where relevant:
- i) measures proposed for the prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - ii) measures proposed for preventing disturbance by customers and staff arriving at or leaving the premises, particularly between 2300 hours and 0700 hours;
 - iii) measures proposed for the prevention of nuisance from cooking odours through installation of appropriate odour control equipment in a suitable location;
 - iv) measures proposed for the prevention of nuisance from litter by ensuring adequate provision is made for disposal of waste inside and outside late night takeaway/refreshment houses and a general positive attitude to encouraging good practice from customers;

- v) measures proposed for preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
- vi) ensuring staff leave the premises quietly;
- vii) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
- viii) provision for public transport (including taxis and private hire vehicles) for patrons;
- ix) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- x) whether routes to and from the premises on foot, by car or other services pass residential premises;
- xi) the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- xii) the use of gardens and other open-air areas;
- xiii) the location of external lighting, including security lighting that is installed inappropriately;
- xiv) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- xv) preventing the consumption or supply of illegal drugs, including search procedures;
- xvi) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees;
- xvii) proposals for using effective means of reducing disorder by communicating with other licensees and the Police information regarding the potential for anti-social behaviour or criminal behaviour (e.g. Publink radio, pagers, ring rounds, membership of Pubwatch).

5.6 The Licensing Authority is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas (a large part of Central Gloucester has been designated an Alcohol free zone);
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of the police, local business or resident to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

6. PROTECTION OF CHILDREN FROM HARM

6.1 The Licensing Authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and/or other entertainment. The Licensing Act 2003 does not prevent children having free access to any licensed premises. The Licensing Authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling (this relates to substantial gambling operations and does not include premises with a small number of AWP machines) on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

6.2 The Licensing Authority expects personal licence holders to ensure that they do not serve alcohol to children under the age of 18, except in limited conditions allowed for by law. The Licensing Authority recommends that the following are preferred ways to verify a person's proof of age:

- (i) passport
- (ii) a photocard driving licence issued in a European Union country;
- (iii) a National Proof of Age Standards Scheme card (e.g. Validate);
- (iv) a Citizen Card, supported by the Home Office (details from www.citizencard.net);
- (v) an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

6.3 Where relevant representations have been received and upheld, when deciding whether to limit the access of children to premises the Licensing Authority will judge each application on its own merits. To assist with this the Licensing Authority will consider any representations received from Gloucestershire Police, Gloucestershire Social Services and other agencies as appropriate. Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available would include:

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusion when certain activities are taking place;
- full exclusion of person under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for person under 18;
- a requirement for an accompanying adult to be present.

This list is not meant to be seen as an exhaustive list covering everything, but gives applicants examples of the conditions the Licensing Authority may seek to impose in meeting its obligation towards the protection of children

- 6.4 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 6.5 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs.

Children and Films etc.

- 6.6 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age ranges. Where premises are used for film exhibitions, a mandatory condition will apply restricting access to performances only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council itself.
- 6.7 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 6.8 In considering applications where relevant representations have been received and upheld, the Licensing Authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

Children and Theatrical Entertainment

- 6.9 This Authority recognises that it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment into their productions. In the case of theatrical entertainment aimed specifically at children it may be considered necessary to attach a condition requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

NB Gloucestershire County Council Children & Young People's Directorate is the responsible authority with regard to the protection of children from harm.

7. LICENSING HOURS

7.1 The Licensing Act 2003 introduced flexible opening hours for premises, with the potential for 24 hour opening, seven days a week. The Licensing Authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time. When dealing with licensing hours, each application will be dealt with on its individual merits.

7.2 The Licensing Authority will have a flexible approach to opening hours and will generally deal with the issue of licensing hours having due regard to the individual merits of each application in the light of relevant representations received. The Licensing Authority will take into account requests for terminal hours in the light of the:

- environmental quality;
- residential amenity;
- character or function of a particular area; and
- nature of the proposed activities to be provided at the premises.

Where relevant representations have been received and upheld consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

7.3 Unless there are good reason to the contrary on the grounds of public disorder or crime prevention, shops and supermarkets that sell alcohol will be licensed to do so during the same times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for, example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.

7.4 Generally the Licensing Authority sees staggered trading hours as being helpful to the dispersal of patrons from licensed premises, particularly late at night. This removes some of the friction caused by sudden excessive peaks of demand at fast food outlets, taxi ranks and so on.

8. ENFORCEMENT AND COMPLAINTS

- 8.1 The Licensing Authority recognises the contribution that can be made by developing effective working practices with our partner agencies. The Licensing Authority will establish enforcement protocols with the Gloucestershire Constabulary and other relevant partnership agencies to ensure efficient deployment of Licensing Authority enforcement staff and thereby avoiding duplication of effort when carrying out inspection or enforcement matters.
- 8.2 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events, which include -
- Planning controls
 - Enforcement of Environmental Protection legislation (e.g. on noise nuisance)
 - Positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators and other departments of the City Council
 - Powers to designate parts of the district as places where alcohol may not be consumed publicly
 - Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
 - Police powers to confiscate alcohol from adults and other in designated areas
 - No inspection will take place without a reason
 - The Licensing Authority and its Enforcement Officers recognise that a key element of their activity will be to allow or even encourage, economic progress and only intervene when there is a clear case for protection
- 8.3 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Licensing Authority will monitor premises and take any appropriate enforcement action to ensure compliance.
- 8.4 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Environmental Health and Regulatory Services Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat, The Department for Business Enterprise and Regulatory Reforms Regulators Compliance Code.
- 8.5 The Licensing Authority may when appropriate employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with the Gloucestershire Police in enforcing licensing legislation.
- 8.6 The Licensing Authority will continue to work with its partner agencies in enforcing the licensing laws and in the inspection of premises to ensure the licensing objectives and licence conditions are met. In particular the Licensing Authority will target its inspection process toward those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.

- 8.7 In undertaking the inspection of licensed premises the Licensing Authority will promote the following categories of risk weighting:

- Medium to High Risk**
- City Centre Public Houses and Night Clubs
 - All other premises where there is regulated entertainment
 - City Centre Late Night Refreshment Houses
- Low to Medium Risk**
- All other Public Houses
- Low Risk**
- Licensed restaurants / cafés where the primary purpose is serving food
 - All other licensed premises within the district

In addition to the above the history of the premises will also be taken into consideration in respect of the issues listed in 8.9 below. New sites not listed above - to be assessed dependent upon location and style of operation and operators.

- 8.8 Where an interested party has made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Licensing Authority will initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern. For these purposes the Licensing Authority take interested party to mean:

'local resident, local business, residents association, trade association, or their representatives, or any member (Councillor) of the relevant licensing authority'

- 8.9 The Licensing Authority can only review a licence where it is alleged that the licensing objectives are being breached. It views particularly seriously applications for the review of any premises licence where it involves the:

- use of licensed premises of the sale distribution of Class A drugs and the laundering of the proceeds of drugs crimes
- use of licensed premises for the sale 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 of unlawful gaming
- Use of licensed premises as a base for organised criminal activity
- Use of licensed premises of the organisation of racist, homophobic or sexual abuse or attacks
- Use of licensed premises of the sale of smuggled tobacco or goods
- The use of licensed premises for the sale of stolen goods
- Where the police are frequently called to attend to incidents of disorder
- Prolonged and/or repeated instances of public nuisance
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- Where serious risks to children have been identified

- 8.10 This process will not override the right of any interested party to ask the Council's Licensing Committee to consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

9. TEMPORARY EVENT NOTICES

- 9.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 96 hours) do not need a licence providing that advance notice is given to the police and the Licensing Authority. The police can only object to a Temporary Event Notice if the event is likely to undermine the crime prevention objective.
- 9.2 The Licensing Authority recommends that as much notice as possible be given by applicants for events. For large events organisers are encouraged to give as much as three months notice so that the Licensing Authority can help organisers plan their events safely. **The law states that at least ten working days notice must be given** but the less time that is given will increase the likelihood of the police objecting.
- 9.3 Ten working days commences with the day **after** the notification is given to the Licensing Authority and finishes the day **before** the event is due to take place. **'This means that day one will be the first working day following the day when the Temporary Event Notice is given to the Licensing Authority and the tenth working day must not be later than the day before the event is due to take place.'**
- 9.4 Organisers of temporary events are strongly advised to contact the Licensing Authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 9.5 All events run under the terms of a temporary event notice will be risk assessed and by the Licensing Authority and may be visited by a Licensing and Enforcement Officer if considered necessary.
- 9.6 This Authority takes the view that if it considers that a Temporary Event Notice has not been properly given then, in the first instance, the Authority will check with the Police that they are in receipt of the notification, are satisfied with the notice given and whether or not they intend to make an objection on the grounds of crime and disorder. If they are not planning to make an objection and the Police are satisfied with the notice given the Authority should not unnecessarily prohibit these events taking place on the grounds that the notification had not been properly made.

FURTHER INFORMATION

For further information about Gloucester City Council's Licensing Policy, the Licensing Act 2003 and any other licensing matters please contact:

Gill Ragon
Group Manager, Environmental Health & Regulatory Services
or
Lisa Wilkes
Food Safety and Licensing Service Manager

Telephone No.: 01452 396304
Fax No.: 01452 396340
Email: heretohelp@gloucester.gov.uk

Environmental Health & Regulatory Services
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

or go to the licensing pages on the Gloucester City Council website www.gloucester.gov.uk/licensing for application forms, details of fees and factsheets.

TABLE OF DELEGATED FUNCTIONS

| Matter to be dealt with | Full Committee | Sub Committee | Officers |
|---|-----------------------|------------------------------------|------------------------------|
| Application for personal licence | | If a representation is made | If no representation is made |
| Application for premises licence/club premises certificate | | If a representation is made | If no representation is made |
| Application for provisional statement | | If a representation is made | If no representation is made |
| Application to vary premises licence/club premises certificate | | If a representation is made | If no representation is made |
| Application to vary designated premises supervisor | | If a police representation is made | All other cases |
| Request to be removed as designated personal licence holder | | | All cases |
| Application for transfer of premises licence | | If a police representation is made | All other cases |
| Application for interim authority | | If a police representation is made | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc | | | All cases |
| Decision to object when Licensing Authority is a consultee and not the lead authority | | | All cases |
| Determination of a police representation to a temporary event notice | | All cases | |

APPENDIX B**THE LICENSING PROCESS – ADDITIONAL INFORMATION:****Personal Licences**

Any individual may make application for a personal licence whether or not they have current employment or business interests associated with the use of the licence.

The Licensing Authority will grant a personal licence if it appears that:

- a) The applicant is over 18
- b) The applicant possesses a relevant licensing qualification
- c) The applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made
- d) The applicant has not been convicted of any relevant offence
- e) The applicant has paid the appropriate fee

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce to the Licensing Authority a Criminal Record Bureau certificate.

Premises Licences

An application can be made to the Licensing Authority for any place used for licensable activities or recognised club activities within its area. Any application must be accompanied by:

- a) The required fee
- b) An Operating Schedule*
- c) A plan of the premises, and
- d) If it is intended to sell alcohol a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Designated Premises Supervisor, and a copy of that person's Personal Licence.

* The Operating Schedule must include a statement of:

- a) The proposed relevant licensable activities;
- b) The times during which the applicant proposes that the relevant licensable activities are to take place;
- c) Any other times during which the applicant proposes that the premises are to be open to the public and for what purpose they propose to be opened.
- d) Where the applicant wishes the licence to have effect for a limited period, that period;
- e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor (DPS);
- f) Where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on or off the premises, or both; and
- g) The steps which the applicant proposes to take to promote the licensing objectives.

In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to Appendix B of this policy (Factors for Consideration).

Community Premises

These premises which would include church halls, chapel halls, parish halls, village halls, community halls and other similar buildings may be licensed for the sale of alcohol without the need for a Designated Premises Supervisor or Personal Licence Holder provided that the Licence Holder for the premises is a committee or board of individuals with responsibility for the management of the premises. This 'management committee' could then be responsible for the supervision and authorisation of all alcohol sales should it so wish.

Existing premises which fit the definition of Community Premises and currently hold an authorisation for the sale of alcohol with the mandatory condition relating to a Designated Premises Supervisor may request disapplication of this condition in favour of the alternative condition relating to a management committee.

Club Premises Certificates

The Licensing Authority may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.

Recognised Club activities are:

- a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
- b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
- c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.

The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership to their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.

The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.

A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes of the Club. The application must be accompanied by:

- a) The relevant fee;
- b) The Club Operating Schedule;*
- c) A plan of the premises;
- d) A copy of the rules of the Club;
- e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.

*The Club Operating Schedule **must** contain the following:

- a) Details of the recognised Club activities to which the application relates;
- b) The times during which it is proposed the recognised Club activities take place;
- c) Any other times during which it is proposed the premises are open to members and their guests; and
- d) The steps which it is proposed to take to promote the licensing objectives.

In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to Appendix B of this policy (Factors for Consideration).

Club Premises Certificates will be dealt with in a similar manner as applications for Premises Licences.

Temporary Event Notices (TEN)

Temporary event notices are subject to various limitations. These are concerned with:

- a) **Duration** - they are limited to events lasting for up to 96 hours;
- b) **Scale** – they cannot involve the presence of more than 499 people at any onetime;
- c) **Use of the same premises** – the same premises cannot be used more than 12 times in a calendar year; to a maximum of 15 days
- d) **The number of notices** given by one individual within a calendar year is restricted to 5 unless that person is the Holder of a Personal Licence in which case 50 is the maximum.

In any other circumstances, a temporary event at which licensable activities are to take place would require a premises licence if the premises or place at which the event is to take place is currently unlicensed for the activity or activities involved. The procedures for applying for and granting such a licence are identical to those for a permanent licence.

The Licensing Authority will clearly specify on such a licence when it comes into force and when the permission ends.

Where the sale of alcohol is involved under a premises licence, there will need to be a designated premises supervisor specified who is a personal licence holder.

Temporary event notices do not require the Licensing Authority's permission. In general, only the police may object on the grounds of disorder to such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funding at which licensable activities will take place. The Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. For example, an individual personal licence holder wishing to exhibit and sell beer at a series of country shows may wish to give several notices simultaneously. However, this would only be possible where all the events are to take place in the Gloucester City council area.

Ten working days is the minimum possible notice that may be given. However the Licensing Authority would encourage applicants to take the ten working days as the minimum notification days required and expects event organizers to provide the earliest possible notice of events likely to take place.

The Licensing Authority will not seek to attach any terms, limitations or restrictions on such events other than those set down in the legislation. However the Licensing Authority will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bye-laws; and the need to prevent anti-social behaviour by those attending. Local publicity will also remind notice givers of relevant offences under licensing law including the laws governing sales of alcohol to minors or to any person who is drunk, and of the police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or the because of public nuisance, including noise emanating from the premises.

A purpose of the notification requirement is to enable the Licensing Authority to check that the limitations set down in the Act are being observed and to intervene if they are not. Where the application is not within the parameters described above, the Licensing Authority will issue a counter notice to the person giving the notice. Where the notice is in order, the fee prescribed by the Secretary of State paid, the event falls within the limitations in the Act, and there has been no Police intervention, the Licensing Authority will record the notice in its register and send an acknowledgement to the premises user.

Police – Objection by

The Act provides that the police may object to a temporary event notice because they believe the event would undermine the crime prevention objective set out in the Act. The Police must issue notice of any objection within 48 hours of being notified of the event. Notification to the Licensing Authority of an objection by the Police requires the consideration of the objection by the Licensing Authority at a hearing.

Consideration by the licensing authority is confined to the crime prevention objective. The Licensing Authority will not, for example, uphold a Police objection notice on grounds of public nuisance alone. At the hearing, the Police and the premises user may put argument to the Licensing Committee.

Additional limitations

On receiving a temporary event notice the Licensing Authority will also check that other requirements of the Act are met. (For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96-hour limit on such events, and emphasise the need to obtain a full premises licence for more major events. In addition, for these purposes, a notice is treated as being from the same premises user if an associate gives it.)

The Act defines an associate as being:

- a) the spouse of that person;
- b) a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
- c) an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Provisional Statements

Where premises are being constructed for the purposes of being used for one or more licensable activities or are being extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises and, if an individual, they are aged 18 years or over.

An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used; a plan of the premises; and such other information as may be prescribed.

Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence.

If a Provisional Statement has been issued and the person subsequently applies for a Premises Licence in respect of the premises, a part of them or premises which are substantially the same as the relevant premises (or part of them) and the application is in the same form as the Licence described in the Schedule of Works accompanying the application for that statement has been satisfactorily completed then any representations made by a person shall not be taken into account if:

- a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and,
- b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

Variations of Licences

Applications to vary a Premise Licence/Club Premises Certificate will be dealt with in a similar manner to applications for a new Premise Licence. If relevant representations are not received the application for variation will be granted.

If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may:

- a) Modify the conditions of the Licence; or
- b) Reject the whole or part of the application.

The Licence will not be varied so as to:

- a) Extend the period for which the Licence has effect; or
- b) To vary substantially the premises to which it relates.

The Licensing Authority may vary a Premise Licence so that it has effect subject to different conditions in respect of:

- a) Different parts of the premises concerned; and
- b) Different licensable activities.

Minor Variations

An amendment to the Licensing Act in July 2009 allows for a simplified, faster, cheaper procedure to vary a Premises Licence or Club Premises Certificate where the proposed variations are no more than:-

- minor changes to the structure or layout of a premises
- small adjustments to licensing hours
- the removal of out of date, irrelevant, unenforceable conditions
- the addition of volunteered conditions
- the addition of certain licensable activities (not the sale or supply of alcohol)

In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.

Interim Authorities

Generally a Licence will remain in force for as long as the Licensee continues to operate the business unless it is revoked or it is specified it has effect for a limited period and that period expires. However, if the holder of a Premise Licence dies, becomes mentally incapable or becomes insolvent then the Licence will lapse.

If, within a seven day period of such circumstances, a person who had an interest in the premises concerned or is connected to the person who held the Premises Licence immediately before it lapsed gives the Licensing Authority an 'Interim Authority Notice' the Licence will be reinstated for a two-month period.

At the end of the two months it will lapse unless an application for a transfer of the Licence is made.

A person is connected to the former holder of a Premise Licence if, and only if:

- a) The person is the personal representative in the event of the holder's death;
- b) In respect of someone who has become mentally incapable the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or,
- c) In the event of insolvency the person is acting as an Insolvency Practitioner.

Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective the Licensing Authority will arrange a hearing to consider the Notice.

Transfer of Premises Licences/Club Premises Certificate

The following persons may apply for the transfer to them of a Premise Licence/Club Premises Certificate:

- a) A person who carries on, or proposes to carry on, a business, which involves the use of a premise for the licensable activities, authorised by the Premise Licence/Club Premises Certificate;
- b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
- c) A relevant Club within the meaning of the Act;

- d) A charity
- e) An educational institution;
- f) A hospital; or
- g) A person of such other description as may be prescribed.

Notice of the application must be given to the Police.

If the Police consider the granting of the application would undermine the crime prevention objective the Licensing Authority will consider their reasons for that decision and will reject the application if the Licensing Authority consider it necessary for the promotion of the crime prevention objective to do so.

An application for a transfer of a Licence can contain a request that the transfer has immediate effect. Such a request can only be made with the consent of the holder of the Premises Licence/Club Premises Certificate unless the applicant has taken all reasonable steps to obtain that consent and would be in a position to use the premises while the application is pending for the licensable activities authorised by the Premises Licence.

A full transfer of the Licence can only be made with the consent of the Premise Licence/Club Premises Certificate Holder unless identical circumstances apply.

In the event of a death, incapacity or insolvency of a Licence Holder and where no Interim Authority Notice has been given, provided that an application is made within 7 days after the Licence lapsed, a person can make an application for the transfer of the Licence to him and the Licence shall be reinstated from the time the application is received by the Licensing Authority.

Reviews

Reviews of Premise Licences/Club Premises Certificates represent a key protection for the community where problems associated with disorder, public safety or disturbance are occurring. If relevant representations* are made about a current licence the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has made representations agreed that the hearing is not necessary.

A request to the Licensing Authority can be applied for at any time after a licence has been issued although it would be necessary for the licence to have been in operation for a reasonable period to allow the licensee to sort out any initial problems and also allow for the gathering of sufficient evidence by the person wishing to request the review. Government guidelines suggest a 12 month period is reasonable. This allows for seasonal changes should this be a relevant factor.

Before considering a request for a review it is suggested that a contact be made with the Premises Licence Holder/Designated Premises Supervisor or, in the case of a Club, the secretary, chairman or other committee member. It may be that the problem(s) could be sorted out amicably.

***Relevant Representations**

'Relevant representations' are representations:

- a) About the effect of the Premise Licence/Club Premises Certificate on the promotion of the licensing objectives;
- b) Are made by an interested party* or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in THE Licensing Authority's opinion frivolous or vexatious
 - ♦ 'Interested Party' means any of the following:
 - i. A person living in the vicinity of the premises;

- ii. A body representing persons who live in that vicinity;
- iii. A person involved in a business in that vicinity;
- iv. A body representing persons involved in such a business; or
- v. A member of the relevant Licensing Authority.

A Licence review will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance.

Appeals

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act.

An appeal against a decision by the Licensing Authority in the case of Premises Licences, Club Premises Certificates or Temporary Event Notices has to be made to the Magistrates' Court for the area in which the premises is situated. In the case of personal licenses, the appeal must be made to the Magistrates' Court for the area in which the licensing authority (or any part of it) is situated.

An appeal may be initiated by the giving of a notice of appeal by the Appellant to the Justices' Chief Executive for the Magistrates' Court within a period of 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.

The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a Respondent.

On determining an appeal the court may:

- a) dismiss the appeal;
- b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

The court may make such order as to costs as it thinks fit.

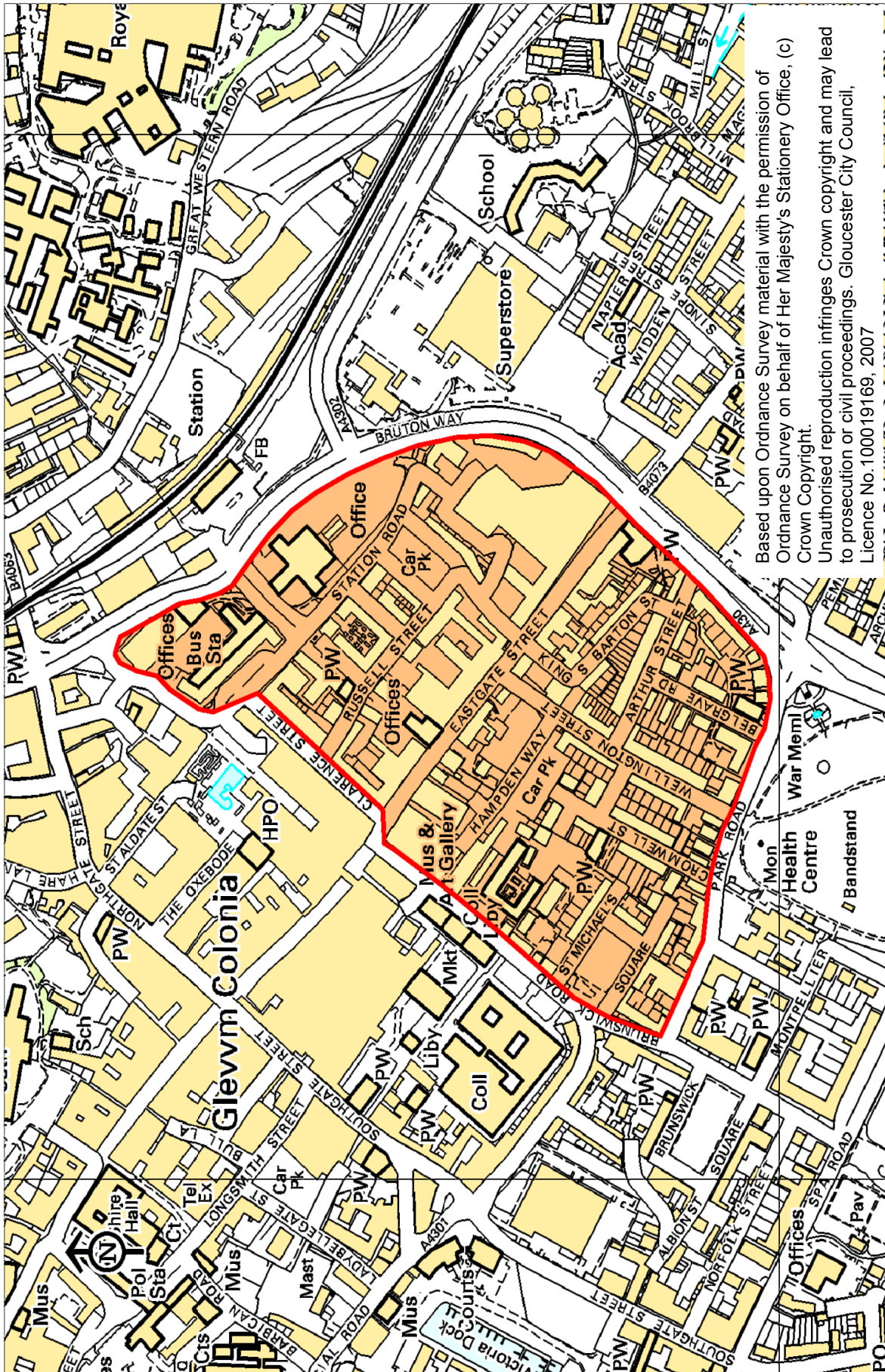
Giving reasons for decisions

The Licensing Authority will maintain comprehensive records recording the reasons for its decisions. On making findings of fact in its reasons, the Licensing Authority will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182 of the Act.

Implementing the determination of the Magistrates' Courts

Upon notification of the Court's decision the Licensing Authority will seek to action that determination without undue delay, unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

APPENDIX C



APPENDIX D**GLOSSARY OF TERMS****“LICENSABLE ACTIVITIES”**

- Retail sale of alcohol or supply of alcohol by a club.
- Provision of regulated entertainment.
- Late night refreshment i.e. serving hot food or hot drink between 23:00 hours and 05:00 hours.

“REGULATED ENTERTAINMENT”

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoors or outdoors)
- A performance of live music
- Any playing of recorded music
- A performance of dance

ENTERTAINMENT OF A SIMILAR DESCRIPTION TO:

- A performance of live music
- Any playing of recorded music
- A performance of dance

WHERE THE ENTERTAINMENT TAKES PLACE IN THE PRESENCE OF AND IS PROVIDED FOR AN AUDIENCE

OR Facilities for allowing people to take part in making music, dancing or anything similar for the purpose of being entertained.

“LICENSING AUTHORITY”

The Council of a district in England. In this case the Licensing Authority is Gloucester City Council.

“RESPONSIBLE AUTHORITY”

The following have been named as Responsible Authorities in the Act and/or Regulations:

- Police
- Fire Authority
- Enforcing Authority for Health and Safety at Work etc. Act 1974 i.e. Gloucester City Council Environmental Health or Health and Safety Executive
- Local Planning Authority i.e. Gloucester City Council Planning and Building Control Services

- Gloucester City Council Environmental Health when dealing with Food Safety matters and matters under the Environmental Protection Act
- Authority responsible for or interested in matters relating to the protection of children from harm i.e. Gloucestershire County Council, Social Services
- Any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated.
- Weights and measures authority

IN RELATION TO A VESSEL:

- A Navigation Authority (where vessel is usually moored or any waters where it is or is proposed to be navigated at the time when it is used for licensable activities)
- The Environment Agency
- The British Waterways Board, or
- The Secretary of State

“PREMISES LICENCE”

A licence issued by the Licensing Authority in respect of any premises which authorises the premises to be used for one (or more) licensable activity(ies). The licence is valid indefinitely unless a shorter period is specified on the licence, or unless it is surrendered or revoked.

“PREMISES”

Any vehicle, vessel or moveable structure, or any place or a part of any premises used for licensable activities.

“PERSONAL LICENCE”

Licence granted by the Licensing Authority to an individual that authorises that individual to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence is valid for 10 years.

“DESIGNATED PREMISES SUPERVISOR (DPS)”

The individual named in the premises licence as the premises supervisor. The Designated Premises Supervisor must hold a valid Personal Licence.

“TEMPORARY EVENT NOTICE (TEN)”

An individual aged 18 or over may use a Temporary Event Notice (TEN) where it is proposed to use premises for one or more licensable activity during a period not exceeding 96 hours and where the maximum number of persons to be admitted is less than 500.

“CLUB PREMISES CERTIFICATES”

A Club Premises Certificate may be applied for by any qualifying club that is established and conducted in good faith and possesses at least 25 members. New members to any club must wait at least two days between their nomination and admission to membership.

The grant of a Club Premises Certificate means that a qualifying club is entitled to certain benefits, namely:

- The authority to supply alcohol to members and sell it to guests without the need for any member or employee to hold a Personal Licence.
- The absence of a requirement to specify a Designated Premises Supervisor (DPS).
- More limited rights of entry for the Police and authorised persons.
- Not being subject to the police powers of instant closure, and
- Not being subject to potential orders of the Magistrates Court for a closure of all licensed premises in an area.

“INTERESTED PARTY”

- Person living in the vicinity of the premises
- Body representing persons who live in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in such businesses
- A member of the relevant Licensing Authority

In other words: ***‘local resident, local business, residents association, trade association, or their representatives’***

APPENDIX E

REFERENCE SOURCES

In addition to the guidance offered by this policy the below publications can provide applicants with useful information that should be considered when applications for licensed premises are being considered:

- ❖ [The Licensing Act 2003](#)
- ❖ Guidance issued under section 182 of the Licensing Act 2003
- ❖ The Gloucestershire Constabulary Licensing Policy
- ❖ The Event Safety Guide ('The Purple Book').
H.S.E. BOOKS – ISBN: **0717624536** – Published: Oct 1999.



<http://www.hsebooks.com/Books/>

- ❖ Managing Crowds Safely.



<http://www.hse.gov.uk/pubns/indg142.htm>

- ❖ 5 Steps to Risk Assessment Case Studies. – ISBN **0717615650**



<http://www.hse.gov.uk/pubns/indg163.pdf>

- ❖ The Guide to Safety at Sports Grounds ('The Green Guide') - ISBN **0113410018** - published by the The Stationery Office (<http://www.tso.co.uk/>)
- ❖ Safety Guidance for Street Arts, Carnival, and Large Scale Performances.



<http://www.streetartsnetwork.org.uk/cn/publications/index.php>

- ❖ Home Office Guidance:
 - Practical Guide for Preventing and Dealing with Alcohol related problems
 - Alcohol Disorder Zone Guidance
 - Selling Alcohol Responsibly
 - UK Police Requirements for Digital CCTV Systems

APPENDIX F

USEFUL REFERENCES (ORGANISATIONS)

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

Association of Licensed Multiple Retailers (ALMR)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk>

British Institute of Inn Keeping (BII)

<http://www.bii.org/>

British Retail Consortium (BRC)

<http://www.brc.org.uk/>

Circus Arts Forum

<http://www.circusarts.org.uk>

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

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

Equity

<http://www.equity.org.uk/>

Independent Street Arts Network

<http://www.streetartsnetwork.org.uk>

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Justices Clerks' Society Good Practice Guide, Licensing

<http://www.jc-society.co.uk>

LACORS

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

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Local Government Arts Officers

<http://www.nalgao.org/>

National Pub Watch

<http://www.nationalpubwatch.org.uk/>

NOCTIS

(formerly Bar, Entertainment and Dance Association (BEDA))

<http://www.noctisuk.org/>

The Portman Group

<http://www.portmangroup.org.uk>

APPENDIX G**LIST OF RESPONSIBLE AUTHORITIES****GLOUCESTERSHIRE CONSTABULARY**

Police Licensing Officer
Gloucester and Forest Division
Licensing Department
Gloucester Police Station
Bearland
Gloucester
GL1 2JP

Telephone: 01452 335379
Fax: 01452 384952
Email: licensing-forest&gloucester@gloucestershire.police.uk

The main Police switchboard number is 0845 090 1234.

GLOUCESTERSHIRE FIRE AND RESCUE

Service Delivery Support
Waterwells
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Fax: 01452 753304
Email: fire.safety@glosfire.gov.uk

POLLUTION PREVENTION

Gloucester City Council
Pollution Control Team
Environmental Health
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Telephone: 01452 396303
Fax: 01452 396340
Email: licence.team@gloucester.gov.uk

HEALTH AND SAFETY ENFORCEMENT

If you are uncertain who enforces Health and Safety on your premises please assume it is Gloucester City Council and forward a copy of the application to the address below:-

WHERE THE LOCAL AUTHORITY IS THE ENFORCING AUTHORITY:

Gloucester City Council
Health and Safety Team
Environmental Health
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Telephone: 01452 396303
Fax: 01452 396340
Email: licence.team@gloucester.gov.uk

WHERE THE HSE ARE THE ENFORCING AUTHORITY:

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
BRISTOL
BS1 1ND

Telephone: 02920 263000
Fax: 0117 926 2998
Email: (i) For service employment e.g. Central and Local Government, NHS etc. the contact is paula.johnson@hse.gsi.gov.uk
(ii) For other employment e.g. manufacture and repair, agriculture, transport, the contact is nigel.chambers@hse.gsi.gov.uk

LOCAL PLANNING AUTHORITY

Group Manager Development Services
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Telephone: 01452 396776
Fax: 01452 396779
Email: development.control@gloucester.gov.uk

CHILD PROTECTION

Children & Young People's Directorate
Safeguarding Manager
Gloucestershire County Council
Quayside Wing
Shire Hall
Gloucester
GL1 2RH

Telephone: 01452 426321
Fax: 01452 425148
Email: Duncan.siret@gloucestershire.gov.uk

TRADING STANDARDS

Gloucestershire County Council, Trading Standards
Hillfield House
Denmark Road
Gloucester
GL1 3LD

Telephone: 01452 426201
Fax: 01452 426274
Email: tradstds@gloucestershire.gov.uk

BRITISH WATERWAYS - Business Licence applications only

Leisure Development Manager
British Waterways
South West Office
Harbour House
The Docks
Gloucester
GL1 2GL

Telephone: 01452 318000
Fax: 01452 318076

| CONSULTEES |
|--|
| PC Lucy Smith Licensing Officer Gloucester and Forest Division Gloucester Police Station Bearland Gloucester GL1 2JP |
| Gloucestershire Fire & Rescue Service Delivery Support Waterwells Quedgeley Gloucester GL2 2AX |
| Development Services Group Manager Gloucester City Council Herbert Warehouse The Docks Gloucester GL1 2EQ |
| Environmental Protection Environmental Health & Regulatory Services Gloucester City Council Herbert Warehouse The Docks Gloucester GL1 2EQ |
| Health & Safety Team Environmental Health & Regulatory Services Gloucester City Council Herbert Warehouse The Docks Gloucester GL1 2EQ |
| Health & Safety Executive 4th Floor, The Pithay All Saints Street Bristol BS1 1ND |
| Children & Young People's Directorate Safeguarding Manager Gloucestershire County Council Quayside Wing Shire Hall Gloucester GL1 2RH |

| CONSULTEES |
|--|
| <p>Gloucestershire County Council Trading Standards Hillfield House Denmark Road Gloucester GL1 3LD</p> |
| <p>Leisure Development Manager British Waterways South West Office Harbour House The Docks Gloucester GL1 2GL</p> |
| <p>Association of Licensed Multiple Retailers 96 Walpole Court Ealing Studios LONDON W5 5ED</p> |
| <p>British Beer and Pub Association Market Towers 1 Nine Elms Lane LONDON SW8 5NQ</p> |
| <p>British Institute of Inn Keeping Wessex House 80 Park Street Camberley Surrey GU15 3PT</p> |
| <p>British Retail Consortium 21 Datmouth Street LONDON SW1H 9BP</p> |
| <p>Cinema Exhibitors Association Limited 22 Golden Square LONDON W1F 9JW</p> |
| <p>Richard Graham MP Gloucester Conservatives Unit 1143, Regent Court Gloucester Business Park Hucclecote Gloucester GL3 4AD</p> |
| <p>Association of Convenience Stores Federation House 17 Farnborough Street Farnborough Hampshire GU14 8AG</p> |

CONSULTATION QUESTIONNAIRE

LICENSING POLICY STATEMENT 2011/2014

Set out below is a range of questions to help you to give feedback on Gloucester City Council's Draft Revised Licensing Policy Statement (LPS). The list of questions should only be used as guidance. Any other comments you may wish to make will be well received. Space has been included at the end of this questionnaire for this or alternatively if there is insufficient space please attach your comments to the questionnaire.

1. Is the Licensing Policy Statement (LPS) clear and easy to follow?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

2. Does the LPS address the licensing objectives?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

3. Is the LPS too rigid in any aspects?

YES



NO

DON'T KNOW

If you answer yes please explain giving examples

4. Does the LPS make it clear that each application will be treated on its own merits?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

5. Do you think the general guidance given about obtaining a licence is:

About right?

Too rigid?

Too vague?

If you answer too rigid or too vague please explain giving examples

6. Do you think that the LPS includes sufficient details about responsible authorities?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

7. Do you think that the definition of 'interested parties' and 'vicinity' are:

A) Clear and enabling?

B) Clear but too rigid?

C) Unclear?

If your answer is B or C please explain giving examples

8. Does the enforcement approach outlined in this document commit to a risk based enforcement approach?

YES

NO

DON'T KNOW

If you answer no please explain why

9. Does the LPS adequately set out what factors will be taken into account when considering licence applications?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

10. Do you think that it is clear from the LPS on what basis a responsible authority and or an individual can make a representation to a premises licence application?

YES

NO

DON'T KNOW

If you answer yes please explain giving examples

11. Do you think that from the LPS it is clear the grounds on which a responsible authority or an individual can request the review of a premises licence?

YES

NO

DON'T KNOW

If you answer no please explain giving examples

12. Do you think that the 'Special Policy' in respect of the Eastgate Street area should be retained?



YES

NO

DON'T KNOW

Please explain your answer giving examples

Eastgate Street is by my own admission "overcrowded" with licensed premises as it is! The restrictions should NOT be lifted.

Additional comments:

I have visited All Bar 1, Walkabout, Yates, Bar Med (website), in over cities, all offering 50pence drink promotions, heavily discounting drinks promo's, all of which we avoid in CLOS! By allowing a "free for all" applications on Eastgate Street and over (above, Nationals coming into play) all it will do is heavily upweight competition, which drives down prices - do we want a reversal of almost 10 years. - on all 3 main National websites, all drinks were heavily discounted drinks, all competing with each other in Newcastle, prices starting from 50pence

Thank you for taking the time to comment on Gloucester City Council's draft revised LPS. Please return completed questionnaires by Friday 17th September 2010 to:

The Licensing Team
Environmental Health & Regulatory Services
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

cont.

Email: licence.team@gloucester.gov.uk

Continued:

We in ES (Eastgate Street) have worked with all local agencies, police, council alike to drive down the problems surrounding "Anti-social behaviour" within the ES and Alcohol frameworks.

I personally fail to see how changing the special policy that is currently in operation for ES will assist in any way shape or form, the special policy was instigated to stop the spread of licensed venues, and to work hard with the existing ones in reducing crime and disorder. This has taken place effectively, and robustly!

I do not see any positive spin offs from a major national coming into ES, as the Bar Meds, and All bar 1's etc etc etc as well as the walkabouts have all failed dismally in Cheltenham, indeed all they have attracted is a still operating price war, where Cheltenham still operates a 50p drink price on any night of the week, how on earth is this a positive move forward..???

*****END!

26 July 2010

Lisa Wilkes
Licensing Services Manager
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Dear Ms Wilkes
Review of Licensing Policy

Thank you for your letter dated July 2010, relating to the above.

I can confirm that we have passed your letter and accompanying Policy to the British Beer & Pub Association who will review your Policy and report back to you with any comments. The person at the BBPA is Jim Cathcart, so if you have any queries then please do not hesitate to contact Mr Cathcart directly.

Yours sincerely



Lorna Russell
PA to Cathie Smith, Director of BIIAB
Direct Line : 01276 417871
Email: lornar@bii.org.



This page is intentionally left blank



Submission to Local Authority Consultation on Draft Alcohol Licensing Policy

1. Thank you for offering ACS (Association of Convenience Stores- Annex 1) an opportunity to respond to your draft Licensing Policy Statement. ACS is the voice of the convenience retail sector, representing over 33,500 local shops. Alcohol is a major product category for convenience stores and ACS is committed to supporting our members to ensure they retail alcohol responsibly. ACS is also closely involved with the creation of central alcohol policy with Government. Therefore ACS has developed significant understanding of the implications of licensing reform for local shops and off licences.
2. Our members deal with a wide variation of different local licensing policies. We have found that the most successful policies invariably involve local authorities and retailers working together in partnership to create a fair and effective licensing policy. We advise all local authorities to maintain a dialogue with their local retailers and see them as part of the solution rather than part of the problem.
3. Our members encounter a wide variety of different approaches between licensing authorities, which can cause problems for businesses. We would encourage wherever possible for local authorities to share best practice and to when appropriate promote consistency between different areas.
4. Below are comments raised on specific licensing policy issues:

Mandatory Code

5. The Policing and Crime Act 2009 created a mandatory code of practice for all alcohol retailers. While four of the mandatory licence conditions relate solely to the on trade, one of the conditions also applies to the off trade. This states that: *all those who sell alcohol must have an age verification policy in place requiring them to check the ID of anyone who looks under 18 to prevent underage drinking which can lead to anti-social behaviour and put young people at risk of harm.*
6. ACS works closely with other industry stakeholders to ensure that there are strong and consistent proof of age schemes in place that can be used across the trade. For example, ACS helped create the No ID No Sale scheme. ACS is also a member of the Retail Alcohol Standards Group (RASG). RASG created the Challenge 21 campaign and recently coordinated its launch across the country as Challenge 25. The policy recommends that anyone who appears under 25 is challenged for ID.
7. While the mandatory condition demands a proof of age scheme is in place, the condition does not prescribe which schemes retailers have to adopt. We support this flexibility for retailers and strongly discourage a more restrictive approach. The main responsibility of alcohol retailers is to ensure that they do



not sell alcohol to those underage. They should not be dictated to on how to achieve compliance.

Form of Identification

8. It is important that there is consistency on which proof of age documents retailers are allowed to accept. ACS is a founding member of the PASS and board member of the CitizenCard proof of age scheme. CitizenCard has given out over 1.8 million cards, and offers young people who do not have a passport or drivers licence a valid form of ID. Particularly in society where identity fraud is a growing problem, it is even more important to offer a form of ID that it is not a passport or driving licence since these can facilitate fraud if lost.
9. Government and most local authorities accept passport, driving licence and PASS card as valid proof of age. ACS urges all local authorities to adopt this position.
10. We would also urge Local Authorities to consider how best to tackle fraudulent ID, in consultation with local retailers

Community Alcohol Partnerships

11. Through our membership of RASG, ACS is also heavily involved in the Community Alcohol Partnerships (CAP) initiative. These innovative projects aim to tackle the local problems with underage drinking and anti social behaviour through partnership working. CAPs brings off-trade retailers together with local authorities, police and schools to tackle underage drinking and proxy purchasing in a holistic way. During the schemes test purchases are not carried out; instead any problems are dealt with using communication and support networks.
12. The project has been independently evaluated, finding a decline in offences of criminal damage some 6% greater than in non pilot areas. The evaluation is attached (Annex 2). If you would like further information about CAPs please contact ACS.

Test Purchasing

13. ACS believes that the Partnership approach, where retailers are not penalised but are educated and supported, is a more effective way to tackle alcohol related problems. However we recognise that test purchasing is a tool at the disposal of local authorities and that some will find it necessary to use test purchasing to tackle the small minority of problem premises that repeatedly sell alcohol to children.
14. However if test purchasing is utilised it must be done in accordance to Government guidelines. It must be led by clear intelligence that there is a problem in with underage purchasing on a premises. It also needs to be ensured that test purchasing will target both on and off trade when required.



15. It is important that test purchasing does not descend into a tool to “catch-out” responsible retailers, who make a genuine mistake. Guidance issued by LACORS on how to conduct a test purchase must be adhered too. Using an individual who looks much older than 18 and allowing them to lie or show fake ID is unacceptable.
16. If a retailer does fail a test purchase, it is important that the first recourse is constructive support, rather than overzealous punishment. Punishments are effective only when they are proportionate. We support tough sanctions against persistent offenders.
17. We also strongly advise local authorities to recommend that retailers are notified of any test purchases they have passed. This helps stores to recognise if their policy to prevent underage sales is working and facilitates a partnership based relationship.
18. ACS supports the Local Better Regulation Office (LBRO) on Trading Places Scheme. The scheme places local authority employees with retailers so that they can see the challenges retailers face regarding underage sales on a daily basis and also understand what the retail trade is doing to tackle them. ACS advises Local Authorities to contact LBRO if they wish to partake in the scheme.

Crime

19. There has been proposals in some draft licensing policy statements that retailers should restrict where they place alcohol to prevent underage theft. Although it may be useful to make retailers aware of best practice, they should not be told where to place their products to sell. Ultimately the retailer will be aware of where best to place products to ensure security.
20. It is also important that retailers are not penalised for thefts that occur in store. If alcohol is being stolen from a store then it is not the retailer's fault and full culpability must fall onto the culprit. In these incidences the retailers are victims and should be supported. Any move to penalise retailers for thefts will be counter productive, as retailers will be discouraged from reporting crime.

Underage Drinking and Proxy Purchasing

21. Retail staff often face abusive or intimidating behaviour when refusing a sale. It is important that they feel sufficiently supported in their role as enforcers and local authorities have a role to play in this. Underage drinkers need to understand that it is against the law and unacceptable for them to attempt to buy alcohol. The wider community need to understand that it is unacceptable and illegal to buy or supply alcohol to a minor.
22. Being given alcohol by a parent or friend, or buying alcohol from someone else is the most common way for underage drinkers to buy alcohol. The proportion of pupils who were given alcohol by a parent or friend has



increased from 9% in 1998 to 24% in 2008¹. 18% of young drinkers buy alcohol from someone else, compared with 6% who buy from the licensed trade. It is clearly a route of supply which needs to be tackled.

23. While it is currently an offence to proxy purchase or attempt to buy alcohol while under age, there is little enforcement of these laws. Local licensing policies should address these issues and explore the most effective way to combat these crimes in community, rather than just targeting all their enforcement on licensees.

24. If we can be of any further assistance please do contact me on 01252 515001 or email jenny.brown@acs.org.uk

¹ Smoking, Drinking and Drug Use Among Young People 2008.
http://www.ic.nhs.uk/webfiles/publications/sdd08fullreport/SDD_08_09_09%29_09%29.pdf



Annex 1- THE ASSOCIATION OF CONVENIENCE STORES

ACS is the trade body representing the interests of over 33,500 convenience stores operating in city centres as well as rural and suburban areas. Members include familiar names such as Martin McColl, Spar and Costcutter, as well as independent stores operating under their own fascia. Our members operate small grocers, off-licence or petrol forecourt shops with between 500 and 3,000 square feet of selling space.

If you need any more information on this submission please contact Jenny Brown on either jenny.brown@acs.org.uk or 01252 515001.

ANNEX 2- Community Alcohol Partnerships

Community Alcohol Partnerships were developed by the Retail of Alcohol Standards Group and local partners to address underage drinking. What began as a pilot project in St. Neots, Cambridgeshire a couple of years ago has developed into a tried and trusted method of local partnership working which delivers results.

Community Alcohol Partnerships aim to tackle the problems caused by underage access to alcohol through co-operation between alcohol retailers and local stakeholders, such as Trading Standards, police, local authority licensing teams, schools and health networks.

Central to the operation of CAPs is the sharing of information between partners to combat purchase and possession of alcohol by those under 18 coupled with rigorous enforcement of laws designed to tackle anti-social behaviour.

The most ambitious partnership to date was launched in three areas of Kent in the early part of 2009. Independent evaluation of the projects by Kent University reinforces our view that this approach to alcohol misuse and associated anti-social behaviour offers a model which makes a real difference and harnesses Community commitment to change patterns of behaviour.

The Evaluation by Kent University found that from March to September 2009 KCAP pilot areas saw a decline in offences of criminal damage some 6% greater than in non pilot areas. Based on the results of the three pilot areas, KCAP has plans to develop more schemes throughout the County.

The full, independent evaluation of Kent Cap by Kent University can be found at: <http://www.tradingstandards.gov.uk/kent/kcap.htm>

A toolkit to help local authorities, police and retailers, has now been designed and is available here:

<http://www.wsta.co.uk/images/stories/communityalcoholpartnerships.pdf>

This page is intentionally left blank

GLOUCESTER CITY COUNCIL CONSULTATION FEEDBACK
FORM LICENSING ACT 2003
LICENSING POLICY STATEMENT 2011/2014

LICENSING POLICY STATEMENT – DRAFT FOR
CONSULTATION

Special Policy Eastgate Street area

There are currently 13 take away facilities within the short strip of Eastgate Street.

1.7 There are conditions relating to take aways, but these are not clearly defined nor sufficient. Eg “shop front to be kept clear of litter from premises” How is this to be enforced? One greasy piece of chip paper looks very similar to another. How can it be proved that it is from one particular premises as the license holder may say – “that piece of litter is from my neighbour’s take away premises not mine”. There is an argument that police can deal with litter enforcement in reality they are often too busy dealing with drunken incidents and fights to undertake litter enforcement.

The conditions however do not support the aim at 1.7 that license holders should be responsible for minimising the impact of their activities and anti social behaviour by their patrons within the vicinity of their premises. Some take aways brush up outside their premises after ceasing trading. **This condition needs to be upgraded to ensure that regular litter collection is undertaken outside all the premises throughout the course of their operating times.** The benefit would be that Council would save money on employing cleansing operatives, health and safety of members of public would be maintained (slipping on greasy food/wrapping), reduction in appeal to seagull vermin, the environment would be an attractive one for visitors to the area and the City. I have had very disparaging remarks from out of county visitors to the City who are shocked by the condition and state of the Eastgate Street area when they have visited on a night out.

Links with 5.5 (iv) general positive attitude to encouraging good practice from customers – what signs are in take aways to ask customers to dispose of litter in bins.... Can his be another condition on their license

How many litter bins in the area? A survey of public litter bins in the area could be undertaken (these fill quickly and unless emptied promptly defeat the object of having them there in the first place). I am sure it would be acceptable for the take away establishments in the street to “sponsor” the provision of additional bins thereby saving the council the cost of providing them.

2.5 Transportation policies. There are no late night buses that go down Eastgate Street and therefore choice of transport is limited to private vehicle or taxi or choice of walking from Eastgate into Clarence Road/bus station. What is the possibility of getting buses for late night transport to go to Eastgate Street as a stopping/collection point.

3.10 There is traffic congestion due to the design of the street and number of persons exiting Liquid 4am/ TNT 3am and the number of take away facilities in this area . This problem has never been conclusively addressed. Closure of the street at Barton lights was piloted. A proper survey of the whole area by a competent consultant may provide proposals for long term improvement. My observation is that when the street was closed at Barton Gates it was much safer for pedestrians. The taxi rank could be moved to the pull in by GL1 and taxi monitors used to manage the new rank and be present in Eastgate Street to direct potential customers to the rank to catch taxis to go home. This is no greater distance for customers from TNT and Liquid to walk than those from venues like Fever/Butler/Zest do now. No vehicles apart from emergency vehicles should be allowed entrance to Eastgate Street from Commercial Road to Barton Gates after 22.00 hours on Friday and Sat nights. The management of this should be undertaken by City Council officers or agents.

It could be beneficial to include better use of "written dispersal conditions" on new licenses and old ones, to include responsibility of doorstaff to remain outside venues for up to 1 hour after end of operating hours to ensure customers disperse in quiet, orderly manner and this may include directions to public transport of taxi ranks etc.

3.16 There has been no change in the diversity of the area in the last 3 years. No increase in family entertainment, no sit down restaurants, no music diversity (jazz clubs), no comedy clubs. The only new license is Liberty next to TNT marketed as a sports bar.

3.17 No integrated public transport system in place (see comments above)

3.15 "Special Policy". The policy adopted by Council in 2004 as direct response to concerns and information put forward by Gloucestershire Police in relation to incidents of both crime and disorder associated with the area particularly on Friday and Saturday night.....Eastgate Street has, for a number of years, borne the unfortunate distinction of having the highest crime rate for any one street in the County.

Violent crime

Although there has been a total decrease of 40 violent crimes in Eastgate Street between 1st Sept 2009 and 31st August 2010 compared to the same time the previous year, there has been an increase in anti

social behaviour from 388 to 465 (20% increase). It is concerning that although the incidents of inflicting grievous bodily harm (broken jaw/bones etc) are thankfully low (6 offences 09/10) this is an increase of 50% on the previous year 08/09.

ABH figures have decreased from 110 to 88 crimes (this is still more than 1 crime each week).

Hot spots

Violent crime

Liquid – consistently most common place for violent crimes to occur over past 3 years, but levels reduced each year.

Levels of violent crime have also been higher outside TNT, Bar Fever, Butlers. The level has increased outside these locations over the past 3 years.

Criminal damage

Majority of criminal damage occurred lower part of street. (49, 37, 29 for last three years) Butlers, Fever and Fortune House takeaway all subject to damage on more than 1 occasion over the past year. Levels of damage at Liquid have decreased.

Anti social behaviour.

There has been a total increase of 77 anti social behaviour incidents in Eastgate Street between 1st Sept 09 and 31 Aug 2010 compared to the same time the previous year.

The majority of anti social behaviour over the past 2 years have been rowdy or inconsiderate behaviour which has increased by 53 offences from 359 to 412. Levels of begging, nuisance vehicles, malicious or nuisance communication and noise have also increased over the past year compared to the previous years.

Anti social behaviour at Liquid has remained level over the past two years from 64 to 67 incidents per year. A significant increase in anti social behaviour at Fever is identified from 17 to 45 incidents.

Despite a reduction in crime, Eastgate Street has recorded significantly higher levels of violent crime, criminal damage, theft from the person and drugs offences that Southgate, Westgate and Northgate Street. Anti social behaviour in Eastgate Street is also significantly higher than in the other Gate Streets. Times/days of crimes Thursday – Sunday between 2100 – 0400 hours remains significant. It would suggest that the night time economy in the area has contributed to the higher levels of crime and anti social behaviour in the street.

I would therefore propose that the Special Policy adopted by the Council in 2004 remains reasonable, proportionate and necessary to ensure a

reflection of the local balance between the commercial interests of the licensed trade and the impact upon communities that Gloucester City Council serves.

I believe there is scope to ensure that holders of licenses, certificates and permissions improve their working practices by the inclusion of conditions that are enforceable and that support the minimisation of the impact of their activities and anti social behaviour by their patrons within the vicinity of their premises (particularly late night refreshment/take aways)

This would need to be coupled with a robust enforcement regime.

Gloucester City Council

| | |
|--------------------------|--|
| COMMITTEE | : LICENSING AND ENFORCEMENT COMMITTEE |
| DATE | : 12TH OCTOBER 2010 |
| SUBJECT | : TAXI/PRIVATE HIRE SCRUTINY STUDY |
| DECISION TYPE | : POLICY AND FRAMEWORK |
| WARD | : ALL WARDS |
| REPORT BY | : LISA WILKES, FOOD AND LICENSING SERVICE MANAGER |
| NO. OF APPENDICES | : 1. TAXI/PRIVATE HIRE SURVEY REPORT 2. TAXI SCRUTINY STUDY ACTION PLAN 3. GLOS. COUNTY COUNCIL SPECIFICATION |
| REFERENCE NO. | : ES21011 |

1.0 PURPOSE OF REPORT

- 1.1 To present to Members the Taxi/Private Hire survey report prepared by Mouchel Ltd on the current level of demand for hackney carriage and private hire services and Gloucester City Council's (GCC) current policy.

2.0 RECOMMENDATIONS

- 2.1 Having considered the report and subsequent Taxi Scrutiny Study Action Plan which incorporates the report's recommendations Members have the following options:
- (a) Accept the report and resulting recommendations contained within the Taxi Scrutiny Study Action Plan in full or in part, or
 - (b) Reject the report's recommendations contained within the Taxi Scrutiny Study Action Plan in full.

3.0 BACKGROUND

- 3.1 GCC as the statutory licensing authority for hackney carriage (taxi) and private hire services is able to set safety and design standards for vehicles used, determine fares (for taxis) and limit the number of hackney carriage vehicle licences issued.
- 3.2 A previous study was conducted in 2002 by MCL Transport Consultants which resulted in calls from the trade for greater consultation in any future study.
- 3.3 The present survey is intended to provide GCC accurate, useful and robust information on all relevant aspects of taxi operations with reference to:
- (a) Understand the quality of service members of the public are experiencing.
 - (b) Apply the Department for Transport best practice guidance.

- (c) Provide robust evidence for an unmet demand study able to stand up in court.
- (d) Present an evidence base on which future improvements can be built using an action plan.
- (e) Involve stakeholders to the level that will encourage the ownership of any solutions brought forward.

- 3.4 The ability to place a restriction on the number of hackney carriage vehicle licences granted is contained within section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused for the purposes of limiting the number of licensed taxis 'if, but only if, the local licensing authority is satisfied that there is no significant demand for the services of hackney carriages which is unmet'.
- 3.5 The Department for Transport Best Practice Guidance 2010 recommends that licensing authorities do not impose restrictions on the number of licences issued.
- 3.6 Section 161 of the Equalities Act 2010 which will come into force some time after April 2011 will restrict the ability of licensing authorities to control the number of Hackney Carriage Vehicles where the authority has relatively few numbers of wheelchair accessible vehicles.

4.0 PROGRESS

- 4.1 Mouchel Ltd were officially accepted to carry out the survey on 5 March 2010. An inception meeting was held on 18 March 2010 followed by meetings with representatives of the hackney carriage and private hire trade. The survey itself was carried out in April 2010. The full report by Mouchel is attached at Annex 1 of this report.
- 4.2 A representative from Mouchel Ltd will be present at the committee to present their findings and answer any queries that Members may have.
- 4.3 The action plan in appendix 3 has been prepared in liaison with the Hackney Carriage and Private Hire trade.

5.0 FUTURE WORK

- 5.1 The recommendations from Mouchel's report are contained within the Taxi Scrutiny Study Action Plan attached at Annex 2 of this report.
- 5.2 The Licensing Department has regular meetings with the trade and will discuss the implementation of the Action Plan's proposals.
- 5.3 It is proposed that if required surveys are carried out on a three yearly basis to ensure the positive development of the trade for the benefit of Gloucester.
- 5.4 Members are advised that the impact of the Equalities Act 2010 will be taken into account when determining any future action by GCC.

6.0 CONCLUSIONS

- 6.1 Members are advised to consider the information contained in Mouchel's report and proposals contained in the Taxi Scrutiny Study Action Plan and make a decision in accordance with paragraph 2.1 of this report.

7.0 FINANCIAL IMPLICATIONS

- 7.1 Any work required to take the Action Plan forward will incur costs to GCC and partner agencies through staff time and related costs. The majority of these costs should be met through fees levied for the grant of licences to the trade.

8.0 LEGAL IMPLICATIONS

- 8.1 (to follow)

- 9.0 RISK MANAGEMENT IMPLICATIONS** *(Authors to complete) Identify all key risks (scoring 8 and above) for the recommendation including the impact and likelihood of the risk occurring and what measures will be taken to mitigate the risk.*

- 9.1 None

10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

- 10.1 The provision of an accessible fleet for all members of the public is recognised as important for all sections of the community and will be at the forefront of any decisions made by the licensing authority. The Equalities Act 2010 will enable the Secretary of State to make Regulations as to the design and type of licensed hackney carriage vehicles in order to ensure the availability of wheelchair accessible vehicles.

- 10.2 Section 164 of the Equalities Act enables the licensing authority to apply for an exemption from any taxi accessibility regulations made. It is known that some less mobile members of the community who do not use wheelchairs can have difficulty in using wheelchair accessible vehicles due to their design. The option of an exemption will be considered if appropriate at any future date to ensure all members of the community have equal access to licensed vehicles.

11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety (Author to complete)

None

2. Environmental (Author to complete)

Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

3. Staffing (Human Resources to complete)

4. Trade Union (TU to complete)

None

- Background Papers** : Mouchel Ltd. Taxi/Private Hire Survey Final Report
- Published Papers** : Local Government (Miscellaneous Provisions) Act 1976 DfT – Taxi and Private Hire Licensing: Best Practice Guidance (2009)
Gloucester City Council Cabinet Report ES20206 (13th March 2002) – Study into the availability of Taxi's in Gloucester – Policies for review
Gloucester City Council Cabinet minutes 13th March 2002 – (minute 116.7)
- Person to Contact** : Carl Knights, Licensing and Enforcement Officer
Tel: 396311
E-mail: carl.knights@gloucester.gov.uk

Taxi Scrutiny Study Action Plan

| | Recommendation from report | Action by City Council | Timescale |
|----------|---|--|---|
| | Taxi Rank Provision | | |
| 1 | The bus Station rank could benefit from some operational re-design and use of the area by non-hackney vehicles. | Carry out discussions with relevant Council Officers to look at increasing space for Taxi's to rank and the use of the area by non-hackney vehicles. Investigate funding options and feasibility of adoption. | April 2011 |
| 2 | Discussion needed with First Great Western to ensure that the licence provision does not hinder adequate service provision to the public, and that sufficient information available to allow all potential taxi passengers to obtain an appropriate service from station when required. | Share findings of the study with First Great Western. Discuss provision of better information to inform passengers of obtaining a taxi, possibly through phone link. Ask First Great Western for their views on the service and clarify their policy on WAV's and supplementary permits. | December 2010 |
| 3 | Access to Eastgate street from 22:00 hrs should be, as far as reasonably practicable, restricted to vehicles taking people home; and a review of parking in this area would be beneficial. | Dan Tiffney has drafted a re-design of Eastgate Street and hopes to consult on it around Christmas. We will share any comments at this stage. | January 2011 |
| 4 | In-House booking systems for the clubs should be enforced to allow fair share of work given to both private hire (under agreement) and the hackney carriages. | Further Enforcement carried out to target in-house booking systems. | November 2010 and ongoing monitoring work |
| 5 | Continuation of Marshalling scheme in Eastgate Street is effective way to get people home in early mornings in Gloucester. | Ensure Marshalling scheme can continue by securing funding through CDRP or by seeking alternative funding options. Current funds cover scheme until April 2011. | March 2011 |
| 6 | On road markings outside former clubs in Brunswick Road and Quay Street should be removed to free road space for other users. | Discuss Findings of Study with County Highways to consider this. | December 2011 |
| 7 | A sample timetable with relevant County Officers for both modification and introduction of new ranks to the City. | Initial investigations/discussions covered in this action plan. | |
| 8 | Discussion needed on provision of active ranks to the developing Docks area. | Currently not needed, however if new additional bars/clubs open in this area, consideration will be needed on the provision of ranks. | |

| | | | |
|----|---|--|--------------------------|
| | Service for Drivers | | |
| 9 | Better communication and clarification to be provided to the driver e.g. Regular Newsletters | Regular Newsletters to be sent out on quarterly basis, via e-mail where appropriate. Investigate use of flash text messages to update drivers quickly about road closures, events etc. | Ongoing February 2011 |
| 10 | Find ways to ensure representation and dialogue with private hire drivers and operators is significantly improved. | Investigate ways to engage with Private Hire Companies to attend Liaison meetings. | November 2010 |
| | Service to customers in a wheel-chair | | |
| 11 | Consider ways in which a higher number of wheel-chair accessible vehicles can be provided, so that more are available at the taxi ranks and directly through taxi companies. | Encourage use of swivel seats etc, to aid wheelchair users in saloon vehicles. Some wheelchair users prefer the use of saloon cars, depending on mobility level. Further liaison with Wheelchair user may determine preference in vehicle types and aids. Investigate population of wheelchair users in the City to compare demand against provision of WAV's. | February 2011 |
| 12 | Remind drivers and PH companies of responsibilities in securing wheelchair passengers chairs and seatbelts and ensure they are used at all times. | Investigate Training available to PH and taxi drivers on the use of WAV's. Encourage all WAV drivers to attend course. | March 2011 |
| 13 | Investigate practice of not using meters to generate fares. | Liaise with Private Hire companies and encourage use of meters to generate fares. | January 2011 |
| 14 | Investigate reasons for lack of WAV's at the railway station rank. | Liaison with First Great Western after sharing details of this study. | January 2011 |
| 15 | Contact all City's Taxi companies to determine how many WAV's are available and produce an up-to-date list which would be available to local residents and disable visitors to the city | Distribute list to local disability groups and provide list of available WAV's on website. | February 2011 |
| 16 | Advise the hospital of the issues found in the study regarding the height of their free phone telephone. | Recommend additional phone provided at lower level for wheelchair users and provide copy of the taxi study. | December 2010 |
| 17 | Standards of vehicles expected on County Council education contracts needs to be discussed between the relevant parties in the County and City Councils. | Review the standards and requirements for vehicles on education and social service contracts (particularly those needing wheelchair accessible vehicles or minibus vehicles). | January 2011 |
| | | | |

| | | | |
|--------|---|---|------------|
| | Marketing | | |
| 1 8 | Better Marketing required, by providing sample fares at all rank and other areas of City Centre. Information boards at ranks giving typical fares, alternative means of contacting drivers if no vehicles are available at the ranks. | Any sample fares would need to be regularly updated, and copy of the tariff could be used as an alternative. Investigate the use of communication tools to inform Taxi drivers when space becomes available at ranks to ensure regular turnover of vehicles. | March 2011 |
| | Vehicle Limit | | |
| 1 9 | No evidence of a significant unmet demand. The market appears to be providing sufficient vehicles to meet all levels of current demand. | No Action | |

This page is intentionally left blank

PRIVATE HIRE VEHICLES

POLICY FOR VEHICLES MADE OR SPECIALLY ADAPTED FOR

THE CARRIAGE OF WHEELCHAIRS

- All vehicles will be licensed on their individual merit and designed or adapted to M1 standard
- Be suitable in every respect to be a Private Hire Vehicle with regard to its mechanical condition in accordance the current testing standards
- Shall carry no more than 8 passengers which includes persons in wheelchairs.
- Be a right hand drive vehicle
- Be so constructed that the doors open sufficiently wide as to allow easy access to and egress from the vehicle
- Knee space: there shall be sufficient space between the front edge of the seats and back seat to safely accommodate the driver and passengers in reasonable comfort
- Be safe
- Be comfortable
- All vehicle over 8 years old will be tested on a six monthly basis
- Access for wheel chair to be via powered tail lift (ramps not permitted)
- Tail lift to have means of manual operation should power system fail.
- Tail lift test and inspection certificates under Lifting Operations and Lifting Equipments Regulations 1998 to be presented to the Licensing Authority on first application and at six monthly intervals thereafter.
- All passenger seats to have three point lap fully operational diagonal seatbelts, one for each passenger carried, fully compliant with British Standards except where the law specifically exempts.
- Be suitable to carry no less than four passengers.
- The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner. In particular the exterior of the vehicle shall be free of dents, rust or unrepaired accident damage and at all times have uniform paint work equivalent to that supplied by the manufacturer. The interior shall be free of all stains, splits, and tears and the seats shall be required to function in accordance with the original manufacturers' specification.
- No alterations or modifications in relation to design, condition or appearance of the vehicle shall be made without complying with road traffic and insurance legislation and the approval of the Licensing Authority.
- The vehicle shall not carry any roof sign or marking that might give the impression that it is a hackney carriage.
- Where the vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,

- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
- A suitable restraint must be available for the occupant of a wheelchair,
- The Access lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
- The lifts must be securely stored in the vehicle before it may move off.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I.1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair passengers.
- All new vehicles licensed will have passenger seats with headrests.
- All passengers to travel facing forward.
- Seat/wheel chair tracking to be M1 tested (car standard).
- 1500 mm internal height in area where wheelchairs are positioned for transport.
- Rear doors to be "barn type" **not** lift up tail gate with minimum 1500mm access height across full width of the doorway.
- Rear doors to have mechanism to positively hold them open.
- At least one door at nearside for access to rear passenger compartment.
- Nearside access door to have grab handle to assist entry and exit.
- Nearside entry step height no more than 200mm this can be achieved using a slide/fold out supplementary first step.
- Driver does not need separate access door.
- Minimum space for wheelchair 1300mm longitudinal by 750mm width.
- Vehicle must have adequate ventilation. This may be via opening roof vents as well as windows.
- Fire extinguisher and first aid kit should be available inside the vehicle with its location clearly visible.
- Spare wheel and tyre will be carried where appropriate
- No specific requirement for luggage storage.
- Private hire plate to be permanently fitted.