

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Thursday, 11th November 2010 at 17:00
Committee Room 1, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Tracey, Field and Dee

AGENDA

1. **ELECTION OF CHAIR**
2. **INTRODUCTIONS AND PROCEDURES**
3. **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.

4. **APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF THE OLD PELICAN INN, 4 ST MARY'S STREET, GLOUCESTER (Pages 1 - 76)**

Report by the Group Manager, Environmental Health and Regulatory Services



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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.

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Gloucester City Council

COMMITTEE	: LICENSING SUB-COMMITTEE
DATE	: 11 NOVEMBER 2010
SUBJECT	: APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF THE OLD PELICAN INN, 4 ST MARY'S STREET, GLOUCESTER GL1 2QR
WARD	: WESTGATE
REPORT BY	: GROUP MANAGER, ENVIRONMENTAL HEALTH & REGULATORY SERVICES
NO. OF APPENDICES	: A: COPY OF APPLICATION FROM MRS DEBORAH CLEMMINGS B: PLAN SHOWING THE LICENSED AREA C: PLAN SHOWING LOCATION OF THE OLD PELICAN INN D: LIST OF MANDATORY CONDITIONS E: COPY OF REPRESENTATIONS FROM GLOUCESTER CITY COUNCIL, POLLUTION CONTROL TEAM, ENVIRONMENTAL HEALTH F: COPY OF REPRESENTATION FROM GLOUCESTERSHIRE CONSTABULARY G: COPIES OF REPRESENTATIONS FROM RESIDENTS H: SECTIONS 3, 4, 5 AND 6 OF GLOUCESTER CITY COUNCIL'S LICENSING POLICY STATEMENT I: PROCEDURE FOR LICENSING SUB-COMMITTEES
REFERENCE NO.	: ES21014

1.0 PURPOSE OF REPORT

- 1.1 To outline to members an application to vary a premises licence made under Section 34 of the Licensing Act 2003 received from Mrs Deborah Clemmings in respect of The Old Pelican Inn, 4 St Mary's Street, Gloucester GL1 2QR. Members are to consider the application which has received representations from two Responsible Authorities and nineteen residents. The application is for an extension of the times during which alcohol may be sold and the provision of regulated entertainment, entertainment facilities and late night refreshment.

2.0 RECOMMENDATIONS

- 2.1 Having considered the application, the representations received, the legislative provisions, the Council's Statement of Licensing Policy and the Guidance issued by the Home Secretary, Members have the following options:
- (a) If members find that crime and disorder, risks to public safety, public nuisance and the risk of harm to children are likely but are satisfied with the steps proposed by the applicant, they can grant the licence and impose conditions on the licence that are consistent with the operating schedule.

- (b) If members find that crime and disorder, risks to public safety, public nuisance and the risk of harm to children are likely but determine that the steps needed to promote the licensing objectives proposed by the applicant should be modified, they can grant the licence subject to revised conditions that they consider necessary to promote the licensing objectives.
- (c) If members find that crime and disorder, risks to public safety, public nuisance and the risk of harm to children are likely but determine that the promotion of the licensing objectives cannot be met through the imposition of conditions on the licence, they can reject the whole or part of the application.
- (d) If members find that crime and disorder, risks to public safety, public nuisance and the risk of harm to children are not likely, the application must be granted.

3.0 BACKGROUND

3.1 Members are advised that when considering an application for a variation of a premises licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 35, paragraphs 3 and 4:

- (3) *'Where relevant representations are made, the authority must -*
 - (a) *Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and*
 - (b) *Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.*
- (4) *The steps are –*
 - (a) *To modify the conditions of the licence;*
 - (b) *To reject the whole or part of the application*

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.'

If none of these steps are required the application must be granted.

3.2 Members should note that this application has policy implications as detailed in section 6 of this report.

3.3 Members are reminded that all applications must be considered on their own merits, and that findings on any issues of fact should be on the balance of probability.

4.0 THE APPLICATION

- 4.1 This is an application for a variation of a premises licence made in accordance with Section 34 of the Licensing Act 2003 by Mrs Deborah Clemmings in respect of The Old Pelican Inn (Appendix A – Copy of Application).
- 4.2 Appendix B is a copy of a plan illustrating the licensed area of the premises. Appendix C is a plan showing the location of The Old Pelican Inn and the location of those residents who have made representations.
- 4.3 The Old Pelican Inn was formerly known as the College Arms and is situated on the corner of St Mary’s Street and Pitt Street in a largely residential area. It is a typical small ‘local’ with two downstairs rooms served by one bar area and a small beer garden to the rear accessed via Pitt Street. There is also an upstairs function room which does not have the benefit of a licence and therefore does not form part of this application.
- 4.4 The current premises licence for The Old Pelican Inn is a replication of the previous Magistrates licence issued under the Licensing Act 1964. At the time the Licensing Act 2003 came in premises were allowed to apply to vary their old licences in order to extend hours and add licensable activities such as music and dancing. The majority of public houses in Gloucester took advantage of this opportunity and did just that. No such application was made on behalf of The Old Pelican Inn and the licence therefore only covers the sale of alcohol for times consistent with the 1964 Act. The conditions on the current licence, apart from the mandatory one, are simply inherited conditions from that Act.
- 4.5 This application is an attempt to redress the situation and to make the business a more viable proposition by extending hours and adding regulated entertainment and late night refreshment.
- 4.6. The application concerns proposals to make provision for the following:-

Plays: Indoors	}	
Films: Indoors	}	
Indoor Sporting Events	}	
Live Music: Indoors	}	
Recorded Music: Indoors	}	
Performance of Dance: Indoors	}	10.00 - 02.00 Sun to Wed
Anything Similar (to live/recorded music or performance of dance): Indoors	}	10.00 - 03.00 Thur to Sat
Provision of Facilities for Making Music: Indoors	}	
Provision of Facilities for Dancing: Indoors	}	
Provision of Facilities for Entertainment of a Similar Description (to making music and dancing)	}	

Late Night Refreshment: Indoors and Outdoors	23.00 - 02.00 23.00 - 03.00	Sun to Wed Thur to Sat
Supply of Alcohol: On and Off the Premises	10.00 - 02.00 10.00 - 03.00	Sun to Wed Thur to Sat
Opening Hours of the Premises	10.00 - 03.00 10.00 - 04.00	Sun to Wed Thur to Sun

4.7 The Applicant has set out in the operating schedule the measures proposed to be taken to promote the four Licensing Objectives. These measures are:-

Prevention of Crime and Disorder

- CCTV system in operation.

Public Safety

- Outside external lighting
- Smokers to use the beer garden and not the highway at the front of the premises.

The Prevention of Public Nuisance

- Noise reduction measures to be taken.

The Protection of Children from Harm

- Measures to prevent underage sales to include posters on walls and the checking of ID.

4.8 In addition the Mandatory Conditions in respect of alcohol sales, and the classification of films would be added to the licence (Appendix D - Mandatory Conditions).

4.9 The application was received by the Licensing Team on 16 September 2010. In accordance with the Regulations the application was advertised on the premises and in the Citizen Newspaper on 24 September 2010.

5.0 REPRESENTATIONS

5.1 Two Responsible Authorities have made representations namely from Environmental Health, Noise Pollution Team (Appendix E) and Gloucestershire Constabulary (Appendix F).

5.2 The Noise Pollution representation is concerned with the public nuisance objective and the effect the noise from music and persons using the beer garden will have on the residents. No conditions have been suggested and the view is simply that the application should be refused. It is interesting to note that, according to service records, no noise complaints involving these premises have been received since 2006.

- 5.3 The representation from Gloucestershire Constabulary is concerned with all four licensing objectives however it should be noted that the fact that the City Centre CCTV system does not extend to St Mary Street would not be a valid reason to refuse an application and also the Kings School have confirmed that they actually no longer have boarders at the school. No conditions have been suggested but the Constabulary make the suggestion that a terminal hour of midnight for licensable activities would be more appropriate for this type of area.
- 5.4 The nineteen representations from residents of the following streets :-
Pitt Street, St Mary's Street, St Mary's Close, Millers Green and Priory Road
- 5.5 In order for a representation to be considered relevant it must, in the first instance, have been made by an interested party i.e. a person who either resides or is involved in business 'in the vicinity' of the premises in question. Chapter 9 of the Home Secretary's Guidance to the Licensing Act makes it clear that to be considered an interested party in this context would require the person making the representation to demonstrate how they could be directly affected by any disturbance or disorder occurring on or immediately outside the premises. (Appendix G - copies of representations)
- 5.6 In the light of this it might be reasonable to suggest that only those persons residing in St Mary's Street and Pitt Street are likely to be affected. Members may, however, consider representations from persons who reside outside a defined vicinity if these persons can demonstrate that they are likely to be affected by disturbance or disorder potentially occurring on those premises.
- 5.7 The main thrust of the representations would appear to be the potential for anti social behaviour and noise nuisance emanating from the premises and continuing into the early hours. There is also the suggestion that the area is already suffering from such although there has, as yet, been no evidence provided to substantiate this.
- 5.8 There is some reference to the area already being served by premises with late licences but this is not a relevant consideration as it does not relate to any of the licensing objectives.
- 5.9 The applicant and those who have made representations listed above have been given Notice of this hearing in accordance with The Licensing Act (Hearings) Regulations 2005.

6.0 THE LICENSING POLICY STATEMENT AND GUIDANCE

- 6.1 Sections 3, 4, 5 and 6 of Gloucester City Council's Licensing Policy Statement outlines our policy with regard to the licensing objectives referred to in representation(s). (Appendix H). Member's attention is drawn to these sections.
- 6.2 The relevant parts of the Home Secretary's Guidance for this application are Chapter 8 – Applications for Premises Licenses, Chapter 9 – Determining Applications and Chapter 10 – Conditions Attached to Premises Licenses.

- 6.3 Chapters 10.1 to 10.18 deal with the attaching of conditions to licences and state that only necessary, proportionate conditions, which promote the licensing objectives, should be attached to the licence if it is granted. The Licensing Authority may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. It also states that the pools of conditions that are supplied by the Home Secretary should not be applied universally, irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations. It is also advised that any conditions the Licensing Authority sees fit to attach to the licence should not replicate any other legislation, such as the Licensing Act 2003 itself, or the Disability Discrimination Act 1995.

7.0 CONCLUSIONS

- 7.1 Members should consider the facts regarding the application and the representations regarding the Application to vary the Premises Licence in respect of The Old Pelican Inn and make a decision in accordance with the options outlined in paragraph 2.1 of this report.
- 7.2 Members should also be aware of a recently decided case heard in the Court of Appeal. *Daniel Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin) concerned an appeal against a decision by the Magistrates to impose restrictions on the hours of operation of a licensed premises without proper evidence and by giving their own views excessive weight. The resulting decision to limit the hours of operation without it having been established that it was necessary to do so in order to promote the licensing objectives was ruled unlawful and the decision was quashed.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications relating to this report.

9.0 LEGAL IMPLICATIONS

- 9.1 The Licensing Sub-Committee is asked to consider an application made under Section 34 for a variation to a premises licence to be determined under Section 35.
- 9.2 To consider the application, the Sub-Committee must be satisfied:
- a) the application is properly made.
 - b) the applicant has given proper notice.
 - c) the applicant has satisfied the advertising requirements.
- 9.3 The four licensing objectives are set out in paragraph 4.7 of the report and each must be considered of equal importance.
- 9.4 The Sub-Committee must, having regard to the application and any relevant representations, decide on any of the options set out in the report at paragraph 2.1 (a)-(d).

- 9.5 The Sub-Committee has powers to adjourn or carry forward the hearing to additional specified dates.
- 9.6 For the purposes of determining an application, a "relevant representation" means a representation which:
- a) is relevant to one or more of the licensing objectives.
 - b) is made by a responsible authority or an interested party within the prescribed period.
 - c) has not been withdrawn.
 - d) if having been made by an interested party (who is not also a responsible authority), that they are not in the opinion of the Licensing Authority frivolous or vexatious.
- 9.7 For these purposes an "interested party" are those who are living in the vicinity of the application premises and those involved in a business in the vicinity of the application premises.
- 9.8 In deciding what action, if any, it should take, the Sub-Committee Members must direct their minds to the causes and concerns which the relevant representations identify. Any action should generally be directed to these causes and should always be no more than is a necessary and proportionate response. In particular, any detrimental financial impact of the Sub-Committee's decision must be necessary and proportionate. The Sub-Committee is required to have regard to the Home Secretary's Guidance when making its decision. However the Guidance does not cover every possible situation, so long as the Guidance has been properly and carefully understood, the Sub-Committee may depart from it if they have reasons to do so. Full reasons must be given if this is the case.
- 9.9 Following the case of *Daniel Thwaites v Wirral Borough Magistrates' Court* 2008, referred to in paragraph 7.2 of the report the Sub-Committee needs to avoid:
- a) speculating of what might happen in the absence of evidence that harm would or could happen.
 - b) not paying attention to Government Guidance where failing to follow it requires good reasons to be given
 - c) imposing conditions that do not promote the licensing objectives.
- 9.10 Where the Sub-Committee determines an application it must notify the determination and reasons for making it to:
- a) the applicant.
 - b) the person who made the relevant representations.
 - c) the Police.
- 9.11 The Sub-Committee has its own procedure for determining applications which is attached to the report as Appendix I.

- 9.12 In considering the application, the Sub-Committee is solely performing the role of Licensing Authority. The Sub-Committee sits in a quasi-judicial capacity and must act impartially. It must offer a fair and unbiased hearing of the application. The Sub-Committee needs to disregard the wider Council objectives and other statutory roles and must direct themselves to making a determination solely based on the licensing law, Guidance and the Council's Statement of Licensing Policy.
- 9.13 As a quasi-judicial body, the Sub-Committee is required to consider the application on its merits. It must take into account only relevant factors and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant.
- 9.14 Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision.
- 9.15 The Sub-Committee has a duty under Section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the City.
- 9.16 Interested Parties, Responsible Authorities and the applicant have the right to appeal the Sub-Committee's decision to the Magistrates' Court within a period of 21 days beginning with the day on which they were notified of the decision to be appealed against.

10.0 RISK MANAGEMENT IMPLICATIONS

- 10.1 The risk of an appeal to Magistrates should an inappropriate decision be made.

11.1 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

- 11.1 None.

12.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

The 4 objectives of the Licensing Act 2003 are designed to support the community safety aspects and are dealt with within the body of the report.

2. Environmental

As above - dealt with within the body of the report.

3. Staffing

None.

4. Trade Union

No comments.

- Background Papers** : Gloucester City Council Licensing Hearing Procedure
- Published Papers** : Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005
Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
Gloucester City Council Licensing Policy Statement
Home Secretary's Guidance issued under Section 182 of the Licensing Act 2003
- Person to Contact** : Anthony D Moseley, Licensing Enforcement Officer
Tel: 396322
E-mail: Anthony.david.moseley@gloucester.gov.uk

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Gloucester City Council

10 0 2200 GLEPMV
200044 F1424

**APPLICATION TO VARY A PREMISES LICENCE
UNDER THE LICENSING ACT 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MRS DEBORAH CLEMMINGS
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below:

Premises licence number

09003 532hPRMV

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

The OLD Pelican Inn
4 ST MARYS STREET
GLOUCESTER

Post town	GLOUCESTER	Post code	GL1 2QR
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Telephone number at premises (if any)	01452 307770
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Non-domestic rateable value of premises	£ 5,500
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Part 2 - Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	284 BRISTOL ROAD QUEDGELEY GLOUCESTER
Post Town	GLOUCESTER
Postcode	GL2 4QW

ENVIRONMENTAL HEALTH

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



**GLOUCESTER
CITY COUNCIL**

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

1	4	0	9	2	0	1	0
---	---	---	---	---	---	---	---

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Variation on the time to Sell
Alcohol and food.
And regulated entertainment.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10AM	2AM	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10AM	2AM	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	10AM	2AM	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue	10AM	2AM	
Wed	10AM	2AM	
Thur	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	10AM	3AM	
Sat	10AM	3AM	
Sun	10AM	2AM	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>Please give further details here</u> (please read guidance note 3)	
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10AM	2AM	Please give further details here (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10AM	2AM	Please give further details here (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10AM	2AM	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10AM	2AM	<u>Please give further details here</u> (please read guidance note 3)		
Tue	10AM	2AM			
Wed	10AM	2AM	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10AM	2AM		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10AM	2AM	Please give further details here (please read guidance note 3)		
Wed	10AM	2AM			
Thur	10AM	3AM	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Fri	10AM	3AM			
Sat	10AM	3AM	Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10AM	2AM			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon	10AM	2AM		
Tue	10AM	2AM	Please give further details here (please read guidance note 3)	
Wed	10AM	2AM		
Thur	10AM	3AM	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri	10AM	3AM		
Sat	10AM	3AM	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun	10AM	3AM		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10AM	2AM		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10AM	2AM	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10AM	2AM	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Thur	10AM	3AM			
Fri	10AM	3AM	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	10AM	3AM			
Sun	10AM	2AM			

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	10AM 11PM	2AM.		
Tue	10AM 11PM	3AM. 2AM.		
Wed	10AM 11PM	2AM.	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)	
Thur	10AM 11PM	3AM	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri	10AM 11PM	3AM.		
Sat	10AM 11PM	3AM.		
Sun	10AM 11PM	2AM.		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10AM	2AM			
Tue	10AM	2AM			
Wed	10AM	2AM			
Thur	10AM	3AM			
Fri	10AM	3AM			
Sat	10AM	3AM			
Sun	10AM	2AM	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10AM	2AM 3AM	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	10AM	2AM 3AM	
Wed	10AM	2AM 3AM	
Thur	10AM	4AM	
Fri	10AM	4AM	
Sat	10AM	4AM	
Sun	10AM	2AM 3AM	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Posters to be displayed on walls and toilet area at all times.

b) The prevention of crime and disorder

Will have C.C.T.V. System (already in place) to the Address 4 St Marys Street. Gloucester GL1 2QR. inside and out.

c) Public safety

External lighting outside and no smoking outside on the Public Pathway. (we do have a beer garden)

d) The prevention of public nuisance

Noise reduction measures taken to Address the Public nuisance objective.

e) The protection of children from harm

Measures taken to prevent the supply of alcohol to under age drinkers Posters on walls and ID at all times.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	Mrs D Clemmings
Date	16.9.10
Capacity	licence holder

Where the premises licence is jointly held signature of second applicant (the current premises licence holder) or second applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

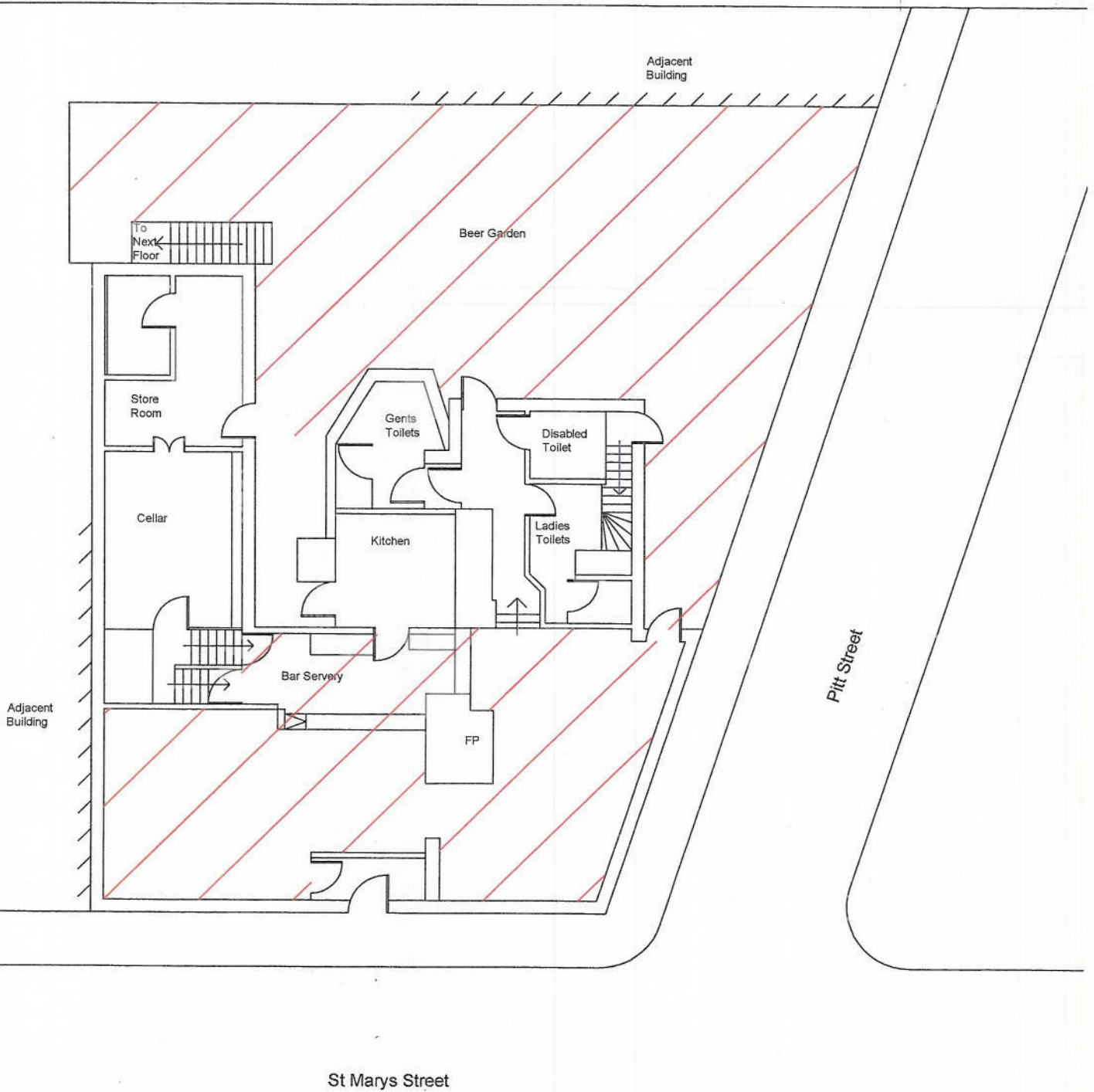
Home Address is
 284 Bristol Road Quodley
 Sharncliffe. G12 4QW.

Post town	Sharncliffe	Post code	G12 4QW
Telephone number (if any)	078 123 77731		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

NOTES FOR GUIDANCE

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



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PREMISES LICENCE MANDATORY CONDITIONS**Where licence authorises supply of alcohol**

1. No supply of alcohol may be made under this licence
 - (a) at a time when there is no designated premises supervisor in respect of this licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Additional Mandatory Condition relating to Drinks Promotions (on sales only)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Additional Mandatory Condition relating to Weights & Measures (on sales only)

The responsible person shall ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 1. Beer or cider - ½ pint;
 2. Gin, rum, vodka or whisky - 25ml or 35ml; and
 3. Still wine in a glass - 125ml; and
- (b) customers are made aware of the availability of these measures

Where licence authorises the exhibition of films

1. Admission of children (persons aged under 18) to the exhibition of films must be restricted in accordance with any recommendation made by the British Board of Film Classification.

Where door supervisor(s) are employed by way of a licence condition

Unless specifically exempted by Section 21(2) of the Licensing Act 2003 any individual who, by virtue of a condition of this licence, must be at these premises to carry out a security activity, must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

Be entitled to carry out that activity by virtue of section 4 of that Act.

Additional Mandatory Condition relating to Age Verification

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol, identification bearing their photograph, date of birth and holographic mark.

Anthony David Moseley

From: Matt Cloke
Sent: 27 September 2010 11:22
To: > EHLIC
Cc: Anthony David Moseley
Subject: Re: 1004298CONLIP The Old Pelican Inn/ Application to Vary Premises License

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

Having looked at the application and supporting evidence to vary the above premises license I recommend that the application variation be refused for the below reasons:

Given the location of the public house, which is attached to a residential property and backs directly onto a residential area, which includes halls for the King's School, I am concerned that granting permission for the Pelican Inn to operate until 3am Sunday-Wednesday and 4am Thursday-Saturday will cause nuisance to the residents. Due to the location of the pub and nature of the proposed activities i.e. live/recorded music I believe this will give rise to public nuisance.

The application variation includes late night refreshment both inside and outside the premises. The beer garden is located directly next to and beside two separate rows of residential properties. Again my concern is the congregation of patrons in the beer garden during the day/evening generating noise which the local residents would be sensitive too.

I trust this is of assistance please contact me if you wish to discuss further.

Regards

Matt Cloke
Pollution Control Officer
Gloucester City Council
Environmental Health
Herbert Warehouse
The Docks, Gloucester, GL1 2EQ
T:01452 396317 F:01452 396340
E: Matt.Cloke@gloucester.gov.uk
www.gloucester.gov.uk/pollution

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Anthony David Moseley

From: Lovell, Elizabeth [Elizabeth.Lovell@gloucestershire.pnn.police.uk]
Sent: 07 October 2010 17:21
To: Anthony David Moseley
Subject: The Pelican Inn

ony.

I am writing on behalf of the Gloucestershire Constabulary Licensing Department in response to the application to vary a premises licence under the Licensing Act 2003 for The Pelican Inn, Gloucester.

When considering a variation of a licence, the four licensing objectives need to be taken into consideration;

- 1) The prevention of crime and disorder.
- 2) Public Safety
- 3) The prevention of public nuisance
- 4) The prevention of children from harm.

Having looked at the request for variation, the constabulary cannot accept the hours that the premises would be open to the public in this particular residential area. Main objection points cover all licensing objectives as follows;

- 1) The premises adjoin a residential property, and are located in a residential area where noise from the pub post midnight would be debilitating and harassing for the local residents. Therefore not supporting the prevention of public nuisance or prevention of children from harm.
- 2) The premises is located outside the city centre main night-time economy zone, where the police cctv operates for late night venues. This does not support public safety, or prevention of crime and disorder.
- 3) The premises are located next to Kings School, where boarders do stay in residence; this does not support the prevention of children from harm.

If taken to hearing, then the constabulary will be looking at utilising evidence from a variety of sources, these being;

- 1) Numbers & Details of Incidents and crimes at premises since its opening.
- 2) Testimonial from local officers on the dealings with the premises.
- 3) Concerns relating to Public Safety and the Protection of Children from harm.
- 4) Previous historical evidence of poor management at similar premises.

If the application to vary the premises licence had more suitable opening times for this type of premises i.e. midnight closure, then the constabulary would only be looking at an improvement in the current conditions on licence.

Thank you.

PS 1515 Elizabeth Lovell
Licensing Sergeant - Forest & Gloucester Division.

12/10/2010

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COPIES OF REPRESENTATIONS FROM RESIDENTS

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

For a representation to be relevant it must:

- relate to the effect of the grant of the licence on the promotion of the **licensing objectives**;
- be made by an "interested party" or "responsible authority";
- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits (28 days from date of application).

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	MR. F. TRICKEY
Name of the organisation/body you represent: (if appropriate)	N/A
Your full postal address or that of the organisation or body you represent:	ST. MARY STREET GLOUCESTER GL1 2QR
Post code:	
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST. MARY STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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



**GLOUCESTER
 CITY COUNCIL**


What are you making a representation about?

(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of public nuisance	✓	The protection of children from harm	✓

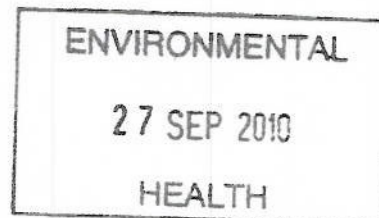
Please provide details of your representation and any evidence you may have in support of it.
 (Please continue on a separate sheet if necessary)

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
 (Please continue on a separate sheet if necessary)

Signed:		Dated:	26.9.2010
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ



22nd September 2010.

Mr. Keith Reynolds
Gloucestershire Licensed Victuallers Association.
Gloucestershire City Council,
Herbert Warehouse,
The Docks,
Gloucester.
GL1 2EQ

Saint Mary's Street,
Gloucester.
GL1 2QR.

Dear Mr. Reynolds,

I would like to register my disagreement for the application made by the Pelican Inn on the corner of Saint Mary's Street and Pitt Street.

This is a residential area with young children living in the street and the residents of Saint Mary's Street are long suffering with the noise, rubbish, half eaten meals left on paper plates along with glasses, whole and broken, left on our window ledges by the customers of the Pelican.

Although we realise that living in close proximity to a public house is going to impact on the residents we are mightily tired of the gypsies shouting, arguing, swearing and walking up and down the street on fine nights, their horse's excrement on the pavements and broken glasses in the road and on the pavement. I have even seen them two of them urinating in a neighbour's front garden.

Saint Mary's Street is often congested and noisy due to the coaches and parents dropping off and picking of children from Kings School (although they have a perfectly good car park around the corner) during the day and at night, we have the slamming of doors and shouting as people are picked up from school and The Pelican.

The Pelican has a small garden with hard standing for one maybe two cars but it is rarely used by the customers as it is at the back of the pub, they leave by the front door (which leads directly onto St. Mary's Street) to go home or to have a cigarette.

The last thing we need is more mess, noise and congestion on the street at any time of the day or night let alone the early hours of the morning.

Historically The Pelican Inn opens, it is always quiet until it is frequented by the gypsies, they eventually get banned, trade returns to being quiet, then it closes, is put up for sale, bought, refurbished, opens etc etc. It is not the right place for a pub as most people go into town, the organic bistro open for about a month and closed.

Please don't grant this application as it definitely will impact on the residents in Pitt Street and Saint Mary's Street in one way or another and I am not sure we can tolerate much more.

I certainly have reached breaking point. Our bedroom is at the front of the house and am constantly being woken up or can't get to sleep due to the noise coming from The Pelican either the music from parties (admittedly that has only happened once) that have gone on until 1.30 am, or its customers outsider on St. Mary's Street. I now cannot open my bedroom windows as I used to, due to the noise.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'L Sutcliffe', written in a cursive style.

L Sutcliffe

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

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- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits (28 days from date of application).

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	S RUDDY
Name of the organisation/body you represent: (if appropriate)	N/A
Your full postal address or that of the organisation or body you represent:	PITT STREET GLOUCESTER
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4, ST MARY'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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



GLOUCESTER
CITY COUNCIL

What are you making a representation about?


(Note: Your representation must relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

I AM STRONGLY OBJECTING TO THE APPLICATION FOR LIVE MUSIC AND EXTENDED LICENSING HOURS BY THE OLD PELICAN INN. THE NOISE THAT'S CREATED BY THE UPSTAIRS BACK BAR IS ALREADY DISTURBING ENOUGH, AS THE FIRE ESCAPE DOOR IS PROPPED OPEN AND PEOPLE ARE SHOUTING AND SCREAMING AND HANGING OFF THE FIRE ESCAPE RIGHT UP UNTIL CLOSING TIME. THIS ALSO ENCRUCHES ON MY PRIVACY, AS FROM THIS ELEVATED POSITION THESE PEOPLE LOOK STRAIT INTO MY CONSERVATORY AND GARDEN. THE THOUGHT OF THIS GOING ON EVEN LATER THAN THE NORMAL LICENCING HOURS IS TOTALLY UNACCEPTABLE IN SUCH A RESIDENTIAL AREA. THE NOISE GENERATED BY THIS PUB HAS ALREADY CAUSED COMPLAINT AND A VISIT BY THE POLICE ON 04th SEPTEMBER 2010 DUE TO A PARTY THAT WENT ON UNTIL 1am. I HAVE LIVED AT PITT STREET FOR OVER 17 YEARS, I DONT WANT TO BE DRIVEN OUT OF MY HOME BECAUSE THE PUB 2 DOORS DOWN HAS BEEN ALOUD TO BEOME AN UNBEARABLE PUBLIC NUISANCE.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Signed:		Dated:	28 SEPTEMBER 2010
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Gloucester City Council

ENVIRONMENTAL

28 SEP 2010

HEALTH

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

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- be received by the Licensing Authority within the statutory time limits (28 days from date of application).

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	P. Colls
Name of the organisation/body you represent: (if appropriate)	—
Your full postal address or that of the organisation or body you represent:	Pitt Street Gloucester
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	The Old Pelican Inn
Full Postal Address:	4 St Mary's Street
Post Code:	GL1 2AR

ENVIRONMENTAL HEALTH

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



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

A few weeks ago a party was held at the Old Pelican Inn, and the music was played so loudly that I could hear it at my house. I can imagine — and I fear — that an extension to the existing licensing hours would potentially give rise to regular disturbances, and this would cause lack of sleep for those who have to work in the mornings.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

In future, if they are going to hold a party here, they should as a matter of courtesy send a note to all local residents. But excessive noise is unacceptable.

Signed:		Dated:	24 Sept 2010
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

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Your Details

Your name:	R HOYLE
Name of the organisation/body you represent: (if appropriate)	N/A
Your full postal address or that of the organisation or body you represent:	PITT STREET GLOUCESTER GL1 2BH
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST MARYS STREET, GLOUCESTER GL1 2QR
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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



**GLOUCESTER
 CITY COUNCIL**

What are you making a representation about?

(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

I AM STRONGLY OBJECTING TO THE APPLICATION AND EXTENDED LICENSING HOURS BY THE PELICAN INN. THE NOISE CREATED IN THE BACK BAR AND ON THE FIRE ESCAPE IS ALREADY INTRUSIVE. THERE IS OFTEN SHOUTING AND LOUD MUSIC TO THE POINT THAT ON A SATURDAY EVENING I OFTEN STAY AWAY AS IT IS SO DISRUPTIVE. THE FIRE ESCAPE LOOKS DIRECTLY INTO MY GARDEN AND I FEEL MY PRIVACY WOULD BE FURTHER INVADDED BY INCREASED NUMBERS. MY GARDEN HAS ALSO BEEN ACCESSED BY CUSTOMERS TO RETRIEVE ITEMS THAT HAVE GONE OVER THE FENCE. WHEN THERE ARE LATE EVENTS THE OUTSIDE OF THE PUB IS OFTEN URINATED AGAINST AND THE CROWDS ARE GENERALLY POORLY POLICED. IN THE YEAR I HAVE LIVED HERE THEY HAVE GIVEN ME NO EVIDENCE THEY COULD CONTROL LATE NIGHT EVENTS. TO ACCESS MY HOUSE I OFTEN HAVE TO WALK PAST THE BACK GATES AND WHEN THERE ARE LARGE CROWDS I FEEL INTIMIDATED AND HAVE BEEN VERBALLY HARASSED. I REALLY ENJOY LIVING IN PITT STREET BUT FEEL IT WOULD NO LONGER BE AS DESIRABLE AND AS I LIVE ALONE I WOULD RE CONSIDER MY SITUATION IF THE LICENCE WAS GRANTED.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Signed: 	Dated: 29/09/2010
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

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- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits (28 days from date of application).

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	R. IRVING
Name of the organisation/body you represent: (if appropriate)	N/A
Your full postal address or that of the organisation or body you represent:	ST MARY'S STREET GLOUCESTER
Post code:	GL1 2QR
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST. MARY'S STREET
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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 Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

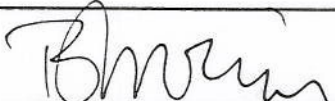
Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

See attached.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Serious sound insulation between the pub and our stairwell would alleviate some of the noise, but I'm not sure how this could be achieved on an early 19th century staircase.
Closing the garden at 11pm and keeping the bar doors closed would help to contain some of the rowdy behaviour.

Signed:		Dated:	30/09/10
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

The pub garden and adjoining bar - already very noisy at weekends – will keep us awake until 4am in summer.

We are separated from the pub's staircase by planking and our ½" thick bedroom door is 6 feet from this. At present the solid walls downstairs keep the noise to a reasonable level, but when we are in bed we will be kept awake if there is a loud band playing after 11pm.

The bar staff do not always seem aware of what the customers are doing in the garden.

On 22nd May after an evening of excessive car stereo music and shouting, a large piece of wood with nails in it was thrown over the fence at 11pm, narrowly missing our barbeque guests. We spoke to the landlady at the time and things improved.

On Saturday 4th September a party with loud music was clearly audible from our bedroom until 1am. The raised position of the garden bar enabled the music to be heard at the other end of Pitt Street, and guests were spilling into the road at midnight when we came past (on a walk we had taken to escape the noise).

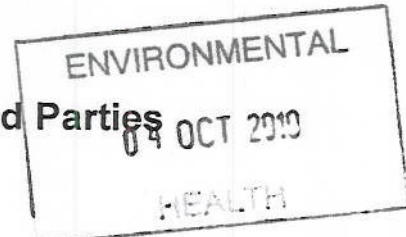
Page 49

Gloucester City Council

Tony

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties



Introduction

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Your Details

Your name:	C. TITCOMBE
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	, PRIORY ROAD. GLOUCESTER. GL1 2RF
Post code:	GL1 2RF
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4, ST MARY'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
Herbert Warehouse Email enviro@gloucester.gov.uk
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Gloucester GL1 2EQ www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

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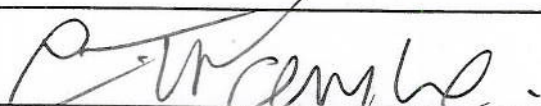
Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

IN THE PAST THERE HAVE BEEN ODD NIGHTS OF LOUD MUSIC ECHOING ACROSS THE PRIORITY GROUNDS & THE THOUGHT OF IT CARRYING ON UNTIL 3AM & THEN HAVE DRUNKEN PEOPLE SHOUTING AT ONE ANOTHER ACROSS THE PARK IS HORRENDOUS. IT IS DIFFICULT TO IMAGINE HOW AN EXTENSION WILL BE ALLOWED TO BE IN EXISTENCE AS A REGULAR THING.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

THIS IS NOT THE CENTRE OF TOWN BUT A TRUE RESIDENTIAL AREA. A MOSTLY PEACEFUL AREA WITH A FAIR PROPORTION OF OLDER & THEREFORE MORE VULNERABLE RESIDENTS.

Signed:		Dated:	27 SEP '10
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Sometime earlier this year new spotlights were put in the ground under the arches of the remains of St Oswalds Priory. A beautiful effect and one causing much favourable comment. A couple of 'yobs' went by and decided to destroy what others might like, so they pulled some stone off the walls and smashed the lights. About twelve of the ground level mounted spots were totally ruined, and no one wants to throw good money after bad.

I do not know that these men were coming from the 'PELICAN' but it is near the ruin and there is already a temptation to hang around in reasonable weather when the pubs close. They sit around on the benches under the lights shouting at each other with no sense of social awareness. This is bad enough at 11 o/c, but 3 and 4 o/c will be totally unacceptable.

CTWamble

27 SEP '10

ENVIRONMENTAL

04 OCT 2010

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties HEALTH

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

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Your Details

Your name:	K LYNCH
Name of the organisation/body you represent: (if appropriate)	Resident
Your full postal address or that of the organisation or body you represent:	ST MARY'S STREET Gloucester
Post code:	GL1 2QR
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE PELICAN
Full Postal Address:	ST MARYS STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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 Gloucester GL1 2EQ www.gloucester.gov.uk



**GLOUCESTER
 CITY COUNCIL**

What are you making a representation about?

(Note: Your representation must relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

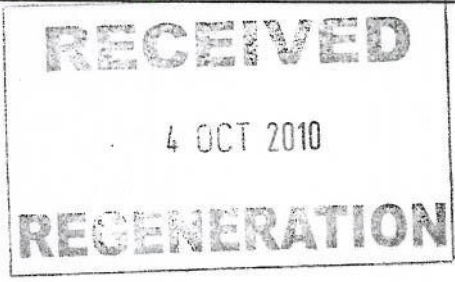
Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	✓	The protection of children from harm	


Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

This is a representation of my experience:
 loud music which can be heard inside of my house, on occasions
 People shouting when they are smoking outside of the pub, crashing and banging of car doors when they leave, broken glass in the street where they have been smashed on the pavement,
 Also have seen men urinating in peoples front gardens, also horses tied to lampposts leaving behind horse dung for other people to clean up.
 How can this help with social behaviour?

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.

(Please continue on a separate sheet if necessary)



Signed: 	Dated: 29 th Sept 2010.
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Tony

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

ENVIRONMENTAL
 04 OCT 2010
 HEALTH

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

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Your Details

Your name:	R UNDERWOOD
Name of the organisation/body you represent: <i>(if appropriate)</i>	
Your full postal address or that of the organisation or body you represent:	PITT STREET. GLOUCESTER, GL1 2BH.
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	PITT STREET
Full Postal Address:	GLOUCESTER
Post Code:	GL1 2BH.

Re The Pelican Inn, Sr. Mary's Street, Gloucester.

ENVIRONMENTAL HEALTH

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



**GLOUCESTER
 CITY COUNCIL**

What are you making a representation about?

(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

I live on the ground floor at Pitt Street with living room & bedroom adjoining directly onto the pavement outside. I have, from time to time, ^{this year} been subjected to banging on windows & kicking of the front door, especially on Friday nights, very late when the pubs have closed. I would not wish this to be intensified, nor for very loud music to be going on at all hours of the night. Life could become intolerable!

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Please do not let this licence be granted.

Signed:	R. Underwood	Dated:	2 nd October 2010.
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The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Tony

ENVIRONMENTAL

04 OCT 2010

HEALTH

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

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Your Details

Your name:	C GRIFFITHS
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	PITT STREET GLOUCESTER
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST. MARTIN'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

We have lots of rowdy groups already walking in Pitts St - both v. late at night and early hours of the morning. This will only increase the disturbance to the neighbourhood. Often get smashing of bottles, knocking on doors, foul language! Too many disturbed nights already.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Do have pub in Post Lane etc. - one opening very hrs. at far end of Pitts St. would not help matters.

Signed: C n. 	Dated: 1. 10. 2010
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LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

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Your Details

Your name:	T MURRAY
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	ST MARYS CLOSE GLOUCESTER
Post code:	GL1 2TB
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	PELICAN
Full Postal Address:	ST MARYS ST GLOUCESTER
Post Code:	P

ENVIRONMENTAL HEALTH

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**GLOUCESTER
 CITY COUNCIL**

What are you making a representation about?

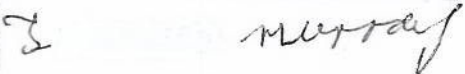
(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder		Public safety	
The prevention of public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
 (Please continue on a separate sheet if necessary)

NO PARKING

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
 (Please continue on a separate sheet if necessary)

Signed: 	Dated: 5-10-2010
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The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Gloucester City Council

ENVIRONMENTAL

07 OCT 2010

HEALTH

LICENSING ACT 2003

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Your Details

Your name:	B CALDWELL
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	PITT STREET GLOUCESTER
Post code:	GL1 2BH
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE PELICAN INN
Full Postal Address:	4, ST MARYS STREET, GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

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GLOUCESTER
CITY COUNCIL

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Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of public nuisance	✓	The protection of children from harm	✓

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

On Saturday October 2nd 11.30 - 12.00pm there was a lot of loud voices and loud music. People were outside, some smoking and all drinking. I actually live halfway up Pitt Street and the noise and music could clearly be heard. It was so loud. I looked down the street and saw people - some of whom could have been children. What could it have been like for closer neighbour

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

(Empty box for additional details)

Signed:		Dated:	05/10/2010
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Anthony David Moseley

From: Licence Team
Sent: 07 October 2010 09:47
To: Anthony David Moseley; Barry Payne
Subject: FW: The Old Pelican, St Mary's Street GL1 2QR

-----Original Message-----

From: R Udall
Sent: 07 October 2010 09:19
To: Licence Team
Subject: The Old Pelican, St Mary's Street GL1 2QR

Representation concerning an application for variation to existing license**LICENSING ACT 2003 REPRESENTATION FORM**Details of interested party:

Name: R Udall
Address: Pitt Street, Gloucester GL1 2BH

Premises details

Name: **The Old Pelican Inn**
Address: 4 St Mary's Street, Gloucester, GL1 2QR

My representation relates to the following Licensing objectives:

- **The prevention of crime and disorder**
- **The prevention of public nuisance**
- **Public Safety**

Details of my representation:

I only purchased my home in Pitt Street in mid September and at present I am not there all the time as it is not yet been made sufficiently habitable. However in the intervening short duration to date I have already twice encountered nuisance behavior from Old Pelican patrons who seem accustomed to congregating outside on the pavement.

On the first occasion (19.09.2010) I was unloading a car parked on St Mary's Street - requiring me to walk back and forth in front of the pub door. Despite my initial courteous acknowledgment to the drinkers outside, and my polite refusal of their offer to join them, the men persisted in calling out to me encouraging me 'come for a drink'. When I resorted to ignoring them their demeanor became more hostile. They then made scant effort not to block the pavement which I needed to traverse carrying boxes and luggage.

On the second occasion (3.10.2010) I had again arrived late from motoring up to Gloucester and had to pass by a very ill-tempered altercation taking place between a man on the pavement (who had a large dog) and a man stood in the door way of the Old Pelican.

Though not in themselves reportable offences I am concerned that this type of nuisance behaviour can too readily escalate to public disorder and violence and that it will undoubtedly increase as more drinkers are drawn to the area if Gloucester City Council grants the applied for extension to opening hours.

I wish to object to the granting of a license to supply live entertainment on the grounds that it will constitute a noise nuisance (from the music itself but also from noise on the street as patrons leave, noise from taxi engines and doors and the noise of the late locking up of the premises; all in what one might expect to be a quiet residential area after 11pm.

Thank you for your attention to my representation.

R Udall.

Gloucester City Council

ENVIRONMENTAL

08 OCT 2010

HEALTH

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

Introduction

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- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits (28 days from date of application)

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	J. HOLROYD
Name of the organisation/body you represent: (if appropriate)	CHAIRMAN OF CATHEDRAL AREA RESIDENTS ASSOCIATION.
Your full postal address or that of the organisation or body you represent:	Miller's Green Gloucester GL1 2BN
Post code:	
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN.
Full Postal Address:	4 ST. MARY'S STREET GLOUCESTER
Post Code:	GL1 2BN

ENVIRONMENTAL HEALTH

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



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

(Note: Your representation must relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of public nuisance	✓	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Many of our members live in Pitt St, St Mary's (part of) St, and Three Cocks Lane and they fear further anti social noise and behaviour from live music and people coming and going in the early hours. There is already plenty of late night/early morning noise from people passing through the Cathedral Green and surrounding streets. This is a residential area, with a very concentrated number of public houses, some with extended licences. Any licence extension for the Pelican would only increase the nuisance in the area.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Should live music be allowed in such a small building which is in a terrace of domestic dwellings?

Signed:	<i>J. H. Blogd.</i>	Dated:	<i>7th October 2010.</i>
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Gloucester City Council

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

ENVIRONMENTAL

08 OCT 2013

HEALTH

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

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Your Details

Your name:	J. HOLROYD
Name of the organisation/body you represent: (if appropriate)	PRIVATE HOUSEHOLDER
Your full postal address or that of the organisation or body you represent:	Miller's Green Gloucester GL1 2BN
Post code:	
Daytime contact telephone number:	
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST. MARY'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

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GLOUCESTER
CITY COUNCIL

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(Note: Your representation **must** relate to one of the four Licensing objectives. Please indicate below which of the objectives your representation relates to)

Licensing Objective	Please tick for Yes	Licensing Objective	Please tick for Yes
The prevention of crime and disorder	<input checked="" type="checkbox"/>	Public safety	<input checked="" type="checkbox"/>
The prevention of public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

ALTHOUGH THE FRONT OF THIS HOUSE, MILLER'S GREEN, FACES THE CATHEDRAL THE REAR FACES ST MARY'S ST. Y PITT ST, AT THE JUNCTION OF WHICH IS THE OLD PELICAN. WE ALREADY SUFFER FROM LATE NIGHT NOISE FROM ST. MARY'S ST AND THE NUISANCE TO OUR HOUSEHOLD, AND ESPECIALLY THOSE WHO SLEEP IN A BEDROOM FACING THE REAR OF THE HOUSE, WOULD BE UNACCEPTABLY INCREASED BY LOUD MUSIC AND REVELRY FROM THE OLD PELICAN.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

I DO NOT BELIEVE THAT ANY EXTENSION OF THE PRESENT LICENCE SHOULD BE GRANTED

Signed:		Dated:	7. 10. 10
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Gloucester City Council

ENVIRONMENTAL

08 OCT 2010

HEALTH

LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

Introduction

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Your Details

Your name:	MISS C. HOLME
Name of the organisation/body you represent: (if appropriate)	
Your full postal address or that of the organisation or body you represent:	14 PITT STREET, GLOUCESTER
Post code:	GL1 2BH
Daytime contact telephone number:	01452-422188
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST MARY'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

Gloucester City Council Tel 01452 396396 Fax 01452 396340
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GLOUCESTER
CITY COUNCIL

What are you making a representation about?

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

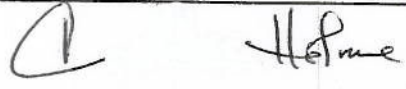
Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

a) Most of the crime (eg numerous broken windows) + disorder (loud altercations) in Pitt Street, have been due to drink. My own ground floor window has been attacked 4 times + the King's School has had frequent damage to windows.

b) Pitt Street is narrow and bounded by high walls + buildings which means that even 'normal' conversation at night / in the early hours of the morning reverberates + already can cause a nuisance. The prospect of this being extended to 3 + 4 am fueled by yet more alcohol is a worrying prospect, especially for those of us who are elderly or have young children.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

If the City Council and the Police are serious about reducing Anti social behaviour, they should not encourage this licencing extension in a residential area. Street drinking is supposed to be barred in this area + this is not enforced. Also, we already have noise from live music at the Old Pelican, so know that it can only be worse if continuing to the early hrs

Signed:		Dated:	6 October 2010.
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Inappropriate anyway in a conservation area

St. Mary's Street
GLOUCESTER
GL1 2QS

6th October 2010

Environmental Health
Gloucester City Council
Herbert Warehouse
The Docks
GLOUCESTER
GL1 2EQ



Dear Sir/Madam

RE: OBJECTION TO APPLICATION FOR THE PELICAN TO EXTEND THEIR LICENCE

I am writing with regard to the Representation Form received regarding The Pelican Inn, 4 St. Mary's Street, Gloucester and would like to make "relevant representations" regarding the application for an extended/variation to their licence.

As a resident of St. Mary's Street, and one who lives opposite The Pelican Inn, I would certainly like to object to their application. I have lived here since 1994 and in that time (16 years), I have seen Landlords come and go from the pub on a number of occasions, each barely able to make a living from the lack of custom they received.

Under the following four licensing objectives, I would like to outline my reasons for objecting to an extension to their current licence;

1. The prevention of crime and disorder

- No 8 St. Mary's Street had their window smashed by Gypsies drinking in the pub who were fighting in the street.
- On two occasions, there have been fights outside the pub on the pavement and in the road. They were gypsies, who took their shirts off and had fist fights – the rest of them outside cheering, swearing and urging them on. Glasses were smashed and bottles were thrown in the street. I witnessed both fights from my bedroom window. The police were called.
- Contravention of the Highways Act, when punters have parked on the pavement and on yellow lines and on many occasions causing obstruction on the pavement outside St. Mary's Congregational Church.
- Parking tickets received for inconsiderate parking outside the pub and multiple tickets given to the same cars. I have witnessed the offenders ripping off the Notices and throwing them into my garden and that of No. 47.

2. The Prevention of Public Nuisance (eg. Noise)

- Loud music carries easily from the pub as the door is open when customers are outside smoking.
- Talking and shouting takes place outside the pub continuously when people are smoking and because they take their drinks outside, they tend to stay outside.
- I have double glazing, but I can still hear every word of the conversations that take place as my bedroom window faces the pub.
- At closing time and often long after, cars picking up toot their horns, doors slam and punters shout to each other.
- Extending the licence will mean the noise from the live music and the duke box will be louder and carrying on well into the night and small hours. Also meaning people will be outside talking, smoking and drinking until 3 am and after. This will seriously affect my quality of sleep.

3. Public Safety

- Gypsies ride their pony and traps to the pub and tether their horses to the post at the end of Pitt Street, to the front of No. 6, the lamp post of St. Mary's Church, the gate of Kings School and the post of No. 45 Archdeacon Street. The horses are on the pavement, obstructing pedestrians from walking safely on the path. Soiling the pavements and messing up the streets.
- On one occasion there were five pony and traps tethered at all the positions mentioned above. This caused not only obstruction to people walking and having to walk into the road to avoid them, but also to cars turning up Pitt Street.
- I witnessed an elderly gentleman trying to get around a horse tethered with its trap at the end of Pitt Street and walk along St. Mary's Street. The horse moved and bumped him, which knocked him off balance and he fell onto the road. I reported the incident to the Police.

4. The Protection of Children from Harm

- My husband died in June 2009 and I am now a single parent looking after my 9 year old daughter. We both feel very threatened by the uncouth, foul mouthed punters of The Pelican – swearing, shouting and drunk and disorderly every night.
- The extension to the licence would mean many more unseemly characters drinking till the early hours of the morning and causing more distress to me and my daughter.
- No. 45 is a young mother with a small baby and like me, feels threatened by the calibre of punter that frequents The Pelican.
- There is broken glass, half empty bottles of beer, cans and cigarette ends left on the pavements, in our front gardens and on the road, which could cause potential harm and risk of injury to our children.

In support of the above issues, The Pelican is rarely busy. The same characters frequent the pub, mostly Gypsies who scare away other clients with their loud, scruffy, let's pick a fight demeanour. This has not changed over the years, the same scenario happening to each Landlord who takes over the management of the pub. The Gypsies take over, and eventually the Landlord gets fed up and moves on. I can honestly say that none of my neighbours use the pub, including myself.

If this licence was granted, it would be one more thing to make the residents lives a misery! We put up with Kings School traffic at both ends of the day. Parents parking all over the place and causing disruption to drivers. Coaches and buses parking in residents parking areas and having no regard for those of us who live here.

When Gloucester are playing at Kingsholm, supporters park their cars anywhere and everywhere in St. Mary's Street, Archdeacon Street, Pitt Street and surrounding roads. Residents then have to drive around trying to park – making the Residents Parking Permit a joke.

It has often been said that the Pelican would make a great Tea Shop or a house, as the records and accounts must show that it is not viable as a Public House.

Thank you for allowing me to voice my objections and I look forward to hearing the outcome in the near future. If you have any further questions or enquiries, please do not hesitate to contact me.

Yours faithfully

D P. HORTON

Gloucester City Council

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LICENSING ACT 2003

REPRESENTATION FORM – Interested Parties

ENVIRONMENTAL

11 OCT 2009

HEALTH

Introduction

The Licensing Act 2003 enables "Interested Parties" such as residents and businesses in the vicinity of the premises applying for a licence or variation to a licence to make "relevant representations" about any application for new or for variations to licences.

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Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee.

Your Details

Your name:	M BECKETT
Name of the organisation/body you represent: (if appropriate)	GLOUCESTER CATHEDRAL
Your full postal address or that of the organisation or body you represent:	COLLEGE GREEN GLOUCESTER
Post code:	GL1 2LX
Daytime contact telephone number:	01452 503216
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address</i>

Premises Details

Name of premises you are making representation about:	THE OLD PELICAN INN
Full Postal Address:	4 ST MARY'S STREET GLOUCESTER
Post Code:	GL1 2QR

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396396 Fax 01452 396340
Email enviro@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk



GLOUCESTER
CITY COUNCIL

What are you making a representation about?

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

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Gloucester Cathedral owns most of the property on Pitt Street and lets it out to private tenants. We are concerned about the potential for noise and vandalism in the small hours if this proposal is approved. This would affect the Cathedral's tenants in Pitt Street, and also make it more difficult to let this property.

In addition, many people leaving the Old Pelican in the small hours are likely to take a route past the Cathedral through Miller's Green and/or College Green, with the potential to disrupt the many residents who live in these Greens, all of ~~whom~~ whom are tenants, employees or clergy of the Cathedral.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

The Cathedral represents to the Licensing Committee that the application to extend the licensing hours of the Old Pelican Inn later into the night should be refused.

Signed:	M Beckett (Chapter Steward)	Dated:	8 th October 2010
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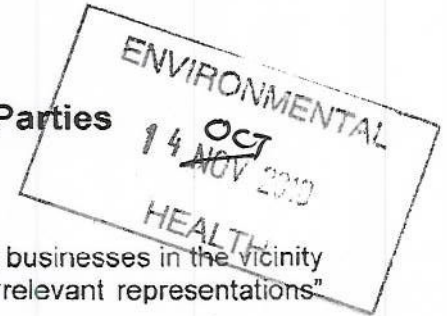
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Gloucester City Council

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Your Details

Your name:	HEADMASTER MR. A. MACNANGHAN
Name of the organisation/body you represent: (if appropriate)	THE KING'S SCHOOL
Your full postal address or that of the organisation or body you represent:	PITT STREET GLOUCESTER GL1 2BG
Post code:	GL1 2BG
Daytime contact telephone number:	(01452) 337337
Email address: (optional)	<small>If you would prefer to correspond via email, please enter your email address</small> headmaster@theKingsSchool.co.uk

Premises Details

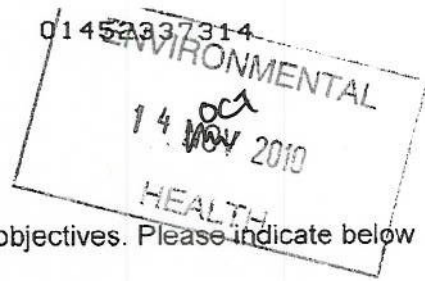
Name of premises you are making representation about:	THE PELICAN INN
Full Postal Address:	Archdeacon Street.
Post Code:	

ENVIRONMENTAL HEALTH

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GLOUCESTER
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The prevention of crime and disorder	<input checked="" type="checkbox"/>	Public safety	<input checked="" type="checkbox"/>
The prevention of public nuisance	<input checked="" type="checkbox"/>	The protection of children from harm	<input checked="" type="checkbox"/>

Please provide details of your representation and any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

- Broken Bottles and glasses - hazardous to pupils - often thrown over the Palace wall from the pub.
- Noise and disruption to resident teachers and gap assistants.
- Alcohol related incidents of disturbance and potential security threat to premises.

Please enter details of any other matters relating to your representation that you might wish the committee to take into account or details of your suggestions for suitable conditions that the committee could add to the licence (if granted) to remedy your concerns.
(Please continue on a separate sheet if necessary)

Empty box for additional details.

Signed:	Dated: 15/10/10
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On completion this form and any additional sheets or other accompanying documentation should be posted to:

The Licensing Section, Environmental Health Service, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

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 should take to seek advice from the Licensing Authority or Gloucestershire Police (**PC Guy Hall 01452 335379**). 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 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, restrictions on the irresponsible use of “happy hours” and other drinks promotions and the inclusion of written dispersal policies.

***Door Supervisors**

From 23 August 2004, all staff undertaking Door Supervisor duties on licensed premises had to be registered by the Security Industries 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.

- 3.6 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

- 3.7 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.

- 3.8 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.
- 3.9 The Licensing Authority recognises that the cumulative impact of a number of late night entertainment premises (including cafes) 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.
- 3.10 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.
- 3.11 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.
- 3.12 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

- 3.13 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 is adopting 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.

- 3.14 This 'Special Policy' has been adopted as a direct response to concerns and information put forward by the Police in relation to both crime and disorder. From September 2003 to February 2004 and from February 2004 to September 2004, the proportion of incidents for the Forest and Gloucester Division that occurred in Gloucester was 56% and 55.5% respectively, and in the Westgate Ward the proportion of incidents was 33% and 27% respectively. These figures when broken down even further showed that 48% and 34% respectively of incidents in the Westgate Ward occurred in the Eastgate area. From these figures it can be seen that a high percentage of incidents were occurring in this area and consequently this 'Special Policy' was put in place and approved by Council in 2004.
- 3.15 Since that time the situation in respect of Eastgate Street has been reviewed and the findings indicate that the 'Special Policy' is still required as crime figures have not improved. In the last 12 months there were 279 alcohol related incidents reported to the Police in Eastgate Street alone. The police for the local division report that around 70-80% of their policing effort goes into the Eastgate Street area on a Friday and Saturday night every week.
- 3.16 Eastgate Street as a single street has the unfortunate distinction of having the highest crime rate for any one street in the County. Crime figures show an increase in 2006 from 2005, it is believed that this is more to do with a change in crime recording criteria and that in reality the figures are still comparable to 2003. There would appear to be no dramatic rise that can be shown to be directly related to the implementation of the Licensing Act 2003 in November 2005.
- 3.17 These figures however, also reflect other changes in the City, the reclassification of Cannabis, changes in Home Office Rules and, in particular, Police response. These changes may be responsible for the containment of crime in this area.
- 3.18 Some of the specific changes concerned centre around the provisions of the Licensing Act which allows substantial conditions to be placed upon licensed premises. The use of SIA approved door staff, the installation of CCTV, membership of LVA/Pubwatch, the regulation of hours have all proved to be successful. The recent addition of Pubwatch-on-line and an excellent working relationship between the Police Licensing Officer, the Licensing Authority Team, Trading Standards and the LVA have allowed consistent enforcement of conditions in Gloucester as a whole and in Eastgate Street in particular.
- 3.19 Campaigns in conjunction with the CDRP, the Safer Community Teams, Drug and Alcohol referral schemes, and use of the local press have also assisted greatly in keeping crime and disorder under control. New proposals under the City Safe banner involving more GDAS (Gloucestershire Drugs and Alcohol Services) referrals and a revised policing strategy will also help to keep alcohol related crime down.
- 3.20 Lastly the implementation of Street Safe patrols on Friday and Saturday nights have allowed the Police to give a more consistent response to crime and disorder. These have become necessary as the figures do show that the time when crime occurs has changed as a result of the Licensing Act 2003. The peak time for crime has now moved to the 2am to 4am bracket, and therefore Police response has had to reflect this.
- 3.21 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.

- 3.22 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:
- Improved 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, such as Taxi Rank in Station Road.
 - 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.
- 3.23 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.
- 3.24 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.
- 3.25 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.
- 3.26 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.
- 3.27 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)

- 3.28 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.
- 3.29 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.
- 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 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 11.00 pm and 7.00 am;
- 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. radios, pagers, ring rounds, membership of Pubwatch etc.).

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 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, the Licensing Authority will normally impose conditions 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.

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

PROCEDURE FOR LICENSING SUB COMMITTEES**General**

1. The Sub Committee shall consist of three members drawn from the Licensing & Enforcement Committee. *In the event of one member of the Sub Committee having to withdraw, the Sub Committee may continue with the hearing in their absence provided all the parties consent.* The Sub Committee is non-political and will make decisions based upon the representations made to it in accordance with the licensing objectives, the Licensing Policy Statement and Guidance issued under section 182 of the Licensing Act 2003.
2. A Local Authority Solicitor will act as legal advisor to the Sub Committee and provide advice, when needed, on matters which may be raised of a legal or procedural nature either during the hearing or before the decision is announced.
3. An officer from the authority's Committee Secretariat will be in attendance to take a record of the hearing.
4. If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
5. If a party who has not so informed the authority fails to attend or be represented at the hearing, the Sub Committee may
 - (a) adjourn the hearing to a specified date where this is necessary in the public interest; or
 - (b) continue in the party's absence.
6. A party may withdraw any representations
 - (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
 - (b) orally at the hearing.
7. The hearing shall take place in public unless the Sub Committee considers that the public interest in excluding the public from all or part of the hearing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. A party and any person representing or assisting a party may be treated as a member of the public.
8. If any person attending the hearing is behaving in a disruptive manner, in the opinion of the Sub Committee, the Chair can require him to leave the hearing and may
 - (a) refuse to permit that person to return; or
 - (b) permit him to return only on such conditions as the Sub Committee may specify but such a person may, before the end of the hearing, submit to the Sub Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The authority may adjourn the hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party. Where the hearing is adjourned or to be held on additional dates, the authority will notify the parties forthwith of the date, time and place to which the hearing is to be held. If a hearing is adjourned or part heard the Sub Committee to which it is adjourned must consist of the same Members.

Time Limits

10. The Sub Committee shall provide the Applicant, Relevant Authorities and Interested Parties an equal opportunity to address the Sub Committee. All parties will be requested to provide a time estimate for any presentation to the Sub Committee. It is expected that all parties will be permitted a maximum of 15 minutes each, except in exceptional circumstances.

Introduction

11. The Chair will introduce Members of the Sub Committee then invite officers and parties present to introduce themselves and to confirm whether or not they wish to make oral representations. Where there are a number of interested parties with similar representations, they may wish to appoint a representative.
12. The Chair will explain the procedure to be followed. On rare occasions it may be necessary, in order to ensure the fairness of the proceedings and in the public interest, for the Chair to alter the order in which parties speak from that set out below.
13. The Chair will explain that all parties have an equal maximum period of time during which to address Members, to question other parties and to give further information in response to a point upon which the authority has requested clarification. The Chair will request confirmation from each party that the proposed maximum period of time is adequate.
14. The Sub Committee shall consider any request from a party for permission to have another person appear at the hearing.
 - (a) Such request must be included in that party's notice in response to the Notice of Hearing.
 - (b) Permission shall not be unreasonably withheld.
15. The Chair will remind the parties that the hearing shall take the form of a discussion led by the Sub Committee and cross-examination shall not be permitted unless the Sub Committee considers that cross-examination is required for it to consider the representations, application or notice as may be required.
16. The Chair will invite the parties to request permission to question or to cross-examine any other party or parties and the Sub Committee shall determine whether permission is granted (permitted parties). All questions must be relevant to the application and must relate to the licensing objectives, Licensing Policy Statement or the guidance issued under section 182 of the Licensing Act 2003.
17. The Chair will remind the parties that it will consider the written representations of any parties who are absent and will hear the representations of those parties who are present.

The Licensing Authority

18. The Licensing & Enforcement Manager ('LEM') or authority representative shall present his report. The report shall not make any recommendation in terms of the outcome of the hearing. The report may summarise the application, the representations and the LEM's comments as to how these relate to the licensing objectives, the Licensing Policy Statement and the Guidance issued under section 182 of the Licensing Act 2003.
19. The parties may ask the LEM for clarification of any points made in the report in such order as the Chair shall decide.

20. Members of the Sub Committee may ask the LEM for clarification of any points made in the report.

The Applicant

21. The Applicant or his representative shall address the Sub Committee and shall call witnesses if applicable.
22. The permitted parties shall ask their questions in such order as the Chair shall decide.
23. Members of the Sub Committee shall ask the Applicant and witnesses questions if they wish to do so.

Responsible authorities & Interested parties

24. In such order as the Chair shall decide, those parties who have made relevant representations or their representative(s) shall address the Sub Committee and shall call witnesses if applicable.
25. The permitted parties shall ask their questions in such order as the Chair shall decide.
26. Members of the Sub Committee shall ask questions if they wish to do so.

Final Statements

27. The Chair will invite the parties to make final statements in the following order
- (a) Any responsible authority or interested party who has made relevant representations (in such order as the Chair shall decide)
 - (b) The LEM on any factual issues relating to the application
 - (c) Applicant

Decision making

In circumstances where the determination is to be given at the conclusion of the hearing:-

28. The Chair will ask the parties and any other persons to leave the room, unless it is more practicable for Members themselves to retire to another room.
29. Once Members have made their decision, the parties and any other persons will be invited to return to the meeting room and the Chair will announce the decision of the Sub Committee.
30. The decision of the Sub Committee shall be confirmed in writing to the Applicants, Relevant Authorities and Interested Parties. The rights of appeal shall be included with the written decision.

Adjournments

31. It is anticipated that the majority of hearings will be heard and determined at the scheduled meeting of the Sub Committee, however there will be occasions when the Applicant, Relevant Parties or Sub Committee may wish to adjourn the hearing. Whosoever requests the adjournment shall provide reasons for the adjournment and the Sub Committee shall consider these. If the Sub Committee considers it is in the public interest to adjourn they shall have the power to do so to a specified date with the same Sub Committee. If the application is refused reasons shall be given.

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