

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Tuesday, 14th December 2010 at 18:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Brown, Taylor and Dallimore

AGENDA

1. ELECTION OF CHAIR

2. DECLARATIONS OF INTEREST

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

3. INTRODUCTIONS AND PROCEDURES

4. APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR THE LODGE, 19 BRUNSWICK SQUARE, GLOUCESTER (Pages 1 - 48)

Report by the Group Manager, Environmental Health and Regulatory Services.

Please note this meeting was originally scheduled for 9 December 2010 and adjourned.



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

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
 - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;

- (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

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

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Gloucester City Council

COMMITTEE	: LICENSING SUB-COMMITTEE
DATE	: 09 NOVEMBER 2010
SUBJECT	: APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF THE LODGE, 19 BRUNSWICK SQUARE, GLOUCESTER GL1 1UG
WARD	: WESTGATE
REPORT BY	: GROUP MANAGER, ENVIRONMENTAL HEALTH & REGULATORY SERVICES
NO. OF APPENDICES	: A: COPY OF APPLICATION FROM MR STUART WILSON AND MS DEBORAH HARRISON B: PLAN SHOWING THE AREA TO BE LICENSED C: PLAN SHOWING LOCATION OF THE LODGE D: LIST OF MANDATORY CONDITIONS E: COPIES OF REPRESENTATIONS FROM RESIDENTS F: SECTIONS 3, 4, 5 AND 6 OF GLOUCESTER CITY COUNCIL'S LICENSING POLICY STATEMENT G: PROCEDURE FOR LICENSING SUB-COMMITTEES
REFERENCE NO.	: ES21018

1.0 PURPOSE OF REPORT

- 1.1 To outline to members an application made under Section 17 of the Licensing Act 2003 received from Stuart Wilson and Deborah Harrison in respect of premises situated at 19 Brunswick Square, Gloucester GL1 1UG. Members are to consider the application which has received representations from two Responsible Authorities and residents. The application is for the retail sale of alcohol, the provision of regulated entertainment, entertainment facilities and late night refreshment.

2.0 RECOMMENDATIONS

- 2.1 Having considered the application, the representations, the legislative provisions, the 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 new premises licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, section 18, 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 grant the licence subject to:-*
 - (i) *The conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives; and*
 - (ii) *Any conditions which must under sections 19, 20 or 21 be included in the licence*
 - (b) *To exclude from the scope of the licence any of the licensable activities to which the application relates;*
 - (c) *To refuse to specify a person in the licence as the premises supervisor;*
 - (d) *To reject 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 new premises licence made in accordance with Section 17 of the Licensing Act 2003 by Stuart Wilson and Deborah Harrison in respect of The Lodge, 19 Brunswick Square, Gloucester (Appendix A – Copy of Application).
- 4.2 Appendix B is a copy of a plan illustrating the proposed licensed area of the premises and Appendix C is a plan showing the location of The Lodge and the location of those residents who have made representations.
- 4.3 The Lodge was formerly the premises of the ‘Gas Club’ a registered members club and more recently has been used as office premises and is situated in a largely residential area. The premises feature two lounges on the ground floor, one with bar and three function rooms on the first floor. The proposal is to use the premises for both public events and private hire. The premises has a car parking area to three sides of the building.
- 4.4 The application concerns proposals to make provision for the following:-

Plays: Indoors/outdoors	Mon - Sat 09.00 - 23.00 Sun 11.00 - 23.00
Films: Indoors	Mon - Sun 09.00 - 00.00
Indoor Sporting Events	Mon - Sun 09.00 - 00.00
Boxing or Wrestling: Indoors/outdoors	Mon - Sun 09.00 - 00.00
Live Music: Indoors	Mon - Sun 09.00 - 00.00
Recorded Music: Indoors	Mon - Wed 09.00 - 00.00 Thur 09.00 - 02.00 Fri and Sat 09.00 - 03.00 Sun 12.00 - 23.00
Performance of Dance: Indoors	Mon - Wed 09.00 - 21.00 Thur - Sat 09.00 - 22.00 Sun 09.00 - 21.00
Provision of Facilities for Dancing: Indoors	Mon - Sun 09.00 - 00.00
Late Night Refreshment: Indoors	Mon - Sun 23.00 - 05.00
Supply of alcohol on the premises	Mon - Sun 24 hrs
Opening Hours of the Premises	Mon – Sun 24 hrs

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

Prevention of Crime and Disorder

- CCTV system to be installed and data retained for 28 days.
- The premises to become a member of the Licensed Victuallers Association.
- A minimum of two door staff shall be employed for any event where there is an occupancy of 100 or more.

Public Safety

- Adequate internal and external lighting to be provided.
- All exit routes to be clearly marked.
- Fire alarm system installed.
- Removal of glasses.

The Prevention of Public Nuisance

- Noise levels will be monitored to ensure no nuisance for local residents.
- Notices shall be displayed advising customers to leave quietly.
- A closed door policy shall operate after midnight for public events.
- Door staff to be provided at a ratio of 1:100 of occupancy subject to a minimum of 2.

The Protection of Children from Harm

- 'Challenge 25' policy to be adopted.
- No unaccompanied children shall be allowed on the premises.

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

- 4.7 The application was received by the Licensing Team on 19 October 2010. In accordance with the Licensing Act Regulations the application was advertised on the premises and in the Citizen Newspaper on 21 October 2010.

- 4.8 A number of residents made a complaint that the blue notice affixed to the front of the premises could not readily be seen as the premises lie behind a wall and the frontage faces the car park which is not normally accessed by passers by.

- 4.9 The Regulations state that the statutory notice shall be displayed for a period of no less than 28 consecutive days prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises.

- 4.10 When the concerns relating to the siting of the notice were reported to the Licensing Team on 09 November 2010 the applicant was immediately notified and a fresh notice was fixed to a gate in the boundary wall of the property fronting Brunswick Square.
- 4.11 It is the view of certain residents that the application for the premises licence was flawed by this situation and that the application should therefore be made invalid.
- 4.12 There followed much discussion between the appropriate Officers of the Council and the view is held that although initially affixing the notice in such a way as to make it difficult for interested parties to ascertain that an application had been made was not the best decision nevertheless the advert in the newspaper had been properly made and following the displaying of the second notice a substantial number of residents had made timely representations and a hearing has been duly called. It is not felt that the licensing process has been prejudiced by this.

5.0 REPRESENTATIONS

- 5.1 Representations were made by two of the Responsible Authorities. The first from Gloucestershire Constabulary concerned issues to do with the promotion of the four licensing objectives. The Applicant has accepted the representation and has agreed that the application may be modified to incorporate a change in the hours originally requested and the addition of conditions to the licence. These are as follows:-

Alcohol Operating Hours:		Non-Alcohol Operating Hours:	
Capacity:		Capacity:	
Mon:	07:00 to 2330	Mon:	07:00 to 0030
Tue:	07:00 to 2330	Tue:	07:00 to 0030
Wed :	07:00 to 2330	Wed:	07:00 to 0030
Thu:	07:00 to 2330	Thu:	07:00 to 0030
Fri:	07:00 to 02:30	Fri:	07:00 to 03:30
Sat:	07:00 to 02:30	Sat:	07:00 to 03:30
Sun :	07:00 to 2330	Sun:	07:00 to 0030

(Times will extend for an extra hour on New Years Eve, and Bank Holidays.)

CONDITIONS:

Membership:

- 1.(a) an 'etiquette book' shall be provided to all members, at point of joining, in which the 'house rules' concerning codes of conduct and behaviour are explained.
- 1.(b) a list of members shall be maintained. This list shall be produced for inspection to the police or authorised officers of the Gloucester council (who will carry id), following any alleged incident of crime or disorder linked to the premises.
- 1.(c) On occasions where venue is open for pre-booked events / private bookings membership rules will not apply.

CCTV

- 2.(a) **cctv will be operative at the premises of a standard satisfactory to the police and licensing authority and shall monitor all areas used by patrons, including the outside and designated smoking areas. All cctv equipment shall be maintained in good working order and shall continually record during licensable hours and for a minimum period of two hours afterwards.**
- 2.(b) **in the event of any extension or replacement of the cctv equipment any replacement or additional cctv equipment shall be installed to the satisfaction of the police and licensing authority.**
- 2.(c) **that tapes, or other recording media relating to cctv equipment be retained for a minimum of 31 days and made available to any authorised officer of the police or licensing authority immediately upon reasonable request.**
- 2.(d) **the correct time and date shall be generated onto both the recording and real time image.**
- 2.(e) **if the cctv equipment breaks down, the premises management shall ensure that they verbally inform the council's licensing officer and the police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the premises incident report register and shall include the date, time and by what means this notification was achieved and to whom the information was passed. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing office and the police shall be informed when faults are rectified and the fact recorded in the incident report register.**
- 2.(f) **a member of staff technically able to operate the cctv system shall be available during all hours when the premises are open and shall comply with any reasonable request of an authorised officer of the council or police to view any cctv footage that has been recorded. The manager shall ensure that a member of staff shall be technically able to reproduce cctv images into removable format and that such removable format shall be produced within twenty four hours following any request from an authorised officer of the council or police.**
- 2.(g) **signage shall be clearly displayed to the effect that closed circuit television equipment is in operation to monitor security and customer safety.**
3. **'pint' drinking glasses used within the premises are of polycarbonate type or toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.**
4. **Doorstaff will be provided at the rate of 1:100 of occupancy subject to a minimum of 2. When in use doorstaff will conduct random searching as a condition of entry.**
5. **A wind down policy of 60 minutes will be observed.**
6. **All inclusive or other irresponsible drinks promotions will not be allowed.**
7. **Telephone numbers of local taxi services / private hire are to be prominently displayed.**

5.2 The second representation from a Responsible Authority came from the Environmental Health Pollution Control Team and concerned issues to do with the prevention of Public Nuisance. The Applicant has accepted the representation and has agreed that the following conditions may be added to the licence. These are as follows:-

1. **All windows and doors to be kept closed when live/recorded music is being played, except to allow persons to enter and leave the building.**
2. **Music and amplified voices shall be inaudible at the external boundary of the nearest noise sensitive premises.**
3. **No rubbish, including bottles shall be moved, removed or placed in outside areas between the hours of 23:00 and 08:00.**

5.3 Representations were also received from a number of residents of the following streets:

Old Tram Road	Spa Road	Montpellier
Chillingworth Mews	Brunswick Square	Albion Street

5.4 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 E - copies of representations)

5.5 In the light of this it might be reasonable to suggest that those persons residing in Spa Road and Montpellier are unlikely to be directly 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.

5.6 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 anti social behaviour from persons passing through the vicinity but this clearly can be nothing to do with a premises which has not yet opened and is therefore not relevant to this application.

5.7 The Guidance also states that a representation would only be relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives. In the case of a new licence application this is clearly difficult to evidence but as the Guidance states 'there is no requirement for an interested party to produce a recorded history of problems at a premises to support their representations' it would appear from this that an ability by the person making the representation to demonstrate the likelihood of there being an impact on one or more of the Licensing Objectives would be sufficient. The Guidance recommends that in 'borderline cases' the benefit of the doubt should be given to the interested party making the representation.

- 5.8 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 outline our policy with regard to the licensing objectives referred to in representation (Appendix F). 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 Premises Licence Application in respect of The Lodge 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 17 for a premises licence to be determined under Section 18.

- 9.2 To consider the application, the Sub-Committee must normally 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 4.5 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 G.
- 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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2361 GLCC
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Gloucester City Council

ES21018
APPENDIX A

For Official use only.
Ref:

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED 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 STUART WILSON
..... DEBORAH HARRISON
..... [Insert name(s) of applicant(s)]

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>19 BRUNSWICK SQUARE, GLOUCESTER</u>	
Post town <u>GLOUCESTER</u>	Post code <u>GL1 1UG</u>

Telephone number of premises (if any)	
Non-domestic rateable value of premises	<u>£13,000</u> ✓ <u>CM</u>

25/10/10

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals* Please complete section (A)
 - b) A person other than an individual
 - i) as a limited company Please complete section (B)
 - ii) as a partnership Please complete section (B)
 - iii) as an unincorporated association or Please complete section (B)
 - iv) other (for example a statutory corporation) Please complete section (B)

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



- c) A recognised club Please complete section (B)
- d) A charity Please complete section (B)
- e) The proprietor of an educational establishment Please complete section (B)
- f) A health service body Please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital Please complete section (B)
- h) The chief officer of a police force in England and Wales Please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

First names

WILSON

STUART

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address	
2 HENLEY COURT, MONTPELLIER, GLOUCESTER	
Post town	Post code
GLOUCESTER	GL1 1LT
Daytime contact telephone number:	07966 535259
Email address (optional)-	stuart@equityadvice.co.uk

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

HARRISON

First names

DEBORAH ROSAMUND

Please tick yes

I am 18 years old or over

Current postal address if different from premises address 2 HENLEY COURT, MONTPELLIER	
Post town GLOUCESTER	Post code GL1 1LT
Daytime contact telephone number: 07779 608098	
Email address (optional)-	

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	0	1	1	2	0	1	0

If you wish the licence to be valid only for a limited Period, when do you want it to end?

Day		Month		Year			

If 5,000 or more people attend the premises at any one time, please state the number

General description of premises (please read guidance note 1)

~~NA.~~
Detached building that will operate as a function venue ~~and~~ either for private hire or public events i.e. jazz evenings

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick Y Yes

Provision of regulated entertainment

- 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 nature 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)			Will the performance of a play take place indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	09:00	23:00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>	
Tues	09:00	23:00				
Wed	09:00	23:00		State any seasonal variations for performing plays (please read guidance note 4)		
Thurs	09:00	23:00				
Fri	09:00	23:00				
Sat	09:00	23:00		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 (please read guidance note 5).		
Sun	11:00	22:00				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	09:00	24:00	Please give further details here (please read guidance note 3)	Both	
Tues	09:00	24:00			
Wed	09:00	24:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thurs	09:00	24:00			
Fri	09:00	24:00			
Sat	09:00	24:00	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 (please read guidance note 5).		
Sun	09:00	24:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon	09:00	24:00	
Tues	09:00	24:00	
Wed	09:00	24:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Thurs	09:00	24:00	
Fri	09:00	24:00	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 (please read guidance note 5).
Sat	09:00	24:00	
Sun	09:00	24:00	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	09:00	24:00		Both	<input checked="" type="checkbox"/>
Tues	09:00	24:00	Please give further details here (please read guidance note 3)		
Wed	09:00	24:00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thurs	09:00	24:00			
Fri	09:00	24:00	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 (please read guidance note 5).		
Sat	09:00	24:00			
Sun	09:00	24:00			

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 [Y] if yes opposite. (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	09:00	24:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tues	09:00	24:00				
Wed	09:00	24:00		State any seasonal variations for the performance of live music (please read guidance note 4)		
Thurs	09:00	24:00				
Fri	09:00	24:00		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	09:00	24:00				
Sun	09:00	24:00				

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 [Y] if yes opposite. (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	09:00 09:24:00	24:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tues	09:00	24:00				
Wed	09:00	24:00		State any seasonal variations for playing recorded music (please read guidance note 4)		
Thurs	09:00	02:00				
Fri	09:00	03:00		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	09:00	03:00				
Sun	12:00	23:00				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	21:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tues	09:00	21:00			
Wed	09:00	21:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thurs	09:00	22:00			
Fri	09:00	22:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).		
Sat	09:00	22:00			
Sun	09:00	21:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Will this entertainment take place indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tues					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thurs					
Fri			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 (please read guidance note 5).		
Sat					
Sun					

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		
			Will the facilities for making music be indoors or outdoors or both - please tick [Y] if yes opposite. (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tues					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thurs					
Fri			Non standard timings. Where you intend to use the premises for the 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).		
Sat					
Sun					

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 [Y] if yes opposite. (please read guidance note 2)		
			Indoors	<input checked="" type="checkbox"/>	
			Outdoors		
			Both		
Day	Start	Finish			
Mon	09:00	24:00	Please give further details here (please read guidance note 3)		
Tues	09:00	24:00			
Wed	09:00	24:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thurs	09:00	02:00			
Fri	09:00	02:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5).		
Sat	09:00	02:00			
Sun	09:00	24:00			

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)			Please give a description of the type of entertainment facility that you will be providing	
			Will the entertainment facility be indoors or outdoors or both - please tick [Y] if yes opposite.	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	(please read guidance note 2)	
Mon			Please give further details here (please read guidance note 3)	
Tues				
Wed				
Thurs			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within (I) or (J) (please read guidance note 4)	
Fri				
Sat			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 (please read guidance note 5).	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] if yes opposite.	
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>	
Day	Start	Finish	(please read guidance note 2)	
Mon	23:00	05:00	Please give further details here (please read guidance note 3)	
Tues	23:00	05:00		
Wed	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thurs	23:00	05:00		
Fri	23:00	05:00	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 (please read guidance note 5).	
Sat	23:00	05:00		
Sun	23:00	05:00		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption: please tick [Y] if yes opposite. (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	00:01	24:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tues	00:01	24:00			
Wed	00:01	24:00			
Thurs	00:01	24:00			
Fri	00:01	24:00			
Sat	00:01	24:00			
Sun	00:01	24:00			
			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).		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name: STUART GAVIN WILSON

Addr

.....

.....

Postc

Persc

Issui

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	00:01	24:00	Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Tues	00:01	24:00	
Wed	00:01	24:00	
Thurs	00:01	24:00	
Fri	00:01	24:00	
Sat	00:01	24:00	
Sun	00:01	24:00	

P

Describe the steps you intend to take to promote the four licensing objectives:

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

ALL FOUR LICENCING OBJECTIVES WILL BE STRICTLY ADHERED TO.

b) The prevention of crime and disorder

CCTV WILL BE INSTALLED COVERING PREMISES AND ON 24 DAY RECORD.
WE WILL JOIN THE L.V.A.
DOOR STAFF WILL BE TAKEN ON FOR ANY EVENT OF 100+ WITH AT LEAST 2 ~~TR~~ DOOR STAFF.

c) Public safety

ADEQUATE LIGHTING BOTH INTERNALLY AND EXTERNALLY.
ALL EXIT ROUTES CLEARLY MARKED
NEW FIRE ALARM INSTALLED
REMOVAL OF ANY GLASS ETC.

d) The prevention of public nuisance

- ① NOISE LEVELS WILL BE MONITORED TO ENSURE NO NUISANCE TO LOCAL RESIDENTS.
- ② NOTICES ERECTED FOR CUSTOMERS TO LEAVE QUIETLY
- ③ CLOSED DOOR POLICY - NOBODY TO BE ALLOWED ENTRY AFTER 24:00 UNLESS PRIVATE EVENT.
- ④ DOOR STAFF 1:00 (MINIMUM OF 2)

e) The protection of children from harm

'CHALLENGE 25' POLICY
NO UNACCOMPANIED CHILDREN ALLOWED.

CHECKLIST:-

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected


Please tick ✓/yes

-
-
-
-
-
-

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 4 – Signatures (please read guidance note 10)


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

Signature 

Date

Capacity

For joint applications signature of 2nd applicant or 2nd 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

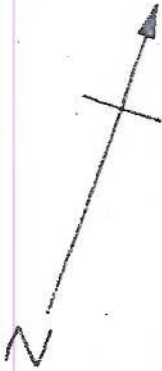
Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail please provide your e-mail address (optional)	

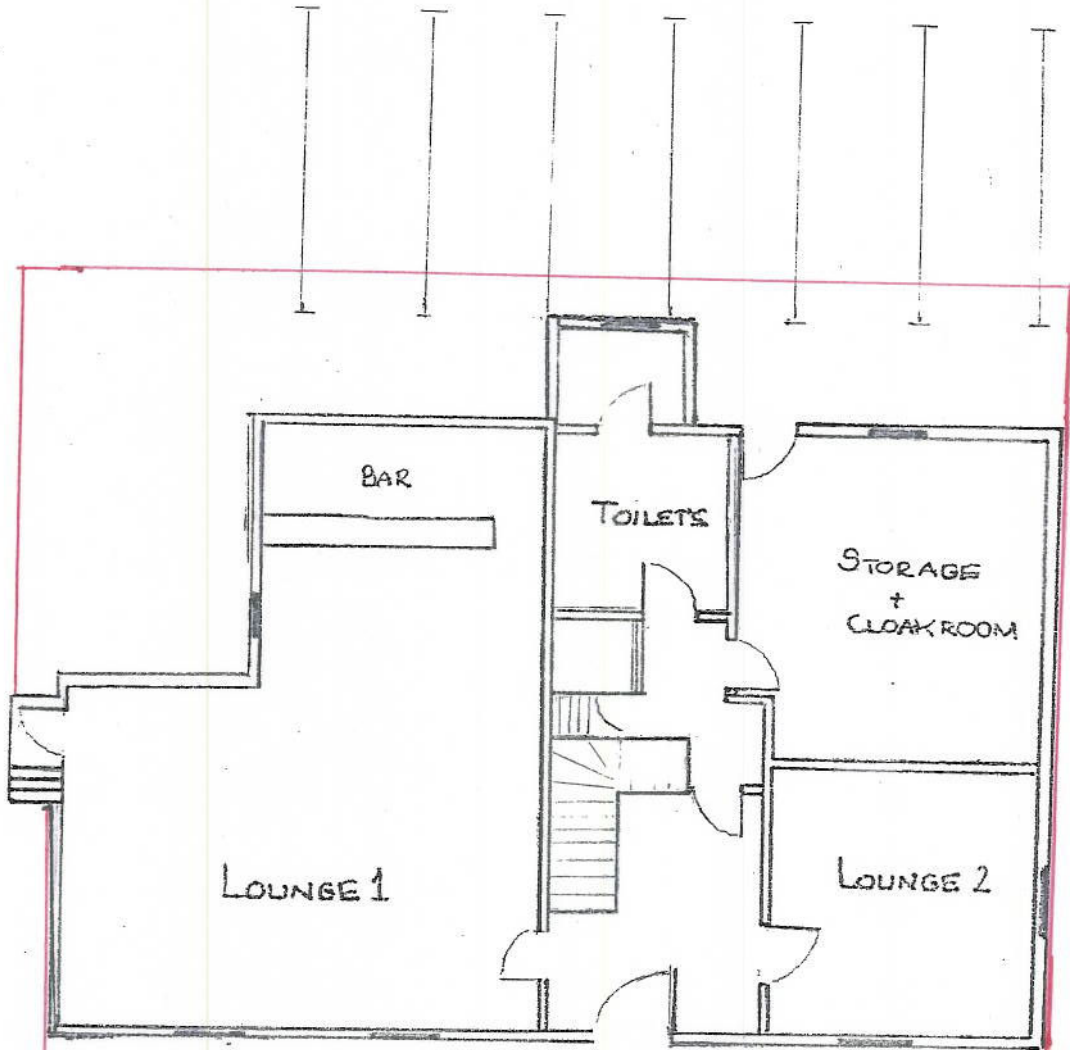
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BOUNDARY LINE

CAR PARKING

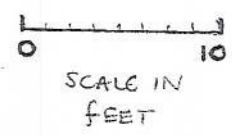


BOUNDARY LINE

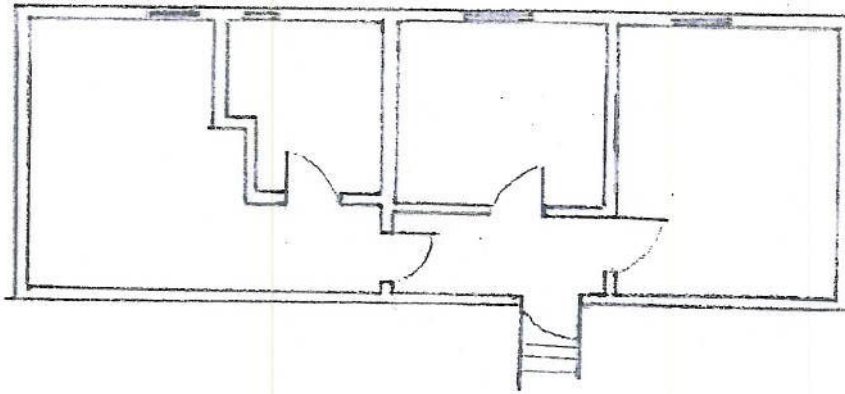


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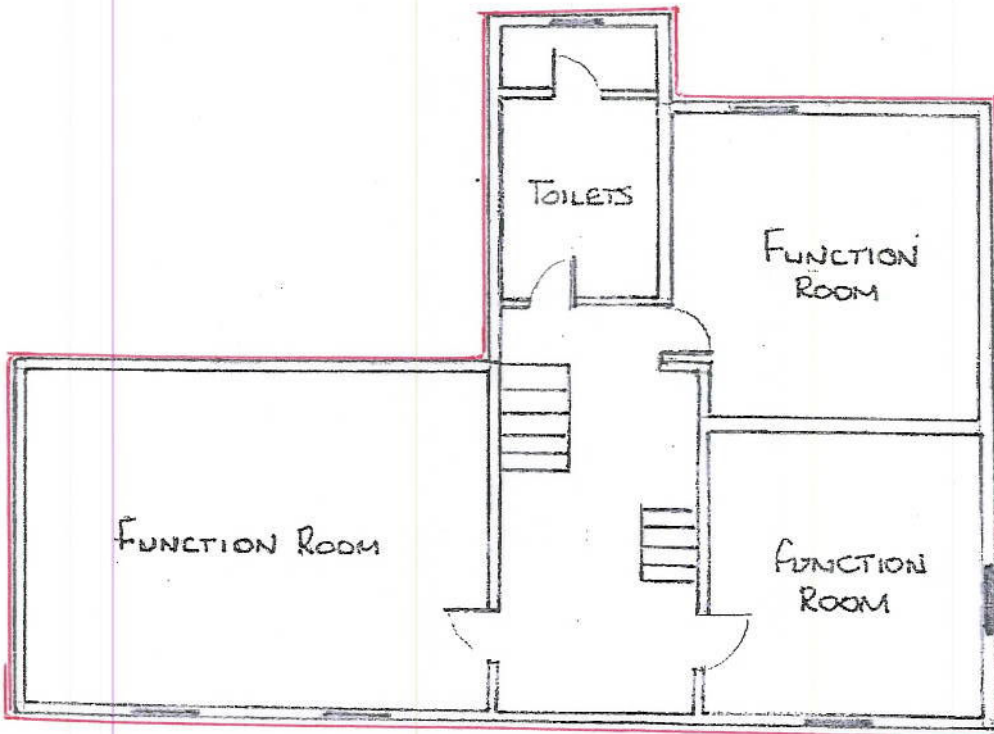
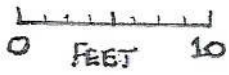
CAR PARKING



BOUNDARY LINE



2ND FLOOR
(UNUSED)



1ST FLOOR

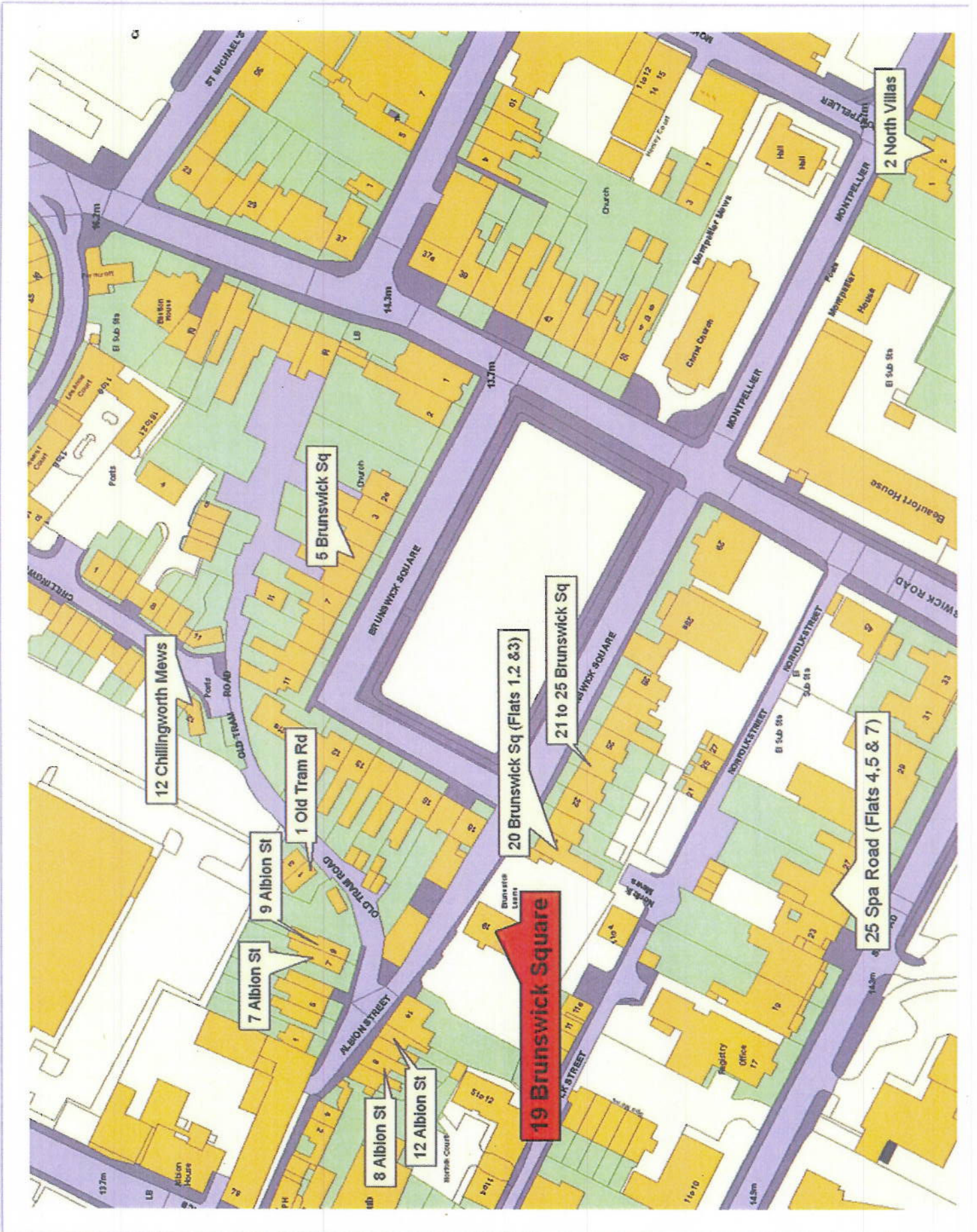
PROJECT:

PLANS AS EXISTING

19 BRUNSWICK SQUARE, GLOUCESTER GL1 1UG

OCT. 2010

SCALE:
AS SHOWN



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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.

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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