

CITY OF GLOUCESTER
LICENSING SUB-COMMITTEE

Meeting: Tuesday, 8th November 2011 at 09:30
Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Hansdot, Toleman and Field

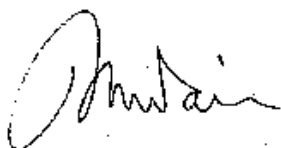
AGENDA

- 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 UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF LIBERTYS SPORTS BAR AND HI JINKS SOFT PLAY CENTRE, 114-118 EASTGATE STREET, GLOUCESTER, GL1 1QT (Pages 1 - 52)**

Report of the Group Manager, Environmental Health and Regulatory Services



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Julian Wain
Chief Executive

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	: 8 NOVEMBER 2011
Subject	: APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 IN RESPECT OF LIBERTYS SPORTS BAR AND HI JINKS SOFT PLAY CENTRE, 114 – 118 EASTGATE STREET, GLOUCESTER GL1 1QT
Ward	: WESTGATE
Report By	: GROUP MANAGER, ENVIROMENTAL HEALTH AND REGULATORY SERVICES
No. Of Appendices	: A: COPY OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE FROM MR STEPHEN MICHAEL TURLEY AND MRS CHRISTINE JOANNE TURLEY B: PLAN OF PREMISES C: MAP SHOWING LOCATION OF 114 – 118 EASTGATE STREET, GLOUCESTER D: COPY OF EXISTING LICENCE E: COPY OF REPRESENTATION MADE BY GLOUCESTERSHIRE CONSTABULARY LICENSING UNIT F: EXTRACT FROM LICENSING POLICY STATEMENT G: PROCEDURE FOR LICENSING SUB-COMMITTEES
Reference No.	: ES21124

1.0 Purpose of Report

- 1.1 To present to Members an application for a variation of a premises licence made under section 34 of the Licensing Act 2003 for 114 – 118 Eastgate Street, Gloucester GL1 1QT received from Mr Stephen Michael Turley and Mrs Christine Joanne Turley. The application is to extend the hours for the provision of regulated entertainment, the retail sale of alcohol and the provision of late night refreshment in respect of Libertys Sports Bar and Hi Jinks Soft Play Area.

2.0 Recommendations

- 2.1 Having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy and the Home Secretary's Guidance, Members have the following options as considered necessary to promote the Licensing Objectives:
- (a) To accept the application and attach conditions as consistent with the operating schedule.
 - (b) To accept the application and modify the conditions of the licence which includes altering, omitting or adding new conditions.
 - (c) To reject the whole, or part of the application.

2.2 The Licensing Objectives are :-

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

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 5 of this report.

3.3 Members are reminded that all applications must be considered on their 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. The application was received by the Licensing Authority on 13 September 2011 and has been advertised in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. A copy of the application is attached as **Appendix A**.

- 4.2 The premises to which the application relates is an American style sports bar/diner featuring a bar, a separate hot food servery and fixed seating. Connected to the bar/diner is a large soft play area for children with a small refreshment counter. Plans of the premises and its location in Eastgate Street are attached at **Appendices B and C** respectively.

The existing licence is attached at **Appendix D**.

- 4.3 The application (Appendix A) requests the following variations to the licensable activities:

The Provision of regulated entertainment

- Films – a new terminal hour of 04.00 everyday
- Live Music from 10.00 until 04.00 everyday
- Recorded Music - a new start time of 09.00 and a new terminal hour of 04.00 everyday.
- Performance of Dance – a new terminal hour of 04.00 everyday
- Anything of a Similar Description (to music or dance above) – a new terminal hour of 04.00 everyday
- Provision of Facilities for Dancing – a new terminal hour of 04.00 everyday.

The Provision of Late Night Refreshment

- 23.00 until 05.00 everyday

Sale by Retail of Alcohol

- A new terminal hour of 04.00 everyday

The Applicant has also requested that the condition referring to a closed door policy on New Years Eve be removed.

- 4.4 The Applicant has completed Box 'K' of the application form which refers to the provision of entertainment facilities of a similar description to dancing from 10.00 until 21.00 everyday. However the existing licence already includes this provision between these hours and so may be disregarded for the purposes of this variation.
- 4.5 The applicant has set out in Section 'P' of the operating schedule measures which are already in operation to promote the four licensing objectives and which form part of the comprehensive set of conditions attached to the existing licence.

5.0 Representations

- 5.1 Gloucestershire Constabulary Licensing Unit has made a representation against this application the details of which may be found in **Appendix E**. No representations from the other Responsible Authorities or from interested parties have been received.
- 5.2 The Police representations refer to three of the licensing objectives, namely the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. The Police also make particular reference to the 'Special Policy' for the Eastgate Street area contained within the Council's current Licensing Policy Statement (7 January 2011). This is expanded upon in paragraph 6.1 below.

- 5.3 The view of the Police would appear to be that although it is accepted that the applicant is a responsible proprietor there is a likelihood that if this variation were allowed that the 'unrestricted sale' of alcohol until 04.00 in the morning could only have a detrimental effect on an area already suffering from alcohol related crime and disorder and public nuisance and therefore they recommend refusal of the application.
- 5.4 The Police and the applicant have held a meeting to discuss this variation and the details of this meeting are included in the Police representations. No agreement could be reached at this time although the police suggest that should Members be minded to grant the application then they would be seeking conditions in the following terms to be added to the licence:-
- 'Alcohol only to be served with substantial food beyond midnight'; and
 - 'Customers only to be served alcohol after midnight if they have booked a Taxi/Private Hire and paid £5 deposit (non Refundable) towards their fare'.
- 5.5 The applicant and Gloucestershire Constabulary have been given a Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

6.0 The Licensing Policy Statement and Home Secretary's Guidance

- 6.1 Members attention is especially drawn to pages 10 to 13 of the Council's Licensing Policy Statement which deal with the issue of cumulative impact and the Special Policy in respect of the Eastgate Street area (**Appendix F**).
- 6.2 The effect of this Policy is to create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused if relevant representations are received. In essence the thrust of this Special Policy is to ensure that premises licences are not issued to premises within the prescribed area which by their scope and nature could only serve to increase the problems already being experienced within that area,. If, on the other hand, the applicant is able to demonstrate that the licence would not or is unlikely to add to the cumulative impact either by the nature of the premises or by the conditions placed upon the licence then the licence should be granted.
- 6.3 Sections 3, 5 and 6 of Gloucester City Council's Licensing Policy Statement outline the authority's policy with regard to the licensing objectives. Section 7 refers specifically to licensing hours.
- 6.4 The relevant parts of the Amended Guidance issued under section 182 of the Licensing Act 2003 (October 2010) by the Home Secretary are Chapter 2 on the four licensing objectives, Chapter 8 on Applications for premises licences, Chapter 9 on determining applications and Chapter 10 conditions attached to premises licences.
- 6.5 Paragraphs 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 Equality Act 2010.

- 6.6 Chapter 10.19 and 10.20 of the Guidance refer to 'Hours of trading' and provide the following advice:-

Hours of trading

10.19 In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises.

10.20 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

- 6.7 A premises licence does not relieve the holder from any requirements under planning law. In cases where a planning restriction imposing a terminal hour for a premises has been set and this differs from the hours permitted by a premises licence, the licence holder must observe the earlier time.

7.0 Conclusions

- 7.1 Members should consider the relevant facts, guidance and representations and make a decision in accordance with the options outlined in paragraph 2.1 of this report.
- 7.2 Members should be aware of a 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 evidence and by giving their own views excessive weight. The resulting decision to limit the hours of operation without it having 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 in accordance with S34
- (b) The applicant has given proper notice under the Hearings Regulations
- (c) The applicant has satisfied the advertising requirements under the Hearings Regulations

9.3 The four licensing objectives must be considered of equal importance and are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance, and
- (d) The protection of children from harm.

The Police representations refer to objectives (a), (b) and (c), only.

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)-(c).

9.5 The Sub-Committee has powers to adjourn or carry forward the hearing to additional specified dates. This would be required, for example, if a hearing went part heard or more information needed to be gathered.

9.6 For the purposes of determining this 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 (not applicable in this case as no residents or businesses in the vicinity have made representations) within the prescribed period. In this case, only the Police have made representations.
- (c) Has not been withdrawn by the Police

9.7 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 decision must be necessary and proportionate. The Sub-Committee is required to have regard to the DCMS Guidance when making its decision. However the Guidance does not cover every possible situation and 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 for any departure from the DCMS Guidance.

- 9.8 If the Sub-Committee are minded to impose conditions, these should be necessary for the promotion of the licensing objectives, as well as being proportionate to the intended objectives. Care must be exercised in ensuring the wording of any conditions are clear, to make them enforceable.
- 9.9 It is recognised in the Guidance that the concentration of premises in a particular area may be such that they have a “cumulative impact” on crime and disorder and/or public nuisance in the area and policy restrictions on the number and type of premises there may be considered necessary to promote those licensing objectives. These premises are situated in such an area. The effect of a “cumulative impact” policy is the creation of a rebuttable presumption that new applications or applications to vary are likely to add to the “cumulative impact”, will normally be refused. The applicants need to show that there will be no negative “cumulative impact” on one or more of the licensing objectives.
- 9.10 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.
- 9.11 Where the Sub-Committee determines an application it must notify the following of its decision, and the reasons for it:
- (a) The applicants.
 - (b) The Police.
- 9.12 It should be noted by the Sub-Committee that in relation to this application, the Council has a number of roles through Council Services as responsible authorities. No response to the application has been received from the Environmental Health Pollution Control and Health and Safety Teams.
- 9.13 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 a determination based solely on the licensing law, the Guidance and the Council's Licensing Policy Statement.
- 9.14 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.

- 9.15 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.
- 9.16 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.
- 9.17 The Police as a responsible authority and the applicants 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.
- 9.18 Section 53 of the Act and the Guidance allows for the Police as a responsible authority to apply to the Council at any time for a review of any licence granted or varied because of a matter arising at the premises in connection with any of the four licensing objectives.

10.0 Risk Management Implications

- 10.1 There is a right of appeal to the Magistrates Court for both the applicant and all interested parties. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

11.0 People Impact Assessment (PIA):

Is a PIA required?	Yes	No	Explanation: Screening assessment conducted as part of the Council's Licensing Act Policy Statement
		✓	
Has an initial PIA screening been completed?	Yes	No	Explanation: As above
		✓	
Has a full PIA been completed?	Yes	No	Explanation: As above
		✓	
Is the PIA available?	Yes	No	Explanation: As above
		✓	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	As above *Please ensure PIA is available
		✓	

Any Further Relevant Information:

None

12.0 Other Corporate Implications

1. Community Safety

The four licensing objectives of the Licensing Act 2003 are designed to support community safety and are dealt with in the body of the report.

2. Environmental

As above – dealt with in 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
Gloucester City Council Licensing Policy Statement
Home Secretary (Home Office) Guidance issued under
section 182 of the Licensing Act 2003 (Oct 2010)

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100121156912 Page 11
F 23140 (03/04/10) ES21124
GH 13/09/11 APPENDIX A

Gloucester City Council

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

13 SEP 2011

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 MR STEPHEN MICHAEL TURLEY & MRS CHRISTINE JOANNE TURLEY
(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

1000534 GLPRMG

Part 1 - Premises Details

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

LIBERTYS SPORTS BAR & HI JINKS SOFT PLAY CENTRE
114 - 118 EASTGATE STREET
GLOUCESTER.

Post town	GLOUCESTER	Post code	GL1 1QT
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Telephone number at premises (if any)	01452 543186.
Non-domestic rateable value of premises	£ 23,250 - 00

Part 2 - Applicant details

Daytime contact telephone number	01452 543186.		
E-mail address (optional)	C.Turley@Blueyonder.co.uk		
Current postal address if different from premises address			
Post Town		Postcode	

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



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

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

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

VARIATION OF HOURS. FROM 10AM - 1AM
TO 10AM - 4AM. FOR SALE OF ALCOHOL.
24 HRS FOR SUPPLY OF FOOD & LATE
NIGHT REFRESHMENT.
REMOVAL OF NEW YEARS EVE/DAY
RESTRICTION ON ADMISSION.

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

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 (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri						
Sat			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						

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 (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input checked="" type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	10.00	4.00	CARTOONS, CHILDRENS FILMS MUSIC & SPORTS			
Tue	10.00	4.00				
Wed	10.00	4.00	State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur	10.00	4.00				
Fri	10.00	4.00				
Sat	10.00	4.00	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	10.00	4.00				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed				
Thur				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)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	4.00	Please give further details here (please read guidance note 3) AMPLIFIED MUSIC NOISE LIMITED.	Both	<input type="checkbox"/>
Tue	10.00	4.00			
Wed	10.00	4.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	4.00			
Fri	10.00	4.00	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	10.00	4.00			
Sun	10.00	4.00			

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	9.00	4.00	Please give further details here (please read guidance note 3) BY JUKEBOX OR CD'S, MP3'S, MP4'S ETC AS BACKGROUND OR DISCO AMPLIFIED. NOISE LIMITED.	Both	<input type="checkbox"/>
Tue	9.00	4.00			
Wed	9.00	4.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	9.00	4.00			
Fri	9.00	4.00	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) BACKGROUND MUSIC OUTSIDE OF THESE HOURS.. 24 HOUR A DAY.		
Sat	9.00	4.00			
Sun	9.00	4.00			

G

Performances 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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10-00	4-00	Please give further details here (please read guidance note 3) SPONTANEOUS DANCE DANCE CLASSES	Both	<input type="checkbox"/>
Tue	10-00	4-00			
Wed	10-00	4-00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10-00	4-00			
Fri	10-00	4-00	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 (please read guidance note 5)		
Sat	10-00	4-00			
Sun	10-00	4-00			

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		
			CHILDRENS ENTERTAINER		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	10-00	4-00		Outdoors	<input type="checkbox"/>
Tue	10-00	4-00	Please give further details here (please read guidance note 3) MAINLY CONFINED TO H1 JINKS SOFT PLAY CENTRE	Both	<input type="checkbox"/>
Wed	10-00	4-00			
Thur	10-00	4-00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10-00	4-00		AT SANTA CLAUS & PHOTOGRAPHER CHRISTMAS	
Sat	10-00	4-00	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 (please read guidance note 5)		
Sun	10-00	4-00			

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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			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)		
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 (see guidance note 2)		Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>	
				Both	<input checked="" type="checkbox"/>	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon	10-00	4-00	Please give further details here (please read guidance note 3) SPONTANEOUS & DANCE CLASSES			
Tue	10-00	4-00				
Wed	10-00	4-00	State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur	10-00	4-00				
Fri	10-00	4-00	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)			
Sat	10-00	4-00				
Sun	10-00	4-00				

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 you will be providing	
			CHILDRENS ENTERTAINER.	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	10-00	21-00		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Tue	10-00	21-00	Please give further details here (please read guidance note 3) FOR PARTIES (CLOWNS, BALLOON MODELLING, ETC) IN HIJINKS SOFT PLAY.	
Wed	10-00	21-00		
Thur	10-00	21-00	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	10-00	21-00		
Sat	10-00	21-00	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	10-00	21-00		

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 (please read guidance note 2)	
			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>
			Both <input checked="" type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	0-00	0-00	24 HOURS A DAY	
Tue	0-00	0-00		
Wed	0-00	0-00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	0-00	0-00	HOT FOOD & DRINKS.	
Fri	0-00	0-00	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	0-00	0-00		
Sun	0-00	0-00		

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) ALLOW ADMISSION ALL NEW YEARS EVE		
Mon	10-00	4-00			
Tue	10-00	4-00			
Wed	10-00	4-00			
Thur	10-00	4-00			
Fri	10-00	4-00			
Sat	10-00	4-00			
Sun	10-00	4-00			
			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)		

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)

NONE -

0

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) 24 HOURS A DAY.
Day	Start	Finish	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) NONE
Mon	0.00	0.00	
Tue	0.00	0.00	
Wed	0.00	0.00	
Thur	0.00	0.00	
Fri	0.00	0.00	
Sat	0.00	0.00	
Sun	0.00	0.00	

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

REMOVE NEW YEARS EVE/DAY RESTRICTION ON ADMISSION.

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 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)

WE ARE EXPERIENCED LICENSEES WITH OVER 20 YRS EXPERIENCE. THE LAST 11 YEARS RUNNING A VERY BUSY TOWN CENTRE. PUBLIC HOUSE.
WE ARE ACTIVE MEMBERS OF THE LVA & PUBWATCH.

b) The prevention of crime and disorder

WE WILL CONTINUE TO USE THE CHALLENGE 25 SCHEME, CCTV IS INSTALLED (16 CAMERAS) RECORDING 24 HOURS A DAY, WE ARE ON THE PUBLINK SYSTEM AND DOORSTAFF ARE EMPLOYED.

c) Public safety

ALL STAFF ARE TRAINED, RISK ASSESSMENTS ARE CARRIED OUT, FIRE FIGHTING EQUIPMENT & FIRE ALARMS ARE INSTALLED.
DISPERGAL PLAN TO INCLUDE AN INTERNAL FLOODING SYSTEM & HOT FOOD & DRINK AVAILABLE TO HELP IN PREVENTING CRIME & DISORDER ON EASTGATE STREET.

d) The prevention of public nuisance

AS PREVIOUSLY DESCRIBED, CCTV CAMERAS, PUBLINK RADIO, STAFF TRAINING, NOISE LIMITERS TO REAR.

e) The protection of children from harm

UNDER 16'S HAVE PARENTAL SUPERVISION IN HI-JINKS GAMING MACHINE WITHIN VIEW OF THE BAR SO NO UNDER 18'S ARE PERMITTED TO PLAY.
NO CIGARETTE MACHINE ON SITE FIRST AIDER ON SITE.

Please tick yes

- I have made or enclosed payment of the fee £190-00
- 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	
Date	7/6/2011
Capacity	D.P.S PARTNER

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	7th JUNE 2011
Capacity	PARTNER

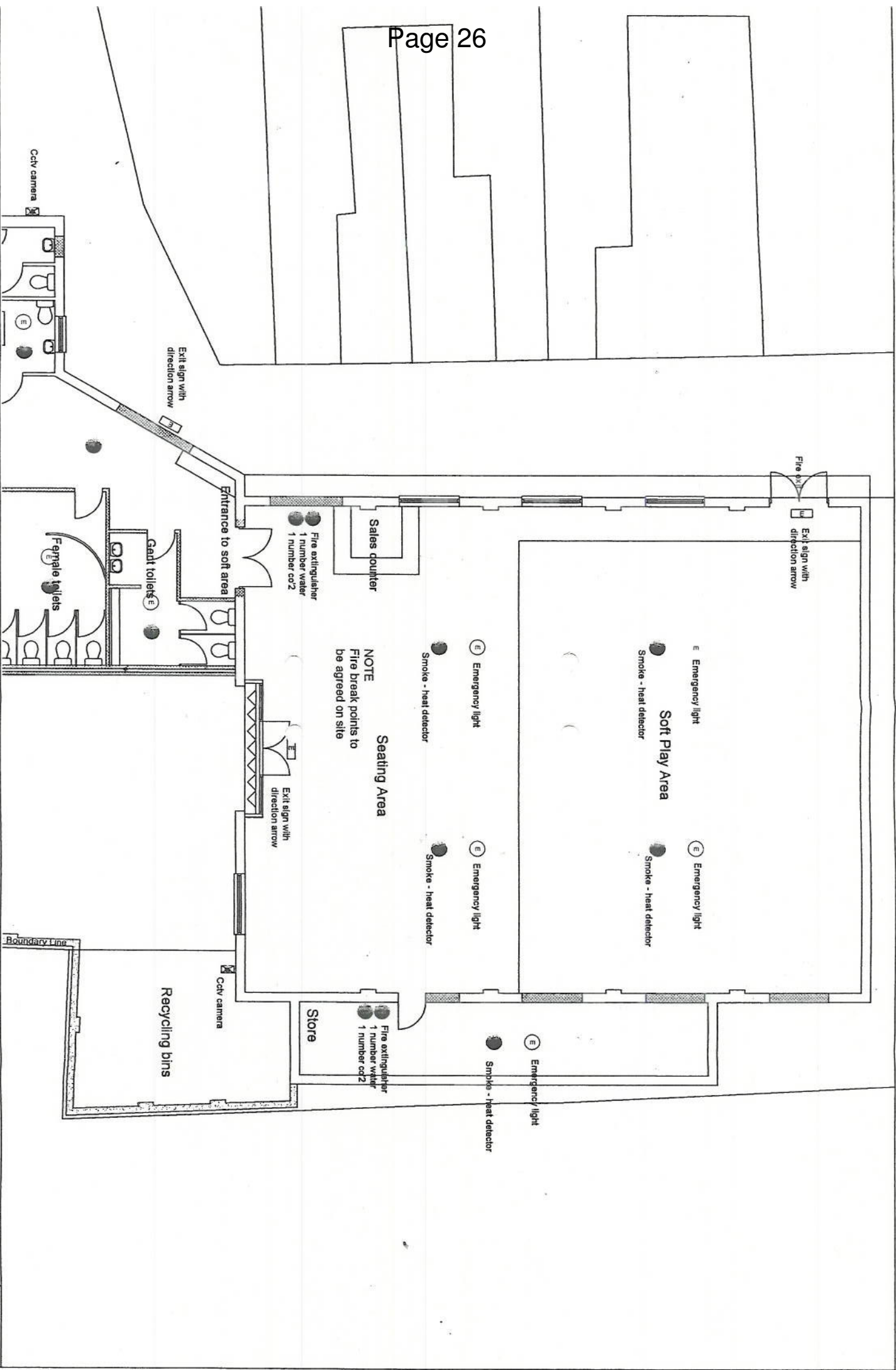
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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All figured dimensions to be checked on site before commencing work
No dimensions scaled from this drawing
This drawing is to be used for Planning Permission only

Project
Hi Jinks Floor Plan



Date	Mar 10	Scale	1:100
Drawing No.			



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**Schedule 12
Part A**

Regulation 33,34

Premises Licence

Premises Licence Number

1000534GLPRMG

Part 1 – Premises Details

Postal address:

**Libertys Sports Bar And Hi Jinks Soft Play Centre
114 - 118 Eastgate Street
Gloucester
GL1 1QT**

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Everyday	10:00 - 01:00
Films	Everyday	10:00 - 01:00
Recorded Music	Everyday	10:00 - 01:00
Performance of Dance	Everyday	10:00 - 01:00
Other	Everyday	10:00 - 21:00
Dancing	Everyday	10:00 - 01:00
Other	Everyday	10:00 - 21:00
Late Night Refreshment	Everyday	23:00 - 01:00

Regulated Entertainment to take place indoors only

The opening hours of the premises

Everyday 10:00 - 01:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On the premises

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Annex 1 – Mandatory conditions

Where licence authorises supply of alcohol

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

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

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.

Where licence authorises the exhibition of films

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

- (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
 - (ii) on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (iii) 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.

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).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 2 – Conditions consistent with the Operating Schedule

A sound limiting device which is located in a separate and remote lockable cabinet from the volume control shall be fitted to all musical amplification systems. Prior to the premises opening the sound limiting device is to be set at a level determined by and to the satisfaction of an Authorised Officer of the Environmental Protection Team having regard to the nearest noise sensitive receptors. The operational panel of the noise limiter shall be secured to the satisfaction of an Authorised Officer of the Environmental Protection Team. The keys securing the noise limiter cabinet shall be held by the licence holder or an Authorised Manager only, and the cabinet shall not be accessed by any other person. The sound limiting device shall not be altered without prior agreement from an Authorised Officer within the Environmental Health Team;

All windows and fire exit doors shall be kept closed when amplified sound (including television) is being produced within the premises. All other doors should be kept closed apart from the purpose of access and egress.

Loudspeakers should not be located outside the building.

All windows and fire exit doors serving the Hi Jinks Building shall be kept closed during opening hours.

The rear car park area is not to be used for smoking after 21:00 hrs.

No alcohol is to be consumed within the rear car park area at any time.

The rear car park area is to be closed off to Patrons after 21:00 hrs.

No rubbish, including bottles shall be moved, removed or placed in outside areas between the hours of 23:00 and 08:00.

All waste shall be properly presented and placed out for collection no earlier than 1 hour before the scheduled collection time.

The premises licence holder shall ensure that no bottles or glasses are removed from the premises

A recognized proof of age scheme such as 'Challenge 25' or similar shall be adopted and implemented. Signage shall be displayed in prominent positions advertising the scheme that has been adopted and its method of implementation.

Staff will be trained on the requirements of the Licensing Act 2003, when they are recruited and given training in drug awareness as part of their training.

If the premises is to remain open after midnight for any licensable activity the doorstaff will be provided from 8pm until closing.

Doorstaff will be provided at the rate of 1:100 of occupancy, subject to a minimum of 2.

Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

A closed door policy will be operated with no admission or re-admission on New Years Eve from 23:30 to 04:00 hours on New Years Day.

All staff employed in the soft play area are to be CRB checked.

There will always be a minimum of 1, easily identifiable, member of staff present in the soft play area, who are first aid trained at all times when open.

No Children be be admitted after 21:00 hours.

CCTV

- a) CCTV will be operative at the premises and be 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.
- 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.
- c) The tapes, or other recording media relating to CCTV equipment (including any mobiles devices) be retained for a minimum of 31 days and made available to an authorised officer of the Police or Licensing Authority immediately upon request.
- d) The correct time and date shall be generated onto both the recording and real time image.
- e) If the CCTV equipment break down (including mobile units) the Premises Licence Holder shall ensure that the Designated Premises Supervisor, or in their absence other responsible person, verbally informs the Council's Licensing Office and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the 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 repair 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.

- f) A member of staff technically able to operate the CCTV / Mobile camera system shall be available during all hours when the premises are open and shall comply with any reasonable request of an authorised office of the Council or Police to view any CCTV / mobile footage that has been recorded. The Premises Licence Holder shall ensure that a member of staff shall be technically able to reproduce CCTV / mobile 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 the Police.
- g) Signage shall be clearly displayed to the effect that Closed Circuit Television equipment is in operation to monitor security and customer safety.

The premise shall be a member of the 'Publink' radio system, obtain a radio and remain an active member as long as the scheme exists.

Where a trade organisation such as Pubwatch or LVA exists, that the premises shall be a member, attend meetings and support the objectives and aims of the group.

A Dispersal Policy shall be implemented in line with the current policy operation at the premises of TNT.

There will be no sales or consumption of alcohol in the Hi Jinks Play Centre

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

As submitted with the application

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Stephen Michael Turley And Christine Joanne Turley
Libertys Sports Bar And Hi Jinks Soft Play Centre
114 - 118 Eastgate Street
Gloucester
GL1 1QT

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

MrStephen Michael Turley
47 Bodiam Avenue
Gloucester
GL4 0TJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

GLPER/0179

Licensing Authority: Gloucester City Council

Signature of Issuing Officer:



Date of Determination:

9 June 2010

Date of Issue:

9 June 2010

(See Annexes and Plans attached for conditions relating to this Licence)

Issuing Authority:

The District of Gloucester City Council, The Docks, Gloucester GL1 2EQ



LICENSING ACT 2003

REPRESENTATION FORM – Responsible Authorities

Responsible Authorities are requested, where possible, to forward to the Licensing Authority all relevant evidence in support of their representation at the time of submitting this form.

Your Details

Your Name:	ANDREW COOK
Name of the organisation you represent:	GLOUCESTERSHIRE CONSTABULARY
Position held:	LICENSING MANAGER.
Postal Address of the organisation or body you represent	LICENSING DEPARTMENT GLOUCESTERSHIRE CONSTABULARY HQ, 1 WATERWELLS, QUEDGELEY, GLOUCESTER
Post Code:	GL2 2AN
Daytime contact telephone number:	01452 752816
Email address: (optional)	<i>If you would prefer to correspond via email, please enter your email address.</i> <i>andrew.cook@gloucestershire.police.uk</i>
Full correspondence address if different to above	

Premises Details

Name of premises you are making representation about:	LIBERTY'S SPORTS BAR		
Full Postal Address of premises you are making representation about:	114 -118 EASTGATE STREET GLOUCESTER		
Post Code:	GL1 1QT	Application Ref. Number. (If known)	

Representation details.

(Note: Your representation **must** relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick for Yes		Please tick for Yes
The prevention of crime and disorder	X	Public safety	X
The prevention of Public nuisance	X	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)

BACKGROUND**Alcohol**

Alcohol is by far the biggest contributory factor in the high levels of Crime & Disorder that occur in our communities, especially Assaults. Home Office research indicates that 78% of Assaults and 88% of Criminal Damage offences are committed whilst the offender is under the influence of Alcohol, and 70% of Accident & Emergency admissions on a weekend are Alcohol-related.

City Centre Violence

The level of violent crime in Gloucester City Centre rose to a record high in 2005 and, although it has reduced steadily since, it has started to rise again (since February 2010) and is forecast to rise further. (Crime Figures and graphs provided to Committee.)

Eastgate Street

Eastgate Street has a high proportion of Licensed premises in close proximity, including Nightclubs, Bars and Late-night Takeaways. The combined effect of these premises is that Eastgate Street suffers high levels of crime, disorder and anti-social behaviour. In fact, Eastgate Street suffers the highest crime levels of any street in the County of Gloucestershire, and it places high demands on the Constabulary, especially around the night-time economy at the weekends. (Crime & Disorder Incidents provided to Committee).

Whilst Licensed Premises in Eastgate Street are generally individually well-managed, a significant proportion of customers simply consume too much Alcohol and their behaviour then deteriorates as a result. Typically, this drunken behaviour takes place on the streets after they leave the licensed premises and includes: Excessive Noise (shouting or screaming), Littering, Vomiting & Urinating on the streets, Boisterous Behaviour, Criminal Damage, Disorderly Behaviour, Aggression and Assaults. In addition to causing such problems, people under the influence of Alcohol are vulnerable to becoming victims themselves, typically of Theft, Robbery, Assault etc.

Analysis of incidents in Eastgate Street shows that the bulk of violent offences in Eastgate Street (57%) occur on Friday and Saturday nights (and early-hours following). Peak Days & Times are Saturday: 2300hrs - 0400hrs and Friday: Midnight - 0300hrs. (Analysis provided to Committee) This pattern correlates with national research, which indicates that the upsurge in violence at the weekend is due to the increased numbers of people socialising and their increased levels of Alcohol-intoxication. During the remainder of the week, incidents are substantially lower.

The levels of Crime & Disorder linked to Alcohol consumption is also a major factor in the *Fear of Crime* and *intimidation* that visitors to the City Centre experience. This can result in some people choosing to avoid the City Centre, particularly during weekend evenings.

Due to the cumulative impact of these premises, and at the request of the Police, a Special Policy was adopted by Gloucester City Council in 2004 in order to try and stem the problems in Eastgate Street and the surrounding area. This Special Policy has helped prevent more premises opening and has thus prevented further increases, but has not led to *decreases* in incidents of disorder. Further measures have recently been introduced (night-time pedestrianisation at weekends) in continued efforts to reduce problems.

Impact on Residents

The presence of these Licensed Premises and their customers' behaviour impacts heavily on those who live in close proximity to Eastgate Street, or live on a 'through-route'. Residents of the City Centre can feel intimidated and 'trapped' in their own homes, particularly the elderly.

City Centre residents also suffer high-levels of Noise Disturbance into the early-hours on a regular basis, causing sleep disturbance and deprivation. In relation to residents, it is important to remember that 2300hours is the start of Night-time Hours under the Noise Act 1996, after which residents are entitled to a "Higher expectation of Peace". Sadly, peaceful enjoyment of their property is not the case for many living in the City Centre, as they regularly suffer from Noise generated by customers after they have left late-night premises (not noise directly from the premises themselves), and over which Premises have little or no control, except that they have (collectively) supplied these individuals with too much alcohol.

Impact on local Businesses

Local businesses can also be adversely affected by Alcohol-fuelled misbehaviour in their vicinity. They regularly suffer the unpleasant experience of someone vomiting or urinating in the doorway of their premises. Alternatively their shop windows are damaged overnight. The latter, if it happens regularly, can have a long-term effect on the viability of the businesses.

Impact on the Constabulary

The impact of these Licensed Premises on the Constabulary should not be under-estimated. Huge amounts of Police resources are expended in policing the streets at night-time, especially at weekends, to deter and to deal with alcohol-led disorder. Front-line Officers patrol the City Centre on foot and in vehicles, constantly intervening to defuse situations and deal with offenders. These Officers are supported by colleagues in the Camera Room who monitor the streets constantly using the Street Cameras. In fact the 'Streetsafe' operation, which takes place every weekend of the year without exception, is by far the largest single-policing-operation in the whole of the Constabulary's workload, and it necessitates Officers from residential areas being temporarily re-located to patrol the City Centre in order to boost the numbers of Officers on the streets during Peak days & times.)

Over and above this 'direct' policing, Front-line Officers and CID Officers spend huge amounts of time investigating alcohol-led crimes after they have occurred in an attempt to bring offenders to justice. For example they have to view CCTV footage, take statements, identify and arrest offenders, carry out ID procedures, prepare files and attend Court if required.

Due to all the above, applications for *new* Licences and *variations to extend* existing Licences of premises located in the 'cumulative impact zone' are reviewed very carefully by the Police Licensing department to determine whether or not the application (if granted) is likely to increase or decrease the current crime & disorder problems.

In relation to this application, the Inspector overseeing local front-line policing who holds the Licensing portfolio (Carole Ajinkya) has also been consulted, along with a front-line Sergeant (Liz Lovell) who was formerly the Licensing Officer for Gloucester.

Additionally, considerable research regarding the levels of Crime & Disorder has also been undertaken.

LIBERTY'S SPORTS BAR

Liberty's is situated in Eastgate Street, which is right at the centre of the cumulative impact zone. The Premises Licence was granted on 9th June 2010 on the understanding that it would be a family-friendly, food-led, café-style venue predominantly trading in the daytime and combined with a child-friendly play centre.

Their current application is to increase the Hours for the sale of Alcohol from 0100hrs to 0400hrs. This Application is, therefore, for hours during the Peak Times for Crime & Disorder in Eastgate Street.

A 1-hour meeting was held with the current owners/DPS on 4th October to determine the exact nature of their proposed changes to the operation. The owner & DPS, Stephen Turley, stated that the business was not viable in its current form, even though they already operated a disco-style operation at night. He stated that they needed to be able to offer alcohol later into the night in order to compete with other existing outlets.

They were asked if they would consider a condition that '*alcohol only be served with substantial food beyond midnight*', which might help reduce drunkenness in that the food would soak up some of the excess alcohol that customers had consumed. This suggestion was declined on the basis that food sales are already very low, even though they already have good-value food offers (which combine a burger & beer or a pint & pizza for example) and they do not envisage sufficient customers wanting to buy alcohol *only with food*.

The owners suggested that their premises could be used as a 'place of refuge' where clientele could safely remain whilst awaiting a taxi, rather than stand in the street or walk home. They were asked if they would consider a condition that *'customers only be served alcohol after midnight if they booked a Taxi/Private Hire and paid a £5 deposit (non-refundable) towards their Taxi fare'*. Such a condition would help ensure that customers made this premise their last port of call and went home by taxi/private-hire on leaving. The DPS felt this was unworkable, as customers would not want to be 'bound' to remain in this way and may wish to go back onto the streets.

Mr Turley accepted that, without such conditions, an extension of alcohol-hours would provide opportunity for customers simply to consume more alcohol – on its own – and then to go back onto the streets again. It was pointed out that, in the Constabulary's view, an extension of Hours for the sale of alcohol in an unrestricted manner would be *likely to lead to more alcohol being consumed and more problems on the street*. Mr Turley conceded that, although he operates these premises and his nightclub TNT (next door) in a generally responsible manner (for example turning away those who are obviously drunk on their arrival) the service of alcohol at the outlets in Eastgate Street (on top of anything consumed earlier through pre-loading cheap supermarket drinks) contributes to crime & disorder on the streets. (Crime & Disorder for TNT available to Committee on request).

CONCLUSION

The Constabulary believes it is important to protect the quality of life for Visitors, Residents and Businesses of the City Centre, especially for those whose homes or businesses are situated within the 'cumulative impact zone'.

The Grant of this Application will, in the view of the Constabulary, lead only to an increase in Crime & Disorder and Public Nuisance both on and off the premises. Additionally, extra problems would arise for the Constabulary if this application was granted. This application is, therefore, strenuously opposed by the Constabulary on all the grounds related above.

Please suggest suitable conditions that the committee could add to the licence (if granted) to remedy your concerns or if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or enter details of any other matters, not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary.)

The Committee is respectfully reminded that, under Section 17 of the Crime & Disorder Act, "it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

The Constabulary recommends REFUSAL of this Application on the grounds of the Prevention of Crime & Disorder, the Prevention of Public Nuisance and Public Safety.

In the event that the Committee grants this Licence against Police Objection, the Constabulary seeks the Conditions suggested above, i.e. *'alcohol only be served with substantial food beyond midnight'* and *'customers only be served alcohol after midnight if they booked a Taxi/Private Hire and paid a £5 deposit (non-refundable) towards their Taxi fare'*.

TENS

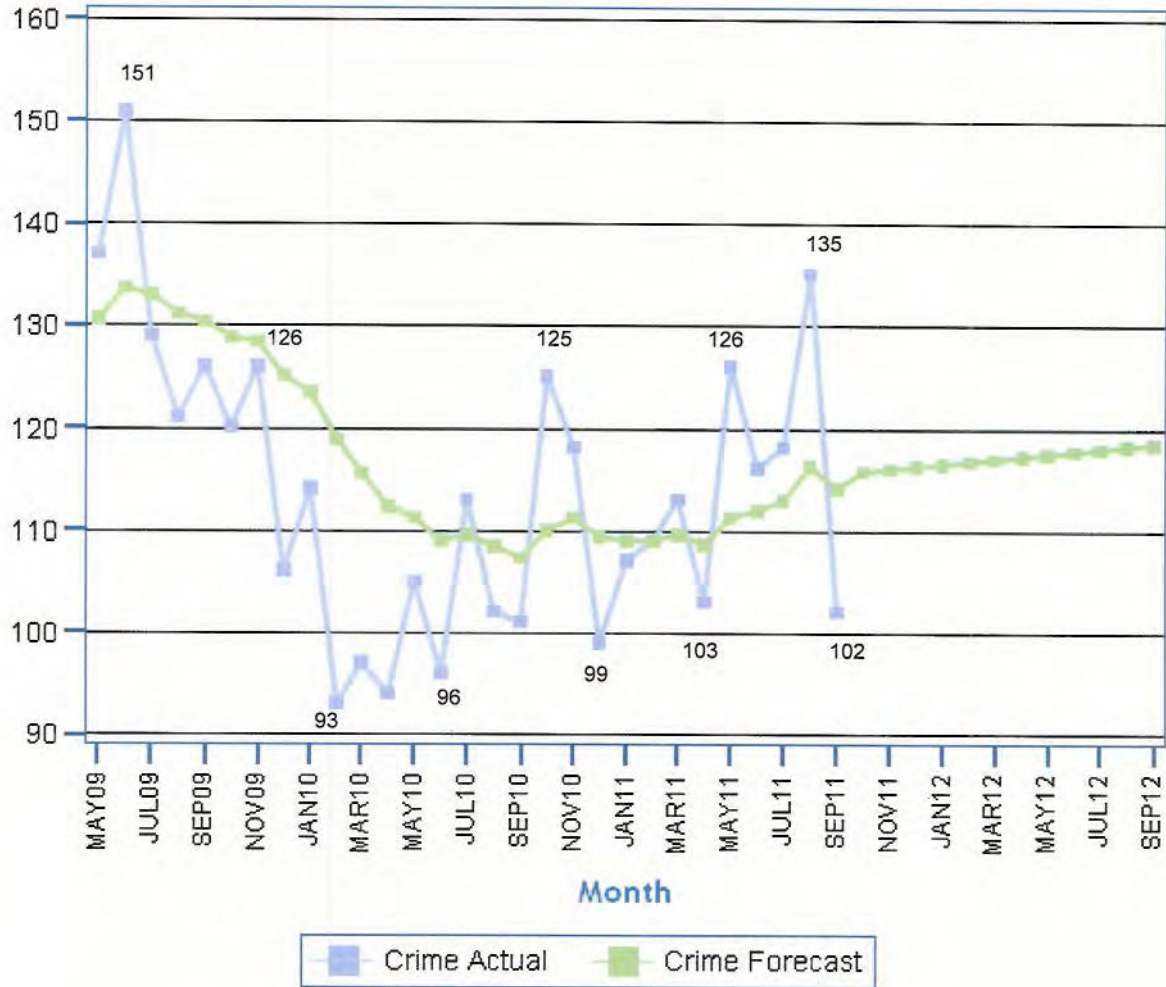
It is timely to remind the Committee that Temporary Event Notices may be used (over and above the Premises Licence) to enjoy extended hours. This can happen up to 12 times per year so, potentially, this Bar can already remain open one day each Month until well into the early-hours, and Neighbours would not be entitled to object.

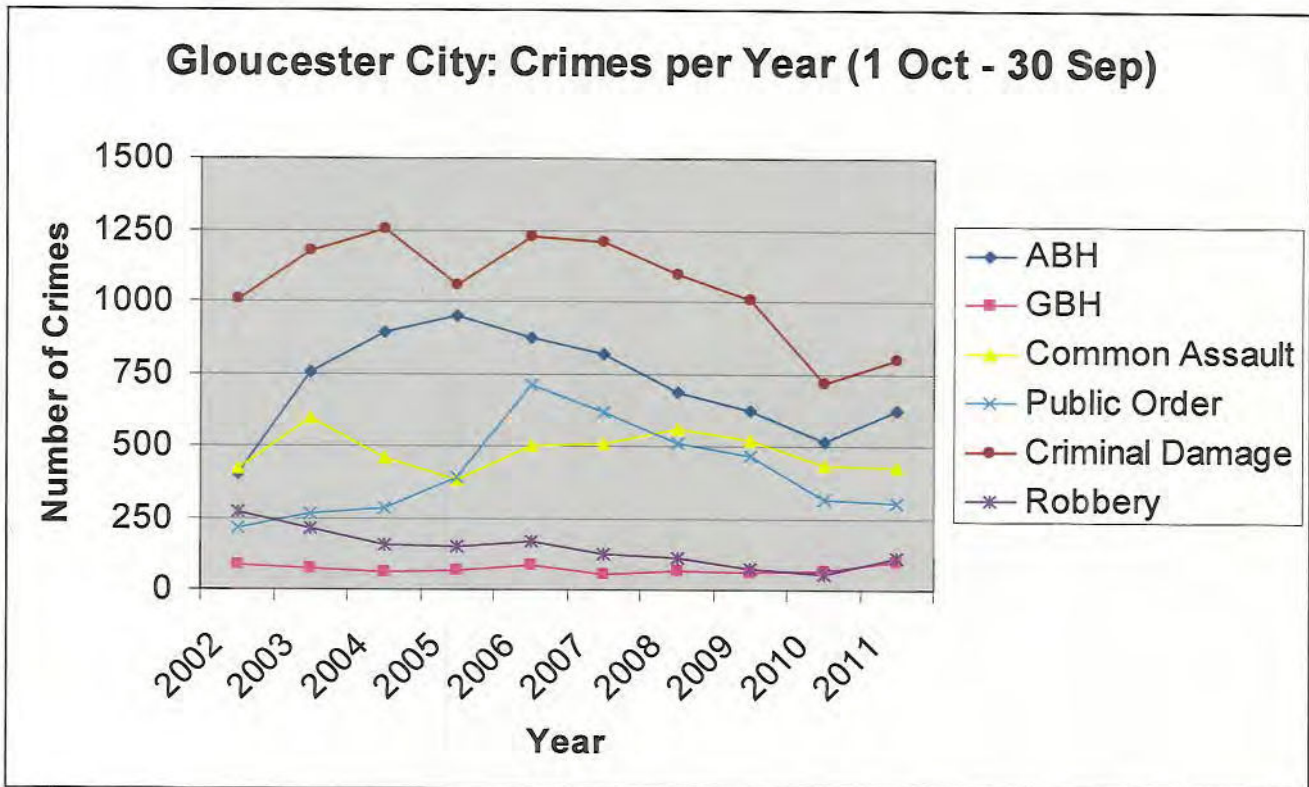
Signed:	<i>A. S. Cook</i>	Dated:	10 th October 2011
Position:	Licensing Manager.		

Crime Trend and Forecast
 Crime Band : 1 - Violence

Area=Gloucester City LPT

Crime



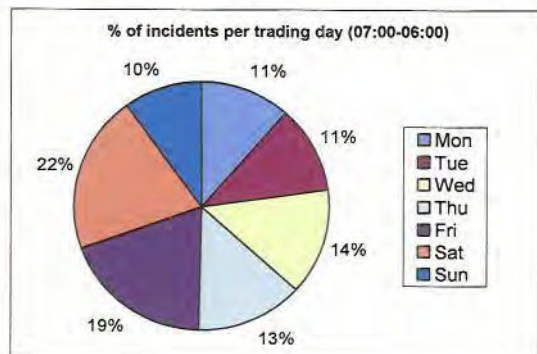
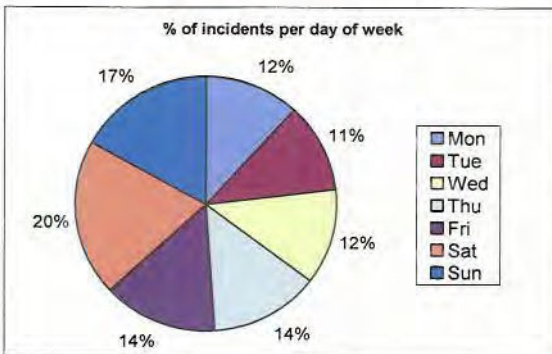
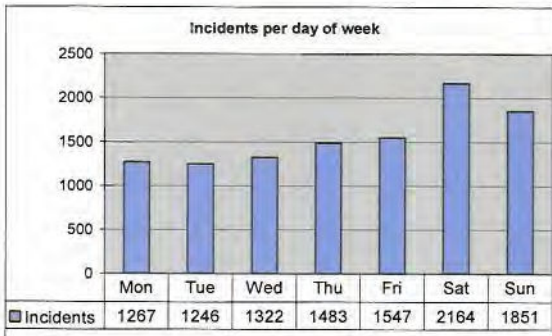
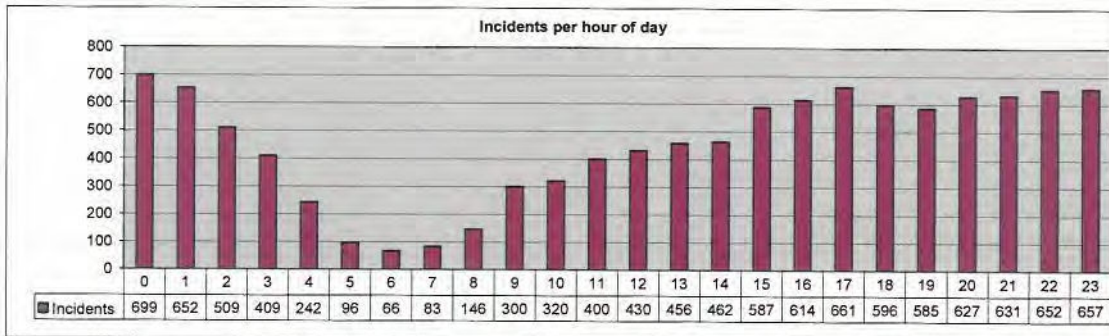


Note

- ABH includes Indecent & Sexual Assaults
- GBH includes Rapes
- Common Assault includes Assault on Police
- Public Order includes Threats to Kill, Harassment, Violent Disorder and Indecent Exposure.
- Criminal Damage includes Arson.

Gloucester City Centre
Incidents of Crime & Disorder (B24,B25,B31,C01,C06 & C07)
 01 September 2009 - 31 August 2011

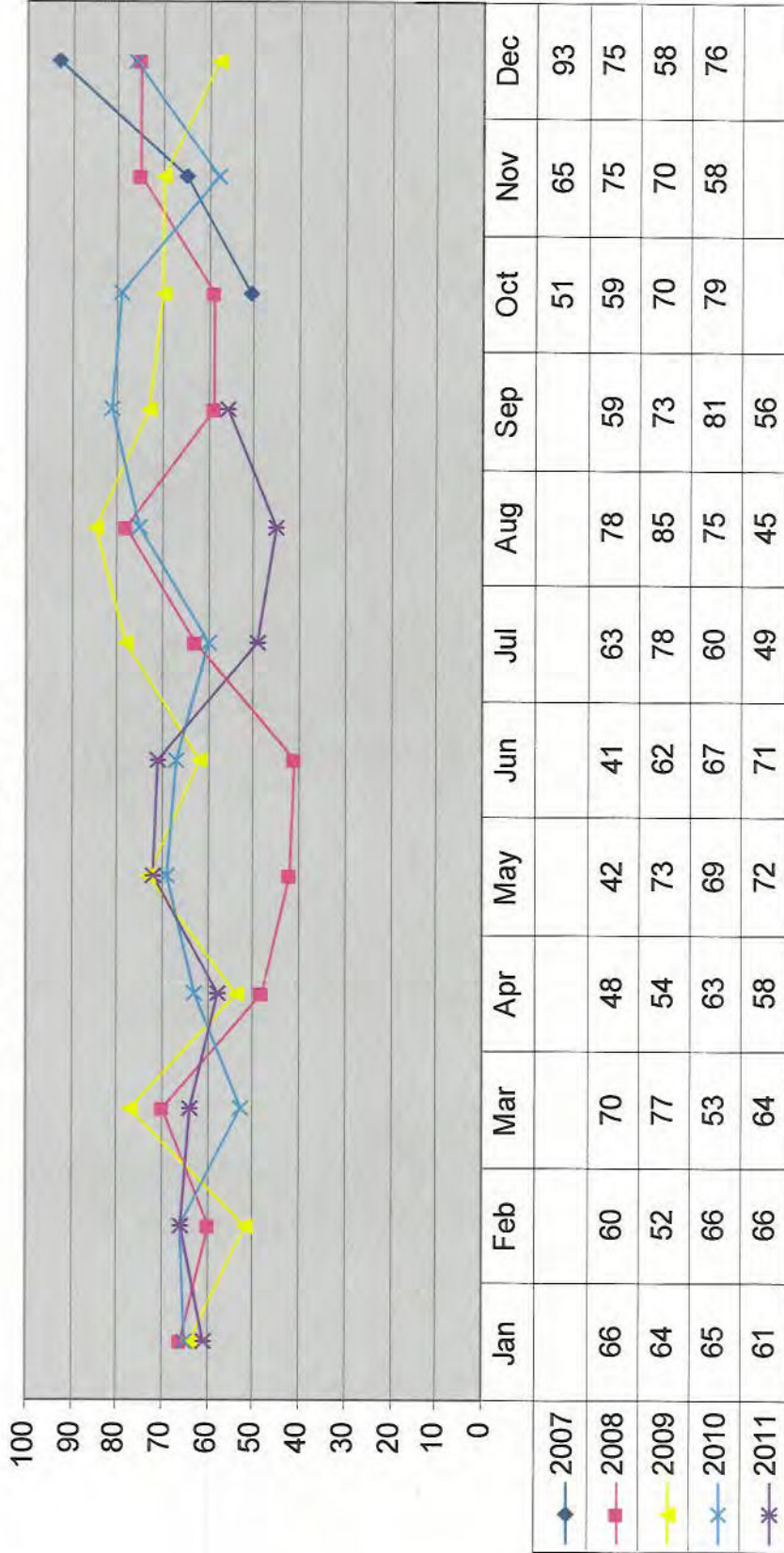
Day	Hour																							Total	
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		23
Monday	47	38	20	19	7	3	7	21	16	44	53	60	68	60	60	80	99	109	91	79	93	70	75	48	1267
Tuesday	47	32	10	13	6	7	11	10	21	48	58	55	59	74	71	97	92	82	74	72	92	86	71	58	1246
Wednesday	35	38	25	10	10	3	7	5	22	40	46	57	69	59	64	84	98	105	81	94	89	86	103	92	1322
Thursday	78	71	70	80	36	10	7	13	25	38	39	61	59	76	74	84	80	109	87	90	84	86	56	70	1483
Friday	60	54	58	27	16	2	8	12	30	44	54	61	56	61	70	92	91	83	99	80	83	122	129	155	1547
Saturday	209	197	167	118	72	27	13	12	15	52	44	55	58	74	63	85	85	102	95	95	98	102	146	180	2164
Sunday	223	222	159	142	95	44	13	10	17	34	26	51	61	52	60	65	69	71	69	75	88	79	72	54	1851
Total	699	652	509	409	242	96	66	83	146	300	320	400	430	456	462	587	614	661	596	585	627	631	652	657	10880



NOTE:

- Research conducted on Noise, Rowdy Behaviour, Nuisance, Violence, Criminal Damage & Drugs.
- Busiest day is Saturday. Second busiest trading-day is Friday.
- Peak Times are Midnight - 0200hrs Saturday & Sunday early-hours.

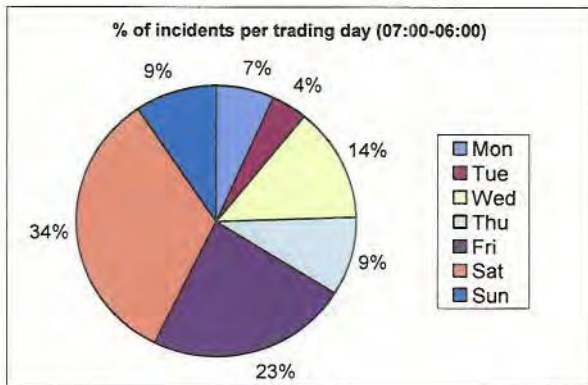
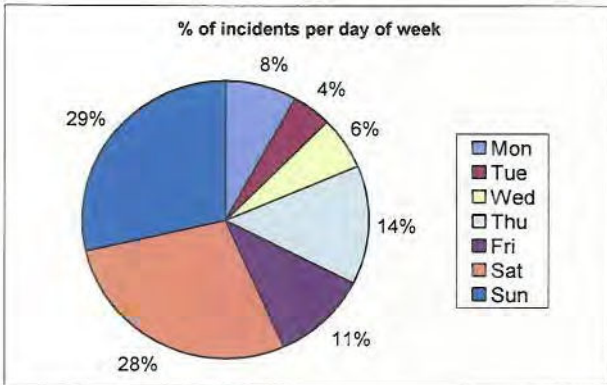
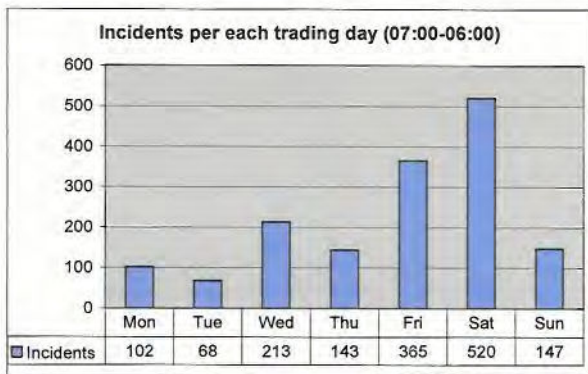
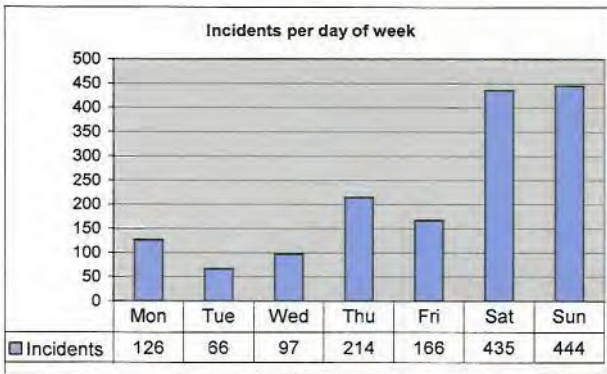
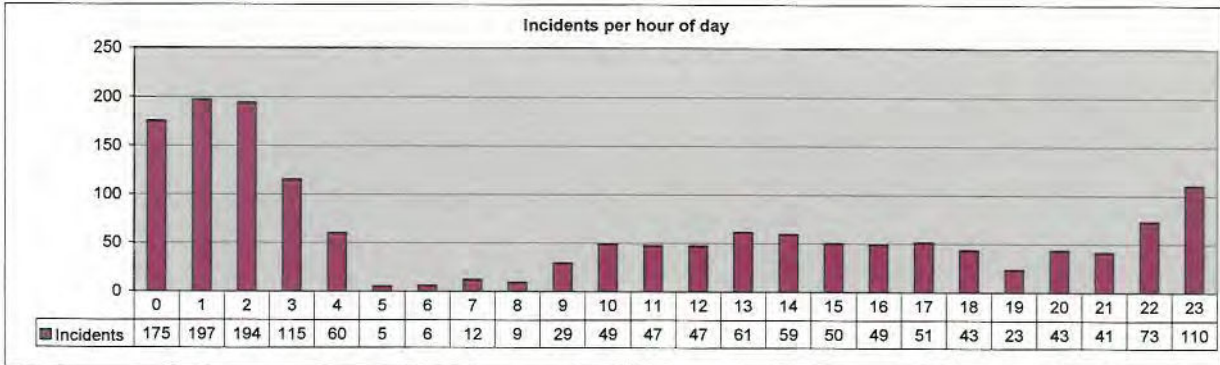
EASTGATE STREET, GLOUCESTER
 Incidents of Crime & Disorder (B25,B31,C01,C06,C07 & C13)
 for the period 05 Oct 2007 - 30 Sep 2011



NOTE
 Incident Codes above: Anti-social Behaviour, Nuisance, Violence, Criminal Damage, Drugs & Theft (Other than shoplifting).

EASTGATE STREET
Incidents of Crime & Disorder for the period
04.10.09 - 03.10.11

Day	Hour																							Total	
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		23
Monday	5	9	10	0	1	0	1	3	0	3	5	8	6	11	12	10	10	6	6	2	8	2	6	2	126
Tuesday	1	0	1	0	0	0	0	2	1	5	4	4	3	8	5	8	6	3	0	2	5	7	1	0	66
Wednesday	0	1	1	0	1	0	1	1	1	0	6	3	9	4	3	4	8	7	7	5	5	4	11	15	97
Thursday	25	25	31	30	7	0	2	1	2	6	8	4	5	8	9	7	4	9	5	5	8	3	6	4	214
Friday	5	13	13	4	3	0	1	2	0	1	4	4	6	11	12	8	4	10	6	1	3	10	18	27	166
Saturday	62	61	66	33	14	2	0	1	3	7	8	10	8	12	8	5	8	11	10	4	8	11	27	56	435
Sunday	77	88	72	48	34	3	1	2	2	7	14	14	10	7	10	8	9	5	9	4	6	4	4	6	444
Total	175	197	194	115	60	5	6	12	9	29	49	47	47	61	59	50	49	51	43	23	43	41	73	110	1548



Note

- Incident types - Nuisance, Rowdy behaviour, Violence, Criminal Damage, Drugs & Theft.
- Red 'highlights' in top box are 5-times average and above.
- Peak Days & Times are **Saturday: 2300hrs - 0400hrs** and **Friday: Midnight - 0300hrs**.
- A further mini-peak is evident on Weds night from Midnight - 0400hrs (Thursday).

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Cumulative Impact – Special Policies

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

Special Policy in respect of Eastgate Street and area

- 3.14 The Licensing Authority is aware of the cumulative impact that can occur from a concentration of licensed premises in a particular area, as a result of the increased number of people dispersing from licensed venues or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but these effects may not be readily attributable to any

individual premises. The Licensing Authority wishes to ensure that these adverse effects are avoided and to this end has adopted a 'Special Policy' for an area around Eastgate Street where there is a concentration of licensed premises. Where applicants are applying for a new licence in this area, it is recommended that they clearly state in their operating schedule how they will ensure that their premises does not add to the cumulative impact in respect of two of the licensing objectives, prevention of crime and disorder and prevention of nuisance.

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

restaurants, a wider range of public entertainment such as theatre, cabaret type shows, live music, comedy and culturally themed premises, would clearly support the aims of the City. Applications for these types of licence would be likely to be supported by the Police, as they promote activities other than vertical drinking.

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

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

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

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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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