



Gloucester City Council

Licensing Sub-Committee

Meeting: Tuesday, 20th October 2015 at 6.15 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. McLellan, Llewellyn and Hansdot
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	ELECTION OF CHAIR To appoint a Chair for the meeting.
2.	INTRODUCTIONS AND PROCEDURES The Chair to arrange introductions and to explain the procedure to be followed for the meeting.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	APPLICATION UNDER SECTION 34 OF THE LICENSING ACT 2003 BY BAR FEVER (GLOUCESTER) LIMITED, TO VARY A PREMISES LICENCE FOR 83-85 EASTGATE STREET, GLOUCESTER, GL1 1PN (Pages 5 - 54) To receive the report of the Corporate Director.

Jon McGinty
Managing Director

Date of Publication: Monday, 12 October 2015

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Sonia Tucker, 01452 396126, sonia.tucker@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

Recording of meetings

Please be aware that meetings may be recorded with the Mayor or Chair’s consent and this may include recording of persons seated in the Public Gallery or speaking at the meeting. Please notify a City Council Officer if you have any objections to this practice and the Mayor/Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

This page is intentionally left blank

Gloucester City Council

Meeting:	Licensing & Enforcement Sub-Committee	Date: 20 October 2015
Subject:	Application under Section 34 of the Licensing Act 2003 by Bar Fever (Gloucester) Limited to vary a Premises licence for 83-85 Eastgate Street, Gloucester, GL1 1PN	
Report Of:	Corporate Director	
Wards Affected:	Westgate	
Contact Officer:	Richard Barnett – Licensing And Enforcement Officer	
	Email: Richard.Barnett@gloucester.gov.uk	Tel: 396311
Appendices:	1. Application from Bar Fever (Gloucester) Limited 2. Location Plan 3. Bar Fever’s current Premise Licence 4. Representation from Gloucester Constabulary 5. Licensing Policy Statement 6. Procedure for determining applications	

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To consider an application by Bar Fever (Gloucester) Limited to vary a Premises Licence in respect of 83-85 Eastgate Street, Gloucester, GL1 1PN. A copy of the application is attached in **Appendix 1**.

2.0 Recommendations

2.1 That members:

(a) Consider the application, any relevant representations, the Licensing Objectives, the Council’s Statement of Licensing Policy and National Guidance (Section 182).

(b) Determine the following steps it considers necessary for the promotion of the licensing objectives:

- To grant the application as applied for,
- To accept the application and modify the conditions of the licence, by altering or omitting or adding to them,
- To reject the whole or part of the application.

3.0 Background and Key Issues

- 3.1 On 28th August 2015, the Licensing Team received an application from Bar Fever (Gloucester) Limited, to vary their existing Premises Licence.
- 3.2 The application contained all the requisite documentation including the fee.
- 3.3 It can be confirmed that the application has been advertised (A4 notice displayed on site and a public notice placed in the local newspaper) and that the application has been served on all Responsible Authorities.
- 3.4 A location plan is attached in **Appendix 2**.
- 3.5 The applicant is applying to vary the following licensable activities:-

Licensable Activity	Current Licence	Variation Application
Retail Sale of alcohol	Fridays and Saturdays 07:00 to 02:30	Fridays and Saturdays 07:00 to 03:30
The Provision of Regulated Entertainment which includes Films, Indoor Sporting Events, Live Music and Recorded Music	Fridays and Saturdays 07:00 to 02:30	Fridays and Saturdays 07:00 to 04:00
The Provision of Late Night Refreshment	Fridays and Saturdays 07:00 to 02:30	Fridays and Saturdays 07:00 to 04:00

- 3.6 Members also need to be made aware that the variation application also includes Non-Standard timings to the licensable activities and they are:-

On the day when British Summertime commences, and that day only, Licensable Activities will be extended by one hour.

Licensable Activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday).

- 3.7 Bar Fever (Gloucester) Limited has a Premise Licence. A copy of the current Premise Licence is attached in **Appendix 3**.

4.0 Representations

- 4.1 During the consultation period, the variation application has resulted in one representation from Gloucestershire Constabulary (Responsible Authority) on 24th September 2015. A copy of this representation can be seen attached as **Appendix 4**.

- 4.2 The representation relates to the Licensing objective of The Prevention of Crime and Disorder and the Prevention of Public Nuisance.
- 4.3 No further representations have been received from any other Responsible Authority or Other Persons.
- 4.4 The applicant and Gloucestershire Constabulary have been given Notice of Hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

5.0 Financial Implications

- 5.1 There are no direct financial implications associated with this report

6.0 Legal Implications

- 6.1 The Licensing and Enforcement Sub-Committee is asked to determine this application with a view to the promotion of the Licensing Objectives which are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm

- 6.2 In making its decision, the Sub-Committee is also obliged to have regard to national guidance (Section 182) and the Council's own Licensing Policy. Member's attention is drawn to Sections 3, 4, 5 and 6 of Gloucester City Council's Licensing Policy Statement which outline the authority's policy with regard to the licensing objectives and Section 7.2 and 7.4 that refers specifically to the licensing hours. This is attached in **Appendix 5**.

- 6.3 The Sub-Committee must also have regard to the representations made and the evidence it hears and also be satisfied that:-

- the application is properly made.
- the application has given proper notice.
- The applicant has satisfied the advertising requirements.

- 6.4 The Sub-Committee has powers to decide on either of the options set in paragraph 2.1 (b) of this report.

- 6.5 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 other persons within the prescribed period.
- (c) Has not been withdrawn.
- (d) If having been made by a person who is not a responsible authority, that they are not in the opinion of the Licensing Authority frivolous or vexatious.

- 6.6 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.

6.7 The Sub-Committee is required to have regard to the most up to date version of the Home Secretary's Guidance when making its decision. However the Guidance does not cover every possible situation, so long as Guidance has been followed properly and reason carefully understood, the Sub-Committee may depart from it if they have to do so. Full reasons must be given for any departure from the Home Secretary's Guidance.

6.8 Following the case of Daniel Thwaites v Wirral Borough Magistrates Court 2008 The Sub-Committee needs to avoid:

- Speculating of what might happen in the absence of evidence that harm would or could happen.
- Not paying attention to Government Guidance where failing to follow it requires good reasons to be given.
- Modifying Imposing conditions that do not promote the licensing objectives.

6.9 Where the Sub-Committee determines an application it must notify the following of its decision, and the reasons for it :

- The applicant.
- The 'responsible authority' who made the relevant representation.

6.10 The Sub-Committee has its own procedure for determining applications which are attached as **Appendix 6**.

6.11 In considering the application, the Sub-Committee is solely performing the role of the 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.

6.12 There is a right of appeal to the Magistrates Court.

(One Legal have been consulted in the preparation this report.)

7.0 Risk & Opportunity Management Implications

7.1 There is a right of appeal to the Magistrates Court for both the applicant and the Responsible Authority. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

8.0 People Impact Assessment (PIA):

8.1 The Screening Stage considered risks to licence holders in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

8.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

9.0 Other Corporate Implications

Community Safety

9.1 None

Sustainability

9.2 None

Staffing & Trade Union

9.3 None

Background Documents: Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005 Gloucester
City Council Licensing Policy Statement Home Secretary
(Home Office) Guidance issued under section 182
Daniel Thwaites v Wirral Borough Magistrates Court (2008)

This page is intentionally left blank

Ⓢ

Licensing Department
Gloucester City Council
Herbert Warehouse
The Docks
GLOUCESTER
GL1 2EQ

Our ref CC/KB/BAR026-1-3/2227

A190.00

Your ref

27 August 2015

Stamp: 28 AUG 2015

Dear Sirs

**Bar Fever, 83-85 Eastgate Street, Gloucester
Variation of Premises Licence**

We act on behalf of Bar Fever (Gloucester) Limited, the operator of these premises and we are instructed to submit an application to vary the premises licence.

Accordingly, please find enclosed the following:

- 1 Notice of application
- 2 Premises Licence
- 3 Cheque in the sum of £190.00

We confirm arrangements are being made for the public notice to be advertised in a local paper and displayed at the premises.

We should be obliged if you would acknowledge receipt of this letter and enclosure and if you require any further information, please contact Carole Collingwood at this office.

Yours faithfully

Woods Whur

Enc

PP: 4359

1501255 Greenv.
1001212 45291
Super.
Moul
Nichols

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Bar Fever (Gloucester) Limited

(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 1201412GLPRMV

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Bar Fever 83-85 Eastgate Street			
Post town	Gloucester	Postcode	GL1 1PN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£13,557.50

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	1 Imperial Square
Post town	Cheltenham
Postcode	

Part 3 - Variation

Please tick as appropriate

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

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
The proposed variation is to extend the sale of alcohol on Friday and Saturday from the current hours of 07:00 to 02:30 the following morning to the proposed hours of 07:00 to 03:30 the following morning. The hours for the remainder of the week will remain as existing.

To extend the provision of regulated entertainment on Friday and Saturday from the current hours of 07:00 to 02:30 the following morning to the proposed hours of 07:00 to 04:00 the following morning. The hours for the remainder of the week will remain as existing.

To extend the provision of late night refreshment on Friday and Saturday from the current hours of 23:00 to 02:30 the following morning to the proposed hours of 23:00 to 04:00 the following morning. The hours for the remainder of the week will remain as existing.

The opening hours of the premises on Friday and Saturday will be 07:00 to 04:00 the following morning. The opening hours for the remainder of the week will remain as existing.

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:

N/A

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 all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

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						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)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	07:00	04:00			
Sat	07:00	04:00	On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour.		
Sun					
			Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)		
Day	Start	Finish			
Mon					
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for indoor</u>		

			<u>sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u> On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour. Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)
Fri	07:00	04:00	
Sat	07:00	04:00	
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri	07:00	04:00	<u>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</u> (please read guidance note 5) On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour. Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)		
Sat	07:00	04:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					

Fri	07:00	04:00	<p><u>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</u> (please read guidance note 5)</p> <p>On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour.</p> <p>Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)</p>
Sat	07:00	04:00	
Sun			

G

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

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
---	--

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		<u>Please give further details here</u> (please read guidance note 3)	Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Mon			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Tue						
Wed						
Thur						

Fri	23:00	04:00	<p><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour.</p> <p>Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)</p>
Sat	23:00	04:00	
Sun			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises – <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish		Both <input checked="" type="checkbox"/>
Mon			<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p>	
Tue				
Wed				
Thur			<p><u>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</u> (please read guidance note 5)</p> <p>On the day when British Summertime commences, and on that day only, licensable activities will be extended by one hour.</p> <p>Licensable activities will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)</p>	
Fri	07:00	03:30		
Sat	07:00	03:30		
Sun				

K

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).

N/A

L

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	<p><u>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</u> (please read guidance note 5)</p> <p>On the day when British Summertime commences, and on that day only, opening hours will be extended by one hour.</p> <p>Opening hours will be extended by one hour on Maundy Thursday, Christmas Eve, Boxing Day and Sundays preceding a Bank Holiday (including Easter Sunday)</p>
Mon			
Tue			
Wed			
Thur			
Fri	07:00	04:00	
Sat	07:00	04:00	
Sun			

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.

N/A

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

M

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

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

The style and operation of the premises will not change. The policies of the premises and conditions of the premises licence will be adhered to.

b) The prevention of crime and disorder

See (a) above

c) Public safety

See (a) above

d) The prevention of public nuisance

See (a) above

e) The protection of children from harm

See (a) above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	27 August 2015
Capacity	Woods Whur 2014 Limited – Solicitors for the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)

Carole Collingwood
Woods Whur 2014 Limited
Devonshire House
38 York Place

Post town	Leeds	Post code	SL1 2ED
------------------	-------	------------------	---------

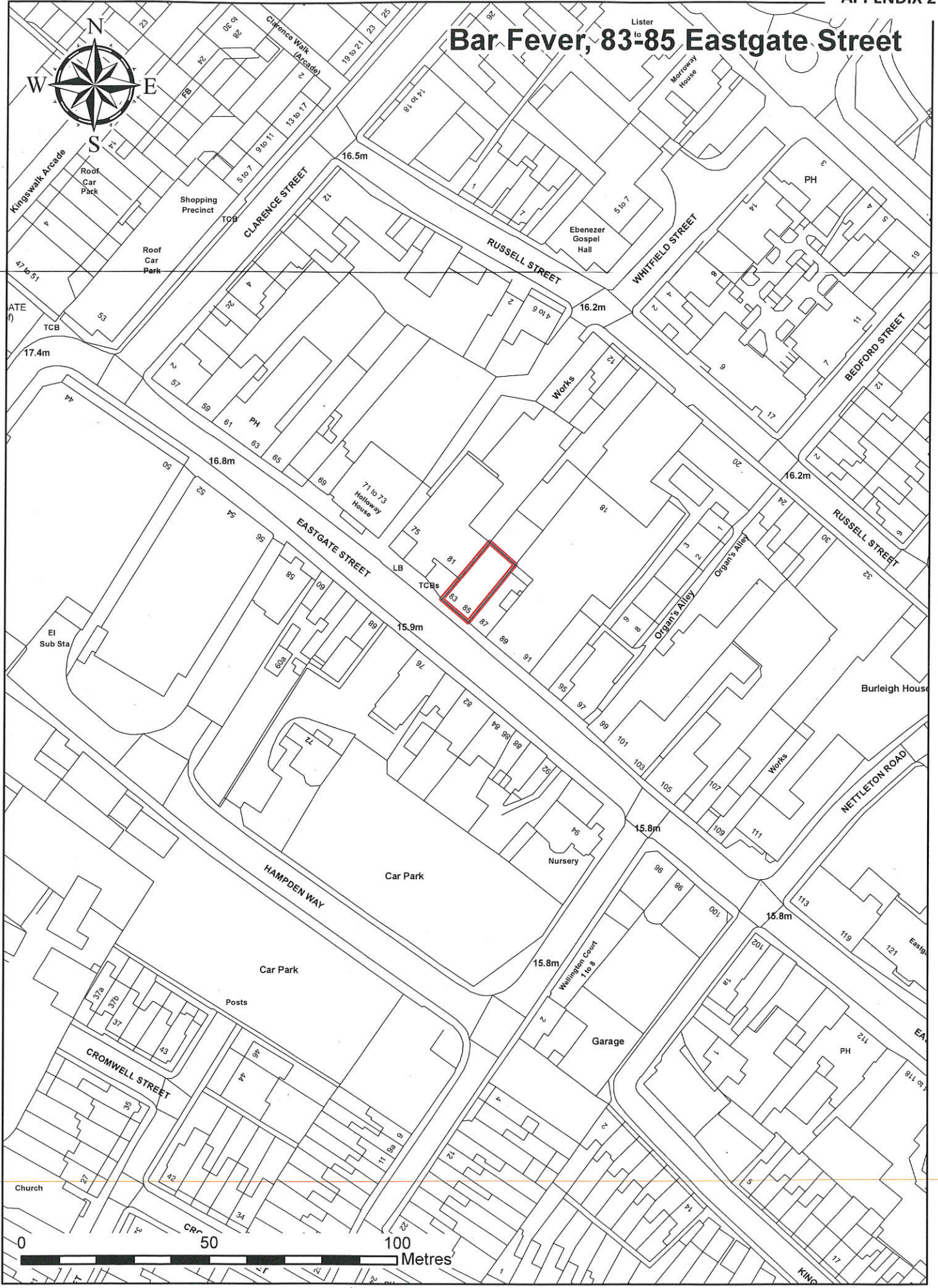
Telephone number (if any)	0113 234 3055
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

carole@woodswhur.co.uk

This page is intentionally left blank

Bar Fever, 83-85 Eastgate Street



This page is intentionally left blank

Schedule 12 Part A

Regulation 33,34

Premises Licence

Premises Licence Number

1201412GLPRMV

Part 1 – Premises Details

Postal address:

Bar Fever (Gloucester) Limited
83-85 Eastgate Street
Gloucester
GL1 1PN

Telephone number 07881 488296

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	07:00 - 02:30
Films	Everyday	07:00 - 02:30
Indoor Sporting Events	Everyday	07:00 - 02:30
Live Music	Everyday	07:00 - 02:30
Recorded Music	Everyday	07:00 - 02:30
Dancing	Everyday	07:00 - 02:30
Late Night Refreshment	Everyday	23:00 - 02:30

Sale of alcohol on New Year's Eve from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day

The opening hours of the premises

Everyday 07:00 - 03:30

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396303 Fax 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

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

Alcohol is supplied for consumption both on and off the Premise:

Part 2

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

Mark Shorting O.B.O
Bar Fever (Gloucester) Limited
1 Imperial Square
Cheltenham
Gloucestershire

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

Company or Charity Number 6760999

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

Ms Hayley Johnson

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

WS/PEL/1571

Licensing Authority: Walsall MBC

Signature of Issuing Officer:

Food Safety and Licensing Service Manager
Environmental Health & Regulatory Services

Date Licence First Granted 18 August 2005
Date of Issue: 9 November 2012

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

Issuing Authority:

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

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.

- (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.

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.

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.

Annex 2 – Conditions consistent with the Operating Schedule

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

That the premise joins the 'Publink' radio system, obtain a radio and remain an active member as long as the scheme exists.

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 of two hours afterwards. Tapes or other recording media relating to CCTV equipment shall be retained for a minimum of 31 days and made available to an authorised officer of the Police or Licensing Authority immediately upon request.

The correct time and date shall be generated onto both the recording and real time image. During times of opening there should be a member of staff technically able to operate the CCTV/mobile camera system, and shall comply with any reasonable request of an authorised officer of the Council or Police, to view the CCTV that has been recorded and provide CCTV images in a removable format within any 24 hours following request. Signage shall be clearly displayed to the effect that Closed Circuit Television equipment is in operation to monitor security and customer safety.

A winding down and dispersal policy shall be adopted that included measures to achieve a gradual and orderly dispersal of customers at the end of the trading session. These measures shall commence at least 15 minutes before the bar closes, and shall include slowing down the tempo of music, a significant reduction in the volume of music, and announcements by entertainers/DJ's/Management requesting customers to leave the premise quietly and respect the peace and quiet of the local residents.

For a period of 30 minutes following the closure of the bar, or until all customers have dispersed from the immediate vicinity if longer, there shall be a minimum of 2 door supervisor when employed on the street outside the premises wearing high visibility clothing (eg. an armband, tie or baseball cap is adequate) to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.

Where a proof of age scheme such as 'Challenge 21' exists; that the premise will adopt that scheme. Where no such scheme exists the premise should clearly display conspicuously, in written form, their age/proof of age related sales policy.

A safe maximum occupancy will be agreed between the premises licence holder and Gloucestershire Fire and Rescue Service, and adhered to.

1201412GLPRMV

Page 4 of 5

Doorstaff will be employed at the premises at any time that musical entertainment other than background music takes place.

If the premises remain open after midnight, for any licensable activity, doorstaff will be provided from 8.00pm until closing.

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

The management will provide effective training of all staff so that they are aware of the objectives of the Licensing Act 2003, particularly to ensure:

- *No underage drinking
- *No drunkenness on the premises
- *No drunkenness in public
- *Drugs awareness
- *No violent or anti-social behaviour
- *The protection of children from harm

Polycarbonate glassware will be used, wherever possible.

Empty glasses and litter will be collected regularly from the public areas.

The doors to the front lobby of the premises will be kept closed, whenever possible, to act as an acoustic barrier to reduce noise emission into the street.

Children are not allowed on the premises after 18:30 hours. All children must be accompanied by an adult and are only allowed in the dining area. Children are not permitted to use the pool tables or AWP machines.

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.

Music and amplified voices shall be inaudible at the external boundary of the nearest noise sensitive premises.

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

That a Closed Door Policy will be operated on New Year's Eve from 23.30 hours until 04.00 hours on New Year's Day.

A CCTV system capable of recording evidential quality images and sound shall be installed and maintained in accordance with current Home Office and the Association of Chief Police Officers guidance.

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

None

Annex 4 – Plans

As submitted with the application
Drawing No: GL-10-301C

Part B

Premises Licence Summary

Premises Licence Number

1201412GLPRMV

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Bar Fever (Gloucester) Limited
83-85 Eastgate Street
Gloucester
GL1 1PN

Telephone number 07881 488296

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	07:00 - 02:30
Films	Everyday	07:00 - 02:30
Indoor Sporting Events	Everyday	07:00 - 02:30
Live Music	Everyday	07:00 - 02:30
Recorded Music	Everyday	07:00 - 02:30
Dancing	Everyday	07:00 - 02:30
Late Night Refreshment	Everyday	23:00 - 02:30

Sale of alcohol on New Year's Eve from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day

The opening hours of the premises

Everyday 07:00 - 03:30

ENVIRONMENTAL HEALTH AND REGULATORY SERVICES

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel 01452 396303 Fax 01452 396340
Email licence.team@gloucester.gov.uk
Minicom 01452 396161
www.gloucester.gov.uk

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

Alcohol is supplied for consumption both on and off the Premise

Name, (registered) address of holder of premises licence

Mark Shorting O.B.O
Bar Fever (Gloucester) Limited
1 Imperial Square
Cheltenham
Gloucestershire

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

Company or Charity Number 6760999

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Hayley Johnson

State whether access to the premises by children is restricted or prohibited

Signature of Issuing Officer:

Food Safety and Licensing Service Manager
Environmental Health & Regulatory Services

Date Licence First Granted 18 August 2005

Date of Issue: 9 November 2012

Issuing Authority:

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

1201412GLPRMV

Page 2 of 2

This page is intentionally left blank

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:	Jaine Simner
Name of the organisation you represent:	Gloucestershire Constabulary
Position held:	Licensing Manager
Postal Address of the organisation or body you represent:	Gloucestershire Police Headquarters Waterwells Drive 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> Jaine.simner@gloucestershire.pnn.police.uk
Full correspondence address if different to above:	As Above

Premises Details

Name of premises you are making representation about:	Bar Fever		
Full Postal Address of premises you are making representation about:	83-85 Eastgate Street Gloucester		
Post Code:		Application Ref. Number. (If known)	

ENVIRONMENTAL HEALTH

Gloucester City Council
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

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



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

Bar Fever is situated on Eastgate Street, Gloucester an area of Special Policy.

Levels of Crime and Disorder and public nuisance are high in this area particularly during the early hours of Saturday and Sunday mornings during the dispersal of nightclubs, bars and late night refreshment venues. The street is regularly the location of conflict when venues close and persons of varying age, culture and diversity meet, many of whom are intoxicated.

The Constabulary have worked and continue to work very closely with venues situated in this area to promote the licensing objectives. Offsetting dispersal times, voluntary agreements and in some cases imposing conditions to reduce crime and disorder.

Although the request of Bar Fever to extend its hours, is on the scale of things minor. The knock on effect for the Constabulary and area could be severe with regards to Crime and Disorder and public nuisance. The impact this could have on the community and the image of Gloucester would be great.

Venues that have voluntarily reduced their hours or on police advice not extended will undoubtedly follow suit. With depleted police resources available particularly during the early hours on weekends the likelihood of an increase in crime and disorder would be high.

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 premises limit the number of events using the later hours to 12 per year. (this would be in addition to those available by application of temporary events)

The premises notify the police of such events 7 days in advance

2 SIA registered door staff remain outside the premise after close for 30minutes or until customers have dispersed

Signed:	Jaine Simner	Dated:	24 th September 2015
----------------	--------------	---------------	---------------------------------

Position:

Licensing Manager

This page is intentionally left blank

THE LICENSING POLICY OBJECTIVES

3. PREVENTION OF CRIME AND DISORDER

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

****Door Supervisors***

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

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

Cumulative Impact – Special Policies

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

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

Special Policy in respect of Eastgate Street and area

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

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

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

Eastgate Street
Clarence Street (south east side)
Brunswick Road (south east side)
Park Road (north side)
Bruton Way (west side from Park Road to Market Parade)
Station Road

Russell Street
Hampden Way
Wellington Street
Cromwell Street
Arthur Street
Belgrave Road
Kingsbarton Street
St Michael's Square
Market Parade (south east side)

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

4. PUBLIC SAFETY

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

5. PREVENTION OF NUISANCE

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

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

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

This ultimately will be a matter of fact.

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

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

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

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

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

6. PROTECTION OF CHILDREN FROM HARM

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

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

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

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

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

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

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

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

Children and Films etc.

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

Children and Theatrical Entertainment

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

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

7. LICENSING HOURS

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

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

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

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

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

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

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.

This page is intentionally left blank