



Licensing and Enforcement Committee

Meeting: Tuesday, 8th December 2020 at 6.30 pm hours in Virtual Meeting - Microsoft Teams (a viewing link will be published on the Council's website at least 24 hours prior to the meeting)

Membership:	Cllrs. Walford (Chair), Brooker (Vice-Chair), Brazil, D. Brown, Field, Finnegan, Haigh, Hansdot, Lugg, Patel, Tracey and Williams
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

VIEWING ARRANGEMENTS FOR REMOTE MEETINGS

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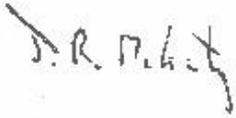
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1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 10) To approve as a correct record the minutes of the meeting held on 8 th September 2020.
4.	MINUTES OF LICENSING SUB-COMMITTEES Members are requested to indicate whether they wish to discuss the exempt minutes listed at agenda item 11. If so, it will be necessary to resolve to exclude the Press and Public and

	<p>circulate the exempt minutes prior to any discussion of the exempt minutes listed at agenda item 11.</p> <p>Should no Member wish to discuss the minutes, the Committee are invited to resolve to receive the exempt minutes without discussion.</p>
5.	<p>PUBLIC QUESTION TIME (15 MINUTES)</p> <p>To receive any questions from members of the public provided that a question does not relate to:</p> <ul style="list-style-type: none"> • Matters which are the subject of current or pending legal proceedings, or • Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers.
6.	<p>PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)</p> <p>To receive any petitions and deputations provided that no such petition or deputation is in relation to:</p> <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings.
7.	<p>REVISED LICENSING POLICY STATEMENT (Pages 11 - 76)</p> <p>To consider the report of the Head of Place, which presents to members the results of the consultation on the Draft Revised Licensing Policy Statement and recommends that members agree to a final draft version of the Licensing Policy Statement for adoption by Council at the meeting to be held on the 29th January 2021.</p>
8.	<p>CUMULATIVE IMPACT ASSESSMENT (Pages 77 - 94)</p> <p>To receive the report of the Head of Place which asks members to direct Officers to undertake an eight-week consultation with relevant stakeholders, businesses and members of the public on the Cumulative Impact Assessment.</p>
9.	<p>QUARTERLY UPDATE (Pages 95 - 102)</p> <p>To receive the report of the Head of Place, which outlines to Members, details of key Licensing Activities carried out from 1 September 2020 to 30 November 2020, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.</p>
10.	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>To consider the following resolution should members wish to discuss agenda item 11.</p> <p>“That the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of proceeding, that if members of the press or public are present during consideration of this item there will be disclosure to them of exempt information as defined in Paragraphs 1, 2, 3 & 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.”</p>
11.	<p>EXEMPT MINUTES OF THE LICENSING ENFORCEMENT SUB-COMMITTEE (Pages 103 - 106)</p> <p>To receive the exempt minutes of the following meeting of the Licensing Enforcement Sub-Committee, if members decide they want to discuss them:</p>

	9 th November 2020 (One set of minutes).
12.	DATE OF NEXT MEETING Tuesday, 16 th March 2021 at 6.30pm.



Jon McGinty
Managing Director

Date of Publication: Monday, 30 November 2020

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.

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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.

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LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 8th September 2020

PRESENT : Cllrs. Walford (Chair), Brazil, D. Brown, Field, Haigh, Hansdot, Lugg, Patel, Tracey and Williams

Officers in Attendance

Head of Place

Solicitor - One Legal

City Centre Improvement Officer (Licensing lead)

Democratic and Electoral Services Team Leader

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Brooker and Finnegan

1. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

2. MINUTES

The minutes of the meeting held on the 19th March 2019 were confirmed as a correct record to be signed by the Chair in due course.

3. MINUTES OF LICENSING SUB-COMMITTEES

No Member indicated that they wished to discuss the content of the exempt minutes therefore it was not necessary to exclude the press and public.

Councillor Haigh informed Members that she had not received copies of the exempt minutes.

The Chair stated that the exempt minutes would be re-circulated, that he and officers would be available to clarify matters arising from them and would defer discussion among Members if necessary.

RESOLVED that the exempt minutes of the Licensing Enforcement Sub-Committee held on 16th April 2019, 7th October 2019, 11th October 2019, 11th November 2019 (three cases), 26th November 2019 (four cases), 17th December 2019 (two cases), 11th February 2020 (two cases), 17th February

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2020 (five cases), 3rd March 2020, 13th July 2020 and 18th August 2020 be received subject to circulation to Members.

4. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

5. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions or deputations.

6. CUMULATIVE IMPACT POLICY REVIEW

The City Centre Improvement Officer (Licensing Lead) presented the report of the Head of Place that sought Members to direct Officers to undertake the necessary steps to review the current Cumulative Impact Policy by way of consultation with relevant parties.

The Chair advised Members that the Cumulative Impact Policy itself would be considered at the next meeting following the proposed review and consultation.

RESOLVED that Officers undertake the necessary steps to review the current Cumulative Impact Policy, by way of consultation with relevant parties over an eight week period.

7. REVISED LICENSING POLICY STATEMENT

The City Centre Improvement Officer (Licensing Lead) presented the report of the Head of Place that offered the draft revised Licensing Policy Statement for approval by Members for consultation.

The Chair informed Members that the struckthrough text within the table of Delegated Functions in Appendix A to the Draft Licensing Policy Statement should be regarded as not struckthrough.

Regarding consultation with Gloucestershire Public Health (Appendix 1 2.5) Councillor Williams reminded Members of recent government changes to national health agencies and advised them that related change may come to local health organisations.

Councillor D Brown asked if the proposed consultations for the Licensing Policy Statement and Cumulative Impact Policy included measures to mitigate against the current difficult circumstances to enable everyone who was well placed to comment to do so.

The City Centre Improvement Officer (Licensing Lead) reassured Members that current circumstances had been taken into account and officers would reach out to engage as many people and organisations as possible.

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Councillor Tracey sought clarification of the need for the expanded recommendation for employment of door staff (Appendix 1 4.6).

The City Centre Improvement Officer (Licensing Lead) referred to the legislation concerning the Security Industry Authority (SIA) training and licensing of door staff for licensed premises in particular the requirement for premises with entertainment to employ licensed door staff.

Councillor Tracey enquired if the conditions for door staff would apply to events with entertainment held in homes.

The City Centre Improvement Officer (Licensing Lead) replied that if a premises is not licensed or open to the general public then the legal requirements would not apply.

Councillor Williams noted that the estimate given for the population of Gloucester (Appendix 1 1.1) dated to 2014 and had since been superseded.

The City Centre Improvement Officer (Licensing Lead) reassured Members that the population estimate would be updated with the figure in the City Plan as had been suggested by the Head of Place.

Councillor Patel asked why the Canal and River Trust was included as a 'Responsible Authority' with whom consultation was necessary (Appendix 1 Appendix H).

The City Centre Improvement Officer (Licensing Lead) stated that it was required in legislation for premises owned by the Trust and that as major land owners in the city it would be sensible to include them. He further advised that such consultation would only be necessary in relevant, not all, applications.

The Chair reiterated that the more consultees, the better.

RESOLVED that the draft Licensing Act 2003 Statement of Licensing Policy for the period 2021-2026 for the purposes of public consultation over an eight week period be approved.

8. QUARTERLY UPDATE

The City Centre Improvement Officer (Licensing Lead) presented the report of the Head of Place that outlined to Members details of key Licensing Activities carried out from March 2020 to August 2020, including applications and service requests received, details of any enforcement work, progress updates of the work plan and any changes in Licensing Law.

The Chair corrected an error in the report (4.1) by confirming that the appeal at Magistrates Court on 13th March 2020 regarding a Private Hire Vehicle License had in fact upheld the original decision.

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Councillor Haigh expressed concern over the fulfilment of gambling licensing obligations under the current committee structure and asked that the matter be reviewed.

The Chair advised Members that he would discuss the issue with officers and that it would be an agenda item at the next meeting.

RESOLVED that the contents of the report be noted.

9. DATE OF NEXT MEETING

Tuesday, 8th December 2020 at 6.30pm.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.00 pm hours

Chair



Meeting:	Licensing and Enforcement Committee Council	Date: 8 th December 2020 29 th January 2021
Subject:	Licensing Act 2003 – Revised Licensing Policy Statement	
Report Of:	Head of Place	
Wards Affected:	All	
Key Decision:	No	Budget/Policy Framework: Yes
Contact Officer:	Darren Mountford, City Centre Improvement Officer (Licensing Lead)	
	Email: darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:	1. Draft Licensing Policy Statement 2. List of Consultees 3. Formal Written Responses	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present to members the result of the consultation on the Draft Revised Licensing Policy Statement.
- 1.2 To agree a final draft version of the Licensing Policy Statement for adoption by Council at the meeting on 29th January 2021.
- 1.3 To note that the cumulative impact zone, within the Statement of Licensing Policy, is currently under review. There is a separate report going before members asking for the Cumulative Impact Assessment to go out for a statutory consultation with a view to a further report being presented to the Licensing and Enforcement Committee for a final decision in March 2021.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Licensing Policy Statement and **RECOMMEND** that:
 - (1) The revised Licensing Policy Statement – Licensing Act 2003, is approved and adopted by Council.
- 2.2 Council is asked to **RESOLVE:**

(1) To adopt the Licensing Policy Statement 2021-2026 – Licensing Act 2003 as set out in Appendix 1.

3.0 Background and Key Issues

Statement of Licensing Policy

- 3.1 The Council is the Licensing Authority for the purposes of the Licensing Act 2003.
- 3.2 In accordance with the provisions of the Act, the Council is required to determine and publish a Statement of Licensing Policy at least every five years.
- 3.3 The Council's current Statement of Licensing Policy under the Licensing Act 2003 took effect in 2016.
- 3.4 The Licensing Policy Statement is now due to be reviewed and the new Statement will need to be in place by 29th January 2021.
- 3.5 The Licensing and Enforcement Committee on 8th September 2020 approved the draft revised Licensing Policy Statement for the purposes of consultation.
- 3.6 The document has been subject to an eight week consultation that ran from 17th September 2020 until 12th November 2020.
- 3.7 A list of consultees is attached at Appendix 2.
- 3.8 In addition the consultation was published on the Council's website.
- 3.9 In total two formal written responses were made by email and these are attached as Appendix 3 and are summarised below.
- 3.10 Response from the Chair of the Licensed Victuallers Association (LVA)
- The Chair of the LVA comments were mostly complimentary and asked if under paragraph 9 of the Policy a reference to the LVA could be mentioned.
- 3.11 I have made reference to the LVA within the Policy. This can be seen at Paragraph 9.12 and is shaded in red.
- 3.12 Response from Richard Graham MP
- 3.13 Mr Graham's comments were regarding Anti-Social Behaviour and Off-licences selling alcohol to people that appear to be under the influence of alcohol.
- 3.14 These concerns have been noted and can be dealt with by way of a review of the Premise Licence if there is evidence to support this. We will continue to work with partners to gather any evidence that might help to bring a review of a particular premise.
- 3.15 Another action is through education where a written warning might suffice in order to stop any further complaints coming in against a licensed premise.

Cumulative Impact

- 3.16 The section of the policy relating to Cumulative Impact at this point has been left unchanged. This is because the Council's Cumulative Impact Policy is currently subject to a separate review, which is in line with the new requirements of the Licensing Act 2003 (as amended by the Policing & Crime Act 2017).
- 3.17 By way of background, as the Committee is already aware, "cumulative impact" is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. This Council has had a Cumulative Impact Policy ("CIP") in place since 2004 and it was last reviewed in 2016. It covers a specific geographical area in the city centre. In terms of the legal effect of a CIP, the CIP does not remove the Committee's discretion to grant new premises licenses or vary existing ones and all licensing applications must be treated on their individual merits and determined in accordance with the licensing objectives and relevant legal considerations. However, what the CIP does do, is create a rebuttal presumption that the grant or variation of a premises license within the CIP area will have a cumulative impact on the promotion of the licensing objectives.
- 3.18 Where a Cumulative Impact Policy has been adopted, the Licensing Act 2003 requires the Council to periodically undertake a cumulative impact assessment, based on evidence, to determine whether the number or density of premises can be shown to be having an impact and whether that impact is undermining the Council's duty to uphold the 4 licensing objectives.
- 3.19 At the Licensing and Enforcement Committee in September members approved an eight week consultation to work with partners i.e. the Police and Public Health to seek their view on whether there is still a need for a CIP within the Statement of Licensing Policy. A separate report has been written on this for members to consider.

4.0 Social Value Considerations

- 4.1 The Policy aims to provide clarity to applicants, interested parties and Responsible Authorities on how the Licensing Authority will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

5.0 Environmental Implications

- 5.1 The statement of Licensing Policy aims to balance the social and economic benefits of licensable activities against the potential adverse environmental implications, such as public nuisance.

6.0 Alternative Options Considered

- 6.1 As there is a legal requirement for the licensing authority to review, consult and republish their Statement of Licensing Policy every five years, no alternative options have been considered appropriate on this occasion.

7.0 Reasons for Recommendations

- 7.1 The Statement of Licensing Policy provides the framework in which the licensing function is administered and the Council's approach under the Licensing Act 2003.
- 7.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years but it does not prevent an earlier review.
- 7.3 The Licensing Authority must have regard to the statutory guidance issued under Section 182 of the Licensing Act 2003 when drafting its policy. The latest version, issued by the Home Office in 2018, has been referred to during the drafting of this policy.

8.0 Future Work and Conclusions

- 8.1 The Council must publish its Licensing Policy Statement prior to 29 January 2021 so that it may be effective from that date.
- 8.2 The next review of the Policy Statement is scheduled for 2025.
- 8.3 The draft Licensing Policy Statement has been widely consulted upon and the feedback is contained within this report. Apart from minor amendments already made to the draft document, Members must decide whether they wish for any other amendments to be made before the final version is approved by Full Council.

9.0 Financial Implications

- 9.1 The recommendations have no impact on the Council's budgets
(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 The Council has a statutory duty to have a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 10.2 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 10.3 Failure to determine the Statement of Licensing Policy could lead to judicial challenge.

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

11.0 Risk & Opportunity Management Implications

- 11.1 Failing to prepare and publish a new Statement of Licensing Policy would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. A further assessment will be conducted to consider any feedback from the consultation.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

Licensing Act 2003

Guidance issued under S182 of the Licensing Act 2003.

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THE LICENSING ACT 2003

LICENSING POLICY STATEMENT

2021/2026



PREAMBLE

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

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

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

This Licensing Policy has been drawn together based on the last edition with some updates where appropriate and reflects the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon. The Act requires the Council to revise and republish the policy every five years. This Policy will come into force January 2021.

Comments and queries should be directed to:

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1. INTRODUCTION

- 1.1 Gloucester City Council is situated in the County of Gloucestershire which contains 6 district councils in total. The Council area has an estimated population of 129,128 making it the largest urban Authority in the County in terms of population. In terms of area it is one of the smallest covering just 15.64 square miles. The City of Gloucester is the County town for Gloucestershire and its area is mainly urban. It is surrounded by the rural authorities of the County. The Docks, Quays and Kings Quarter area of the City is a focus of a major regeneration and there is a substantial housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

2.0 THE LICENSING ACT 2003

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

- The retail sale of alcohol (including via the internet or mail order);
- The supply of alcohol to members of registered clubs;
- The provision of regulated entertainment
- The supply of hot food or hot drink between 2300 hours and 0500 hours ('late night refreshments').

2.2 The Licensing Act 2003 imposes a duty on the City Council as Licensing Authority to produce, develop and review a Licensing Policy that sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions under the Act. The Licensing Authority will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Licensing Act 2003, which are as follows:

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

These 4 objectives are the only matters to be taken into account in determining the application. Each objective is of equal importance and the Licensing Authority's policy relating to each of them is given in this Licensing Policy. Where the Licensing Authority receives relevant representations regarding an application from a "Responsible Authority" (a list of Responsible Authorities is attached together with their contact details in Appendix I) or 'Other Persons' The licensing authority's discretion is invoked to consider the matter. 'Other Persons' may include any of the following:

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local Councillors
- Businesses with an interest in the premises or locality
- Organisations with an interest in the locality, premises or licensable activities

The Licensing Authority may consider attaching conditions to licences to promote the licensing objectives as appropriate. If no relevant representations are received by the Licensing Authority the application will be granted in the terms sought and no additional conditions imposed; conditions will be proportionate and only those appropriate to achieve the licensing objectives will be applied.

2.3 This Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Home Secretary under Section 182 of the Act. The Policy will take effect on 29 January 2021 and will remain in force for a period of not more than five years. A review and further consultation will be carried out no later than Autumn 2025. If any amendments to the Licensing Policy are needed before the review period they will only be made following consultation with those parties referred to in paragraph 2.4 below.

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

- 2.11 When applications are considered by the Licensing Authority following receipt of relevant representations, they will be considered on their own merits. The Licensing Authority will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by the activities. The views of vocal minorities will not usually predominate over the general interests of the community. Where it is necessary to depart from the national guidance, either in this policy or at any other time, the Licensing Authority will give clear and sound reasons for doing so.
- 2.12 The Licensing Authority will work in partnership with other local authorities, particularly in Gloucestershire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.

3.0 THE LICENSING PROCESS

- 3.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 3.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 3.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness these are delegated to Officers. Attached at Appendix A to this Licensing Policy is a Table of Delegated Functions setting out the agreed delegation of decisions and functions to the Licensing Authority's Licensing Committee, Sub-Committees and Officers. These delegations are without prejudice to Officers referring an application to a Sub Committee or the Licensing Committee if considered appropriate in the circumstances of the case. The Licensing Committee will regularly receive, review, comment and consider other relevant policies relating to employment, transport, cultural development and community safety as far as they affect its' licensing function.
- 3.4 The Licensing Act 2003 requires all applicants for new and varied premises licences to provide an Operating Schedule. Applicants when completing their operating schedule should consider the licensing objectives and state in this schedule any steps that they propose to take to promote the licensing objectives. Further details of issues that applicants may wish to consider are listed under the sections for each of the licensing objectives, sections 4 to 7 and in particular the list in paragraph 6.5.
- 3.5 The Licensing Authority will work closely with any relevant planning and transportation policies, tourism and cultural strategies, equality and diversity policies, the evening economy strategy in Gloucester, or local crime and disorder strategies and to take account of these where appropriate.
- 3.6 Operators of licensed premises are reminded that they will have to comply with planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises.
- 3.7 Responsible Authorities and Other Persons may make representations about a licence application. In order for the representations to be relevant they must be made within 28 days of the application being lodged with the Licensing Authority and they must relate to one of the 4 licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance or protection of children from harm). Where relevant representations have been received from responsible authorities or other persons, the Licensing Authority will consider whether it is necessary, having regard to the representations, to modify the conditions proposed in the operating schedule. In such cases, the authority will seek to impose the minimum burden which is necessary in order to promote the licensing objectives in the individual case.

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

How this policy applies

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

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

THE LICENSING POLICY OBJECTIVES

4.0 PREVENTION OF CRIME AND DISORDER

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 The Licensing Authority along with the Police and Trading Standards fully supports the aims and objectives of the Gloucester LVA and City Safe Scheme and encourages the use of the City Safe Radio System. The Authority will also continue to work with the Safer Gloucester Partnership, NightSafe Partnership, Safer Community Teams, Neighbourhood Projects, Ward Councillors and others to help reduce crime and disorder associated with licensed premises.
- 4.6 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

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.

CCTV

Where appropriate applicants are encouraged to install a CCTV system that will be maintained and will record at all times the premises are open to the public. All recordings to be stored chronologically in a secure place for a period of not less than 31 days and to be produced to the Police and authorised officers of the Council on request.

- 4.7 Applicants for late night entertainment and liquor premises are advised to agree a protocol with Gloucestershire Police on the handling of illegal drugs found on their premises.

Cumulative Impact – Special Policies Please refer to the separate report on the Cumulative Impact Review

- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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

- 4.14 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.

- 4.15 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.
- 4.16 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.
- 4.17 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.
- 4.18 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.
- 4.19 This presumption does not relieve responsible authorities or other persons 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.
- 4.20 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.
- 4.21 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.
- 4.22 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)

4.23 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.

4.24 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.

4.25 There are also other mechanisms that the Licensing Authority can use to help control cumulative impact.

4.26 Late Night Levy

This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The option of introducing such a levy will be kept under review by the Council.

4.27 Early Morning Restriction Orders (EMRO'S)

An Early Morning Alcohol Restriction Order (EMRO) is a power in the Licensing Act 2003 that enables licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

Gloucester City Council has no plan to apply for an order at this time.

4.28 Public Spaces Protection Order (PSPO)

PSPO's replaced the DPPO's under the ASB Crime & Police Act 2014. Public Space Protection Orders can be used to tackle problems with anti-social drinking. An Order is currently in place for the City covering the City Centre. Map of the area is attached as Appendix D.

5.0 PUBLIC SAFETY

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach in licensed premises.
- 5.5 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.

6.0 PREVENTION OF PUBLIC NUISANCE

6.1 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.

6.2 The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes the Council suggests that 'vicinity' means:

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

6.3 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.

6.4 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.

6.5 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, outside and within the general vicinity of 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. Gloucester City Safe radio, pagers, ring rounds, membership of Gloucester City Safe).

6.6 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 Public Space Protection Orders in parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas.
- 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, licensing authority, or other persons to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 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).

7.2 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. PASS card);

7.3 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme.

7.4 The Council recognises the potential risk to children from mobile, remote, internet and other delivery sales of alcohol being made to or accepted on the doorstep persons under 18. The Council expects applicants for internet and delivery alcohol sales to explain in their application how they will ensure that sales and deliveries are only made to persons over 18. This could include checks whilst taking bookings and ensuring a signature of a responsible adult on delivery.

7.5 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.

- 7.6 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 7.7 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

- 7.8 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.
- 7.9 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 7.10 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

- 7.11 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.

8.0 LICENSING HOURS

8.1 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.

8.2 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.

8.3 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.

8.4 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.

9.0 PROMOTING GOOD PRACTICE INITIATIVES

Best Bar None

- 9.1 Best Bar None (BBN) is a National Award Scheme supported by the Home Office and the British Institute of Innkeeping aimed at promoting responsible management and operation of alcohol licensed premises.
- 9.2 Best Bar None maintains and raises standards and rewards good management of those venues that attain the Award. This is delivered at local level through active partnerships between the industry, local authorities and the police.
- 9.3 The Awards are based on core national standards with local flexibility to ensure they address local needs.
- 9.4 Assessment will be carried out by competent, impartial assessors, who will ensure consistency of approach. The assessment criteria will be clear and straight forward, with a minimum of bureaucracy and with constructive feedback provided to all entrants.
- 9.5 Applicants are encouraged to join the scheme, further details can be found at www.safergloucester.co.uk

Gloucester City Safe

- 9.6 Gloucester City Safe replaces the previous schemes known as Pubwatch and Shopwatch. With this in mind the Licensing Authority encourages all premises licence holders to sign up to Gloucester City Safe.
- 9.7 Gloucester City Safe is made up of members of the Business Community with the sole intention of facilitating the reduction of crime, disorder and anti-social behaviour.
- 9.8 It represents both the Day Time and Night Time Economies by working together to reduce shoplifting, theft, anti-social behaviour, alcohol related disorder and street drinking throughout Gloucester.
- 9.9 Gloucester City Safe runs an Exclusion Scheme whereby members can issue 'Yellow Card' warnings to persons who misbehave in or near their premises. Normally 2 Yellow Cards would lead to an exclusion from the services of all members of Gloucester City Safe. This includes shops, restaurants, pubs, clubs and transportation services.
- 9.10 Gloucester City Safe work hand in hand with the Police and other like minded and supportive Partners, striving to make Gloucester a safer place for all to live, work and visit.

Licensed Victuallers Association (LVA)

- 9.11 Applicants are encouraged to join the LVA, for more information on this email licensing@gloucester.gov.uk

Reduced Alcohol Strength Initiatives

- 9.12 'Reducing the Strength' refers to initiatives designed to tackle the problems associated with street drinking by removing from sale low price high-strength alcohol products through voluntary agreements with local retailers. The Licensing

Authority will work in partnership with Gloucestershire Constabulary to encourage Premises Licence Holders to promote this initiative where appropriate.

Irresponsible Drinks Promotions

- 9.13 Low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. Through this policy the licensing authority would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the licensing authority will consider imposing controls on drinks promotions to deal with localised problems.

However, the licensing authority would prefer an approach whereby it, along with the licensed trade and other partners, are able to promote responsible retailing of alcohol instead of having to deal with the effects of irresponsible drinks promotions and drunkenness.

Promotion of equality

- 9.14 The policy recognise that the Equality Act 2010 places a legal obligation on this authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics through the functions outlined in this policy. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

10.0 ENFORCEMENT AND COMPLAINTS

- 10.1 The Licensing Authority recognises the contribution that can be made by developing effective working practices with our partner agencies. The Licensing Authority shall establish enforcement protocols with the Gloucestershire Constabulary and other relevant partnership agencies to ensure efficient deployment of Licensing Authority enforcement staff and thereby avoiding duplication of effort when carrying out inspection or enforcement matters.
- 10.2 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events, which include -
- Planning controls
 - Enforcement of Environmental Protection legislation (e.g. on noise nuisance)
 - Positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators and other departments of the City Council
 - Powers to designate parts of the district as places where alcohol may not be consumed publicly
 - Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
 - Police powers to confiscate alcohol from adults and other in designated areas
 - No inspection will take place without a reason

- The Licensing Authority and its Enforcement Officers recognise that a key element of their activity will be to allow or even encourage, economic progress and only intervene when there is a clear case for protection
- 10.3 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Licensing Authority will monitor premises and take any appropriate enforcement action to ensure compliance.
 - 10.4 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Environmental Health and Regulatory Services Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat, The Department for Business Enterprise and Regulatory Reforms Regulators Compliance Code.
 - 10.5 The Licensing Authority may when appropriate employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with the Gloucestershire Police in enforcing licensing legislation.
 - 10.6 The Licensing Authority will continue to work with its partner agencies in enforcing the licensing laws and in the inspection and risk rating of premises to ensure the licensing objectives and licence conditions are met. Risk assessments will be regularly reviewed and any appropriate action that needs to be taken will be implemented immediately. In particular the Licensing Authority will target its inspection process towards those premises that are considered as 'problematic' and 'high risk' premises in particular those premises situated within the Cumulative Impact Zone that may require greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.
 - 10.7 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.
 - 10.8 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
 - 10.9 If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.
 - 10.10 In undertaking the inspection of licensed premises the Licensing Authority will promote the following categories of risk weighting:

Medium to High Risk - City Centre Public Houses and Night Clubs

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

In addition to the above the history of the premises will also be taken into consideration in respect of the issues listed in 10.12 below. New sites not listed above - to be assessed dependent upon location and style of operation and operators.

- 10.11 Where 'Other Persons' have made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Licensing Authority will initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern. 'Other Persons' are defined as at paragraph 2.2
- 10.12 The Licensing Authority can only review a licence where it is alleged that the licensing objectives are being breached. It views particularly seriously applications for the review of any premises licence where it involves the:
- use of licensed premises of the sale distribution of Class A drugs and the laundering of the proceeds of drugs crimes
 - use of licensed premises for the sale distribution of illegal firearms
 - evasion of copyright in respect of pirated films and music
 - Underage purchase and consumption of alcohol
 - Use of licensed premises for prostitution or the sale of unlawful pornography
 - Use of licensed premises of unlawful gaming
 - Use of licensed premises as a base for organised criminal activity
 - Use of licensed premises of the organisation of racist, homophobic or sexual abuse or attacks
 - Use of licensed premises of the sale of smuggled tobacco or goods
 - The use of licensed premises for the sale of stolen goods
 - Where the police are frequently called to attend to incidents of disorder
 - Prolonged and/or repeated instances of public nuisance
 - Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
 - Where serious risks to children have been identified
 - Immigration Offences such as employment of persons who do not have the right to work in the UK.
- 10.13 This process will not override the right of any 'Other Persons' to ask the Council's Licensing Committee to consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

11.0 TEMPORARY EVENT NOTICES (TEN's)

- 11.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the Police, Environmental Health and the Licensing Authority.
- 11.2 The Licensing Authority recommends that as much notice as possible be given by applicants for events. For large events organisers are encouraged to give as much as three months notice so that the Licensing Authority can help organisers plan their events safely. **The law states that at least ten working days notice must be given** but the less time that is given will increase the likelihood of the police objecting.
- 11.3 Ten working days commences with the day **after** the notification is given to the Licensing Authority and finishes the day **before** the event is due to take place. 'This means that day one will be the first working day following the day when the Temporary Event Notice is given to the Licensing Authority and the tenth working day must not be later than the day before the event is due to take place.'
- 11.4 In certain circumstances a Late Temporary Event Notice can be given this is to assist premises users who are unable to give ten working days notice for reasons outside their control. A Late Temporary Event Notice can only be accepted if it is received at least five days before the beginning of the event.
- 11.5 Organisers of temporary events are strongly advised to contact the Licensing Authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the Police and Environmental Health to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.
- 11.6 All events run under the terms of a temporary event notice will be risk assessed by the Licensing Authority and may be visited by a Licensing and Enforcement Officer if considered necessary.
- 11.7 This Authority takes the view that if it considers that a Temporary Event Notice has not been properly given then, in the first instance, the Authority will check with the Police and Environmental Health that they are in receipt of the notification, are satisfied with the notice given and whether or not they intend to make an objection on the basis on one or more of the licensing objectives. If they are not planning to make an objection and the Police and Environmental Health are satisfied with the notice given the Authority should not unnecessarily prohibit these events taking place on the grounds that the notification had not been properly made.
- 11.8 The number of TEN's allowed on a premises in any one calendar year is 15.

12.0 PERSONAL LICENCES – NEW APPLICATIONS

- 12.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.
- 12.2 Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application.
- 12.3
- (a) The applicant is aged 18 or over
 - (b) The applicant is entitled to work in the United Kingdom
 - (c) The applicant possesses a licensing qualification or is a person of a prescribed description
 - (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
 - (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty
- 12.4 The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.
- 12.5 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.
- 12.6 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 12.7 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.
- 12.8 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the crime prevention objective
 - The objection notice given by the Police or Home Office
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence

- The sentence or penalty imposed on the applicant for the relevant offence
 - Any representations made by the applicant
 - Any other evidence as to the previous character of the applicant
- 12.9 If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 12.10 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

13.0 PERSONAL LICENSES – SUSPENSION AND REVOCATION

- 13.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 13.2 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 13.3 The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.
- 13.4 The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 13.5 If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 13.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 13.7 The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.
- 13.8 If the licensing authority, having considered a suspension and revocation and

subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

- 13.9 Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
- 13.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.
- 13.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 13.12 In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the licensing objectives
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the licence holder for the relevant offence
 - Any representations made by the Police or Home Office Immigration Enforcement
 - Any representations made by the holder of the licence
 - Any evidence as to the previous character of the holder of the licence
- 13.13 The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.
- 13.14 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.
- 13.15 The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions

14.0 LATE NIGHT REFRESHMENT EXEMPTIONS

- 14.1 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 14.2 This authority has not resolved to exempt any premises from the requirement to have a licence to provide late night refreshment.

15.0 IMMIGRATION ACT 2016 – ENTITLEMENT TO WORK

- 15.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 15.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 15.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
 - Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
 - Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
 - The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
 - Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 15.4 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 15.5 The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and Gloucestershire Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

FURTHER INFORMATION

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

City Improvement

Telephone No.: 01452 396396

Email: heretohelp@gloucester.gov.uk

Gloucester City Council
PO Box 3252
Westgate Street
Gloucester
GL1 9FW

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

APPENDIX A

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence with unspent relevant convictions		If a representation is made	If no representation is made
Application for personal licence with unspent convictions		All Cases	
Decision whether to suspend or revoke a personal licence		All cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application for a minor variation			All cases
Decision whether to consult responsible authorities on minor variation applications			All cases
Application to vary designated premises supervisor		If a police or Home Office representation is made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police or Home Office representation is made	All other cases
Application for interim authority		If a police or Home Office representation is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a			All cases

complaint or objection is irrelevant, frivolous, vexatious etc			
Decision to object when Licensing Authority is a consultee and not the lead authority			All cases
Determination of a EH or police representation to a TEN		All cases	
Approval of licensing policy statement	All cases		

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

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

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

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

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

Premises Licences

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

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

* The Operating Schedule must include a statement of:

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

In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to Appendix B of this policy above.

Community Premises

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

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

Takeaway food premises

It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there.

Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.

The Licensing Authority may recommend that licensed premises principally used for selling hot food for consumption off the premises shall have suitable CCTV installed. Where Crime and Disorder issues arise the Licensing Authority may impose a requirement on the premises licence holder to employ SIA doormen.

Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers.

Sexual Entertainment Venues (SEV's)

The Licensing Authority has adopted the amended provisions of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 ('the 2009 Act') with respect to "relevant entertainment", that is:

- a) any live performance; or
- b) any live display of nudity.

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The adopted provisions came into effect on the 1st April 2011 in Gloucester.

Any premises that want to offer relevant entertainment on a regular basis, that is more frequent than 24 hours once a month on no more 11 occasions a year, can no longer offer this under the provisions of the Act as a result of the

abovementioned adoption. These premises must apply for a Sexual Entertainment Venue (SEV) licence.

Premises that want to offer relevant entertainment on an irregular basis can still do so under the provisions of the Act. These premises must be authorised for the performance of dance and the performance of recorded music.

The Government has seen it fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the council recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime & disorder and an inability of regulatory bodies to respond accordingly.

Pavement Cafes and External Areas

The Local Authority wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Gloucester because of the added life and vitality this brings to the town.

Whilst the provision of tables and chairs outside a premises can enhance the attractiveness of a venue, regard should be had to the need to ensure that the use of such areas will not cause nuisance to local residents and other premises in the vicinity.

Premises that make use of external areas are expected to manage those areas in such a way that its use does not impede access to the premises, obstruct the highway and does not cause disturbance.

Shops Selling Alcohol (Off Licences)

There has been a trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. The growing practice of "pre-loading" has the potential to create specific problems and detriment to the licensing objectives.

Furthermore, the availability of alcohol for consumption off the premises has the potential to cause other problems that include ease of access to alcohol by children, ease of thefts, encouragement of street drinking and an increase of crime and disorder and public nuisance.

Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing appropriate restrictions on a licence, this could be achieved either by reviewing the premises licence or agreeing appropriate conditions that would alleviate the Licensing Authority's concerns.

Club Premises Certificates

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

Recognised Club activities are:

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

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

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

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

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

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

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

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

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

Temporary Event Notices (TEN)

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

- a) **Duration** - they are limited to events lasting for up to 168 hours;
- b) **Scale** – they cannot involve the presence of more than 499 people at any onetime;
- c) **Use of the same premises** – the same premises cannot be used more than 15 times in a calendar year; to a maximum of 21 days
- d) **The number of notices** given by one individual within a calendar year is restricted to 5 unless that person is the Holder of a Personal Licence in which case 50 is the maximum.

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

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

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

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

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

Additional limitations

On receiving a temporary event notice the Licensing Authority will also check that other requirements of the Act are met. (For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 168-hour limit on such events, and emphasise the need to obtain a full premises licence for more major events. In addition, for these purposes, a notice is treated as being from the same premises user if an associate gives it.)

The Act defines an associate as being:

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

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

Provisional Statements

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

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

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

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

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

Variations of Licences

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

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

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

The Licence will not be varied so as to:

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

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

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

Minor Variations

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

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

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

Interim Authorities

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

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

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

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

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

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

Transfer of Premises Licences/Club Premises Certificate

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

- a) A person who carries on, or proposes to carry on, a business, which involves the use of a premise for the licensable activities, authorised by the Premise Licence/Club Premises Certificate;
- b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
- c) A relevant Club within the meaning of the Act;
- d) A charity
- e) An educational institution;
- f) A hospital; or
- g) A person of such other description as may be prescribed.

Notice of the application must be given to the Police.

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

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

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

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

Reviews

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

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

Before considering a request for a review it is suggested that a contact be made with the Premises Licence Holder/Designated Premises Supervisor or, in the case of a

Club, the secretary, chairman or other committee member. It may be that the problem(s) could be sorted out amicably.

***Relevant Representations**

'Relevant representations' are representations:

- a) About the effect of the Premise Licence/Club Premises Certificate on the promotion of the licensing objectives;
- b) Are made by an a responsible authority or 'other persons', have not been withdrawn and, in the case of representations made by an 'other persons' they are not in the Licensing Authority's opinion frivolous or vexatious

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

Appeals

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

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

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

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

On determining an appeal the court may:

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

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

Giving reasons for decisions

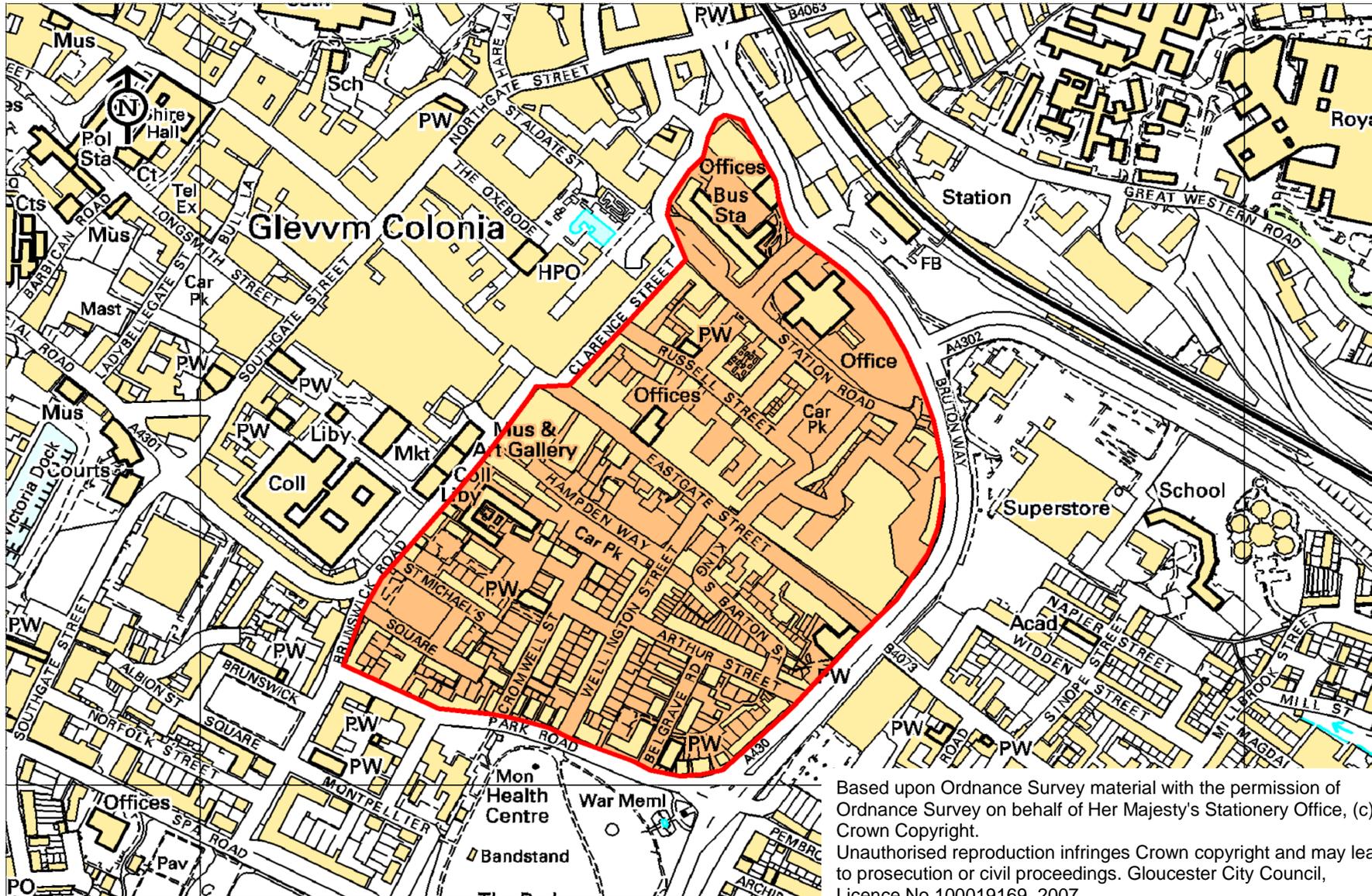
The Licensing Authority will maintain comprehensive records recording the reasons for its decisions. On making findings of fact in its reasons, the Licensing Authority will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Authority will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

Implementing the determination of the Magistrates' Courts

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

APPENDIX C

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

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

“LICENSING AUTHORITY”

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

“RESPONSIBLE AUTHORITY”

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

- Police
- Fire Authority
- Enforcing Authority for Health and Safety at Work etc. Act 1974 i.e. Gloucester City Council Environmental Health or Health and Safety Executive
- Local Planning Authority i.e. Gloucester City Council Planning and Building Control Services
- Gloucester City Council Environmental Protection when dealing with matters under the Environmental Protection Act
- Authority responsible for or interested in matters relating to the protection of children from harm i.e. Gloucestershire County Council, Social Services
- Any Licensing Authority in whose area part of the premises is situated.
- Gloucester City Council Licensing Authority
- Weights and measures authority
- Local Health Board

IN RELATION TO A VESSEL:

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

“PREMISES LICENCE”

A licence issued by the Licensing Authority in respect of any premises which authorises the premises to be used for one (or more) licensable activity(ies). The licence is valid

indefinitely unless a shorter period is specified on the licence, or unless it is surrendered or revoked.

“PREMISES”

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

“PERSONAL LICENCE”

Licence granted by the Licensing Authority to an individual that authorises that individual to supply alcohol or authorise the supply of alcohol in accordance with a premises licence.

“DESIGNATED PREMISES SUPERVISOR (DPS)”

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

“TEMPORARY EVENT NOTICE (TEN)”

An individual aged 18 or over may use a Temporary Event Notice (TEN) where it is proposed to use premises for one or more licensable activity during a period not exceeding 168 hours and where the maximum number of persons to be admitted is less than 500.

“CLUB PREMISES CERTIFICATES”

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

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

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

“OTHER PERSONS”

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local Councillors
- Businesses with an interest in the premises or locality
- Organisations with an interest in the locality, premises or licensable activities

APPENDIX F

REFERENCE SOURCES

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

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



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

- ❖ Managing Crowds Safely.



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

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



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

- ❖ The Guide to Safety at Sports Grounds ('The Green Guide') - ISBN **0113410018** - published by The Stationery Office (<http://www.tso.co.uk/>)

- ❖ Safety Guidance for Street Arts, Carnival, and Large Scale Performances.



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

- ❖ Home Office Guidance:

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

USEFUL REFERENCES (ORGANISATIONS)

Association of Convenience Stores (ACS)
<http://www.thelocalshop.com/tls/index.asp>

Association of Licensed Multiple Retailers (ALMR)
<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)
<http://www.atcm.org/>

British Beer and Pub Association (BBPA)
<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)
<http://www.bbfc.co.uk>

British Institute of Inn Keeping (BII)
<http://www.bii.org/>

British Retail Consortium (BRC)
<http://www.brc.org.uk/>

Circus Arts Forum
<http://www.circusarts.org.uk>

Cinema Exhibitors' Association (CEA)
<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)
<http://www.culture.gov.uk>

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

Independent Street Arts Network
<http://www.streetartsnetwork.org.uk>

Institute of Licensing (IOL)
<http://www.instituteoflicensing.org/>

Justices Clerks' Society Good Practice Guide, Licensing
<http://www.jc-society.co.uk>

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

Licensed Victuallers Associations (LVAs)
<http://www.flva.co.uk/>

National Association of Local Government Arts Officers

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

National Pub Watch

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

NOCTIS

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

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

The Portman Group

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

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

Licensing Unit
Community Engagement Department
Police HQ
No1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Telephone: 01452 754482
Email: licensing@gloucestershire.pnn.police.uk

The main Police switchboard number is 0845 090 1234.

GLOUCESTERSHIRE FIRE AND RESCUE

Chief Fire Officer
Fire Service Headquarters
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

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

POLLUTION PREVENTION

Gloucester City Council
PO Box 3252
Westgate Street
Gloucester
GL1 9FW

Telephone: 01452 396396
Email: communitywellbeing@gloucester.gov.uk

HEALTH AND SAFETY ENFORCEMENT

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

WHERE THE LOCAL AUTHORITY IS THE ENFORCING AUTHORITY:

Gloucester City Council
Health and Safety Team
PO Box 3252
Westgate Street
Gloucester
GL1 9FW

Telephone: 01452 396396
Email: Communitywellbeing@gloucester.gov.uk

WHERE THE HSE ARE THE ENFORCING AUTHORITY:

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

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

LOCAL PLANNING AUTHORITY

Group Manager Development Services
Gloucester City Council
PO Box 3252
Westgate Street
Gloucester
GL1 9FW

Telephone: 01452 396396
Email: development.control@gloucester.gov.uk

CHILD PROTECTION

Gloucestershire Safeguarding Children Board
Room 128
1st Floor, Block 4
Gloucestershire County Council
Shire Hall
Gloucester
GL1 2TG

Telephone: 01452 426321
Email: gscb@gloucestershire.gov.uk

GLOUCESTERSHIRE TRADING STANDARDS

The Tri Service Centre
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

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

LOCAL HEALTH BOARD

Public Health Department
Block 4, 2nd Floor
Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester
GL1 2TG

Telephone: 01452 328607
Email: publichealth@gloucestershire.gov.uk

CANAL & RIVER TRUST - Business Licence applications only

The Dock Office
Commercial Road
Gloucester
GL1 2EB

Telephone: 0303 040 4040

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LIST OF CONSULTEES

Gloucestershire Constabulary, Licensing Unit.

Gloucestershire Fire & Rescue Chief Fire Officer.

Gloucester City Council Pollution Control Team.

Gloucester City Council Environmental Health.

Health & Safety Gloucester City Council.

Health & Safety Executive 4th Floor, The Pithay All Saints Street Bristol BS1 1ND

Child Protection Gloucestershire Safeguarding Children Board.

Gloucestershire Trading Standards.

Gloucestershire Public Health Department.

Canal & River Trust The Dock Office Commercial Road Gloucester GL1 2EB.

British Beer and Pub Association Market Towers 1 Nine Elms Lane London GW8 5NQ.

Richard Graham MP Gloucester Conservatives.

All Premises Licence Holders.

All Club Premises Certificate Holders.

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Appendix 3

Sent: Wednesday, September 16, 2020 1:54 PM
To: Darren Mountford <Darren.Mountford@gloucester.gov.uk>
Subject: Re: Statement of Licensing Policy review

CAUTION: This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Hi Darren,

My points are:

4.6 - Agree

4.27 - Thankyou

5.4 - The LVA promotes this as a default setting

6.4 - Thankyou

7.3 - LVA Standard default setting

7.4 - Noted

9 - PLEASE CAN THE LVA Be included with Glos City Safe, BBN listings.

Yours Most Sincerely,

From: GRAHAM, Richard <richard.graham.mp@parliament.uk>

Sent: Monday, October 5, 2020 9:42 AM

To: city improvement <cityimprovement@gloucester.gov.uk>

Cc: BROOKER, Laura <laura.brooker@parliament.uk>

Subject: Draft Statement of Licensing Policy consultation

CAUTION: This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Dear Darren,

Where there are serious anti social behaviour issues involving late night drinking, especially now that bars are closed at 10pm, with frequent public complaints: and where these are directly linked to a particular off licence, I do think that the Police or the Council needs to intervene proactively and consistently.

There should be a system of traffic light warnings to the off licence not to sell to people clearly intoxicated and already or likely to cause trouble on the street. Where the off licence proves unable or unwilling to manage the situation by refusing to sell then the Police should exercise their right to disband groups, ban individuals and create no alcohol zones. And if that doesn't work then licences have to be reviewed and the opening hours reduced.

This is particularly relevant to London Rd, but the principle is the same whether Tredworth High St, Eastgate St or anywhere else. We need to see stronger action by both the Police and the Licensing Team, with clear warnings of what will happen next at each stage of the journey, so that licencees know what might come their way and take real ownership of their social responsibilities, as well as their commercial ones.

Kind regards

Richard Graham MP



Meeting:	Licensing and Enforcement Committee	Date:	8th December 2020
Subject:	Licensing Act 2003 – Cumulative Impact Policy review		
Report Of:	Head of Place		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Darren Mountford, City Centre Improvement Officer (Licensing Lead)		
	Email:	darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:			
	Appendix 1	Formal Submission by	Gloucestershire Constabulary
	Appendix 2	Cumulative Impact Assessment	

FOR GENERAL RELEASE

1.0 Purpose of Report

Since the last review of the Statement of Licencing Policy, Government legislation in the form of the Policing and Crime Act 2017 has changed, it now requires a Cumulative Impact Assessment (CIA) to be carried out to support any Cumulative Impact Policy (CIP). Members approved for consultation at the Licensing and Enforcement Committee in September to go out to partners to see if they still wanted the Cumulative Impact Policy within the Statement of Licensing Policy. If the answer was yes, then they would have to produce evidence that there is still a need for one.

2.0 Recommendations

2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

Officers undertake an 8 week consultation with relevant stakeholders, businesses and members of the public on the Cumulative Impact Assessment.

3.0 Background and Key Issues

Cumulative Impact Policy

3.1 Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003.

- 3.2 In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances publish a CIA, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
- 3.3 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 3.4 The Assessment must set out the evidence for the authority's opinion and must be consulted upon before it is published.
- 3.5 By publishing an Assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy.
- 3.6 The steps to be followed in considering whether to publish a CIA are summarised below:
- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
 - Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
 - For the purposes of the consultation you need to provide the persons specified in section 5(3) of the Licensing Act 2003 with the following information:
 - the reasons why it is considering publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.

- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical drinking bars and night clubs if appropriate.
 - Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.
- 3.7 The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the Assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation.
- 3.8 Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
- 3.9 An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.
- 3.10 The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly, with those authorities, or through the Council's Licensing Section.

Cumulative Impact Policy – Gloucester City Centre

- 3.11 This special policy was introduced by the Council following evidence provided by Gloucestershire Constabulary which at that time demonstrated that the area around Eastgate Street was adversely affected by an increase in crime, disorder and antisocial behaviour due to a large number of licensed premises being concentrated within that area.

3.12 In 2016 the special policy of Cumulative Impact was reviewed as part of the Statement of Licensing Policy review, which was undertaken in accordance with the requirements of the Act. At that time Members of the Licensing and Enforcement Committee considered further evidence presented by the Police and made the decision to continue to include the special policy of Cumulative Impact within its Statement of Licensing Policy.

Consultation

3.13 Initial consultation took place on the review of the Council's Statement of Licensing Policy and the current CIP after members of the Licensing and Enforcement Committee at the September meeting approved for an eight week consultation to engage with partners to see if there was still a need for the CIP to still be within the Statement of Licensing Policy.

3.14 The consultation ran from 17th September 2020 until 12th November 2020.

3.15 In response there was only one reply during the consultation from Gloucestershire Constabulary who were in favour of retaining the CIP. They also produced statistics of crime and alcohol incidents within Eastgate Street during the consultation period.

3.16 Further consultation is now required following Gloucestershire Constabulary request to retain the CIP and the completion of the CIA.

3.17 Consultation on the CIA will need to take place with all relevant parties including:

- The Chief Officer of Gloucestershire Constabulary
- Gloucestershire Fire and Rescue Services
- Gloucestershire County Council (Public Health)
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- The general public

3.18 It is proposed that consultation will take place over an eight week period with the consultation being made available on the Council's website.

3.19 Any responses received during the consultation exercise will be reported back to the Licensing and Enforcement Committee at the next meeting in March 2021.

Gloucestershire Constabulary

3.20 Gloucestershire Constabulary have made a formal submission to the Council. In the submission they have produced a statistical analysis of crime and disorder and alcohol related incidents in Eastgate Street which they feel provides suitable evidence which supports the continued inclusion of the Special Policy. A copy of the formal submission by Gloucestershire Constabulary and figures is attached at Appendix 1.

Cumulative Impact Assessment – Gloucester City Centre

3.21 Officers have prepared a Cumulative Impact Assessment that collates an analysis of the statistical data submitted by Gloucestershire Constabulary in relation to crime

and disorder and alcohol related incidents within Eastgate Street. The Cumulative Impact Assessment is attached at Appendix 2.

3.22 Having reviewed all of the data submitted, the Cumulative Impact Assessment makes recommendation as to how Gloucester City Council can proceed in relation to this matter.

4.0 Social Value Considerations

4.1 In areas where Cumulative Impact Policies or Assessments have been introduced there is a possibility that businesses looking to invest may be deterred from doing so, due to perceived additional burdens being placed upon them.

4.2 This is balanced against impact of new and current businesses undertaking licensable activities in a particular area and the social and economic benefits of those businesses.

5.0 Environmental Implications

There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

No alternative options have been considered

7.0 Reasons for Recommendations

Members having noted the change in legislation affecting the Council's special policy on Cumulative Impact through the Policing and Crime Act 2017 and the request from Gloucestershire Constabulary, is to direct officers to undertake an eight week consultation with relevant stakeholders, businesses and members of the public on the Cumulative Impact Assessment.

8.0 Future Work and Conclusions

8.1 Consultation on the review of the Council's special policy through the CIA will take place with all relevant parties including:

- The Chief Officer of Gloucestershire Constabulary
- Gloucestershire Fire and Rescue Services
- Gloucestershire County Council (Public Health)
- All other responsible authorities identified under the Act
- Relevant Trade Associations
- The general public

8.2 The consultation will also be made available for comment via the Council's website.

8.3 Any responses received during the consultation exercise will be reported back to the Licensing and Enforcement Committee at the next meeting scheduled for March 2021.

9.0 Financial Implications

9.1 The recommendations have no impact on the Council's budgets

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 Section 17(1) of the Crime and Disorder Act 1998 states that, without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies 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,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area; and

(c) re-offending in its area.

10.2 Under the new provisions introduced in 2018 within the Licensing Act 2003 under Section 5A, licensing Authorities are required to review existing statement of Licensing Policy, which include special policies of Cumulative Impact.

10.3 If it is decided that there is still a requirement for a special policy of Cumulative Impact within Eastgate Street, the Council must undertake the necessary steps to publish a Cumulative Impact Assessment.

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

11.0 Risk & Opportunity Management Implications

11.1 Failing to review a special policy of Cumulative Impact as part of the Statement of Licensing Policy review would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003, as amended by the Police and Crime Act 2017.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. A further assessment will conducted to consider any feedback from the consultation.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

Licensing Act 2003

Guidance issued under S182 of the Licensing Act 2003.

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No. 1 Waterwells, Waterwells Drive,
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Darren Mountford
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Gloucester City Council.
92 Westgate St,
Gloucester GL1 2PE

Cumulative Impact Policy

I submit this letter on behalf of Superintendent Jane Probert, the officer responsible for policing Gloucester and the Forest of Dean.

History

The Cumulative Impact Assessment (CIA) was adopted in 2004 in Gloucester City centre in direct response to concerns and information put forward by the Gloucestershire Constabulary. It was recognised that the area around Eastgate Street had a disproportional number of incidents of alcohol related disorder and was the highest in the county.

The newly created Licensing Act of 2003 enabled councils to establish a CIA to regulate the number and the opening hours of premises within the zone to control and reduce the crime and disorder. In essence there was a presumption that any application within the designated area that increased the number of licensed premises, extended hours or expanded licensable activity would be refused by the council if objected to by the police.

Does it work in Gloucester?

The police have taken three premises to a hearing in respect of the CIA. The first was Bar Fever in April 2016 and secondly Butler's in June 2016. Both premises had asked to extend their operating hours both applications were granted despite police objections.

In December 2017 a new licence was requested for a premises to be converted from a children's nursery to a bar called Nightology (now the Vine Bar). Again the police objected and although the licence was granted the police succeeded in reducing the proposed opening hours.

However victory or failure and refusal or implementation at a hearing is not a measure of the success of the CIA. There have been many occasions when the activities and issues of premises, off-licences included, have been resolved by discussion and compromise without the need for a hearing and the existence of the policy strengthened the position of the police in these negotiations.

Statistics and data in the zone.

Appendix 1 - shows the alcohol related incidents in Eastgate Street over the last 10 years The Police have only produced such information in that period.

Appendix 2 - displayed are the actual crimes committed over the last 20 years in Eastgate Street. It should be noted that there is an increase in recorded crime from the year 2000 because recording methods have changed.

Conclusion

There are currently 205 such areas in England and Wales and locally both Chepstow and Kingswood have these zones. Interestingly the only Licensing Authority (according to Poppleston Allen the National Authority on Licensing) which had a CIA but has got rid of it completely is Guildford following a significant reduction in crime and disorder within the town centre

Eastgate Street still has the highest number of alcohol related incidents in the county.

There is compelling evidence that where a CIA is in place and supported and embraced by both the police and local authority that not only does crime and disorder reduce, strangely alcohol sales increase but more importantly hospital admissions decline.

An evaluation in Islington found that the implementation of the zone coincided with a reduction in alcohol related ambulance call outs. This evaluation appears to show Islington's Licencing Strategy and the CIA have reduced alcohol related harms without negatively impacting on the overall night-time economy.

The position of the Gloucestershire Constabulary is simply that there is a continuing need for the Cumulative Impact Area to remain in place. Alcohol related incidents in Eastgate Street are still the highest in the county and although the issue has reduced over the years there is still a significant problem and therefore there is no justification for abandoning the policy.

David McFarlane
Head of Alcohol Licensing

*Appendix 1
Alcohol Related Incidents Eastgate Street*

2019	171
2018	165
2017	196
2016	215
2015	241
2014	308
2013	282
2012	307
2011	420
2010	358

*Appendix 2
Crimes in Eastgate Street*

2019	271
2018	204
2017	196
2016	195
2015	184
2014	141
2013	186
2012	171
2011	258
2010	218
2009	287
2008	243
2007	285
2006	312
2005	232
2004	185
2003	179
2002	144
2001	89
2000	84

OFFICIAL

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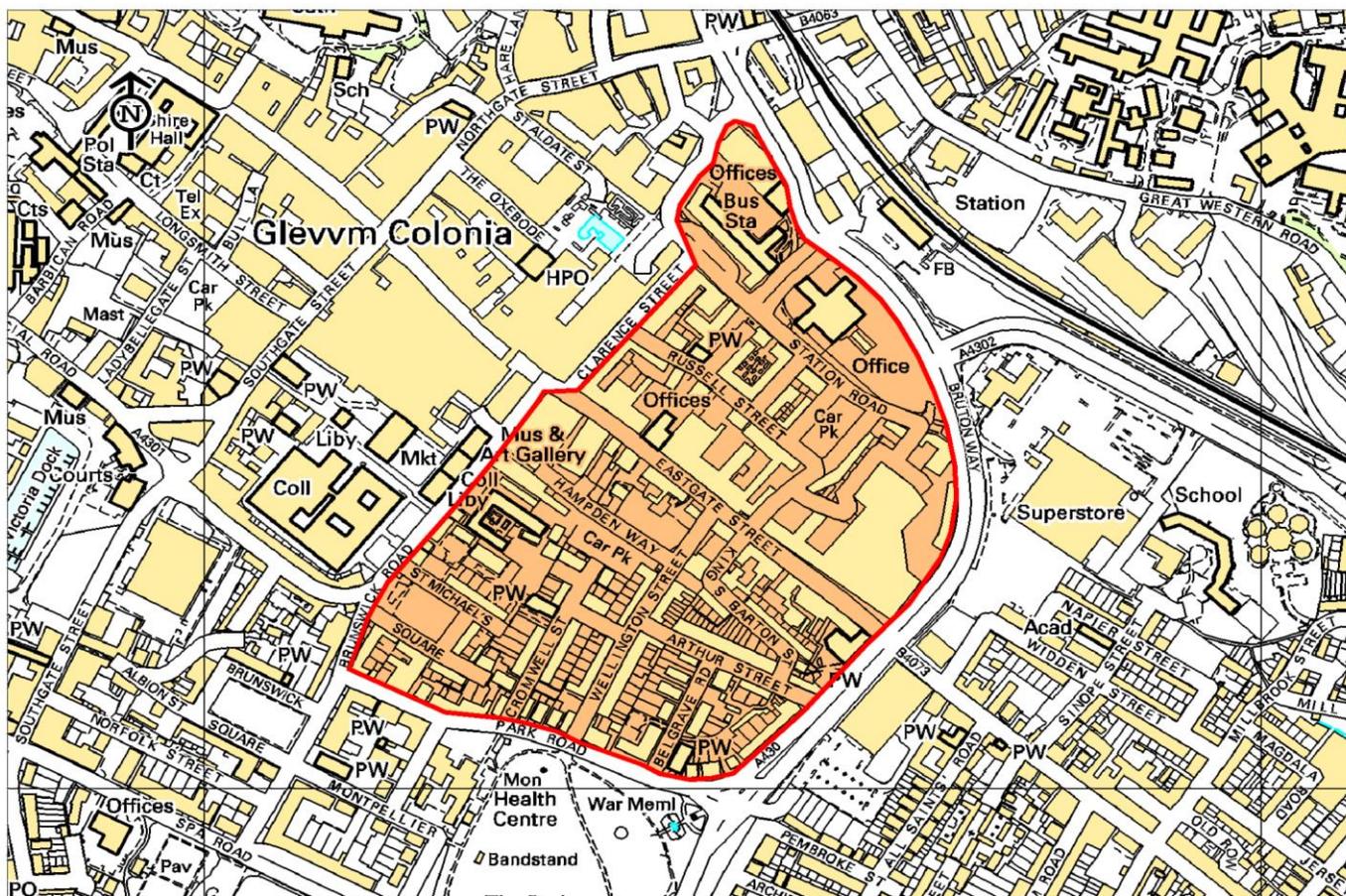
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Cumulative Impact Assessment (Draft)

1. Introduction

Gloucester City's first Cumulative Impact Zone (CIZ) was put in place alongside the first policy the council had under the Licensing Act 2003. It was based on data presented by Gloucestershire Constabulary and this theme has generally continued at each review point, the last of which was in 2016.

The current Cumulative Impact Policy area can be seen below:



Gloucestershire Constabulary have presented some data in relation to the review of the current policy. Part of this assessment will be to test the evidence for this.

The starting point for developing any understanding of licensing policy is the 4 objectives that all local authorities must uphold in undertaking their licensing activities.

2. The Licensing Act 2003

Section 4 of the Licensing Act 2003 required that local authorities must carry out their functions under the Act with a view to upholding these objectives:

- (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 Act requires that the way in which the objectives are to be upheld should be included in a statement of licensing policy. This document must be reviewed every 5 years to ensure it remains fit for purpose. As part of this process, local authorities can consider the potential cumulative impact of a large number of premises operating in a small area and, if warranted, publish a Cumulative Impact Policy (CIP) as part of this.

An amendment to the Act, made via the Policing & Crime Act 2017, placed the principles of Cumulative Impact on a statutory basis, adding the concept to the face of the law. Before this it was only present in the guidance made under s182 of the Act, which still stands. The new Section of the Act gives Cumulative Impact a stronger status in law but the definition remains as written within the guidance. The new sections talk about a Cumulative Impact Assessment. It is this assessment that should lead directly to the decision as to whether there is a cumulative impact and also how the local authority should respond to it.

3. Cumulative Impact Policy

These have undoubtedly helped licensing authorities to limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems have typically included crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area.

However, the fact that the concept of Cumulative Impact was originally only set out in the guidance issued under Section 182 of the Act meant that not all licensing authorities have made or are making effective or consistent use of them.

This has led to the licensed trade having concerns about the transparency of the process for putting a CIP in place and the quality of evidence used as the basis for some. Putting the process on a statutory basis and requiring an assessment of a broad range of factors should help tackle these perceptions.

Below is the definition of Cumulative Impact:

(Home Office Guidance, issued under section 182 of the Licensing Act 2003)

“Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area”

4. Cumulative Impact Assessment

Gloucester City is home to a number of popular restaurants, bars, night clubs and late night refreshment venues.

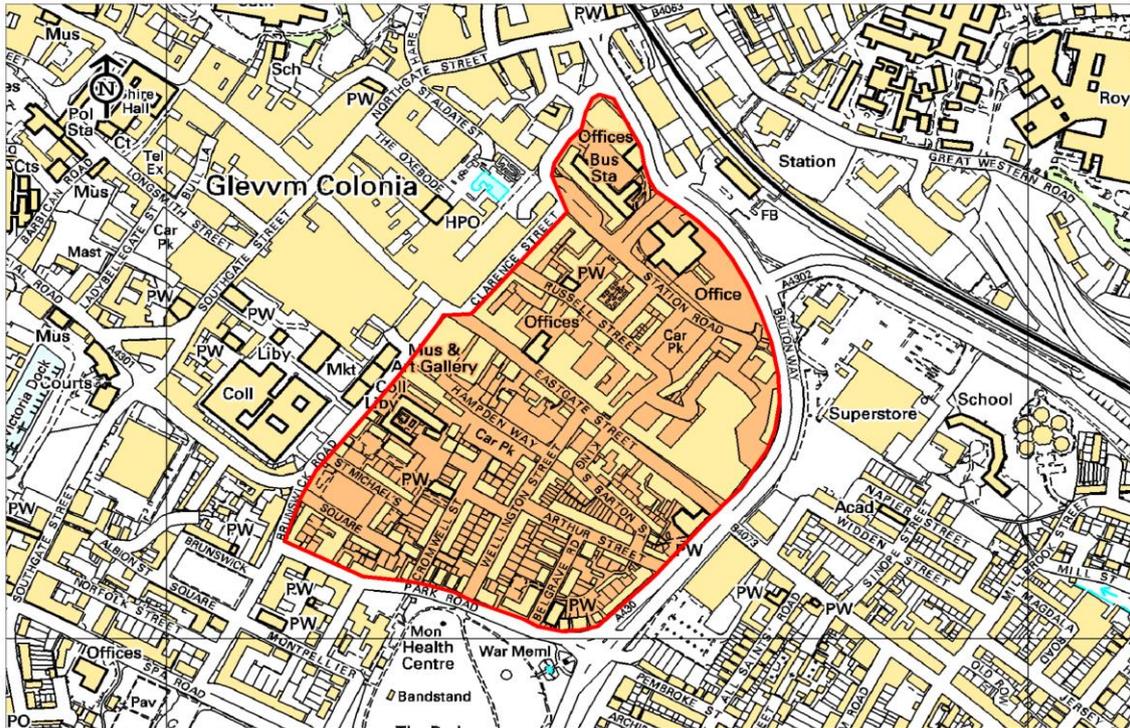
The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. This is reflected in Gloucester City Council having received a purple flag award.

The assessment relates to all types of licensed premises carrying on licensable activities within the cumulative impact zone, including the sale of alcohol for consumption on or off the premises (or both), the provision of late night refreshment and regulated entertainment. The assessment does not apply to Temporary Event Notices (TENs); however the evidence upon which the assessment is based may be used by the relevant responsible authorities when submitting objections to TENs.

The council considers that, in a specified part of the City Centre within and around Eastgate Street, the number of premises licences and/or club premises certificates are such that it is likely that granting further licences or variations to existing relevant authorisations would be inconsistent with our duty to promote the licensing objectives.

Although this assessment provides an evidential basis for applications within the CIP to be refused; it does not relieve responsible authorities or any other persons of the need to make a relevant representation. Each application will be considered on a case by case basis and applicants are expected to demonstrate why the operation of the premises would not add to the cumulative impact already being experienced. The assessment will never be used as a ground for revoking an existing licence or certificate.

The evidential basis for the assessment is set out below; The area identified by the assessment can be seen below and identified within the red line.



This draft assessment will be kept under review and changes may be made in relation to local circumstances, the Licensing Act, associated regulations or statutory guidance.

5. Police Data

Gloucestershire Constabulary provided a submission focusing on crime and disorder and alcohol related incidents that have taken place over the past 9 years for alcohol related incidents and the past 19 years for crime and disorder within the current cumulative impact area.

The two tables below show the data provided by Gloucestershire Constabulary in relation to both Crime and Disorder incidents and alcohol related incidents within the current cumulative impact area.

Alcohol Related Incidents in Eastgate Street

Year	Number of Incidents
2019	171
2018	165
2017	196
2016	215
2015	241
2014	308
2013	282
2012	307

2011	420
2010	358

Crimes in Eastgate Street

2019	271
2018	204
2017	196
2016	195
2015	184
2014	141
2013	186
2012	171
2011	258
2010	218
2009	287
2008	243
2007	285
2006	312
2005	232
2004	185
2003	179
2002	144
2001	89
2000	84

From the two tables above you can see that incidents of crimes have gone up since the last review in 2016 and the number of alcohol related incidents have gone down but are slowly creeping up.

As part of their submission Gloucestershire Constabulary recognise that there is compelling evidence that where a CIA is in place and supported and embraced by both the police and local authority that it does help to reduce crime and disorder,

Gloucestershire Constabulary also state that alcohol related incidents within Eastgate Street are still the highest in the county and although the issue has reduced over the years there is still a significant problem and therefore would not like to see the Cumulative Impact Policy taken out of the Statement of Licensing Policy.

6. Conclusions

The analysis indicates the number of reported crimes have increased since the last review in 2016. The alcohol related incidents have reduced since 2016 but are slowly creeping up year by year. As this is the case it is not considered enough to dispense with the cumulative impact zone.

It is considered that the statistical data evidenced above together with a written report produced by Gloucestershire Constabulary clearly supports the retention of the special policy relating to cumulative impact.

Additionally, the data does not indicate that any extension to the geographical area of the CIP is required.



Meeting:	Licensing and Enforcement Committee	Date:	8 December 2020
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Head of Place		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
Contact Officer:	Darren Mountford, City Centre Improvement Officer (Licensing Lead)		
	Email:	darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:	1. Licensing Forward Plan		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out from 1 September 2020 to 30 November 2020, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
- 1.2 To seek suggestions from members as ways to improve the format and content of this report.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 During this quarter, the licensing functions were carried out by the City Centre Improvement and Community Wellbeing Teams.

Licensing Applications

- 3.2 Between 1st September 2020 and 30th November 2020 a total of 273 licensing applications were received,
- 3.3 In addition to the administration of licensing applications a number of service requests are also received. These can consist of complaints and enquiries about various Licensing matters.

4.0 Enforcement Work

Sub-Committees Held between September 2020 and November 2020

Taxi and Private Hire Hearing (One Hearing)

- 4.1 On 9 November 2020 a new Private Hire Vehicle Licence application was referred to the Licensing and Enforcement Sub-Committee. The application was referred to the Sub-Committee as the vehicle was over the age specification and was not of the latest emission standards. The vehicle was previously licensed with Gloucester City Council. The owner of this vehicle was unable to renew their licence due to unforeseen circumstances. Members decided on this occasion to depart from their policy and grant the Private Hire Vehicle Licence for a period of two years. Members gave detailed reasons to why they granted the application.

Out of Hours and daytime Enforcement

4.2 Taxi and Private Hire Enforcement

Officers have started to carry out enforcement and have issued penalty points to Private Hire Vehicles not displaying door signs, not following the Highway Code and also caught a Tewkesbury plated Private Hire Vehicle unattended on the Oxbode Hackney Carriage rank. The driver has been reported for this offence to Tewkesbury Borough Council to take further action.

4.3 Licensed Premises

City Centre Improvement Officers have a close working relationship with the Police and Environmental Protection and regularly share information to ensure compliance at licensed premises.

Premises have continued to be monitored where reports have been received of social distancing measures not being adhered to.

Officers have worked with the Police and visited off licences to make sure that they are complying with their licence conditions and that all their paperwork is up to date.

We have also worked with the Police in and around the Kingsholm area where we have had voluntary agreements put in place with the off licences to not sell single cans of high strength beer, lager and cider for a period of 6 months.

Community Wellbeing

4.4 Animal Licensing

- The website has been updated with Covid guidelines and a link provided to CFSG which has all the latest government guidelines.
- Officers are currently working on a potential prosecution for an unlicensed puppy farm – no concerns for welfare but unlicensed and evidence of lots of puppy sales. This came off the back of the Police executing a warrant on an unrelated matter.
- Officers are due to inspect our first commercial dog creche on 3 December which will be opening on the Bristol Road.
- An Officer is enrolled on the City & Guilds Level 3 Certificate in Inspecting Licensable Activities Involving Animals in January 2021. This is a requirement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 that inspectors are qualified by Oct 2021, if not then inspections will need to be contracted out.

Scrap Metal

- The Policy will need to be reviewed when there are any changes to the legislation, Officers are happy at the moment that our policy is fit for purpose.
- Once the pandemic has ended Officers will arrange another multi-agency compliance exercise.

Gambling Act

- Officers will restart pro-active inspections once the pandemic is over.
- The Policy is due to be reviewed next year for publication from Jan 2022.
- Central Government are carrying out a review of the Gambling Act 2005, this report is due to be published in 2021.

5.0 Legislative Updates

National standards announced for Hackney Carriage and Private Hire.

The new Statutory Taxi and Private Hire Vehicle Standards released at the end of July in which local authorities will be expected to implement are designed to improve consistency in the licensing system, reducing the risk of harm posed to children and vulnerable passengers in the process. It follows historic and serious cases of taxi and PHV drivers abusing their position of trust.

Criminal record checks for drivers every 6 months form a key part of the standards, as does safeguarding training to help drivers identify and respond to passengers that may be being abused or exploited. A recommendation for licensing authorities to consider whether the use of CCTV would be beneficial or proportionate in their areas is also included, which sets out that potential privacy issues must be taken into account.

Licensing authorities will be expected to fully implement these measures as soon as possible. The department will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.

See the link below to the document:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

We are still working with the rest of the Gloucestershire authorities to try and align our conditions and implement the changes that have been suggested within the standards above. We are looking to have the policies in draft form for the middle of next year.

6.0 Future Work

None

7.0 Forward work plan and Conclusions

7.1 The table in appendix 1 outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 12 months. As the year goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items listed illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

7.2 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

8.0 Financial Implications

8.1 There are no financial implications attached to the recommendations in this report.

(Financial Services have been consulted in preparing this report.)

9.0 Legal Implications

9.1 There are none at this time.

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

10.0 Risk & Opportunity Management Implications

10.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty. There is no risk to the Authority connected to this report, as it is for information only.

11.0 People Impact Assessment (PIA):

11.1 There are no key decisions included in this report.

11.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

12.0 Other Corporate Implications

Community Safety

12.1 None

Sustainability

12.2 None

Staffing & Trade Union

12.3 None

Background Documents: None

Licensing Forward Plan

LICENSING AND ENFORCMENT COMMITTEE	POLICY ITEM
December 2020	<ul style="list-style-type: none"> • Results of the Consultation to the Statement of Licensing Policy • Results of the Consultation to the Cumulative Impact Policy • Quarterly Licensing Update for Members
March 2021	<ul style="list-style-type: none"> • Results of the Consultation to the Cumulative Impact Assessment • Quarterly Licensing Update for Members • Taxi tariff proposal • Licensing Fees • Hackney Carriage and Private Hire Rule book review
May 2021	<ul style="list-style-type: none"> • Member training

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