

## Schedule of Responses to Licensing Policy Statement (LPS)

### Part I

Reference	Respondent	Comments	Appraisal	Response
<b>Premises Licences</b>				
LPS1	Mr Steve Dennis, Director Luminar Leisure Ltd (Trade consultee, letter sent prior to publication of draft policy)	Based on company's Social Responsibility Charter urges consideration in LPS of a premises <b>dispersal policy</b> , the imposition of a <b>minimum price condition</b> and <b>capacity condition</b> upon premises licences, due consideration given to <b>cumulative effect</b> within the LPS, and the <b>provision of dancing to be risk assessed and treated as a specialist function where dance floors are a potential flashpoint for violence and disorder.</b>	<p>Dispersal policy, inappropriate sales promotions and non mandatory capacity condition all covered within LPS.(paras 5.5, 6.4,10.3 &amp; 10.4) Current DCMS advice is that a)the promotion of price fixing or cartels is unlawful. Nightsafe and police/ community safety are discussing minimum pricing. b) safe capacities should only be imposed where necessary.</p> <p>Cumulative impact and scope for special saturation policy is included in part 9 of LPS.</p>	<p>No policy change required</p> <p>No policy change required</p>

			<p>Agree risk assessments should cover appropriate areas and be reflected in operating schedule (paras 2.4 &amp; 2.5 refer) NB not all dance floors can be characterised in this way.</p>	<p>No policy change required</p>
LPS2	Mr P W Resident	<p>Urges council to be as severe as possible under new licensing law. Number of nightclubs should be drastically reduced and those remaining should contribute towards cleansing.</p>	<p>The Act is not designed to achieve this outcome, a drastic reduction implies negation of grandfather rights which would be illegal. Draft policy is framed to ensure objectives are upheld and includes provision for special saturation. Nightsafe have contributed towards improvement initiatives but there is no legal basis to impose charges under the La 2003. Arrangements for litter control included in F3 and will be particularly relevant to late night fast food outlets insofar as they relate to the Act's objectives.</p>	<p>No policy changes but add reference to late night refreshment and litter controls in F3 (para 7.5)</p> <p>Reply to respondent: DP 29/09/04</p>

LPS3	Mr C Ryde Regional Organiser Equity	<p>Welcome reference to entertainment in para 4.5 – CBC one of the few authorities to recognise need to encourage it as an activity.</p> <p>Asks for licensing of public land to be considered for entertainment purposes to simplify the process for circuses and Punch and Judy performers</p>	<p>Policy C4 (para 4.4) covers this aspect</p>	<p>No policy change required</p> <p>Reply to respondent: DP 12/10/04</p>
LPS4	PS Alan Field A police representative on Gloucestershire Licensing Officers Group (GLOG)	<p>Request for standardised proof of age requirements: passport, photo driving licence, Validate card (and possibly Connexions) and others that are PASS approved and accredited.</p> <p>Support for suggestion in para 4.8 for applicants to provide evidence of planning approval.</p>	<p>In line with much current trade policy – could be made more explicit in para 5.5. quality standards.</p> <p>Policy wording should be improved to reflect provisional statement scenario where prior planning approval not as significant</p>	<p>Modify 4.8, 5.5 and 8.5 accordingly</p> <p>Ack to respondent: DP 12/10/04</p>
LPS5	NTE Strategic Liaison Group (13.10.04)	<p>i) Welcome D3 but suggest strengthening by reference to <i>rights will be limited</i> if no <i>active</i> involvement in Nightsafe / exclusion policy</p>	<p>Helpful suggestions</p>	<p>i) Re-draft D3 accordingly ii) As LPS 4 iii) Re-draft part 12 accordingly</p>

		<p>ii) Call for more specific reference to proof of age requirements.</p> <p>iii) Part 12 should be specific re council's intention to share information with the police.</p>		
LPS6	Security Industry Authority (via LACORS)	<p>Suggested wording for local authority Licensing Policy documents:</p> <p><b>“Door Supervisors</b></p> <p>Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).</p> <p>Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.</p> <p>If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.</p>	<p>Licensing requirement is included in the Act.</p> <p>Background notes provide useful clarification to role of door staff.</p>	<p>Include in policy Section 6 Public Safety as new paragraph 6.9 subject to suggested change.</p>

		<p>Local authority licensing officers may look more favourably on licence applications which demonstrate that licensees have considered:</p> <ul style="list-style-type: none"> <li>• Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status</li> <li>• What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence”</li> </ul>	<p>Reference to <b>licensing officers</b> who may ‘look more favourably’ inappropriate, suggest changing to ‘interested parties and responsible authorities’.</p>	
LPS7	RSPCA HQ	RSPCA view is that circuses fall within definition of regulated entertainment and subject to	<b>Dept Culture</b> advice is: <i>“If a circus or pleasure fair provides regulated</i>	No policy change required other than to add circuses at 1.1.

		<p>premises licence or TEN requirement. Also urges that LAs do not allow their land to be used by circuses with animals.</p>	<p><i>entertainment as defined in the Licensing Act (or there are to be supplies of alcohol or provision of late night refreshment) an authorisation (e.g. a premises licence or a temporary event notice) will be required to cover the licensable activity.”</i> National circus operators who visit Cheltenham Racecourse are supportive of the legislation and preparing for it's implementation.</p>	<p>NB Aspiration re LA land not relevant to licensing policy (CBC policy from 1985 covers wild animals).</p>
LPS8	Cobbetts Solicitors Manchester	Request for contact details of responsible authorities to be made available.	A helpful suggestion.	Include in policy and add to guidance information
LPS9	Built Environment - Planning	Suggest that policy C8 be amended to include reference to possible refusal where application seeks hours beyond those permitted in any planning permission.	Makes policy clearer	Amend C8 as suggested.
LPS10	Cheltenham Police Licensing, PC A.	Call for premises to be categorised by risk weighting to influence	Agree policy could promote a risk weighting approach	Re-draft part 12 to include risk categories and cross

	Cook	<p>enforcement approach and general approach to licensing requirements. Advocate more specific reference to i) <i>safe and sensible</i> occupancy limits for <b>all</b> alcohol licensed premises, ii) CCTV in all alcohol licensed premises iii) Door supervisors should be required in all premises used primarily or exclusively for sale and consumption of alcohol beyond 11.00pm with 1 door supervisor for every 100 people likely to be present on the premises subject to a minimum of 2 door staff.</p>	<p>which additionally would help to meet Nightsafe call for a level 'playing field' for pubs and clubs.  i) DCMS guidance clear (para 7.34) that '<i>safe capacities should only be imposed where necessary for the promotion of public safety or the prevention of disorder on relevant premises</i>'. This is reflected in Annex E to the guidance. Individual applications must be judged on their own merits.  ii) and iii) conditions should only be imposed <i>where necessary and appropriate</i>. Agree Capacity limits, cctv and door staff more likely to be required in higher risk premises and subject to police representations where absent from the operating schedule.</p>	<p>reference to 5.5 quality management standards. Re-draft 6.6 re minimum number of door supervisors.</p>
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LPS11	Graham H Robinson Cheltenham C&DR Partnership	No specific areas of concern, endorse partnership's agreement in principle to the draft.	Noted.	No policy change required
LPS12	Roger Marles Head of Trading Standards Gloucestershire County Council	Fully support policy's objectives and principles. Specific comments: i) 8.1 would like to see a formal mechanism for information exchange between TSD, Police and CBC – suggests para 12.2 may achieve this. ii) Proof of age cards – suggests that all (alcohol) licensed premises should have a policy on the production of proof of age. Notes also that some businesses seek to reduce risk of incorrect age assessment by having a voluntary policy which requires proof of age from anyone who appears to be under 21. iii) Asks how final policy will be distributed-	i) Agree, GLOG have draft information exchange protocol and enforcement protocol under consideration. ii) Underage sales a key concern but blanket imposition of condition not appropriate. As with LPS5 sections 5 and 8 dealing with crime and disorder and protection of children from harm objectives can be amended to state that full use of freedoms and flexibilities will be resisted (by (consultees / partners) where no policy on proof of age exists and stress that policies should be included in operating schedules. iii) Policy will primarily	i) No policy change required ii) Re-draft sections 5 and 8 accordingly. iii) No policy change required



			made accessible via CBC website.	
LPS13	Nick Egginton General Manager Odeon Cinemas Ltd Cheltenham	i) Concerned that section 8 imposes <i>onerous model</i> requirements on all performances for children. ii) Asks that public safety publications referred to in 6.6 are more onerous than ordinary legal requirements and should not be imposed.	i) Agree scope for wording to reflect a graduated risk assessed approach. ii) Publications are recommended by DCMS as helpful sources of advice for applicants, no intention to apply this guidance en bloc as requirements.	i) Re-draft 8.8-810 ii) No policy change required
LPS14	Friends of Montpellier Bandstand and Gardens	FOMBAG committee considered draft policy and <i>very much welcome</i> frequent references to the necessity to give full consideration to the lives of local residents. If this is delivered by CBC licensing processes worried residents will be re-assured.	Noted	No policy change required
LPS15	Cheltenham Innkeepers Association	Concerns relate to section 5 re crime and disorder. I) Will small capacity town centre pubs have to join Nightsafe pubwatch exclusion scheme and face associated expense? CI Assoc members who are not large nightclubs already participate in their own 'Pubwatch' which is a telephone ring round	i) The current Cheltenham Innkeeper's scheme is not a full 'pubwatch' as based on the national model. Communications between premises is a vital tool in combating crime and disorder. Nightsafe members have access to	No policy change required

		<p>system informing others landlords of potential trouble.</p> <p>ii) Also concerned about 'safe transport home' in 5.5 as some taxi companies do not currently attend public houses after 11.00pm – will CBCdo more in conjunction with taxi licensing processes to help licensees provide such transport-.</p>	<p>their own radio network that is linked to the police control room and the hospital and provides faster / better links to combat problems. The expectation is that during transition high risk town centre premises (not all liquor licensed venues) who are not active Nighsafe members will face representations. As the Nightsafe exclusion policy starts to impact on known trouble makers they are likely to then patronise non-member premises who in turn will tend to want to be part of the trade partnership approach to combating trouble. The Innkeeper's scheme is inadequate to address such issues and CBC considers that just one exclusion scheme is required.</p> <p>ii) The taxi licensing system</p>	
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			does not enable CBC to specify working hours or the provision of service to specific premises. Suggest this concern should be discussed at the HC/PH consultative forums. The nightbus service is complementary to taxi and private hire services.	
LPS16	Merestones Residents' Association	<p>Stated policies cover most of the issues and most areas covered are not major concerns for their 170 (households) members. Pleased to see that CBC takes it's responsibilities seriously as policy's success or otherwise could have a major impact on the town's reputation and it's attractiveness to residents.</p> <p>Some points emphasised:</p> <p>i) Drink related (largely?) bad behaviour impacts on their area which is 20 minutes walk from the Promenade – CBC will need to consider impact over a wider area than just the town centre.</p> <p>ii) Disproportionate number of licensed establishments in</p>	Noted	No policy change required

		<p>Cheltenham is surely good justification for stricter control of additional outlets in future.</p> <p>iii) Pleased to see emphasis placed on licensees' responsibilities for controlling activities within and close to their premises.</p> <p>Iv) Is unconvinced regarding the merits of more flexible opening hours.</p>		
LPS17	Tidy Cheltenham Group (TGC)	<p>Draft is very well written and comprehensive. TGC has <i>narrow agenda concerned with cleanliness of our town, factors affecting cleanliness and preventative and other remedies...</i> See strong links between their agenda and draft LPS. Particular comments:</p> <p>i) Smashed bottles and glasses are a particularly difficult and dangerous problem</p> <p>ii) Most if not all flyposting is generated by <i>clubbing venues</i></p> <p>iii) Waste storage an issue and TGC welcome provisions open to Licensing committee to insist on secure storage and refuse being</p>	<p>i) Agree. CBC is currently updating it's public drinking controls and includes steps taken to prevent removal of opened drinks containers and use of plastics in 5.5 as part of the suggested quality standards of socially responsible and good management.</p> <p>ii) &amp; iii) F3 includes reference to these issues as factors that may be relevant to judgements about what is public nuisance. Without</p>	No policy change required

		<p>put out appropriately for collection</p> <p>iv) Urges that there is already a <i>strong case to limit or even reduce</i></p>	<p>accepting the veracity of the statement in i) these concerns are only relevant insofar as they relate to the licensing objectives. The environmental or amenity impacts of litter and cleanliness issues do not directly relate to the Act's purposes. Indirectly they may do eg where refuse storage arrangements cause noise problems or relate to disorder issues. Relevant impacts will be limited as envisaged in B9 to the immediate vicinity of premises. TGC have misinterpreted the licensing authority's powers / influence here, control measures are for the most part found in other legislation unrelated to licensing.(See also LPS 2 above).</p> <p>iv) Would negate</p>	
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		<p>the density of clubs and pubs until such time as their cumulative impact on the town's cleansing environment is under satisfactory control</p> <p>v) Welcome desire to balance commercial interests with NTE vision, wish to <i>emphasise that the interests of residents and visitors are equally important</i></p> <p>vi) Urges that <i>owners</i> of relevant (licensed) premises be required to</p>	<p>grandfather rights enjoyed by existing premises. H3 clearly sets out the steps to be taken when considering a special saturation policy. Satisfactory control of cleansing environment is not a relevant consideration.</p> <p>v) B10 (2.7) states intention to seek to balance the needs of wider interest groups with those who may be concerned about adverse impacts from particular licensed premises. All views are taken into account and there is no suggestion of unequal treatment – the focus in every case will be upon disproportionate or unreasonable impacts on people living, working or sleeping in the vicinity (of premises).</p> <p>vi) There is no relevant</p>	
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		<p>provide proportionate material assistance in reducing their impact on town's litter (and other anti-social) problems. Advocates conditions to include anti litter requirements.</p> <p>vii) Policy should make it clear that littering is a crime.</p>	<p>power under the Act to achieve either wish.</p> <p>vii) Whilst it is this is not relevant to the Act's objectives.</p>	
LPS18	Association of Licensed Multiple Retailers (ALMR)	<p>ALMR the only national trade body representing licensed retailers, they have just under 100 member companies who, between them, operate over 30,000 outlets.</p> <p>i) Overview CBC Policy appears to be fair and well balanced and is clear and concise.</p> <p>ii) concerned that issues that should be addressed by licensees may not be appropriate for all size and types of premises. Important to avoid a checklist of considerations that in effect become standard conditions. Policy should make it clear that it is for applicants to consider whether and how to address issues in their operating schedule.</p>	<p>i) Noted</p> <p>ii) Agreed, suggested changes in LPS 10 to incorporate a risk weighting approach relevant here. B9 (2.4 &amp; 2.6) states our expectation in terms of the preparation of operating schedules by applicants. It is for the applicant to consider <i>whether and how</i></p>	<p>ii) Redrafting as per LPS10</p>

		<p>iii) Use of the term <i>Council</i> may not be appropriate because of the broader role and responsibilities of the whole organisation – suggest use of term <i>licensing authority</i> to assist in demonstrating impartial and objective stance and differentiation from rest of the Council.</p> <p>Detailed comments are designed to expand some sections to clarify Act's intentions and avoid raising false expectations about degree of control Licensing Authority will be able to exert.</p> <p>iv) Suggest objectives in A1(1.2) should be concluded by statement that these are the only matters to</p>	<p>but that does not diminish the opportunities for responsible authorities and interested parties to make representations. The policy seeks to offer appropriate guidance and help rather than prescribe requirements / standard conditions.</p> <p>iii) Agree except where reference is to Council activities as eg to NTE work and other corporate strategies and plans (C1 para 4.1)</p> <p>iv) Agree</p>	<p>iii) Change term used as appropriate.</p> <p>iv) Redraft A1 as suggested.</p>
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		<p>be taken into account in determining applications and applying conditions.</p> <p>v) Welcome recognition of benefits of reform in supporting and promoting a diverse NTE</p> <p>vi) Policy must make it clear that a fundamental tenet of the Act is that conditions can only be imposed where representations made and discretion of the Licensing Authority has been engaged.</p> <p>vii) Re C7/8 (4.7 and 4.8) planning application may be submitted in tandem with licensing for new developments. As a matter of administrative law one should not be contingent upon the other and so there is no basis for insisting that planning consent be sought first.</p>	<p>v) Noted</p> <p>vi) Agreed, this is as stated in B7 (2.5).</p> <p>vii) Agree that policy should cover new developments scenario (as LPS4 above). Otherwise C8 (subject to changes suggested in LPS9) considered to be appropriate. It is an expectation rather than an absolute requirement and fits with the tone of DCMS guidance (it is not explicit on the point) and would mean that planning, as a responsible authority, would have undertaken their own s17 crime and</p>	<p>vi) No policy change required</p> <p>vii) Redraft as suggested in LPS4 &amp; 9, no other changes</p>
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		<p>viii) Section 5 crime and disorder, ALMR believe that it is misleading to quote Home Office research and the Alcohol Harm Reduction Strategy without references to research in the (DCMS) guidance that <i>clearly demonstrate that longer opening hours and a more relaxed approach to licensable activities will have a positive impact on levels of alcohol related crime and disorder.</i></p>	<p>disorder and amenity / nuisance assessments and be appropriately placed to determine whether or not to make representations on an individual application and / or the need for a special saturation policy. Following ALMR's suggestion would open the authority to charges of being influenced by, as yet, un-determined planning applications.</p> <p>viii) Noted. The only reference to research in the DCMS guidance (2.23 page 15) relates to potential alcohol-related harms. ALMR have been asked to clarify their source. Our understanding of international experience is that de-regulation has had mixed impacts and not all <i>positive</i> as suggested. The policy does not seek to be</p>	<p>No policy change required</p>
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		<p>ix) Section 8 (G1) should make it clear that reference to gambling does not refer to small number of AWP's in traditional pubs and bars.</p> <p>x) Surprised to see reference in G1, given the statutory ban on unaccompanied under 16s, to outlets where the supply of alcohol is the exclusive or primary purpose as a source of concern re children.</p>	<p>misleading and neither does it diminish the licensing authority's support for the Act (A2, 1.3) nor it's support for the government's belief that fixed and artificially early closing times promote rapid binge drinking (10.1) hence policy I1 (10.2) and it's implied endorsement of the principle of flexibility.</p> <p>ix) Noted – the reference is to a <b>strong</b> element of gambling which the DCMS guidance (3.37 p25) makes clear does not apply to the <i>presence of a small number of cash prize gaming machines</i>. There is no need to duplicate all of the guidance in our policy.</p> <p>x) DCMS guidance (3.37 p25) says a statement of licensing policy <i>should highlight areas of particular</i></p>	<p>No policy change required</p> <p>No policy change required</p>
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		<p>This ban plus restrictions on their ability to buy, attempt to buy or consume alcohol and the new offence of selling to someone under age provide adequate protection.</p>	<p><i>concern with respect to children and gives as an example <b>where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided...</b></i></p> <p>ALMR's concern should be directed at DCMS and, pending any changes in the guidance. this is a legitimate concern to highlight.</p>	
LPS19	British beer and Pub Association (BBPA)	<p>BBPA represents brewing companies and pub owning companies accounting for 98% of beer production and c40,000 UK pubs.</p> <p>i) Welcome recognition of the licensed trade's contribution of the local economy and it's importance as an employer. Comments:</p> <p>ii) LPS should distinguish between statutory obligations of an LA as a <b>licensing authority</b> under the 2003 Act compared with other</p>	<p>ii) Agreed</p>	<p>Re-draft as suggested in LPS18 (iii)</p>

		<p>statutory responsibilities of the <b>council</b>.</p> <p>iii) Policy is too prescriptive and requires too much detail in operating schedules which will not be applicable to all licensed premises to ensure the promotion of the licensing objectives. Applicants will know their businesses best and it is therefore for them to demonstrate how they will promote the licensing objectives. Any requirements in the policy relating to the operating schedule amounts to a pre-judgement which is not in the spirit of the Act....infringing on the freedom of the licensee to manage their business. Emphasises that conditions may only be imposed where representations are received and upheld. Request that paragraphs 2.3, 2.5, 5.5, 5.7, 6.1, 6.4, 6.6, 7.4, 7.5, 7.6, 8.9, 8.10, 8.11, 10.3, 10.4 and 10.8 be reviewed and amended to <i>reflect the correct procedure and clarify that the measures outlined may only be required to be addressed where they are necessary to meet</i></p>	<p>iii) The policy seeks to address how the licensing authority will uphold the Act's objectives and references to established examples of national good practice and local priorities are essential to achieve this. The suggested changes in LPS 10 and 18 to incorporate a risk weighting approach are relevant here. B9 (2.5 &amp; 2.6) states our expectation in terms of the preparation of operating schedules by applicants. It is for the applicant to consider <i>whether and how</i> but that does not diminish the opportunities for responsible authorities and interested parties to make representations. The policy seeks to offer appropriate guidance and help rather</p>	<p>Incorporate risk weighting approach (LPS 10 and 18 refer) and modify B6 as suggested</p>
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		<p><i>the licensing objectives. Any references to 'take into account' or that conditions 'will' be applied or applicants having to 'demonstrate compliance' should be deleted.</i></p>	<p>than prescribe requirements / standard conditions. Suggested re-draft to A1 in LPS18 above should address some concerns re procedure. Also suggest <b>B6(2.5)</b> be clarified by addition as first paragraph of: <b>The Licensing Authority will expect all individual applicants to address the licensing objectives in their operating schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the interests of the local community.</b> B7 (2.5) makes it fully clear that the procedure in relation to possible conditions is exactly as</p>	
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		<p>iv) re 2.5, 5.5, 6.1 and 6.4 these make references to applicants' risk assessments, BBPA remind us that the risk assessment itself is not required to accompany the application.</p> <p>v) 5.5 creates a blanket condition with regard to Nightsafe and is unlawful, strongly recommend that it be amended.</p>	<p>envisaged by DCMS. Suggested risk weighting approach (LPS10) should also re-assure this trade body that CBC are not proposing to adopt a pre-judged 'blanket' approach. Iv0 Agreed 2.5 clearly states that risk assessments will have to be translated into measures which promote one or more of the objectives and record these in the operating schedule. This is fully in line with DCMS guidance (eg 7.4 p76).</p> <p>v) The Nightsafe exclusion scheme is a vital tool in line with DCMS guidance which highlights the value of pubwatch schemes. Other partnership projects undertaken by Nightsafe support the objectives and CBC is correct in</p>	<p>To avoid any confusion these paragraphs can be re-drafted to emphasise that risk assessments are not part of the operating schedule and to reference the DCMS guidance on what should be in the operating schedule.</p> <p>v) Re-draft as suggested above in LPS 10 and 18.</p>
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		<p>vi) 5.7 Liaison is to be encouraged but may not be practical or necessary. Such contact cannot be required and it should be clear that applicants will not be prejudiced if such prior liaison has not taken place. Request deletion of reference to advice re taking into account other relevant local policies and strategies as appropriate.</p>	<p>highlighting the value of their work. The introduction of a risk weighting approach and clarification that this policy is directed at high risk premises (larger, town centre late night venues that offer regulated entertainment) will demonstrate that this is not a blanket approach but support for partnership working which is a cornerstone of the ways in which the authority will uphold the Act's objectives.</p> <p>vi) This paragraph is a recommendation and not a policy, it is intended to offer helpful advice and would not prejudice any application.</p>	<p>vi) No change</p>
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		<p>vii) Welcome measured approach to occupancy limits, most pubs do not currently have an occupancy limit and this should continue to be the case.</p> <p>viii) BBPA concerned that some circumstances in 7.4 may be outside of a licensee's control. Also that 10.3 raises a similar concern as customers ultimately decide how they will spend their evening.</p> <p>ix) BBPA supports responsible management practices but in relation to 10.4 reminds us that the licensing authority has no remit to impose these requirements on all licensees. Concerned that the policy tends to focus too much on town centre 'high energy' type venues.</p>	<p>vii) Noted (see also LPS10)</p> <p>viii) Agreed some factors may be outside of their control but relevant to the way(s) in which the objectives are upheld. 10.3 applies to <b>late night venues</b> and uses sound trade practice that addresses the crime and disorder and public nuisance objectives and is good for business.</p> <p>ix) Noted. This paragraph lists good practice and is clearly directed at high risk premises. The policy would be rightly criticised if it failed to propose ways in which acknowledged problems could be tackled.</p>	<p>vii) No change</p> <p>viii) No change</p> <p>ix) No change</p>
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		<p>x) Welcome race day flexibilities (12, 10.4) but challenge closed door policy.</p>	<p>x) 10.4 builds on trade experience over many years and duplicates exactly what LVA bodies in Gloucestershire have sought on behalf of their members in recent years and responds to trade requests raised during consultation. The 11.00pm or 11.30pm closed door policy is an integral part of this practice and recognised by licensees as a tried and tested mechanism to uphold the crime and disorder objective.</p>	<p>x) No change other than reference to 11.30pm where closed door applies.</p>
		<p>xi) As LPS 18 (vii) re prior grant of planning permission.</p>	<p>xi) See LPS 18(vii)</p>	
		<p>xii) re paragraph 8.2 it would be</p>		

		helpful to clarify the responsible authority with regard to the protection of children and re-draft to make it clear that the licensing authority will not consult but may receive representations.	xii) Agreed	xi) Redraft as LPS4,9 &18 (vii) xii) Re-draft as suggested
LPS20	St Margaret's people Interested in the Local Environment (SMILE)	<p>i) The licensing objectives do not fully represent the vision of the NTE strategy, propose another objective based on the council's obligations to promote community health and well being.</p> <p>ii) SMILE believes that there is insufficient recognition for the interests of residential areas that about the town centre in terms of the impact of late night licences.</p> <p>iii) Unhappy that the policy</p>	<p>i) Seeks action beyond what is prescribed in the Act.</p> <p>ii) Paragraph 2.6 advises that licensing law will not address all concerns re anti-social behaviour. The Act and guidance limits licensees' responsibilities to the <i>immediate vicinity</i>. This is reflected in B9 but represents a diminution of the present case law framework.</p>	<p>i) No change</p> <p>ii) No change</p>

		<p><i>continues to peddle the myth that the late night establishments contribute to Cheltenham's economy and culture.</i></p> <p>iv) Also critical that policy does not address the community disharmony tensions associated with tax paying, voting, longstanding, older households on one hand and, on the other, younger, short term, non voting, relatively transient residents who are seen as being responsible for late night disturbance.</p> <p>v) Hours of operation the single most contentious issue and advocates late night opening be kept to a minimum, especially during week nights.</p> <p>vi) Calls for a special saturation policy – <i>clearly wrong</i> not to do so. If not done an annual review</p>	<p>iii) Section 3 Cheltenham in focus includes background material drawn largely from the approved NTE strategy. There are no policies in this section.</p> <p>iv) Difficult to see how this relates to the Act's objectives and it is, in reality, an amplification of point i).</p> <p>v) A blanket policy of this sort would be unlawful, the licensing authority must judge each case on it's merits and have regard to any representations that are received.</p> <p>vi) See LPS 17(iv). Section 9 indicates how such a</p>	<p>iii) No change</p> <p>iv) No change</p> <p>v) No change</p> <p>vi) No change</p>
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		<p>should take place.</p> <p>vii) Charging for toilets, street cleaning and Policing advocated because licensed premises require a disproportionate input of public services.</p> <p>viii) Asks why there is no mention of gaming in the policy.</p>	<p>policy would be approached, such consideration is not tied to the usual 3 year cycle for reviewing the LPS. 9.5 advocates that this be kept under close review.</p> <p>vii) Not permitted by law</p> <p>viii) DCMS guidance (5.119 page 69) advises that whilst that by virtue of Schedule 6 to the Act the issue of AWP machine (amusements with prize) permits for use in liquor licensed premises under s34 of the Gaming Act 1968 will be a licensing authority function it is not a licensing function under the 2003 Act. Consequently it should not be reflected in</p>	<p>vii) No change</p> <p>viii) No change</p>
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		<p>ix) Welcome para 7.5 and its reference to nuisance and the routes that people take to and from premises as long those 'routes' are well defined and include a much wider radius than the other clauses regarding vicinity. Staggered opening hours also means that residents get disturbed repeatedly rather than just once in the night.</p>	<p>the policy.</p> <p>ix) It is not possible to qualify any further which routes would be included or the radius that should be encompassed – this would unrealistically raise expectations about what could be addressed through the licensing objectives. Under the new licensing arrangements, only the immediate vicinity is specified. The Act does not allow for opening hours to be prescribed by the licensing authority – the operating schedule would contain a suggested terminal hour and the only grounds for challenging this would be if representations were received based on any of the licensing objectives.</p>	<p>ix) Amend the bullet point in 7.5 to reflect the immediate vicinity issue.</p>
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LPS21	Charlton Kings Parish Council	Requests that parish councils are included in the list of organisations to be consulted in paras 2.2 & 2.3	Para 2.2 makes reference to 'persons/bodies representing businesses and residents' which would include parish councils, all of whom were consulted. Likewise, Para 2.3 refers to 'other interested parties'.	No change.
LPS22	Spirit Group Ltd	Identical response to LPS19	As addressed in LPS19	As LPS19
LPS23	Mitchells & Butlers Retail Ltd	Identical response to LPS19	As addressed in LPS19	As LPS19
LPS24	Trevor Gladding Community Safety Manager (CBC)	The quality standards of socially responsible good management (S5.5 p21/22) should include a reference to co-operation between licensees and the CDRP to use the drug itemiser for drug testing venues and customers where appropriate.	Valid suggestion.	Add to list of quality standards in 5.5.
LPS25	Stewart Dove General Manager University of Gloucestershire Students' Union	The SU Executive approved the draft licensing policy and made no recommendations for change.	Positive feedback.	None necessary.
LPS26	Cheltenham Strategic Partnership	i) Pleased to see linking mechanism in place between licensing policy, NTE strategy and other existing strategies and plans.		

		ii) Acknowledge LPS is centred on the four key policy objectives but would like to see Community Plan actions supported by broader work programme.	ii) Whilst the licensing authority supports the existence of these actions it cannot support delivery of them all within the LPS. Tackling crime and disorder is the obvious exception to this, but the policy cannot address areas which are covered by other legislation eg promoting equal opportunities. Nor can the policy impose considerations upon licensees that are not within the remit of the four licensing objectives.	ii) Comments noted – some of the actions related to the Community Plan and suggested by the CSP are more of a matter for the NTE strategic liason group and will be advanced through that forum where possible.
LPS27	Sarah Farooqi Solicitor, Legal Services, CBC	Various comments made and amendments suggested by Legal Services.		Amendments made where agreed to the following paras: B2, C8, D2, D3, E5, E6, G5, 2.3, 4.8, 5.5, 5.6, 6.4, 6.5, 6.9, 8.7, 8.8 – 8.11, 9.3, 9.11, 10.8, and Appendix A.



<b>Part 2</b>	<b>Draft Probity Guide</b>			
PG1	PLT Ltd (Providers of Licensing Committee LA 2003 training)	Advise that in general applicants, objectors, and officers should be allowed equal time for their presentations.	Helpful advice	Re-draft C3 (Part 2) accordingly.
PG2	St Margaret's people Interested in the Local Environment (SMILE)	Asks that all members of planning committee receive training on the 2003 Act to ensure that they do not mistakenly rely on the licensing process to address certain issues.	Whilst this is not directly applicable to the licensing probity guide there is a comparable guide already for planning and, as a result members of that committee were invited to recent training on the 2003 Act and will receive follow up briefings and reports	
PG3	Charlton Kings Parish Council	Query the restrictions upon taking part in a debate and voting if a member of a parish council and of the Licensing Committee – state that Standards Board has already ruled on this with regard to planning committees (Part One, Section A, No. 4)	Part One offers advice on this subject and it should be noted that what applies to Planning does not automatically apply to the Licensing process as well.	No change.