



Notice of a meeting of Full Licensing Committee

Wednesday, 2 September 2020

4.00 pm

Pittville Room - Municipal Offices, Promenade

Membership	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Angie Boyes, Mike Collins, Wendy Flynn, Tim Harman, Diggory Seacome, Jo Stafford, Roger Whyborn and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting (Thursday 27 th August)	
4.	MINUTES OF THE PREVIOUS MEETING To approve the minutes of the last meeting held on 24 th June 2020.	(Pages 3 - 32)
5.	MINUTES OF SUB-COMMITTEE MEETINGS To approve the minutes of the meeting of the Licensing Sub Committee – Alcohol and Gambling held on 2 nd July.	(Pages 33 - 40)
6.	APPOINTMENT OF VICE-CHAIR OF "MISCELLANEOUS" SUB-COMMITTEE	(Pages 41 - 42)
7.	CONSULTATION ON REVISED LICENSING ACT 2003 STATEMENT OF LICENSING POLICY	(Pages 43 - 114)
8.	AMENDMENT TO POLICY ALLOWING PARTITION SCREENS IN LICENSED VEHICLES	(Pages 115 - 118)

9.		REVIEW OF PREVIOUS DECISIONS	
10.		ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION	
11.		DATE OF NEXT MEETING 2 nd December 2020.	

Contact Officer: Claire Morris, Democratic Services, 01242 264130
Email: democratic.services@cheltenham.gov.uk

Licensing Sub Committee-Alcohol and Gambling

Tuesday, 21st July, 2020
Times Not Specified

Attendees	
Councillors:	(Chair), Paul McCloskey, Mike Collins and Diggory Seacome
Also in attendance:	

Minutes

1. ELECTION OF CHAIR

Councillor McCloskey was elected as chair of the meeting.

(Democratic Services .. is there a standard paragraph re. live streaming, remote meeting etc. as per chair's script?)

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. BREAK FILMS, CHELTENHAM TOWN FOOTBALL CLUB

The Senior Licensing officer introduced the report.

Break Films has made an application for a temporary event notice application for an event to be held at Cheltenham Town Football Club. The reason for the hearing is that there has been a police objection to the application. The planned event is to show a number of films over two days and the licensable activities subject to the temporary event notice are:

- The sale by retail of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

The objection was made by Gloucestershire Constabulary. The application and supporting documents have been published on the Cheltenham Borough Council website. The applicant also provided additional documents just prior to the meeting which has been circulated to all of the members and the police, including details of the screen times being shown.

The Senior Licensing Officer explained the role of the sub committee and the options available to it. The sub committee may disregard the police objection and not decide to issue a counter notice or it can determine to issue a counter notice, effectively a refusal of the temporary event notice which will result in the event being unable to go ahead.

The Senior Licensing Officer reminded members that the licensing authority can only attach conditions where there is an existing premises license in place. In this case, although there is a premises license in place for Cheltenham Town Football Club, it does not include the car park where this event is planned to take place. Members cannot, therefore, attach conditions however there is the ability to attach modifications.

The grounds of the objection by the police are prevention of public nuisance and public safety – specifically concerns regarding traffic management issues.

In response to questions from members, the Senior Licensing Officer confirmed that:

- Environment health is a consultee on a temporary event notice application, however the emphasis in terms of environment health response to Covid is dealt with through risk assessment by the premises and event organiser. This is to ensure it is Covid secure at the time the event happens, particularly as guidance is changing so quickly.

There were not questions from the applicant.

In response to a question from the police the Senior Licensing Officer stated that the number of stewards at any event depends on the individual risk assessment for each event.

Presentation by the applicants, Terri Dwyer and Dean Fisher of Break Films

- Break Films is a small, independent film company. Their film 'Break' was scheduled to be released in April but of course this has been disrupted by the Covid crisis. They have therefore had to be creative about the release of their film.
- They believe the safest way to release the film is as a drive in and they have scheduled their world premiere in at a drive in in London.
- Cheltenham is one of five drive ins they are organising.
- They have a full compliment of event management, security, medical and safeguarding staff in place. Full risks assessments are in place to mitigate Covid and ensure a safe and enjoyable event.
- The plan is to show 5 age specific films per day to provide a wide range of entertainment for the local community
- Although the chances of getting 250 cars to the event, there is a traffic management plan in place with professional security on site. There will be a 'holding area' in the car park to mitigate queuing on the highway. They will bring their learning from their prior two events.
- The applicants wish to work with the authorities in order to put on a safe and entertaining event for the community.

In response to questions from members, the applicants confirmed that:

- A site plan has been sent.
- The capacity could be reduced to 200 to accommodate space needed for toilets, catering and vehicle holding area. In reality, they are expecting around 100 cars.

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- The screen will be straight ahead as cars drive in ie. using existing car parking layout
- The time for turnaround is around 80 minutes. The programme has been developed to attract different demographics.
- The football club will advertise amongst their fan base, there is a visual online marketing presence together with posters in local areas. Tickets will be sold online.
- There will be 3 gazebos – medic, event management and safeguarding – which slot at the side. There is also a food van.
- At drive ins, food is ordered by text which is then delivered to the side of the car. Payment is made contactless.
- Installation starts at 8am, ready for a 9am start. The screen is a powerful LED screen.
- Security will ask for proof of age for the 15+ film which is showing at 7pm. The film is rated 15+ due to language, not visual content. It will be difficult to view from the public highway due to gazebos in the way but security will ask people to move away if relevant.
- There is no PA system; the sound comes in through the car radio
- The applicants are talking to the health and safety officer at the football club regarding emergency entrances.

The Chair invited the police to give their comments, as objectors to the application:

The police representative stressed that their objection is solely around the issue of traffic management. There are no objections to the event apart from this. The recent additional information provided by the applicant, both before and during the meeting, is very helpful but more detail is needed about flow of traffic and number of stewards as there is potential for traffic on the main road and impact on the community. More detailed about the flow of traffic ie. on entry and exit, would be very helpful. The police are very happy to help and advise and are sympathetic to what the applicants are planning.

In response to questions from members, the police confirmed that:

- The police provide no support for football matches; this is provided completely by the football club as the stewards know how traffic flow works. A single match is different to multiple events on one day.
- If the applicant has the support and guidance of the football club it will be reassuring for the police.
- They have no objections apart from traffic management.

Following advice from the Legal Officer, the chair called a short adjournment in order that discussions can take place between members with a separate meeting for the police and applicants to discuss the possible way forward.

Following the adjournment the police representative confirmed that after a productive conversation with the applicant, they are withdrawing their objection on the basis that there is an agreement that:

- The events liaison on behalf of Gloucestershire Constabulary with the club to assist with traffic management issues on the site

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- The applicant fully understands the issues around traffic management and will be having further discussions with the police regarding this, including the holding area which ensures the integrity of entrance and exit.

The applicant thanked members and the police for their time, help and support.

Summary

Agreement by objectors to withdraw objections

Meeting ends 1233

5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

There were no items which required a decision.

Chairman

Licensing Sub-Committee - Miscellaneous

Wednesday, 5th August, 2020

3.00 - 5.05 pm

Attendees	
Councillors:	David Willingham (Chair), Simon Wheeler, Tim Harman (Reserve), Jo Stafford (Reserve) and Roger Whyborn (Reserve)
Also in attendance:	Louis Krog (Licensing Team Leader) Vikki Fennell (Legal Officer)

Minutes

1. APOLOGIES

Apologies were received from Cllrs. Seacome and Collins. Cllrs. Harman, Stafford and Whyborn were present as reserve members.

Cllr. Stafford left the meeting at 5pm, after all the regulatory decisions had been made.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

The Chair stated the intention to defer signing these minutes until the next meeting of the full licensing committee in September.

4. RENEWAL OF HACKNEY CARRIAGE LICENCE - ROBERT HAWKES

The Chair explained the process to the applicant.

The Licensing Team Leader then presented the report as published in the agenda, explained the options that were laid out in the report and drew member attention to the extract from the policy regarding notifying the Council of any points that are awarded.

The Chair then asked if Members had any questions for the Licensing team leader, they were as follows:

- How long has the applicant had a licence and has there been any record of any other incidents logged against Mr Hawkes.
- Were the points declared on the renewal form.

The responses were as follows:

- The applicant has been a driver since June 2017 and has no other incidents logged.
- The points were declared on the renewal form.

Mr Hawkes was then asked if he had any questions for the licensing team leader, he didn't but wanted to say that he forgot to notify the Council about the points when they were awarded.

Mr Hawkes then spoke and put his case. He explained that he completely forgot that he had to declare points.

Members asked the following questions:

- By how much were you exceeding the speed limit?
- Do you receive communications and reminders from the licensing department regarding notifying the authority if you receive points on your licence.
- It is concerning that you weren't aware of the speed limit and the frequency that these events happened. What steps are you going to take to avoid future breaches? Would you consider a speed awareness course?
- Have you had the opportunity to do a speed awareness course previously?
- Is there cruise control or a speed limiter in your vehicle?

Mr Hawkes' responses were as follows:

- The speed limit was exceeded by just over a few miles over the hour on each occasion.
- As far as he remembers no reminders are received, he stated that he tries to be honest.
- Would be more than happy to go on a speed awareness course will do anything that means he wouldn't have to go to committee again. He has realised how important his licence is to him.
- He confirmed that he did take a police speed awareness course approximately 10 years ago.
- He confirmed that he does have cruise control on his vehicle.

The matter then went to Member debate:

- The committee is not there to punish it is there to decide that the applicant is a fit and proper person. One more speeding fine and the matter will be taken out of the committee's hands and he will lose his licence anyway.
- The applicant seems contrite for his 3 regrettable mistakes no reason not to renew.
- As the applicant was using a dual use vehicle with no passengers happy to confirm fit and proper with a possible written warning.
- A point for licensing could we maybe communicate with drivers maybe once a year to remind them that they have to declare any points that they are awarded. The Chair confirmed that the matter is published in the Trade Times, but is minded that this could be a suggestion at the next licensing committee.
- Revocation seems disproportionate, could committee condition that the applicant goes on a speed awareness course. Licensing team leader confirmed that the committee can act as it sees fit, can grant subject to an assessment within a certain time frame, if the applicant doesn't complete the course can bring him back to the committee. Licensing team leader also confirmed that there are places in the South West where you can book onto a driver assessment.

- The Chair asked which Members would prefer a written warning or a written warning and a speed awareness course. The driving assessment was proposed and seconded.

The Legal Officer then went to the vote:

1.4.1 – grant the application with no further action

For: 1

Against: 4

REJECTED

1.4.2a – grant the application with the understanding that Mr Hawkes undertakes a driving assessment at his own expense.

For: 5

GRANTED – see below

“Grant Mr Hawkes hackney carriage drivers licence for a further 3 year period, if the committee is satisfied that he is a fit and proper person but that he successfully, and at his own expense undertakes a speed awareness course within 3 months of the committee resolution date”

The Chair then thanked Mr Hawkes for attending the meeting and confirmed that the licensing department would be in touch in within a few days. Mr Hawkes then left the meeting.

5. APPLICATION FOR PERMISSION TO PLACE TABLE AND CHAIRS ON THE HIGHWAY

The Chair confirmed that both the applicant (Mr Stephens) and the objector (Mr Harding) were present. He then explained the procedure to both parties.

The Licensing Team Leader introduced the report.

The Chair then asked the Members if they had any questions for the Licensing Team Leader, as follows:

- Clarification of whether the new tables and chairs will block the entrance for the Regent Arcade.
- The sketch shows that the tables and chairs are in the top left hand corner but the other plan shows them on the entire length of the entrance.
- Point to start, they don't cross Ormond Place therefore does the arcade have the right to refuse.
- Are the table and chairs in the top left blocking anything? Is the main entrance required - access to and from the cinema.

The responses from the Licensing Team Leader and Legal Officer - were as follows:

- The entrance to the cinema and the fire exit will be opposite, objector will need to inform the committee how the tables and chairs will partly obstruct the door to the left but the other doors will not be obstructed.
- The application can not affect the tables and chairs that are already there, the ones on the plan towards Regent Street and by the arcade are additional.
- As the tables and chairs don't cross the centre of the highway the Regent Arcade are able to object to the application but are not able to refuse consent as it doesn't cross the highway that's why the matter is at committee.
- The corner where the tables and chairs are proposed has nothing in it, the benches and the cycle racks have both gone, there is no obstruction.

The Chair then gave the applicant the opportunity to question the Licensing Team Leader – the applicant confirmed that he had no questions.

The objector asked the following question:

- When does the current licence expire.

The Licensing Team Leader confirmed that it expires on 27/11/20.

The applicant then was asked to present his application and made the following points:

- During these difficult times they have had to remodel their business to be more food orientated to survive.
- They have taken the window shop over on the corner (formally Chanticleer) to become another bar and restaurant.
- There used to be a firebox in the corner where the proposed tables and chairs will be, this has now been removed since the redevelopment at the arcade.
- Now that the benches have been removed there is the opportunity to make the area a bit more alfresco and cosmopolitan. Which should add value rather than detract.
- Access to the arcade is now bigger and the Aquavitae banner will be in line with that.
- Due to the current situation the outside tables and chairs must comply with social distancing.
- The corner tables and chairs will ensure clear footfall.
- Wall to wall the gap is 10.5 metres, at the peak the tables and chairs take up 2.7 metres which gives more than enough space for emergency vehicle access, however if an emergency does occur then all the fixtures are moveable so can be moved at very short notice.
- The bar applies for a temporary entertainment licence for Gold Cup week every year, which includes permission to set up early, there were not any complaints or feedback.
- The current licence commences at 9.30 however the bar does not open until 5.30.
- There has been a concern raised regarding the chairs and tables causing a problem for visitors and locals, however the applicant wishes to attract the same clientele as the arcade.
- There is concern over health and safety issues, they brush the outside area and also pay for Ubico to jet wash the area.

The Chair then asked the Members if they had any questions for the applicant, there were none so the objector was then asked to speak.

The objector then made the following points:

- Their main reason for objecting was on health and safety grounds.
- Canada Life has invested a substantial amount of money upgrading the pavements on Ormond Place despite the applicant stating that the area is professionally cleaned however after lockdown there were shovels full of glass that had to be cleaned up.
- A question was raised as to why the drinks outside are served in glass and not plastic.
- As part of the redevelopment of the Arcade the cinema will hopefully be open in the late Autumn there is concern that the plans for the new tables and chairs will block the entrance and that cinema goers won't want to weave through the drinkers as they enter or exit the cinema.
- There was a concern that the car park income from the Arcade car park would be affected.
- There was clarification issued that the street furniture that has been removed will be returned to the area.
- The objector wants to work in harmony with the applicant but believes that the implications outweigh the benefits

Members then put their questions to the objector as follows:

- When the street furniture is reinstated and with the new tables and chairs will emergency access be a problem?
- Is there a conflict of clientele with the cinema and Aquavitea?
- Will the tables and chairs effect the thoroughfare?

Answers were as follows:

- Gloucestershire County Council will do an assessment when they return the street furniture to make sure that the emergency access will be unaffected.
- There is a conflict of clientele as there is a cinema in Bath similar to the one that will be open in Cheltenham and families tend to be there between 8 and 9pm.
- In the past there has been obstruction of the thoroughfare but this has not affected the Arcade as it has been shut at the time.

The matter then went to Member debate and the following points were raised:

- The objector seems most concerned about the busy periods during Race Week when the whole town is busy and people can't get in and out of shops and bars easily. The scenario with the new cinema will be very similar to the set up at the Brewery with Cineworld and the restaurants there and that seems to work well for both parties.
- During these difficult times the applicant has had to change his business, at the moment you can not go into a bar or pub without booking, felt that we need to support as this plan will allow people to be safe.
- There needs to be a change in businesses as places need to expand their seating and be Covid secure.

- Some concern over the access and the cinema, there is a need to manage the cinema goers and drinkers.
- As there is no need for cinema goers who have used the Arcade car park to leave the Arcade to go back to their cars this is a positive thing.
- Historically on the site in the 1800's there was a riding school and stables, in the 1900's there was a road and 2 cottages therefore the Arcade is not a frontager.
- The tables and chairs as laid out in the plan do not obstruct the walk way, however the licensing committee can not control the public realm.
- The issue of smashed glass found after lockdown can not be blamed on the bar as it could have come from anywhere as it is a public space.
- We may need to look at the matter again once the street furniture is re instated to see how the tables and chairs fit.
- There was disappointment that the two parties could not come to agreement together.
- There was a question as to whether there could be a condition added to the application due to the distance and what the committee can do regarding the street furniture. The Licensing Team Leader explained that this comes under the highways act and is not the concern of the committee.
- There was a point raised as to how long the grant of the application will last for, the Licensing Team Leader explained that it is for a year but can be bought back to the committee sooner.

The Applicant was then given the right of reply:

- As a given there is in house security and door staff, currently there is a minimum of 2 on a Friday and Saturday night, however when things return to normal there will be a minimum of 5.
- If anyone goes beyond the barriers staff will do their best to move them to the area within the barriers.
- The fixed seating wasn't supposed to be reinstated however the applicant will do his best to comply, the doorman will protect the wellbeing and safety of clients.
- Would like the area to be like the Brewery for mutual benefit to both the Arcade and Aquavitae.

The Legal Officer then went to the vote:

1.4.1 – to grant

For: 4

Abstain: 1

GRANTED

The Chair closed the matter by stating that the committee was only there as an arbitrator of last resort. Everyone wants the town to thrive and people need to work together.

The licensing team will contact the applicant in due course.

Councillor Stafford left the meeting.

6. BRIEFING NOTES

The Licensing Team Leader introduced and explained both briefing notes.

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION

The Chair confirmed that as discussed at Council following the robust debate regarding sexual entertainment venues he has written to MP's and ministers, the letters are published in the Agenda.

Meeting ended at 17.05.

David Willingham
Chairman

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Licensing Sub Committee-Alcohol and Gambling

Tuesday, 21st July, 2020
Times Not Specified

Attendees	
Councillors:	(Chair), Paul McCloskey, Mike Collins and Diggory Seacome
Also in attendance:	

Minutes

1. ELECTION OF CHAIR

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2. APOLOGIES

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Presentation by the applicants, Terri Dwyer and Dean Fisher of Break Films

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- They believe the safest way to release the film is as a drive in and they have scheduled their world premiere in at a drive in in London.
- Cheltenham is one of five drive ins they are organising.
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- The applicants wish to work with the authorities in order to put on a safe and entertaining event for the community.

In response to questions from members, the applicants confirmed that:

- A site plan has been sent.
- The capacity could be reduced to 200 to accommodate space needed for toilets, catering and vehicle holding area. In reality, they are expecting around 100 cars.

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- The time for turnaround is around 80 minutes. The programme has been developed to attract different demographics.
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- If the applicant has the support and guidance of the football club it will be reassuring for the police.
- They have no objections apart from traffic management.

Following advice from the Legal Officer, the chair called a short adjournment in order that discussions can take place between members with a separate meeting for the police and applicants to discuss the possible way forward.

Following the adjournment the police representative confirmed that after a productive conversation with the applicant, they are withdrawing their objection on the basis that there is an agreement that:

- The events liaison on behalf of Gloucestershire Constabulary with the club to assist with traffic management issues on the site

- The applicant fully understands the issues around traffic management and will be having further discussions with the police regarding this, including the holding area which ensures the integrity of entrance and exit.

The applicant thanked members and the police for their time, help and support.

Summary

Agreement by objectors to withdraw objections

Meeting ends 1233

5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

There were no items which required a decision.

Chairman

Full Licensing Committee

Wednesday, 24th June, 2020
2.00 - 5.00 pm

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Diggory Seacome, Mike Collins, Roger Whyborn and Jo Stafford
Also in attendance:	Vikki Fennell and Louis Krog

Minutes

1. APOLOGIES

Councillors Harman, Wheeler, Boyes and Fisher.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF THE PREVIOUS MEETING

There were some minor points raised by Councillor Collins, the Chair signed the minutes.

5. RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE

The Chair explained the process to the applicant.

The Licensing Team Leader then presented the report. It was explained that the applicant had convictions that had not been declared on the application for his license renewal.

The options that were available to the committee were given as follows:

1.4.1 grant the applicants renewal application with no further action taken, if you are satisfied he remains a fit and proper person;

or

1.4.2 grant the applicants renewal application but issue him with a formal written warning;

or

1.4.3 refuse to grant his renewal application, if you are not satisfied that he is a fit and proper person.

The applicant then put his case and explained what happened to give him a criminal record. He was at a family party and had too much to drink – he was not driving his car however he was a passenger. When he arrived home there was a policeman waiting for him. He may have accidentally knocked into the

policeman. He also developed bruises that he reported to the police. As he was intoxicated he could not recall exactly what he had done but he may have pushed his wife and eldest son.

He confirmed that the matter went to court and he was sentenced to 45 hours community service and received a charge of £142.

Member Questions:

- Please can you confirm who was driving the car.
- Why were the police waiting for you when you got home and do you know who called them.
- Has an incident like this happened to you before or since?
- Are you a regular drinker and how do you ensure that you don't drink and drive?
- When the matter went to court how did you plead.

The applicant responded by confirming that his wife was driving the car and he did not know who called the police. He has never been involved in an incident like this before or since. He confirmed that he is not a regular drinker and he never has a drink when he knows that he will be going on duty as a driver. When the matter went to court he pleaded guilty.

Member Debate:

- Members felt that they were being asked to believe that it was a misunderstanding. Either the applicant didn't know what he was doing on his application or he purposely left the details out. However, ignorance was not an excuse for not following the rules. There seemed to be a problem with communication as English was not the applicant's first language – Members felt that the applicant would need to improve his communication skills regardless.
- Members were somewhat concerned that as a licensed driver he was drunk, however there was some mitigation by the report that was supplied by Starline on the applicant's behalf. Members were disturbed that the applicant had failed to declare the offence both at the time it happened and upon renewal, particularly as the questions on renewal were very clear.
- The applicant's difficulty to communicate in English was raised as a problem, however it was not unusual to have taxi drivers in front of the committee for this reason. The applicant seems to have learnt his lesson from the incident as 2.5 years have passed without incident so this may have been a one off.
- Assistance is always offered to an applicant when English isn't their first language. The Licensing Team Leader confirmed that there is an English test that every applicant has to take if English isn't their first language.
- Members recognised that there were worst offences and 45 hours community service represented the lowest level of sentencing, if the offence had been more serious then the sentence could have been imprisonment. They felt that it was an isolated incident and that the

report from the employer was a mitigating factor. It is not uncommon in an incident as this to grant the renewal with a formal written warning.

Applicants final right to reply

The applicant thanked the Members for their time and hoped that he would be able to continue to work. He assured the committee that this would never happen again.

The matter then went to the vote

1.4.1 – grant the application with no further action

For: 0

Against : 6

Unanimous

1.4.2 – grant the application with a formal written warning

For: 5

Against: 1

Carried

The meeting then adjourned for 10 minutes to reconvene at 15.10.

6. PARTITION SCREENS IN LICENSED VEHICLES

The Licensing Team Leader presented the report.

In response to Members' questions, the Licensing Team leader responded that 1000 people were consulted which included drivers and MOT stations. Gloucestershire County Council were happy with the proposal that screens were not made compulsory in vehicles as some companies and insurers were not happy with the modification. He confirmed that a passenger can refuse to get into a vehicle if they are not happy that the vehicle does not have a screen.

The matter then went to Member debate:

- It was recognised that it might not always be appropriate for a driver to wear PPE and screens are a favourable option as it is shown to be in shops. Given the lack of direction from central government they felt that it was acceptable for screens to be voluntary. .
- Ensuring that the screens are safe in case of an incident or accident was important. BME minorities appeared to be more vulnerable to Covid therefore it was important that the option was given for the installation of a screen..
- Due to the lack of guidance being provided regarding the wearing of masks it seems important that drivers are given a choice.
- 51 responses from 1000 letters did not represent a high return and 35 of those 51 were opposed to installing screens which gave an indication of the view of the trade.

- As there is such a large amount of apathy from the drivers it would be heavy handed to make it compulsory, however we should be aware of the minority groups.
- If there was a neutral approach to this issue then maybe we need to provide evidence that the screens are more effective as protection for the drivers than the passengers.
- Members acknowledged that the driver was the one most at risk and that a neutral approach to the matter was probably the best one; any evidence that there is regarding this should be presented by the Cabinet Member.

**RESOLVED (unanimously) THAT
Cabinet be recommended to adopt the draft policy at Appendix A.**

7. BRIEFING NOTE : LICENSING RESPONSE TO COVID-19

The Licensing Team Leader introduced the briefing note.

Members then raised the following points:

- Sports Clubs have been forced to close their doors and the profits from the bar have been lost which will equate to a third of their income. There is concern that when lockdown is lifted the clubs won't be able to open as they won't be there. What are we doing to assist them?
- Did taxis get the MOT extension that was offered to all vehicles when lockdown was in place?

The Licensing Team Leader replied by confirming that taxis had the same exemption as everyone else but now lockdown is easing drivers are now being encouraged to get them done when there is an opportunity to do so.

- The Chair then wished to comment that licensing had done an excellent job both by being redeployed and working from home. He went on to say that enabling a café culture throughout the town over the summer would help with restrictions. We need to help businesses recover without upsetting the residents. Licensing as a committee should be enabling recovery. Gloucestershire County Council have given encouraging replies with regard to Purple Flag. We are awaiting confirmation from Central Government regarding what help we can receive. Currently disappointed with the criticism and lack of support from the local MP. Recovery is so important and Gloucester City Council have done YouTube broadcast and webinars to assist businesses, we need to do everything we can to help businesses and it needs to be available in the public realm.
- Other Members then gave their thanks to the Licensing team for all their hard work during this difficult time.
- The matter of the increased amount of A-boards on the highway was bought up for discussion, especially the increased amount on Bath

Road. There was understanding that due to the current circumstances that there should be some relaxation due to businesses being at a disadvantage at the moment. Whereas it was agreed that there should be a relaxation in the policy there was a question raised regarding when the relaxation would end.

The Licensing Team Leader explained that as enforcement had been redeployed there was relaxation in enforcement but that is no longer the case. If a premises does not have a street front you maybe allowed an A board for a short time. It was also explained that the relaxation would only be at 6 months for the moment and it started on 23/06/20.

8. REVIEW OF PREVIOUS DECISIONS

There were none.

The Licensing Team Leader drew Members attention to the Recovery Newsletter that is being produced and suggested that they register for this online and details will be sent to them regarding this.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION

None.

10. DATE OF NEXT MEETING

2 September 2020.

David Willingham
Chairman

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Licensing Sub Committee-Alcohol and Gambling

Thursday, 2nd July, 2020

10.30 am - 2.00 pm

Attendees	
Councillors:	Mike Collins, Simon Wheeler and Roger Whyborn (Chair)
Also in attendance:	Jason Kirkwood, Vicky Fennell

Minutes

1. ELECTION OF CHAIR

Councillor Whyborn was nominated as Chair of the meeting by Councillor Collins, seconded by Councillor Wheeler. He informed those present that the meeting would be streamed on YouTube and recorded for training purposes, and if there were any breaks in transmission, the meeting would adjourn while any technical issues were sorted out. He reminded Members that they needed to be present for the whole of the debate in order to vote, and advised the public that the fact that all three Members of the Committee belong to the same political party was of no relevance, as Licensing is a quasi judicial function, and party political considerations are set aside in determining applications.

He welcomed the applicant and members of the public (as listed), and explained how the meeting would be conducted:

- James Elias, the applicant
- Councillor Seacome, on behalf of local residents
- Revd. Mills, on behalf of local residents
- Sharman Davies, on behalf of residents of Somerset House
- Ellen Francis, neighbour
- Felicity Gray, neighbour
- Zinovia Zervakis, neighbour
- George Theodolou, neighbour
- Rani Boyal, neighbour

2. APOLOGIES

There were none.

Louis Krog (Head of Licensing) joined the meeting after the lunchtime adjournment.

3. DECLARATIONS OF INTEREST

There were none.

4. THE ST JAMES' CLUB, GIBSON HOUSE. CHELTENHAM Officer introduction

The Senior Licensing Officer introduced the application, reminding those present that it must be determined against four statutory licensing objectives:

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

He highlighted the key issues and considerations, as set out in the report, and confirmed that 219 objections have been received from members of the public, but none from the responsible authorities (police and environmental health officers). While acknowledging the concerns of neighbours, he reminded those present that the local authority is bound by legislation and case law and must act accordingly – if it does not, it is open to appeal and potential costs. It is the authority's statutory duty to give full and clear reasons for its decision, in order to inform the public, help the aggrieved party to know why the decision was made, and inform the Magistrates Court in the event of an appeal.

Every case must be decided on its own merits, and the licensing sub-committee will either:

- grant the application with mandatory conditions
- grant the application with mandatory conditions and amended with conditions as it sees fit, which are appropriate, precise and enforceable
- refuse the application as appropriate to promote the licensing objectives

The aggrieved party may appeal to the Magistrates Court within 21 days of the written notification of the decision.

Member questions to Senior Licensing Officer

In response to questions from Members, the Senior Licensing Officer confirmed that:

- the police and environmental health officers were given the opportunity to raise any concerns about anti-social behaviour in the area or about the application in general, but did not;
- the Licensing team is unaware of any connection between the current applicant and the previous management of the previously licensed premises;
- the application does not include any specific information about the smoking area and how it will be managed.

The applicant did not have any questions for the Senior Licensing Officer

Applicant's case

The applicant set out his case, as attached.

Member questions to applicant

Members thanked the applicant for making a thorough and comprehensive case, and for his flexible approach in addressing potential objections and issues that may arise.

In response to Members' questions, the applicant confirmed that:

- although the name 'Chemistry' appears on some of the floor plans, his client has leased the premises from the freeholder and has no connection with the previous occupants;
- the licensing application currently under discussion is for the basement only; he is unaware of any plans for the rest of the building;
- regarding parking, the same rules will apply to clients as to everyone else; if security staff see club-users parking illegally, they will ask them to move to the nearest car park;
- smokers will be accommodated on the pavement to the side of the building, and security staff will manage the situation and any resulting litter;
- litter will be picked up both during and at the end of each night;
- drinking-up time will be the 30 minutes after the licensable activities (serving alcohol, dancing, music) stop, allowing people to leave gradually in an orderly manner;
- to avoid noise disturbance, glass bottles will not be disposed of on closing, but the following day, after 10.00am and before 6.00pm;
- the venue will only be open for pre-booked events; the applicant is happy for a condition to be attached to this;

Representations from the public

The Chair informed objectors that they could raise questions during their submissions which the applicant will answer at the end.

The following concerns were raised by members of the public:

- the prospect of anti-social behaviour – in particular from people who have been drinking and from drug dealers - continues to be a worry to local residents, based on previous experience with these premises. People are afraid. This is a residential area; some pubs operate in such areas without causing any problems, and people know there is a pub nearby when they buy a property, but this is being imposed on local residents;
- the club will not be liable or responsible for people's behaviour after they leave the premises;
- inconsiderate parking could cause problems, blocking private drives and the pavement;
- the proximity of the church should be borne in mind – though hopefully will not be a problem, in view of the club's opening hours, and security staff;
- the proximity of the club to the school, and the potential risks of harm to the emotional well-being of children;
- management of the smoking area will depend on the quality and quantity of the door staff;
- there are four other licensed premises in the area, all of which co-exist with residents quite well; another one isn't needed;
- the possibility of the club operating as a sexual entertainment venue in the future;
- how tickets for events will be distributed;
- there was no liaison with the community before the application was submitted;
- potential noise and disturbance at all times of day;
- potential safety issues for residents;
- potential loss of property value;

- the application only concerns the basement - there is no indication of what the applicant may be planning for the remainder of the building.

Members thanked the public for their input, and said that the personal perspectives were useful and interesting. A member felt the point about lack of liaison was very valid, and highlighted the fact that it was a good idea to invite community input early on. A member pointed out that the fact that there are already a number of drinking establishments in the area was not material and could not be considered as a reason to object.

The Senior Licensing Officer agreed all applications must be considered on their merits and where appropriate to grant with conditions to manage the sale of alcohol and other concerns where possible. It is hoped that the management will try to control what happens beyond the premises, and neighbours should take assurance from the fact that CBC has great partnerships with NightSafe and BID, and has been awarded Purple Flag status for its management of the night-time economy

At this point, the Chairman proposed an adjournment for lunch before continuing with proceedings.

BREAK FOR LUNCH

Following the lunchbreak, the Chair asked the applicant to respond to questions from the public before members began their debate.

In response to questions from the public, the applicant confirmed that:

- all events will be ticketed, but how the tickets are distributed will be down to the client. It will depend on the event, and tickets may be sold to charity events, but they will not be distributed on the street, and no member of the public will be admitted without a ticket;
- it is difficult to say precisely what type of dancing will take place, but it will definitely not be lap dancing – is happy for a condition to ensure this;
- the windows of the building are single-glazed; there are no windows in the basement;
- the venue will not be a night club;
- staff will be trained not to sell liquor to intoxicated persons, and will make every effort to stop people from getting too drunk;
- the yard is not part of the licence, not licensable, and will not form any part of the plans;
- no further air conditioning is to be added, so there will be no additional noise;
- the smoking area will be to the front of the building, left of the entrance, and be managed by security staff;
- security staff will attempt to stop illegal parking and encourage guests to park legally;
- there will be two security staff for up to the first 100 people, be that 2, 10 or 80 people; for alcohol-related events, there will be three security staff;
- security staff will be hand-picked from the manager's wide network of contacts; they may move on to other, later-opening venues after the club closes;

- the 30 minutes' drinking-up time helps with dispersal, allowing people to move on at different times, deciding how to get home etc; this will also be encouraged by turning down or off the music and increasing the lights, reducing the chance of people loitering outside when they leave;
- the incident log is included on the licence for good practice, out of concern for neighbours – it is better to have it and not need it than not to have it;
- the club will not be promoted as a family-friendly venue, because it is the manager's personal view that under-18s should not be in venues which sell alcohol. In line with the licensing objective, the club will follow the Challenge 25 policy.

In response to a request for further clarification from the Chair, the applicant confirmed that he would be happy to condition the following:

- glass will only be recycled during the day, not late at night;
- no alcohol will be sold before 6.00pm Sunday to Friday;
- all events will be pre-booked, with a system to show all booking details, and detailed risk assessment.

Member Debate

A member said he understood neighbours' concerns, which largely arise from the previous nightclub on the site, but the applicant has made it clear that this will not be that sort of establishment, and there is no reason why it should attract drug users or other anti-social behaviour, or 'masses' of drinkers. The applicant has confirmed he will take steps to make sure customers observe parking restrictions – if they park unlawfully, it is a matter for the relevant enforcement authority – and that he will take responsibility for guests smoking outside. He felt it unfair and wrong to use the history of the building to judge this case – it is a totally different application.

A member thanked the applicant and objectors for their helpful presentations, which highlighted the issues raised in the written objections, and the points which needed to be addressed – all can now be covered, as conditions. He echoed his fellow member's sympathy with neighbours' concerns but, with the additional conditions, his decision must be realistic, fair and based on evidence, not on anecdotal experience and concerns about what might happen. He said the applicant cannot be conditioned to look after the welfare of children in the locale but only on his premises, and pointed out that the Bottle of Sauce used to attract anti-social behaviour when it was the St James Hotel, but under new ownership and management it fits well into the community - the same can happen with the St James Club. In response to concerns about future plans for the building, he said it is impossible to say what will happen in the years to come, and the committee has to determine the application before it.

While acknowledging that this is a residential area, and that no-one wants anti-social behaviour in their neighbourhood, he reminded people that every licensed premise in town may have some level of anti-social and irresponsible behaviour, which cannot be attributed to this application. The applicant has said the expected capacity of the club will be 85 people who will leave gradually, maybe moving on to other venues – but if they do, it is unlikely that they would come back later to get their cars. And finally, he pointed out that if the licence is

granted and issues subsequently arise despite the large number of conditions, the licence can be suspended and/or reviewed. The application must be determined as it stands.

The Chairman also thanked all contributors for their balanced presentations, and wanted to explore two areas – the management of smokers, and the general safety concerns of neighbours. The applicant has stated that events will be pre-booked for up to 85 people, who will hopefully be well-behaved and well-managed, by and large. He hoped that this would be deliverable, saying that the only way to test it is to try it. He noted that although the area around St James is more residential than it used to be, it is still technically a town centre location, and people leaving the club may well get caught up in the wider night-time economy. He felt that the applicant has gone above and beyond in considering ways in which to manage the situation. He still had some reservations about the management of smokers, but felt confident that other concerns could be covered by conditions.

Following further debate, members proposed a number of conditions to address neighbours' concerns. They were advised by the Legal Officer that it is not possible to include a condition withdrawing the owner's right to apply for a temporary SEV licence in the future, noting that the applicant has confirmed that this is not the intention. The Chairman felt that a highly-conditioned approach would be the best route to take.

Applicant's response and summing-up

In response to further questions and the members' debate, the applicant stated that he was happy to include the suggested conditions and confirmed that:

- the area will be thoroughly cleared of cigarette butts and litter at the end of each evening;
- no drinks will be allowed outside;
- 18th and 21st birthday parties are not the sort of events the venue is looking to attract. Tickets will not be sold for any events other than charity events; all other events will be invitation only, circulated by email or post;
- there is no intention to use the premises as a SEV at any time in the future.

He stated that the building has been empty for 15 years, and no-one has been able to find a use for it which will work. This proposal will have minimal impact on residents, and none on the church nor the school, as demonstrated by the conditions. Once the late-night market starts to re-open after the lock-down, operators will be looking for venues and may want longer hours/fewer conditions than what is being proposed with this application. He said he understands neighbours' objections, but it is not in his interest to cause problems, rather to create jobs and boost the local economy without disrupting people's lives.

Vote

The Chair reminded members of their options: to permit, to permit with additional conditions, or to refuse. The Legal Officer re-stated the proposed conditions:

- maximum 30 minutes' drinking-up time
- smoking, litter management and dispersal policy
- no glass recycling after 10pm
- no alcohol sales before 6pm, between Sunday to Friday
- events to be pre-booked only
- no evening events on Christmas Eve or Easter Saturday
- no admission or re-admission after 11pm

Members voted to permit the application with the above conditions.

3 in support

0 in objection

0 abstentions

The Chair reminded those present of their right to appeal to the Magistrates' Court within 21 days of the decision being issued, and that they will be able to appeal to the council for a review of the licence if their concerns are realised.

He thanked everyone present for their input, and closed the meeting at 2.00pm.

5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

There were none.

Chairman

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Licensing Sub Committee-Alcohol and Gambling

Thursday, 2nd July, 2020

10.30 am - 2.00 pm

Attendees	
Councillors:	Mike Collins, Simon Wheeler and Roger Whyborn (Chair)
Also in attendance:	Jason Kirkwood, Vicky Fennell

Minutes

1. ELECTION OF CHAIR

Councillor Whyborn was nominated as Chair of the meeting by Councillor Collins, seconded by Councillor Wheeler. He informed those present that the meeting would be streamed on YouTube and recorded for training purposes, and if there were any breaks in transmission, the meeting would adjourn while any technical issues were sorted out. He reminded Members that they needed to be present for the whole of the debate in order to vote, and advised the public that the fact that all three Members of the Committee belong to the same political party was of no relevance, as Licensing is a quasi judicial function, and party political considerations are set aside in determining applications.

He welcomed the applicant and members of the public (as listed), and explained how the meeting would be conducted:

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- Ellen Francis, neighbour
- Felicity Gray, neighbour
- Zinovia Zervakis, neighbour
- George Theodolou, neighbour
- Rani Boyal, neighbour

2. APOLOGIES

There were none.

Louis Krog (Head of Licensing) joined the meeting after the lunchtime adjournment.

3. DECLARATIONS OF INTEREST

There were none.

4. THE ST JAMES' CLUB, GIBSON HOUSE. CHELTENHAM Officer introduction

The Senior Licensing Officer introduced the application, reminding those present that it must be determined against four statutory licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
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Every case must be decided on its own merits, and the licensing sub-committee will either:

- grant the application with mandatory conditions
- grant the application with mandatory conditions and amended with conditions as it sees fit, which are appropriate, precise and enforceable
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The aggrieved party may appeal to the Magistrates Court within 21 days of the written notification of the decision.

Member questions to Senior Licensing Officer

In response to questions from Members, the Senior Licensing Officer confirmed that:

- the police and environmental health officers were given the opportunity to raise any concerns about anti-social behaviour in the area or about the application in general, but did not;
- the Licensing team is unaware of any connection between the current applicant and the previous management of the previously licensed premises;
- the application does not include any specific information about the smoking area and how it will be managed.

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Applicant's case

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Representations from the public

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The following concerns were raised by members of the public:

- the prospect of anti-social behaviour – in particular from people who have been drinking and from drug dealers - continues to be a worry to local residents, based on previous experience with these premises. People are afraid. This is a residential area; some pubs operate in such areas without causing any problems, and people know there is a pub nearby when they buy a property, but this is being imposed on local residents;
- the club will not be liable or responsible for people's behaviour after they leave the premises;
- inconsiderate parking could cause problems, blocking private drives and the pavement;
- the proximity of the church should be borne in mind – though hopefully will not be a problem, in view of the club's opening hours, and security staff;
- the proximity of the club to the school, and the potential risks of harm to the emotional well-being of children;
- management of the smoking area will depend on the quality and quantity of the door staff;
- there are four other licensed premises in the area, all of which co-exist with residents quite well; another one isn't needed;
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- how tickets for events will be distributed;
- there was no liaison with the community before the application was submitted;
- potential noise and disturbance at all times of day;
- potential safety issues for residents;
- potential loss of property value;
- the application only concerns the basement - there is no indication of what the applicant may be planning for the remainder of the building.

Members thanked the public for their input, and said that the personal perspectives were useful and interesting. A member felt the point about lack of liaison was very valid, and highlighted the fact that it was a good idea to invite

community input early on. A member pointed out that the fact that there are already a number of drinking establishments in the area was not material and could not be considered as a reason to object.

The Senior Licensing Officer agreed all applications must be considered on their merits and where appropriate to grant with conditions to manage the sale of alcohol and other concerns where possible. It is hoped that the management will try to control what happens beyond the premises, and neighbours should take assurance from the fact that CBC has great partnerships with NightSafe and BID, and has been awarded Purple Flag status for its management of the night-time economy

At this point, the Chairman proposed an adjournment for lunch before continuing with proceedings.

BREAK FOR LUNCH

Following the lunchbreak, the Chair asked the applicant to respond to questions from the public before members began their debate.

In response to questions from the public, the applicant confirmed that:

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- it is difficult to say precisely what type of dancing will take place, but it will definitely not be lap dancing – is happy for a condition to ensure this;
- the windows of the building are single-glazed; there are no windows in the basement;
- the venue will not be a night club;
- staff will be trained not to sell liquor to intoxicated persons, and will make every effort to stop people from getting too drunk;
- the yard is not part of the licence, not licensable, and will not form any part of the plans;
- no further air conditioning is to be added, so there will be no additional noise;
- the smoking area will be to the front of the building, left of the entrance, and be managed by security staff;
- security staff will attempt to stop illegal parking and encourage guests to park legally;
- there will be two security staff for up to the first 100 people, be that 2, 10 or 80 people; for alcohol-related events, there will be three security staff;
- security staff will be hand-picked from the manager's wide network of contacts; they may move on to other, later-opening venues after the club closes;
- the 30 minutes' drinking-up time helps with dispersal, allowing people to move on at different times, deciding how to get home etc; this will also be encouraged by turning down or off the music and increasing the lights, reducing the chance of people loitering outside when they leave;
- the incident log is included on the licence for good practice, out of concern for neighbours – it is better to have it and not need it than not to have it;
- the club will not be promoted as a family-friendly venue, because it is the manager's personal view that under-18s should not be in venues which sell alcohol. In line with the licensing objective, the club will follow the Challenge 25 policy.

In response to a request for further clarification from the Chair, the applicant confirmed that he would be happy to condition the following:

- glass will only be recycled during the day, not late at night;
- no alcohol will be sold before 6.00pm Sunday to Friday;
- all events will be pre-booked, with a system to show all booking details, and detailed risk assessment.

Member Debate

A member said he understood neighbours' concerns, which largely arise from the previous nightclub on the site, but the applicant has made it clear that this will not be that sort of establishment, and there is no reason why it should attract drug users or other anti-social behaviour, or 'masses' of drinkers. The applicant has confirmed he will take steps to make sure customers observe parking restrictions – if they park unlawfully, it is a matter for the relevant enforcement authority – and that he will take responsibility for guests smoking outside. He felt it unfair and wrong to use the history of the building to judge this case – it is a totally different application.

A member thanked the applicant and objectors for their helpful presentations, which highlighted the issues raised in the written objections, and the points which needed to be addressed – all can now be covered, as conditions. He echoed his fellow member's sympathy with neighbours' concerns but, with the additional conditions, his decision must be realistic, fair and based on evidence, not on anecdotal experience and concerns about what might happen. He said the applicant cannot be conditioned to look after the welfare of children in the locale but only on his premises, and pointed out that the Bottle of Sauce used to attract anti-social behaviour when it was the St James Hotel, but under new ownership and management it fits well into the community - the same can happen with the St James Club. In response to concerns about future plans for the building, he said it is impossible to say what will happen in the years to come, and the committee has to determine the application before it.

While acknowledging that this is a residential area, and that no-one wants anti-social behaviour in their neighbourhood, he reminded people that every licensed premise in town may have some level of anti-social and irresponsible behaviour, which cannot be attributed to this application. The applicant has said the expected capacity of the club will be 85 people who will leave gradually, maybe moving on to other venues – but if they do, it is unlikely that they would come back later to get their cars. And finally, he pointed out that if the licence is granted and issues subsequently arise despite the large number of conditions, the licence can be suspended and/or reviewed. The application must be determined as it stands.

The Chairman also thanked all contributors for their balanced presentations, and wanted to explore two areas – the management of smokers, and the general safety concerns of neighbours. The applicant has stated that events will be pre-booked for up to 85 people, who will hopefully be well-behaved and well-managed, by and large. He hoped that this would be deliverable, saying that the only way to test it is to try it. He noted that although the area around St James is more residential than it used to be, it is still technically a town centre location, and people leaving the club may well get caught up in the wider night-time economy. He felt that the applicant has gone above and beyond in considering ways in which to manage the situation. He still had some

reservations about the management of smokers, but felt confident that other concerns could be covered by conditions.

Following further debate, members proposed a number of conditions to address neighbours' concerns. They were advised by the Legal Officer that it is not possible to include a condition withdrawing the owner's right to apply for a temporary SEV licence in the future, noting that the applicant has confirmed that this is not the intention. The Chairman felt that a highly-conditioned approach would be the best route to take.

Applicant's response and summing-up

In response to further questions and the members' debate, the applicant stated that he was happy to include the suggested conditions and confirmed that:

- the area will be thoroughly cleared of cigarette butts and litter at the end of each evening;
- no drinks will be allowed outside;
- 18th and 21st birthday parties are not the sort of events the venue is looking to attract. Tickets will not be sold for any events other than charity events; all other events will be invitation only, circulated by email or post;
- there is no intention to use the premises as a SEV at any time in the future.

He stated that the building has been empty for 15 years, and no-one has been able to find a use for it which will work. This proposal will have minimal impact on residents, and none on the church nor the school, as demonstrated by the conditions. Once the late-night market starts to re-open after the lock-down, operators will be looking for venues and may want longer hours/fewer conditions than what is being proposed with this application. He said he understands neighbours' objections, but it is not in his interest to cause problems, rather to create jobs and boost the local economy without disrupting people's lives.

Vote

The Chair reminded members of their options: to permit, to permit with additional conditions, or to refuse. The Legal Officer re-stated the proposed conditions:

- maximum 30 minutes' drinking-up time
- smoking, litter management and dispersal policy
- no glass recycling after 10pm
- no alcohol sales before 6pm, between Sunday to Friday
- events to be pre-booked only
- no evening events on Christmas Eve or Easter Saturday
- no admission or re-admission after 11pm

Members voted to permit the application with the above conditions.

3 in support

0 in objection

0 abstentions

The Chair reminded those present of their right to appeal to the Magistrates' Court within 21 days of the decision being issued, and that they will be able to appeal to the council for a review of the licence if their concerns are realised.

He thanked everyone present for their input, and closed the meeting at 2.00pm.

5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

There were none.

Chairman

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Cheltenham Borough Council

Licensing Committee – 2 September 2020

Licensing Committee - Appointment of Vice-chair of "Miscellaneous" sub-committee

Report of the Licensing Team Leader

1. Background

- 1.1 The Licensing Committee is one of two regulatory committees with a broad range of responsibilities and delegated powers. Its primary role is to determine contentious licensing applications, deal with all licence holder disciplinary issues, to suspend and/or revoke licences, to act as lead consultee to the Cabinet on all licensing matters and to establish licensing sub-committees. A list of the committee's delegated functions is set out in part 3C of the Council's constitution – Committee Functions.
- 1.2 In July 2020, the vice-chair of the "Miscellaneous" licensing sub-committee, Councillor Dennis Parsons, stood down as a member of the Licensing Committee.
- 1.3 Councillor Wendy Flynn was nominated by the Liberal Democrat group to replace Councillor Parsons as a member of the Licensing Committee.
- 1.4 This report therefore seeks a resolution by the committee to officially appoint Councillor Wendy Flynn as a member of the Licensing Committee and the "Miscellaneous" licensing sub-committee and for the Committee to nominate a permanent new vice-chair of the "Miscellaneous" licensing sub-committee.
- 1.5 **The Committee is recommended to:**
 - 1.5.1 **Appoint Councillor Wendy Flynn as a member of the full Licensing Committee; and**
 - 1.5.2 **Appoint Councillor Wendy Flynn as a member of the "Miscellaneous" licensing sub-committee; and**
 - 1.5.3 **Appoint a vice-chair of the "Miscellaneous" licensing sub-committee.**

1.6 Summary of implications

Legal

As outlined in the report.

Contact officer: One Legal
E-mail: legalservices@tewkesbury.gov.uk
Tel no: 01684 272693

2. Appointment Of Person Presiding

- 2.1 Part 4C of the authority's constitution deals with committee procedures.
- 2.2 Under rule 9 of the abovementioned part states:

9.1 If the Council has not made the appointment, the Committee Chairman and Vice-Chairman shall be elected from the Members of the Committee.

9.2 If the Council made the appointment, any subsequent changes to the Committee Chairman and/or Vice-Chairman during the period up to the next Selection Council shall be made by Members of that committee.

- 2.3 The process for nomination of, in this case, a vice-chair, is set out under rule 10 of part 4C and is as follows:

The Proper Officer or the Monitoring Officer or other Officer present (in that order) shall call upon a Member present to move that a Member be appointed and shall exercise the powers of the Person Presiding to regulate that discussion and to maintain order at the Meeting, but shall not be entitled to vote.

The motion, and any amendments, shall be put to the Meeting in accordance with the normal rules for electing the Chairman or making appointments, as appropriate.

In the event of an equality of votes, the Officer regulating the discussion may adjourn the Meeting for up to ten minutes to enable informal discussions to take place. If, after the Meeting has reconvened, there is still an equality of votes after a further vote has been taken the Officer regulating the discussion shall, unless the Meeting resolves to adjourn to another time, determine the matter by lot.

3. Performance management – monitoring and review

- 3.1 All Committee Members and substitutes must be fully trained before they can participate in any meetings of the Licensing Committee or its sub-committees and until then can only attend as observers. Existing Members are expected to attend refresher training when provided.
- 3.2 The effectiveness of the new meeting arrangements and committee structure will be measured against its success in addressing the issues identified under the review's rationale.

Background Papers

Constitution (Updated: Friday, 3rd April, 2020)

Contact Officer

Licensing Team Leader
Licensing@cheltenham.gov.uk

Cheltenham Borough Council

Licensing Committee – 2 September 2020

Consultation on Revised Licensing Act 2003 Statement of Licensing Policy

Report of the Licensing Team Leader

1. Background

- 1.1 Section 5 of the Licensing Act 2003 requires the authority to review, determine and publish its Licensing Act 2003 Policy Statement every five years.
- 1.2 The current policy statement was adopted by Council in December 2015. A review of the current policy statement has been undertaken as outlined in this report.
- 1.3 A statutory consultation has now commenced and this report provides the Committee an opportunity to consider the proposed policy amendments and to provide formal feedback to the Cabinet Member for Development & Safety.
- 1.4 **The Committee is recommended to:**
 - 1.4.1 **Note the proposed changes to the revised Statement of Licensing Policy (paragraph 4); and**
 - 1.4.2 **In your capacity as lead consultee to the Cabinet Member for Development & Safety, provide any feedback you may wish to submit as part of the policy consultation.**

1.5 Summary of implications

Legal

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272693

2. The Licensing Act 2003

- 2.1 The 2003 Act is the primary legislation that deals with the licensing requirements relating to:
 - a) the sale by retail of alcohol,
 - b) the supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
 - c) the provision of regulated entertainment, and
 - d) the provision of late night refreshment.

- 2.2 The licensable activities listed above are authorised through the issue of:
- a) a premises licence; or
 - b) a club premises certificate; or
 - c) a temporary event notice.
- 2.3 The council is obligated to promote the four licensing objectives when discharging its functions under the 2003 Act including setting policy. The licensing objectives are:
- a) the prevention of crime and disorder;
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.

3. The Policy Statement

- 3.1 The draft revised policy statement is attached at **Appendix 1** of this report.
- 3.2 The policy statement sets out the principles the council will apply when determining applications under the 2003 Act for up to the next five years. It also provides guidance to licence holders and applicants on how to make an application and advises them how the council will determine applications.
- 3.3 The draft amended policy reflects any changes in primary legislation, case law and national guidance as outlined in section 4 of this report. Changes to the policy also draw from the council's experience since the 2003 Act came in to force.
- 3.4 The profile of alcohol in particular has become a popular issue locally. Its availability has caused, and continues to cause, problems for the authority and other regulatory partners in, for example, the prevalence of pre-loading, crime, disorder, street drinking, ASB and public nuisance.
- 3.5 Equally however, there is recognition that the trade in alcohol has benefits for the town, particularly in relation to the economic contribution made through, for example, a vibrant and popular night-time economy that draws thousands of people on most nights and investment in the town by businesses selling alcohol.
- 3.6 This policy statement is a key document for the council in terms of how it seeks to address the challenges brought by the licensable activities whilst at the same time promoting the town as a safe place to visit and invest in.
- 3.7 This policy statement also forms part of a wider night-time economy strategy to promote a greater diversity in the night time economy that is less focused on alcohol, supporting better management of licensed premises and public spaces, working to reduce alcohol related health harms by preventing vulnerability, promoting safe drinking limits and reducing pre-loading and working to promote a clean environment.
- 3.8 Taking into account all of the measures above, the policy statement sets a proactive approach to the regulation of the licensable activities whereby the council is more proactive and prescriptive in shaping the licensing landscape in the town. For example, the policy includes measures to identify certain areas where more intensive intervention may be appropriate, proposes recommended core trading hours and admission times, better management of outside areas and seeks to introduce a best practice guide for drinks promotions.

4. Policy Amendments

- 4.1 Since the last statement of policy review, there have been no significant changes to the national statutory guidance, primary legislation or case law that would substantially affect the policy. Consequently, there are no significant changes proposed as part of this policy review.
- 4.2 The draft revised statement of policy document at **Appendix 1** shows tracked changes for the purpose of clarity. The tracked changes will be removed for the consultation version.
- 4.3 Aside from general tidying up and general updates, the following notable changes are proposed:
- 4.3.1** Inclusion of a new paragraph on “Promotion of equality (1.12)”;
- 4.3.2** Removal of reference to Late Night Levy that no longer applies to Cheltenham;
- 4.3.3** Inclusion of an addition section (6.13) to reflect the statutory guidance stating that the planning and licensing regimes are to be treated as separate regimes to avoid duplication and inefficiency;
- 4.3.4** Replacing section on “Designated Public Places Orders” with “Public Spaces Protection Orders”; and
- 4.3.5** Inclusion of a new section (6.66) to confirm the authority has not passed a resolution to exempt late night refreshment licensing based on designated locations, premises types and times.

5. Statutory Guidance

- 5.1 Section 4 of the 2003 Act states that, in carrying out its functions, the Council must ‘have regard to’ guidance issued by the Secretary of State under section 182.
- 5.2 Attached at **Appendix 2** is a copy of the relevant part of the statutory guidance for Members’ information.

Background Papers

1. [Licensing Act 2003](#)
2. [Revised Guidance issued under section 182 of the Licensing Act 2003 \(April 2018\)](#)
3. [Cheltenham Borough Council’s Licensing Act 2003 Licensing Policy Statement Approved by Council, 14 Dec 2015](#)

Contact Officer

Licensing Team Leader
Licensing@cheltenham.gov.uk

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Licensing Act 2003

Licensing Policy Statement



All enquiries should be directed to:

Licensing Section
Municipal Offices
Promenade
CHELTENHAM
GL50 9SA
Tel: 01242 775200
E-mail: licensing@cheltenham.gov.uk
Website: www.cheltenham.gov.uk

This Policy was approved December 2015.

Draft LA2003 Policy Index

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DRAFT

Policy Vision Statement

We want Cheltenham to be a safe and clean town that offers a greater diversity in the night time economy that is less focused on alcohol and protects the quality of life for residents.

DRAFT

1. Introduction

- 1.1 This Licensing Policy Statement (“policy”) has been produced in accordance with the requirements of the Licensing Act 2003 (“the Act”) and is in line with guidance issued under Section 182 of the Act. Section 5 (as amended) of the Act requires Cheltenham Borough Council (“the authority”), acting in its capacity as the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years.
- 1.2 This policy was last reviewed in 2014. In determining the policy the authority has taken into consideration any comments made by consultees. The authority has also taken into consideration the statutory guidance, changes in legislation and the experience of administering and enforcing the Act since its introduction.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the authority will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment and also to provide a basis for all licensing decisions taken by the authority over the next five years. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.5 Other matters also taken into account in formulating this policy:
 - a) Cheltenham Borough Council’s corporate strategy and outcomes.
 - b) Local planning policy in particular the Joint Core Strategy and the Cheltenham Plan.
 - c) Gloucestershire’s Police and Crime Plan.
 - d) Section 182 statutory guidance.
- 1.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:
 - a) Planning controls;
 - b) Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including the provision of Closed Circuit Television (CCTV);
 - c) Police enforcement of the general law concerning disorder and anti social behaviour, including the issuing of fixed penalty notices;
 - d) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;

- e) The confiscation of alcohol from adults and children in designated areas;
 - f) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - g) The power to seek a review of the licence or certificate in question.
- 1.7 It should be understood that this policy and the statutory guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the authority will give full reasons for departing from this policy.

Licensing Principles and Process

- 1.8 This policy sets out the process the authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the authority's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 1.9 The authority is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and administering temporary events notices in the borough.
- 1.9 The objective of this policy is to:
- a) promote the four licensing objectives;
 - b) ensure that the premises are appropriate for their proposed use;
 - c) ensure the premises layout and condition is acceptable for the proposed use;
 - d) ensure that the premises are being managed responsibly; and
 - e) promote the policy vision statement.
- 1.10 This policy also seeks to promote the authority's wider priorities, in particular that:
- Cheltenham has a clean and well-maintained environment;
 - Cheltenham has a strong and sustainable economy;
 - Communities feel safe and are safe;
 - People are able to lead healthy lifestyles; and
 - Our residents enjoy a strong sense of community and are involved in resolving local issues.
- 1.11 The authority's powers and duties as the licensing authority are delegated by Council to its licensing committee, sub-committees and officers. The authority approaches these delegations in accordance with the table of delegation set

out below or otherwise in accordance with the authority's adopted constitution.

- 1.12 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
- 1.13 The policy does not:
- a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or
 - b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows.

Scope

- 1.14 This policy relates to the licensable activities defined by section 1(1) of the Act, namely:-
- a) retail sales of alcohol;
 - b) the supply of alcohol by or on behalf of a club;
 - c) the provision of regulated entertainment; and
 - d) the provision of late night refreshment.

Licensing Objectives

- 1.14 The authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
- a) The prevention of crime and disorder;
 - b) Public safety;
 - c) The prevention of public nuisance; and
 - d) The protection of children from harm.
- 1.15 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 1.16 In determining a licensing application, the overriding principle adopted by the authority will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.
- 1.17 The authority will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.
- 1.18 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity.

Consultation

- 1.19 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority consulted with the persons and organisations stipulated in [Appendix A](#) of the policy.

Duration and Review

- 1.20 The policy takes effect xx and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

Promotion of equality

- 1.21 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.

2. The Borough of Cheltenham

The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

The borough, which includes 5 parishes, has a population of approximately 114,000 who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17 % is designated as green belt and 22 % as an area of outstanding natural beauty.

Demography

The population is approximately 114,000, and these figures will continue to rise over the next 20 years.



3. Licensing Process - Making an Application

Premises Licences & Club Premises Certificates

- 3.1 The relevant application forms and associated documents are obtainable from the authority's website at <http://www.cheltenham.gov.uk/licensing> or from the licensing section during normal office hours.
- 3.2 The authority offers pre-application advice for certain licence application types. For more information on the pre-application advice, please visit the [website](#).

The Operating Schedule

- 3.3 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives.
- 3.4 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application.
- 3.5 Applicants are strongly recommended to discuss their operating schedules with the responsible authorities prior to submitting them.
- 3.6 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail.
- 3.7 Applicants will also be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
- 3.8 The operating schedule must be on the prescribed form and include a statement of the following:
 - a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - b) The times during which the licensable activities will take place;
 - c) Any other times when the premises are to be open to the public;
 - d) Where the licence is only required for a limited period, that period;
 - e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - f) Whether alcohol will be supplied for consumption on or off the premises or both; and

- g) The steps which the applicant proposes to promote the licensing objectives.

Guidance on Operating Schedule

- 3.9 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

a) Crime and Disorder

- 3.10 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective.
- 3.11 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

Considerations

- 3.12 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:
 - a) Underage drinking;
 - b) Drunkenness on premises;
 - c) Public drunkenness;
 - d) Drugs;
 - e) Violent behaviour; and/or
 - f) Anti-social behaviour.
- 3.13 In making their decision, regard should be given to the levels of crime and disorder in and around the venue, the level of compliance with conditions on existing licences and any available evidence on crime and disorder issues.
- 3.14 Applicants are recommended to consult the Reducing Alcohol Related Violence Codes of Practice when considering their operating schedule.
- 3.15 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of crime and disorder.

b) Public Safety

- 3.16 The authority in its role as licensing authority must try to ensure the safety of people visiting and working in licensed premises. The authority will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes.
- 3.17 Consideration should be given to whether:
- a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
 - b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
 - c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
 - d) patrons can arrive at and depart from the premises safely;
 - e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
 - f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services; and/or
 - g) the levels of compliance with conditions on existing licences relating to public safety.
- 3.18 The authority seeks to encourage the use of toughened glassware and polycarbonate where appropriate in licensed premises. Where a relevant representation is received the authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers and require the use of polycarbonate or other safer alternatives in order to promote public safety in licensed venues.
- 3.19 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for public safety.

c) Public Nuisance

Measures to limit nuisance

- 3.20 The authority will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises.
- 3.21 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.
- 3.22 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
 - b) limit the escape of noise from the premises or open air site;
 - c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
 - e) minimise and control noise from staff, contractors and suppliers and their activities;
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;
 - g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
 - h) whether the premises are under or near to residential accommodation;
 - i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;
 - j) measures to make sure that customers move away from outside premises when such sales cease;
 - k) measures to collect drinking vessels and crockery, cutlery and litter;
 - l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;

- m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).
 - n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity:
 - a. litter, smells, fumes, dust, smoke, or other emissions;
 - b. street fouling;
 - c. light pollution.
- 3.23 The role of the authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors.
- 3.24 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.
- 3.25 Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.
- 3.26 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.
- 3.27 The 'smoke free public places' legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the authority expects applicants to provide details in their application of:
- a) the location of open air areas; and
 - b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public.
- 3.28 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste

management program to ensure that the area outside the premises is kept free of litter at all times.

- 3.29 Where the authority receives relevant representations, or where a responsible authority or an interested party seeks a review, the authority may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.
- 3.30 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies.
- 3.31 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of public nuisance.

d) Protection of Children from Harm

- 3.32 The authority needs to satisfy itself that there are appropriate measures in place to protect children from harm.
- 3.33 To this extent it will expect applicants, where necessary, to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises.
- 3.34 These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:
 - a) the sale of alcohol;
 - b) children's performances; and
 - c) attractions or performances likely to attract children.
- 3.35 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (eg "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- 3.36 Issues for consideration include:
 - a) installing effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;
 - b) exclusive or primary purpose of the services provided at the premises;

- c) accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance;
- d) the hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
- e) due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;
- f) are there adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;
- g) the likelihood of children being attracted to the premises by the nature of activities or facilities provided whether or not these are licensed;
- h) is there evidence of heavy, binge or underage drinking on the premises;
- i) if the premises commonly provides entertainment or services of an adult or sexual nature;
- j) is there a strong element of gambling on the premises;
- k) age restricted films are to be shown classified in accordance with the recommendations of the British Board of Film Classification;
- l) the number of adults required for the supervision of children and the suitability and vetting of those adults to ensure they pose no risk to children.

3.37 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the protection of children of harm.

Plans

3.38 A plan must also be attached to an application for a premises licence or a club premises certificate. The plan should be at a scale of 1:100. The plans do not have to be professionally drawn, however, they must be to scale and contain the relevant information as required under regulation. The authority will accept plans of a scale other than 1:100, however this must be approved prior to submitting the application.

4. Determination of Applications

Decision Making Process

- 4.1 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation below:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence		If a police objection	All other cases

condition			
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Unopposed Applications

- 4.2 If no relevant representations are received the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

Opposed Applications

- 4.3 Where relevant representations are made, the authority must hold a hearing before a licensing sub-committee who will take such of the following steps as it considers necessary for the promotion of the licensing objectives.
- 4.4 The steps are:
- a) to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) to refuse to specify a person in the licence as the premises supervisor;
 - d) to reject the application.

Representations

- 4.5 The authority has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made.
- 4.6 In brief "relevant representations" is the expression used in the Act for comments including objections on applications.
- 4.7 For a representation to be relevant it must:
- a) relate to the effect of the grant of the licence on the promotion of the licensing objectives;

- b) be made by a responsible authority or other persons;
- c) not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by other persons; or
- d) if it concerns the designated premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection.

4.8 Representations can also be made in support of an application.

Appeals

- 4.9 Anyone aggrieved by a decision of the authority has a right of appeal. This is set out in schedule 5 of the Act.
- 4.10 The authority will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing sub-committee.
- 4.11 Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.

5. Temporary Event Notices (TENs)

- 5.1 The Act enables certain organised events for less than 500 people to take place following notification to the authority, the police and environmental health.
- 5.2 The limit on the number of TENs which may be given by any applicant is 5 within the same year, unless the applicant holds a personal licence, in which case the limit will be 50 within the same year.
- 5.3 A number of limitations are imposed on the use of TENs by the Act. The limitations apply to:
- the number of times a premises user may give a TEN is 50 times in a calendar year
 - for a personal licence holder and five times in a calendar year for other people;
 - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
 - the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
 - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
 - the maximum number of people attending at any one time is 499; and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours
- 5.4 Although the statutory legal minimum time required for the notification of a TEN to the authority, police and environmental health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the authority to publicise its preferred timescale for notification.
- 5.5 Where an existing premises licence is in operation the authority would encourage a TEN to be submitted at least 4 weeks but not more than 12 weeks before an event. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.
- 5.6 The authority will encourage bona fide community events. A TEN for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation.

- 5.7 Notice givers are encouraged to consult responsible authorities prior to formal notices being submitted.
- 5.8 The authority expects those who have given notice of a temporary event to have identified the particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies. The Reducing Alcohol Related Violence Codes of Practice contains guidance on promoting the licensing objectives including potential risks and possible solutions for the different types of licensable activities.
- 5.9 The processing of TENs by the authority is controlled by a strict statutory timetable, therefore, the authority will not accept a notice unless it is complete in all respects at the time of submission.

6. Integrating Strategies & Specific Policies

- 6.1 The authority has established a good track record of partnership work and will continue to work in partnership with the police, local residents, businesses, licensees, communities and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
- 6.2 In particular, Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors some travelling considerable distances to enjoy what the late night economy has to offer.
- 6.3 Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the authority, police and other partners to deal with associated crime, disorder and other anti-social behaviour.
- 6.4 Although the challenges associated with the supply of alcohol are more prevalent during the night-time economy, there are nonetheless also challenges during other times of the days.
- 6.5 In addressing these challenges, the authority will continue to work with partners in particular the licensed trade, licensing enforcement, the police, the noise pollution team, community safety partnerships, Gloucestershire fire service and planning enforcement.

Encouraging diversity in the night-time economy that is less focused on alcohol

- 6.6 Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. It is recognised that the night-time economy plays an important part in creating a vibrant and sustainable economy but this must be balanced with the ambition to expand the offer for leisure, tourism and business by providing an attractive offer for all age and religious groups.
- 6.7 To this end, the authority will explore and support opportunities to increase events, activities and businesses which are not necessarily alcohol led which are more socially-inclusive and drive the economy.

Designated area of concern

- 6.8 There are areas of the borough where the evidence does not suggest that they should be designated as Cumulative Impact Areas but which will require regular review to establish whether the concentration of licensed premises are considered to have begun to cause cumulative impact on one or more of the licensing objectives.
- 6.9 The authority has identified the town centre (Appendix D) as being an area of concern in that it is susceptible to alcohol related crime, alcohol hospital

admissions and nuisance arising from or caused by the customers of licensed premises.

- 6.10 The authority will monitor the number of licensed premises in the designated area and any risk factors that may indicate that the area is reaching a point when a cumulative impact is likely or imminent.
- 6.11 The designated area of concern will also provide the authority and its partners an opportunity to put measures in place to address the concerns highlighted.

Joint Core Strategy and other planning policies

- 6.12 There are a number of key planning policies that sets out a shared vision and proposes where future development in the borough.
- 6.13 It is noted that the statutory guidance states: “The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

Public Spaces Protection Order (PSPO)

- 6.13 The authority has adopted a Public Spaces Protection Order to control and regulate the public consumption of alcohol in Cheltenham.
- 6.14 The PSPO creates an offence for any person to disregard the instruction of a Police Officer, Police Community Support Officer or authorised officer of the authority to stop consuming alcohol in a designated public place.
- 6.15 An offence under the adopted PSPO can be discharged through the payment of a fixed penalty notice or a prosecution.

Management of Licensed Premises

- 6.14 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management of those activities and the premises generally.
- 6.15 The authority will encourage everybody involved in providing or are involved in licensable activities, to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, door staff, bar staff, performers and contractors as well as everyone associated with the activities.

- 6.16 Good management also extends to the appropriate advertising of events and premises users and licensees are expected to control advertising content as part of their role.
- 6.17 The authority undertakes proactive risk based inspections of all licensed premises to ensure that they are managed properly. Premises that consistently fail inspections may be subject to a licence review or other enforcement action.

Designated Premises Supervisor

- 6.18 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 6.19 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times. During times the DPS is not present on site, the authority recommends that written delegation of duties are drawn up to ensure staff and regulators are clear about who is authorised to sell alcohol.
- 6.20 The authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The authority expects that this will be in excess of 50% of a 7-day week.
- 6.21 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 6.22 Within all licensed premises, whether or not alcohol is to be sold, the authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

Night safe

- 6.23 The borough-wide Nightsafe network encourage its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the authority, the police and other responsible authorities. The authority actively supports the scheme and is keen to support the development of more schemes where there is a demand.

- 6.24 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in the town. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

Best Bar None

- 6.25 Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night time economy, with premises now competing to participate.
- 6.26 The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The authority will actively encourage licensed premises to sign up to the BBN scheme.

Reducing Alcohol Related Harm (RARV)

- 6.27 In 2006 when the Reducing Alcohol Related Violence project, supported by funding from Government Office South West, was launched in Cheltenham a great deal of effort has gone into reducing alcohol related harm and disorder in the town.
- 6.28 The Codes of Practice launched in 2007 laying down common sense principles for all sectors of the night-time economy were the first such set of codes produced in the UK and were acknowledged as best practice by the Home Office.
- 6.29 The RARV Codes of Practice was revised in 2014 and republished in 2015.

Sexual Entertainment

- 6.30 The 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).

- 6.31 The adopted provisions came into effect on the 1st of December 2010 in Cheltenham.
- 6.32 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.

- 6.33 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.
- 6.34 The Government has seen it fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the authority 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.
- 6.35 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an exempt sexual entertainment code of practice outlined in its adopted SEV policy. The intention of the code of practice is to promote responsible and properly managed exempt sexual entertainment. The authority expects any premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.

Core Hours for Licensable Activities

- 6.36 The authority will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit.
- 6.37 The authority believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations.
- 6.38 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Table 1: Core Hours for Licensable Activities

Type of premises	Commencement Hour No earlier than	Terminal hour No later than
Off licence	09:00	23:00
Restaurants	10:00	01:00
Theatres, cinemas and other performance venues	10:00	00:00
Pubs/Bars/Nightclubs	<u>Town centre</u> ¹ 10:00	03:00
	<u>Local Neighbourhood Areas</u>	

¹ As defined in Appendix D.

	10:00	00:00
Takeaways	n/a	04:00

6.39 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:

- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
- b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers.

6.40 The hours of existing licensed premises will remain unchanged unless there are good reasons, based on the licensing objectives, for restricting these hours, and then they can be changed by a licensing sub-committee following a review of the premises licence.

Latest admission times

6.41 The authority considers it undesirable that persons should seek to 'top up' their alcohol intake by seeking out those premises that are admitting customers at the latest times because persons moving between venues late at night can lead to crime, disorder and public nuisance.

- 6.42 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities which will assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.
- 6.43 It is therefore this council's policy that the latest admission time, for licences premises open past midnight, to be no less than:
- a) one hour for nightclubs & late night bars; and
 - b) half an hour for pubs and other licensed premises

before the terminal hour for licensable activities.

Takeaway food premises

- 6.44 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.
- 6.45 As such the authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises.
- 6.46 Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.
- 6.47 The authority will normally require licensed premises principally used for selling hot food for consumption off the premises to have suitable CCTV installed and may impose a requirement to employ SIA doormen where such a requirement is deemed necessary.
- 6.48 Operators (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises.
- 6.49 Where the 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.

Pavement Cafes and External Areas

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

- 6.51 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. To this end, the authority will normally restrict the use of external areas to 23:00.
- 6.52 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.
- 6.53 In particular the authority will expect premises to provide ash trays or wall mounted cigarette bins for patrons, be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas.

Promoting safe drinking limits

Irresponsible Drinks Promotions and Drunkenness on Premises

- 6.54 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 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 authority will consider imposing controls on drinks promotions to deal with localised problems.
- 6.55 However, the 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 dealing with the effects of irresponsible drinks promotions and drunkenness.

Code of Good Practice for Drinks Promotions

- 6.56 It is a known fact that the price of alcohol does have an effect on the amount people consume. It is also the case that people are more attracted to premises that offer low cost alcohol and low cost alcohol is likely to cause people to consume more alcohol than they would normally have done. Both of these situations can lead to crime, disorder and public nuisance issues.
- 6.57 The authority does not wish to unnecessarily impose operational restrictions and freedoms on licensed premises. It would therefore like to encourage a voluntary code of good practice in relation to drinks promotions and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions.
- 6.58 To this end, the authority will encourage all licence holders to apply the following principles in relation to any drinks promotions:

Principle
Align pricing with Alcohol by Volume (ABV).

Start the sale of alcohol later in the day and not align it purely with opening hours.
Refrain from all inclusive offers.
<p>Promotional information should clearly display:</p> <ul style="list-style-type: none"> - Factual information on the alcoholic strength of a drink(s); - That no-one under the age of 18 years may take part in the promotion; - display Drink Aware logo/information.
<p>Promotions should not:</p> <ul style="list-style-type: none"> - focus on the strength of any alcohol product as the principle theme; - condone or encourage illegal, excessive or irresponsible drinking (such as binge-drinking, drunkenness or drink-driving); - refer in any favourable manner to the effects of intoxication or consumption; - suggest that alcohol consumption enhances sexual attractiveness or include promotion material that is linked to sexual imagery implying sexual success or prowess.
Restrict multi buy promotions.
No advertisements for alcohol in the shop window.
Alcohol should not be given away for free as part of a promotion or as an incentive.
Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
Make food and hot drinks available in late venues.

Shops Selling Alcohol (Off Licences)

- 6.59 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.
- 6.60 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 increase of crime and disorder and public nuisance.

- 6.61 There are a number of ways in which licence holders and the authority can address these concerns.

Hours of Operation

- 6.62 See Table 1: Core Hours for Licensable Activities on page 27.

Layout and Operation of Premises

- 6.63 In most cases a licence holder will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises.
- 6.64 The authority will encourage all licence holders licensed for off sales to:
- a) Store high strength alcohol behind the shop counter;
 - b) Not store or display any alcohol at the entrance/exit points of the premises;
 - c) Not advertise alcohol in a shop window;
 - d) Not sell single cans of beer or bottles of beer under 1 litre;
 - e) Not sell beer or cider over 5.5% ABV;
 - f) Not store or display any alcohol at or near check-outs; and
 - g) Refuse to sell alcohol to persons known to be persistent offenders (where the offence(s) relates/associated with alcohol) or street drinkers.

Licence Conditions & Reviews

- 6.65 Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing appropriate restrictions on a licence. This may include, although not limited to, restricting the hours for licensable activities, restricting the sale of alcoholic beverages over a specified limit of alcohol by volume and/or of specified quantities.

Late night refreshment exemptions based on designated locations, premises types and times

- 6.66 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.
- 6.67 This authority has not resolved to exempt premises from the requirement to have a licence to provide late night refreshment.

7. Film Classifications

- 7.1 The authority has a statutory obligation to classify films for public screening. The BBFC is the nominated body that classifies films to be exhibited in cinemas on behalf of Licensing Authorities. Films that have not been classified by the BBFC and are to be screened in the borough must be submitted to the authority for classification.
- 7.2 All requests to classify a film must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format. Requests shall be assessed by officers of the authority against the BBFC guidelines and the licensing objectives. Officers shall view the entire film and make a recommendation with regards to the appropriate classification. Officers do however reserve the right to refer the classification of a film to a licensing sub-committee in instances deemed necessary.
- 7.3 All requests must be submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the authority being unable to classify the film.

8. Events on Council Land

- 8.1 The authority wants to encourage cultural and community events in the borough but at the same time also protect the quality of life for residents.
- 8.2 In accordance with the provisions of the Act, the authority has made applications and been granted premises licences for areas of public land.
- 8.3 Persons wishing to carry on licensable activities on licensed public land will not be required to obtain a premises licence or give a temporary event notice themselves but must seek permission from the authority to use the premises licence to put on their event unless the nature of the event is such that it does not fall within the terms of the licence.
- 8.4 The authority has an adopted process for considering requests for events to be held on public land. In the first instance, persons wishing to use council land for event must complete and submit an [application form](#).
- 8.5 In addition, a Safety Advisory Group (SAG) may be established in order to consider any safety issues related to an event. The event organiser must produce an event plan and must incorporate an operating schedule, risk assessments and address any safety issues before the authority allows the use of its licence.

9. Enforcement

- 9.1 In terms of regulation, our aim is to target those premises which are causing problems within our communities whilst supporting well managed premises and community activities, which provide worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises associated with disorder, threaten public safety, generate public nuisance, or threaten the well being of our children will be targeted for enforcement action.
- 9.2 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 Act.
- 9.3 The authority will monitor compliance with the licensing objectives through a programme of inspection visits. The proactive inspection visits are risk based so that those premises that are at a higher risk of adversely affecting the licensing objectives are more frequently inspected.
- 9.4 The authority will also establish enforcement protocols with the police and other enforcement agencies to ensure efficient and targeted joint enforcement is undertaken on a regular basis.
- 9.5 This does not prevent action being taken by any individual authority at any time should offences become apparent.
- 9.6 The authority will take in to account its adopted corporate enforcement policy when deciding what appropriate action to take.

Reviews

- 9.7 At any stage, following the grant of a premises licence, a responsible authority, or other person, may ask the authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 9.8 In every case, the application for review must relate to particular premises for which a licence is in existence and must be relevant to the promotion of the licensing objectives.
- 9.9 The necessary forms and documents is available from the authority's website at <http://www.cheltenham.gov.uk/licensing> or from the licensing section during normal office hours.

Appendix A –Consultees

This document has been developed by the authority in consultation with representatives of the following key stakeholder groups and organisations:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

Appendix B – Responsible Authorities

Gloucestershire Constabulary

Licensing Unit,
No 1 Waterwells, Waterwells Drive,
Quedgeley
Gloucester
GL2 2AN

Switchboard: 101

Email: licensing@gloucestershire.police.uk

Gloucestershire Fire and Rescue Service

Service Delivery Support
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Tel: 01452 753333

Email: fire.safety@glosfire.gov.uk

Pollution Prevention

Environmental Protection
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Health and Safety Enforcement

Where the local authority is the enforcing authority

Cheltenham Borough Council
Health and Safety – Environmental Health
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Where the HSE is the enforcing authority

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

Telephone: 0117 988 6000

Fax: 0117 926 2998

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

Planning Enforcement
Built Environment Division
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Tel 01242 264138

Email: planning@cheltenham.gov.uk

Child Protection

Gloucestershire Safeguarding Children Board
Block 4, 1st Floor, Room 133B,
Shire Hall,
Westgate Street,
Gloucester,
GL1 2TH

Tel: 01452 583629

Email: gscb@gloucestershire.gov.uk

Trading Standards

Gloucestershire County Council, Trading Standards,
Hillfield House
Denmark Road
Gloucester
GL1 3LD

Tel: 01452 426201

Email: tradstds@gloucestershire.gov.uk

Responsible Authority for Health

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

Tel: 01452 328699

Email: publichealth@gloucestershire.gov.uk

Cheltenham Borough Council Licensing

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: licensing@cheltenham.gov.uk

Home Office Immigration Enforcement

Email: alcohol@homeoffice.gov.uk

Appendix C – Pool of Model Conditions

Introduction

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of possible conditions which may need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premise and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

C&D – The Prevention of Crime & Disorder | **PN** – The Prevention of Public Nuisance | **CP** – Protection of Children from Harm | **PS** – Public Safety

Reference	Model Condition	Primary Licensing Objective*
Sale of Alcohol		
	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	C&D CP
	No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.	C&D CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	No more than x% of the sales area to be used at any one time for the sale, exposure for sale, or display of	C&D CP

	alcohol.	
	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.	C&D CP
	Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.	C&D
	Alcohol may only be sold to persons having a table meal or those waiting to be seated prior to having a table meal.	C&D
	Alcohol shall be sold to customers by waiter/waitress service only.	C&D
	There shall be no sales of alcohol for consumption off the premises.	C&D CP
	Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.	C&D PN
	Any alcohol supplied for consumption off the premises must be in a sealed container.	C&D
	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is authorised for sale.	C&D
Management of the Premises		
	A 'Winding-down and Dispersal' policy shall be adopted that includes measures to achieve a gradual and orderly dispersal of customers at the end of the trading session. These measures shall commence at least 15 minutes before the bar closes, and shall include slowing down the tempo of music, a significant reduction in the volume of music and announcements requesting customers to leave the premises quietly and respect the peace and quiet of the local residents.	C&D PN
	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.	C&D PN
	The Designated Premises Supervisor or premises licence holder shall bring the contents of the licence and licence conditions to the attention of all door	C&D PN CP

	supervisors and other staff employed at the premises.	PS
CCTV		
	A CCTV system consisting of a minimum of x cameras shall be installed at the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to officers of the authority, Trading Standards or Police on request.	C&D
	A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.	C&D
	No alcohol shall be sold if the CCTV equipment is inoperative for any reason.	C&D CP
Radios		
	<p>The premises licence holder shall join the Night Safe radio scheme or any similar scheme operating in the town and ensure that:</p> <ul style="list-style-type: none"> • The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period; • The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public; • Any police instructions/directions are complied with whenever given; and • All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point. 	C&D

Best Practice Scheme		
	The Designated Premises Supervisor shall maintain an active membership of the Night Safe (or successor 'pubwatch') including operation of the Nightsafe radio link.	C&D
Door Supervisors		
	A minimum of x SIA licensed door supervisor shall be on duty at the premises at all times whilst it is open to the public [or after xx.xx / until the last admission time for the public].	C&D
	If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.	C&D
	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	C&D
	Where door supervisors are required the premises licence holder [or Designated Premises Supervisor] shall keep records showing the names of the supervisor, their SIA badge number & expiry date, and the date/time that they were employed. A copy should be available immediately upon request to an authorised officer of Gloucestershire Constabulary or the authority.	C&D CP
	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.	C&D
	For a period of 30 minutes following the closure of the Bar, or until all customers have dispersed from the immediate vicinity if longer, there shall be a minimum of x door supervisors on the street outside the premises wearing high-visibility clothing to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.	C&D PN
Hours		
	Consumption of alcohol shall cease x minutes after the	C&D

	time authorised for its sale or supply/provision of licensable activities .	PN
Entry to Premises		
	No public access to the premises shall occur through the [specify doors/area] . This condition shall not restrict the use of the doors in the event of an emergency.	C&D CP PS
	There shall be no entry or re-entry, other than staff members, to the premises after xx.xx save for customers using the agreed smoking area at the premises.	C&D PN
	On occasions where licensable activities are carried on past xx:xx hours, admission of customers will be restricted to [enter restriction e.g. a particular entrance, a particular area of the licensed premises etc] .	C&D
	In relation to the specified function room there shall be no admission after x other than to: (1) residents of the hotel and their bona fide guests; or (2) persons attending the pre-booked function	C&D
	All functions in the <i>specified function room</i> shall be pre-booked or ticketed events.	C&D PN
	No events solely for those under 18 will be permitted on the premises.	C&D CP
	The rules of admission to the premises shall be clearly and prominently displayed at each entrance to the Premises.	C&D CP
Alcoholic Containers		
	No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.	C&D PS
	No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.	C&D
	The premises licence holder/designated premises supervisor shall ensure that no customers shall take glasses or open bottles from the premises other than	C&D PN

	into the outside area shown and edged [red] on the plan forming part of the premises licence.	
	The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.	C&D
	There shall be no sale of alcohol in unsealed containers for consumption off the premises.	C&D
Notices/Signage		
	The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	C&D PN
	The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	CP
Drugs		
	The Designated Premises Supervisor shall complete/attend a recognised 'drug awareness' training course [within **** weeks/by **** date, or the DPS shall have completed/attended such training].	C&D
	Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.	C&D
	Any person found with illegal drugs must be reported to a Police officer immediately.	C&D
	Whilst licensable activities are taking place, the toilets at the Premises must be checked at least hourly for illegal drug use or supply. A written log of all checks must be kept at the Premises for at 31 days and made available for immediate inspection on the request of an authorised officer of Gloucestershire Constabulary or the Licensing Authority.	C&D

Promotions		
	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.	C&D
	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.	C&D
	28 days' notice shall be given to Gloucestershire Constabulary and the licensing authority of any events held which are organised by an outside promoter, including full details of the nature of the event and of the promoter.	C&D
Records		
	<p>An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the authority. The log will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • all ejections of customers • any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity] • seizures of drugs or offensive weapons • any faults in the CCTV system or searching equipment or scanning equipment • any refusal of the sale of alcohol during the hours the premises is licensed to sell it 	C&D
Premises Layout		
	<p>The following alcoholic beverages shall be placed behind a staffed counter:</p> <ul style="list-style-type: none"> • mixed alcoholic beverages under 10% a.b.v. • beers or ciders over 5.5% a.b.v.; and • all spirits in bottles less than 70cl. 	C&D CP
	At least x members of staff shall be on duty on the shop floor between **** hours until closing time.	C&D

	The physical location of alcohol displays shall be in an area within sight of staff as identified on the plan of the premises annexed to the licence.	C&D CP
	The XX area shall be designated as a “chill-out” area whilst music and dancing are permitted on the premises which shall include adequate ventilation or fresh air; ready access to free drinking water; suitable seating accommodation; and access to First Aid facilities	C&D
	Seating for no less than [specify number] persons shall be provided in the premises at all times the premises are [specify “open” or “are providing any licensable activity”].	C&D
Use of Outdoor Area		
	The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.	C&D PN
	Customers will not be permitted to drink outside the premises save for in any seated area authorised under a pavement licence.	C&D PN
Disabled People		
	The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.	PS
First Aid		
	The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.	PS
	The Licensee shall ensure that at all times when the public is present there is at least one competent person able to administer First Aid, that an adequate and	PS

	appropriate supply of First Aid equipment and materials is available on the Premises and that adequate records are maintained in relation to the supply of any First Aid treatment.	
Lighting		
	The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.	C&D PS
Special Effects		
	Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff.	PS
	<p>The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:</p> <ul style="list-style-type: none"> • dry ice machines and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • real flame • fire arms • motor vehicles • strobe lighting • lasers • explosives and highly flammable substances 	PS
	These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.	PS
	All escape routes and exits shall be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.	PS
	All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the checks shall be kept on the premises.	PS

Noise Nuisance (regulated entertainment)		
	The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.	PN
	A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.	PN
	Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.	PN
	Loudspeakers shall not be located in the entrance lobby, [or specify another location if appropriate] or outside the premises.	PN
	Live music shall be provided by no more than two (2) performers on any day.	PN
	After 23:00 hours all windows shall be closed and remain closed.	C&D PN
	Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.	C&D PN
	Where any regulated entertainment occurs at the premises, the Designated Premises Supervisor, or a person nominated by them, will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises.	PN
Noise Nuisance (people)		
	Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.	PN

	The premises licence holder shall monitor the activity of persons leaving the premises [after xx:xx/are closed to the public] and remind them of their public responsibilities where necessary.	PN
	Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.	C&D PN
	Deliveries to the premises shall only be made between **:** hours and **:** hours on Mondays to Saturdays only.	PN
	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.	PN
Lighting		
	Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.	PN
Open Spaces		
	The area within which alcohol is served or consumed shall be clearly and effectively delineated using barriers, ropes, or similar so that the extent of the Designated Place where the licensable activity is temporarily permitted shall be clearly defined and notices shall be conspicuously placed in the area.	C&D PN
	Music noise levels from outdoor regulated entertainment must not exceed those defined in the Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995 ISBN 0 900103 51	PN

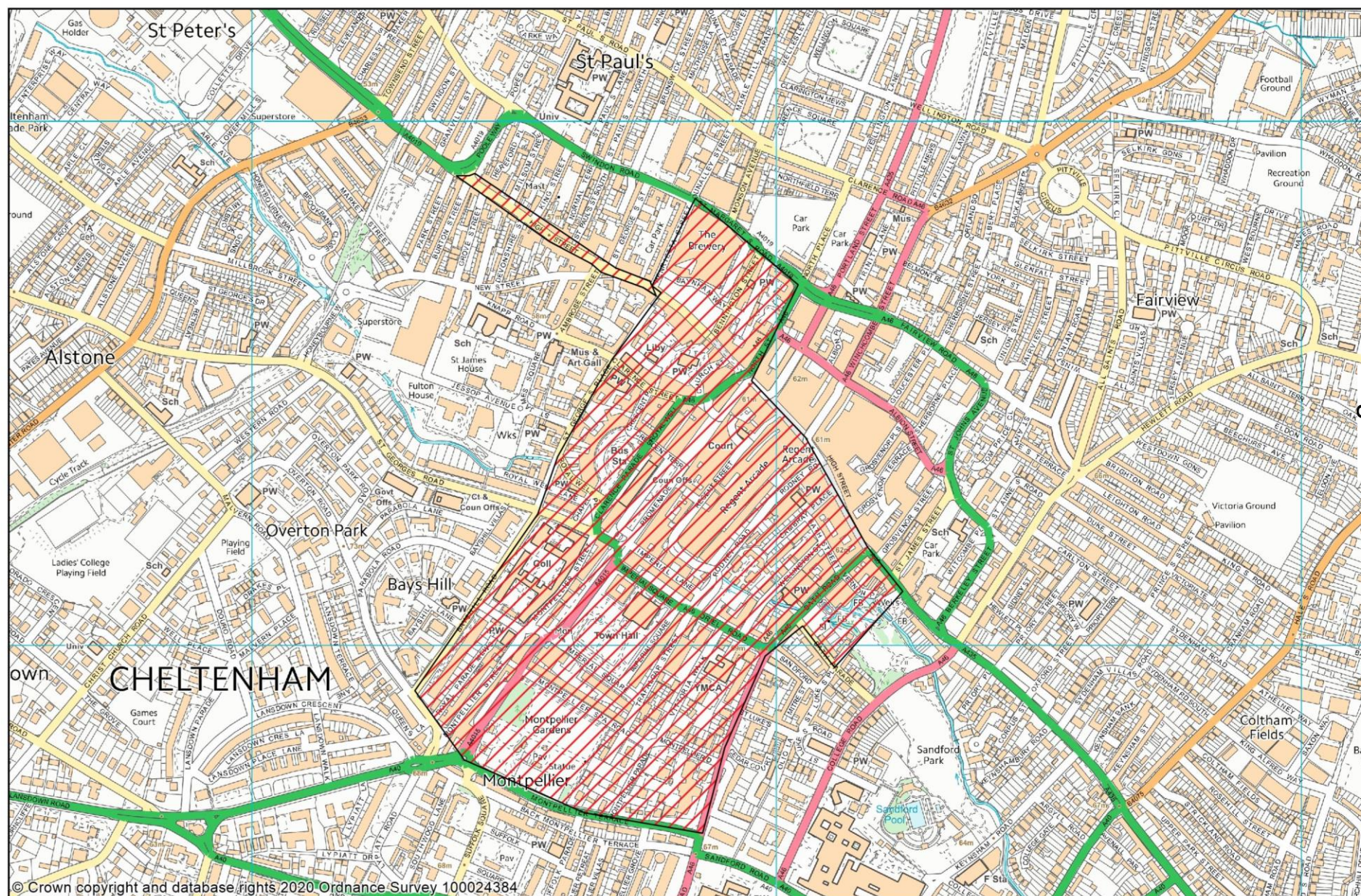
	Use of the outdoor area will cease at 23:00 everyday.	PN
Other Nuisance		
	A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.	PN
	The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.	C&D PN
Litter		
	At the termination of business on each day the outside area immediately to the front of and adjacent to the premises shall be cleared of debris and litter.	PN
Other		
	In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.	CP
	A Challenge [21/25/or any other suitable age] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/ or any other suitable age] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence.	CP
	Challenge [21/25/ or any other suitable age] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.	CP
	A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under x years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an	CP

	authorised officer of the authority.	
	Children under the age of x years shall not be allowed on the premises after **:** hours unless accompanied by an adult.	CP
	Children under the age of x years shall not be allowed on the premises.	CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.	CP
	The licence holder or the licence holders, servants, or agents, shall ensure that no flyposting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place at the premises.	PN C&D
Queuing		
	Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.	C&D
Dispersal		
	A minimum 30 minute 'drinking-up' time shall be provided to allow appropriate dispersal, use of lavatories etc.	C&D PN
	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.	C&D CP
	Freephones or payphones shall be made available to all customers and have displayed contact telephone numbers for selection of hackney carriages and private hire services.	PN
Boxing & Wrestling		
	At least 28 days' notice of any event involving boxing or wrestling entertainment events shall be provided to the	C&D

	licensing authority and the health and safety enforcing authority.	
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Appendix D – Designated Area of Concern



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14. Statements of licensing policy

Introduction

The Licensing Act 2003

- 14.1 This chapter provides guidance on the development and preparation of local statements of licensing policy for publication by licensing authorities, the general principles that it is recommended should underpin them, and core content to which licensing authorities are free to add.

General

- 14.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published. Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.
- 14.3 Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the licensing authority to determine whether revisions to its own licensing policy statement are appropriate.

Consultation on policies

- 14.4 Before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - each local authority's Director of Public Health in England (DPH)¹⁴ or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.
- 14.5 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the

¹⁴ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

2003 Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.

- 14.6 Subject to the statutory requirements, it is for each licensing authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. While it is clearly good practice to consult widely, this may not always be necessary or appropriate (for example, where a licensing authority has recently carried out a comprehensive consultation in relation to a revision to its policy made within five years of a full revision to it). As such, it may decide on a simple consultation with those persons listed.
- 14.7 However, licensing authorities should consider very carefully whether a full consultation is appropriate as a limited consultation may not allow all persons sufficient opportunity to comment on and influence local policy (for example, where an earlier consultation was limited to a particular part of the policy, such as a proposal to introduce a cumulative impact policy).
- 14.8 Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves.

Fundamental principles

- 14.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.
- 14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.
- 14.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.
- 14.12 Statements of policies should make clear that:
- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and
 - conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.
- 14.13 A statement of policy should also make clear that 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

Licence conditions

- 14.14 Statements of licensing policy should reflect the general principles regarding licence conditions set out in Chapter 1 of this guidance.
- 14.15 Statements of licensing policy should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible. Chapter 10 provides further detail on this issue.

Enforcement

- 14.16 The Government recommends that licensing authorities should establish and set out joint enforcement protocols with the local police and the other authorities and describe them in their statement of policy. This will clarify the division of responsibilities for licence holders and applicants, and assists enforcement and other authorities to deploy resources more efficiently.
- 14.17 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. Principles of risk assessment and targeted inspection (in line with the Regulators' Code) should prevail and, for example, inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises. Licensing authorities should also remind operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion the licensing objectives.

Entertainment provision

- 14.18 Statements of licensing policy should set out the extent to which the licensing authority intends to facilitate a broad range of entertainment provision for enjoyment by a wide cross-section of the public. Statements of licensing policy should address what balance is to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. Licensing authorities should be conscious that licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors.

The need for licensed premises

- 14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

- 14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Cumulative impact assessments

- 14.24 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 14.25 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a

licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

- 14.26 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.
- 14.27 CIAs may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night refreshment providers which are not licensed to sell alcohol. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to TENs; however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.
- 14.28 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

Evidence of cumulative impact

- 14.29 As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - residents' questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation.

- 14.30 The licensing authority may consider the evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - changes in terminal hours of premises;
 - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 14.31 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.
- 14.32 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.
- 14.33 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.46.

Steps to publishing a cumulative impact assessment

- 14.34 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 provide the persons specified in section 5(3) with the following information:
 - the reasons why it is considering publishing a CIA;

- a general indication of the particular 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.

Reviewing the CIA

- 14.35 After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.
- 14.36 If having consulted the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh or updated evidence of the kind described in the above section on evidence of cumulative impact. The licensing authority must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.
- 14.37 In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where a licensing policy statement as a whole is due for review, under the five year review period under section 5(4), and this occurs before the end of the three year CIA review period, licensing authorities may wish to use this as an opportunity to carry out a review of the evidence in support of the CIA. However, licensing authorities are free to carry out consultations and reviews of their CIAs (and/or licensing policy statements) at more regular intervals if they consider this to be appropriate.

- 14.38 As Cumulative Impact Policies were introduced by the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).

Effect of cumulative impact assessments

- 14.39 When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.
- 14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA 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 a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
- 14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 14.42 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person

making the representation to provide evidence of cumulative impact.

- 14.43 As noted above, CIAs may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for publishing a CIA, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the CIA.

Limitations on special policies relating to cumulative impact

- 14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 14.45 CIAs should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 17). The “cumulative impact” on the promotion of the licensing objectives of a concentration of licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 14.46 CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.

Other mechanisms for controlling cumulative impact

- 14.47 Once away from the licensed premises, a minority of consumers will behave badly. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:
- planning control;

- positive measures to create a safe and secure town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Best Bar None, Pubwatch or BIDs;
- Community Protection Notices;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 17).

14.48 As part of its licensing policy statement, the licensing authority may also wish to consider the use of alternative approaches such as fixed closing times, staggered closing times and zoning. Such policy restrictions would need to be evidence-based and would be subject to the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives. The licensing authority would be expected to justify the use of such measures as an appropriate means of managing problems in its area.

Public Spaces Protection Order

14.49 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014¹⁵. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police. DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. Once that three year period expires, they will be treated as a PSPO and enforceable as such. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times¹⁶. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

14.50 It should be noted that when one part of a local authority seeks a premises licence of this kind from the licensing authority, the licensing committee and its officers must consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they must be considered fairly by the committee. Anyone making a representation that is genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority

¹⁵ For full guidance on the PSPO please see the statutory guidance on the 2014 Act:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

¹⁶ Licensed premises in general are exempt from the effect of a PSPO.

would be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision.

Licensing hours

- 14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

Children

- 14.53 It is an offence under the 2003 Act to:
- permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
 - to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.
- 14.54 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the offences under the 2003 Act. The expression 'exclusively or primarily' should be given its ordinary and natural meaning in the context of the particular circumstances.
- 14.55 Where it is not clear that the business is predominately for the sale and consumption of alcohol, operators and enforcement agencies should seek to clarify the position before enforcement action is taken. Mixed businesses may be more difficult to classify and in such cases operators and enforcement agencies should consult where appropriate

about their respective interpretation of activities taking place on the premises before any moves are taken which might lead to prosecution.

- 14.56 The 2003 Act does not automatically permit unaccompanied children under the age of 18 to have free access to premises where the consumption of alcohol is not the exclusive or primary activity or to the same premises even if they are accompanied, or to premises where the consumption of alcohol is not involved. Subject only to the provisions of the 2003 Act and any licence or certificate conditions, admission will always be at the discretion of those managing the premises. The 2003 Act includes no presumption of giving children access but equally, no presumption of preventing their access to licensed premises. Each application and the circumstances of individual premises must be considered on their own merits.
- 14.57 A statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them (please see Chapter 2). It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.
- 14.58 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children. Conditions which may be relevant in this respect are outlined in paragraph 2.27.
- 14.59 Statements of policy should also make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.
- 14.60 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.

Responsible authority and children

- 14.61 A statement of licensing policy should indicate which body the licensing authority judges to be competent to act as the responsible authority in relation to the protection of children from harm. This may be the local authority social services department, the Local Safeguarding Children Board or other competent body as agreed locally. It would be practical and useful for statements of licensing policy to include descriptions of the responsible authorities in any area and appropriate contact details.

Children and cinemas

- 14.62 The statement of policy should make clear that in the case of premises giving film exhibitions¹⁷, the licensing authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film

¹⁷ See paragraphs 15.22-15.24 in relation to the licensing exemption for an exhibition of a film on community premises.

Integrating strategies

- 14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Planning and building control

- 14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Promotion of equality

- 14.66 A statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities 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. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 14.67 Public authorities are required to publish information at least annually to demonstrate their compliance with the Equality Duty. The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

Administration, exercise and delegation of functions

- 14.68 The 2003 Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its licensing committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The licensing committee may delegate these functions to sub-committees consisting of three members of the committee, or in

appropriate cases to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive. Statements of licensing policy should indicate how the licensing authority intends to approach its various functions. Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness.

- 14.69 The 2003 Act does not prevent the development by a licensing authority of collective working practices with other parts of the local authority or other licensing authorities for work of a purely administrative nature, e.g. mail-outs. In addition, such administrative tasks may be contracted out to private businesses. But any matters regarding licensing decisions must be carried out by the licensing committee, its sub-committees or officers.
- 14.70 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers in order to speed matters through the system. Licensing committees should receive regular reports on decisions made by officers so that they maintain an overview of the general situation. Although essentially a matter for licensing authorities to determine themselves, it is recommended that delegation should be approached in the following way:

Cheltenham Borough Council

Licensing Committee – 2 September 2020

Amendment to Policy Allowing Partition Screens in Licensed Vehicles

Report of the Licensing Team Leader

1. Summary

- 1.1 On 7 July 2020, Cabinet approved a policy and standards for partition screens in licensed vehicles. This policy was implemented fully on 3 August 2020 requiring all vehicle proprietors who have partition screens to apply for permission.
- 1.2 Since the adoption of this policy, the quality of partition screens have improved and for this reason, an amendment to the original policy is sought to broaden the scope of acceptable types of screens.
- 1.3 **The Committee is recommended to:**
- 1.3.1 **Approve the minor amendment to the adopted Partition Screens in Licensed Vehicles policy as outlined in the amended policy attached at Appendix A.**

1.6 Summary of implications

Legal As outlined in the report.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272693

2. Partition Screens in Licensed Vehicles Policy

- 2.1 The policy adopted by Cabinet in July was adopted to provide drivers with physical protection against transmission of COVID-19 in their workplace, to provide protection for passengers, and more generally, to provide public confidence and assurance.
- 2.2 Officers were not supportive of non-rigid partition screens over fears that the design of these, at the time, were generally of poor and flimsy design, very difficult to keep clean and impeded the rear view of drivers.
- 2.3 Since then however, officers have inspected non-rigid partition screens manufactured from transparent polyvinyl chloride (PVC) or polycarbonate and found these to be adequate.
- 2.4 The current adopted standards for partition screens limit acceptable designs to those that are of firm or solid design. An amendment to this aspect in the policy is sought to broaden the scope of acceptable types of partition screens.
- 2.5 For the avoidance of doubt, the amendment requested is limited to paragraph 3 of the adopted standards as follows (i.e. removal of the “solid” specification):

3. should be constructed with a transparent polyvinyl chloride (PVC) or polycarbonate and be of firm ~~or solid~~ design.

Background Papers

Cabinet, 7 July 2020: Officer's report and minutes of the meeting.

Contact Officer

Licensing Team Leader
Licensing@cheltenham.gov.uk

Appendix M – Partition Screens in Licensed Vehicles

Introduction

1. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed in purpose built hackney carriages as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.
2. Purpose built hackney carriages are already fitted with partitions between drivers and passengers. However, licensed saloon vehicles do not have partitions/safety screens installed. There are a wide variety of different makes and model of these vehicles licences in Cheltenham.
3. Whilst a partition screen between drivers and passengers will not provide 100% protection against transmission of the coronavirus, evidence shows that the use of physical barriers is effective in lowering the rate of infection and spread of the virus.
4. Whether a partitions or screens should be installed is a matter for vehicle owners, drivers and/or operators to consider.
5. This policy outlines the authority's policy on the installation of partitions or screens in hackney carriages or private hire vehicles. Any queries can be directed to licensing@cheltenham.gov.uk.

Specification

The partition or screen:

1. must comply with the Road Vehicle (Construction and Use) Regulations.
2. must be professionally and securely fitted and maintained in accordance with the manufacturer's instructions. Certification from the fitter must be obtained to certify the safety of the installation and confirmation it has been fitted to manufacturers standards.
3. should be constructed with a transparent polyvinyl chloride (PVC) or polycarbonate and be of firm design.
4. should not impede the driver's vision, movement, or communication with passengers.
5. should not impede driver or passenger access or egress to the vehicle.
6. must be fitted in such a way so as not to affect the structural integrity of the vehicle or interfere or affect any manufacturer fitted safety equipment or features including headrests, seatbelts, airbags, egress points, CCTV.
7. must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
8. must not affect the ability of the vehicle to be properly insured for the purpose of carrying persons for hire and/or reward.
9. must not adversely influence or interfere in any way with vehicle type approval.
10. should not be significantly changed or modified from the original manufactured design. In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK and/or EC safety legislation.

11. should remain clear and be free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.

Approval Procedure

In accordance with the conditions attached to private hire and hackney carriage vehicle proprietors licences, permission must be sought prior to any vehicle alternations including installation of a partition or screen in any vehicles licensed by Cheltenham Borough Council.

Permission can be sought by completion of the correct form and returning it to the authority by email to licensing@cheltenham.gov.uk.

The authority reserves the right to seek any additional information that it might require including, but not limited to:

1. Technical specifications on any partition or screen installed;
2. Written confirmation that any partition or screen installed has been done so professionally and in accordance with the manufacturers requirements and specifications;
3. Confirmation that the vehicle's insurance cover has not been affected by the installation of the partition or screen; and/or
4. Written confirmation from the vehicle's manufacturer that the installation of the partition or screen does not compromise the integrity of the vehicle structure.