

# Licensing Act 2003

## Licensing Policy Statement



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## **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.

# 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.

- 1.13 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
- 1.14 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**

- 1.15 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**

- 1.16 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.
- 1.17 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 1.18 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.
- 1.19 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.
- 1.20 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**

- 1.21 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**

- 1.22 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**

- 1.23 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:

<b>Matters to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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)**

- 6.14 The authority has adopted a Public Spaces Protection Order to control and regulate the public consumption of alcohol in Cheltenham.
- 6.15 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.
- 6.16 An offence under the adopted PSPO can be discharged through the payment of a fixed penalty notice or a prosecution.

### **Management of Licensed Premises**

- 6.17 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.
- 6.18 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.

- 6.19 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.
- 6.20 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**

- 6.21 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).
- 6.22 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.
- 6.23 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.
- 6.24 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.
- 6.25 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**

- 6.26 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.

- 6.27 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**

- 6.28 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.
- 6.29 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)**

- 6.30 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.
- 6.31 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.
- 6.32 The RARV Codes of Practice was revised in 2014 and republished in 2015.

### **Sexual Entertainment**

- 6.33 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).

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

- 6.35 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.
- 6.36 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.
- 6.37 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.
- 6.38 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**

- 6.39 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.
- 6.40 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.
- 6.41 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**

<b>Type of premises</b>	<b>Commencement Hour No earlier than</b>	<b>Terminal hour No later than</b>
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> <sup>1</sup>	

<sup>1</sup> As defined in Appendix D.

	10:00	03:00
	<u>Local Neighbourhood Areas</u> 10:00	00:00
Takeaways	n/a	04:00

6.42 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.

6.43 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**

6.44 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.

- 6.45 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.
- 6.46 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**

- 6.47 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.
- 6.48 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.
- 6.49 Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.
- 6.50 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.
- 6.51 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.
- 6.52 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**

- 6.53 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.
- 6.54 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.
- 6.55 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.
- 6.56 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**

- 6.57 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.
- 6.58 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 deal with the effects of irresponsible drinks promotions and drunkenness.

### **Code of Good Practice for Drinks Promotions**

- 6.59 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.
- 6.60 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.
- 6.61 To this end, the authority will encourage all licence holders to apply the following principles in relation to any drinks promotions:

<b>Principle</b>
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.
Promotional information should clearly display: <ul style="list-style-type: none"> <li>- Factual information on the alcoholic strength of a drink(s);</li> <li>- That no-one under the age of 18 years may take part in the promotion;</li> <li>- display Drink Aware logo/information.</li> </ul>
Promotions should not: <ul style="list-style-type: none"> <li>- focus on the strength of any alcohol product as the principle theme;</li> <li>- condone or encourage illegal, excessive or irresponsible drinking (such as binge-drinking, drunkenness or drink-driving);</li> <li>- refer in any favourable manner to the effects of intoxication or consumption;</li> <li>- suggest that alcohol consumption enhances sexual attractiveness or include promotion material that is linked to sexual imagery implying sexual success or prowess.</li> </ul>
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)

6.62 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 *including the increased potential for*

*underage and proxy sales which is detrimental to the protection of children from harm.*

- 6.63 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.
- 6.64 There are a number of ways in which licence holders and the authority can address these concerns.

### **Hours of Operation**

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

### **Layout and Operation of Premises**

- 6.66 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.
- 6.67 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**

- 6.68 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**

- 6.69 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.
- 6.70 This authority has not resolved to exempt and 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:licensing@cheltenham.gov.uk)

**Home Office Immigration Enforcement**

Email: [alcohol@homeoffice.gov.uk](mailto: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*
<b>Sale of Alcohol</b>		
	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
<b>Management of the Premises</b>		
	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 license 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
<b>CCTV</b>		
	A CCTV system consisting of a minimum of <b>x</b> 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
<b>Radios</b>		
	<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"> <li>• 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;</li> <li>• 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;</li> <li>• Any police instructions/directions are complied with whenever given; and</li> <li>• 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.</li> </ul>	C&D

<b>Best Practice Scheme</b>		
	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
<b>Door Supervisors</b>		
	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
<b>Hours</b>		
	Consumption of alcohol shall cease x minutes after the	C&D

	time authorised for its <b>sale or supply/provision of licensable activities</b> .	PN
<b>Entry to Premises</b>		
	No public access to the premises shall occur through the <b>[specify doors/area]</b> . 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 <b>xx.xx</b> save for customers using the agreed smoking area at the premises.	C&D PN
	On occasions where licensable activities are carried on past <b>xx:xx</b> hours, admission of customers will be restricted to <b>[enter restriction e.g. a particular entrance, a particular area of the licensed premises etc]</b> .	C&D
	In relation to the specified function room there shall be no admission after <b>x</b> 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
<b>Alcoholic Containers</b>		
	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
	<b>The premises licence holder/designated premises supervisor</b> 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
<b>Notices/Signage</b>		
	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
<b>Drugs</b>		
	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

<b>Promotions</b>		
	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
<b>Records</b>		
	<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"> <li>• all crimes reported to the venue</li> <li>• all ejections of customers</li> <li>• 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]</li> <li>• seizures of drugs or offensive weapons</li> <li>• any faults in the CCTV system or searching equipment or scanning equipment</li> <li>• any refusal of the sale of alcohol during the hours the premises is licensed to sell it</li> </ul>	C&D
<b>Premises Layout</b>		
	<p>The following alcoholic beverages shall be placed behind a staffed counter:</p> <ul style="list-style-type: none"> <li>• mixed alcoholic beverages under 10% a.b.v.</li> <li>• beers or ciders over 5.5% a.b.v.; and</li> <li>• all spirits in bottles less than 70cl.</li> </ul>	C&D CP
	At least <b>x</b> 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
<b>Use of Outdoor Area</b>		
	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
<b>Disabled People</b>		
	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
<b>First Aid</b>		
	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.	
<b>Lighting</b>		
	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
<b>Special Effects</b>		
	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
	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: <ul style="list-style-type: none"> <li>• dry ice machines and cryogenic fog</li> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fireworks</li> <li>• real flame</li> <li>• fire arms</li> <li>• motor vehicles</li> <li>• strobe lighting</li> <li>• lasers</li> <li>• explosives and highly flammable substances</li> </ul>	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

<b>Noise Nuisance (regulated entertainment)</b>		
	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
<b>Noise Nuisance (people)</b>		
	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
<b>Lighting</b>		
	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
<b>Open Spaces</b>		
	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
<b>Other Nuisance</b>		
	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
<b>Litter</b>		
	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
<b>Other</b>		
	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 <b>x</b> years shall not be allowed on the premises after <b>**:**</b> hours unless accompanied by an adult.	CP
	Children under the age of <b>x</b> 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
<b>Queuing</b>		
	Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.	C&D
<b>Dispersal</b>		
	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
<b>Boxing &amp; Wrestling</b>		
	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

