

Statement of Licensing Policy 2016 - 2021

(Covering the Sale of Alcohol, Regulated Entertainment
and the provision of Late Night Refreshment)

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

South Gloucestershire Council
Statement of Licensing Policy

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1. STATEMENT OF LICENSING POLICY – EXECUTIVE SUMMARY

This policy reflects the flexibility of the Licensing Act and how South Gloucestershire Council and its partners are implementing it.

The introduction of the Licensing Act provisions in South Gloucestershire has been a real partnership effort both within and without the Council itself. The introductory section below shows that work is ongoing to strengthen and support this work.

Whilst there were many fears of 24 hour drinking on the introduction of the Act, in reality this has not occurred with the boundaries of South Gloucestershire Council. The few premises with 24 hour licences are off licences who, on the whole, cater for the home drinker.

It is known that drinking at home still has a negative impact on health. This can include young drinkers pre-loading prior to going out and poor health outcomes in the older population such as alcohol-related chronic diseases.

That is not to say that there are no problem premises or problems with individuals and anti-social behaviour. There are; but perhaps not to the same extent as some intensive inner city areas.

The Council and its partners are, however, determined to tackle problem premises and individuals and do so through both the Licensing Enforcement Group and the Anti-Social Behaviour and Hate Crime Strategy Group. Policies and actions through these groups are multi agency, intelligence led, and are aimed at tackling both the problem and fear of anti-social behaviour and the negative impacts on the health and well-being of South Gloucestershire residents.

It is important to recognise that whilst problems exist, the vast majority of licensed premises and entertainments are well managed and provide an excellent source of recreation for many. This policy supports the economic development of such recreation and considers many aspects of developing safely the night time economy for our communities, and that there is a real need for live music and entertainment.

It is hoped that this policy will be balanced and will show the willingness of the Council and its partners to promote and encourage entertainment and its enjoyment whilst also being willing to tackle problems where they exist.

1.1 Introduction

1. South Gloucestershire Council (the Council), is the Licensing Authority for South Gloucestershire under the Licensing Act 2003 (the Act). This means the Licensing Authority is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Due to changes in the Act since its introduction South Gloucestershire as a Licensing Authority is also a responsible authority under the Act.
2. South Gloucestershire Council is a Unitary Authority situated north and east of the city of Bristol. The Council area has a population of just over 260,000 making it the second largest in the South West region. In terms of area it covers 49,700 hectares, stretching from the River Severn in the west to the Cotswolds in the

east. Its southern boundary skirts Bristol, abuts the River Avon and extends almost to Bath, and its northerly boundary lies beyond Falfield on the A38. The Council area is a mixed urban and rural district with a dispersed population that includes the towns of Bradley Stoke, Filton, Kingswood, Thornbury and Yate. These areas are shown in the map at **Appendix 6**.

3. The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The original statement was produced and agreed by Full Council in January 2005 and revised in accordance with the Act since. The Act used to specify that the Council review the statement at least every three years but this has been revised to a maximum of five years although an earlier time period may be chosen.
4. This Statement of 'Licensing Policy' has been prepared having regard to the current Statutory Guidance issued by the Home Office and has undergone the required consultation. Full consideration was given to all the responses received, the detail of which can be found in the report to Full Council.
5. The Council's vision "A Great Place to Live and Work" applies also to the night, and day, time economy. In this the Council seeks to support business in developing and providing facilities for the residents of South Gloucestershire. This is balanced by the need to ensure that those premises and individuals that do not take their responsibilities seriously have appropriate action taken against them.
6. The primary method for delivering this balanced approach is through the Responsible Authorities group, known as LEG. This group, Chaired by the Chief Inspector of Police and supported by the Licensing Team Leader, has undergone a significant transformation to be an effective working partnership.
7. All Responsible Authorities under the Act are represented on, and are active partners, in the group. An up to date list of the Responsible Authorities will be maintained on this Licensing Authority's website pages. The Licensing Enforcement Group (LEG), as it is known, meets bi-monthly and using intelligence, targets multi-agency visits at the problem premises whilst also providing advice and guidance to other licensed premises. The Home Office Guidance 'Stepped Approach' will be used as a basis for enforcement procedures.
8. The group also considers best practice, has and will undertake benchmarking and will introduce initiatives such as Purple Flag and Best Bar None where it considers it appropriate to do so.

Alcohol Related Harm

9. Deaths in England due to alcohol-related causes have risen 30% between 2001 and 2010, with a quarter of deaths among 16-24 year old males being attributable to alcohol. Nine million adults drink alcohol at levels that increase the risk of harm to their health, with 1.6 million adults showing signs of alcohol dependence. Nationally, alcohol is the third biggest risk factor for illness or death. Half of violent assaults can be attributed to alcohol and it has an impact amongst domestic violence victims and perpetrators as well as causing physical, psychological and behavioural problems for children of parents with alcohol

problems. 27% of serious case reviews mention alcohol misuse and 16% of road fatalities can be linked to alcohol. The total monetary cost to society is £21 billion, with £3.5 billion being spent on the NHS, £7 billion in lost productivity across the United Kingdom and £11 billion being attributed to crime (South Gloucestershire Alcohol Needs Assessment, 2013).

10. The Annual Report of the Chief Medical Officer for England (CMO 'On the State of the Public's Health Surveillance Volume', 2012) details the correlation between level of alcohol consumption and the impact on health. The report also describes the association between consumption of alcohol and liver disease mortality, reflecting the time lag which suggests that although alcohol consumption may be falling there is likely to be a continued increase in liver disease.
11. South Gloucestershire Alcohol Needs Assessment (2013) identifies the following groups of individuals within South Gloucestershire who may be at a higher risk of harm caused by alcohol:
 - a. Females in relation to the prevention and early diagnosis of chronic liver disease;
 - b. Those living in the most deprived areas of South Gloucestershire in relation to the prevention and management of alcohol specific and alcohol related admissions;
 - c. 45-49 year-old males and females in relation to the prevention and management of alcohol-specific admissions;
 - d. Males aged 60-64 and females aged 85+ in the prevention and management of alcohol attributable conditions;
 - e. Children and young people, including those identified through the Families in Focus Initiative;
 - f. Residents with or at risk of developing chronic conditions such as hypertensive diseases, cardiac arrhythmias and mental health and behavioural disorders;
 - g. Vulnerable groups, such as those experiencing domestic abuse.

1.2 Glossary of Terms

12. The terminology used in this document is document is set out at **Appendix 1**.

1.3 Licensing Objectives

13. The Legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken:
 1. **The prevention of crime and disorder;**
 2. **Public safety;**
 3. **The prevention of public nuisance;**
 4. **The protection of children from harm.**
14. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work, these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

Following recent changes to the structure of public health in England Public Health functions are now part of local authorities. In South Gloucestershire Council this has proved to be a catalyst to closer working between functions to tackle alcohol related harm.

1.4 Types of Licence

15. This document sets out the policies that the Licensing Authority will apply when making decisions upon applications for: -

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;

and when considering notifications made in respect of:-

- Temporary Event Notices.

1.5 Licensable Activities

16. This policy relates to all the licensing activities identified as falling within the provisions of the Act.

1.6 General Principles

17. Application of this policy will be based on:

1. Each case being considered on its own merits and nothing in this Policy shall undermine this principle.
2. Where they are permitted to do so under the Act any person shall have the right to make representations on any application or seek a review of a licence or certificate and nothing in this Policy shall undermine that.
3. In the absence of any relevant representations, the Licensing Authority will grant the licence as applied for.

18. Applicants for Premises Licences and Club Premises Certificates will be required to set out how they will promote the Licensing Objectives, as specified in section 1.3 above, and what measures they intend to employ to ensure compliance with them.
19. Conditions will only be attached to licences and certificates where they are either consistent with the operating schedule submitted by the applicant, a relevant representation has been determined at a hearing or through a variation process. References in this policy to the consideration of imposition of conditions by the Licensing Authority shall be in the context of the preceding sentence. In order to avoid duplication with other statutory regimes as far as possible the Licensing Authority will not attach conditions of licence unless they are considered appropriate and reasonable for the promotion of the licensing objectives. Conditions will be considered unnecessary if they are already adequately covered by other legislation.
20. When considering conditions to be attached to licences, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned and must always be considered on its own merit.
21. The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, where anti-social behaviour and other disorder can be evidenced to a premises this will be considered appropriately.
22. In this respect, the Licensing Authority recognises that in conjunction with the licensing function, there are a number of mechanisms available for addressing issues of unruly and unlawful behaviour that can occur away from licensed premises, including:
 1. Planning controls;
 2. Measures to create a safe and clean environment in the district in partnership with local businesses, transport operators and other Council Departments;
 3. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 4. Designation of parts of South Gloucestershire as places where alcohol may not be consumed publicly and the subsequent enforcement of this restriction;
 5. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 6. The prosecution of personal licence holders, or a member of staff at a licensed premises, who sells alcohol to a person who is drunk;
 7. Police powers to close licensed premises under section 160 of the Licensing Act for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 8. The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

23. Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.3 above, before the Council will be able to consider it.

1.7 Consultees

24. This Statement of Licensing Policy will be subject to consultation with:
- a) the Chief Officer of Police for the Licensing Authority's area,
 - b) The Police and Crime Commissioner,
 - c) the Fire Authority for that area,
 - d) such persons as the Licensing Authority considers to be representative of holders of Premises Licences issued by that authority,
 - e) such persons as the Licensing Authority considers to be representative of holders of Club Premises Certificates issued by that authority,
 - f) such persons as the Licensing Authority considers to be representative of holders of Personal Licences issued by that authority, and
 - g) such other persons as the Licensing Authority considers to be representative of businesses and residents in its area.
 - h) All Responsible Authorities under the Act.

1.8 Policy Review

25. This policy will be reviewed by South Gloucestershire Council at least every five years as required by the Act. If an issue arises that requires a change to this policy, an interim review will be carried out, and the policy will be amended as required.

2. LEGISLATION, POLICIES AND STRATEGIES

2.1 Legislation

26. In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:
1. Section 17 of the Crime and Disorder Act 1988;
 2. Human Rights Act 1998.
 3. The Anti-Social Behaviour Act 2003
 4. Violent Crime Reduction Act 2006
 5. The Health Act 2006 (Smoke Free Regulations)
 6. The Clean Neighbourhoods and Environment Act
 7. Policing and Crime Act 2009
 8. Equality Act 2010
 9. The Police Reform and Social Responsibility Act 2011
 10. The Live Music Act 2012

2.2 Relationship with Planning and Building Control Policies

27. Licensing is about regulating licensable activities carried on by licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. "Need" for commercial premises relates to the commercial demand for such premises and is not a matter for the Licensing Authority discharging its functions. "Need" is a matter for the Planning Committee and for the market.
28. The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.-
29. The issue of a Provisional Grant of a Premises Licences and Club Premises Certificates is a separate and distinct process to the granting of Planning Permission. The Licensing Authority will consider applications for Provisional Statements before Planning Permission is obtained. Planning and Building Control permissions will have to be sought and approved before any development takes place. Further guidance is given regarding Provisional Statements at paragraph 4.6.1 below.

2.3 National Strategies

30. The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Function. These will include:
1. Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
 2. Safer Clubbing;
 3. BRDO Code of practice – Age restricted Products;
 4. Safe, Sensible, Social (Next steps in the alcohol harm reduction strategy);
 5. Respect Action Plan;

6. Home office Guidance – Stepped Approach; and
7. The Government’s Alcohol Strategy 2012

2.4 Local Strategies and Policies

31. Where appropriate, the Licensing Authority will take into account relevant local strategies and policies such as the Local Transport Plan, volume violent crime strategy, Alcohol Harm Reduction Strategy, Local Policing Plans and priorities set by the Police and Crime Commissioner.

Other powers under the Licensing Act 2003 to tackle crime and disorder.

Early Morning Restriction Orders

Licensing authorities can make Early Morning Restriction Orders (EMROs) which restrict the sale of alcohol between midnight and 6am by any outlet with a Premises Licence or Club Premises Certificate, if it is considered appropriate by the Licensing Authority for the promotion of the licensing objectives.

The aim of EMROs is to provide licensing authorities a way of addressing the objectives in their local area, by restricting alcohol sales between certain times (e.g. from midnight to 6am)

South Gloucestershire Council does not currently have an area covered by an Early Morning Restriction Order. This Licensing Authority will, however, continue to keep this under review and may consider the introduction of an order should the evidence suggest so.

Late Night Levy

It is possible for the Licensing Authority to charge a late night levy to help pay for the cost of policing the local night-time economy, where this is deemed necessary.”

This would apply to premises that have a licence or certificate to open beyond a specified time (e.g. all premises that open after midnight on any day of the week).

This is not something which the Licensing Authority will decide on in isolation, but in consultation with our partners, in particular, the Avon and Somerset Constabulary and the Police and Crime Commissioner as the financial impact will be considerable, therefore, before any decision is made it will also be subject to a full consultation.

South Gloucestershire Council does not currently have a Late Night Levy. The Licensing Authority will, however, continue to keep this under review and may consider the introduction of a Levy should the evidence suggest so.

2.5 Integrating Strategies

32. By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local crime

prevention, planning, transport, tourism, race equality schemes and cultural strategies in the following ways:

Crime Prevention: Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Cultural Strategies: In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage live music, dance and theatre for the wider cultural benefit of the community. This Licensing Authority will monitor the impact of licensing on regulated entertainment and ensure that only proportionate and reasonable licensing conditions are imposed on licences granted.

Transport: Liaison will be maintained with the Council's Transport Unit and transport issues related to the Council's licensing functions will be brought to their attention where appropriate.

Tourism and Employment: The appropriate Council Committee will, where appropriate, receive reports on:

- The local tourist economy
- The local employment situation

Racial Equality: The Race Relations Acts have been repealed and replaced by the Equality Act 2010. Section 149 places a legal obligation on public authorities to have due regard to the need to eliminate discrimination on grounds including disability and race, and to advance equality of opportunity between people who share these characteristics and those who do not.

3. DECISION MAKING

3.1 Regulatory Committee Terms of Reference

33. The Committee's terms of reference are set out in the Council's Constitution and can be obtained from the Council on request.

3.2 Allocation of Decision making Responsibilities

34. The Regulatory Committee of the Council has been delegated the responsibility to carry out the Council's functions and responsibilities under the Licensing Act 2003. The Committee has established a Licensing Sub-Committee that will primarily be responsible for hearing applications in relation to the Act. The table shown at Appendix 2 indicates how the delegation of decision making will be allocated.

3.3 Relevant Representations

35. 'Relevant representations' are representations:
- a) About the effect of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives;
 - b) Made by other persons or a responsible authority, have not been withdrawn and, in the case of representations made by other persons they are not in the Licensing Authority's opinion repetitious, frivolous or vexatious
36. As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of Premises Licences and Club Premises Certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.
37. Additionally, a review of the licence will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance. This is also true should a premises be closed, in accordance with the new offence under the Act, following successful repeat test purchases of alcohol.

3.4 Other Considerations

38. The Licensing Authority will give reasons for its decisions. On making findings of fact in its reasons, the Licensing Authority will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Statutory Guidance issued by the Secretary of State. The Police will be the main source of advice on crime and disorder.
39. Under the Licensing Act 2003 applicants, licence holders, persons who have made relevant representations and Responsible Authorities may appeal against

decisions made by the Licensing Authority. Schedule 5 of the Licensing Act 2003 sets out the rights of appeal under the Licensing Act 2003.

40. As soon as the determination of the Magistrates' Courts has been promulgated, the Licensing Authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

3.5 The Licensing Authority as a Responsible Authority

41. The Licensing Authority, on receiving a formal representation that is relevant and is not repetitious, vexatious or frivolous, will carry out a review of a Premises Licence or Club Premises Certificate where it is alleged that activities are taking place that are in breach of the licensing objectives set out in the Licensing Act 2003. For all premises, responsible authorities include 'the relevant licensing authority and any other licensing authority in whose area part of the premises is situated'.

4. ADMINISTRATION OF LICENSING FUNCTIONS

4.1 Local Standards

4.1.1 Applications

42. Applications will only be processed where all the relevant documentation and the appropriate fee accompanies them.

Electronic applications

The Government recommends (as for written applications) that electronic applications should not be returned if they contain obvious and minor errors such as typing mistakes, or small errors that can be rectified with information already in the authority's possession. However, if this is not the case and required information is missing or incorrect, the Licensing Authority may 'hold' the application until the applicant has supplied all the required information. This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete. The Licensing Authority will follow this guidance and will notify the applicant as quickly as possible of any missing (or incorrect) information, and explain how this will affect the statutory timescale and advertising requirements.

If an application has been given at the weekend, the notice advertising the application (where applicable) may already be displayed outside the premises by the time that the licensing authority downloads the application. The Licensing Authority will, in line with the guidance, inform the applicant that the original (or if necessary, amended) notice must be displayed until the end of the revised period. It will also advise the applicant that they should not advertise the application in a local newspaper until written confirmation is received that the application includes all the required information.

If an applicant persistently fails to supply the required information, the Licensing Authority may refuse the application and the applicant must submit a new application.

The Licensing Authority may also 'defer' electronic applications once if the application is particularly complicated, for example if representations are received and a hearing is required. This allows the Licensing Authority to extend the statutory time period for the determination of the application by such time as is necessary, including, if required, arranging and holding a hearing.

43. The level of detail to be provided will be determined by the regulations made under the Act. Guidance notes have been produced to assist applications being made to the Licensing Authority.
44. The applicant may ask the Council for advice on the scope of the information to be provided. Details of the Responsible Authorities for the purposes of the Licensing Act 2003 are shown at **Appendix 3** where specific information may be obtained.

4.1.2 Licensing Hours

45. This Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Flexible licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
46. As far as this Licensing Authority's overall approach to licensing hours is concerned, it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on communities than is necessary.
47. Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.
48. In general, this Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence or certificate, stricter conditions are likely to be imposed with regard to noise control in the case of premises which are situated in largely residential areas.
49. There is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

4.1.4 Cumulative Impact

50. This policy will not seek to limit the number of licensed premises that will be permitted on the basis of arguments that there are currently enough licensed premises to satisfy demand. The issue of demand or "need" is an entirely commercial issue and is not a matter to be addressed through the licensing policy. The "cumulative impact" of granting additional licences on the promotion of the four licensing objectives, on the other hand, is a matter that the Council can and will properly take into account under this policy. Nevertheless, this principle will not be used to impose quotas of any kind which would pre-determine any application.
51. The Licensing Authority recognises that the cumulative effect of a proliferation of late night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences, as set out below:
 - Increase in crime against both property and persons
 - Increase in noise causing disturbance to residents
 - Traffic congestion and/or parking difficulties

- Littering and fouling
 - There are many known negative health outcomes associated from consumption of alcohol such as acute incidences necessitating A&E attendances and longer chronic conditions such as liver failure
52. This may result in the amenity of local residents being placed under severe pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action to ensure that licence conditions are complied with is taken, this may not resolve all problems.
53. The Licensing Authority may, following consultation with and having received representations containing evidence from responsible authorities or interested bodies, that in a particular area the number, type and density of premises selling alcohol for consumption on the premises are unusual and leading to serious problems of nuisance and disorder, adopt a special policy for that area. The effect of that policy will be that if representations are received from responsible authorities or interested parties concerning a new application within the area covered by the special policy, the outcome would normally be a refusal unless the applicant can demonstrate that the operation of his premises will not add to the cumulative effect already being experienced.
54. Cumulative impact is not mentioned specifically or defined in the Act. It means, defined in the guidance to Licensing Authorities, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
55. South Gloucestershire Council has implemented a formal cumulative impact policy in the area of Kingswood. Details of the application and the precise area to be covered are included at **Appendix 5**.
56. The presumption will be against the granting of applications in the designated area. The applicant will have to demonstrate how their application will not have a detrimental effect on the licensing objectives.
57. The special policy will not relieve Responsible Authorities or Other Persons of the need to make a relevant representation. Representations can still, therefore, be made against applications within the designated area. If representations are not made against applications then the Licensing Authority has to grant the application in terms that are consistent with the operating schedule submitted. The Police are encouraged to consider making a representation in respect of all applications where the granting of a licence is likely to result in an increase, however small, of crime, disorder or anti-social behaviour in the designated area.
58. Both sets of evidence will be placed in front of the licensing Sub-Committee for a decision. The special policy will not be absolute. This means that the Licensing Authority will consider whether it would be justified in departing from its special policy based on 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 an application is refused the Licensing Authority will show

that the grant would have undermined the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

4.1.5 Conditions

59. This policy does not provide for any 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licences, if required in particular circumstances, will be tailored to reflect the individual style and characteristics of the premises and activities concerned and only those appropriate to meet the licensing objectives will be imposed. Conditions will not be imposed which are beyond the responsibility or control of the licence or certificate holder and will focus on those matters on the premises and places being used for licensable activities and the vicinity of those premises and places.
60. Conditions will be applied to licences or certificates that are proportionate and appropriate to the business, organization or individual concerned. The Licensing Authority will principally draw upon the model pool of conditions issued by the Department of Culture, Media and Sport and/or Home Office and attach conditions relative to the given circumstances of each individual case.
61. The Policing and Crime Act has introduced a mandatory code of practice for alcohol retailers with a commitment to reducing alcohol related crime, violent crime and anti-social behaviour by the introduction of mandatory licence conditions.
62. The Licensing Authority notes the impact of the Regulatory Reform (Fire Safety) Order 2005. This replaced previous fire safety legislation and as such any fire certificate issued under the Fire Precautions Act 1971 ceases to have effect. Under Article 43 of the Order any conditions imposed by the licensing authority that relate to any requirement or prohibitions that are, or could be, imposed by the order cease to have effect without the need to vary the license. The Licensing Authority will therefore not seek to impose fire safety conditions where the order applies.

4.1.6 Enforcement

63. Enforcement will be in accordance with the Council Enforcement Policy, which is based around the principles of consistency, transparency and proportionality, as set out in current Government guidance.
64. The enforcement policy (available on request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, such as failing to maintain fire extinguishers properly, may result in the issue of a Simple Caution or a referral for prosecution.

65. The Licensing Authority works actively with the police in enforcing licensing legislation. It shares information about licensees and licensed premises under the Crime and Disorder Act 1998 and common law powers of the Police and has established an enforcement protocol on enforcement issues.
66. The Licensing Authority will employ licensing enforcement officers to investigate allegations of unlicensed activities and ensure that licence conditions imposed by the Licensing Authority are met.
67. Enforcement work will be targeted to agreed problem and high risk premises which require greater attention, while providing a lighter touch for low risk premises which are well run. This is in line with the principles set out in the Hampton review

4.1.7 Drugs Policy

68. This Licensing Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is also recognised that conditions will need to be imposed for certain types of venues to discourage the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidance issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Drugs Action Team and the Police.

4.2 Premises Licences

69. A Premises Licence will be required for the use of any premises, part of a premises or place for the following licensable activities:
 - (a) the sale of alcohol;
 - (b) the supply of alcohol by, or on behalf of a club to, or to the order of, the member of the club;
 - (c) the provision of regulated entertainment;
 - (d) the provision of late night refreshment
70. Besides making an application to the Licensing Authority, the applicant must also send a copy of the application to all the responsible authorities when making a first time application, or requesting a variation to an existing licence granted under the Licensing Act 2003.
71. The application must, amongst other things, include an Operating Schedule that has been prepared by or on behalf of the applicant in relation to the premises for which a licence is being sought. The Operating Schedule must include a statement of the following:
 - (a) the relevant licensable activities;
 - (b) the times during which the applicant proposes that the relevant licensable activities are to take place;
 - (c) any other times during which the applicant proposes that the premises are to be open to the public;

- (d) where the applicant wishes the licence to have effect for a limited period, that period;
- (e) where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
- (f) where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- (g) the steps which the applicant proposes to take to promote the licensing objectives, and
- (h) any other prescribed matters.

4.3 Club Premises Certificates

72. Club Premises Certificates will be issued to qualifying clubs, as defined by the Licensing Act 2003, carrying out the following recognised activities:

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

73. Applicants will be required to notify the Responsible Authorities as set out in **Appendix 3**.

74. A club operating schedule, as set out in paragraph 72 above will also be required to be submitted with the application.

4.4 Personal Licences

4.4.1 General Requirements

75. Personal Licences will be granted if the applicant can demonstrate each of the following:

- The applicant must be aged 18 or over;
- The applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in regulations;
- The applicant must not have forfeited a personal licence within five years of their application;
- The applicant has paid the appropriate fee to the licensing authority; and
- In a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.

76. Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officer and/or Police Licensing Officers before making an application.

There is no requirement to renew a personal licence as set out at Section 69 of the Deregulation Act 2015.

4.4.2 Designated Premises Supervisors

77. The sale of alcohol because of its wider impact on the community carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of having a designated premises supervisor is to ensure that there is always a specified individual that can be readily identified at the premises. The Designated Premises Supervisor therefore will occupy a pivotal role in terms of management and supervision of the premises.
78. A joint interview will normally be arranged where the police are minded to object to the transfer of a designated premises supervisor on the ground that such transfer may undermine the crime prevention objective.
79. For Community Premises such as village halls there is no longer a requirement to have a specific Designated Premises Supervisor. The Management Committee of the premises can fulfil that role and this Licensing Authority will support applications of this nature.

4.5 Temporary Event Notices

80. The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN").

A TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the Police and "Local Authority exercising Environmental Health functions" (EHA) at least ten working days before the event (although a premises user may give a limited number of TEN's to the licensing authority less than 10 working days before the event to which they relate). "Working day" under the Licensing Act means any day other than a Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, a "day" is defined as a period of 24 hours beginning at midnight.

If a TEN is sent electronically via GOV.UK or the licensing authority's own facility, the licensing authority will notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

The police or “local authority exercising environmental health functions” (“EHA”) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. The Police or EHA (“relevant persons” for the purposes of TEN’s) may also intervene by agreeing a modification of the proposed arrangements directly with the premises user. If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing Premises Licence or Club Premises Certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TEN’s would be exceeded.

A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

4.5.1 Limitations

81. A premises user may serve a TEN 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 TEN may be given for any particular premises is 12 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 TEN’s in relation to individual premises is 21 days in a calendar year;
 - the maximum number of people attending at any one time must be fewer than 500 and
 - the minimum period between events authorised under separate TEN’s in relation to the same premises (not including withdrawn TEN’s) by the same premises user is 24 hours.

Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The Licensing Act 2003 defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

A person living with another person as their husband or wife, is treated for these purposes as their spouse. ‘Civil partner’ has its meaning in the Civil Partnership Act 2004.

A TEN that is given and subsequently withdrawn by the TEN user can be included within the limits of the numbers of TEN’s allowed in a given calendar year. The limits for the number of TEN’s that may be given include a combination of both “Standard” and “Late” TEN’s.

Proposed activities that exceed these limits will require a Premises Licence or Club Premises Certificate.

TEN's may be given in respect of premises which already have a Premises Licence or Club Premises Certificate to cover licensable activities not permitted by the existing authorisation.

In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

There is nothing in the Licensing Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a Late TEN. For example, an individual personal licence holder wishing to exhibit and sell alcohol at a series of farmers' markets may wish to serve several notices simultaneously. However, this would only be possible where the events are to take place in the same licensing authority (and police area) and the limits are not exceeded in the case of each notice.

4.5.2 Who can give a Temporary Event Notice?

- 82 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any Late TEN's given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 12 TEN's in respect of each premises in a calendar year
- 83 For persons who do not hold a Personal Licence, any individual aged 18 or over may give a TEN whether or not that individual holds a personal licence. Such an individual will not therefore have met the requirements that apply to a personal licence holder. Where alcohol is not intended to be sold, this should not matter, however, many events will involve a combination of licensable activities. In the absence of a premises user holding a personal licence, there is a limit on the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (this limit is inclusive of any late TEN's in the same year).

4.5.3 Standard and Late Temporary Event Notices

- 84 There are two types of TEN; a Standard TEN and a Late TEN. These are subject to different processes: a standard notice is served no later than ten working days before the event to which it relates; and a late notice is served not before nine and not later than five working days before the event.

Standard Temporary Event Notices

- 85 Ten working days" (and other periods of days which apply to other requirements in relation to TEN's) exclude the day the notice is received and the first day of the event. 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 TEN's in that calendar year, will be returned as void and the activities described in it will be not be authorised.

The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. Where an objection is given, there is provision for the Police or EHA to agree with the premises user to modify the TEN

Although ten clear working days is the minimum possible notice that may be given, applicants should seek to serve TEN's with as much notice as possible, ideally a period of three months notification would be acceptable.

Late Temporary Event Notices

- 86 Late TEN's are intended to assist premises users who are required for reasons outside their control, for example, to change the venue for an event at short notice. However, a Late TEN may of course be served in any circumstances providing the limits are not exceeded.

For a Standard TEN, the police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. However, if there is an objection to a Late TEN from either the Police or EHA, the event will not be authorised. In these circumstances there is no scope for a Sub-Committee hearing or the application of any existing conditions. There is no scope under the legislation for the modification of a Late TEN as is possible in relation to a Standard TEN

Late TEN's can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the Police and EHA. A Late TEN served less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. The number of Late TEN's that can be served in a calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late TEN's count towards the total number of permitted TEN's (for example, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders). Once these limits have been reached, a counter notice (permitted limits) is issued.

4.5.4 Role of the Licensing Authority

- 87 Where the notice is served not within the statutory parameters as stated before, the licensing authority will issue a counter notice to the premises user.

Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).

If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a Standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing

authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate and proportionate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place, in this case the licensing authority must issue a counter notice.

Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.

This Licensing Authority will keep a register containing certain matters, including a record of TENs received.

4.5.5 Police and Environmental Health Intervention

- 88 The system of permitted temporary activities gives the Police and EHA the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers. The Police and EHA have the right to request the premises user to produce the TEN for inspection.

4.5.6 Modification

- 89 The Police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

4.5.7 Hearings to Impose Conditions

- 90 This Licensing Authority must hold a hearing to consider any objections from the Police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and this Licensing Authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

4.6 Operational Matters

4.6.1 Provisional Statements

91. Where premises are being constructed for the purposes of being used for one or more licensable activities, or are being extended or otherwise altered for that purpose (whether or not they are being used for that purpose) a person may apply for a Provisional Statement if they have an interest in the premises, and, if they are an individual, they are aged 18 years or older.
92. An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used; a plan of the premises; and such other information as may be prescribed.
93. Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence.

4.6.2 Variations of Licences

94. Applications to vary a Premise Licence will be dealt with in a similar manner to applications for a new Premise Licence. If relevant representations are not received the application for variation will be granted. Examples, and not an exhaustive list, of when a variation will be required are:
 - a) Varying the hours during which a licensable activity is permitted;
 - b) adding or removing licensable activities;
 - c) amending, adding or removing conditions within a licence; and
 - d) altering any aspect of the layout of the premises which is shown on the plan.
95. If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may:
 - a) Modify the conditions of the Licence; or
 - b) Reject the whole or part of the application.
96. The Licence will not be varied so as to:
 - a) Extend the period for which the Licence has effect; or
 - b) To vary substantially the premises to which it relates.
97. The Council may vary a Premise Licence so that it has effect subject to different conditions in respect of:
 - a) Different parts of the premises concerned; and
 - b) Different licensable activities.
98. Where a variation is needed to a licence and the extent of the variation will not affect the overriding requirement to meet the four licensing objectives the Licensing Authority will normally consider this to be a minor variation and will deal with it in accordance with the appropriate procedure.

4.6.3 Transfer of Premises Licences

99. The following people may apply for the transfer to them of a Premise Licence:

- a) A person whom carries on, or proposes to carry on, a business, which involves the use of a premise for the licensable activities, authorised by the Premise Licence;
 - b) Any person who makes the application in pursuance of one or more of its statutory functions which relate to those licensable activities;
 - c) A relevant Club within the meaning of the Act;
 - d) A charity
 - e) An educational institution;
 - f) A hospital; or
 - g) A person of such other description as may be prescribed.
100. Notice of the application must be given to the Police.
101. If the Police consider the granting of the application would undermine the crime prevention objective the Licensing Authority will consider their reasons for that decision and will reject the application if the Licensing Authority consider it necessary for the promotion of the crime prevention objective to do so.
102. An application for a transfer of a Premises Licence can contain a request that the transfer has immediate effect. Such a request can only be made with the consent of the holder of the Premise Licence, or the applicant has taken all reasonable steps to obtain that consent and would be in a position to use the premises while the application is pending for the licensable activities authorised by the Premises Licence.
103. A full transfer of the Premises Licence can only be made with the consent of the Premise Licence Holder unless identical circumstances apply.
104. In the event of a death, incapacity or insolvency of a Licence Holder and where no Interim Authority Notice has been given, provided that an application is made within 28 days after the Licence lapsed, a person can make an application for the transfer of the Licence to him and the Licence shall be reinstated from the time the application is received by the Licensing Authority.

4.6.4 Interim Authorities

105. Generally a Premises Licence will remain in force for as long as the Licensee continues to operate the business unless it is revoked or it is specified it has effect for a limited period and that period expires. However, if the holder of a Premise Licence dies, becomes mentally incapable or becomes insolvent then the Licence will lapse.
106. If, within a twenty eight day period of such circumstances, a person who had an interest in the premises concerned or is connected to the person whom held the Premise Licence immediately before it lapsed gives the Licensing Authority an 'Interim Authority Notice' the Licence will be reinstated for a three month period.
107. At the end of the three months it will lapse unless an application for a transfer of the Premises Licence is made.
108. A person is connected to the former holder of a Premise Licence if, and only if:

- a) The person is the personal representative in the event of the holder's death;
 - b) In respect of someone who has become mentally incapable the person is acting as a Deputy or under an Enduring Power of Attorney or a Lasting Power of Attorney; or,
 - c) In the event of insolvency the person is acting as an Insolvency Practitioner.
109. Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective the Licensing Authority will arrange a hearing to consider the Notice.

5. PREVENTION OF CRIME AND DISORDER OBJECTIVE

110. When addressing crime and disorder the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.
111. The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
112. The Licensing Authority recognises that crime and disorder can occur, particularly outside licensed premises, however well managed premises may evidence management controls in partnership with this Licensing Authority and other responsible authorities. Therefore, in considering whether the crime and disorder objective is met, this Licensing Authority will take into account the criteria set out in paragraph 115 below.
113. Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application.
114. The Licensing Authority will support the development of Pubwatch, or similar, schemes.
115. In considering licence or certificate applications, the following will be taken into account:
1. The design and layout of the premises;
 2. The training given to staff in conflict management measures appropriate to those premises;
 3. Physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences' or the standard of CCTV installed; the use of toughened drinking glasses in pubs and clubs;
 4. The likely exit times from the premises and the demands upon and the capacity of public transport at those times;
 5. Any other such measures as may be appropriate, such as participation in a local Pubwatch, Publicans' Two Way Radio Scheme or similar,
 6. The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
 7. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
 8. The likelihood of any violence, public order or policing problem if the licence or certificate is granted.
 9. The relevance of the cumulative impact policy in Kingswood will also be considered.

6. PUBLIC SAFETY OBJECTIVE

6.1 Inspection of Premises

116. Where the applicant identifies issues with regard to public safety, including fire safety, which are not covered by existing legislation, the applicant should indicate in their operating schedule the steps that will be taken to promote public safety.
117. The Licensing Authority will endeavour to inspect premises on receipt of an application to vary the premises licence, save where only a minor change is being proposed (e.g. extension of the length of a bar). Officers will determine on a case-by-case basis which applications require an inspection, and will arrange inspections, wherever possible, in advance with the applicant.
118. Where an application has been received to build new premises or vary existing premises, the Licensing Authority's licensing officers will aim to co-ordinate inspections and visits with the fire authority, police and environmental health officers.
119. From time to time, premises may be inspected by Licensing authority Officers, the Police and/or the Fire Service premises for purposes of ascertaining compliance with the Act or associated legislation or Regulations.

6.2 Operational Considerations

120. Licensed premises present a mixture of health and safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
121. The purpose of imposing a maximum number of persons resorting to premises at any one time is to ensure the safety of persons in the premises, and, safe escape in the case of an emergency. The Licensing Authority therefore will set occupancy limits on the following basis:
1. For all premises previously holding Public Entertainment Licences under the Local Government (Miscellaneous Provisions) Act 1976.
 2. For all other premises where representations are received from the Police, Fire Service or Council Officers indicating that it is necessary to limit the capacity for crime and disorder, public safety or the prevention of nuisance reasons e.g. dance venues, theatres, cinemas, music venues..
122. This Licensing Authority will aim to protect the general health and safety of persons frequenting and working in licensed premises or events through the imposition of conditions on licences. This Licensing Authority will also consider the health and well-being of drinkers and members of the public to minimize the

health impacts of alcohol licensing and will work to provide safe ways to return home such as taxi marshalling schemes.

7. THE PREVENTION OF PUBLIC NUISANCE OBJECTIVE

123. When addressing public nuisance the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.
124. The Licensing Authority is concerned to protect the amenity of residents and businesses in the immediate surrounding area of the licensed premises.
125. In considering premises licence applications, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.
126. The Licensing Authority will particularly consider:
1. The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 2. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises;
 3. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
 4. Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
 5. The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
 6. The use of gardens and other open-air areas;
 7. The siting of external lighting, including security lighting that is installed inappropriately;
 8. Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises.

8. PROTECTION OF CHILDREN FROM HARM OBJECTIVE

127. When addressing the protection of children the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicants operating schedule.

8.1 Access to licensed premises

128. The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

129. Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

130. The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

1. Where entertainment or services of an adult or sexual nature are commonly provided.
2. Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
3. With a known association with drug taking or dealing;
4. Where there is a strong element of gambling on the premises;
5. Where the supply of alcohol for consumption at the premises is the exclusive or primary purpose of the services provided at the premises.

131. The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

1. Limitations on the hours when children may be present;
2. Limitations or exclusion of the presence of children under certain ages when particular activities are taking place;
3. Limitations on the parts of premises to which children might be given access;
4. Age limitations
5. Requirements for an accompanying adult (including a combination of requirements which provide that children under a particular age must be accompanied by an adult);
6. Full exclusion of people under 18 from the premises when any licensable activities are taking place.
7. Consider location of premises e.g. near schools, youth centres etc.

132 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

133. The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

8.2 Access to cinemas

134. Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.

135. In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age-restricted films. The age restrictions will be based on the recommendations of the British Board of Film Classification (BBFC). The Licensing authority retains the right to specify age-restrictions on films not based on classifications made by the BBFC, should it think it appropriate to meet this particular objective.

8.3 Children and public entertainment

136. Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

137. The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children. In particular the operating schedule should include the arrangements for restricting children from viewing age-restricted films classified according to the BBFC, or the licensing authority itself.

138. The Licensing Authority will consider attaching Conditions to licences and permissions to prevent harm to children, and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm.

8.4 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

139. The Licensing Authority acknowledges the Portman Code of Practice and commends all licensees to operate within the code in relation to the naming, packaging and promotion of alcoholic drinks within premises in the district.

9. COMPLAINTS AGAINST LICENSED PREMISES

140. The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the four licensing objectives mentioned in paragraph 4 above. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
141. Where an interested party (such as a local resident or a resident's association) has made:
1. Valid representations about licensed premises, or
 2. A valid application for a licence to be reviewed then the Licensing Authority will offer to arrange a conciliation meeting to address and clarify the issues of concern where practicable.
142. Nothing in this Policy shall restrict the right of an interested party or responsible authority to call for a review of a licence or make relevant representations in accordance with the Act.

10. FURTHER INFORMATION

143. Further information about the Act and this Statement of Licensing Policy can be obtained from:

Department for Environment and Community Services,
PO Box 299
Trading Standards & Licensing
Civic Centre
High Street
Bristol
BS15 0DR

Tel: 01454 868001

Fax: 01454 863484

E-mail: licensing@southglos.gov.uk

Website: <http://www.southglos.gov.uk/business/licences-and-street-trading/>

144. Information is also available from:

Home Office
2 Marsham Street
London
SW1P 4DF

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E-mail: public.enquiries@homeoffice.gsi.gov.uk

Website: www.gov.uk/government/organisations/home-office

Department for Culture, Media and Sport,
100 Parliament Street

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APPENDIX 1 - GLOSSARY OF TERMS

1. Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	Are defined in section 1.3 above.
Licence:	Means Premises Licence or Personal Licence
Certificate:	Means a Club Premises Certificate in relation to qualifying clubs
Applications:	Means applications for Licences and Certificates
Notifications:	Means notifications of Temporary Events
Regulations:	Means Regulations made under the Act
Premises	Means any place and includes a vehicle, vessel or moveable structure
Operating Schedule:	The schedule to be submitted with the premises application

2. The following definitions within the Licensing Act 2003 are used within this policy document:

Licensable activities and qualifying club activities:

Are defined as:

- (i) the sale by retail of alcohol
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- (iii) the provision of regulated entertainment
- (iv) the provision of late night refreshment

for those purposes the following licensable activities are also qualifying club activities;

- (i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place
- (ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
- (iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

Regulated Entertainment:

- (a) A performance of a play
- (b) An exhibition of film

- (c) An indoor sporting event
- (d) A boxing or wrestling entertainment
- (e) A performance of live music
- (f) Any playing of recorded music
- (g) A performance of dance
- (h) Entertainment of a similar description to that falling within paragraph (e), (f) or (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Other Persons

Is defined as:

- (i) The term 'interested parties' has been replaced by 'other persons' meaning that anyone can submit objections regardless of geographic vicinity, however any such objection must relate to one or more of the licensing objectives.
- (ii) a body representing persons
- (iii) a person involved in a business
- (iv) a body representing persons involved in such businesses

Responsible Authority

Is defined as:

- (i) the Chief Officer of Police for any Police area in which the premises are situated
- (j) The Police and Crime Commissioner
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - (a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and
 - (b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters

(vii) the local Weights and Measures Authority (within the meaning of section 69 of the Weights and Measures Act 1986 (a) for any area in which the premises are situated

(viii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated

(ix) the Public Health authority

(x) in relation to a vessel:

(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities

(b) the Environment Agency

(c) the British Waterways Board, or

(d) the Secretary of State

(e) a person prescribed for the purpose of this subsection

(xi) elected councillors of the licensing authority

Temporary Event

Is defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place.

Provision of late night refreshment

Is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am or at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot food or hot drink

Means food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,

or

(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

APPENDIX 2 - DELEGATED DECISION MAKING

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection is made	If no representation is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club registration certificate, including Minor Variations		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for Interim Authorities		If a police objection is made	All other cases
Application to review premises licence/club premises registration		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 a police or environmental health objection to a (standard/late) temporary event notice		All cases	

APPENDIX 3 – RESPONSIBLE AUTHORITIES CONTACT DETAILS

Responsible Authority	Address	Telephone Number
Avon and Somerset Constabulary	<i>Liquor Licensing Bureau Avon & Somerset Constabulary PO Box 3115 Bristol BS1 9GF</i>	0117 945 5195
Avon Fire and Rescue Service	<i>Technical Fire Safety Office Yate Fire Station Station Road Yate, South Gloucestershire BS37 4AL</i>	0117 926 2061 Ext. 276
South Gloucestershire Council (Planning Department)	<i>Department for Environment and Community Services, PO Box 299, Planning, Transportation and Strategic Environment, Civic Centre High Street, Kingswood BS15 0DR</i>	01454 868004
South Gloucestershire Council (Noise Team)	<i>Department for Environment and Community Services, PO Box 299, Environmental Protection Team, Civic Centre High Street, Kingswood BS15 0DR</i>	01454 868001
South Gloucestershire Council (Health and Safety Team) (for local authority enforced premises)	<i>Department for Environment and Community Services, PO Box 299, Health & Safety Team, Civic Centre High Street, Kingswood BS15 0DR</i>	01454 868001
Health and Safety Executive (for HSE enforced premises only)	<i>Public Services Group The Pithay Bristol BS1 2ND</i>	0117 988 6000
Safeguarding Children's Board	<i>Department for Children, Adults and Health, PO Box 298 c/o Safeguarding Children's Strategy Manager, Civic Centre High Street, Kingswood BS15 0DQ</i>	01454 868924
South Gloucestershire Council (Weights and Measures Authority)	<i>Department for Environment and Community Services, PO Box 299, Trading Standards & Licensing, Civic Centre, High Street, Kingswood, BS15 0DR</i>	01454 868001
British Waterways Board (for vessels)	<i>Boating Trade Manager The Docks Gloucester GL1 2EB</i>	01452 318012
South Gloucestershire Council (Public Health Team)	<i>Department for Children, Adults and Health, PO Box 298, Health & Wellbeing Division Civic Centre High Street, Kingswood BS15 0DQ</i>	01454 864200

APPENDIX 4 – LIST OF CONSULTEES

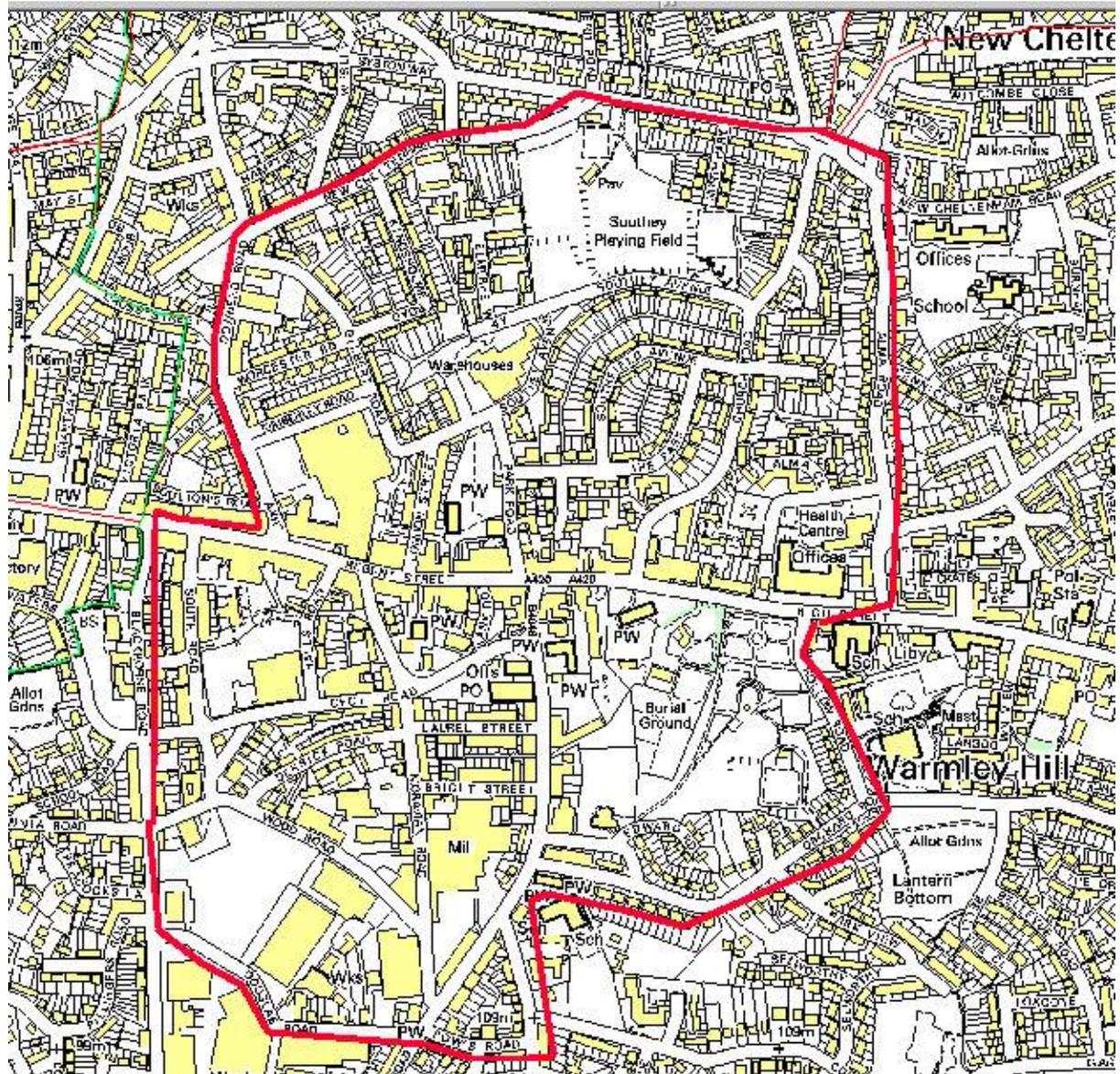
The Authority intends to consult the following on the content of this Statement of Licensing Policy:

- Current holders of existing licences, certificates or notices who will be affected by the provisions of the Act
- Arts Council England (South-West), Third Floor, St Thomas Court, Thomas Lane, Bristol, BS1 6JG
- Association of convenience stores (ACS), Federation House, 17 Farnborough Street, Farnborough, Hampshire, GU14 8AG, E-mail: acs@acs.org.uk
- Association of licensed multiple retailers (ALMR), 9B Walpole Court, Ealing Studios, London, W5 5ED, E-mail: info@almr.org.uk
- Association of town centre managers (ACTM and Purple Flag), ATCM, 1 Queen Anne's Gate, Westminster, London, SW1H 9BT, office@atcm.org
- British beer and pub association (BBPA), British Beer & Pub Association, Ground Floor, Brewers' Hall, Aldermanbury Square, London, EC2V 7HR, E-mail: contact@beerandpub.com
- British board of film classification (BBFC), 3 Soho Square, London, W1D 3HD, feedback@bbfc.co.uk
- British institute of inn keeping (BII), Infor House, 1 Lakeside Road, Farnborough, GU14 6XP
- British retail consortium (BRC), 21 Dartmouth Street, Westminster, London, SW1H 9BP, E-mail: info@brc.org.uk
- Campaign for Real Ale, 230 Hatfield Road, St. Albans, Hertfordshire, AL1 4LW, E-mail: camra@camra.org.uk
- Circus arts forum, www.circusarts.org.uk, info@circusarts.org.uk
- UK Cinema Association Ltd, 3 Soho Square, London, W1D 3HD
- Department for Culture, Media and Sport, 100 Parliament Street, London, SW1A 2BQ, E-mail: enquiries@culture.gov.uk
- Equity (Wales and South-West England), Third Floor, 1 Cathedral Road, Cardiff, CF11 9SD, E-mail: southwestengland@equity.org.uk
- Home Office, 2 Marsham Street, London, SW1P 4DF, E-mail: public.enquiries@homeoffice.gsi.gov.uk
- Independent street arts network (ISAN), 54 Chalton Street, London, NW1 1HS
- Federation of Licensed Victuallers Associations (FLVAs), The Raylor Centre, James Street, York, YO10 3DW, E-mail: admin@fvla.co.uk
- Live Music Forum, E-mail: editor@livemusicforum.co.uk
- Musicians' Union (Wales and South-West England), 199 Newport Road, Cardiff, CF24 1AJ, E-mail: cardiff@theMU.org
- Arts Development UK (Formerly NALGAO), Oakvilla, Off Amman Road, Brynamman, Ammanford, Neath, SA18 1SN, E-mail: artsdevUK@aol.com
- National Pubwatch, PO Box 3523, Barnet, EN5 9LQ, E-mail: admin@nationalpubwatch.org.uk
- NOCTIS (Formerly BEDA), 5 Waterloo Road, Stockport, Cheshire, SK1 3BD
- Showmen's Guild of Great Britain, 41 Clarence Street, Staines, Middlesex, TW18 4SY, E-mail: k.miller@sqqbco.fsnet.co.uk
- South Gloucestershire Arts Development Officer, E-mail: artsdevelopment@southglos.gov.uk
- The Portman Group, 4th Floor, 20 Conduit Street, London, W1S 2XW, E-mail: info@portmangroup.org.uk

- Berwin Leighton Paisner, Adelaide House, London Bridge, London, EC4R 9HA
- Bond Dickinson, 3 Temple Quay, Temple Back East, Bristol, BS1 6DZ

- Clarke Willmott Solicitors, 1 Georges Square, Bath Street, Bristol, BS1 6BA
 - Horsey, Lightly Fynn, 3 Poole Road, Bournemouth, Dorset, BH2 5QJ
 - John Gaunt & Partners, 372-374 Cemetery Road, Omega Court, Sheffield, S11 8FT
 - Melrose Associates, 8 St Mary Street, Thornbury, BS35 2AB
 - Poppleston Allen, 37 Stoney Street, Nottingham, NG1 1LS
 - TLT Solicitors, One Redcliffe Street, Bristol, BS1 6TP
 - Gosschalks Solicitors, Queens Gardens, Kingston Upon Hull, HU1 3DZ
-
- Chief Officer of Police
 - Responsible Authorities
 - South Gloucestershire Clinical Commissioning Group, Corum2, Corum Office Park, Crown Way, Warmley, South Gloucestershire, BS30 8FJ, E-mail: contactus@southgloucestershireccg.nhs.uk
 - Jack Lopresti MP, Office 29, The South Block, The Courtyard, Woodlands, Bradley Stoke, BS32 4NQ, E-mail: jack.lopresti.mp@parliament.uk
 - Luke Hall MP, 30 High Street, Thornbury, BS35 2AJ, E-mail: luke.hall.MP@parliament.uk
 - Chris Skidmore MP, 47 High Street, Kingswood, BS15 4AA, E-mail: chris.skidmore.mp@parliament.uk
 - Elected Members of South Gloucestershire Council
 - South Gloucestershire Town and Parish Councils
 - South Gloucestershire Chamber of Commerce - Economy & Skills Partnership (stephanie.kruse@southglos.gov.uk) and Business Networks (abdul.choudhury@southglos.gov.uk)
 - Residents Associations – SSCG's and Priority Neighbourhoods, marian.jones@southglos.gov.uk, jacqui.ward@southglos.gov.uk, nessa.jarman@southglos.gov.uk, brian.gaches@southglos.gov.uk
 - Housing Associations (17 as part of Homes West South Gloucestershire) – kerry.cox@southglos.gov.uk and claire.wood@southglos.gov.uk
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- South Gloucestershire Citizens Advice Bureau, Kennedy Way, Yate, BS37 4DQ, E-mail: bureau@sgloscab.cabnet.org.uk
 - Alcohol Concern, 25 Corsham Street, London, N1 6DR, E-mail: contact@alcoholconcern.org.uk
 - Drinkaware, Finsbury Circus (Salisbury House), 3rd Floor (Room 519), London, EC2M 5QQ, E-mail: contact@drinkaware.co.uk

**APPENDIX 5 - AREA COVERED BY CUMULATIVE IMPACT POLICY
(Within Red outline)**



APPENDIX 6 – MAP OF SOUTH GLOUCESTERSHIRE



