



STROUD DISTRICT COUNCIL

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THE LICENSING ACT 2003

LICENSING POLICY

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FOREWORD

STROUD DISTRICT

The geographical area administered by Stroud District Council is mainly rural in nature and based around the market towns of Berkeley, Dursley, Nailsworth, Stonehouse, Stroud and Wotton under Edge. The District covers an area of approximately 175 sq miles and has a population of around 109,000. It is one of six district councils within Gloucestershire.

Geographically the district has three distinct parts - the Cotswold Hills, the valleys etched into the scarp edge and the Severn Vale. Its many small settlements and villages underline the essentially rural character of the District which contains 52 separate parishes.

The District has 130 licensed public houses (the majority of which provide food and benefit from extended hours), 2 night venues licensed to sell alcohol and provide music and dancing (operating primarily into the early hours of Friday, Saturday and Sunday mornings), 78 off-licences, 21 take away outlets, 2 cinemas operating by licenses issued under the Licensing Act 2003. Many of the districts 120 village halls are also licensed to provide regulated entertainment and the sale of alcohol.

The district receives approximately 50 temporary event notifications per month.

Stroud District Council has welcomed the responsibility placed on it by the Licensing Act 2003 (the Act) and believes it has used its powers in a socially responsible way, promoting a healthy environment in a district that enjoys attractive countryside with good communication links resulting in it being a popular visitor destination.

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1. INTRODUCTION

- 1.1 Stroud District Council (the Council) is responsible under the Licensing Act 2003 for the licensing of 'licensable activities' within its area. The licensable activities that are required to be licensed under the Act are as follows:
- The retail sale of alcohol
 - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late Night Refreshment
- 1.2 The Licensing Act 2003 imposes a duty on the Council to develop, publish and review a Statement of Licensing Policy that sets out the policies that the Council acting in its role as the Licensing Authority will generally apply in considering its responsibilities in promoting the licensing objectives when making decisions under the Act. The Council acting in this role will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Licensing Act 2003, which are as follows:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.3 Each objective is of equal importance and the Council's policy relating to each of them is given in this Licensing Policy. Where following a relevant representation and the Licensing Authority's discretion has been engaged it may consider attaching conditions to a licence that it believes are necessary to promote the Act's objectives.
- 1.4 Where following a relevant representation and the Licensing Authority's discretion has been engaged, any conditions attached to a licence will be focused on matters within the control of the individual licensees i.e the premises and vicinity.
- 1.5 In order to assist applicants and potential interested parties, the Council believes it would be helpful for it to provide guidance as to how it will approach the meaning of the term "vicinity." For these purposes the Council proposes that 'vicinity' means:
- 'being sufficiently close enough to be affected by the activities of those premises'***
- 1.6 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under Section 182 of the Act. This Policy was adopted at Full Council on 11 November 2010 takes effect on 7th January 2011 and will remain in force for a period of not more than three years (or in accordance with any amendments to the legislation). The Statement of Licensing Policy is a live document subject to continuous review to meet changing needs of the community, business circumstances and legislation. Any amendments to the Licensing Policy will be made following consultation with those parties referred to in paragraph 1.7.

1.7 There are a number of groups who have an interest in the licensing of premises under the Licensing Act 2003, including, but not limited to the licensed trade, customers, businesses, residents and enforcing agencies. Before publishing the Licensing Policy and any amendments to it, the Council will consult with,

- The Gloucestershire Constabulary;
- Gloucestershire Fire and Rescue Service;
- bodies representing local holders of personal licences,
- bodies representing premises licences and club premises certificates;
- bodies representing local businesses and residents.

In addition, the Council may also consult with other local bodies and agencies as appropriate.

The Council will give appropriate weight to the views of consultees

1.8 The objective of the licensing process is for a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that ensures public safety, is not to the detriment of residents and does not give rise to the loss of amenity. The Council's aim is to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

1.9 The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However, the Council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises.

1.10 The Council will avoid unnecessary duplication of existing legislation and other regulatory regimes e.g. health & safety legislation, environmental protection legislation etc that already place obligations on employers and operators. Conditions in respect of public safety will only be attached to licences by the Licensing Authority as necessary for the promotion of the licensing objectives.

1.11 When considering applications and those other matters that it is required to undertake in its role as the Licensing Authority the Council will take notice of and apply those definitions contained within 'the Act', secondary regulations, schedules, Guidance and this Licensing Policy.

1.12 The Council will work in partnership with other local authorities, statutory bodies and agencies, particularly those located in Gloucestershire, as appropriate, to ensure a consistent approach is taken on licensing matters whilst respecting the differing needs of the individual communities.

1.13 Nothing in the Council's Licensing Policy shall undermine any person from applying for any variety of licensable activities under the Act, and every application received will be considered on its own merits.

- 1.14 The Council will not seek to require that access to licensed premises is given to children at all times. Neither will it seek to limit the access of children to licensed premises unless necessary for the promotion of the licensing objectives and especially relating to the prevention of harm to children. e.g.
- where entertainment or services of an adult or sexual nature are commonly provided;
 - 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;
 - premises with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 1.15 The Council when acting as the Licensing Authority will seek to balance the needs of both the wider and local communities and commercial premises and activities, against the needs of those who may be adversely affected by the applicant's activities. The views of vocal minorities will not usually predominate over the general interests of the community.
- 1.16 Where it is necessary to depart from the Guidance, either in this policy or at any other time, the Licensing Authority will give clear and sound reasons for doing so.
- 1.17 All representations (excepting those representations that are deemed to be frivolous, vexatious or repetitious) will be given appropriate weighting when being considered by the Licensing Authority.
- 1.18 The Council's Licensing Committee will receive reports from those service units and/or committees with responsibility for transport, the tourist economy, cultural strategies and local employment within the district at appropriate intervals thereby ensuring that these matters can receive appropriate consideration and be reflected in committee determinations.
- 1.19 The Council's Licensing Committee shall provide reports to the planning committee regarding licensed premises in the area. Such reports may include such matters as: the general impact of alcohol related crime and disorder, numbers and types of licensing received per ward, results of applications and/or appeals, and such other information as the Licensing Committee deems appropriate.
- 1.20 The performance of live art often associated with cultural events and particularly traditional entertainment such as that performed by street artists as part of street entertainment can be central to the development of cultural diversity and vibrant communities, which if absent could lead to a loss of community awareness. The Council will monitor the impact of licensing on the provision of regulated entertainment and particularly live music and dancing.
- 1.21 The Council will continue to encourage, promote and provide opportunities for such events and entertainment throughout the district by making application for a Premises Licence where appropriate in respect of land and public open

spaces that it owns, thereby enabling performers and entertainers who wish to provide regulated entertainment to do so by obtaining the permission of the premises licence holder without needing to either obtain a licence or give a temporary event notice.

Human Rights

- 1.22 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority (the Council) to act in a way that is incompatible with a Convention right.
- 1.23 In conducting its business the Licensing Authority will have particular regard to the following relevant provisions of the First Protocol of the European Convention on Human Rights:-
- Article 1 Every person is entitled to the peaceful enjoyment of his or her possessions, e.g. the possession of a licence.
 - Article 6 That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - Article 8 Everyone has the right to respect for his home and private and family life.

LICENSING POLICY OBJECTIVES:

2 PREVENTION OF CRIME AND DISORDER

- 2.1 The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1988 to do all it reasonably can to prevent crime and disorder in the District.
- 2.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can if not properly managed sometimes become a source of public nuisance generating crime and disorder problems. The Licensing Authority expects applicants to develop operating schedules that demonstrate their ability to exercise suitable control over licensable activities.
- 2.3 Where appropriate applicants are recommended to seek advice from either the Council's Licensing Section or The Gloucestershire Constabulary when developing their operating schedules and are encouraged to agree a protocol with The Gloucestershire Constabulary on the handling of illegal drugs found on their premises.
- 2.4 The prevention of crime and disorder may, for example, be promoted by employing registered door supervisors, ensuring all staff have appropriate training, incorporating a search policy into the entry conditions of the

premises, the location and standard of any CCTV systems on the premises, and the inclusion of written dispersal policies

3 PUBLIC SAFETY

- 3.1 The Licensing Act 2003 covers a wide range of premises that will present a mixture of risks to public safety, some of which may be common to different premises whilst others will be unique to specific operations.
- 3.2 Public safety may for example be promoted by ensuring that staff have the appropriate training, that premises are not overcrowded, that fire-fighting equipment is checked regularly and that safety certificates are current.
- 3.3 Where the applicant can demonstrate compliance with statutory requirements (e.g. relating to fire prevention etc), and that suitable and sufficient risk assessments are in place which are relevant to the activities proposed and the Authorities discretion has been engaged by the receipt of a relevant representation, the Authority will not normally seek to duplicate such controls by the imposition of licensing conditions.

Capacity limits

- 3.4 This Council will not seek to set a capacity limit for premises for fire safety purposes only as this is controlled by the Fire Service under Regulatory Reform (Fire Safety) Order 2005.
- 3.5 The Council is however committed to ensuring public safety especially in relation to premises providing regulated entertainment and in some cases a capacity limit may be relevant to the Licensing Objectives.
- 3.6 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include;
 - the nature of the premises or event,
 - the nature of the licensable activities being provided,
 - the provision or removal of such items as temporary structures, such as a stage, or furniture,
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency,
 - the age spectrum of the customers,
 - the attendance by customers with disabilities, or whose first language is not English,
 - availability of suitable and sufficient sanitary facilities,
 - nature and provision of facilities for ventilation.
- 3.7 The Council encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a fire safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Gloucestershire Fire and Rescue Service.

- 3.8 Where following receipt of a relevant representation the Licensing Authority's discretion has been engaged, and it believes it is necessary to impose a condition identifying an occupancy limit on a Premises Licence, the Licensing Authority will give due consideration to the guidance contained in the Gloucestershire Fire and Rescue Service's Fire Safety for New Licence Applicants booklet at that time in force when calculating such capacity limits.

Applicants are advised that the booklet referred to above is available on Gloucestershire Fire and Rescue Service's website;
www.glosfire.gov.uk/sections/safety_advice/downloads/safety_new_fsleg_booklet.pdf

4 PREVENTION OF PUBLIC NUISANCE

- 4.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on communities and people living, working or sleeping in the vicinity of the premises.
- 4.2 In relation to "the prevention of public nuisance" the Licensing Authority will seek to minimise the extent to which residents are disturbed late at night and seek to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 4.3. Where the Licensing Authority's discretion has been engaged following the receipt of a relevant representation the Licensing Authority will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. In particular the Licensing Authority will consider any action that the applicant has taken or is proposing with regard to the following:
- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - ii) preventing disturbance by customers arriving at or leaving the premises, particularly between the hours of 11.00 pm and 7.00 am;
 - iii) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
 - iv) the use of gardens and other open-air areas;
 - v) the location of external lighting, including security lighting;
 - vi) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
 - vii) preventing the consumption or supply of illegal drugs, including search procedures;
 - viii) 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 or that the manner of storage of any other waste materials does not adversely impact on public safety;
 - ix) any history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees. (Similarly cognisance will be taken of any evidence showing good management and no previous nuisance complaint history.)

- x) to utilise effective means of reducing disorder by communicating with other licensees and the Police in communicating information regarding the potential for anti-social or criminal behaviour. (e.g. radios, pagers, ring rounds, membership of Pubwatch, BOBS etc.)

5 PROTECTION OF CHILDREN FROM HARM

5.1 The Licensing Authority acknowledges the role that the Gloucestershire Safeguarding Children Board can play in promoting the Acts objective relating to the protection of children from harm. Stroud District Council recognises this body to be competent to act as the responsible authority in relation to the protection of children from harm and it is this body to which applicants should forward copies of their applications.

5.2 The Council recognises that some licensees may wish to hold functions or provide facilities targeted specifically towards children (under 16 Disco's, children's parties, supervised crèche/play areas etc) and expects organisers of such functions or activities associated with licensed premises to take all reasonable steps to ensure that staff employed will not put children at risk from harm – e.g. the organiser could request that potential employees provide sufficient information to allow an enhanced CRB check.

5.3 The Council expects personal licence holders to contribute to not serving alcohol to children under the age of 18, except in limited conditions allowed for by law and recommends that the following are preferred ways to verify a person's proof of age: -

- Passport
- Photo card driving licence issued in a European Union country;
- Proof of Age Scheme card e.g. Validate UK.

5.4 Whilst the Licensing Act 2003 does not prevent children having free access to any licensed premises, the Council in its role as the Licensing Authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. This includes physical, moral or psychological harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

5.5 When following a relevant representation the Licensing Authority's discretion has been engaged the Authority may in determining whether it is necessary to limit the access of children to licensed premises consult with Gloucestershire Constabulary, Gloucestershire Social Services and other agencies as appropriate. If having considered the application and the representation the Licensing Authority believes it is necessary to restrict access to the premises

by children through the attachment of conditions the options available to the Authority could include (but are not limited to):

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusion when certain activities are taking place;
- full exclusion of persons under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for persons under 18;
- requirement for an accompanying adult to be present.

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

Children and Films etc.

5.7 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 of certain age ranges. Where a premise is used for film exhibitions and the Licensing Authority discretion has been engaged following receipt of a relevant representation, the Authority will normally seek to impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification (BBFC), or in specific cases where such certificates have not been granted, the Licensing Authority itself. The council expects licensees to ensure that age restrictions for film exhibitions are properly complied with.

5.8 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification (BBFC). If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published on the Council's website at www.stroud.gov.uk.

6. PLANNING

6.1 As far as is practically possible the Council will avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation. Licensing decisions will take into account any relevant planning decisions either by the Development Control Committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.

6.2 The Licensing Authority encourages all applicants to have resolved planning issues before making an application for a premises licence wherever possible. .

7 CUMULATIVE IMPACT

- 7.1 The Council recognises that there is a difference between commercial need and the cumulative impact of premises in an area. Commercial need is a matter for the Council's planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is however a proper matter for the Council acting as the Licensing Authority to consider.
- 7.2 The Licensing Authority's Licensing and Regulation Committee will not take 'need' into account when considering an application for a premises licence or club premises certificate.
- 7.3 However, the Licensing Authority recognises that the cumulative impact of a significant number of licensed premises concentrated in one area may lead to serious impacts in terms of the licensing objectives and in particular nuisance, crime and disorder.
- 7.4 There is currently insufficient evidence to demonstrate that any particular concentration of licensed premises within the district is causing a cumulative impact on one or more of the licensing objectives requiring the Council to adopt a special policy of refusing new licences or restricting applications to vary the licensable activities of existing licensed premises.
- 7.5 The situation will be kept under review throughout the period that the Licensing Policy is in force with a view to incorporating a special policy if appropriate.
- 7.6 **Other mechanisms for controlling cumulative impact**

The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:-

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
- The provision of CCTV surveillance in town centres
- Stroud and Dursley are subject to Designated Public Places Orders as being places where alcohol may not be consumed publicly except where there is authorisation under the Licensing Act 2003.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- The confiscation of alcohol from adults and children in designated areas, within the limits of current legislation.
- 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.

- 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.

8 LICENSING HOURS

- 8.1 The Licensing Act 2003 introduced flexible opening hours for premises, with the potential for 24 hour opening, seven days a week. The Licensing Authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time. When dealing with licensing hours, each application will be dealt with on its individual merits.
- 8.2 The Licensing Authority will have a flexible approach to opening hours and will deal with the issue of licensing hours having due regard to the individual merits of each application, taking into account requests for terminal hours in the light of the:
- environmental quality;
 - residential amenity;
 - character or function of a particular area; and
 - nature of the proposed activities to be provided at the premises.
- 8.3 Generally the Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they are open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.
- 8.4 When following a relevant representation the Licensing Authority's discretion has been engaged consideration will be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

9 PROMOTION OF EQUALITY

- 9.1 The Council recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public Authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.
- 9.2 In seeking to support a community in which diversity is encouraged the Licensing Authority will expect **all** applicants to take steps that ensure no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age (unless an age related event), sex (unless a single-sex event), sexual orientation, or disability, and that the management and operating practices of licensed premises within the district comply with all race relations, equal opportunities and anti-discrimination legislation.

Access And Evacuation For Persons With Disabilities

- 9.3 Disabled people have the right to access services. There are clear legal responsibilities under the Disability Discrimination Act 1995, which came into in October 2004 requiring all service providers to make reasonable adjustments to enable disabled persons to access the service thereby ensuring that disabled people are not prejudiced against.

10 THE LICENSING PROCESS

- 10.1 When dealing with applications made under the Act the Licensing Authority will take account of and give appropriate consideration to:
- The Licensing Act 2003, regulations made there under;
 - Guidance issued under the Act and
 - It's own licensing policy and appendices attached thereto, considering each application on its individual merits.
- 10.2 Each and every application received whether for the issue of a personal or premises licence will be treated fairly and will be considered on its own merits. If no relevant representations are received then the licence will be issued automatically with such conditions attached as are;
- Relevant mandatory conditions under the Act, or,
 - Consistent with the operating schedule accompanying the application. (Except where an application is made for a minor variation in which case conditions cannot be imposed)
- 10.3 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 10.4 Appendix A to this policy is a Table of Delegated Functions setting out the Council's scheme of delegations for the discharge of functions under the Act. However it should be noted that these delegations will not prevent Officers from referring an application to a Sub-Committee of/or the Licensing and Regulation Committee if it is considered appropriate to the individual circumstances of the case.
- 10.5 Applications for new premises licenses and major variations must be accompanied by an Operating Schedule. The Licensing Authority expects such applicants to address the licensing objectives in their Operating Schedule by having regard to the type of licensable activities to be provided, the premises, their operational procedures, the nature of the location and the needs of the local community.
- 10.6 The Council encourages all applicants to undertake a thorough and appropriate risk assessment relevant to their business, particularly with regard to how they will promote the licensing objectives relevant to that business. When considering those steps that may be necessary in promoting the licensing objectives applicants should give consideration to the guidance issued under Section 182 of the Licensing Act 2003 and this Statement of Licensing Policy.

- 10.7 Some regulations do not cover the unique circumstances relating to some forms of entertainment. Where the Licensing Authority's discretion has been engaged and it is necessary to impose conditions to promote the Act's objectives such conditions will be tailored to the individual style and characteristics of the premises and events concerned. Such conditions may be drawn from the Pool of Conditions contained in Annexes D to H of the section 182 guidance to 'the Act'. Conditions are not exclusive and may be varied from time to time as considered necessary to meet the circumstances of the proposed activities.
(The Licensing Act 2003, secondary legislation and guidance to the Act are available on the Department of Culture, Media and Sport's website at <http://www.culture.gov.uk/default.htm>).
- 10.8 Minor variation applications are restricted to changes that will not undermine the licensing objectives. Interested Parties may make representations and the Licensing Authority is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing and officers have delegated powers to determine applications under this process. The overall test for Officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.
- 10.9 An application can be made by a community premises to remove the mandatory condition, with regard to sale of alcohol, requiring a designated premises supervisor to be named on the licence. Instead the management committee itself will authorise the sale of alcohol. The Council must be satisfied that the premises are operating as a community premises and that the management committee can ensure that alcohol sales are properly supervised particularly if hired for a private event. The Council would normally expect to see evidence of the management structure and a hiring agreement.

11 ENFORCEMENT AND COMPLAINTS

- 11.1 The Council recognises the contribution that can be made by developing effective working practices with our partner agencies. The Licensing Authority will investigate complaints made to it regarding licensed premises of any description and recognises the contribution that can be made by developing effective working practices with our partner agencies. The Authority has established an enforcement protocol with The Gloucestershire Constabulary, Gloucestershire Fire and Rescue Service and other relevant agencies and will liaise with those agencies when appropriate in an effort to avoiding duplication of inspection or enforcement visits.
- 11.3 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Licensing Authority will monitor premises and take any appropriate enforcement action to ensure compliance.
- 11.4 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat.

- 11.5 The Licensing Authority will continue to work with its partner agencies in enforcing the licensing laws and in the inspection of premises to ensure the licensing objectives and licence conditions are met. In particular the Licensing Authority will target its inspection process toward those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.
- 11.6 In undertaking the inspection of licensed premises the Licensing Authority will promote the 'lighter touch' of enforcement through initially designating the following categories of risk weighting:
- i) Public Houses and Night Clubs in Stroud and Dursley town centres – Medium to High Risk (dependant on capacity of the premises and/or history)
 - ii) Public Houses in all other town centres – Low to Medium Risk (dependant on history)
 - iii) All other existing sites, urban or rural within the district – Low Risk (dependant on history)
 - iv) Any site where the primary purpose is serving food, where the sale or supply of alcohol is ancillary – Low Risk (dependant on history)
 - v) New sites not in (a) or (b) above – to be assessed dependant on location and style of operation or operators.
- 11.7 Where a relevant representation has been received by the Licensing Authority from either a responsible authority or an interested party (such as a local residents, or a residents' association) about a new or major variation application or relating to a request for a review, the Licensing Authority would normally encourage the party making the representation to have attempted mediation with the applicant/licence holder in attempts to address, clarify and try to resolve those issues of concern before submitting their representation/request.

REVIEWS OF LICENCES

- 11.8 The Licensing Authority recognises that the ability of any interested party, the police and other responsible Authorities to apply for a review of a premises licence is also an incentive to effective self-regulation.
- 11.9 Where the Licensing Authority's discretion has been engaged following receipt of a relevant request to carry out a review the Licensing Authority has a range of options available to it under the Act including:
- To reject the representation
 - Consider the representation and require no action to be taken
 - Make modification to the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
 - To exclude a licensable activity from the scope of the licence permanently or temporarily)
 - To remove the Designated Premises Supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence

11.10 In determining such reviews the Licensing Authority will seek to establish the cause or causes of concern and any remedial action will be proportionate to and targeted at such causes. In making its determination the Licensing Authority will only impose conditions that are necessary and proportionate for the promotion of the Act's objectives.

Matters to be considered

11.11 When considering the possibility of enforcement action or a request for review the Licensing Authority will take into account all relevant circumstances and will view evidence of the following matters particularly seriously:

- Use of the premises for the use or supply of drugs
- Use of the premises for laundering the proceeds of drugs crimes
- Use of the premises for the sale or distribution of illegal firearms
- Use of the premises for the sale or supply of stolen or counterfeit goods
- Underage purchase and consumption of alcohol
- Use of the premises for prostitution or sale/distribution of unlawful pornography
- Use of the premises for unlawful gaming
- Use of the premises for the organisation of racist, homophobic or sexual abuse or attacks
- Nuisance from noise or smell caused by a failure to install any or inadequate equipment and/or failure to maintain such equipment
- Failure of the licence holder to implement an effective policy to prevent fly posting and to contain or collect litter from flyers or other advertising materials discarded in the vicinity of the premises
- Failure by the licence holder to implement an effective policy to contain or collect litter associated with the premises that is discarded in the vicinity of the premises
- Failure to promptly respond to a warning properly given by the Fire Authority or other competent authority on a matter of public safety at premises.
- Failure to avoid easily avoidable but critical risks, including any obstruction of an escape route to, and if necessary beyond a fire exit. The locking or fastening of fire exit doors during times that premises are open for trade, will be considered an extremely serious failure.
- Any convictions for licensing offences
- Previous failure to comply with licence conditions

UNDERAGE DRINKING

11.12 In seeking to encourage efforts to reduce alcohol-induced problematic behaviour by under 18 year olds the Licensing Authority acknowledges and commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks and will support the enforcement of underage purchase of alcohol and drinking laws when appropriate by encouraging partner agencies in the use of their enforcement powers e.g.

- i) Police exercise of powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street.

- ii) Police and trading standards implementing test purchasing to reduce off licence sales to under 18 year olds and carrying out age challenges to reduce underage drinking in pubs and licensed venues.
- iii) Through the encouragement of further take-up of proof of age schemes e.g The Validate scheme.

FURTHER INFORMATION

Information on the Licensing Act 2003 may be obtained from

Stroud District Council Phone 01453/754440 Email licensing@stroud.gov.uk	The Licensing Section Stroud District Council Council offices Ebley Mill Westward road Stroud GL5 4 UB
Gloucestershire Constabulary Phone 0845/0901234 Email licensing-cotswold&stroud@ gloucestershire.police.uk	The Licensing Officer Stroud Police Station Parliament Street Stroud Glos. GL5 1QQ
Gloucestershire Fire & Rescue Service Phone 01452/753333 Email fire@glosfire.gov.uk	Chief Fire Officer Fire Service HQ Waterwells Drive Quedgeley Gloucester Glos. GL2 2AX
Department for Culture Media & Sport Phone 020 7211 6200 Email enquiries@culture.gov.uk	Department for Culture Media & Sport 2-4 Cockspur Street London SW1Y 5DH

Information relating to the licensing process and application forms may be obtained from the Licensing Section by

Personal visit:

Stroud District Council Offices, Ebley Mill, Westward Road, Stroud.
Please ring first to make an appointment.)

In Writing:

The Licensing Section, Environmental Health Service , Stroud District Council,
Council Offices, Ebley Mill, Westward Road, Stroud, Glos. GL5 4UB

Phone: (01453) 754440

Fax: (01453) 754963

Email: Licensing@stroud.gov.uk

Web: www.stroud.gov.uk

**Stroud District Council's Licensing Policy
TABLE OF DELEGATED FUNCTIONS**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police representation is made	If no Police 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 representation is made
Application for provisional statement		If a relevant representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a relevant representation is made	If no representation is made
Application to vary designated premises supervisor		If a police representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for interim authority		If a police representation is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	
Application for minor variation to premises licence/club premises certificate			All cases including if representation is made
Application by community premises to disapply the mandatory conditions for alcohol on a premises licence		If police objection is made	All other cases

GLOSSARY OF TERMINOLOGY

Club Premises Certificate	A certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members and guests by or on behalf of the club.
Entertainment facilities	Facilities for enabling persons to take part in entertainment, or for purposes which include the purpose, of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
Hot food or hot drink	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.
Interested Party	Defined as: (i) a person living in the vicinity of the premises (ii) a body representing persons who live in that vicinity (iii) a person involved in a business in that vicinity (iv) a body representing persons involved in such businesses.
Licensable activities and qualifying club activities	Defined in the Licensing Act 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

APPENDIX B

Operating Schedule	<p>That part of the application which is prepared by or on behalf of an applicant for a premises licence or club premises certificate that includes the following matters:</p> <ul style="list-style-type: none">• The relevant licensable activities• The times at which licensable activities are to take place and any other times the premises are to be open to the public• Information about the Designated Premises Supervisor• Whether any alcohol sales are on and/or off sales• The steps being taken to promote the licensing objectives
Personal Licence	Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence
Premises	Means any place and includes a vehicle, vessel or moveable structure
Premises Licence	Authorises the premises to be used for one or more licensable activity
Provision of late night refreshment	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
Regulated Entertainment	<p>Defined as:</p> <ul style="list-style-type: none">(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).(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).

Responsible Authority	<p>Defined as:</p> <ul style="list-style-type: none"> the Chief Officer of Police for any Police area in which the premises are situated (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: <ul style="list-style-type: none"> (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) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated (viii) in relation to a vessel: <ul style="list-style-type: none"> (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
Temporary Event	<p>Defined as the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.</p>
Temporary Event Notice	<p>A document giving notice to the Licensing Authority of intention to hold a temporary event.</p>

Licensing Act 2003 – Responsible Authorities

1 Stroud District Council	Licensing Section, Stroud District Council, Ebley Mill, Westward Road, Stroud, GL5 4UB Phone: 01453 754440 Email: licensing@stroud.gov.uk
2 Gloucestershire Constabulary All premises except Hardwicke and Upton St Leonards Wards For premises in Hardwicke and Upton St Leonards Wards	Licensing Officer, Stroud Police Station, Parliament Street, Stroud, Glos. GL5 1QQ Phone: 0845/0901234 Email: licensing-cotswold&stroud@gloucestershire.police.uk Police Licensing Officer, Forest & Gloucester Division Gloucester Police Station, Bearland, Longsmith Street, Gloucester, GL1 2JP
3 Gloucestershire Fire & Rescue Service	Chief Fire Officer Fire Service HQ, Waterwells Drive, Quedgeley Gloucester GL2 2AX Phone: 01452/753333 Email; fire@glosfire.gov.uk
4 Local department with responsibility for Planning	Head of Planning Development Services, Stroud District Council, Ebley Mill, Westward Road, Stroud, Glos, GL5 4UB, Telephone: 01453 754518 e-mail: planning.enquiries@stroud.gov.uk
5 Local department with responsibility for Environmental Pollution	Environmental Protection Manager Environmental Health, Stroud District Council, Ebley Mill, Westward Road, Stroud, Glos, GL5 4UB Phone: 01453 754478 Fax: 01453 754963 e-mail: environmental.health@stroud.gov.uk
6 Local department with responsibility for Health & Safety	Mr Phil Park Environmental Health, Stroud District Council, Ebley Mill, Westward Road, Stroud, Glos, GL5 4UB Phone: 01453 754478 Fax: 01453 754963 e-mail: environmental.health@stroud.gov.uk
7 Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Gloucestershire County Council, 63 Lansdown Road Cheltenham, Glos, GL51 6QD Phone : 01452 583636 e.mail: duncan.siret@gloucestershire.gov.uk
8 Trading Standards	Gloucestershire County Council, Trading Standards, Hillfield House, Denmark Road, Gloucester GL1 3LD Phone: 01452 426201 e-mail: tradstds@gloucestershire.gov.uk

REFERENCE SOURCES

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

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



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

- ❖ Managing Crowds Safely.



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

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



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

- ❖ The Guide to Safety at Sports Grounds ('The Green Guide') - ISBN **0113410018** - published by the [The Stationary Office](#).
- ❖ Safety Guidance for Street Arts, Carnival, and Large Scale Performances.