

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday, 1 June 2021

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber, at the Council Offices, Trinity Road, Cirencester on **Wednesday, 9 June 2021 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Sue Jepson, Julia Judd, Juliet Layton, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Substitute Members**
To note details of any substitution arrangements in place for the meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 12)**
To confirm the minutes of the meeting of the Committee held on 12 May 2021.
5. **Chair's Announcements (if any)**
6. **Gambling Act 2005 Statement of Principles (Policy) Review 2021 (Pages 13 - 88)**
The report details the statutory requirement to review the current Policy and provides the Committee with a draft document for consultation.
7. **Licensing Act 2003 - Review of the Statement of Licensing Policy (Pages 89 - 124)**
The report details the proposed revisions to the Council's Statement of Licensing Policy (Licensing Act 2003), based on legislative requirements and statutory guidance.
8. **Schedule of Applications (Pages 125 - 172)**
To consider and determine the applications contained within the enclosed schedule:

Application No:	Description:	Ward Councillor(s):	Case Officer:
21/01393/FUL	Replacement of the existing 15m lattice tower (17.6m to the top of antennas) with a new 24m lattice tower (top of antennas), accommodating 6no. antennas, 1no. microwave dish, the replacement of 1no. equipment cabinet, along with ancillary works at Communications Site at Haymead Covert, Boxwell Farm,	Councillor Richard Morgan	Martin Perks

	Leighterton.		
21/00616/FUL	Installation of external wall insulation to No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power, GL54 5TY	Councillor Richard Keeling	David Ditchett
21/00617/FUL	Installation of external wall insulation to No. 3 & 5 Pear Tree Close, Lower Swell GL54 1JA	Councillor Dilys Neill	David Ditchett

9. **Sites Inspection Briefing (Members for Wednesday 30 June 2021)**
Members for Wednesday 30 June 2021 (if required)

Councillors Ray Brassington, Stephen Hirst, Juliet Layton, Andrew Maclean and Clive Webster.

10. **Licensing Sub-Committee (Members for Wednesday 21 July 2021)**
Members for Wednesday 21 July 2021 (if required)

Councillors Ray Brassington, Stephen Hirst, Andrew Maclean, Steve Trotter and Gary Selwyn.

(END)

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COTSWOLD
DISTRICT COUNCIL

Planning and Licensing Committee
12 May 2021

Minutes of a meeting of Planning and Licensing Committee held on 12 May 2021

In accordance with relevant legislation, these minutes are a record of decisions taken. They are not intended to be a verbatim account of the meeting. A full recording of the meeting can be accessed at www.cotswold.gov.uk.

Councillors present:

Juliet Layton - Chair

Ray Brassington - Vice-Chair

Patrick Coleman

Stephen Hirst

Roly Hughes

Nikki Ind

Sue Jepson

Julia Judd

Andrew Maclean

Gary Selwyn

Clive Webster

Observers:

Lisa Spivey (until 1.20pm)

Officers present:

Team Leader - Development Management

Interim Head of Legal Services

Conservation and Design Consultant

Gloucestershire Highways Officer

Senior Case Officers

Case Officer

Planning Technician

Democratic Services

PL.118 Apologies had been received from Councillors Ind and Neill.

PL.119 Substitute Members

Councillor Maclean substituted for Councillor Ind.

Councillor Hughes substituted for Councillor Neill.

PL.120 Declarations of Interest

There were no declarations of interest from Members or Officers.

PL.121 Minutes

RESOLVED that the Minutes of the Meeting of the Committee held on 14 April 2021 be approved as a correct record.

Record of Voting - for 9, against 0, abstention 2, absent 0.

PL.122 Chair's Announcements

The Chair advised the Committee of the appropriate procedure to ensure a Covid-safe meeting within the Council Chamber and on the operation of the new microphones and webcasting system.

PL.123 Schedule of Applications

21/00836/FUL

Demolition of existing rear extensions and erection of two storey and single storey extensions to rear and addition of porch to front at 4 London Road, Ampney Crucis, Cirencester, GL7 5RS

The Case Officer drew attention to additional information and then displayed a map of the site, existing elevations and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Agent.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. She explained that the property was not currently the most beautiful in design but was required to be determined by the Committee in the fairness of balance.

In response to various questions it was reported that the Conservation Officer considered the building was of historic interest and typical in its design but was not considered to be of significance to warrant listing or as a non-designated heritage asset having regard to Local Plan Policy EN12; the application property and neighbouring property were believed to have been built at the same time, but Officers could not confirm if the properties had been connected historically; Officers considered that the proposals did not represent over-development of the site; there was no current policy which required energy efficiency, but this was being reviewed within the Local Plan review and the application's proposals had to meet and pass the relevant policies, which Officers considered it did.

A Member commented that there were benefits arising from the application, particularly in relation to the addition of a porch and the use of natural stone walling.

Another Member commented that he considered the design still fell short of what should be expected within a conservation area.

A Proposition, that the application be approved, was duly Seconded.

The Ward Member was invited to address the Committee again but advised she had no further comments to make.

Approved, as recommended.

Record of Voting - for 10, against 1, abstention 0, absent 0.

20/02709/FUL

Change of use of a residential garage to a holiday let and associated external alterations at Garage 15 Main Street, Coln St Aldwyns, GL7 5AN

The Case Officer drew attention to additional information and then displayed a site location plan, existing block plans, elevations and photographs of the site from various vantage points.

A representative from the Parish Council, an Objector and the Agent were then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was not present at the meeting.

In response to various questions it was reported that there was a further property behind the site which would be overlooked and hence the request from Officers for the proposed windows to be glazed, in addition to the top part of the garage doors; the 22-metre distance ruling did not apply to front windows, but Officers had considered the possible amenity impact, which Officers did not consider would be significant; there was space for two cars to park in front of the existing garage space on private land; the harm from parking in the area surrounding the site was considered to be historic; Officers did not consider the garages were actively used for the parking of vehicles; Highway Officers estimated parking was available for approximately 20 vehicles on the street and the harm of parking was not considered to be severe and to therefore warrant refusal; there was no requirement for holiday let providers to provide outside amenity for guests; if the opacity of the windows was not sufficient this would be considered to be a breach of condition; the property was not considered by Officers to be suitable for use as a permanent dwelling as was below minimum space standards and did not have outside space amenity; the onus was on the Applicant to ensure conditions were complied with; the Committee could approve planning permission, but the proposals would need to meet Building Regulations and if not, the permission could not be fulfilled; the internal space standards for the residential use of the building were considered to be more flexible as the property would not be in permanent occupation; building space standards, nevertheless, applied regardless of tenure, which was a material planning consideration; electric vehicle charging points and cycle storage were not standard requirements but could be requested by the Committee and waste would be dealt with via domestic residential collections.

A Member commented that he was supportive of the option of having dedicated bin storage and raised concern that tenancy regularly changing could lead to issues of excessive waste building up at the site.

Another Member commented that he considered insulating the building to modern standards would lose approximately three square feet from the property's size.

A different Member explained that he considered the application should be refused due to the impact of additional holiday accommodation on the village. He added that he also considered the proposals failed to satisfy amendable space standards and that the proposals would also not enhance the conservation area. It was also considered that the loss of privacy should be added to the reasons for refusal.

A Proposition, that the application be refused, was duly Seconded.

Refused on grounds of i) inappropriateness of building and for conversion to proposed use causing harm to amenity and character & appearance of Conservation Area, and ii) harm to the vitality of the settlement by a further unit of holiday let accommodation.

Record of Voting - for 11, against 0, abstention 0, absent 0.

Note:

The reason was contrary to the Officer's recommendation for the reasons outlined above.

21/00301/FUL

Conversion to ancillary accommodation at Ampneyfield Farm, Ampney Crucis, Cirencester, GL7 5EA

The Case Officer reminded the Committee of the location of the site and then displayed an aerial photograph and location plan, proposed plans, survey and photographs of the site from various vantage points.

A representative from the Parish Council was then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. She explained that she considered it was important that concerns raised by the Parish Council were addressed by the Committee's deliberation, particularly in relation to windows and the conservation of the barn.

In response to various questions it was reported that if the Applicant wished to turn the property into a holiday let, this would require a further planning application and the proposals would need to be considered on its merits; there was a further barn located to the south west of the application site; there was no indication from the Applicant that the application had been submitted in the intention of using the property as a short term holiday let; the historic core of the building was considered to be pre-1750; Conservation Officers considered the proposed storage use for the building was an ideal, non-intensive use that ensured the preservation of the barn and Planning and Conservation Officers would be responsible for ensuring that if permission was granted, the historic elements of the building remained protected; the barn doors were not considered to be historic.

A Proposition that the application be approved, was duly Seconded.

The Ward Member was invited to address the Committee again but advised she had no further comments to make.

Approved, as recommended.

Record of Voting - for 11, against 0, abstention 0, absent 0.

21/00302/LBC

Conversion to ancillary accommodation at Ampneyfield Farm, Ampney Crucis, Cirencester, GL7 5EA

The Case Officer had no further comments to make on the application in addition to those made under the previous item.

A representative from the Parish Council was invited to address the Committee.

The Ward Member did not wish to make any further comments.

A Proposition, that the application be approved, was duly Seconded.

In response to a specific Member's question, Officers reported that any windows proposed for the application site were not considered to be characteristic for the building.

Approved, as recommended.

Record of Voting - for 11, against 0, abstention 0, absent 0.

20/04402/FUL

Single storey side and rear extensions, new porch, and associated ancillary development, and detached double garage at Kernow, Ampney Crucis, Cirencester, GL7 5SA

The Case Officer reminded the Committee of the location of the site and then displayed a map, existing and proposed site plans, existing and proposed elevations and photographs of the site from various vantage points. The Case Officer also advised of an error within the report, which referred to 'town' as opposed to 'parish' council.

A representative from the Parish Council and the Agent were then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. She commented that she considered the property was not intended to be of a vintage style when constructed in the 1970s and that a Methodist chapel that previously occupied the site had been removed in the 1990s. The Ward Member added that she considered the Committee was required to balance whether the proposed garage would be detrimental to the conservation area, despite Kernow itself not being located within the conservation area. She concluded that the property was in a prominent position and the proposals required careful balancing when considering their possible impact.

In response to various questions from Members it was reported that Officers had discussed demolition of the property with the Applicant but this option had not been supported by the Applicant; the garage was considered to be more prominent than Kernow itself; the proposal drawings specified natural or reconstituted stone; granting partial permission for the proposals excluding the garage was not considered appropriate by Officers as the Committee should consider determining the application in its entirety and if any part warranted refusal due to harm, then no

permission should be granted; the installation of a car port had not been considered by Officers; Officers had received a copy of the Construction Management Plan, the logistics of which were required to be provided by the Applicant; the requirement to install an electric vehicle charging point within the garage was for Members to consider if they felt reasonable and necessary to include; Members should not consider the quantum of the CIL contribution when determining any application and Officers were not aware of any proposed external lighting included within the proposals for the garage.

A Member commented that he considered that the Committee's role was to not discourage applicants from making and submitting applications and therefore expressed that he supported approval of the application.

A Proposition, that the application be approved, was duly Seconded.

Various Members commented regarding the difference and suitability of natural and reconstituted stone for the construction, if the Committee were minded to approve the application. The Chair highlighted to the Committee that the Applicant had offered to construct the buildings in natural stone as a first choice, so therefore this statement should be accepted by the Committee.

A Member requested that a condition be added to the Proposition to approve the application, that the buildings be constructed in natural stone and with a requirement for a vehicle charging point to be provided at the site to assist mitigation of the garage.

On being put to the vote, the Amendment was SUPPORTED, The record of voting was as follows:-

For 8, against 1, abstentions 2, absent 0.

The Ward Member was invited to address the Committee again. In doing so, she explained that if the Committee were in any doubt as to the suitability of the proposals, then the Committee should be minded to undertake a Sites Inspection Briefing. She added that if the Committee were looking to approve the application, then the Applicant should be encouraged to work with the neighbours and local community to minimise any disruption.

Approved, as recommended, with additional conditions to i) ensure use of natural stone walling for garage and ii) require the provision of electric vehicle charging point.

Record of Voting - for 11, against 0, abstention 0, absent 0.

21/00646/FUL

Erection of an agricultural livestock barn at Church Farm, Little Rissington, GL54 2ND

The Case Officer reminded the Committee of the location of the site and then displayed an aerial photograph and map of the site, site plan, proposed elevations and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Agent and an Objector.

The Ward Member, who was serving on the Committee as a Substitute, was then invited to address the Committee. He explained that there had been a large amount of public response to the application and advised that the Committee had previously approved an application for the site to convert the existing barns into 8 houses, though the work for which had not yet been started by the Applicant. He added that the Parish Council were concerned in relation to the volume of traffic that would use the access roads, but that the current application for farm use would not increase this volume greatly. The Ward Member concluded that the barns were still being used for agricultural purposes and therefore the Committee should support the application.

In response to various questions from Members it was reported that the application had been presented to the Committee in accordance with the current Protocol and Scheme of Delegation which stated that if issues raised relating to an application could not, in the opinion of the Senior Officer responsible for Planning, be resolved by condition or negotiation, then it should be presented to the Committee for decision. The application was required due to the barn being used for the keeping of livestock and being situated 400 yards from nearby dwellings, which were not the main farmhouse.

A Proposition, that the application be approved, was duly Seconded.

The Ward Member was invited to address the Committee again but advised he had no further comments to make.

Approved, as recommended.

Record of Voting - for 9, against 1, abstention 1, absent 0.

(i) Additional Representations

Lists setting out details of additional representations received since the Schedule of planning applications had been prepared were considered in conjunction with the related planning applications.

(ii) Public Submissions

Public submissions were made or read to the Committee as follows:-

21/00836/FUL)	Gareth Hughes (Agent)
20/02709/FUL)	Clare Brignall (Parish Council)
)	Raymond Michael (Objector)
)	Kath Slater (Agent)
20/00402/FUL)	Andrew Pywell (Agent)
21/00646/FUL)	Archie Bell (Objector)

) Duncan Macleod (Agent)

PL.124 Sites Inspection Briefings (Members for Wednesday 2 June 2021)

It was noted that Members for the Sites Inspection Briefing on 2 June 2021 (if required) would be confirmed following the appointment of the Committee for Council Year 2021-22 at the Annual Council Meeting taking place on 26 May 2021.

PL.125 Licensing Sub-Committees (Members for Wednesday 23 June 2021)

It was noted that Members for the Licensing Sub-Committee on 23 June 2021 (if required) would be confirmed following the appointment of the Committee for Council Year 2021-22 at the Annual Council Meeting taking place on 26 May 2021.

It was also noted that Councillors Hirst, Judd, Layton, Neill and Webster would represent the Committee at the virtual Licensing Sub-Committee meeting on 19 May 2021.

PL.126 Other Business


There was no other business.

The Meeting commenced at 10.00am and closed at 1.40pm.

Chair

(END)

Agenda Item 6

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>PLANNING AND LICENSING COMMITTEE - 9 JUNE 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 6</p>
<p>Subject</p>	<p>GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY) REVIEW 2021</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Andrew Doherty Cabinet Member for Waste, Flooding and Environmental Health Email: andrew.doherty@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Tel: 01285 623000 Email: michelle.bignell@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>The report details the statutory requirement to review the current Policy and provides the Committee with a draft document for consultation.</p>
<p>Annexes</p>	<p>Annex A – Copy of draft Statement of Principles Annex B – Copy of current Statement of Principles</p>
<p>Recommendation/s</p>	<p>a) That the Committee considers the draft Statement of Principles at Annex A; and b) that, subject to any further amendments, a consultation exercise to seek the views of the trade and relevant stakeholders on the revised Policy be approved.</p>
<p>Corporate priorities</p>	<p>Ensure that services delivered by the Council are delivered to the highest standard</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>A 12-week consultation will follow – see paragraph Error! Reference source not found.</p>

I. BACKGROUND

- 1.1. The Council is the Licensing Authority for the purposes of “the Act” (Gambling Act 2005).
- 1.2. The Act sets out the regulatory system that governs the provision of all gambling in Great Britain, other than the National Lottery. The Act requires the Council to prepare a Statement that it proposes to apply in exercising its functions under the Act.
- 1.3. The Statement is a Licensing Policy, which sets out the general approach the Council will take when carrying out its regulatory role under the Act.
- 1.4. As of September 2007, Licensing Authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and clubs and Miners Welfare Institutes.
- 1.5. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
 - Preventing gambling from being a source of Crime and Disorder.
 - Ensuring that gambling is conducted in a fair and open way and;
 - Protect children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6. Section 349 of the Act requires the Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. This should be kept under review and must be re-published every three years.
- 1.7. The current Statement of Principles is due to expire in January 2022 and a new Statement of Principles must be in place by 31 January 2022.

2. MAIN POINTS

Draft Policy Document

- 2.1. As the legislation and statutory guidance have remained unchanged, there have been no major changes to the draft policy at Annex A. The only changes made are the removal of a reference to shared partnership working so that the draft document is solely for Cotswold District Council.

Gambling Commission Guidance to Local Authorities

- 2.2. The Gambling Commission publishes Guidance to Local Authorities and this is revised on a regular basis.
- 2.3. The review consultation was carried under the fourth edition of the Guidance published on 1 April 2021.

Consultation

It is proposed to carry out a full consultation for a period of 12 weeks. Comments will be reported back to the Licensing Committee later in 2021 for consideration and recommendation to the October Council meeting.

- 2.4. Licensing will consult with:
- All current licence holders
 - Ward members
 - Town/Parish Councils
 - Authorities e.g. Gloucestershire Police
 - Any other relevant parties e.g. GamCare
 - The review will be published on the Council's website

3. FINANCIAL IMPLICATIONS

- 3.1. None

4. LEGAL IMPLICATIONS

- 4.1. Should the Licensing Authority fail to carry out a review it will fail to meet its statutory obligations.

5. CLIMATE CHANGE IMPLICATIONS

- 5.1. There are no implications arising from this report.

6. ALTERNATIVE OPTIONS

- 6.1. None

7. BACKGROUND PAPERS

- 7.1. Gambling Commission's Guidance to Licensing Authorities April 2021.

(END)

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Gambling Act 2005

Statement of Principles

**This Statement of Principles applies
from 31 Jan 2022**

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GLOSSARY

Council	Cotswold District Council
Guidance	The Gambling Commission’s “Guidance to Licensing Authorities” Latest edition
Licensing Authority	The Licensing Authority of Cotswold District Council
The 2005 Act	Gambling Act 2005
The 2003 Act	Licensing Act 2003

PART A: GENERAL MATTERS

I. The Licensing Objectives

The Gambling Act 2005 (“the Act”) requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

2. Introduction

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2022 and will continue until 30 January 2025. It must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

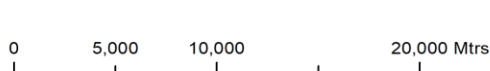
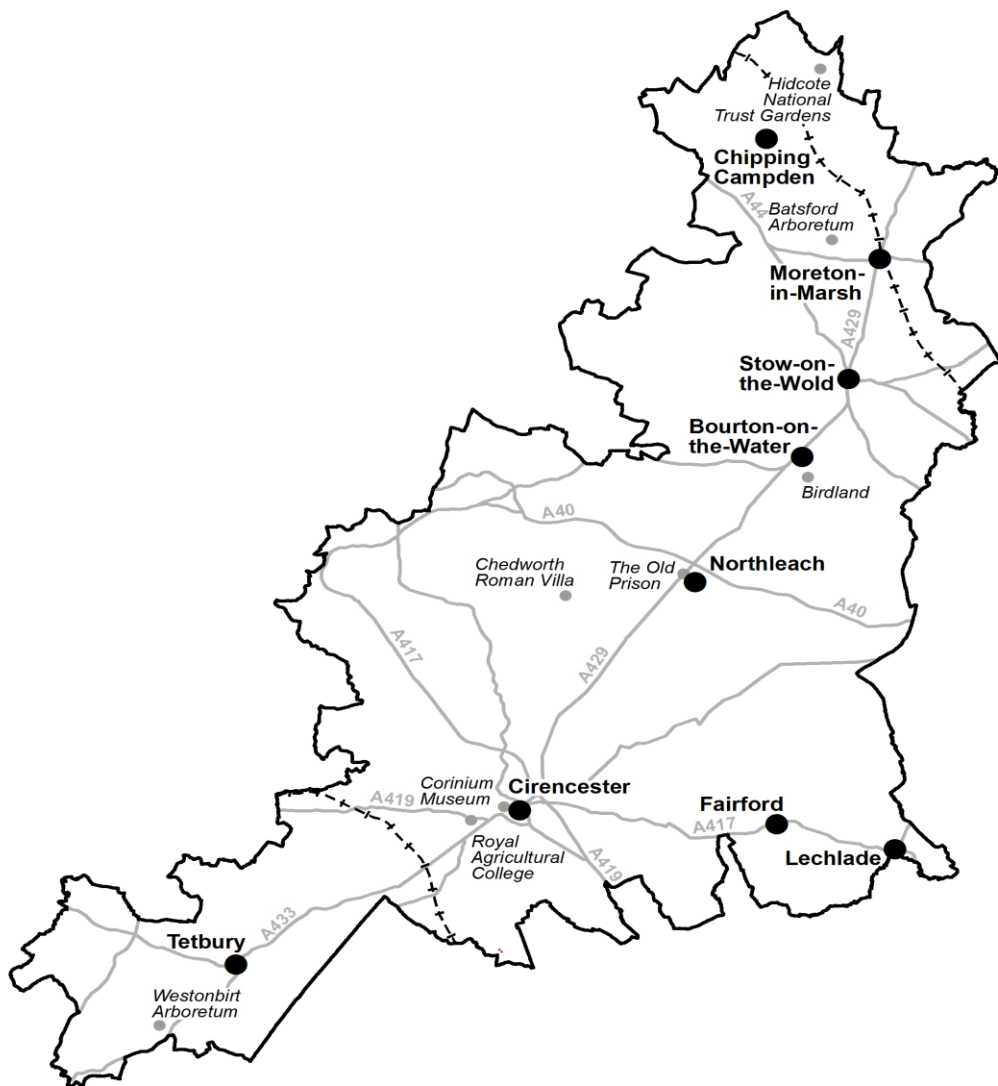
This document was approved by Full Council on TBC.

3. The Local Areas

3.1 The Cotswold District

The Authority is one of six district Councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns, Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury. It has a population of 85,000 with a strong economy and one of the lowest unemployment rates in the country. Tourism plays a major role in the district's economy, and the industry is worth over £1 billion across the Cotswolds Tourism area. A map of the area [450 sq miles] is shown below:

COTSWOLD DISTRICT



Scale: NTS @ A4
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Ordnance Survey, LA No. 100018800

4. Consultees

The 2005 Act requires each Licensing Authority to consult the following parties:

- the chief officer of police for the authority's area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- Gloucestershire Police
- County Safeguarding Children Board
- Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority
- Environmental Health department
- Fire Service
- Consultation took place from 5 July to 26 September 2021

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

5. Declaration

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, Guidance, and any responses from those consulted on the policy statement.

6. Effective period

This Statement of Principles becomes effective on 31 January 2019.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) unless replaced sooner by a revised version that the Council adopts. At the date of publication, this licensing policy is expected to last until 30 Jan 2025.

7. Responsible Authorities

7.1 Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Guidance the Licensing Authority has designated the County Safeguarding Children Board for this purpose.

7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)”

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19 (*if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

9. Information Exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

10. Enforcement

Licensing authorities are required by Regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

11. Functions under the 2005 Act

11.1 Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

11.2 Others' functions

Spread betting is regulated by The Financial Services Authority.

The National Lottery is regulated by The National Lottery Commission.

PART B: PREMISES LICENCES

1. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

Premises licences will be subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2. Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;
an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or
has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

3. Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- locations where children may congregate such as bus stops, cafes, shops etc
- areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc;
- the demographics of the area in relation to vulnerable groups;
- local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics or help centres
- other facilities in the proximity such as other gambling outlets, banks, public houses etc
- proximity to places where alcohol and drug dependant persons may congregate
- whether the premises is in an area subject to high levels of crime and/or disorder.
- known problems in the area such as those arising from street drinkers, and drug dealing activities etc
- policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken, the layout of the premises so that staff have unobstructed view of customers, location of CCTV and numbers of staff available at the premises at any one time.
- records held of the numbers of self exclusions, and underage refusals at the premises
- results of any in house underage test purchasing at the premises

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities
- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to

locate it for inspection on request by a Police Officer or an Authorised Officer of the Local Authority or the Gambling Commission

4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

5. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the Licensing Authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Licensing Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. This could include the moving of gaming machines which impacts on the line of sight for staff.

6. Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

In determining an application this Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

7. Other Mechanisms to address unruly behaviour

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;

- The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

8. Location

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics , help centres etc

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

9. Primary Activity

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Gambling Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

10. Meaning of "Premises"

In the Act, "premises" is defined as including "any place". Section 152 therefore, prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are

artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: “Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.”

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority will take account of the Guidance in Part 7 which details the relevant access provisions for each premises type. These include

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per para 7.24 Guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

11. Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Guidance.

12. Planning

The Guidance to Licensing Authorities states in Part 7:

“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.

This Authority will not take into account irrelevant matters as per the Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

13. Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

14. Licensing Objectives

14.1 Prevention of crime and disorder objective

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is, therefore, expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

14.2 Ensuring that gambling is conducted in a fair and open way objective

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

14.3 Protection of children and other vulnerable persons objective

Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with the County's Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

14.4 Vulnerable Persons

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.”

14.5 Door Supervisors

The Guidance advises that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

14.6 Adult Gaming Centres

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

14.7 (Licensed) Family Entertainment Centres:

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

This Licensing Authority will, in accordance with the Guidance, refer to the Commission’s website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

14.8 Casinos

There are currently no casinos operating within the District.

At present this Licensing Authority has passed a resolution not to issue casino premises licences generally in the District. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, revoke that resolution. Any such revocation would be made by the Full Council and this Statement of Principles would be updated.

14.9 Bingo Premises

The Guidance in Part 18 states:

“Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas”.

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular, that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Guidance states:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

14.10 Betting Premises

Betting machines – This Licensing Authority will, in accordance with the Gambling Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

14.11 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines –

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

b) Betting machines –

This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

c) Applications and plans -

The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance, Part 20).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance, Part 20)

14.12 Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

14.13 Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement;
- stage, or
- they reflect a change in the applicant's circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

14.14 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;

- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

14.15 Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

I. Unlicensed Family Entertainment Centre gaming machine permits

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted.

2. (Alcohol) Licensed Premises - Gaming Machine Permits

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the Codes of Practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to The Licensing Authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Act 2003 states that a Licensing Authority can decide to prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs,. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a Code of Practice regarding the location and operation of gaming machines.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centers and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

7. Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months
- after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is

for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
by, or on behalf of, a charity or for charitable purposes
to enable participation in, or support of, sporting, athletic or cultural activities.
Charities and community groups should contact this Licensing Authority for further advice.

APPENDICES

Appendix 1 – Licensing Authority delegations for Cotswold District

Appendix 2 – Responsible Authorities

Appendix I – Licensing Authority delegations – Cotswold District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers
Licensing policy	X			
Policy not to issue casino premises licences	X			
Fee Setting – when appropriate				X (to be approved by Cabinet)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				X (in consultation with the Head of Legal and Democratic Services)
Review of a premises licence		X		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X		
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice				X

Appendix 2 - Responsible Authorities

The Responsible Authorities under the 2005 Act and their contact details are as follows.

Responsible Authority	Address	Telephone number and email address
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 licensing@gloucestershire.pnn.police.uk
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 fire.safety@glosfire.gov.uk
Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Room 128, 1st Floor, Block 4 Shire Hall Westgate Street Gloucester GL1 2TG	01452 583629 mail@gscb.org.uk
Environmental Services -Public Protection	Operations Team Environmental and Regulatory Services Cotswold District Council Trinity Road Cirencester GL7 1PX	01285 623000 ers@publicagroup.uk
Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000 planning@cotswold.gov.uk
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	publichealth@gloucestershire.gov.uk

Gambling Act 2005 Statement of Principles

This Statement of Principles applies from 31 Jan 2019
until 30 Jan 2022 (unless revised sooner)



COTSWOLD
DISTRICT COUNCIL



WEST OXFORDSHIRE
DISTRICT COUNCIL



Forest of Dean
DISTRICT COUNCIL

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GLOSSARY

Councils	Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council collectively
GC Guidance	The Gambling Commission's "Guidance to Licensing Authorities" Latest edition
Licensing Authority	The Licensing Authority of Cotswold District Council, Forest of Dean District Council or West Oxfordshire District Council
The 2005 Act	Gambling Act 2005
The 2003 Act	Licensing Act 2003

Part A: General Matters

I. The Licensing Objectives

The Gambling Act 2005 (“the Act”) requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

2. Introduction

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2019 and will continue until 30 January 2022. It must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

This Statement of Principles has been prepared by officers of Publica Group (Support) Limited who work on behalf of Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council.

The Statement of Principles covers each of the Council areas. Where this policy refers to the ‘Licensing Authority’ this relates to the Council area in which the gambling activity is located.

This document was approved by Full Council on the following dates:

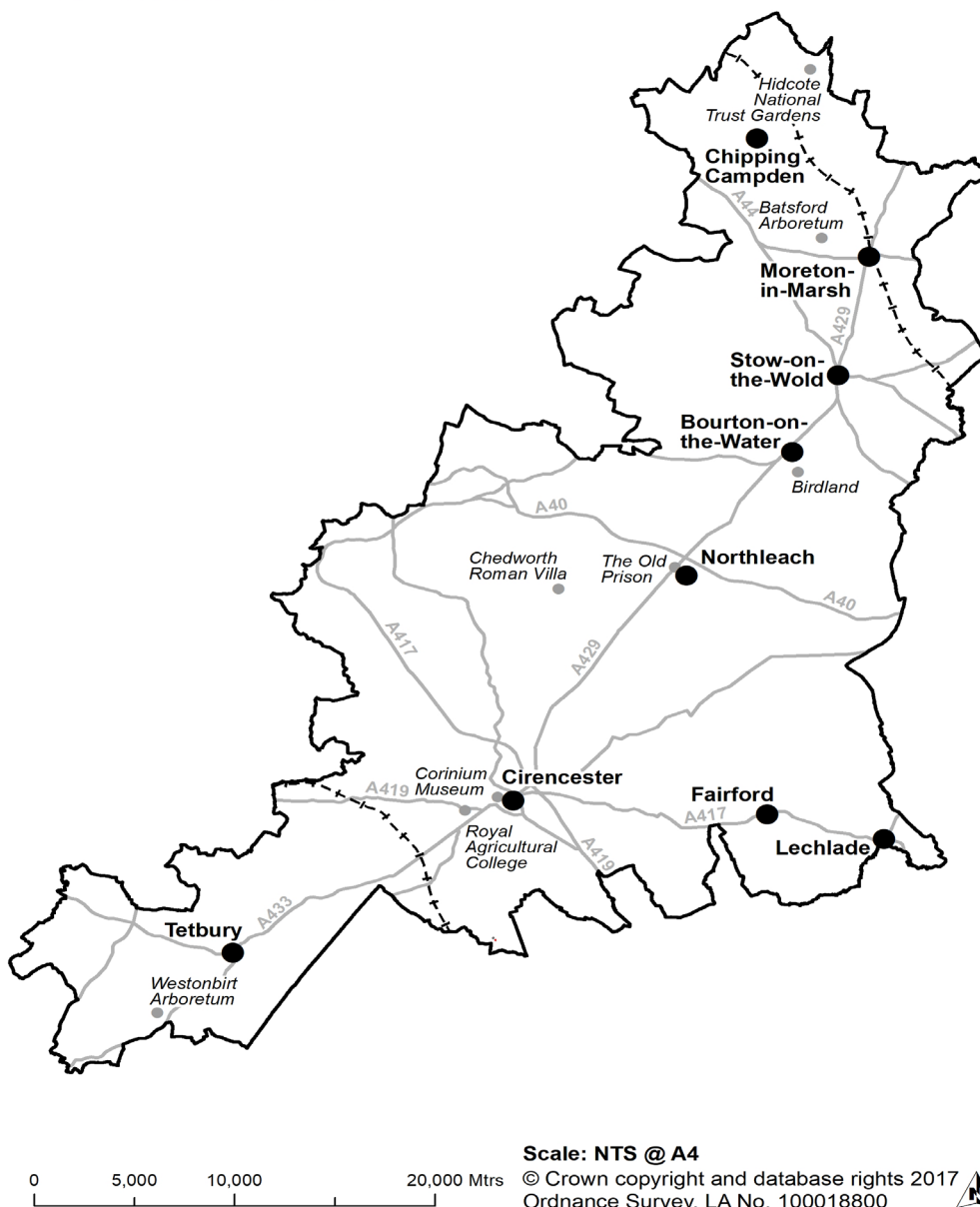
Cotswold District Council	11th December 2018
Forest of Dean District Council	18th October 2018
West Oxfordshire District Council	24th October 2018

3. The Local Areas

3.1 The Cotswold District

The Authority is one of six district Councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns, Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury. It has a population of 85,000 with a strong economy and one of the lowest unemployment rates in the country. Tourism plays a major role in the district's economy, and the industry is worth over £1 billion across the Cotswolds Tourism area. A map of the area [450 sq miles] is shown below:

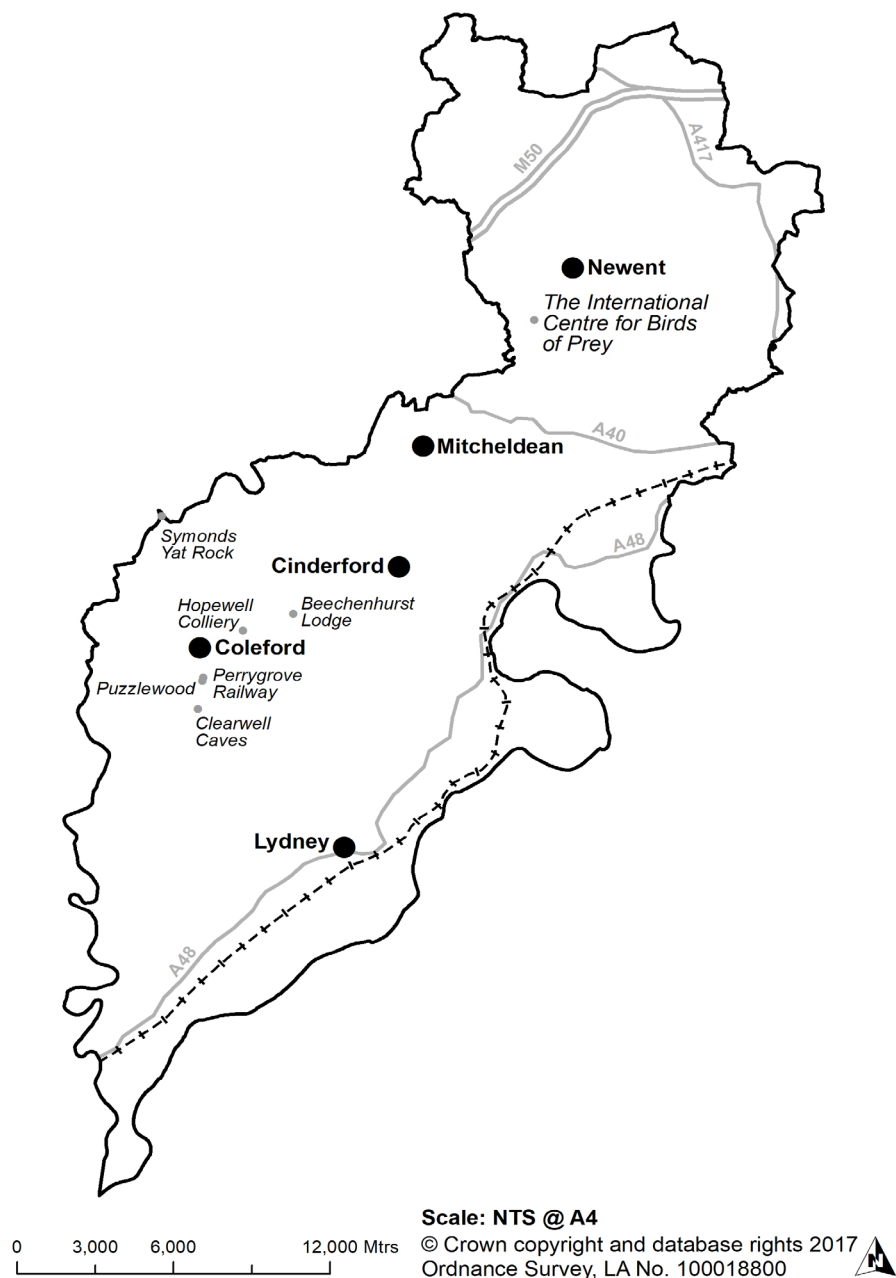
COTSWOLD DISTRICT



3.2 The Forest of Dean District

The Forest of Dean is one of six district Councils within Gloucestershire. It is rural in nature and made up of four major towns of Coleford, Lydney, Cinderford and Newent which are all surrounded by numerous villages, with the remainder of the district comprising of wooded areas, farmland and open space. The main industry is manufacturing and primarily industrial with many light engineering firms. It has a population of 85,000.

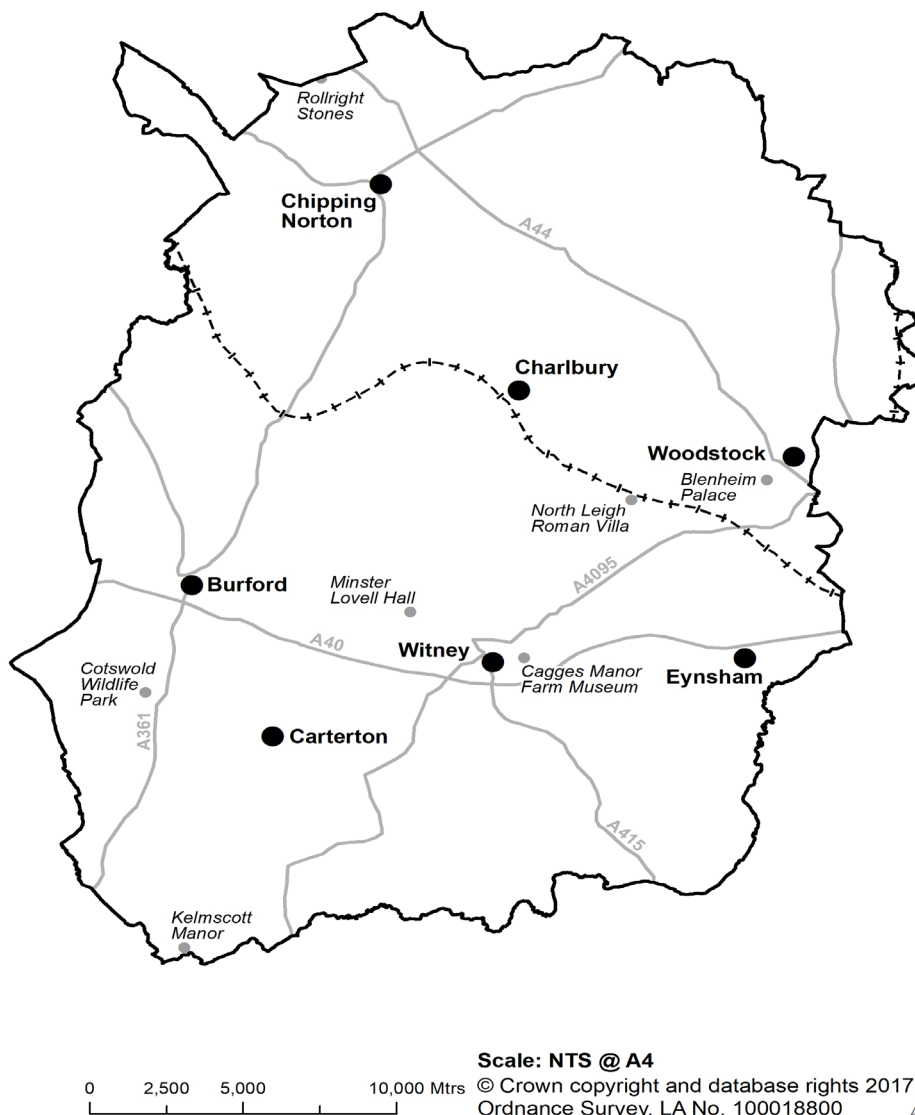
FOREST OF DEAN DISTRICT



3.3 The West Oxfordshire District

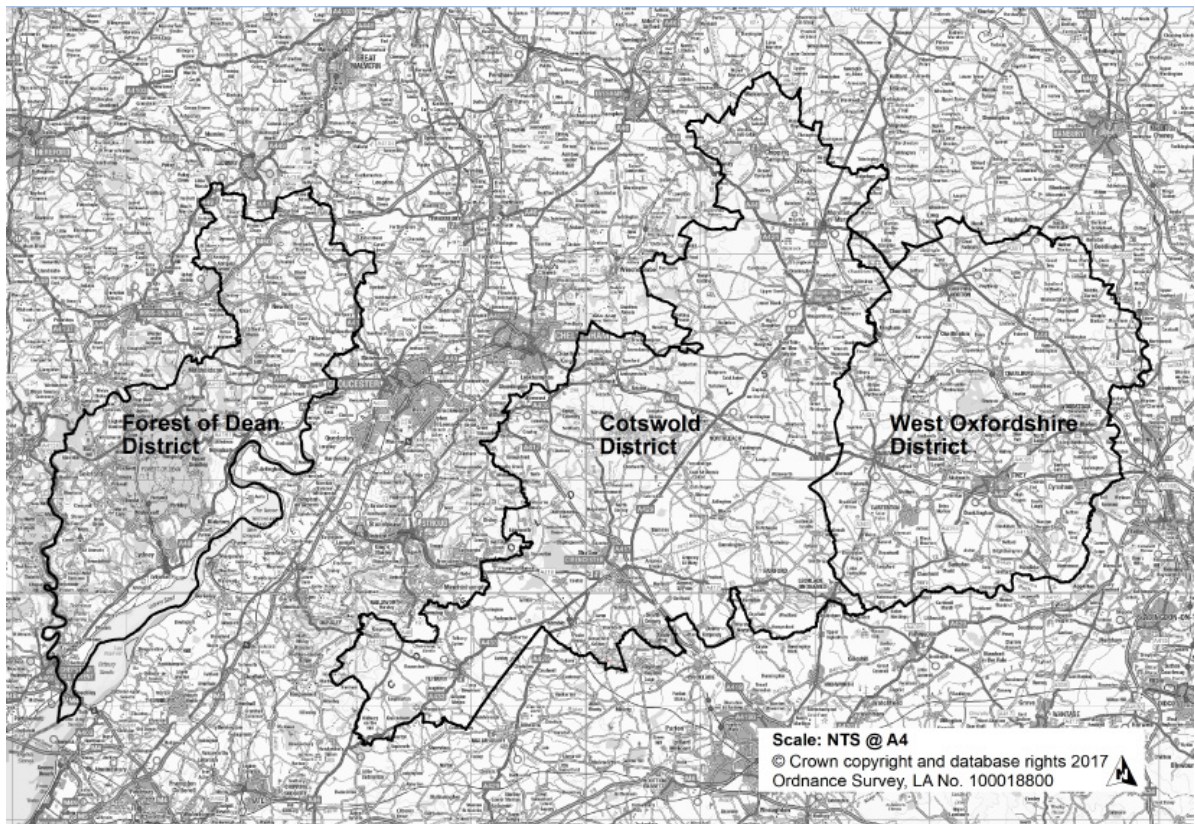
West Oxfordshire has a rich architectural and historic heritage ranging from the Cotswold stone houses to the splendour of Blenheim Palace, a World Heritage Site. The business sector is made up of a mixture of 'high technology' small and medium enterprises. The area faces no major social problems and crime figures are amongst the lowest in the country. It is a rural district covering 714 km² with a population of 105,000 and is spread across 83 parishes. Situated in a prime central location, there are excellent communications to most parts of the country via the A40/M40 and the A34. There are railway stations at Charlbury, Hanborough and Kingham with regular services to London and Birmingham.

WEST OXFORDSHIRE DISTRICT



3.4 The Three Districts

A map showing the location of the three Districts in relation to each other:



4. Consultees

The 2005 Act requires each Licensing Authority to consult the following parties:

- the chief officer of police for the authority's area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- The relevant Police force (Gloucestershire and Thames Valley Police)
- County Safeguarding Children Board
- Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority

- Environmental Health department for each Local Authority
- Fire Service
- Consultation took place from 21 May 2018 to 10 August 2018.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

5. Declaration

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, GC Guidance, and any responses from those consulted on the policy statement.

6. Effective period

This Statement of Principles becomes effective on 31 January 2019.

7. Responsible Authorities

7.1 Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the GC Guidance the Licensing Authority has designated the County Safeguarding Children Board for this purpose.

7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)”

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19 (if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)). It will also consider the Gambling Commission's Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

9. Information Exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

10. Enforcement

Licensing authorities are required by Regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

11. Functions under the 2005 Act

11.1 Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities the following functions:

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits

- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

11.2 Others' functions

Spread betting is regulated by The Financial Services Authority.
The National Lottery is regulated by The National Lottery Commission.

Part B: Premises Licences

I. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

Premises licences will be subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2. Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds; an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

3. Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- locations where children may congregate such as bus stops, cafes, shops etc
- areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc;
- the demographics of the area in relation to vulnerable groups;
- local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics or help centres
- other facilities in the proximity such as other gambling outlets, banks, public houses etc
- proximity to places where alcohol and drug dependant persons may congregate
- whether the premises is in an area subject to high levels of crime and/or disorder.
- known problems in the area such as those arising from street drinkers, and drug dealing activities etc
- policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken, the layout of the premises so that staff have unobstructed view of customers, location of CCTV and numbers of staff available at the premises at any one time.
- records held of the numbers of self exclusions, and underage refusals at the premises
- results of any in house underage test purchasing at the premises

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities

- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of the Local Authority or the Gambling Commission.

4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

5. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the Licensing Authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Licensing Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. This could include the moving of gaming machines which impacts on the line of sight for staff.

6. Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

In determining an application this Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

7. Other Mechanisms to address unruly behaviour

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

8. Location

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics , help centres etc

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

9. Primary Activity

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Gambling Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

10. Meaning of "Premises"

In the Act, "premises" is defined as including "any place". Section 152 therefore, prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow

large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: "Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority will take account of the Guidance in Part 7 which details the relevant access provisions for each premises type. These include

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per para 7.24 Guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

11. Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Guidance.

12. Planning

The Guidance to Licensing Authorities states in Part 7:

“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.

This Authority will not take into account irrelevant matters as per the Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

13. Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

14. Licensing Objectives

14.1 Prevention of crime and disorder objective

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is, therefore, expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

14.2 Ensuring that gambling is conducted in a fair and open way objective

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

14.3 Protection of children and other vulnerable persons objective

Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with the County's Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

14.4 Vulnerable Persons

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/ written statements should be attached to the application.”

14.5 Door Supervisors

The Guidance advises that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

14.6 Adult Gaming Centres

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.7 (Licensed) Family Entertainment Centres:

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

This Licensing Authority will, in accordance with the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

14.8 Casinos

There are currently no casinos operating within the District.

At present this Licensing Authority has passed a resolution not to issue casino premises licences generally in the District. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, revoke that resolution. Any such revocation would be made by the Full Council and this Statement of Principles would be updated.

14.9 Bingo Premises

The Guidance in Part 18 states:

“Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas”.

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular, that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Guidance states:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

14.10 Betting Premises

Betting machines – This Licensing Authority will, in accordance with the Gambling Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/ circumstances of betting machines an operator wants to offer.

14.11 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines –

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

b) Betting machines –

This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

c) Applications and plans -

The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance, Part 20).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Licensing Authority can satisfy itself that the plan indicates

the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance, Part 20)

14.12 Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

14.13 Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement;
- stage, or
- they reflect a change in the applicant’s circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

14.14 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;

- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

14.15 Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

Part C: Permits, Temporary & Occasional Use Notices

I. Unlicensed Family Entertainment Centre gaming machine permits

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted.

2.(Alcohol) Licensed Premises - Gaming Machine Permits

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the Codes of Practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to The Licensing Authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Act 2003 states that a Licensing Authority can decide to prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;

- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a Code of Practice regarding the location and operation of gaming machines.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centers and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

7. Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

by, or on behalf of, a charity or for charitable purposes

to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this Licensing Authority for further advice.

Appedices

Appendix 1 – Licensing Authority delegations for Cotswold District

Appendix 2 – Licensing Authority delegations for Forest of Dean District

Appendix 3 – Licensing Authority delegations for West Oxfordshire District

Appendix 4 – Responsible Authorities for each Council area

Appendix I - Licensing Authority delegations - Cotswold District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers
Licensing policy	X			
Policy not to issue casino premises licences	X			
Fee Setting – when appropriate				X (to be approved by Cabinet)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				X (in consultation with the Head of Legal and Democratic Services)
Review of a premises licence		X		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X		
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice				X

Appendix 2 - Licensing Authority delegations - Forest of Dean District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Officers
Licensing policy	×		
Policy not to issue casino premises licences	×		
Fee Setting – when appropriate			×
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence			×
Review of a premises licence		×	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			
Applications for other permits			×
Cancellation of licensed premises gaming machine permits			×
Consideration of temporary use notice			×
Decision to give a counter notice to a temporary use notice			×

Appendix 3 - Licensing Authority delegations - West Oxfordshire District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers
Final approval of three year licensing policy	×			
Policy not to issue casino premises licences	×			
Fee Setting – when appropriate				×
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				×
Review of a premises licence		×		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			×	
Applications for other permits				×
Cancellation of licensed premises gaming machine permits				×
Consideration of temporary use notice				×
Decision to give a counter notice to a temporary use notice			×	×

Appendix 4 - Responsible Authorities

The Responsible Authorities for each Council area under the 2005 Act, and their contact details are as follows.

Cotswold and Forest of Dean District Councils:

Responsible Authority	Address	Telephone number and email address
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 licensing@gloucestershire.pnn.police.uk
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 fire.safety@glosfire.gov.uk
Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Room 128, 1st Floor, Block 4 Shire Hall Westgate Street Gloucester GL1 2TG	01452 583629 mail@gscb.org.uk
Environmental Services - Public Protection	Operations Team Environmental and Regulatory Services Cotswold District Council Trinity Road Cirencester GL7 1PX Or Operations Team Environmental and Regulatory Services Forest of Dean District Council High Street Coleford GL16 8HG	01285 623000 ers@cotswold.gov.uk 01594 810000

Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX Or Planning Department Forest of Dean District Council High Street Coleford GL16 8HG	01285 623000 planning@cotswold.gov.uk 01594 810000 planning@fdean.gov.uk
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	publichealth@gloucestershire.gov.uk

West Oxfordshire District Council:


Responsible Authority	Address	Telephone number and email address
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office 165 Oxford Road Kidlington OX5 2NX	01865 266109 licensing@thamesvalley.pnn.police.uk
Oxfordshire Fire and Rescue Service Fire and Rescue Service	Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU	01865 842999 fire.service@oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor County Hall New Road Oxford OX1 1ND	01865 810628

Planning and Regulatory Services	Planning Services West Oxfordshire District Council Elmfield Witney OX28 1P	01883 861000 planning@westoxon.gov.uk
Public Health	Merlyn Mistry, Health Improvement Practitioner Public Health Team Oxfordshire County Council County Hall New Road Oxford OX1 1ND	merlyn.mistry@oxfordshire.gov. uk

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Agenda Item 7

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>PLANNING AND LICENSING COMMITTEE – 9 JUNE 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 7</p>
<p>Subject</p>	<p>LICENSING ACT 2003 REVIEW OF THE STATEMENT OF LICENSING POLICY</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Andrew Doherty Cabinet Member for Waste, Flooding and Environmental Health Tel: 07879 692429 Email: andrew.doherty@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Tel: 01285 623000 Email: michelle.bignell@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>The report details the proposed revisions to the Council’s Statement of Licensing Policy (Licensing Act 2003), based on legislative requirements and statutory guidance.</p>
<p>Annexes</p>	<p>Annex A – Copy of draft Statement of Licensing Policy Annex B – Table of responses</p>
<p>Recommendation/s</p>	<p>That the Committee considers and comments upon the revised statement of Licensing Policy in ‘Annex A’ and recommends that the document is presented to Full Council for approval.</p>
<p>Corporate priorities</p>	<p>Ensure that services delivered by the Council are delivered to the highest standard</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>12-week consultation has been carried out. Please see paragraphs 2.2 and 2.3 for further information</p>

I. BACKGROUND

- 1.1. The Council is the Licensing Authority for the purposes of the Licensing Act 2003 (“the Act”).
- 1.2. The Act sets out the regulatory system that governs the provision of all alcohol, late night refreshment and entertainment premises in England and Wales. It requires the Council to prepare a Statement that it proposes to apply in exercising its functions under the Act.
- 1.3. The Statement is a Licensing Policy, which sets out the general approach the Council will take when carrying out its regulatory role under the Act. This should be kept under review and must be re-published every five years.
- 1.4. The Act contains four licensing objectives, which underpin the functions that the Council and other Responsible Authorities will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
 - The prevention of crime and disorder
 - The protection of children from harm
 - Public Safety
 - The prevention of Public Nuisance
- 1.5. Cotswold District Council’s current Statement of Licensing Policy was published in January 2016 and expired on 7th January 2021.
- 1.6. It was determined by the Planning and Licensing Committee and the decision adopted by Full Council in 2020 that the current policy would be extended due to the Covid-19 pandemic. It was asked that a revised draft document be brought to the Planning and Licensing Committee as soon as possible in 2021.

2. MAIN POINTS

Consultation

- 2.1. It was agreed by the Planning and Licensing Committee on 10th February 2021 to carry out a consultation on the draft Policy. A copy of the draft Policy document showing tracked changes is attached at **Annex A**.
- 2.2. The document has been subject to a 12-week public consultation period, which ended on 9th May 2021.
- 2.3. The Act provides that the Licensing Authority must consult with:-
 - The Chief Officer of Police for the area;
 - The Fire and Rescue Authority for the area;
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences; and
 - Persons/bodies representative of businesses and residents in its area.

- 2.4. A copy of responses received during the consultation are attached at **Annex B**. This includes comments on how the document has been amended or a reason why they have not been taken into account.

Next Step

- 2.5. Full Council will be asked to approve the revised Statement at its meeting on the 14th July 2021 so that the revised document can come into effect.

3. FINANCIAL IMPLICATIONS

- 3.1. None

4. LEGAL IMPLICATIONS

- 4.1. If the Licensing Authority does not carry out a review, it will fail to meet its statutory obligations.

5. CLIMATE CHANGE IMPLICATIONS

- 5.1. There are no implications arising from this report.

6. ALTERNATIVE OPTIONS

- 6.1. No alternative options are proposed.

7. BACKGROUND PAPERS

- 7.1. Home Office S.182 Statutory Guidance to Licensing Authorities (April 2018)

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COTSWOLD
DISTRICT COUNCIL

THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

2021/25

14 JULY 2021 PREAMBLE

By virtue of the Licensing Act 2003 (the Act) Cotswold District Council (the Council) as the Licensing Authority has responsibility for the licensing of all premises in the Cotswold District (the District) that sell alcohol, provide regulated entertainment or serve hot food or drink to the public between 23.00 and 05.00. In addition the Council must issue Personal Licences to persons responsible for the retail sale of alcohol and accept Temporary Event Notifications from persons requiring occasional permissions for activities licensable under the Act.

To comply with the legislation, Licensing Authorities must publish a Licensing Policy that sets out the position in relation to its duties under the Act to guide its work in implementing the Act. The Council welcomes the powers granted to it by the legislation and will continue to use them, in consultation with 'Responsible Authorities' (e.g. Police, Fire Service, Planning, Environmental Health etc), licensees, local businesses and residents, in a socially responsible way.

This document is the fifth Licensing Policy Statement to be consulted upon by the Council. The Council will consult widely on this issue as it affects a very large number of people in the District (e.g. licensees, residents and businesses) as well as statutory agencies and the like.

This Licensing Policy has been drawn together based on the last edition with some updates where appropriate and reflects the local balance between the commercial interests of the licensed trade and the communities they serve and impact upon. The Act requires the Council to

revise and re-publish the policy every five years. This Policy will be adopted at a meeting of the Council on 14 July 2020..

NB Due to the coronavirus pandemic, the 2020 review was delayed until 2021. The next review will be carried out in 2025 and will come into force on 7 January 2026 or earlier if necessary.

Comments and queries should be directed to:

**Licensing Team
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX**

Email: ers@cotswold.gov.uk

Further copies may be obtained from the above address or from the Council's website www.cotswold.gov.uk

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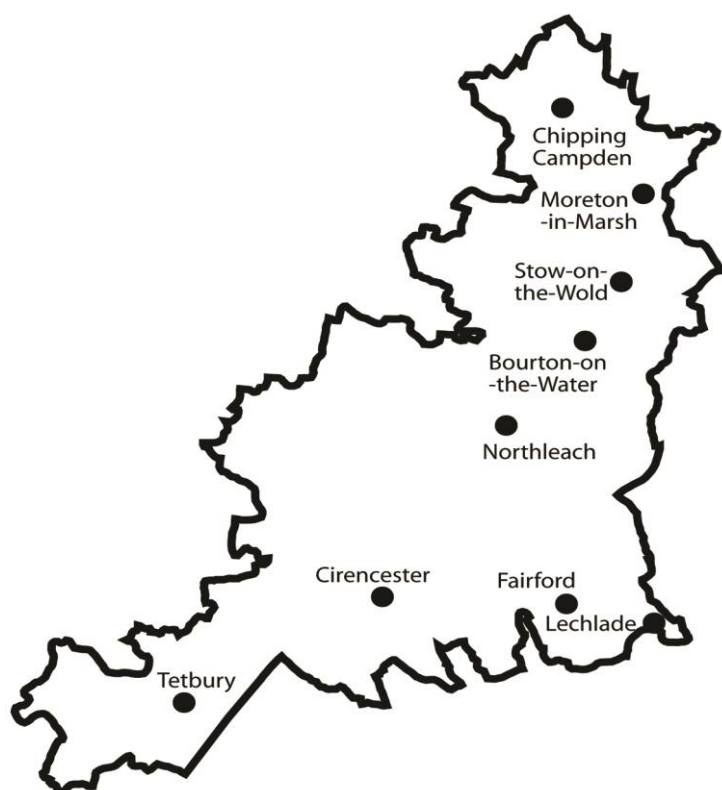
APPENDIX A – Table of Delegated Functions

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1. INTRODUCTION

- 1.1 The Council is one of six district councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury and has a population of 90,000. A map of the area [450 sq miles] is shown below:



2.0 THE LICENSING ACT 2003

2.1 The Council is responsible under the 'Act' for the licensing of 'licensable activities' within its area. The licensable activities that are required to be licensed under the Act are:

- the retail sale of alcohol (including via the internet or mail order);
- 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

2.2 The Act imposes a duty on the Council to produce, develop and review a Statement of Licensing Policy that sets out the policies which the Council will generally apply to promote the licensing objectives when making decisions under the Act. The Council, as the licensing authority, will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Act, which are as follows:

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

Each objective is of equal importance and the Council's policy relating to each of them is given in this Statement of Licensing Policy. Where the Council receives relevant representations regarding an application from a "Responsible Authority" or an "other person", thereby invoking the Council's discretion to consider the matter, the Council may

consider attaching conditions to licences to promote the licensing objectives as appropriate. 'Other Persons' may include any of the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local Councillors
- Businesses with an interest in the premises or locality
- Organisations with an interest in the locality, premises or licensable activities

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the . Act . and with regard to the Guidance issued by the Home Office under Section 182 of the Act. The Policy will take effect after it is adopted by Council on 14 July 2021 and will remain in force for a period of not more than five years. A review and further consultation will be carried out no later than Autumn 2025. If any amendments to the Statement of Licensing Policy are needed before the review period they will only be made following consultation with those parties referred to in paragraph 2.6 below.

2.4 There are a number of groups who have an interest in the licensing of premises under the Act, including the licensed trade, customers, residents, local councillors and enforcing agencies. All these parties have views and concerns that require consideration as part of the licensing function. Before publishing the Statement of Licensing Policy and any amendments to it, the Council as licensing authority will consult with Gloucestershire Police; Gloucestershire Fire and Rescue Service; the Council's Development Control and Public Protection Services, bodies representing local holders of personal licences, premises licences and club premises certificates; and local businesses and residents in the District. In addition, the Council may also consult with other local bodies and agencies as appropriate.

2.5 The Act introduces a unified system of regulation for the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment. Nothing in this Policy will prevent any person from exercising their rights under the Act as an applicant or objector. The Council's aim is to uphold the licensing objectives whilst facilitating well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

2.6 In drawing up and reviewing this policy the Council must consult with:-

The Chief Officer of Police for the area;
 The Fire and Rescue Authority for the area;
 Persons/bodies representative of local holders of premises licences;
 Persons/bodies representative of local holders of club premises certificates;
 Persons/bodies representative of local holders of personal licences; and
 Persons/bodies representative of businesses and residents in its area.

In addition the .Council will seek to identify and consult with other organisations and individuals who may be affected by this policy in an attempt to ensure that a balanced policy is achieved.

The Policy Statement and future drafts for consultation will be placed on the Council 's website which can be found at www.cotswold.gov.uk. All parties will be emailed where possible and the consultation will also be advertised widely on social media.

2.7 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. To this end, conditions attached to the various permissions granted under the Act will be focussed on matters within the control of the individual licensees and others granted relevant permissions.

- 2.8 Licensing law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be a part of a holistic approach to the management of the evening and night-time economy in town and city centres. Therefore, as a matter of policy the Council expects every holder of their licence, certificate or permission to be responsible for minimising the impact of their activities and anti social behaviour by their patrons within the vicinity of their premises.
- 2.9 Licensed premises, especially those offering late night entertainment, alcohol and refreshments, can sometimes be a source of crime and disorder, nuisance and public safety concerns. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the way that they are to be operated on a day to day basis. The Council understands and expects that the primary responsibility for controlling activities on and in the immediate vicinity of their premises shall rest with all holders of a licence, certificate or permission.
- 2.10 When applications are considered by the Council following receipt of relevant representations, they will be considered on individual merits with regard to this Statement of Licensing Policy. It will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be concerned about the adverse impacts for licensed premises. The views of vocal individuals or groups will not necessarily prevail over the general interests of the community.
- 2.11 The Council recognises the need to encourage and promote cultural events which may include live music, dancing and theatre, for the wider cultural benefit of communities. Where such events include regulated entertainment, particularly live music, the Council will seek to balance any concerns over disturbance with the wider cultural benefits.
- 2.12 The Council will work in partnership with other local authorities in Gloucestershire to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.
- 2.13 Where it is necessary to depart from the Home Office Guidance, either in this Policy or at any other time, the Council will give clear and sound reasons for doing so.

3. THE LICENSING PROCESS

- 3.1 One of the major principles in the Act is that the licensing functions contained within it should be delegated to an appropriate level to ensure speedy, efficient and cost effective service delivery.
- 3.2 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 3.3 The Act creates a presumption that applications will be granted where no relevant representations or objections are made. Where decisions and functions are largely administrative and are not contentious, including those applications for which no relevant representations or objections are made, then and in the interests of efficiency and effectiveness these are delegated to Officers. Attached at Appendix A to this Statement of Licensing Policy is a Table of Delegated Functions setting out the agreed delegation of decisions and functions to the Council's Licensing Committee, Sub-Committees and Officers. These delegations will not prevent Officers from referring an application to a Sub Committee or the Licensing Committee, or a Sub Committee referring a matter to the full Licensing Committee if it is considered appropriate in the individual circumstances of the case.
- 3.4 The Act requires all applicants for new and varied premises licences and club premises certificates to state the steps that they propose to take to promote the licensing objectives in their Operating Schedule.
- 3.5 It is recommended that applicants make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime and disorder strategies and to take account of these, where appropriate, when formulating their Operating Schedule.

- 3.6 Operators of licensed premises will have to comply with planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises.
- 3.7 Where relevant representations have been received from responsible authorities or other person, the Council will consider whether it is necessary, having regard to the representations, to modify the conditions proposed in the operating schedule. In such cases, the Council will seek to impose the minimum burden which is necessary in order to promote the licensing objectives in the individual case.
- 3.8 Where relevant representations are received and upheld, the Council will seek to avoid confusion and duplication by not imposing licence conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.
- 3.9 This overlap will principally apply to fire safety, health and safety or planning matters.
- 3.10 In accordance with Guidance issued by the Home Office (para 10.4 in particular) applicants are advised to undertake a risk assessment before preparing their applications. This should be translated into the steps recorded in the Operating Schedule that it is proposed to take to promote the licensing objectives.
- 3.11 Where relevant representations are received applications will be considered on their individual merits and decisions made in relation to licensing applications will be made entirely separately from any decision in relation to planning. The Council also recognises the need to avoid, so far as possible, duplication with other regulatory areas.
- 3.12 Some regulations do not cover the unique circumstances of some entertainment. Where relevant representations are received, and upheld, the Council will consider attaching conditions to premises licence and club premises certificates where these are necessary to promote the licensing objectives and are not already provided for in any other legislation.
- 3.13 In circumstances where conditions are imposed, they will be tailored to the individual style and characteristics of the premises and events concerned. In addition, the Act prescribes mandatory conditions in certain circumstances.
- 3.14 Minor Variation applications are restricted to licence changes that will not impact adversely on the licensing objectives. The Council may consult with any Responsible Authority deemed appropriate to the application. Other persons may make representations but there is no right to a hearing. Licensing officers have delegated powers to determine applications made under the Minor Variations process and any decisions made will be based on whether or not the proposed variation will impact on any of the Licensing Objectives.
- 3.15 Applications can be made by community premises to remove the mandatory condition under the Act requiring a Designated Premises Supervisor in premises where alcohol is sold. Where an application of this nature is made, the Council must be satisfied that the premises is operating as a community premises and that the management committee has the capacity to provide sufficient supervision of the premises to minimise any risk to the four licensing objectives.

How this policy applies

- 3.17 All applications for new premises licences or variations need to be supported by an Operating Schedule. The Schedule must specify (among other things) the steps which the applicant proposes to promote each of the licensing objectives.
- 3.18 If no responsible authority or interested person lodges an objection (known as a “relevant representation”) to the application, the Council must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become licence conditions. The Council will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
- 3.19 Where, however, there are relevant representations, then a hearing before a Licensing Sub-Committee will normally follow. After the hearing, the Sub-Committee must, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.
- 3.20 In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to this Licensing Policy. Therefore, in drawing up their Operating Schedule, applicants would be well advised to read this Policy carefully. Where an Operating Schedule complies with this Policy, it is generally less likely that another person or responsible authority will object to it, or that any objection will succeed. Therefore, compliance with this Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.
- 3.21 This is not to say that an application which complies with the Policy will necessarily be granted or that an application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Council will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. For example, the Council will not interfere with an Operating Schedule which does not comply with this Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 3.22 However, the Policy represents the Council’s view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders. While the contents of the Operating Schedule are a matter for the applicant, where there is objection to a Schedule which departs from the Policy, the Licensing Sub-Committee will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 3.23 In this Policy, there are a number of references to the Council’s requirements of applicants. As explained above, the Policy is only engaged where the Council has a discretion following the receipt of objections. In such cases, the Council will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 3.24 Where considering an application for review of a licence, the Council is likely to view with concern premises which are being operated in clear breach of the terms of this Policy.
- 3.25 The contents of this section apply both to premises licences and club premises certificates.

Covid-19

The Coronavirus Regulations required many licensed premises to be closed for a period of time or to work in different ways such as offering a takeaway and/or shop service. Where appropriate the Council will apply some flexibility and creativity in the implementation of application processes to enable businesses to get back running safely and to help the local economy to recover.

During times when the Government is advising that premises must have social distancing measures in place, or there are other similar Government directions, it is expected that new applicants will have undertaken a risk assessment and include in their application the measures they will be implementing.

Where there is evidence that a licence holder is breaching Coronavirus Regulations, or any similar public health direction, in the first instance advice will be given. However, if breaches continue action may be taken under the relevant emergency legislation and/or the licence may be reviewed under the Licensing Act under the prevention of crime and disorder and public safety objectives

THE LICENSING POLICY OBJECTIVES

4. PREVENTION OF CRIME AND DISORDER

- 4.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes if not properly managed be a source of public nuisance generating crime and disorder problems. In its role as the licensing authority, the Council will recommend that licensees of premises develop Operating Schedules that satisfactorily address these issues from the design of the premises through to the daily operation of the business.
- 4.2 In addition to the requirements for the Council to promote the licensing objectives, it also has a 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. The Council recommends applicants consider what actions they can take in the management of their premises that will contribute towards the reduction of crime and disorder and their responsibilities to the community in general when engaged in their activities and trading as licensed premises.
- 4.3 In developing such Operating Schedules applicants should take notice of this Policy, its contents and appendices and where appropriate are recommended to seek advice from the Council or Gloucestershire Police Licensing Unit. When planning and preparing Operating Schedules applicants may take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.
- 4.4 Where, following receipt of a relevant representation, the Council's discretion is engaged it will when making its determination take into account the measures proposed by the applicant to prevent crime and disorder. The Council may give particular consideration to the following:
- i. the ability of the person in charge of the premises to monitor the premises at all times that it is open;
 - ii. the training given to staff regarding crime prevention measures for the premises;
 - iii. physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
 - iv. management attitudes (e.g. responsible pricing promotions and willingness to stagger trading);
 - v. that when appropriate approved trained and registered door supervisors are employed to regulate entry and prevent disorderly behaviour (e.g. Night Clubs, Pubs and Clubs on Fridays and Saturdays, Christmas Eve, New Years Eve and evenings when it may be reasonable to expect higher than normal clientele numbers – transmission of high profile rugby football and football matches or sporting events etc.
 - vi. any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned (BOBS), restrictions on 'happy hours', music wind-down policies);
 - vii. the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
 - viii. arrangements for transport to get people home during the evening and at closing times.
 - ix. Where the premises are subject to age restrictions, the procedures in place to conduct age verification checks (identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises also accept cards bearing the Proof of Age Standards Scheme (PASS) hologram)
 - x. The location of the premises and the likelihood of any anti-social behaviour, violence, public order or policing problems if the licence is granted.

- xi. Shops, stores and supermarkets wishing to sell alcohol by retail sale will normally be permitted to match their permitted hours to their normal trading hours unless there are reasons relating to the prevention of crime and disorder for restricting those hours.

Further information can be found in the [Statutory Guidance](#).

The Council will give considerable weight to any representations made by Gloucestershire Police in determining any application for a licence and whether or not the use of any of these conditions is appropriate.

4.5 The Council will not apply standardised conditions but will in respect of each case where relevant representations have been received and upheld consider whether any of the conditions set out below are necessary and proportionate:

- i. Certain premises, particularly those licensed to sell alcohol beyond 11pm in the town centres, may be required to install a closed-circuit television system that meets with the approval of the Police.
- ii. Premises licensed to sell alcohol beyond 11pm in Cirencester may be required to become members of the Pubwatch scheme (or equivalent) , and to become a part of the Pubwatch radio system in order to alert other premises of potential trouble makers.
- iii. Applicants for late-night entertainment and liquor premises should agree a protocol with the police on the handling of illegal drugs found on their premises.
- iv. Any door supervisors employed on licensed premises must be licensed by the Security Industry Authority. It is recommended that pubs and clubs that wish to sell alcohol beyond 11pm employ registered door supervisors. It may be appropriate for some premises to employ door supervisors each night of the week whereas others may only require them at weekends.
- v. Licences for any form of public entertainment may be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder, or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

4.6 Where there is evidence that a particular area of the District is already suffering adverse effects on the licensing objectives from the concentration of late night premises, when determining any further application for premises within the area identified when relevant representations have been received and upheld the Council will take into account:

- The character of the surrounding area;
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- The nature and character of the proposed operation.

4.7 The Licensing Committee's starting point is in terms of seeking a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998, and an improvement in local amenity through reduction of anti social behaviour.

4.8 Premises serving alcohol after 11pm should consider giving customers the opportunity to remain on the premises after last orders to encourage a 'wind down' period. The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises. Applicants should consider a strategy of how they will implement a 'winding down' period and detail this in the application form. This could include slowing down the pace, volume and type of

music played, brighter lighting arrangements and serving hot food, coffee and other soft drinks.

5. PUBLIC SAFETY

- 5.1 The Act 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.
- 5.2 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 Council's discretion has been engaged by the receipt of a relevant representation, the Council will not normally seek to duplicate such controls by the imposition of licensing conditions.

Capacity limits

- 5.3 The 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 the Regulatory Reform (Fire Safety) Order 2005.
- 5.5 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.
- 5.5 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 level and frequency of attendance by customers with disabilities, or who may be unable to speak or understand English;
 - availability of suitable and sufficient sanitary facilities;
 - nature and provision of facilities for ventilation.
- 5.6 The Council requires 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.
- 5.7 Where following receipt of a relevant representation the Council's discretion has been engaged, and it believes it is necessary to impose a condition identifying an occupancy limit on a premises licence, the Council will liaise with Gloucestershire Fire and Rescue Service. <http://www.glosfire.gov.uk>

6. PREVENTION OF PUBLIC NUISANCE

- 6.1 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 people living, working or sleeping in the vicinity of the premises.
- 6.2 The Council in its role as the licensing authority, is keen, where it is able, to protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises. As the Council is fully aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations, it will aim to work together with all other persons, statutory agencies and licensed businesses to ensure a mutual and productive co-existence.
- 6.3 Applicants should consider noise that could emanate from their premises in all instances. Where appropriate applicants are recommended to provide a noise management plan with their application. Examples include outdoor events or late evening venues.
- 6.4. When considering licence applications, where relevant representations have been received the Council will take into account measures proposed by the applicant to promote the prevention of nuisance and/or anti-social behaviour. In particular the Council may consider the following matters, where relevant:
- prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices (e.g. the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices);
 - preventing disturbance by customers arriving at or leaving the premises, particularly between 11pm and 7am;
 - 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;
 - ensuring staff leave the premises quietly;
 - arrangements for parking by patrons and staff, and the effect of the parking on local residents;
 - provision for public transport (including taxis and private hire vehicles) for patrons;
 - whether licensed taxis or private hire vehicles are likely to disturb local residents;
 - whether routes to and from the premises on foot, by car or other services pass residential premises;
 - 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;
 - the use of gardens and other open-air areas;
 - the location of external lighting, including security lighting that is installed inappropriately;
 - other appropriate measures to prevent nuisance, (e.g. registered door supervisors, the use of CCTV);
 - how the premises address refuse storage or disposal problems, or additional litter (including fly posters and illegal placards);
 - the history of previous nuisance complaints proved against the premises, particularly where statutory action has been taken.
- 6.5 The Council is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:
- planning controls;

- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
- police and local authority powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the normal law with regard to disorder and anti-social behaviour;
- the power of the police, other responsible authorities, or a local business or resident to request a review of the licence or certificate;
- enforcement action against those selling alcohol to people who are already drunk.

7. PROTECTION OF CHILDREN FROM HARM

7.1 In its role as the licensing authority the Council recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and/or other entertainment. The Act only prohibits unaccompanied children (persons aged under 16) from visiting certain licensed premises. The Council recognises that locally, limitations may have to be considered where it is deemed necessary for the prevention of 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 the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- where there is a presumption that persons under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

7.2 The Council expects personal licence holders to ensure that they do not serve alcohol to persons under the age of 18, except in limited conditions allowed for by law. The Council recommends that the only way to verify a person's proof of age is with reference to appropriate identification such as:-

- passport
- a photocard driving licence issued in a European Union country;
- a Proof of Age Standards Scheme card (e.g. PASS Card);

7.3 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme.

7.4 The Council recognises the potential risk to children from mobile, remote, internet and other delivery sales of alcohol being made to or accepted on the doorstep of persons under 18. The Council expects applicants for internet and delivery alcohol sales to explain in their application how they will ensure that sales and deliveries are only made to persons over 18. This could include checks whilst taking bookings and ensuring a signature of a responsible adult on delivery.

7.5 Where relevant representations have been received and upheld, when deciding whether to limit the access of children to premises the Council will judge each application on its own merits. To assist with this the Council will consult with Gloucestershire Police and other agencies as appropriate, including the Area Child Protection Committee or Social Services Department. Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted the options available would include:

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations on the exclusion of children under certain ages when specified 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;
- a requirement for an accompanying adult to be present.

This list is not meant to be seen as an exhaustive list covering everything, but gives applicants examples of the conditions the Council may seek to impose in meeting its obligation towards the protection of children.

7.6 The Council will not impose any conditions that specifically require the access of children to the premises.

7.7 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs, or a person who has been given a Temporary Event Notice. The Act does not impose any restrictions on individual applicants volunteering prohibitions or restrictions in their Operating Schedules because their own risk assessments have shown that the presence of children is undesirable or inappropriate. In the absence of any relevant representations the volunteered prohibitions or restrictions would become conditions of the licence or certificate.

7.8 The Act details a number of offences that are designed to protect children in licensed premises and the Council will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement, particularly in relation to the sale and supply of alcohol to children.

7.9 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 ranges. In order to prevent children from seeing such films, the Act provides that licences/club premises certificates which authorise the display of films are subject to a mandatory condition requiring licensees to restrict access to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council itself.

7.10 The Council will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.

7.11 In considering applications where relevant representations have been received and upheld the Council will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

7.12 The Council recognises that some licensees may wish to hold functions or provide facilities targeted specifically towards children (under 16's Disco's, children's parties, supervised crèche/play areas etc).

7.13 In considering applications where relevant representations have been received and upheld the Council will take into account an applicant's Child Protection Policy and measures highlighted within that policy to secure child protection.

NB Gloucestershire County Council Social Services is the responsible authority with regard to the protection of children from harm.

8. CUMULATIVE IMPACT

- 8.1 The Council, as licensing authority, will not take “need” into account when considering an application as this relates to the commercial demand for another pub, hotel or restaurant and is not a matter for a licensing authority. On the other hand, the ‘cumulative impact’ of licensed premises or the promotion of the licensing objectives is a matter for the Council, as the licensing authority, to consider.
- 8.2 The Council recognises that potentially the cumulative impact of a number of late night premises in some areas may result in an increase of people either walking through, or congregating in, streets during the night. This may in turn have a number of undesirable consequences, for example;
- an increase in crime against property and/or person(s);
 - an increase in noise causing disturbance to residents;
 - traffic congestion and/or parking problems;
 - littering and fouling.
- 8.3 This may result in the amenity of local residents in some areas being placed under pressure. It will not always be possible to attribute a particular problem to customers of particular premises. Consequently, whilst enforcement action may be taken to ensure conditions are complied with, this may not resolve all the problems as licence conditions can only relate to matters that the licensee can be expected to control in relation to the carrying on of licensable activities.
- 8.4 Where there is evidence that a particular area of the District is already suffering adverse effects from the concentration of late night premises, when determining any further application for premises within the area identified the Council will take into account:
- the character of the surrounding area;
 - the impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
 - the nature and character of the proposed operation.
- 8.5 The Council will consider representations on the impact on the promotion of licensing objectives when determining the grant of any particular application before them. The onus would, however, be on the objector to provide evidence to support any assertion that the addition of the premises in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

- 8.6 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the community.
- 8.7 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.
- 8.8 Similarly there is currently insufficient evidence to demonstrate that an Early Morning restriction order is required in this district
- 8.9 The Council has not adopted a Late Night Levy.
- 8.10 The situation will be kept under review throughout the period that the Licensing Policy is in force with a view to collecting suitable evidence and then incorporating a special policy if appropriate.
- 8.11 Other mechanisms for controlling cumulative impact
The Council 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
 - Cirencester is subject to Designated Public Places Orders (to be replaced by Public Spaces Protection Orders under Anti-Social Behaviour, Crime and Policing Act 2014) as being places where alcohol may not be consumed publicly except where there is authorisation under the Act
 - 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 and local authority 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.

9. LICENSING HOURS

- 9.1 When dealing with licensing hours, each application will be dealt with on its individual merits. The Council 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.
- 9.2 Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do so during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case. 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. In order to ensure that objections are not wrongly classified as frivolous or vexatious evidence of issues should be provided by objectors.
- 9.3 The Council will have a flexible approach to opening hours and will generally deal with the issue of licensing hours having due regard to the individual merits of each application in the light of relevant representations received. The Council will take 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.

Where relevant representations have been received and upheld consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

- 9.4 The Council will not normally set fixed trading hours within designated areas. Stricter conditions with regard to noise control may be demanded in areas that have denser residential accommodation, but this will not normally be considered as a reason to limit opening hours without regard to the individual merits of any application.
- 9.5 Generally the Council sees staggered trading hours as being helpful to the dispersal of patrons from licensed premises, particularly late at night. This removes some of the friction caused by sudden excessive peaks of demand at fast food outlets, taxi ranks and so on.
- 9.6 In keeping with established best practice, the Council encourages applicants in respect of Town Centre premises to include in their Operating Schedule a Closed Door Policy on New Years Eve if operating hours past 12.00 midnight are proposed; the effect of the Closed Door Policy to be to prohibit admission or re-admission to the premises after 11.30pm with a view to reducing disorder and disturbance to members of the public late at night.

~~10. LARGE SCALE OUTDOOR EVENTS~~

- 10.1 A large scale event is considered one where the capacity is more than 499.

- 10.2 Where there is no premises licence in place, it is recommended that a premises licence application should be submitted to the Licensing Service ideally 6 months before the event, but not less than 3 months.
- 10.3 The primary responsibility for safety of attendees at events rests with the event organisers.
- 10.4 Applicants are expected to have reference to The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.
- 10.5 Applicants for large outdoor events are recommended to provide an Event Management Plan (EMP) with their application for a premises licence. For an ongoing premises licence The EMP should be reviewed, updated and submitted to the Council at least 3 months before the event.
- 10.6 The EMP should cover as a minimum the following area (this list is not exhaustive and will vary by event type):
- Site plan including site management, exits, entrances and the structural integrity of all temporary structures
 - Crowd management, stewarding and security plan
 - Use of SIA registered door supervisors
 - Intended activities and entertainment
 - Capacities
 - Alcohol management plan
 - Production details
 - Medical and first aid provision
 - Fire safety and control
 - Noise Management Plan (including hotline telephone numbers and how residents can communicate with the event when it is taking place)
 - Car-parking arrangements
 - Sanitary provisions
 - Concessionary activities
 - Drug Policy
 - Emergency Evacuation Plan
 - Counter terrorism measures
 - Welfare provisions
 - Traffic management plan
 - Refuse and recycling plan
 - Where appropriate measures in place to prevent spread of Covid-19 or similar
- 9.7 In most cases large events will engage the Event Safety Advisory Group (ESAG). The ESAG is a group established to provide specialist advice and guidance in relation to safety at, concerts, festivals and other events.
- 9.8 Applicants for a premises licence for a large event are encouraged to submit a ESAG notification. Where a premises licence has been granted for on-going events the licence holder is encouraged to submit a ESAG notification annually. The notification should be submitted ideally at least 6 months before each event but not less than 3 months.

- 9.9 Applicants are also encouraged to liaise with the Town/Parish Council prior to applying for a licence to hold an event.

10. PROMOTION OF EQUALITY

- 10.1 The Council recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 10.2 Public authorities are required to publish information at least annually to demonstrate their compliance with the equality duty. The Council is firmly committed to providing and promoting equality for all its employees, service users and the wider community. Further information and data is provided on the Council's website.

Access And Evacuation For Persons With Disabilities

- 10.3 Disabled people have the right to access services. There are clear legal responsibilities under the Disability Discrimination Act 1995, requiring all service providers to make reasonable adjustments to enable disabled persons to access the service thereby ensuring that disabled people are not discriminated against.

11. ENFORCEMENT AND COMPLAINTS

- 11.1 The Council recognises the contribution that can be made by developing effective working practices with its partner agencies. The Council will establish enforcement protocols with the Gloucestershire Constabulary, Gloucestershire Fire and Rescue Service and other relevant partnership agencies to ensure efficient deployment of the Council's enforcement staff and thereby avoiding duplication of effort when carrying out inspection or enforcement matters.
- 11.2 The Council recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events which include -
- Planning controls
 - Enforcement of Environmental Protection legislation (e.g. on noise nuisance)
 - Positive measures to provide a safer and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
 - Powers to designate parts of the District as places where alcohol may not be consumed publicly
 - Police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - Police powers to confiscate alcohol from adults and other in designated areas

- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
 - The power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.
- 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 Act. The Council will monitor premises and take any appropriate enforcement action to ensure compliance.
- 11.4 All decisions and enforcement actions taken by the Council will be in accordance with the Council's Enforcement Policy and the principles of consistency, transparency and proportionality.
- 11.5 The Council may when appropriate employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with the Gloucestershire Police in enforcing licensing legislation.
- 11.6 The Council 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 Council will target its inspection process proportionally towards those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the minimal input in respect of low risk premises that are run well.
- 11.7 In undertaking the inspection of licensed premises the Council will promote the following categories of risk weighting:
- Town Centre Public Houses and Night Clubs - Medium to High Risk (dependant upon history).
 - All other Public Houses - Low to Medium Risk (dependant upon history)
 - Premises where there is 'regulated entertainment' as defined by the Act, including auditoria, social clubs and meeting halls as well as pubs, clubs and theatres - medium to high risk (dependent upon history)
 - Town Centre Late Night Refreshment Houses - Medium to High Risk (dependant upon history)
 - All other premises where the primary purpose is serving food - Low Risk (dependant upon history)
 - All other existing sites within the district - Low Risk (dependant upon history)
 - New sites not listed above - to be assessed dependant upon location and style of operation and operators.
- 11.8 The Council is prepared to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 11.9 Where an other person (such as a local resident, or a resident's association) has made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Council will initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.
- 11.10 The Council can only review a licence where it is alleged that the licensing objectives are being breached. It views particularly seriously applications for the review of any premises licence where it involves the:

- use of licensed premises for the sale distribution of Class A drugs and the laundering of the proceeds of drugs crimes.
- use of licensed premises for the sale distribution of illegal firearms
- evasion of copyright in respect of pirated films and music.
- Underage purchase and consumption of alcohol
- Use of licensed premises for prostitution or the sale of unlawful pornography
- Use of licensed premises for unlawful gaming.
- Use of licensed premises as a base for organised criminal activity.
- Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks.
- Use of licensed premises for the sale of smuggled tobacco or goods.
- The use of licensed premises for the sale of stolen goods.
- Where the police are frequently called to attend to incidents of disorder.
- Prolonged and/or repeated instances of public nuisance.
- Where serious risks to public safety have been identified, for example breach of health and safety standards or fire safety standards, and the management is unable or unwilling to correct those.
- Where serious risks to children have been identified.
- Immigration offences such as employment of persons who do not have the right to work in the UK

11.11 This process will not override the right of any other person to ask the Council's Licensing Committee to consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

NB A copy of the Council's Enforcement Policy is available on the Council's website (www.cotswold.gov.uk).

11. FURTHER INFORMATION AND CONTACT DETAILS

11.1 For further information about the Council's Licensing Policy, the Act and any other licensing matters applicants and other persons should please contact:-

Licensing Team
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Telephone No.: 01285 623000

Email: ers@cotswold.gov.uk

Website: www.cotswold.gov.uk

Personal callers are welcomed during office hours but prior appointments should be made where technical advice or information is required to ensure that an Officer is available.

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	<u>Full Committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Application for personal licence with no unspent criminal convictions			All cases
Application for personal licence with unspent relevant convictions		If Police Objection	If no objection
Hearing to determine Suspension or Revocation of a Personal Licence following a relevant Offence		All cases	
Application for premises licence/club premises certificate		If a representation	If no representation
Application for provisional statement		If a representation	If no representation
Application to vary premises licence/club premises certificate		If a representation	If no representation
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for interim authority		If a police representation	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 to disapply the mandatory conditions for alcohol sales at community		If a police representation is made	All other cases

premises			
Application for minor variation to premises licence/club premises certificate			All cases

APPENDIX B

GLOSSARY

Club Premises Certificate

A certificate granted to a qualifying club under the Act. Alcohol must not be supplied other than to members and guests by or on behalf of the club.

Designated Premises Supervisor

A person named on a premises licence who has overall responsibility for sales of alcohol. This person must be a personal licence holder and is normally the person that has day to day control of the premises

Hearing

A meeting of a panel of three Councillors (Sub Committee) from the Committee that deals with licensing matters who will consider an application where there has been relevant representation, objection or a request for a review

Late Night Refreshment

Provision of hot food or hot drink to members of the public, for consumption on or off the premises, between 11 pm and 5 am

Other Person

Any person, business or organisation. An 'Other Person' can make representation about premises licence and club premises certificate applications and can request a review of a premises licence or club premises certificate

Personal Licence

Licence issued to a person that authorises them to sell alcohol in, or to authorise another person to sell alcohol, in accordance with a premises licence. A personal licence is issued to an individual's home address and has effect indefinitely (has no end date).

Premises

Means any place and includes a building, outdoor area, vehicle, vessel or moveable structure

Premises Licence

Licence that authorises the premises to be used for one or more licensable activity

Representation

Comment made against, or in support of an application for a new premises licence or club premises certificate or a variation to a premises licence or club premises certificate or a review of a premises licence or club premises certificate. A representation can be made by a responsible authority or other persons. The representation must be made during the representation period

Temporary Event Notice

A notice given to the Council of intention to hold a temporary event where licensable activities will take place. The person submitting the notice must do so at least 10 clear

working days before the event. A late temporary event notice is one given within 5 to 9 clear working days.

APPENDIX C

RESPONSIBLE AUTHORITY CONTACT DETAILS

Licensing Authority	Licensing Team, Cotswold District Council, Trinity Road, Cirencester GL7 1PX Telephone: 01285 623000 Email: ers@cotswold.gov.uk
Gloucestershire Constabulary	Harm Reduction, Police Headquarters, No 1 Waterwells, Quedgeley, Gloucester, GL2 2AN Telephone: 01452 754482 Email: Licensing@Gloucestershire.pnn.police.uk
Gloucestershire Fire & Rescue Service	Chief Fire Officer Fire Service HQ, Waterwells Drive, Quedgeley Gloucester GL2 2AX Telephone: 01452 753333 Email; fire@glosfire.gov.uk
Local department with responsibility for Planning	Planning Team, Cotswold District Council, Trinity Road, Cirencester GL7 1PX Telephone: 01285 623000 E-mail: planning@cotswold.gov.uk
Local department with responsibility for Environmental Pollution	Technical Pollution Services Team, Cotswold District Council, Trinity Road, Cirencester GL7 1PX Telephone: 01285 623000 E-mail: ers@cotswold.gov.uk
Local department with responsibility for Health & Safety	Food, Health and Safety Team, Cotswold District Council, Trinity Road, Cirencester GL7 1PX Telephone: 01285 623000 E-mail: ers@cotswold.gov.uk
Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Block 4, 1st Floor, Room 133B, Shire Hall, Westgate Street Gloucester, GL1 2TH Telephone : 01452 583636 E.mail: gscb@gloucestershire.gov.uk
Trading Standards	Gloucestershire Trading Standards Service, The Tri-Service Centre, Waterwells Drive, Quedgeley, Gloucester GL2 2AX Telephone: 01452 426201 E-mail: tradstds@gloucestershire.gov.uk
Local health body representative	Public Health Department, Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester, GL1 2TG Telephone: 01452 328607 E-mail: Publichealth@gloucestershire.gov.uk

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PREMISES NAME	COMMENTS ON DRAFT LICENSING ACT POLICY	COMMENTS BY LICENSING
Ampney Crucis Village Hall.	Seems comprehensive.	N/A
Longborough & Sezincote Village Hall	Agree with the draft changes	N/A
Bittenham Springs	All looks O.K	N/A
Lower Slaughter Village Hall	No comments	N/A
Weston sub Edge Village Hall	<p>"Section 3.25. I suggest a more general statement of policy, rather than a specific for COVID 19 requirements. eg The section could be worded to cover ANY temporary changes determined by requirements from HM Government rather than particularly those from COVID 19 restrictions. In a years time the COVID restrictions will be irrelevant but restrictions for other reasons could potentially be imposed."</p>	Policy can be reviewed at any time. Any statutory requirements override policy
Stow on the Wold Town Council	<p>"The existing para 7.2 on page 17 (see below in italics) is part outdated by Brexit and does not cover some foreign nationals likely to be encountered in the Cotswold area in that the NATO Status of Forces Act (NATO SofA) allows entry into the UK of visiting forces personnel without a national passport but instead under cover of a military identification (ID) card plus a NATO Travel Order. In practice single travel orders are not issued when travelling in a group as a collective one will do for the point of entry, but individual photo ID Cards are always carried. Similar arrangements under different arrangements can apply to Commonwealth countries.</p>	S.10.46 of S.182 Guidance states 'identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram' Draft policy updated to reflect this

<p>Stow on the Wold Town Council cont.</p>	<p>7.2 The Council expects personal licence holders to ensure that they do not serve alcohol to persons under the age of 18, except in limited conditions allowed for by law. The Council recommends that the only way to verify a person’s proof of age is with reference to appropriate identification such as:-</p> <ul style="list-style-type: none"> • Passport • a photocard driving licence issued in a European Union country; • a Proof of Age Standards Scheme card (e.g. PASS Card); <p>Thus, it is suggested that 7.2 is amended as follows:</p> <ul style="list-style-type: none"> • Bullet point 2 – delete “issued in a European Union Country” • Add new bullet point “ A military photo ID Card” 	
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PLANNING AND LICENSING COMMITTEE 9th June 2021

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 9th June 2021
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Boxwell With Leighterton	Communications Site At Haymead Covert Boxwell Farm Leighterton Gloucestershire 21/01393/FUL Full Application	01
Guiting Power	2,3,4,6,7,8 & 11 Tally Ho Lane Guiting Power Gloucestershire 21/00616/FUL Full Application	02
Swell	No. 3 & 5 Pear Tree Close Lower Swell Gloucestershire 21/00617/FUL Full Application	03

Item No 01:-

21/01393/FUL

**Communications Site At Haymead Covert
Boxwell Farm
Leighterton
Gloucestershire**

Item No 01:-

Replacement of the existing 15m lattice tower (17.6m to the top of antennas) with a new 24m lattice tower (top of antennas), accommodating 6no. antennas, 1no. microwave dish, the replacement of 1no. equipment cabinet, along with ancillary works at Communications Site At Haymead Covert Boxwell Farm Leighterton Gloucestershire

Full Application 21/01393/FUL	
Applicant:	Vodafone Limited (on Behalf Of Cornerstone)
Agent:	Maxema Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Richard Morgan
Committee Date:	9th June 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Installation of Mobile Communications Apparatus
- (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

Reasons for Referral:

This application is referred to Planning and Licensing Committee in accordance with the Council's Scheme of Delegation which requires planning applications for new mobile telecommunications masts to be determined by Committee.

1. Site Description:

This application relates to an existing mobile phone site located approximately 30m to the south-east of the A46. The site lies approximately 1.1km to the north of the village of Leighterton. The site is bordered by woodland to its north and west and by agricultural land to its south and east.

The site is located within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

Application Site

14/04417/FUL Erection of a 25m lattice mast with antennas and dishes along with ancillary development and the removal of the existing 17.5m lattice mast. Permitted 2014

Land to east

CT.8160 The installation of a 20m monopole, antennae, 4 dishes, equipment cabinets and ancillary equipment. Permitted 2001

Land to north

15/01719/FUL Upgrade of existing telecommunications installation comprising replacement of two antennas and addition of four 600mm diameter dishes on the lattice tower, along with replacement of one equipment cabinet and addition of two cabinets within the compound and development ancillary thereto. Permitted 2015

3. Planning Policies:

EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
INF9 Telecommunications Infrastructure

4. Observations of Consultees:

None

5. View of Town/Parish Council:

None received

6. Other Representations:

None

7. Applicant's Supporting Information:

Design and Access Statement
Covering Letter
Declaration of conformity with ICNIRP compliance
Health and mobile phone base stations document
The public benefits of mobile connectivity document

8. Officer's Assessment:

Proposed Development

The applicant is seeking to erect a 24m high lattice mobile phone mast together with an associated compound, cabinet, 6 antennas and 1 microwave dish. The proposed mast will replace an existing mobile phone mast. The existing mast consists of a 15m high lattice tower with 2 antennas above. It has an overall height of 17.2m. The proposed mast will be 6.8m higher than the existing structure. It will lie adjacent to the south-western edge of the existing site compound. The site compound will be extended by approximately 4.3m in

length by 5.8 in width to create a new compound measuring approximately 10m long by 5.8m wide. The compound will be enclosed by wire mesh fence measuring 1.8m in height.

Vehicular access to the site will be via an existing site access onto the A46.

(a) Installation of Mobile Communications Apparatus

The proposed development seeks to provide improve mobile phone coverage for the local area. The applicant's supporting information states *'The upgrading of this site is required to enhance the existing network coverage and capacity to the local area. The site is required to provide an upgrade to existing network coverage and to enhance 4G coverage and capacity in the Leighterton area.'*

The installation of new telecommunications apparatus is covered by the following Local Plan policy:

Policy INF9 Telecommunications Infrastructure

1. Telecommunications infrastructure development that is likely to have an adverse impact upon the environment (including heritage assets, biodiversity, local amenity, landscape and its setting) will not be permitted unless:

- a. There is no alternative location which would be less detrimental; and*
- b. There is no possible technological alternative, having regard to reasonable operational considerations, which would lead to a less adverse impact.*

2. Where an installation becomes redundant for telecommunication purposes, the infrastructure and all associated apparatus and structures shall be removed by the developer or operator, and the site reinstated in accordance with proposals approved at the application stage.

3. Proposals for new allocations should include the provision of telecommunications infrastructure with sufficient flexibility to support the fastest available data transfer speed at the time.

Paragraph 11.9.1 of the Local Plan states that *'significant parts of the District experience low broadband speed and poor telecommunication signals. Improvements to the telecommunications infrastructure can address this problem and thereby help combat social exclusion of residents, improve access to services (including emergency services) and reduce the need to travel' .*

Paragraph 11.9.1 goes on to state that *'an improved communications network also contributes to the local economy by providing people with a choice as to how and where they can operate their business, facilitating home working and potentially attracting new employment opportunities'.*

In terms of national guidance, paragraph 112 of the National Planning Policy Framework (NPPF) states that *'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks ..'*

It is evident that the Local Plan and national guidance are supportive in-principle of the provision of improved communications infrastructure.

The current proposal will utilise an existing mobile phone site. It will enable two operators to pool their basic network infrastructure whilst still enabling them to run two independent networks. The proposal will reduce the need for the two operators to erect separate masts thereby reducing the visual impact of such development on the landscape.

The proposed development will lie adjacent to an existing mobile phone mast installation. In addition, permission was granted in 2014 (14/04417/FUL) for the erection of a 25m high mast on this site. The principle of introducing a mast of a similar height to that now proposed has previously been agreed.

The proposed development is located approximately 600m from the nearest dwelling. It is therefore considered to be of sufficient distance from residential properties so as to avoid having an adverse impact on residential amenity. In addition, is not located in close proximity to any heritage assets and the proposal does not require the removal of any trees. The proposal will involve development in close proximity to an existing mobile phone mast. It will not therefore result in the introduction of new development into ecologically sensitive, undeveloped site. A condition can also be attached which secures the removal of the mast and associated equipment within 6 months of the cessation of its use. It is considered that the proposed development accords with the aspirations of Local Plan Policy INF9 and guidance in the NPPF. The impact of the proposal on the character and appearance of the area will be addressed in the following section.

(b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*
2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*

Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *'In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*

2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'

In terms of national policy, Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by '*protecting and enhancing valued landscapes*' and '*recognising the intrinsic character and beauty of the countryside*'.

Paragraph 172 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*'

The application site is located in an area of open countryside in close proximity to the A46. The site is set back approximately 30m from the aforementioned road. Due to the presence of existing trees and woodland between the site and the A46, the existing mast is not readily visible from the A46.

The existing mast is more visible from Whitewater Road, which lies to the south-west of the application site. The aforementioned road extends from the A46 to Leighterton. It is located approximately 200m from the application site at its closest point. In light of the distance of the site from the road, a backdrop of existing woodland and the lattice nature of the mast, the existing mast is considered not to appear as a prominent or obtrusive feature within the landscape.

The proposed replacement mast will be 6.8m higher than the existing structure. However, due to the height of existing roadside trees, it is considered that the proposal will not be readily visible from the adjacent highway. With regard to views from Whitewater Road to the south, the proposed mast will still be seen against a backdrop of trees. The lattice nature of the mast means that the structure will have a certain degree of permeability. In combination with its distance from the aforementioned road, it is considered that the increase in height will not have a materially greater impact on the character or appearance of the AONB landscape than the existing structure. It is also of note that permission has been granted previously for the erection of a similar sized mast to that now proposed on the site. The introduction of a similar sized development has therefore been deemed not to have an adverse impact on the AONB. It is considered that social and economic benefits arising from the proposal justify the presence of the development within the designated landscape.

The proposal is considered to accord with Local Plan Policies EN4 and EN5 and guidance in paragraphs 170 and 172 of the NPPF.

Other Matters

The proposed development will utilise an existing site access onto the A46. It will not result in a material increase in traffic using the existing access or the local highway network. The proposal is considered not to have an adverse impact on highway safety having regard to Local Plan Policy INF4.

The proposed development does not result in the creation of residential or retail floorspace and is not therefore liable for the Community Infrastructure Levy.

9. Conclusion:

Overall, it is considered that the proposed development will provide improved telecommunications infrastructure which will have social and economic benefits for the area. The proposal will not have an adverse impact on the character or appearance of the AONB. It is therefore recommended that the application is granted permission.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 100 A, 101 A, 201 C, 301 C

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Within 6 months of the cessation of the use of the site and apparatus for mobile communications purposes, the mast, compound and all associated telecommunications equipment and apparatus shall be permanently removed from the site.

Reason: In order to preserve the rural character and appearance of the Cotswolds Area of Outstanding Natural Beauty in accordance with Local Plan Policies EN4 and EN5. There is no justification for the mast and associated equipment to remain on site following the cessation of its use having regard to Local Plan Policy INF9.

21/01393/AN

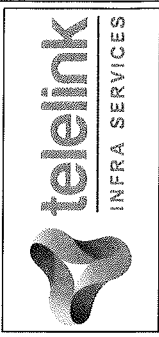
ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R. E. 382410 N. 192380

DIRECTIONS
 ARE TO BE NORTH ONTO MAS. AFTER CROSSING THE SITE WILL BE FOUND ON R15, APPROX 400M AFTER THE LEFT TURN SIGNED LEIGHTERTON.

NOTES:

REV	DESCRIPTION	BY	CHK	DATE
A	Issued for Approval	AL	RC	07/12/20



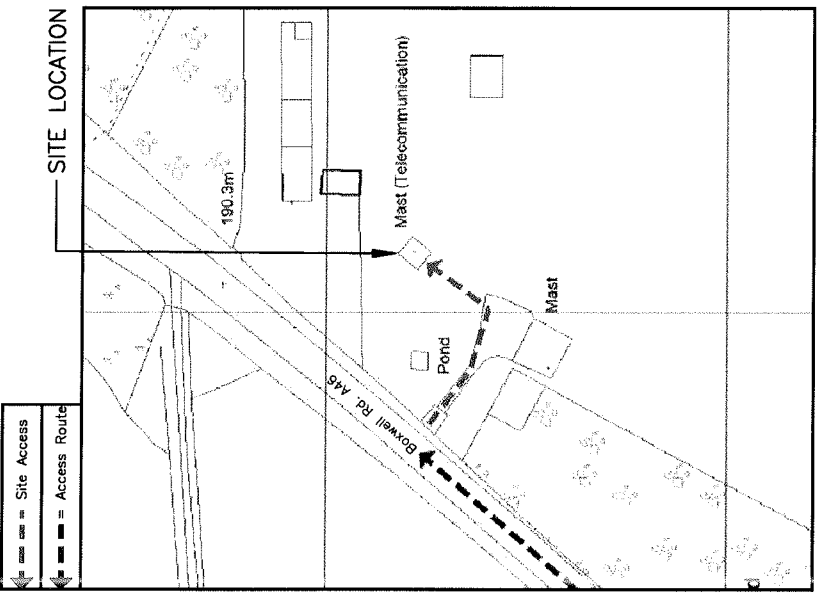
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Cell ID No		TEF	
CTIL	VF	TEF	
124079	86935	006918	

Site Address / Contact Details

BOXWELL FARM
 LEIGHTERTON
 TETBURY
 GLOUCESTERSHIRE
 GL8 8UG

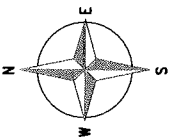
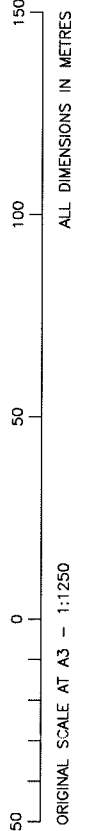
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Purpose of Issue:	PLANNING	Drawn	AM
Drawing Number:	100	Checked:	SD
Surveyed By:	TELELINK	Date:	07/12/20
Original Sheet Size:	A3	Date:	07/12/20
Drawn:	AM	Issue	C

SITE LOCATION

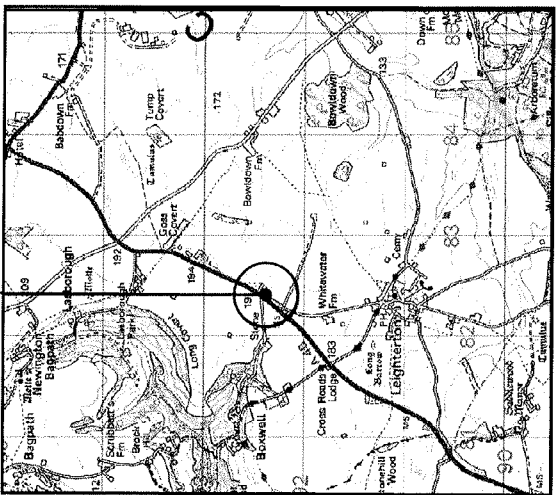


DETAILED SITE LOCATION

(Scale 1:1250)
 Based upon Ordnance Survey map extract with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright.

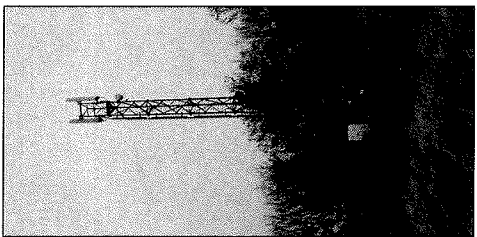
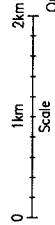


SITE LOCATION



SITE LOCATION

(Scale 1:50000)
 Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office. Crown copyright.



SITE PHOTOGRAPH

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
 Designed in accordance with CTIL document: SDN0008

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE
 N.G.R E. 382410 N. 192380

NOTES:

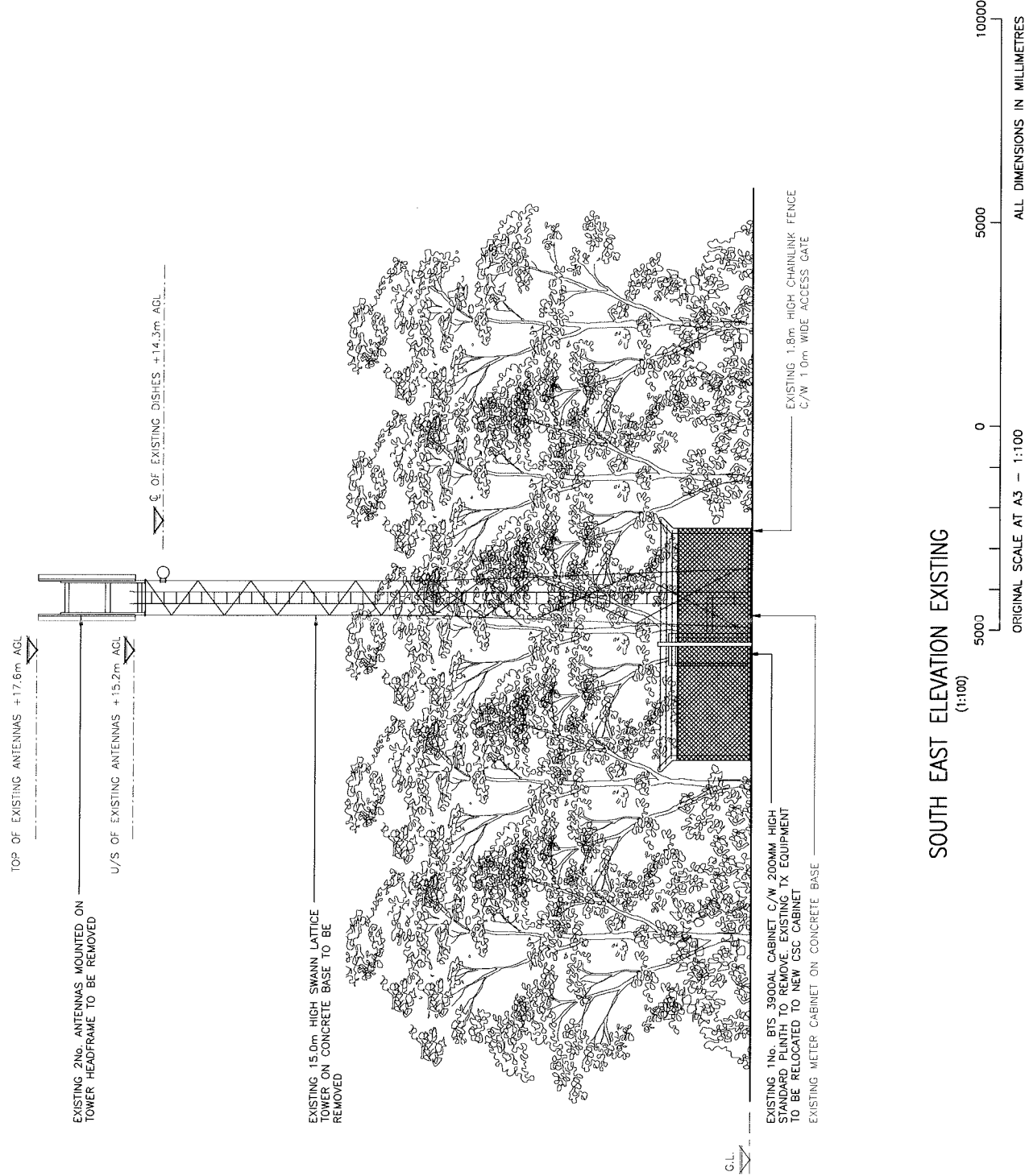
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B	Minor Amendment	AM	PC	07/09/20
A	Issued for Approval	AM	PC	07/12/20



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Cell ID No		VF	
CTIL		TEF	
124079	86935		006918

Site Address / Contact Details
 BOXWELL FARM
 LEIGHTERTON
 TETEBURY
 GLOUCESTERSHIRE
 GL8 8UG

Drawing Title:	SITE ELEVATION EXISTING
Purpose of Issue:	PLANNING
Dwg Rev	B
Drawing Number:	300
Original Sheet Size:	A3
Drawn:	AM
Date:	07/12/20
Checked:	SD
Date:	07/12/20
Packet Issue:	C



SOUTH EAST ELEVATION EXISTING
 (1:100)

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE
 N.G.R E: 382410 N: 192380

NOTES:

ELECTRICAL DESIGN IS TO BE CONFIRMED FOLLOWING COMPLETION OF ELECTRICAL CALCULATIONS

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C	Major Amendment	JA	FC	06.03.21
B	Minor Amendment	JA	FC	07.12.20
A	Issued for Approval	JA	FC	07.12.20



Cell Name	OP1
BOXWELL FARM	
Cell ID No	
CTIL	TEF
VF	
124079	006918

Site Address / Contact Details
 BOXWELL FARM
 LEIGHTERTON
 TETBURY
 GLOUCESTERSHIRE
 GL8 8UC

Dwg Rev	C
Purpose of Issue:	PLANNING
Drawing Number:	301
Surveyed By:	TELELINK
Original Sheet Size:	A3
Drawn:	JA
Date:	07.12.20
Checked:	SI
Date:	07.12.20
Issue:	C

- TOP OF PROPOSED TOWER 24.00m AGL
- TOP OF PROPOSED ANTENNAS 23.00m AGL
- U/S OF PROPOSED ANTENNA 22.43m AGL
- U/S OF PROPOSED ANTENNA 19.90m AGL

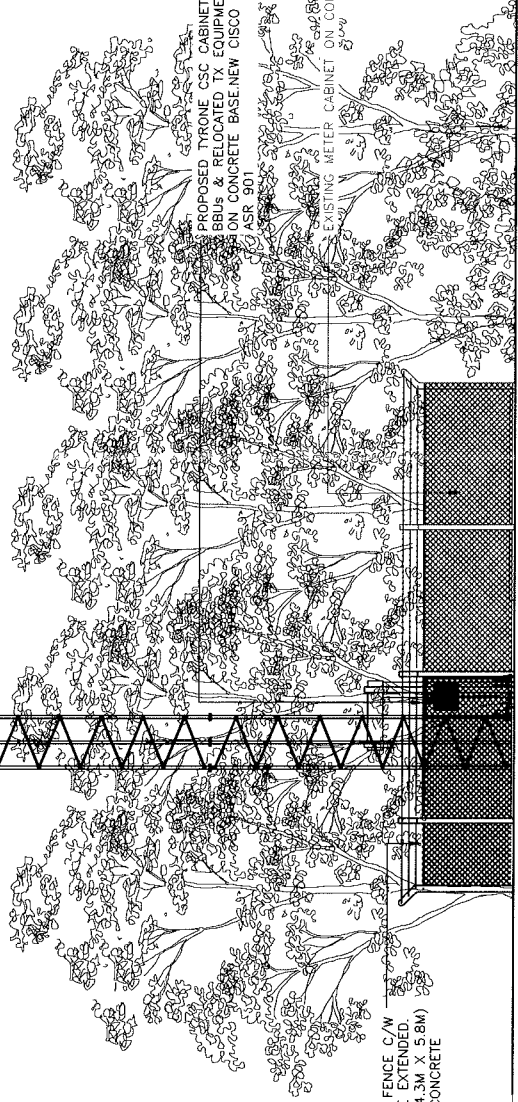
- PROPOSED 1No. ERS4415 (L21) ON NEW 4020 MAFI BRACKETS FIXED ON HEADFRAME (1No. PER SECTOR, 3No. TOTAL)
- PROPOSED 1No. ERS2212 (L900) ON NEW 4020 MAFI BRACKETS FIXED ON HEADFRAME (1No. PER SECTOR, 3No. TOTAL)
- PROPOSED 1No. ERS2260 ON NEW 4020 MAFI BRACKETS FIXED ON HEADFRAME (1No. PER SECTOR, 3No. TOTAL)

PROPOSED 24m SWANN LATTICE TOWER ON NEW FOUNDATION 4.05mx4.05mx4.05m

- PROPOSED 1No. GPS MODULE MOUNTED ON NEW HEADFRAME ON TOP OF ANTENNA
- PROPOSED 1No. COMMSCOPE RRRZZV-65B-R6M43 (12-PORT) ANTENNAS & 1No. ERICSSON AIR 3227 ANTENNAS ON NEW MAFI OFFSETS 3268 MOUNTED ON HEADFRAME (1No. EACH PER SECTOR, 3No. EACH TOTAL)
- PROPOSED 2No. ICD 3-WAY DC DISTRIBUTION (2No. PER SECTOR, 6 TOTAL)
- PROPOSED 2No. DC CABLES FOR PROPOSED 2No. ICD 3-WAY TO BE INSTALLED ON THE TOWER (2No. EACH PER SECTOR, 6No. EACH TOTAL)
- PROPOSED 1No. MULTICORE FIBRE TO BE INSTALLED ON THE TOWER (1No. EACH PER SECTOR, 3No. EACH TOTAL)

PROPOSED TYRONE CSC CABINET C/W PLINTH CONTAINING BUS & RELOCATED TX EQUIPMENTS TO BE INSTALLED ON CONCRETE BASE NEW CISCO ASR 920 TO REPLACE ASR 901

EXISTING METER CABINET ON CONCRETE BASE



EXISTING 1.8M HIGH CHAINLINK FENCE C/W 1.0M WIDE ACCESS GATE TO BE EXTENDED SIZE OF EXTENSION (APPROX. 4.3M X 5.8M) DEPENDENT ON SIZE OF NEW CONCRETE TOWER BASE.

SOUTH EAST ELEVATION PROPOSED (1:100)

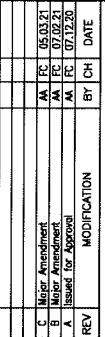


The drawings comply with TEF & Vodafone Standard ICNIRP guidelines. Designed in accordance with CTIL document: SDNU008

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE
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NOTES:
 ELECTRICAL DESIGN IS TO BE CONFIRMED FOLLOWING COMPLETION OF ELECTRICAL CALCULATIONS

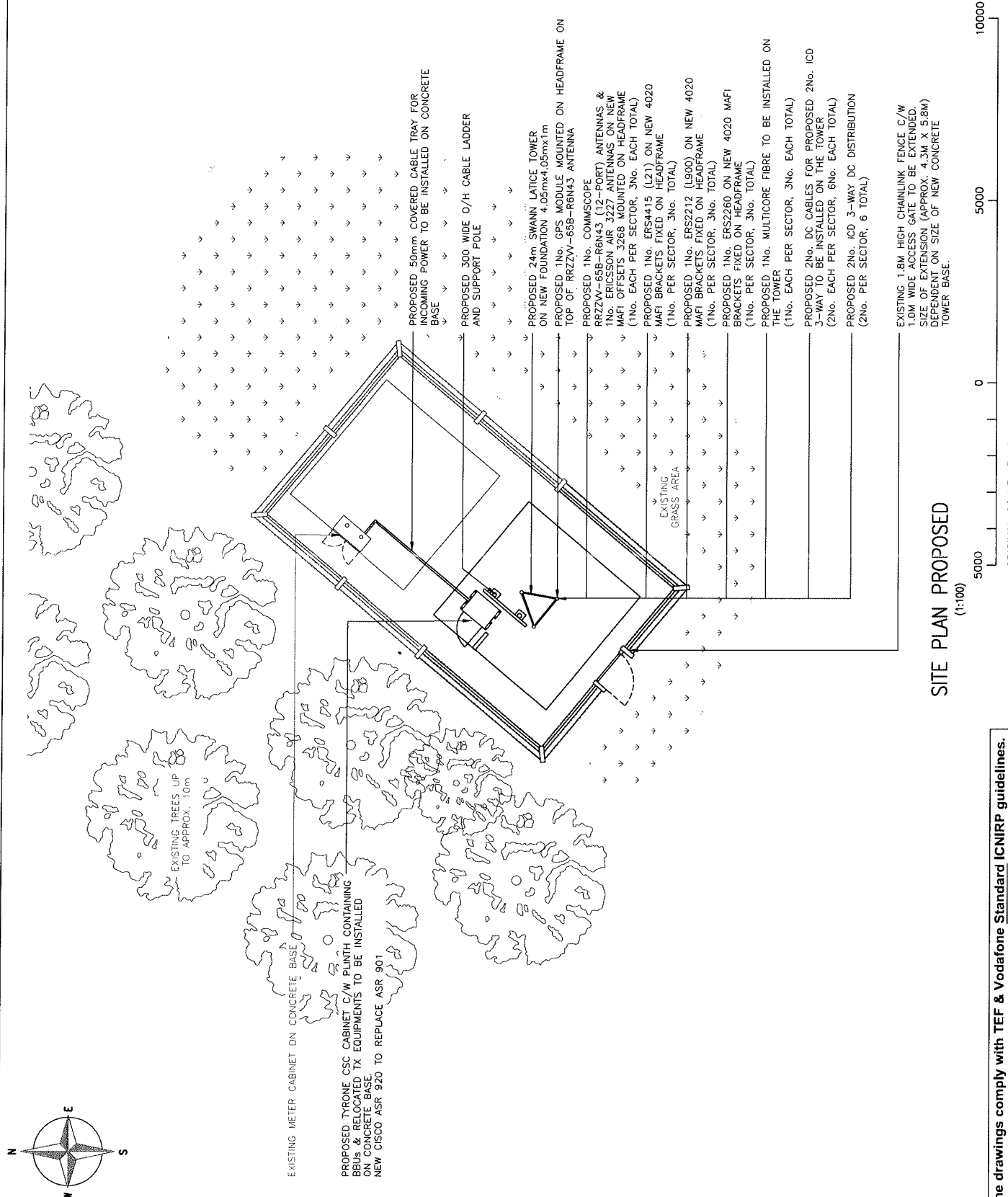
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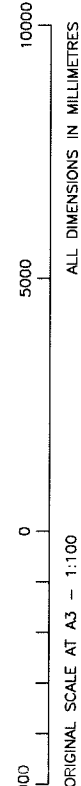
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Cell ID No	
CTIL	VF
124079	TEF
86935	006918

Site Address / Contact Details
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 LEIGHTERTON
 TETBURY
 GLOUCESTERSHIRE
 GL8 8JG

Drawing Title:	SITE PLAN PROPOSED
Purpose of Issue:	PLANNING
Drawing Number:	201
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Checked:	SI
Date:	07.12.20
Drawn:	AM
Date:	07.12.20
Issue:	C



SITE PLAN PROPOSED
 (1:100)



The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
 Designed in accordance with CTIL document: SDN0008



Item No 02:-

21/00616/FUL

**2,3,4,6,7,8 & 11
Tally Ho Lane
Guiting Power
Gloucestershire
GL54 5TY**

Item No 02:-

Installation of external wall insulation to No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power at 2,3,4,6,7,8 & 11 Tally Ho Lane Guiting Power Gloucestershire GL54 5TY

Full Application 21/00616/FUL	
Applicant:	Bromford Housing
Agent:	SJM Surveyors
Case Officer:	David Ditchett
Ward Member(s):	Councillor Richard Keeling
Committee Date:	9th June 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Adapting to Climate Change
- (b) Design and Impact on Heritage Assets
- (c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on Residential Amenity
- (e) Other Matters
- (f) Community Infrastructure Levy (CIL)
- (g) Planning Balance

Reasons for Referral:

20 objections were received. The Council's Scheme of Delegation states 'for applications where one or more objections have been received the officer will, at least one calendar week before the determination deadline (statutory or extended by agreement), consult the Ward Member prior to determining the application'.

The case officer consulted Councillor Keeling, who provided the following reason for referral: "I stand as one with Councillor Neill in our objection to the applications made by Bromford Housing in Lower Swell and Guiting Power. The principle objections are mirrored in each although the harm both visually and in amenity terms have their own characteristics given the varied settings of the houses in the respective communities that they are set.

The residents (and the non Bromford neighbours) seem not to have been given any consideration in these applications.

For all these and other planning reasons articulated in Councillor Neill's email to you I feel it is essential in the interests of local transparency that these applications be brought to the full planning committee. Further I would like the Review Panel to insist that a sites inspection be made prior to consideration of the applications so that the full impact of the harm to both these locations can be assessed."

I. Site Description:

The application site is Numbers 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power.

Numbers 2, 3 and 4 are mid-terrace, two-storey dwellings with uPVC windows and doors set within Cotswold stone elevations under pitched plain tiled roofs. Numbers 3 and 4 share front and rear gable features, the apex of which forms the boundary between the properties.

Numbers 6 and 11 are single storey end terrace bungalows with uPVC windows and doors set within Cotswold stone elevations under pitched plain tiled roofs. The entrances to these are on the side elevations and each benefit from a front gable feature that projects beyond the principal elevations of the rest of the terraced row by approximately 3.3m.

Numbers 7 and 8 are mid-terrace, two-storey dwellings with uPVC windows and doors set within Cotswold stone elevations under pitched plain tiled roofs.

Numbers 2, 3 and 4 are located on the eastern side of Tally Ho Lane, and form the main approach to Guiting Power from the south.

Numbers 6, 7, 8 and 11 are located on a small cul-de-sac on the western side of Tally Ho Lane. A turning head and a rank of garages are present at the northern end of the cul-de-sac.

Guiting Power Conservation Area is located between 14m to the north at its nearest point, and 51m to the north at its furthest point (the applicable distance varies depending on the dwelling in question).

The nearest listed building is the grade II listed Guiting Manor Nursery School 81m to the north at its nearest point (from 2 Tally Ho Lane).

All of the dwellings are located within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

N/A

3. Planning Policies:

TNPPF The National Planning Policy Framework
INF10 Renewable & Low Carbon Energy Develop't
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets

4. Observations of Consultees:

Heritage Team: Views incorporated within the Officer's report.

5. View of Town/Parish Council:

Guiting Power Parish Council: 'We believe it to be out of keeping with the traditional stone build of the cottages and would be an intrusion into the Cotswold village landscape. We also support the concerns of many local residents regarding the proposed render finish to the rear which we also believe would be out of keeping with the surrounding properties'.

6. Other Representations:

20 third party objections received relating to:

- Design and appearance;
- Rear of the houses back on to open space;
- Poor choice of materials;
- Lack of uniformity;
- Not in line with the conditions applied to granted permission at No. 5 (16/01400/FUL);
- Harmful to the AONB;
- Harmful to the Guiting Power Conservation Area;
- Out of keeping;
- Doubts the environmental credentials of the proposal;
- Fire safety; and
- Other options rather than cladding.

One of the submitted objections states that they are objecting to the application in Pear Tree Close Lower Swell, however uses the reference number for this application (21/00616/FUL). This objection is applied to both applications, for completeness.

7. Applicant's Supporting Information:

Cover Letter

Cladding Samples

Render and Cladding Specification Documents

8. Officer's Assessment:

Proposed Development and Background

The application seeks full planning permission for the installation of external wall insulation to No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power.

The principal (north west) elevations of No. 2, 3 and 4 are proposed to be clad with artificial stone cladding to mimic the look of the natural stone. The rear (south west) elevations of No. 2, 3 and 4 are proposed to be rendered. An insulating layer is proposed between the original external elevation and the cladding/render.

The eastern elevations of No. 6, 7, 8, & 11, the northern elevation of No. 6 and the southern elevation of No. 11 are proposed to be clad with artificial stone slips to mimic the look of the natural stone. The western elevations of No. 6, 7, 8, & 11, the southern elevation of No. 6 and the northern elevation of No. 11 are proposed to be rendered. An insulating layer is proposed between the original external elevation and the cladding/render.

Planning permission is required as the site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), also known as Article 2(3) land. Paragraph A.2(a) of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) restricts permitted development rights for the 'cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles' on Article 2(3) land. As such, planning permission is required for the proposed development.

(a) Adapting to Climate Change

Local Plan Policy INF10: Renewable and Low Carbon Energy Development states that 'proposals for the generation of energy from renewable or low carbon sources will be permitted, provided it is demonstrated that:

- a. any adverse impacts individually and/or cumulatively, including; visual amenity; landscape character; heritage assets; biodiversity; water quality and flood risk; highways; residential amenity, including shadow flicker, air quality and noise, are or can be satisfactorily mitigated;
- b. it is of an appropriate type, scale, and design for the location and setting;
- c. it is compatible with surrounding land uses, such as military activities; and
- d. it avoids using the best and most versatile agricultural land unless justified by compelling evidence.

With regard to national guidance, Paragraph 148 of the National Planning Policy Framework (2019) states that the 'planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 of the NPPF states that 'when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable'.

A material consideration for this application is that in July 2019 Cotswold District Council declared a climate emergency and drafted a Climate Strategy for the period 2020-2030. The Council has committed to 'embedding climate emergency considerations in all work areas, decision-making processes, policies and strategies'.

While planning permission is required in this instance, page 32 of the Permitted development rights for householders Technical Guidance states 'the installation of solid wall insulation constitutes an improvement rather than an enlargement or alteration to the house'. Government guidance clearly considers that external wall insulation is an 'improvement' and therefore is exempt from planning permission in most instances. The Government therefore sees such works as something that people should ordinarily be able to do to their properties without the need for permission.

The application is for the installation of external wall insulation to No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power. These properties are owned by Bromford Housing, a social housing provider. The submitted information states that the dwellings are 'of solid wall construction and are found to be thermally insufficient.' Officers have no evidence to the contrary. Furthermore, the submitted information demonstrates that the use of the external wall insulation 'systems can be designed to achieve U-values which satisfy or exceed current UK Building Regulation requirements.'

The proposed development therefore will improve the energy efficiency of the building by reducing heat loss. This would make a reduction to the carbon usage of the buildings, reduce the heating cost to the occupiers of the buildings, and will have modest wider impact towards the Council's aim of reducing carbon reliance in the District. It is evident therefore that existing national and local policy and guidance is supportive, in principle, of the proposed development.

(b) Design and Impact on Heritage Assets

The development may affect the setting of the Guiting Power Conservation Area. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the setting, character and appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect Conservation Areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular,

proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

The dwellings in Tally Ho Lane are typical examples of post war construction. Historical maps show the dwellings being constructed post 1940. In that regard, they are of limited historic interest. They are constructed from natural stonework elevations under plain tiled roofs, and most appear to have uPVC windows and doors fitted. Owing to their age and construction therefore, they are not considered to meet the criteria for non-designated heritage assets as set out in Local Plan Policy EN12. In addition, they are not within the Guiting Power Conservation Area, nor are they listed in their own right. While that is the case, the terraced row on the eastern side of Tally Ho Lane, and to a lesser extent (owing to its cul-de-sac location) the dwellings on the western side of Tally Ho Lane do contribute to the character and appearance of the area owing to the use of natural stone work elevations, and their uniformity throughout the terraces.

In terms of the wider area, with the exception of 'Hillside View' which 1960-1980 OS maps show to be a police station, all of the dwellings in this location appear to be have been constructed at the same time post 1940. With that in mind, the immediate area is considered to be relatively modern, as only the dwellings to the north of Guiting Manor Nursery School are present on 1891-1812 OS maps. This is reflected by the Guiting Power Conservation Area boundary, as all of the dwellings proposed to be altered are outside of the Guiting Power Conservation Area. When taking this into consideration, No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane are less sensitive to change.

It is proposed to clad and render the elevations of the dwellings as set out above. The cladding is proposed mimic the look of the natural stone. An insulating layer is proposed between the cladding/render and the original external elevation. The resultant external elevations will be approximately 9cm deeper than the adjoining dwellings.

Artificial stone cladding

As the average distance between the cladding and the roadside is just 15m, the use of artificial stone covering the principal elevations of the dwellings would be apparent from Tally Ho Lane (highway and cul-de-sac). This change would be highlighted as three of the six dwellings in the terraced row on the eastern side of Tally Ho Lane, and four of the six dwellings in the terraced row on the western cul-de-sac of Tally Ho Lane would be altered. This would lead to a mix of cladded and natural stone elevations, which would likely draw the eye.

It is possible to secure the exact colour and texture of the stone cladding and mortar prior to the development beginning. However, while the cladding could be close in colour and texture to the existing stone and mortar, it is unlikely to match. Further, the naked eye is likely to notice that the cladding is artificial. In that regard, the use of artificial cladding on the elevations is likely to be noticeable from the public vantage points in the immediate area.

The cladding is unlikely to be perceived in great detail from within the Guiting Power Conservation Area itself however, as the nearest public vantage point within the conservation area is on Tally Ho Lane itself, some 60m to the north of No. 2 Tally Ho Lane. While that is the case, the row on the eastern side of Tally Ho Lane in particular, and to a lesser extent (owing to the cul-de-sac location) the row on the western side of Tally Ho Lane form the main southern

approach to the Guiting Power Conservation Area. As such, the proposed changes would impact how the conservation area is perceived on this approach. It is considered therefore that the artificiality, the altered depth, and the break in the uniformity of the terraced rows would result in some harm to the setting of the conservation area. This harm is considered to be less than substantial, but at the lower end of less than substantial. Modest harm is also attributed to the use of cladding for the dwellings themselves, and the character and appearance of the immediate area (outside of the conservation area).

Render

Views of the rendered south east elevations of No. 2, 3 and 4 will be possible from the playing field to the rear (south east) and glimpses of the render on the southern elevation of No. 6 would be possible from sections of Tally Ho Lane. Public views of the rear elevations of 6, 7, 8, & 11 and the northern elevation of No. 11 are unlikely as these face into agricultural fields to the west and the garden of The Old Vicarage to the north. When considering the separation distances involved, detailed views of the render from within the Guiting Power Conservation Area are unlikely.

While the render could be viewed from various public vantage points within the area, it can appear more natural than artificial cladding. Indeed, render often appears throughout the District in conjunction with natural stonework. Furthermore, it is possible to add a condition to secure the exact colour, finish and texture of the render prior to the development beginning. As such, a muted colour, roughcast texture and traditional finish is possible. While officers are mindful that render is not common throughout this area of Guiting Power, for the reasons set out, the use of render, even on parts of the terraced rows, is not considered to be harmful to the host dwellings, the character and appearance of the area, or the setting of the conservation area.

Conclusion

Owing to the 81m separation distance between the nearest dwelling (No. 2) and nearest listed building, the grade II listed Guiting Manor Nursery School to the north, it is considered that the works will not harm the setting of the listed building.

The use of artificial stone cladding on the elevations of No. 2, 3, 4, and to a lesser extent, No. 6, 7, 8, & 11 Tally Ho Lane is found to be harmful to the setting of the Guiting Power Conservation Area and this harm is identified as being 'less than substantial', albeit at the lower end of 'less than substantial'. As such, Paragraph 196 of the NPPF directs decision-makers to weigh that harm against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The works are to improve the energy efficiency of the buildings. The proposed development therefore will result in a reduction to the carbon usage of the buildings, reduce the heating cost to the occupiers of the buildings, and will have a modest wider impact towards the Council's aim of reducing carbon reliance in the District. In addition, some minor economic benefits will arise during the construction phase; however, these are minor and short term. In light of the declared climate emergency, officers are satisfied, on balance, that the public benefits of the scheme outweigh the less than substantial harm to the setting of the Guiting Power Conservation Area.

In light of the balancing exercise as directed by Paragraph 196 of the NPPF, officers are satisfied that the works are in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF and Policies EN10 and EN11 of the Local Plan.

However, modest harm is found to the character and appearance of the area (outside of the conservation area), and to the dwellings themselves. The proposal therefore broadly accords with Local Plan Policy EN2 of the Local Plan and the provisions of the NPPF which seeks to achieve well-designed places.

(c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The works proposed are limited to cladding and render only, with a nominal increase in built form proposed. Furthermore, the site is located within a reasonably built up area, and the development is contained within the residential curtilage of each property with no encroachment into open countryside. As such, the development is not considered harmful to the character or appearance of the Cotswolds AONB.

(d) Impact on Residential Amenity

Local Plan Policy EN2 (Design Code) states that development should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Similarly, paragraph 127 of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

The submitted information states the render and cladding will increase the wall thickness of the dwellings by approximately 9cm. This modest increase in built form, which is restricted to cladding and render only, will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition sufficient private external amenity space is retained at the property.

(e) Other Matters

Concerns were raised regarding the fire safety performance of the materials. Information was submitted which demonstrates that the cladding and render 'contains flame retardant additives which significantly reduce the ignitability of the material, and the system also includes vertical fire barriers in non-combustible (Euroclass A1 to BS EN 13501-1) mineral fibre insulation of minimum 100 mm width and the same depth/thickness as the EPS Premium insulation, which are incorporated into the EWI system at the front and rear party wall lines: This arrangement

satisfies the requirement to resist potential fire spread laterally, from one dwelling to the adjoining dwelling'. Officers are satisfied, based on the information supplied, that the proposed materials would not increase the risk of fires at the development sites, or for the adjoining properties.

Several comments were received stating that the proposed development is not in line with the conditions applied to granted permission at No. 5 (16/01400/FUL). This permission required the extension to be constructed from natural stone to match the host dwelling. Officers note this, however each application must be considered on its own merits, and is assessed against the relevant prevailing policies and guidance of the time. Those prevailing policies and guidance have changed, and a climate emergency declared since the granting of the permission at No. 5 (16/01400/FUL).

Comments were received noting that other options may be more suitable to achieve the desired energy efficiency improvements. It may be the case that there are other more suitable options than what is proposed. However, the Council has a statutory duty to assess the application it has before it.

(f) Community Infrastructure Levy (CIL)

This development is not liable for CIL because it is:

Less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

(g) Planning Balance

The less than substantial harm identified to the setting of the Guiting Power Conservation Area is considered to be outweighed by the public benefits of the scheme as outlined in this report. In addition, whilst harm has been identified to the character and appearance of the immediate locality, and to the dwellings being altered by virtue of the cladding being used, this harm is considered to be modest. No harm is considered to result from the proposed use of render.

The proposed works are designed to improve the energy efficiency of the buildings. The proposed development, therefore, will result in a reduction in the carbon usage of the buildings, reduce the heating cost to the occupiers of the buildings, and will have a modest wider impact towards the Council's aim of reducing carbon reliance in the District. As such, it is recommended that permission be granted.

9. Conclusion:

The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

10. Proposed conditions:

- I. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans: A1.3; A1.2 and A1.5.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the commencement of development, a sample panel of cladding of at least one metre square in size showing the proposed colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: In light of the above details not being submitted at determination stage for consideration and approval, this condition, which is agreed with the applicant, is necessary in order to ensure that the works serve to preserve the setting of the Guiting Power Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

4. Prior to the commencement of development, a sample panel of render of at least one metre square in size showing its proposed texture, finish and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority. The rendering shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: In light of the above details not being submitted at determination stage for consideration and approval, this condition, which is agreed with the applicant, is necessary in order to ensure that the works serve to preserve the setting of the Guiting Power Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

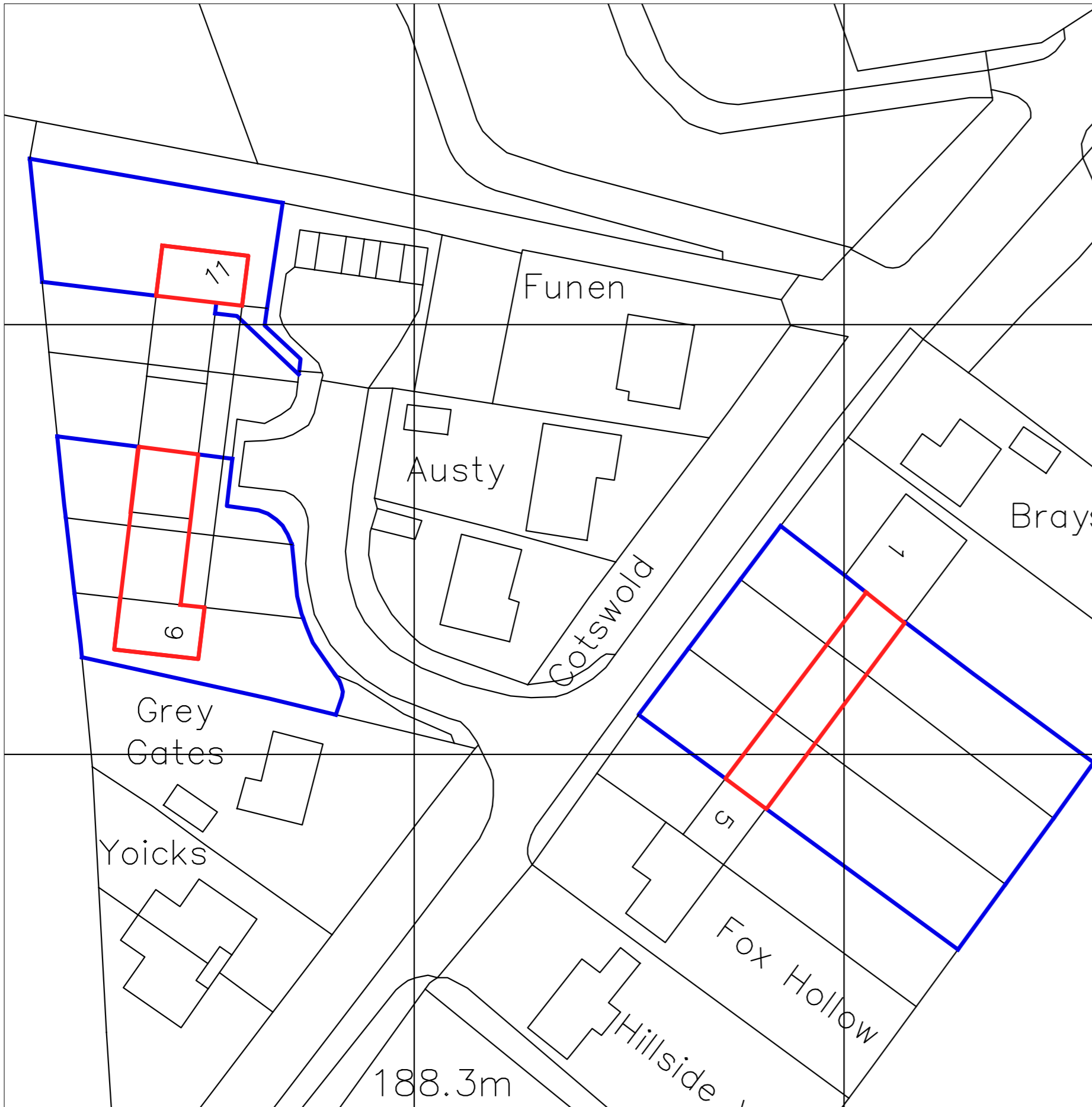
5. No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure that the works serve to preserve the setting of the Guiting Power Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

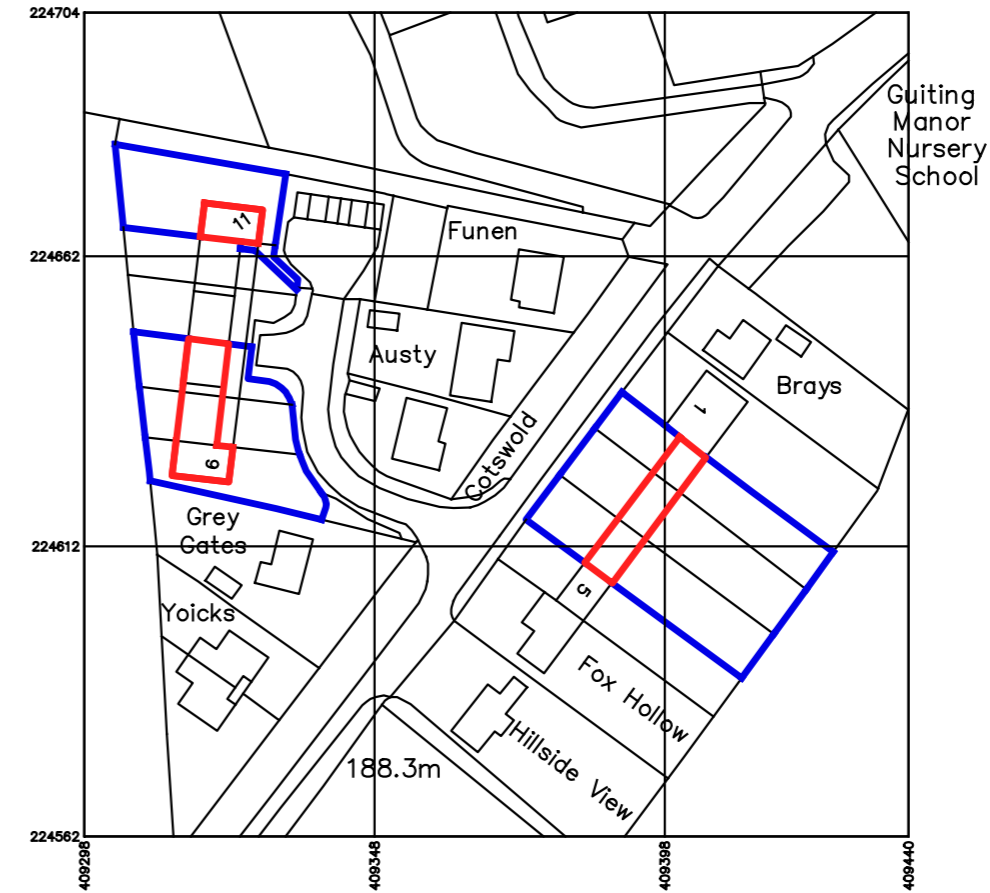
Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:

Less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.



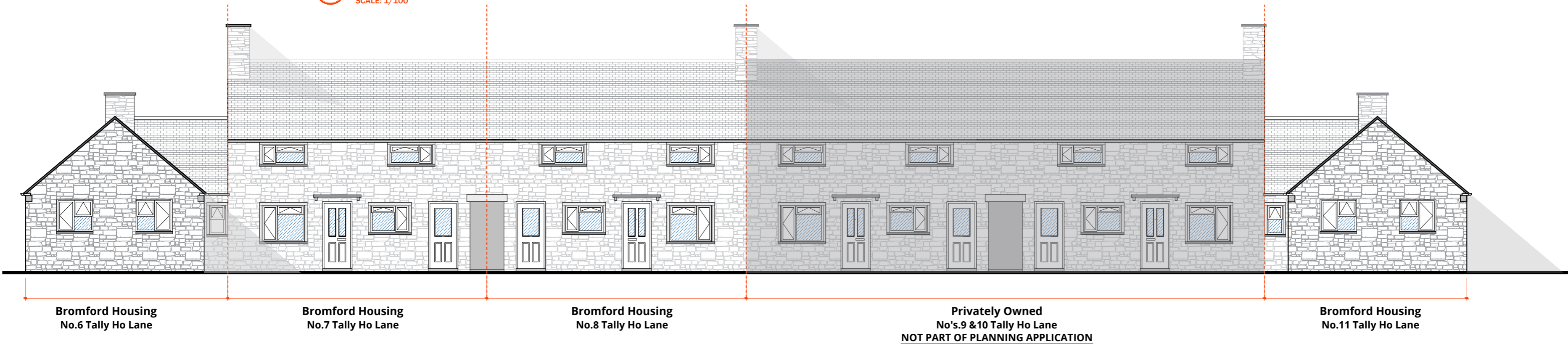
1 BLOCK PLAN
SCALE: 1/500 @A2



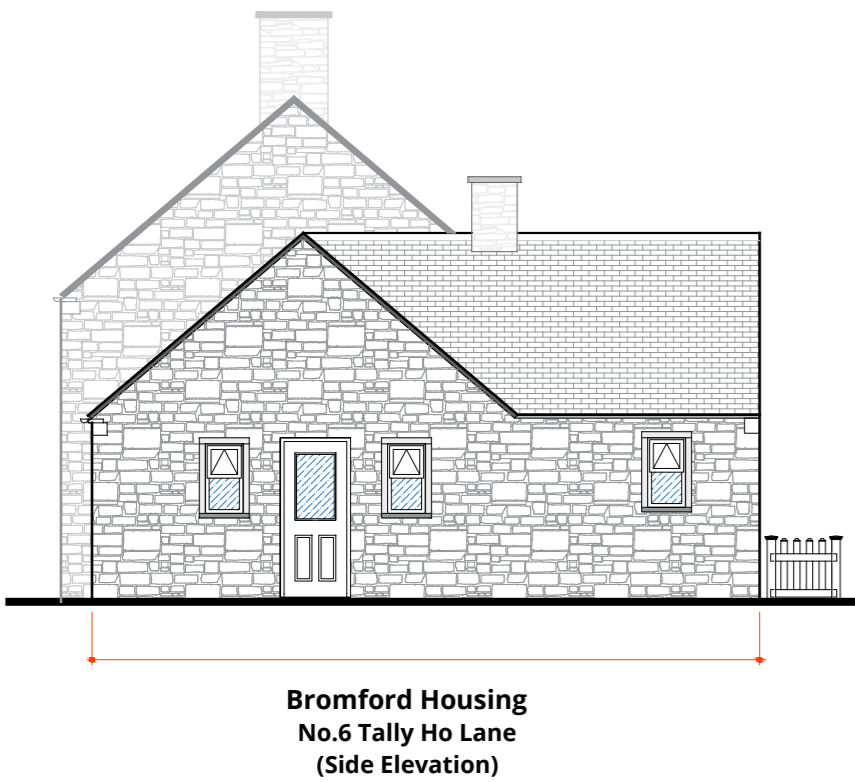
2 SITE PLAN
SCALE: 1/1250 @A2



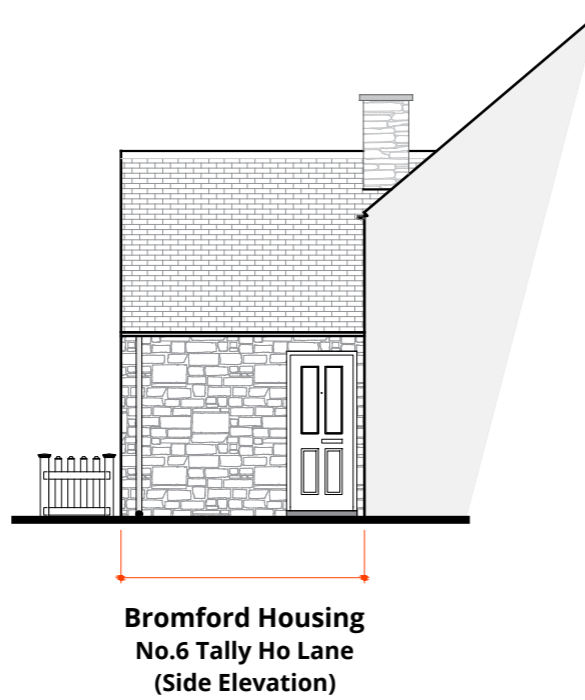
1 EXISTING WEST (FRONT) ELEVATION
SCALE: 1/100



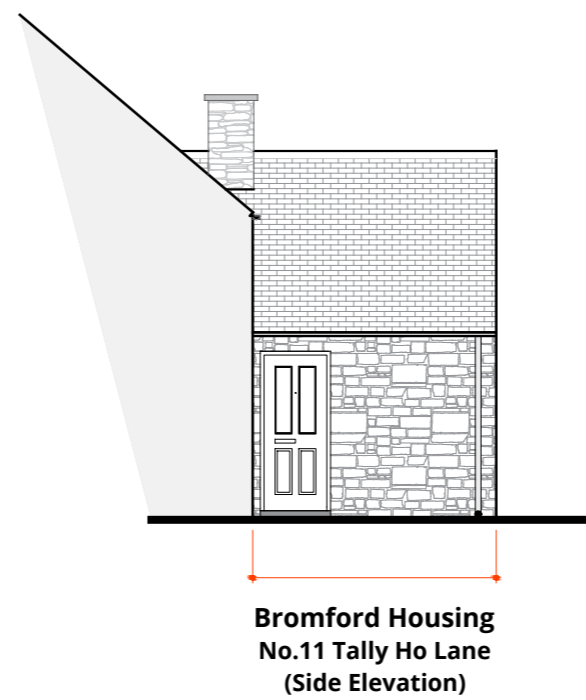
2 EXISTING EAST (FRONT) ELEVATION
SCALE: 1/100



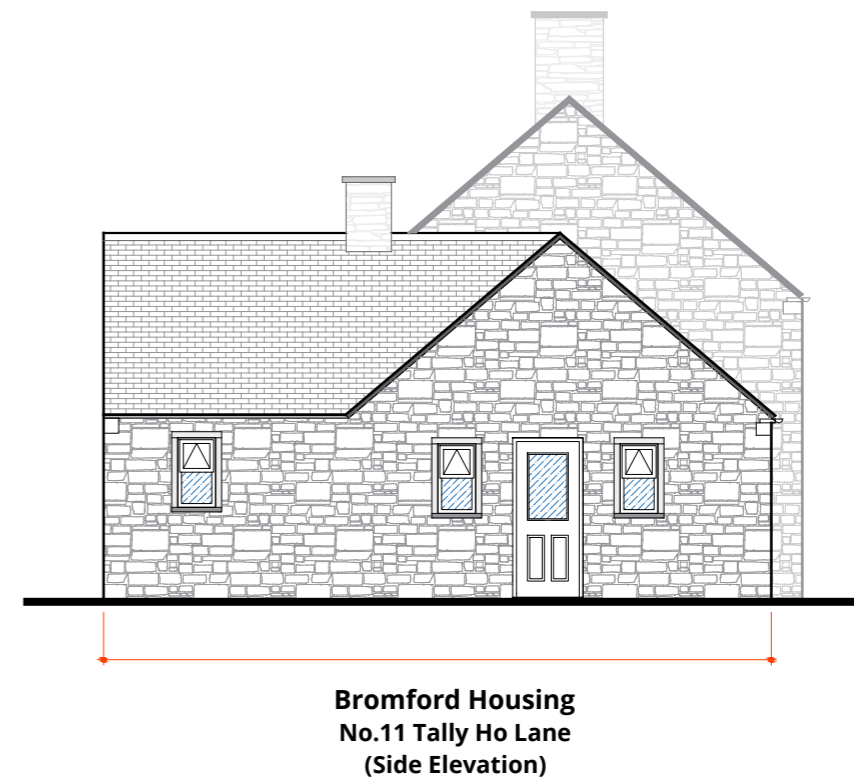
3 EXISTING SOUTH (SIDE) ELEVATION
SCALE: 1/100



4 EXISTING NORTH ELEVATION
SCALE: 1/100



5 EXISTING SOUTH ELEVATION
SCALE: 1/100



6 EXISTING NORTH (SIDE) ELEVATION
SCALE: 1/100



1 PROPOSED WEST (FRONT) ELEVATION
SCALE: 1/100

Bromford Housing
No.2 Tally Ho Lane

Bromford Housing
No.3 Tally Ho Lane

Bromford Housing
No.4 Tally Ho Lane



2 PROPOSED EAST (FRONT) ELEVATION
SCALE: 1/100

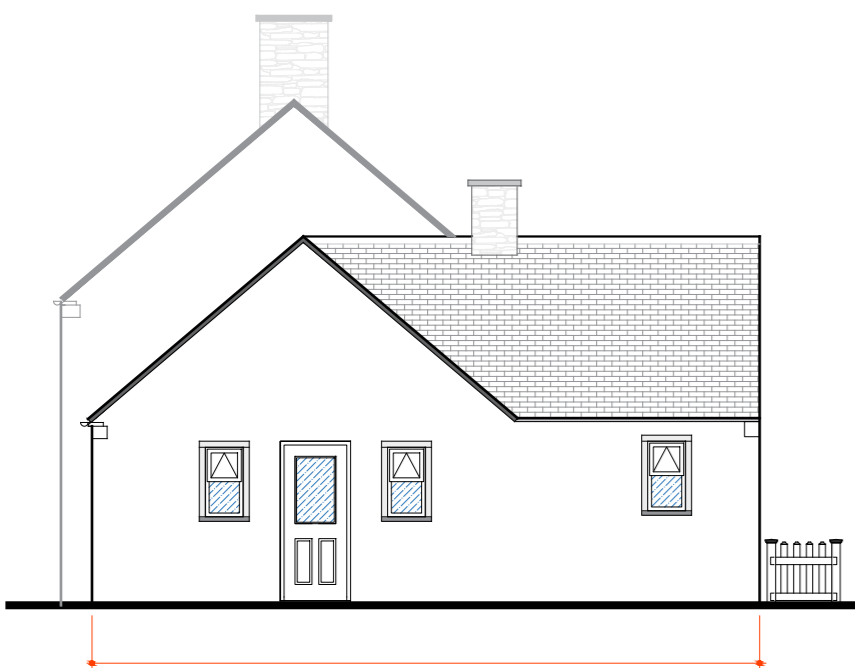
Bromford Housing
No.6 Tally Ho Lane

Bromford Housing
No.7 Tally Ho Lane

Bromford Housing
No.8 Tally Ho Lane

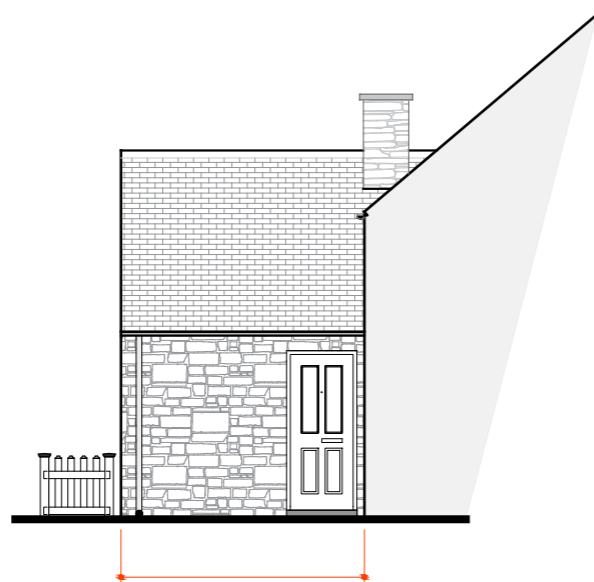
Privately Owned
No's.9 & 10 Tally Ho Lane
NOT PART OF PLANNING APPLICATION

Bromford Housing
No.11 Tally Ho Lane



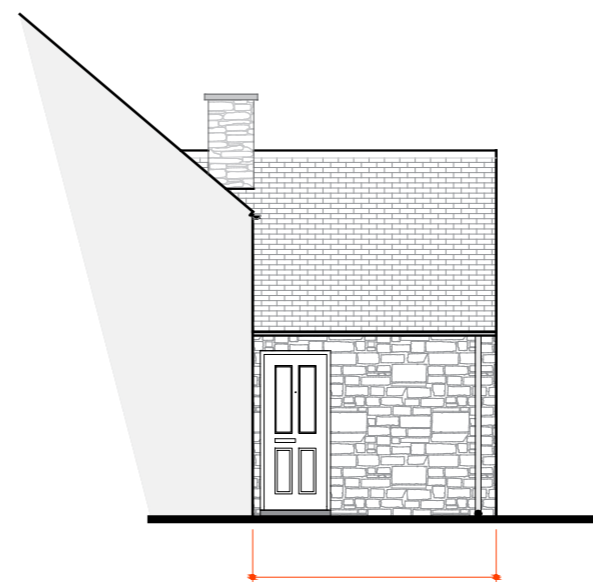
3 PROPOSED SOUTH (SIDE) ELEVATION
SCALE: 1/100

Bromford Housing
No.6 Tally Ho Lane
(Side Elevation)



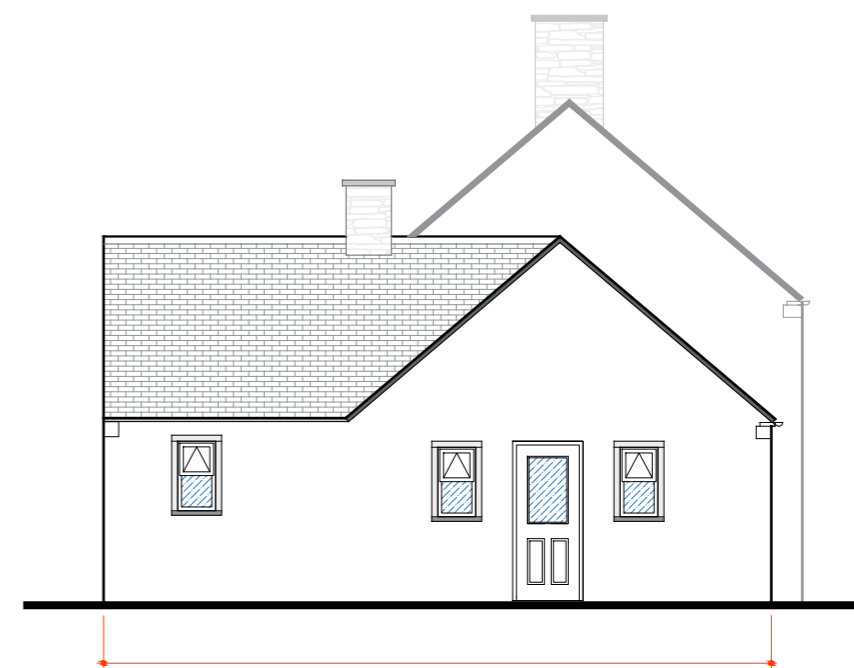
4 PROPOSED NORTH ELEVATION
SCALE: 1/100

Bromford Housing
No.6 Tally Ho Lane
(Side Elevation)



5 PROPOSED SOUTH ELEVATION
SCALE: 1/100

Bromford Housing
No.11 Tally Ho Lane
(Side Elevation)



6 PROPOSED NORTH (SIDE) ELEVATION
SCALE: 1/100

Bromford Housing
No.11 Tally Ho Lane
(Side Elevation)



Bromford Housing
No.4 Tally Ho Lane

Bromford Housing
No.3 Tally Ho Lane

Bromford Housing
No.2 Tally Ho Lane

1 EXISTING REAR ELEVATION
SCALE: 1/100



Bromford Housing
No.11 Tally Ho Lane

Privately Owned
No's.9 &10 Tally Ho Lane
NOT PART OF PLANNING APPLICATION

Bromford Housing
No.8 Tally Ho Lane

Bromford Housing
No.7 Tally Ho Lane

Bromford Housing
No.6 Tally Ho Lane

2 EXISTING REAR ELEVATION
SCALE: 1/100

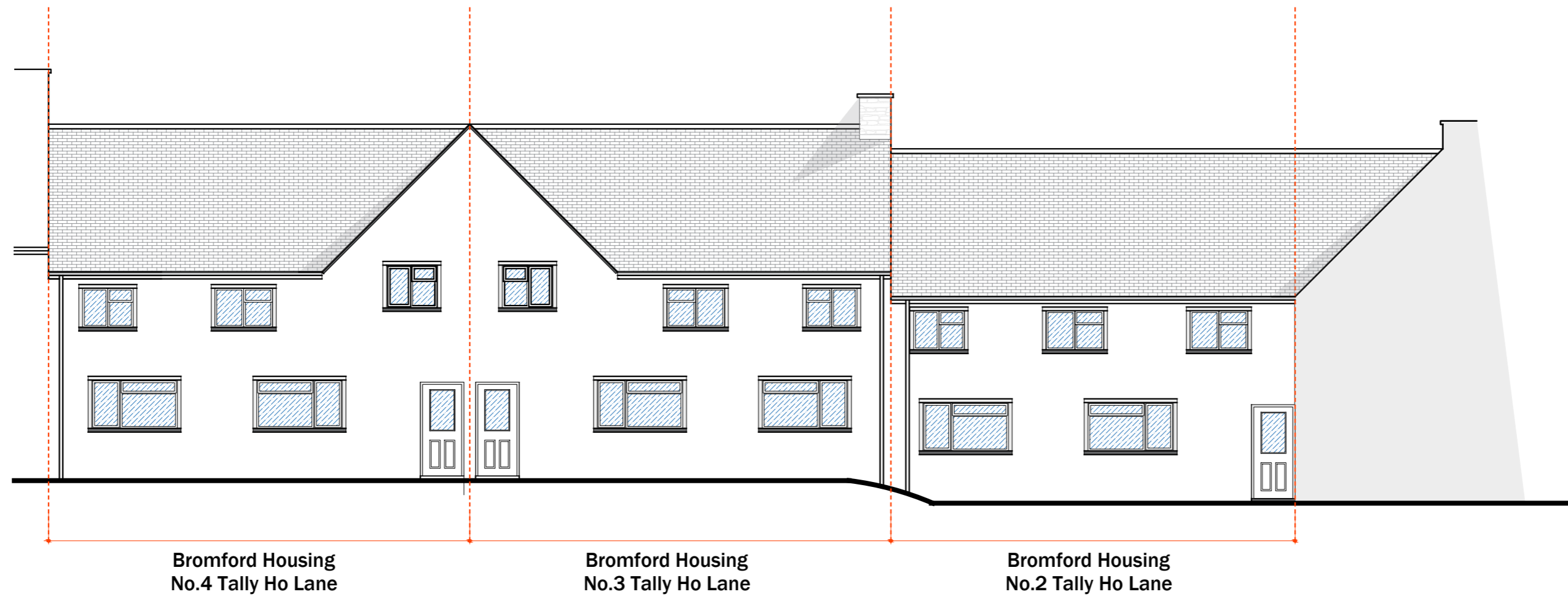


The designer takes no responsibility for checking any building works on site. All necessary local authority inspections must be requested at the appropriate stages of construction.

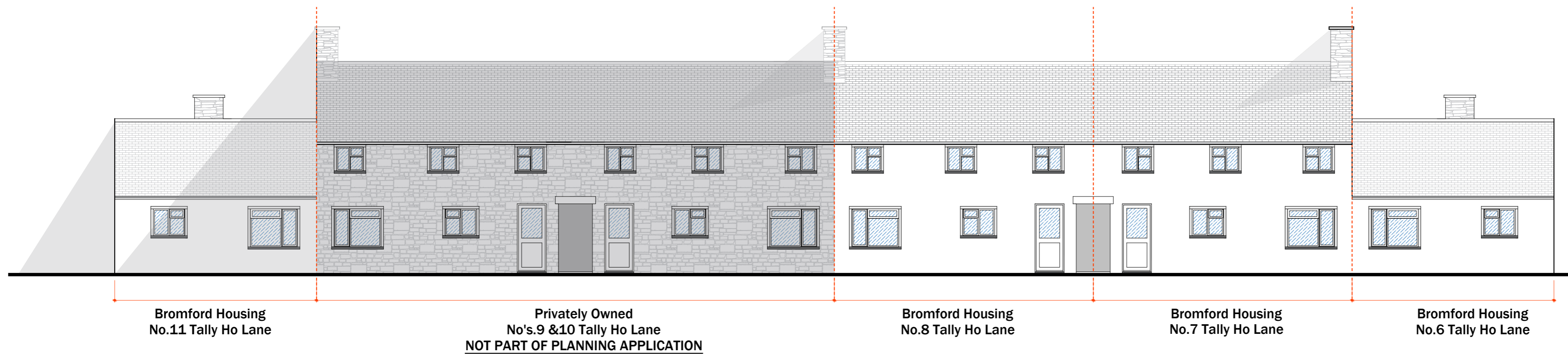
All details and dimensions are to be confirmed on site prior to works commencing or any ordering of materials.

All dimensions in millimeter and to structural faces. All dimensions must be checked on site and not scaled from this drawing.

This drawing and associated details and the works shown are the copyright of the designer and may not be reproduced except with written permission.



1 PROPOSED REAR ELEVATION
SCALE: 1/100



2 PROPOSED REAR ELEVATION
SCALE: 1/100

Oswestry

The Fort Offices
Artillery Business Park
Oswestry
SY11 4AD
Tel: 01691 898560



Email: info@sjmsurveyors.co.uk

22nd January 2021

Dear Sirs,

**Ref: No. 2, 3, 4, 6, 7, 8 & 11, Tally Ho Lane, Guiting Power,
Cheltenham, Gloucestershire, GL54 5TY**

On behalf of our client, Bromford Housing, we seek full planning permission for the installation of External Wall Insulation to eight properties located at *Tally Ho Lane, Guiting Power* (No. 2, 3, 4, 6, 7, 8, & 11).

These properties are of solid wall construction and are found to be thermally insufficient. As part of *'The Domestic Minimum Energy Efficiency Standard (MEEES) Regulations 2018'*, my client, a social housing provider, seeks to substantially upgrade the thermal efficiency of these properties by installing external wall insulation to each exterior elevation. These works will not only have a positive impact on the individual properties but will also help reduce fuel poverty.

The EWI system proposed to be installed is a low-profile system. It will project nominally forward approximately 90mm from the original wall face. This will, therefore reduce the visual impact of the properties. The proposed external wall finish has been carefully considered by our client to satisfy Policy CE3 by minimising the original stone appearance on the front elevations. A stone colour rendering will then be applied to the remaining elevations, where they are not exposed and visible from the street.

External wall insulation is installed by adding a weatherproof insulating layer to the outside of the wall. The proposed system has a protective weatherproof render with stone slips applied to the external face. As part of the submitted documentation, my client has provided a photographic record of a similar scheme previously undertaken.

This group of properties are located outside of the Guiting Power Conservation Area and are not individually listed. Additionally, they are not registered as buildings of significant historical interest. As these buildings are located within the Cotswolds Area of Outstanding Natural Beauty (AONB), the proposed works are considered under the provision of Article 2(3)a

"... it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles would require planning permission."

We have inspected the adopted *'Cotswolds AONB Management Plan 2018-2023'* as well as the National Planning Policy Framework. Based on our findings, it is our opinion that this scheme satisfies various identified local and national planning policies. Further Government documents have also been cited.

In the Heath and Energy Saving Strategy, the government has set out a long-term vision for the continuous delivery of carbon savings within the domestic sector using some form of obligations. Energy efficiency is one of the most cost-effective ways of achieving desired reductions in carbon emissions. Reducing energy consumption can also improve productivity and contribute to improved security of supply.

In our opinion, our client will have satisfied NPPF 14; Para.148 and Policy CC7: Climate Change - Mitigation 1 by minimising the vulnerability of occupants by reducing fuel poverty. This will be achieved by retrofitting the existing building stock with external wall insulation.

NPPF 14; Para.148

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy CC7: Climate Change - Mitigation 1.

“Greenhouse gas emissions should be reduced through a range of measures, including:

- *improving energy efficiency, including ... retrofitting existing buildings; “*

The principle of installing external installation on the façade of these properties has been considered carefully by our client to ensure that it achieves compliance with Policy CE3. The additional cost implication of installing stone slips to those identified elevations in the application has ensured that the properties remain visually in keeping with the local characteristics. In undertaking the installation of EWI we consider the appropriateness of this design and the practical requirement for the building's continued sustainability have been appropriately considered. The proposal is not considered a significant material change.

Policy CE3: Local Distinctiveness

1. *Proposals that are likely to impact on the local distinctiveness of the Cotswolds AONB should have regard to, be compatible with and reinforce this local distinctiveness. This should include:*
 - *being compatible with the Cotswolds Conservation Board’s Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;*
 - *being designed and, where relevant, landscaped to respect local settlement patterns, building styles, scale and materials;*
 - *using an appropriate colour of limestone to reflect local distinctiveness.*

2. *Innovative designs - which are informed by local distinctiveness, character and scale - should be welcomed.*

Item No 03:-

21/00617/FUL

**No. 3 & 5
Pear Tree Close
Lower Swell
Gloucestershire
GL54 1JA**

Item No 03:-

Installation of external wall insulation to No. 3 & 5 Pear Tree Close, Lower Swell at No. 3 & 5 Pear Tree Close Lower Swell Gloucestershire GL54 IJA

Full Application 21/00617/FUL	
Applicant:	Bromford Housing
Agent:	SJM Surveyors
Case Officer:	David Ditchett
Ward Member(s):	Councillor Dilys Neill
Committee Date:	9th June 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Adapting to Climate Change
- (b) Design and Impact on Heritage Assets
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on Residential Amenity
- (e) Other Matters
- (f) Community Infrastructure Levy (CIL)
- (g) Planning Balance

Reasons for Referral:

23 objections were received. The Council's Scheme of Delegation states 'for applications where one or more objections have been received the officer will, at least one calendar week before the determination deadline (statutory or extended by agreement), consult the Ward Member prior to determining the application'.

The case officer consulted Councillor Neill, who provided the following reason for referral: "I would like this application to go to the Planning and Licensing Committee on the grounds that the proposed cladding will damage the appearance of the row of cottages within the AONB. It will present a patchwork effect which will be visible from other houses in the village, from footpaths & in particular, it is opposite the church, which is a listed building & this bizarre row of cottages will be clearly visible to visitors exiting the listed building.

Further, the information which Bromford have supplied is incorrect, they have not insulated the lofts, some of the windows are falling apart & they have done nothing to improve the heating systems in the properties. One has night storage radiators & the other a single oil fired radiator. There is a lot which can be done to improve the energy performance of these properties short of spoiling the appearance of this attractive row of cottages."

I. Site Description:

The application site is Number 3 and Number 5 Pear Tree Close Lower Swell. Pear Tree Close does not front a road and the dwellings are accessed by a path running east to west from the highway to the east.

Number 3 is a mid-terrace, two-storey dwelling with uPVC windows and doors set within Cotswold stone elevations. The property is attached to its neighbours to the east and west by single-storey sections. The two-storey and single-storey elements are both pitched and covered with plain tiles.

Number 5 is an end-terrace, two-storey dwelling with uPVC windows and doors set within Cotswold stone elevations. The dwelling forms the western 'book end' of the terrace row as the pitched roof runs north to south, rather than east to west, and two gable ends form the principal and rear elevations. A single-storey element is present on the side (western) elevation. The two-storey and single-storey elements are both pitched and covered with plain tiles.

Lower Swell Conservation Area is located 26m and 48m to the east of Number 3 and Number 5 respectively.

The grade II* listed 'Church Of St Mary' is located 59m and 80.5m to the north east of Number 3 and Number 5 respectively.

The grade II listed monument 'Cross Base 15 Yards South West Of Church Of St Mary' is located 45m and 62m to the north east of Number 3 and Number 5 respectively.

The grade II listed 'Sunnyside And Cottage Adjacent To West' is located 58m and 81m to the east of Number 3 and Number 5 respectively.

The grade II listed 'Cranmer Cottage' is located 52m and 67m to the south east of Number 3 and Number 5 respectively.

Number 3 and Number 5 are located within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

N/A

3. Planning Policies:

TNPPF The National Planning Policy Framework
INF10 Renewable & Low Carbon Energy Develop't
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets

4. Observations of Consultees:

Historic England: 'We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.'

Heritage Team: Views incorporated within the Officer's report.

5. View of Town/Parish Council:

Swell Parish Council: Objects relating to design, appearance, material, and how cladding would age.

6. Other Representations:

23 third party objections received relating to:

- Design;
- Damp issues;
- Impact on AONB;
- Impact on character and appearance of the area;
- Setting a precedent;
- Appear at odds with terraced row;
- Fire safety;
- Impact to conservation area;
- Devalue property;
- Uncharacteristic materials;
- How the material will weather; and
- Impact on views from nearby properties

One of the submitted objections states that they are objecting to this application in Pear Tree Close, Lower Swell, however uses the reference number for a different application (21/00616/FUL). This objection is applied to both applications, for completeness.

7. Applicant's Supporting Information:

Cover Letter

Cladding Samples

Render and Cladding Specification Documents

8. Officer's Assessment:

Proposed Development and Background

The application seeks full planning permission for the installation of external wall insulation to No. 3 & 5 Pear Tree Close.

It is proposed to clad the principal (northern) elevations of both dwellings with artificial stone slips to mimic the look of the natural stone. An insulating layer is proposed between the cladding and the original external elevation.

It is also proposed to render the rear (southern) elevations of both dwellings, the side (western) elevation of Number 5 and the side (eastern) elevation of Number 3. An insulating layer is proposed between the render and the original external elevations.

Planning permission is required as the site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), also known as Article 2(3) land. Paragraph A.2(a) of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) restricts permitted development rights for the 'cladding of any part of the

exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles' on Article 2(3) land. As such, planning permission is required for the proposed development.

(a) Adapting to Climate Change

Local Plan Policy INF10: Renewable and Low Carbon Energy Development states that 'proposals for the generation of energy from renewable or low carbon sources will be permitted, provided it is demonstrated that:

- a. any adverse impacts individually and/or cumulatively, including; visual amenity; landscape character; heritage assets; biodiversity; water quality and flood risk; highways; residential amenity, including shadow flicker, air quality and noise, are or can be satisfactorily mitigated;
- b. it is of an appropriate type, scale, and design for the location and setting;
- c. it is compatible with surrounding land uses, such as military activities; and
- d. it avoids using the best and most versatile agricultural land unless justified by compelling evidence.

With regard to national guidance, Paragraph 148 of the National Planning Policy Framework (2019) states that the 'planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 of the NPPF states that 'when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable'.

A material consideration for this application is that in July 2019 Cotswold District Council declared a climate emergency and drafted a Climate Strategy for the period 2020-2030. The Council has committed to 'embedding climate emergency considerations in all work areas, decision-making processes, policies and strategies'.

While planning permission is required in this instance, page 32 of the Permitted development rights for householders Technical Guidance states 'the installation of solid wall insulation constitutes an improvement rather than an enlargement or alteration to the house'. Government guidance clearly considers that external wall insulation is an 'improvement' and therefore is exempt from planning permission in most instances. The Government therefore sees such works as something that people should ordinarily be able to do to their properties without the need for permission.

The application is for the installation of external wall insulation to No. 3 & 5 Pear Tree Close, Lower Swell. These properties are owned by Bromford Housing, a social housing provider. The submitted information states that the dwellings are 'of solid wall construction and are found to be thermally insufficient.' Officers have no evidence to the contrary. Furthermore, the submitted information demonstrates that the use of the external wall insulation 'systems can be designed to achieve U-values which satisfy or exceed current UK Building Regulation requirements.'

The proposed development therefore will improve the energy efficiency of the building by reducing heat loss. This would make a reduction to the carbon usage of the buildings, reduce the heating cost to the occupiers of the buildings, and will have modest wider impact towards the Council's aim of reducing carbon reliance in the District. It is evident therefore that existing national and local policy and guidance is supportive, in principle, of the proposed development.

(b) Design and Impact on Heritage Assets

As set out in the site description above, a number of listed buildings are located between 45m and 81m from the dwellings. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the buildings, the settings, and any features of special architectural or historic interest they may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The development may affect the setting of the Lower Swell Conservation Area. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the setting, character and appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that development proposals that would affect Conservation Areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 194). Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

The dwellings in Pear Tree Close are a typical example of post war construction. Historical maps show the row being constructed post 1950. In that regard, they are of limited historic interest. They are constructed from natural stonework elevations under plain tiled roofs, and most appear to have uPVC windows and doors fitted. Owing to their age and construction therefore, they are not considered to meet the criteria for non-designated heritage assets as set out in Local Plan Policy EN12. In addition, they are not within the Lower Swell Conservation Area, nor are they listed in their own right. While that is the case, the terraced row does add to the character and appearance of the area owing to the use of natural stone for the external walls, and their uniformity throughout the terrace.

In terms of the wider area, the dwellings in St Marys Close to the north, Whittlestone Hollow to the west/south-west, and Whittlestone Close to the south were constructed after the dwellings in Pear Tree Close. Historical maps show these dwellings were constructed between 1960-1980. With that in mind, the immediate area is considered to be relatively modern as only the dwellings to the east are of any significant age and historical interest. This is reflected by the Lower Swell Conservation Area boundary, as St Marys Close, Whittlestone Hollow, Whittlestone Close and Pear Tree Close are all outside of the Lower Swell Conservation Area. When taking this into consideration, No. 3 & 5 Pear Tree Close are less sensitive to change.

It is proposed to clad the principal (northern) elevations of both dwellings with artificial stone slips to mimic the look of the natural stone. An insulating layer is proposed between the cladding and the original external elevation. It is also proposed to render the rear (southern) elevations of both dwellings, the side (western) elevation of Number 5 and the side (eastern) elevation of Number 3. An insulating layer is proposed between the render and the original external elevations. The resultant external elevations will be approximately 9cm deeper than the adjoining dwellings (No. 2 & 4 in the case of No. 3 Pear Tree Close; and No. 4 in the case of No. 5 Pear Tree Close).

Artificial stone cladding

Dealing with the artificial stone cladding first. The use of artificial stone covering the principal elevations of two dwellings in the row would be apparent from within Pear Tree Close itself and from the main highway and the conservation area to the east, especially as it is only proposed to clad two of the five dwellings. When considering the public vantage points within St Marys Close to the north, owing to the 30m separation distances involved, views of the cladding would be restricted, and would be further restricted owing to the large amount of vegetation to the north of Pear Tree Close. Therefore, views from St Marys Close would only be possible, albeit at some distance, when the trees and bushes are not in leaf.

It is recommended that a condition be applied to secure the exact colour and texture of the stone cladding and mortar prior to the development beginning. However, while the cladding could be close in colour and texture to the existing stone and mortar, it is unlikely to match.

As the cladding would not be an exact match, as such would likely appear artificial. It is considered that the artificiality and the break in the uniformity of the terraced row would result in some harm to the setting of the conservation area. This harm is considered to be less than substantial, but at the lower end of less than substantial. Modest harm is also attributed to the use of cladding for the dwellings themselves, and the character and appearance of the immediate area, outside of the conservation area.

The grade II* listed 'Church Of St Mary' and the grade II listed monument 'Cross Base 15 Yards South West Of Church Of St Mary' are located 59m and 80.5m, and 45m and 62m to the north east of Number 3 and Number 5 respectively. Owing to the separation distances, topography, and existing vegetation, views between the cladding and the listed buildings are some distance, and heavily restricted. As such, it is considered that the cladding would not harm the setting or historical interest of the grade II* listed church or grade II listed monument. Similarly, as direct sight lines from the grade II listed 'Sunnyside And Cottage Adjacent To West' and 'Cranmer Cottage' to the cladding are not possible, it is considered that the proposals would not harm the settings or historical interest of these listed buildings either.

Render

Moving to the render to the rear (southern) elevations of the dwellings, the side (western) elevation of Number 5 and the side (eastern) elevation of Number 3. Views of the rendered southern elevations will be possible from Whittlestone Close to the south, a section of the highway running west out of Lower Swell to the south, and from the highway and conservation area to the south-east. Views of the side (eastern) elevation of Number 3 will be visible from the highway and conservation area to the south east and north east. Views of the side (western) elevation of Number 5 are heavily restricted by existing built form.

While the render could be viewed from various public vantage points within and without the conservation area, it can appear more natural than artificial cladding. Indeed, render often appears throughout the district in conjunction with natural stonework. Furthermore, it is possible to add a condition to secure the exact colour, finish and texture of the render prior to the development beginning. As such, a muted colour, roughcast texture and traditional finish is possible. While officers are mindful that render is not commonly used in the immediate vicinity of the site, for the reasons set out, the use of render on two of the five dwellings is not thought to be harmful to the host dwellings, the character and appearance of the area, the setting of the conservation area, or the settings or historical interest of any nearby listed buildings.

Conclusion

The use of cladding on the principal elevations of No. 3 and 5 Pear Tree Close is considered to be harmful to the setting of the Lower Swell Conservation Area and this harm is identified as being 'less than substantial', albeit at the lower end of 'less than substantial'. It is considered that there would be no harm to the settings of nearby listed buildings.

Paragraph 196 of the NPPF directs decision-makers to weigh any identified harm against the public benefits of the proposals, including, where appropriate, securing its optimum viable use. The works are to improve the energy efficiency of the dwellings. The proposed development, therefore, will result in a reduction in the carbon usage of the dwellings, reduce the heating cost to the occupiers of the dwellings, and will have a modest wider impact towards the Council's aim of reducing carbon reliance in the District. In addition, some minor economic benefits will arise during the construction phase; however, these are minor and short term. In light of the declared climate emergency, officers are satisfied, on balance, that the public benefits of the scheme outweigh the less than substantial harm caused to the setting of the Lower Swell Conservation Area.

In light of the balancing exercise as directed by Paragraph 196 of the NPPF, officers are satisfied that the works are in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF and Policies EN10 and EN11 of the Local Plan.

However, modest harm is found to the character and appearance of the area (outside of the conservation area), and to the dwellings themselves. The proposal therefore broadly accords with Local Plan Policy EN2 of the Local Plan and the provisions of the NPPF which seeks to achieve well-designed places.

(c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The works proposed are limited to cladding and render only, with a nominal increase in built form proposed. Furthermore, the site is located within a reasonably built up area, and the development is contained within the residential curtilage of each property, with no encroachment into open countryside. As such, the development is not considered harmful to the character or appearance of the Cotswolds AONB.

(d) Impact on Residential Amenity

Local Plan Policy EN2 (Design Code) states that development should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Similarly, paragraph 127 of the NPPF also states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

The submitted information states the render and cladding will increase the wall thickness of the dwellings by approximately 9cm. This modest increase in built form, which is restricted to cladding and render only, will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition, sufficient private external amenity space is retained at the property.

(e) Other Matters

Concerns were raised regarding the fire safety performance of the materials. Information was submitted which demonstrates that the cladding and render 'contains flame retardant additives which significantly reduce the ignitability of the material, and the system also includes vertical fire barriers in non-combustible (Euroclass A1 to BS EN 13501-1) mineral fibre insulation of minimum 100 mm width and the same depth/thickness as the EPS Premium insulation, which are incorporated into the EWI system at the front and rear party wall lines: This arrangement

satisfies the requirement to resist potential fire spread laterally, from one dwelling to the adjoining dwelling'. Officers are satisfied, based on the information supplied, that the proposed materials would not increase the risk of fires at Number 3 or 5, or for the adjoining properties.

Concerns were also raised that the proposed works would devalue properties in the area. The private value of property is not a planning matter and thus, has not attracted weight as a material planning consideration in this assessment.

Several comments were received stating that the proposed development would set a 'precedent' enabling future similar applications to be approved. Each proposal is judged on its merits and therefore, any further proposals would be assessed against the relevant prevailing policies and guidance at the time.

Comments were also received questioning how the cladding would age. The submitted specification documents states the cladding 'systems can be considered to have a design working life of at least 30 years. Lifetimes significantly in excess of 30 years can be achieved with proper maintenance and repair if damaged'.

(f) Community Infrastructure Levy (CIL)

This development is not liable for CIL because it is:

Less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

(g) Planning Balance

The less than substantial harm identified to the setting of the Lower Swell Conservation Area is considered to be outweighed by the public benefits of the scheme as outlined in this report. In addition, whilst harm has been identified to the character and appearance of the immediate locality, and to the dwellings being altered by virtue of the cladding being used, this harm is considered to be modest. No harm is considered to result from the proposed use of render.

The proposed works are designed to improve the energy efficiency of the buildings. The proposed development, therefore, will result in a reduction in the carbon usage of the buildings, reduce the heating cost to the occupiers of the buildings, and will have a modest wider impact towards the Council's aim of reducing carbon reliance in the District. As such, it is recommended that permission be granted.

9. Conclusion:

The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans: A1.3 and A1.2.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the commencement of development, a sample panel of cladding of at least one metre square in size showing the proposed colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: In light of the above details not being submitted at determination stage for consideration and approval, this condition, which is agreed with the applicant, is necessary in order to ensure that the works serve to preserve the setting of the Lower Swell Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

4. Prior to the commencement of development, a sample panel of render of at least one metre square in size showing its proposed texture, finish and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority. The rendering shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: In light of the above details not being submitted at determination stage for consideration and approval, this condition, which is agreed with the applicant, is necessary in order to ensure that the works serve to preserve the setting of the Lower Swell Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

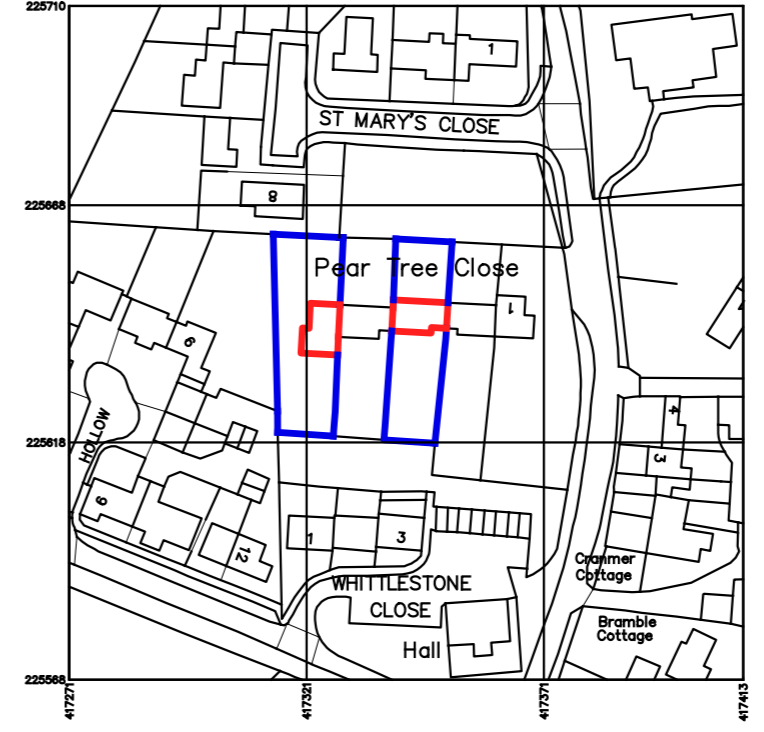
5. No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure that the works serve to preserve the setting of the Lower Swell Conservation Area, and the character and appearance of the dwellings being altered and the area in accordance with Policies EN1, EN2, EN10 and EN11 of the Local Plan and Section 16 of the National Planning Policy Framework.

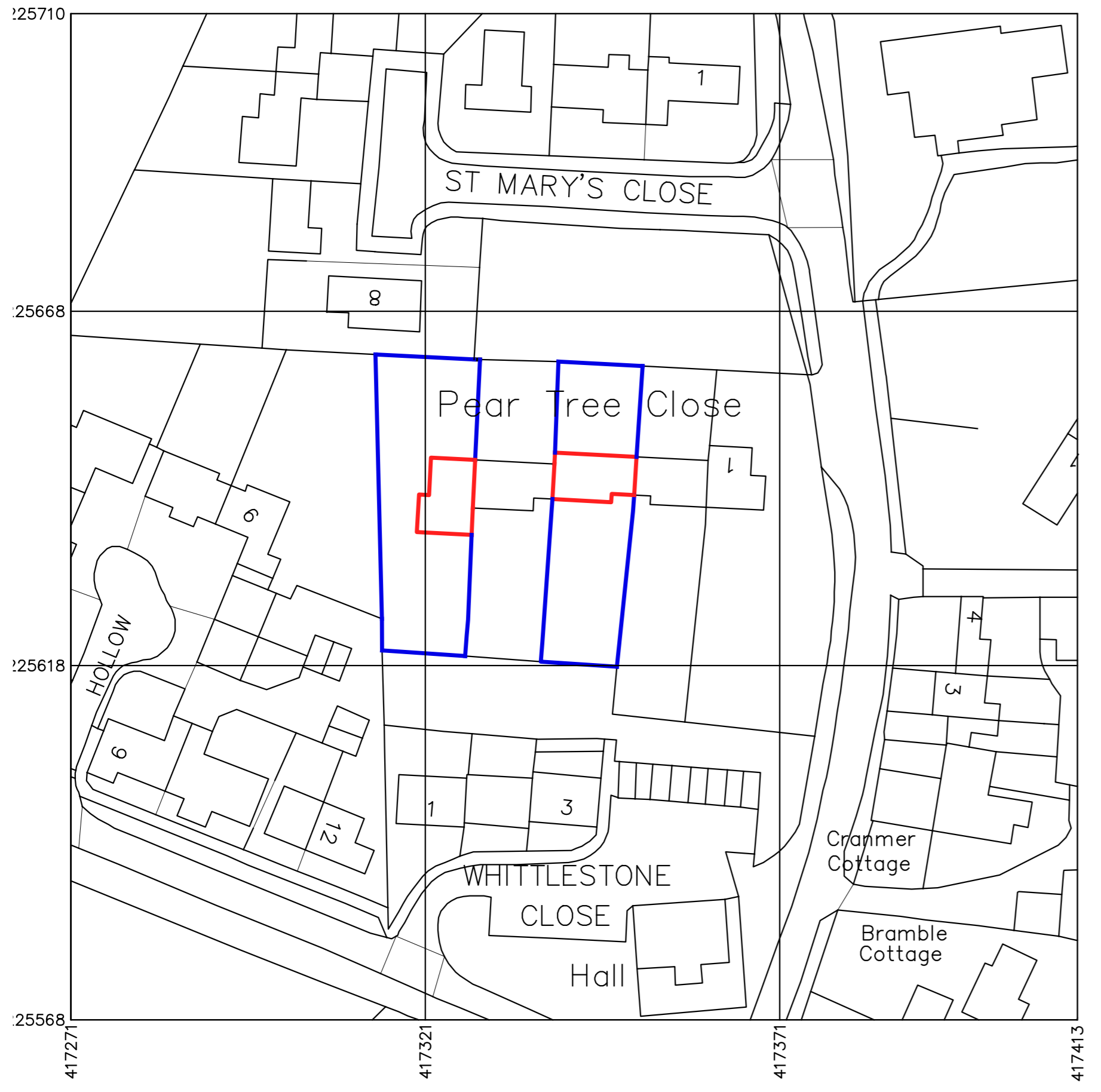
Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:

Less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

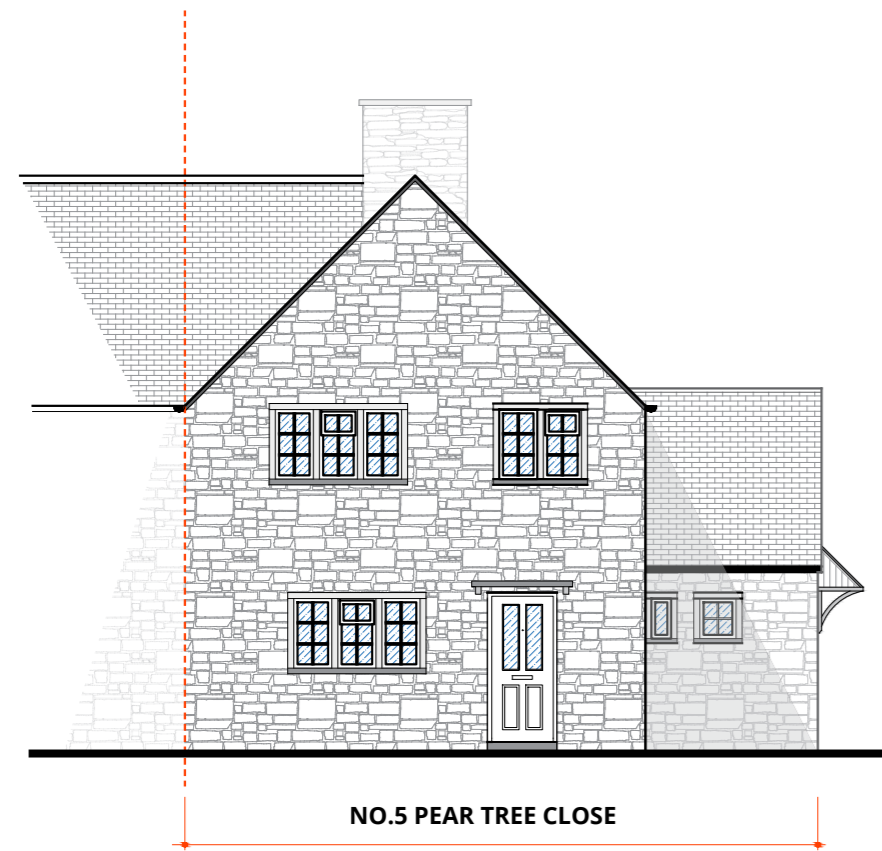


2 SITE PLAN
SCALE: 1/1250 @A2



1 BLOCK PLAN
SCALE: 1/500 @A2

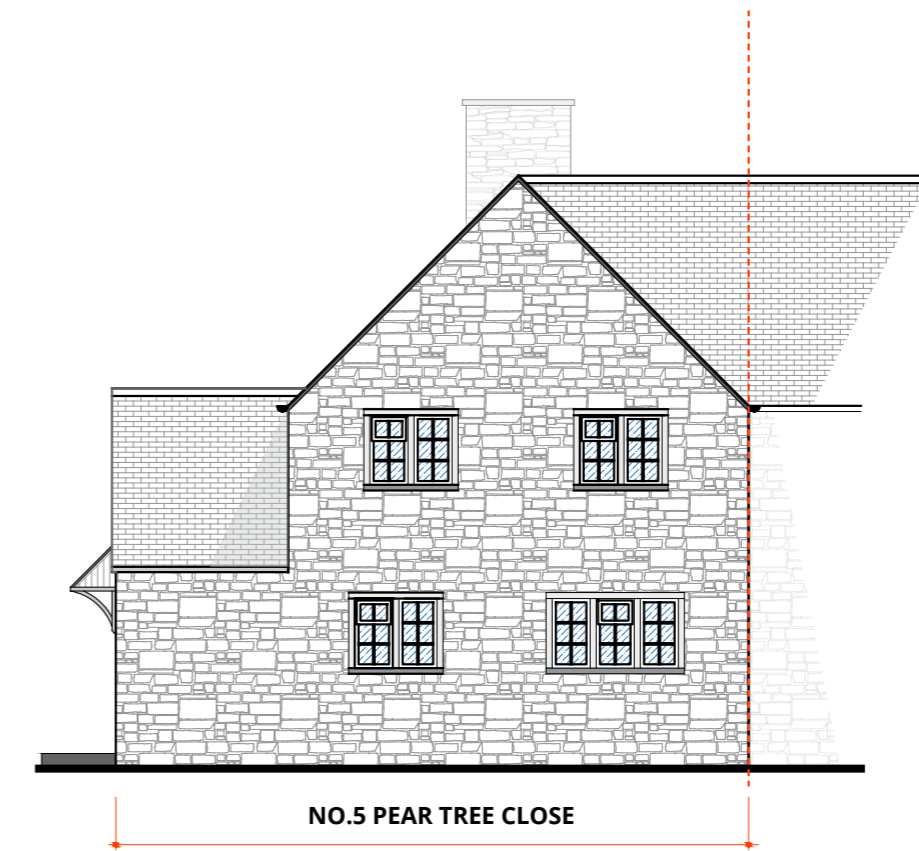
NO.5 PEAR TREE CLOSE EXISTING ELEVATIONS



1 EXISTING NORTH (FRONT) ELEVATION
SCALE: 1/100



2 EXISTING WEST (SIDE) ELEVATION
SCALE: 1/100



3 EXISTING SOUTH (REAR) ELEVATION
SCALE: 1/100

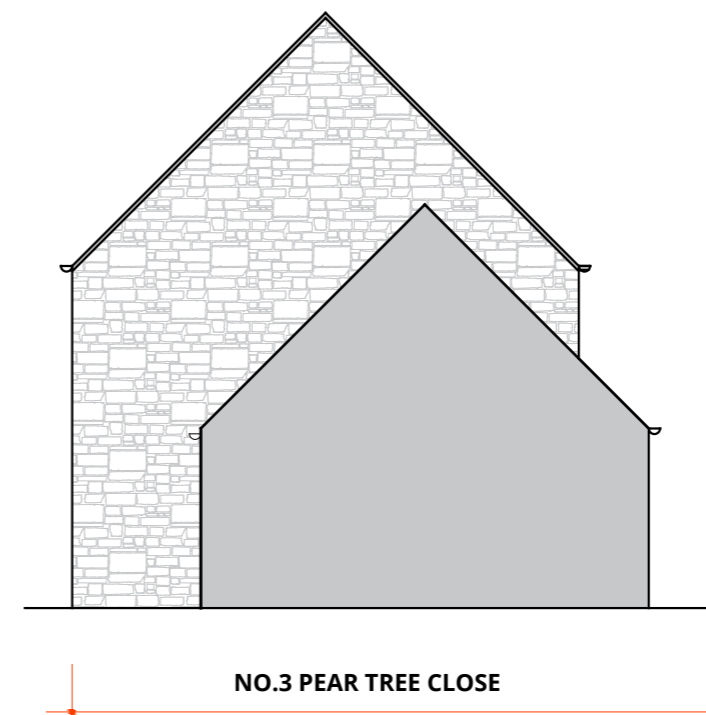
NO.3 PEAR TREE CLOSE EXISTING ELEVATIONS



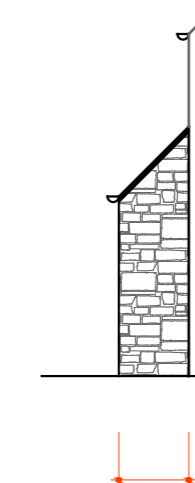
4 EXISTING NORTH (FRONT) ELEVATION
SCALE: 1/100



5 EXISTING SOUTH (REAR) ELEVATION
SCALE: 1/100



6 EXISTING EAST ELEVATION
SCALE: 1/100



7 EXISTING WEST ELEVATION
SCALE: 1/100



The designer takes no responsibility for checking any building works on site. All necessary local authority inspections must be requested at the appropriate stages of construction.

All details and dimensions are to be confirmed on site prior to works commencing or any ordering of materials.

All dimensions in millimeter and to structural faces. All dimensions must be checked on site and not scaled from this drawing.

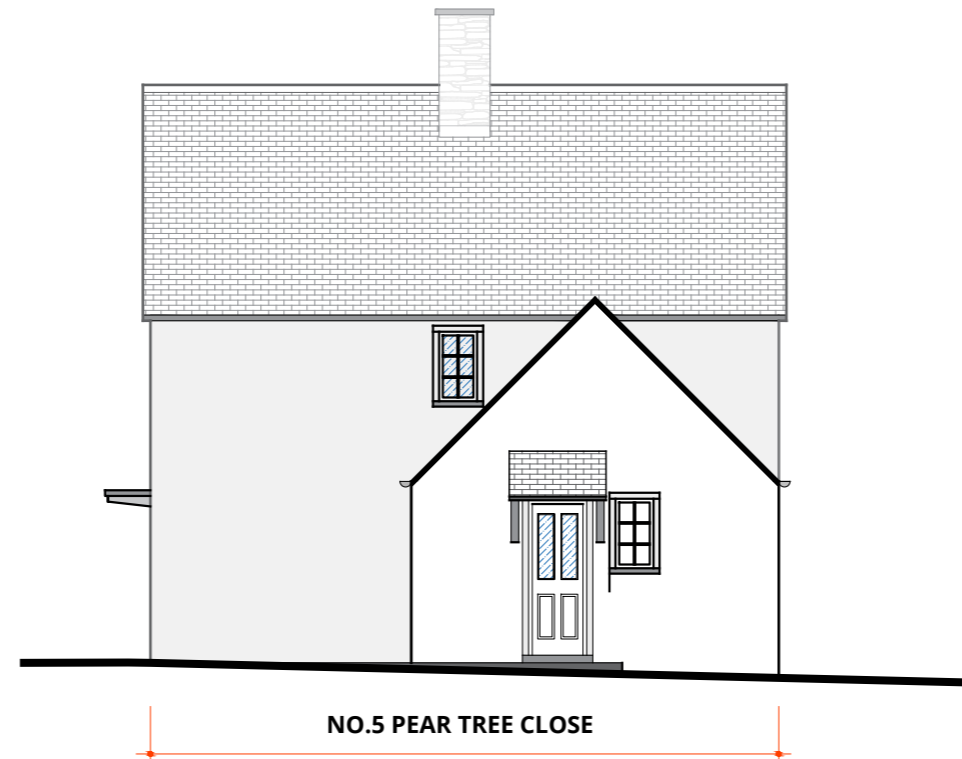
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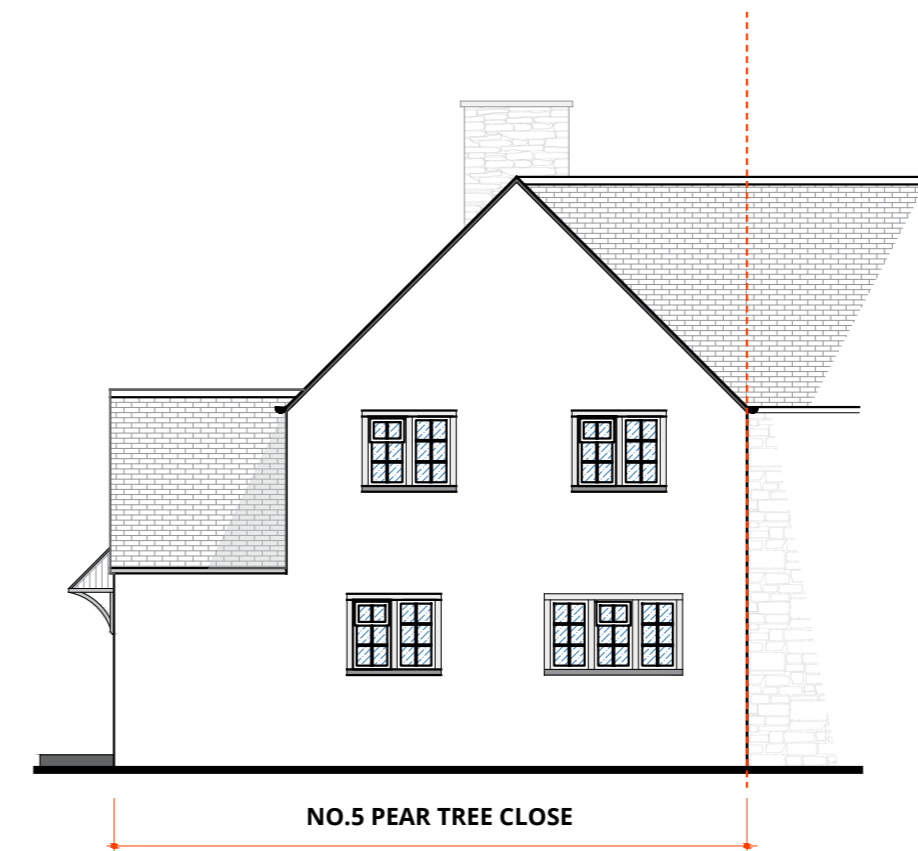
NO.5 PEAR TREE CLOSE PROPOSED ELEVATIONS



1 PROPOSED NORTH (FRONT) ELEVATION
SCALE: 1/100



2 PROPOSED WEST (SIDE) ELEVATION
SCALE: 1/100



3 PROPOSED SOUTH (REAR) ELEVATION
SCALE: 1/100

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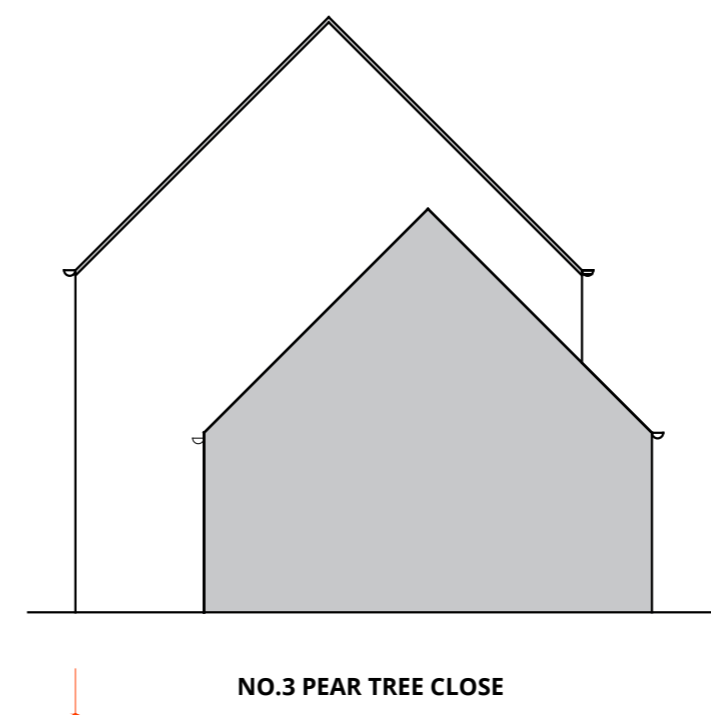
NO.3 PEAR TREE CLOSE PROPOSED ELEVATIONS



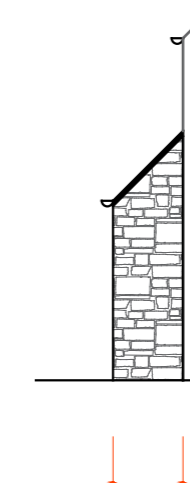
4 PROPOSED NORTH (FRONT) ELEVATION
SCALE: 1/100



5 PROPOSED SOUTH (REAR) ELEVATION
SCALE: 1/100



6 PROPOSED EAST ELEVATION
SCALE: 1/100



7 PROPOSED WEST ELEVATION
SCALE: 1/100



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All dimensions in millimeter and to structural faces. All dimensions must be checked on site and not scaled from this drawing.

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22nd January 2021

Dear Sirs,

**Ref: No. 3 & 5, Pear Tree Close, Lower Swell,
Cheltenham, Gloucestershire, GL54 1JA**

On behalf of our client, Bromford Housing, we seek full planning permission for the installation of External Wall Insulation to two properties located at No. 3 & 5 Pear Tree Close, Lower Swell.

These properties are of solid wall construction and are found to be thermally insufficient. As part of 'The Domestic Minimum Energy Efficiency Standard (MEES) Regulations 2018', my client, a social housing provider, seeks to substantially upgrade the thermal efficiency of these properties by installing external wall insulation to each exterior elevation. These works will not only have a positive impact on the individual properties but will also help reduce fuel poverty.

The EWI system proposed to be installed is a low-profile system. It will project nominally forward approximately 90mm from the original wall face. This will, therefore reduce the visual impact of the properties. The proposed external wall finish has been carefully considered by our client to satisfy Policy CE3 by minimising the original stone appearance on the front elevations. A stone colour rendering will then be applied to the remaining elevations, where they are not exposed and visible from the street.

External wall insulation is installed by adding a weatherproof insulating layer to the outside of the wall. The proposed system has a protective weatherproof render with stone slips applied to the external face. As part of the submitted documentation, my client has provided a photographic record of a similar scheme previously undertaken.

This group of properties are located outside of the Lower Swell Conservation Area and are not individually listed. Additionally, they are not registered as buildings of significant historical interest. As these buildings are located within the Cotswolds Area of Outstanding Natural Beauty (AONB), the proposed works are considered under the provision of Article 2(3)a

"... it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles would require planning permission."

We have inspected the adopted 'Cotswolds AONB Management Plan 2018-2023' as well as the National Planning Policy Framework. Based on our findings, it is our opinion that this scheme satisfies various identified local and national planning policies. Further Government documents have also been cited.

In the Heath and Energy Saving Strategy, the government has set out a long-term vision for the continuous delivery of carbon savings within the domestic sector using some form of obligations. Energy efficiency is one of the most cost-effective ways of achieving desired reductions in carbon emissions. Reducing energy consumption can also improve productivity and contribute to improved security of supply.

In our opinion, our client will have satisfied NPPF 14; Para.148 and Policy CC7: Climate Change - Mitigation 1 by minimising the vulnerability of occupants by reducing fuel poverty. This will be achieved by retrofitting the existing building stock with external wall insulation.

NPPF 14; Para.148

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy CC7: Climate Change - Mitigation 1.

"Greenhouse gas emissions should be reduced through a range of measures, including:

- improving energy efficiency, including ... retrofitting existing buildings; "*

The principle of installing external installation on the façade of these properties has been considered carefully by our client to ensure that it achieves compliance with Policy CE3. The additional cost implication of installing stone slips to those identified elevations in the application has ensured that the properties remain visually in keeping with the local characteristics. In undertaking the installation of EWI we consider the appropriateness of this design and the practical requirement for the building's continued sustainability have been appropriately considered. The proposal is not considered a significant material change.

Policy CE3: Local Distinctiveness

- 1. Proposals that are likely to impact on the local distinctiveness of the Cotswolds AONB should have regard to, be compatible with and reinforce this local distinctiveness. This should include:*
 - being compatible with the Cotswolds Conservation Board's Landscape Character Assessment, Landscape Strategy and Guidelines and Local Distinctiveness and Landscape Change;*
 - being designed and, where relevant, landscaped to respect local settlement patterns, building styles, scale and materials;*
 - using an appropriate colour of limestone to reflect local distinctiveness.*
- 2. Innovative designs - which are informed by local distinctiveness, character and scale - should be welcomed.*