

The Licensing Act 2003

STATEMENT OF LICENSING POLICY 2021/25



COTSWOLD
DISTRICT COUNCIL

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 was adopted at a meeting of the Council on 14 July 2021.

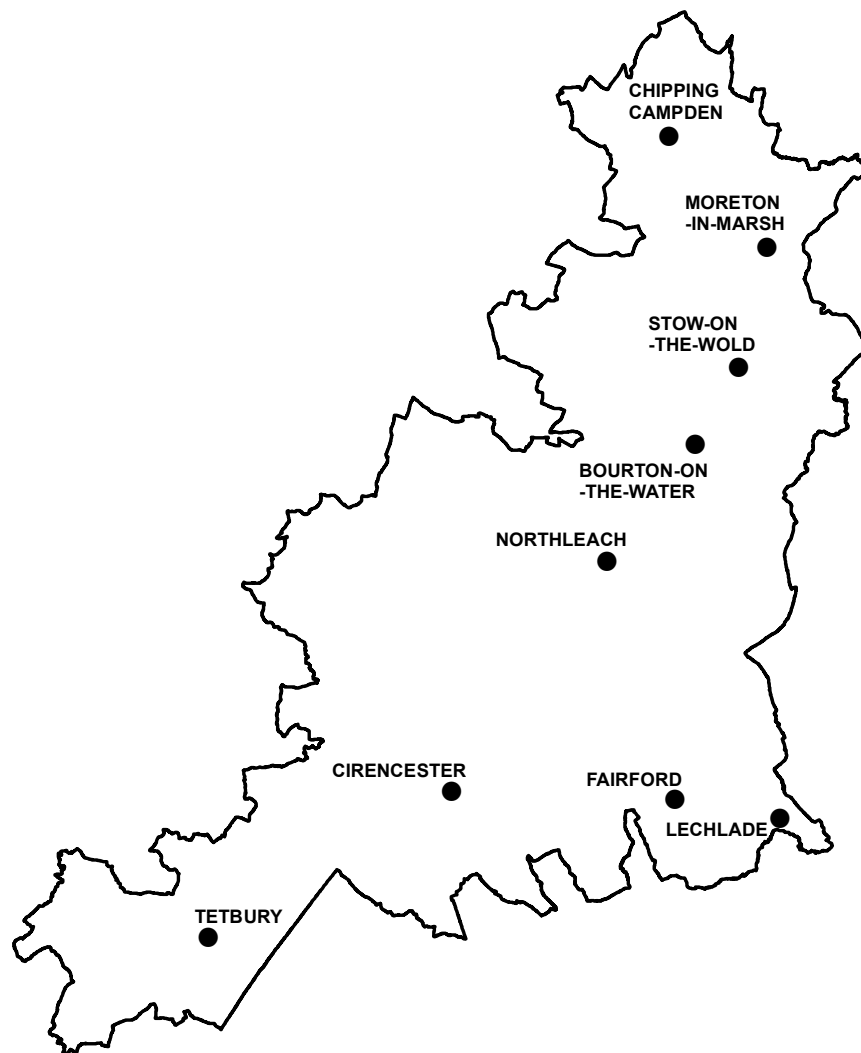
NB Due to the coronavirus pandemic, the 2020 review was delayed until 2021. The next review will be carried out in 2025 and will come into force on 7 January 2026 or earlier if necessary.

Contents

Introduction	1
The Licensing Act 2003	2
The Licensing Process	5
Covid-19	8
Prevention of Crime and Disorder	9
Public Safety	12
Prevention of Public Nuisance	16
Protection of Children from Harm	18
Cumulative Impact	20
Licensing Hours	22
Large Scale Outdoor Events	20
Promotion of Equality	22
Enforcement and Complaints	23
Further Information and Contact Details	26
APPENDIX A – Table of Delegated Functions	27
APPENDIX B – Glossary	28
APPENDIX C – Responsible Authority Contact Details	29

I INTRODUCTION

- I.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.

4. COVID-19

- 4.1 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.
- 4.2 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

5. PREVENTION OF CRIME AND DISORDER

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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 via 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.

5.5 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.

5.6 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.

- 5.7 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.
- 5.8 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.

6. PUBLIC SAFETY

- 6.1 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.
- 6.2 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

- 6.3 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.
- 6.5 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.
- 6.5 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.
- 6.6 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.
- 6.7 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>

7. PREVENTION OF PUBLIC NUISANCE

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

7.5 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.

8. PROTECTION OF CHILDREN FROM HARM

- 8.1 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).
- 8.2 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);
- 8.3 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme.
- 8.4 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.
- 8.5 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.

- 8.6 The Council will not impose any conditions that specifically require the access of children to the premises.
 - 8.7 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.
 - 8.8 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.
 - 8.9 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.
 - 8.10 The Council will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
 - 8.11 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.
 - 8.12 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).
 - 8.13 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.**

9. CUMULATIVE IMPACT

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.

- 9.8 Similarly there is currently insufficient evidence to demonstrate that an Early Morning restriction order is required in this district.
- 9.9 The Council has not adopted a Late Night Levy.
- 9.10 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.
- 9.11 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.

10. LICENSING HOURS

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11. LARGE SCALE OUTDOOR EVENTS

- 11.1 A large scale event is considered one where the capacity is more than 499.
- 11.2 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.
- 11.3 The primary responsibility for safety of attendees at events rests with the event organisers.
- 11.4 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'.
- 11.5 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.
- 11.6 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
- 11.7 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.

- 11.8 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.
- 11.9 Applicants are also encouraged to liaise with the Town/Parish Council prior to applying for a licence to hold an event.

12. PROMOTION OF EQUALITY

- 12.1 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.
- 12.2 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

- 12.3 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.

13. ENFORCEMENT AND COMPLAINTS

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.

- 13.7 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.
- 13.8 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.
- 13.9 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.
- 13.10 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

13.11 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).

14. FURTHER INFORMATION AND CONTACT DETAILS

- 14.1 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

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
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 premises		If a Police representation is made	All other cases
Application for minor variation to premises licence/club premises certificate			All cases

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.

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

