

Consultation on Stroud District Council's Statement of Licensing Policy for Alcohol, Entertainment and Late Night Refreshment Licensing 29th June 2020 to 17th August 2020

Schedule of consultation comments with recommended responses and amendments agreed by the working party for consideration by Committee on 1st October 2020

	Consultee	Comment	Recommended Responses and Amendments agreed by the Working Party
1	Christopher Dunn Resident	<p>1. para 5.6 ambiguous, can't follow it, ,yes or no to children controls ?</p> <p>2. para 7.6 late night levy, should be imposed, Every 'cop' show on tv shows the extraordinary costs of policing late night premises.</p> <p>3. Could not find details of necessary controls on the 'take away' situations, ie buying a drink in an open container and consuming it on the street, green, chipping, whatever.</p> <p>4. No reference to any byelaw or law preventing consumption of alcohol in any public place?</p> <p>5. Alcohol is a drug, and the health /policing costs to UK society is enormous.</p>	<p>1. Paragraph 5.6 reworded</p> <p><i>'The Council will not require licensed premises to give access to children at all times. The Council may limit the access of children to licensed premises if necessary for the promotion of the licensing objectives and especially relating to the prevention of harm to children.'</i></p> <p>2. A late night levy is an additional charge which has to be adopted and then will be imposed on premises in addition to their premises licence fee. The monies from this fee can be used to help support management of the late night economy. Stroud district does not have a large night time economy or significant late night crime and disorder. A late night levy has not been requested by the Police who are one the main resource for night time enforcement. It is therefore felt that the burden on premises of an additional fee cannot be justified at this time.</p> <p>3. The legislation does not require off sales to be in a sealed container and the licence holder cannot control where the customer consumes the off sales once they leave the licensed premises.</p> <p>4. Paragraph 7.8 makes reference to Public Spaces Protection Orders in Stroud and Dursley where alcohol may not be consumed publically. Extra wording below added to make it clearer.</p>

			<p><i>'This means that customers purchasing alcohol from licensed premises may not drink that alcohol in the street, park or other public areas within the area covered by the Order, unless that area is covered by a temporary event notice, a premises licence or a pavement licence. This is often known as a street drinking ban and is enforced by the Police who can confiscate alcohol from members of the public and dispose of it'</i></p> <p>5. Comment noted</p>
2	Steve Lindsay Stroud Safe Manager	Do you think SDC could add a little bit into the policy about the Stroud Safe scheme, maybe under the safety section?	<p>Paragraph 2.5 makes reference to Stroud Safe. Extra wording added below to explain how Stroud Safe operates and the benefits.</p> <p><i>'Stroud Safe is a not for profit organisation which enables licensed premises to work together to reduce shoplifting, theft, anti-social behaviour, alcohol related disorder, street drinking and begging. Stroud Safe can provide radios to members to share communications and also operates a yellow card/red card exclusion scheme whereby customers who misbehave can be banned from all premises that are members of Stroud Safe. Members include shops, restaurants, pubs, clubs and transportation services. The Stroud Safe Manager holds regular meetings to share information between members and works closely with the Police and Stroud District Council.'</i></p>
3	Frampton Parish Council	<p>We ask that you consider additions to the Dispersal / End of Evening Policy 2.8 " Premises that are close to residential properties are expected to consider dispersal or end of evening policies to minimise the potential for disorder and disturbance as customers leave the premises and evidence of such consideration should be detailed in the application form".</p> <p>We ask that you add a sentence about events in marquees which meets the objectives of the following: "Where an event is held in a marquee close to residential properties, no amplified music, or other amplified sounds should be played after midnight and acoustic performance should be limited to 3 players".This addition is recommended by us following comments on our parish survey a couple of years ago, where various residents</p>	<p>Paragraph 2.8 is in the section about crime and disorder. However, the comments by Frampton Parish Council are more relevant to public nuisance as the concern is about late night noise from music in marquees. An additional comment has been added to the bulleted points in the prevention of public nuisance section, paragraph 4.6,</p> <p><i>'preventing noise from marquees and similar structures, which generally have poor soundproofing and can cause disturbance to local residents particularly between the hours of 11.00 pm and 7.00 am. Such measures may include non amplified music only or silent discos after 11.00 pm'</i></p> <p>NB 11.00 pm is in line with timings in other points in the policy.</p>

		<p>commented on noise after midnight from marquees. Marquees do not have the sound-proofing of buildings. They are often used for events that require a temporary licence and there are limits on the number of events that any one organisation can hold in a year. However, in rural areas such as ours, it can often be the case that several organisations hold events in marquees on the same area of land, so whereas any one organisation has a limit on the number of events, the land it is held on has effectively no limit. For example, our village green is used by the circus, the fair, Frampton Fundraisers, the cricket club and the pub for a variety of marquee events. In addition, the adjacent Wool Barn is used for wedding receptions. Where discos are involved, the end time is often 2 or 3 am and the DJs involved are always keen to increase the volume of music towards the end of the evening, to encourage the party to get up and dance and go home having had a great time. Unfortunately, music blasting out from behind one sheet of canvas at 2 am is not great for adjacent residents who have to get up at 6am or before for shift work. A quieter acoustic alternative would be welcome, though a 12 piece band would not, even if it was not amplified. The owners of the Wool Barn have developed an innovative and successful strategy by requiring wedding parties to use silent discos after midnight. This works extremely well and is much better for adjacent residents. A policy which recommends at the very least that sound amplification in marquees should cease at midnight would be very welcome.</p>	<p>It should be noted that many such occasional events in marquees are covered by temporary event notices which will only come before a hearing panel if the Police or Environmental Protection make objection. Under the Licensing Act 2003 residents and Town and Parish Councils are not included as a consultee for temporary events and so cannot object. Where residents and Town and Parish Councils experience disturbance from events held under a temporary event notice it is advised that they report it to the Council's Environmental Protection Team by emailing environmental.health@stroud.gov.uk. The Team will record the complaint and investigate where appropriate. When considering temporary event notices the Environmental Protection Team check their records every time a notice is submitted. If there is a history of complaint and disturbance they will try to mediate with the applicant or if unsuccessful they will put in an objection to the temporary event notice.</p>
4	Stroud Town Council	<p>The Council's Statement of Policy under the Licensing Act 2003 was recently considered. It was agreed to request that the following requirement should be added to policy number 3 'operators of high volume premises and events are encouraged to consider sustainable alternatives to glass drinking vessels'.</p> <p>It was also agreed that policy 9.6 should include 'welfare provision'. This would cover disabled access and facilities. It was felt the requirement of a lost children point is also important.</p>	<p>Paragraph Number 3 is incorrectly numbered in the consultation draft. It has been correctly numbered as 2.10. Amended and extra wording has been added to paragraph 2.10.</p> <p>The reference to 'polycarbonate or plastic drinking vessels' changed to '<i>Polycarbonate or other non glass drinking vessels</i>'</p> <p>And the following wording added.</p>

			<p><i>'Stroud District Council is working in partnership with Stroud District Action on Plastic and supports the aim of eliminating unnecessary single use plastic. Where alternatives to glassware are used, licence holders are encouraged to consider sustainable alternatives such as biodegradable, compostable, recycled and recyclable drinking vessels'.</i></p> <p>Additional bullet points added to 9.6 under Welfare provisions;</p> <ul style="list-style-type: none"> • <i>'Lost child plan</i> • <i>Accessibility plan including wheelchair access and accessible toilet provisions'</i>
5	Wotton under Edge Town Council	<p>It was noted that in section 9 Large Scale Events 9.1 needed to be reworded as follows: A large scale event is considered to be one where the capacity is more than 499.</p> <p>It was also noted that in Section 2 Prevention of Crime and Disorder 3.0 Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or plastic drinking vessels. In addition to be more environmentally friendly could the use of recycled and recyclable drinking vessels be considered?</p>	<p>Noted and missing word added to 9.1</p> <p>Extra wording has been added to paragraph 3.0 (now paragraph 2.10) to reflect this comment. See response to consultee 4.</p>
6	Dursley Town Council	<p>I can confirm that the draft Policy was reviewed, it was noted that the implications of Covid19 had been considered appropriately and no further comments were made.</p>	<p>Noted</p>
7	Uley Parish Council	<p>Comments received from Uley PC Councillors:</p> <ol style="list-style-type: none"> 1. I have just read the document and it looks like they have made some good additions. There is a winding down time which mentions noise, and the local authority have the same power as the Police to close down a venue for 24 hrs if causing a nuisance. 2. The only thing I disagree with is asking night time venues to use plastic tumblers instead of glass - I thought SDC were meant to be going single use plastic free so I would like to 	<ol style="list-style-type: none"> 1. Noted 2. Extra wording has been added to paragraph 3.0 (now paragraph 2.10) to reflect this comment. See response to consultee 4. 3. Extra wording added to 4.6 (ix) <p><i>'Applicants are encouraged to recycle waste wherever possible;'</i></p>

		<p>comment on that. If people are going to fight they will find something else to do damage with I'm sure.</p> <p>3. It would have been nice to have read something about a requirement to recycle waste wherever possible. I don't believe this was mentioned; save for a requirement to include waste in an Event Management Strategy for large events.</p>	
8	Owlpen Parish Meeting	<p>Background</p> <p>Owlpen Parish is located in a small valley in the Cotswold AONB. There is one Licensed venue in the Parish which is principally a wedding venue and busiest in the summer. In order to hold larger weddings a marquee can be erected in an adjacent field and in these instances a Temporary Event Notice is applied for.</p> <p>Specific Comments</p> <p>1. At 1.15 The Council's Statement of Licensing Policy under Licensing Act 2003 makes a clear statement that its object is to allow licensed activities in a way which 'is not to the detriment of residents and does not give rise to the loss of amenity'</p> <p>2. At 4.0 when expanding on the Prevention of Public Nuisance the emphasis appears to be mainly on disturbance late at night. This is a dilution of the phrase 'loss of amenity' which should cover the right of a resident to enjoy their property relatively undisturbed 24/7</p> <p>3. At 11.2 the Policy states in relation to 'Each and every application''if no relevant representations are received' the license will be automatically issued.</p> <p>4. The process for application for a Temporary Event Notice within the Stroud District does not allow for notification to, or representation from, the public. The Licensing Act 2003 Section 104 does not specifically exclude public consultation.</p>	<p>1.& 2. It is generally recognised that the more sensitive times are going to be late at night. How it is agreed that sometimes disturbance at other times of day can have impact on residents and the policy does seem to mainly focus on disturbance late at night. New paragraph added 4.3.</p> <p><i>“There may be times where disturbance may have impact at other times and account will be taken of the volume/impact of the disturbance, frequency, the proximity of neighbouring residents and businesses and the general noise levels in the location”.</i></p> <p>3. to 7 and General Comments. The Licensing Act 2003 and Regulations under the Act prescribe the process and the permitted numbers for temporary event notices. The Licensing Act, as amended by the Police Reform and Social Responsibility Act 2011 s112 states objections can only be made by the Police and Environmental Protection.</p> <p>New paragraphs 1.6 and 1.7 added to give clarification</p> <p><i>“New and major variation applications for premises licences and club premises certificates undergo a statutory 28 representation process</i></p>

	<p>5. At 1.22 It is stated that all representations will be given appropriate weighting (without specifically excluding TENS)</p> <p>6. In Appendix A, Determination of an objection to a Temporary Event Notice is listed as a delegated function. It is not clear from whence any objection might come.</p> <p>7. There is nothing in the Stroud Policy nor Licensing Act which dictates how many or how frequently it is appropriate to apply for, or issue, a TEN.</p> <p>General Comments</p> <p>As the process for application and approval of TENS excludes public notification the only form of objection has to be a complaint after the fact. This puts the onus on the sufferer to complain rather than the nuisance generator to comply. Stroud is thus not fulfilling its pledge at 1.15.</p> <p>The Stroud limit of 15 TENS per annum is high for something which is Temporary. When numbers of TENS are applied for on an annual basis it begs the question as to whether the 'temporary' activity has become a permanent commercial offering.</p> <p>A noise management plan is pointless if it does not include an audible noise/distance limitation and or volume limit.</p> <p>Outdoor events are obviously more frequent in the summer and there are only so many weekends which are appropriate. These are also weekends when residents will wish to enjoy their gardens and properties in peace. It would be more in keeping with the prevention of public nuisance objects of the Policy if the actual number of TENS being issued per location was a consideration, as was their sympathetic spacing across the summer months.</p>	<p><i>whereby responsible authorities and any other party can make representation. If there is no representation the licence will be granted as applied for. If there is valid representation the application will be considered by a hearing panel</i></p> <p><i>The general public cannot make representation about temporary event notices. In accordance with the provisions of the Licensing Act 2003, temporary event notices are circulated to the Police and Environmental Protection who may make objection. If they do not make objection the event can go ahead. If an objection is made the temporary event notice will be considered by a hearing panel. The panel can allow the event to proceed or issue counter notice which will prohibit the event. The numbers of temporary event notices permitted per year are prescribed in regulations under the Licensing Act.”</i></p> <p><i>Comment about noise management plan noted. Setting volume limits is a complex process and generally noise management plans would be referred to Environmental Protection Officers for consideration on a case by case basis.</i></p>
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9	Cllr John Jones	Can extra wording be added to highlight the problem of proxy sales where older people buy alcoholic drinks for children?	New paragraph, 5.5, added in Protection of children section <i>'Where appropriate applicants are encouraged to have procedures in place to prevent proxy sales of alcohol. Proxy sales are where persons over the age of 18 purchase alcohol for consumption by younger persons under the age of 18'</i>
10	Stonehouse Town Council	Stonehouse Town Council supports the proposed revisions to the Statement of Licencing Policy. In particular, it supports the proposal to apply a flexible and creative approach to businesses in relation to Covid 19 measures (1.26). We note and support the various measures in relation to winding down at the end of evening and use of glassware (Section 2, para. 3.0) but suggest that businesses are asked to consider using alternatives to glassware which are reusable rather than disposable.	Extra wording has been added to paragraph 3.0 (now paragraph 2.10) which reflects the comment about using alternatives to glassware which are reusable rather than disposable. See response to consultee 4.