



## **LICENSING ACT 2003**

# **STATEMENT OF LICENSING POLICY**

**Draft with amendments  
following consultation**

For Commencement 7 January 2021

## Foreword

The geographical area administered by Stroud District Council is mainly rural in nature and based around the market towns of Berkeley, Dursley, Nailsworth, Stonehouse, Stroud and Wotton under Edge. The District covers an area of approximately 175 sq miles; it contains 52 separate parishes and has a population of around 119,000. It is one of six district councils within Gloucestershire.

The authority has approximately 431 current premises licences and 47 current club premises certificates. These include 122 public houses, 2 night clubs, 88 off-licences, 17 late night takeaways, 12 premises offering online sales only and 60 village halls with 24 licensed to sell alcohol. The district receives approximately 78 temporary event notifications per month. (These figures are based on pre Covid19 data).

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## 1 INTRODUCTION

### Scope of the Licensing Act 2003

- 1.1 Stroud District Council (the Council) is the Licensing Authority for Stroud district and is responsible under the Licensing Act 2003 (the Act) for the regulation of 'licensable activities' within its area. The licensable activities that are required to be licensed under the Act are as follows:
- The retail sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late Night Refreshment
- 1.2 The licences and permissions that are administered and enforced by the Council under the Act are:
- Premises Licences
  - Club Premises Certificates
  - Personal Licences
  - Temporary Event Notices

### Purposes of Statement of Licensing Policy

- 1.3 The Act imposes a duty on the Council to develop, publish and review a Statement of Licensing Policy that sets out the policies that the Council will generally apply when making decisions under the Act.
- 1.4 The main purpose of this policy is to provide guidance to applicants, licence holders, responsible authorities, local residents and businesses
- 1.5 In particular, it gives guidance on how the Council will make decisions in cases where there has been representation or objection against an application or notice or where application has been made to review an existing licence. In these cases, the Council's discretion becomes engaged and a hearing must be held. The Council can grant, refuse, revoke, amend or add conditions.
- 1.6 New and major variation applications for premises licences and club premises certificates undergo a statutory 28 representation process 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
- 1.7 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 a counter notice which will prohibit the event. The numbers of temporary event notices permitted per year are prescribed in regulations under the Licensing Act.

**Commented [AR1]:** Additional paragraphs added in response to consultation comment to give clarification on the process for representations about premises and club premises applications and the procedure and objection process for temporary event notices

## Licensing Objectives and Key Aims

- 1.8 The Council 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
- 1.9 Each objective is of equal importance and the Council's policy relating to each of them is given in this Licensing Policy.
- 1.10 Stroud District Council will also actively seek to promote key aims laid out in the Guidance issued by the Secretary of State including:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

## Review of Statement of Licensing Policy

- 1.10 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued by the Secretary of State under Section 182 of the Act. **This Policy was adopted at Full Council on ??? 2020** and takes effect on 7<sup>th</sup> January 2021 and will remain in force for a period of not more than five years (or in accordance with any amendments to the legislation). The Statement of Licensing Policy is a live document subject to continuous review to meet changing needs of the community, business circumstances and legislation. Any amendments to the Licensing Policy will be made following consultation with parties that have an interest.
- 1.11 There are a number of groups who have an interest in the licensing of premises under the Act, including, but not limited to the licensed trade, customers, businesses, residents and enforcing agencies. Before publishing the Licensing Policy and any amendments to it, the Council will consult with,
- Gloucestershire Constabulary
  - Gloucestershire Fire and Rescue Service
  - Gloucestershire Public Health
  - Bodies representing local holders of personal licences
  - Bodies representing premises licences and club premises certificates

- Bodies representing local businesses and residents

- 1.12 In addition, the Council may also consult with other local bodies and agencies as appropriate. See Appendix D for list of bodies and agencies consulted with during consultation for this Policy.
- 1.13 The Council will give appropriate weight to the views of consultees
- 1.14 In formulating the licensing policy the Licensing Authority has had regard to Stroud District Council's Health and Wellbeing Plan and Gloucestershire Health and Wellbeing strategy and, where they link into the Licensing Act objectives, seeks to complement the aims of those strategies

## General Principles

- 1.15 The objective of the licensing process is about regulating licensable activities on licensed premises and at qualifying clubs and temporary events within the Act. More particularly, it is about creating a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that ensures public safety, is not to the detriment of residents and does not give rise to the loss of amenity. The Council's aim is to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 1.16 The Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. As such, conditions attached to authorisations will focus on matters which are within the control of individual licence holders and others with relevant authorisations, that is, the premises and its vicinity. However, the Council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises.
- 1.17 The Council will avoid unnecessary duplication of existing legislation and other regulatory regimes e.g. health & safety legislation, environmental protection legislation etc that already place obligations on employers and operators. Conditions in respect of public safety will only be attached to licences by the Council as appropriate for the promotion of the licensing objectives.
- 1.18 The Council will work in partnership with other local authorities, the responsible authorities, statutory bodies and agencies, particularly those located in Gloucestershire, as appropriate, to ensure a consistent approach is taken on licensing matters whilst respecting the differing needs of the individual communities.
- 1.19 Nothing in the Council's Licensing Policy shall undermine any person from applying for any variety of licensable activities under the Act, and every application received will be considered on its own merits.
- 1.20 The Council when acting as the Licensing Authority will seek to balance the needs of both the wider and local communities and commercial premises and activities, against the needs of those who may be adversely affected by the applicant's activities. The views of vocal minorities will not usually predominate over the general interests of the community.
- 1.21 Where it is necessary to depart from the Guidance, either in this policy or at any other time, the council will give clear and sound reasons for doing so.

- 1.22 All representations (excepting those representations that are deemed to be frivolous, vexatious or repetitious) will be given appropriate weighting when being considered by the Council. Nothing in this policy shall override the right of any person to make representations on an application or to seek a review of a certificate where provision has been made for them to do so in the Act.

### **Cultural Events**

- 1.23 The performance of live art often associated with cultural events and particularly traditional entertainment such as that performed by street artists as part of street entertainment can be central to the development of cultural diversity and vibrant communities, which if absent could lead to a loss of community awareness. The Council will monitor the impact of licensing on the provision of regulated entertainment and particularly live music and dancing.
- 1.24 The Council will continue to encourage, promote and provide opportunities for such events and entertainment throughout the district by making application for a Premises Licence where appropriate in respect of land and public open spaces that it owns, thereby enabling performers and entertainers who wish to provide regulated entertainment to do so by obtaining the permission of the premises licence holder without needing to either obtain a licence or give a temporary event notice.

### **Covid19**

- 1.26 The Coronavirus Regulations required many licensed premises to be closed for a period of time or to work in different ways such 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.
- 1.27 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.
- 1.28 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

## **2 PREVENTION OF CRIME AND DISORDER**

- 2.1 The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District.
- 2.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can if not properly managed sometimes

become a source of public nuisance generating crime and disorder problems. The Council expects applicants to develop operating schedules that demonstrate their ability to exercise suitable control over licensable activities.

- 2.3 Where appropriate, applicants are recommended to seek advice from Gloucestershire Constabulary when considering prevention of crime and disorder in their operating schedules

#### **Handling of Drugs found on licensed Premises**

- 2.4 Where appropriate, applicants are encouraged to agree a protocol with Gloucestershire Constabulary on the handling of illegal drugs found on their premises.

#### **Stroud Safe Scheme**

- 2.5 Where appropriate applicants are encouraged to become members of Stroud Safe and to regularly attend any meetings. 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

**Commented [AR2]:** More details about Stroud safe provided in response to consultation comment

#### **CCTV**

- 2.6 Where appropriate applicants are encouraged to install a CCTV system that will be maintained and will record at all times the premises are open to the public. All recordings to be stored chronologically in a secure place for a period of not less than 31 days and to be produced to the Police and authorised officers of the Council on request.

#### **Door Supervisors**

- 2.7 The prevention of crime and disorder may also be promoted by employing registered door supervisors, ensuring all staff have appropriate training, incorporating a search policy into the entry conditions of the premises.

#### **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.

#### **Winding Down Time**

- 2.9 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.

### Use of Glassware

- 2.10 As a measure to reduce alcohol-related injuries, where it is appropriate to the venue or event, consideration should be given to the use of safer alternatives to traditional glassware. Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or other non glass drinking vessels subject to Weights and Measures marking requirements. Glass related assaults are more likely to occur in pubs, clubs, as well as public spaces, on Friday and Saturday nights in the late night/early hours of the morning between the hours of 22:00 - 03:00.

**Commented [AR3]:** Changed the word plastic to other non glass

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'.

**Commented [AR4]:** Additional wording to in response to consultation comments about use of single use plastic glasses

## 3 PUBLIC SAFETY

- 3.1 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.
- 3.2 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

- 3.3 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.
- 3.4 The Council is however committed to ensuring public safety especially in relation to premises providing regulated entertainment and in some cases a capacity limit may be relevant to the Licensing Objectives.
- 3.5 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.

3.6 The Council encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a fire safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Gloucestershire Fire and Rescue Service.

3.7 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 give due consideration to the guidance on calculating capacity limits for licensed premises on Gloucestershire Fire and Rescue Service's website [www.glosfire.gov.uk](http://www.glosfire.gov.uk)

#### 4 PREVENTION OF PUBLIC NUISANCE

4.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on communities and people living, working or sleeping in the vicinity of the premises.

4.2 In relation to "the prevention of public nuisance" the Council will seek to minimise the extent to which residents are disturbed late at night and seek to protect the amenity of residents and businesses in the vicinity of licensed premises.

4.3 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.

**Commented [AR5]:** New comment to reflect consultation comment that policy appears to focus on disturbance at night

4.4 Where appropriate, applicants are recommended to seek advice from the Council's Environmental Protection Section when considering prevention of public nuisance and developing their operating schedules.

4.5 Where appropriate applicants are recommended to provide a noise management plan with their application. Examples where this might be appropriate are outdoor events or late evening venues.

4.6 Where the Council's discretion has been engaged following the receipt of a relevant representation the Council will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. In particular, the Council will consider any action that the applicant has taken or is proposing with regard to the following:

- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;

- ii) preventing 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
- iii) preventing disturbance by customers arriving at or leaving the premises, particularly between the hours of 11.00 pm and 7.00 am;
- iv) 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;
- v) the use of gardens and other open-air areas;
- vi) the location of external lighting, including security lighting;
- vii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- viii) preventing the consumption or supply of illegal drugs, including search procedures;
- ix) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises or that the manner of storage of any other waste materials does not adversely impact on public safety. Applicants are encouraged to recycle waste wherever possible;
- x) any history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees. (Similarly cognisance will be taken of any evidence showing good management and no previous nuisance complaint history);
- xi) to utilise effective means of reducing disorder by communicating with other licensees and the Police in communicating information regarding the potential for anti-social or criminal behaviour. (e.g. radios, pagers, ring rounds, membership of Stroud Safe etc.)

**Commented [AR6]:** Additional wording about marquees in response to consultation comment that music from marquees causes disturbance

**Commented [AR7]:** Extra comment added about recycling waste to reflect consultation comment

## 5 PROTECTION OF CHILDREN FROM HARM

- 5.1 The Council acknowledges the role that the Gloucestershire Safeguarding Children Board can play in promoting the Act's objective relating to the protection of children from harm. The Council recognises this body to be competent to act as the responsible authority in relation to the protection of children from harm and it is this body to which applicants should forward copies of their applications.
- 5.2 The Council recognises that some licensees may wish to hold functions or provide facilities targeted specifically towards children (under 16 Discos, children's parties, supervised crèche/play areas etc.) and expects organisers of such functions or activities associated with licensed premises to take all reasonable steps to ensure that staff employed will not put children at risk from harm e.g. the organiser could request that potential employees provide sufficient information to allow an enhanced DBS check.
- 5.3 The Council expects personal licence holders to contribute to not serving alcohol to persons under the age of 18, except in limited conditions allowed for by law and recommends that the following are preferred ways to verify a person's proof of age: -
- Passport
  - Photo card driving licence issued in a European Union country;
  - PASS (Proof of Age Standards Scheme) accredited card eg Validate UK.
- 5.4 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme

5.5 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

**Commented [AR8]:** Additional wording to reflect consultation comment about concerns with proxy sales

### Children and Internet Sales of Alcohol

5.5 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 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.

### Access by Children to Licensed Premises

5.6 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. This includes physical, moral or psychological harm. The following are examples of premises that may raise concerns:

**Commented [AR9]:** Reworded following comment this paragraph was ambiguous

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors;
- where there is evidence that underage drinking has gone on at the premises in the past;
- premises with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

5.7 When following a relevant representation, the Council's discretion has been engaged the Council may in determining whether it is necessary to limit the access of children to licensed premises consult with Gloucestershire Constabulary, Gloucestershire Social Services and other agencies as appropriate. If having considered the application and the representation the Council believes it is necessary to restrict access to the premises by children through the attachment of conditions the options available to the Authority could include (but are not limited to):

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

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

### Children and Films

5.9 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 of

certain age ranges. Where premises are used for film exhibitions and the Council's discretion has been engaged following receipt of a relevant representation, the Council will normally seek to impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification (BBFC). The Council expects licence holders to ensure that age restrictions for film exhibitions are properly complied with.

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

## 6. PLANNING

- 6.1 As far as is practicably possible, the Council will avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes
- 6.2 Applicants are encouraged to ensure that the proposed activity will constitute lawful planning use and the hours sought do not exceed those authorised by any planning permission.
- 6.3 Where the hours authorised by the relevant planning permission are different to the licensing hours for those premises, the law requires the licence holder to observe the earlier closing time. Premises acting in breach of their planning permission would be liable to enforcement action under the planning legislation.

## 7 CUMULATIVE IMPACT

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

7.5 Similarly there is currently insufficient evidence to demonstrate that an Early Morning restriction order is required in this district.

7.6 The Council has not adopted a Late Night Levy

7.7 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.

7.8 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
- Stroud and Dursley are subject to 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 an authorisation in place. 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
- 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.

**Commented [AR10]:** Expanded to give more information about Public Spaces Protection Orders that prohibit drinking alcohol in the street

## 8 LICENSING HOURS

8.1 The Licensing Act 2003 introduced flexible opening hours for premises, with the potential for 24 hour opening, seven days a week. The 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. When dealing with licensing hours, each application will be dealt with on its individual merits.

8.2 The Council will have a flexible approach to opening hours and will deal with the issue of licensing hours having due regard to the individual merits of each application, taking into account requests for terminal hours in the light of the:

- environmental quality;
- residential amenity;

- character or function of a particular area; and
- nature of the proposed activities to be carried on and provided at the premises.

8.3 Generally the Council will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they are open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.

8.4 Where following a relevant representation the Council's discretion has been engaged, consideration will be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

## 9 LARGE SCALE OUTDOOR EVENTS

9.1 A large scale event is considered to be one where the capacity is more than 499

9.2 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.

9.3 The primary responsibility for safety of attendees at events rests with the event organisers.

9.4 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'.

9.5 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.

9.6 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
- Car-parking arrangements
- Sanitary provisions
- Concessionary activities
- Drug Policy

- Emergency Evacuation Plan
- Counter terrorism measures
- Welfare provisions
- Lost child plan
- Accessibility plan including wheelchair access and accessible toilet provisions
- Traffic management plan
- Refuse and recycling plan
- Where appropriate measures in place to prevent spread of Covid19 or similar

**Commented [AR11]:** Additional points added to reflect consultation comment that these points should be included

#### **Safety Advisory Group and large outdoor events**

- 9.7 In most cases large events will engage the Safety Advisory Group (SAG). The SAG 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 SAG notification. Where a premises licence has been granted for on-going events the licence holder is encouraged to submit a SAG notification annually. The notification should be submitted ideally at least 6 months before each event but not less than 3 months.

## **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. Stroud District 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 Stroud District Council's website [www.stroud.gov.uk](http://www.stroud.gov.uk)

#### **Access And Evacuation For Persons With Disabilities**

- 10.3 Disabled people have the right to access services. There are clear legal responsibilities under the Equality Act 2010, 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 THE LICENSING PROCESS**

- 11.1 When dealing with applications made under the Act the Council will take account of and give appropriate consideration to:



- The Act together with regulations made thereunder;
  - Guidance issued under the Act and
  - Its own licensing policy and appendices attached thereto, considering each application on its individual merits.
- 11.2 Each and every application received whether for the issue of a personal or premises licence or club premises certificate will be treated fairly and will be considered on its own merits. If no relevant representations are received, then the licence will be issued automatically with such conditions attached as are;
- Relevant mandatory conditions under the Act, or,
  - Consistent with the operating schedule accompanying the application. (Except where an application is made for a minor variation in which case conditions cannot be imposed)
- 11.3 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 11.4 Appendix A to this policy is a Table of Delegated Functions setting out the Council's scheme of delegations for the discharge of functions under the Act. However, it should be noted that these delegations will not prevent Officers from referring an application to a Sub-Committee of/or the Committee that deals with licensing if it is considered appropriate to the individual circumstances of the case.
- 11.5 Applications for new premises licences and major variations must be accompanied by a proposed Operating Schedule. The Council expects such applicants to address the licensing objectives in their Operating Schedule by having regard to the type of licensable activities to be provided, the premises, their operational procedures, the nature of the location and the needs of the local community.
- 11.6 The Council encourages all applicants to undertake a thorough and appropriate risk assessment relevant to their business, particularly with regard to how they will promote the licensing objectives relevant to that business. When considering those steps that may be necessary in promoting the licensing objectives applicants should give consideration to the guidance issued under Section 182 of the Licensing Act 2003 and this Statement of Licensing Policy.
- 11.7 Some regulations do not cover the unique circumstances relating to some forms of entertainment. Where the Council's discretion has been engaged and it is necessary to impose conditions to promote the Act's objectives such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 11.8 Minor variation applications are restricted to changes that will not undermine the licensing objectives. Other Parties may make representations and the Council is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing and officers have delegated powers to determine applications under this process. The overall test for officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.
- 11.9 An application can be made by a community premises to remove the mandatory condition, with regard to sale of alcohol, requiring a designated premises supervisor to be named on the licence. Instead the management committee itself will authorise the sale of alcohol. The Council must be satisfied that the premises are operating as a community premises and that the management committee can ensure that alcohol sales are properly supervised

particularly if hired for a private event. The Council would normally expect to see evidence of the management structure and a hiring agreement.

## **12 ENFORCEMENT AND COMPLAINTS**

- 12.1 The Council recognises the contribution that can be made by developing effective working practices with our partner agencies. The Council will investigate complaints made to it regarding licensed premises of any description and recognises the contribution that can be made by developing effective working practices with our partner agencies. The Authority has established an enforcement protocol with Gloucestershire Constabulary, and will liaise with the Constabulary when appropriate in an effort to avoid duplication of inspection or enforcement visits.
- 12.2 Where appropriate the Licensing Authority may also undertake joint enforcement investigations and/or share information with other services within Stroud District Council such as Planning, Environmental Protection, Health and Safety and Food Safety
- 12.3 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will monitor premises and take any appropriate enforcement action to ensure compliance.
- 12.4 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.
- 12.5 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 toward those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.
- 12.6 In undertaking the inspection of licensed premises the Council will promote the 'lighter touch' of enforcement through initially designating the following categories of risk weighting:
- i) Public Houses and Night Clubs in Stroud, Dursley town centres – Medium to High Risk (dependant on capacity of the premises and/or history)
  - ii) Public Houses in all other town centres – Low to Medium Risk (dependant on history)
  - iii) All other existing sites, urban or rural within the district – Low Risk (subject to history)
  - iv) Any site where the primary purpose is serving food, where the sale or supply of alcohol is ancillary – Low Risk (subject to history)
  - v) New sites not in (a) or (b) above – to be assessed dependant on location and style of operation or operators.

### **Reviews of Licences**

- 12.7 The Council recognises that the ability of any other party, the Police and other responsible Authorities to apply for a review of a premises licence is also an incentive to effective self-regulation.

12.8 Where the Council's discretion has been engaged following receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act including:

- To reject the representation
- Consider the representation and require no action to be taken
- Make modifications to the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

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

#### **Matters to be considered**

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

- Use of the premises for the use or supply of drugs;
- Use of the premises for laundering the proceeds of crime;
- Use of the premises for the sale or distribution of illegal firearms;
- Use of the premises for the sale or supply of stolen or counterfeit goods;
- Underage purchase and consumption of alcohol;
- Use of the premises for prostitution or sale/distribution of unlawful pornography;
- Use of the premises for unlawful gaming;
- Use of the premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Nuisance from noise or smell caused by a failure to install any or inadequate equipment and/or failure to maintain such equipment;
- Failure of the licence holder to implement an effective policy to prevent fly posting and to contain or collect litter from flyers or other advertising materials discarded in the vicinity of the premises;
- Failure by the licence holder to implement an effective policy to contain or collect litter associated with the premises that is discarded in the vicinity of the premises;
- Failure to promptly respond to a warning properly given by the Fire Authority or other competent authority on a matter of public safety at premises;
- Failure to avoid easily avoidable but critical risks, including any obstruction of an escape route to, and if necessary beyond a fire exit. The locking or fastening of fire exit doors during times that premises are open for trade, will be considered an extremely serious failure;
- Any convictions for licensing offences;
- Immigration Offences such as employment of persons who do not have the right to work in the UK
- Previous failure to comply with licence conditions.

## Underage drinking

- 12.11 In seeking to encourage efforts to reduce alcohol-induced problematic behaviour by under 18 year olds the Council acknowledges and commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks.
- 12.12 The Council will support the enforcement of underage purchase of alcohol and drinking laws when appropriate by encouraging partner agencies in the use of their enforcement powers, for example:
- i) Police exercise of powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street.
  - ii) Police and trading standards implementing test purchasing to reduce off licence sales to under 18 year olds and carrying out age challenges to reduce underage drinking in pubs and licensed venues.

## FURTHER INFORMATION

Information relating to the licensing process and application forms may be obtained from Stroud District Council's Licensing Section

**Address:** The Licensing Section, Stroud District Council, Council Offices, Ebley Mill, Ebley Wharf, Stroud, Glos. GL5 4UB

**Email:** [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)

**Web:** [www.stroud.gov.uk](http://www.stroud.gov.uk)

**APPENDIX A - TABLE OF DELEGATED FUNCTIONS**

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

## 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 a 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 a individual's home address and has effect indefinitely (has no end date).
Premises	Means any place and includes a building, outdoor area, vehicle, vessel 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 with 5 to 9 clear working days.

## APPENDIX C - RESPONSIBLE AUTHORITIES – CONTACT DETAILS

<b>1 Stroud District Council</b>	Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, GL5 4UB Telephone: 01453 754440 Email: <a href="mailto:licensing@stroud.gov.uk">licensing@stroud.gov.uk</a>
<b>2 Gloucestershire Constabulary</b>	Harm Reduction, Police Headquarters, No 1 Waterwells, Quedgeley, Gloucester, GL2 2AN Telephone: 01452 754482 Email: <a href="mailto:Licensing@Gloucestershire.pnn.police.uk">Licensing@Gloucestershire.pnn.police.uk</a>
<b>3 Gloucestershire Fire &amp; Rescue Service</b>	Chief Fire Officer Fire Service HQ, Waterwells Drive, Quedgeley Gloucester GL2 2AX Telephone: 01452/753333 Email; <a href="mailto:fire@glosfire.gov.uk">fire@glosfire.gov.uk</a>
<b>4 Local department with responsibility for Planning</b>	Head of Planning Development Services, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Glos, GL5 4UB, Telephone: 01453 754518 E-mail: <a href="mailto:planning.enquiries@stroud.gov.uk">planning.enquiries@stroud.gov.uk</a>
<b>5 Local department with responsibility for Environmental Pollution</b>	Environmental Protection Manager Environmental Health, Stroud District Council, Ebley Mill, Ebley Wharf , Stroud, Glos, GL5 4UB Telephone: 01453 754478 Fax: 01453 754963 E-mail: <a href="mailto:environmental.health@stroud.gov.uk">environmental.health@stroud.gov.uk</a>
<b>6 Local department with responsibility for Health &amp; Safety</b>	Commercial Services Manager Environmental Health, Stroud District Council, Ebley Mill, Ebley Wharf,, Stroud, Glos, GL5 4UB Telephone: 01453 754478 Fax: 01453 754963 E-mail: <a href="mailto:environmental.health@stroud.gov.uk">environmental.health@stroud.gov.uk</a>
<b>7 Gloucestershire Safeguarding Children Board</b>	Gloucestershire Safeguarding Children Board Block 4, 1 <sup>st</sup> Floor, Room 133B, Shire Hall, Westgate Street Gloucester, GL1 2TH Telephone : 01452 583636 E.mail: <a href="mailto:gscb@gloucestershire.gov.uk">gscb@gloucestershire.gov.uk</a>
<b>8 Trading Standards</b>	Gloucestershire Trading Standards Service, The Tri-Service Centre, Waterwells Drive, Quedgeley, Gloucester GL2 2AX Telephone: 01452 426201 E-mail: <a href="mailto:tradstds@gloucestershire.gov.uk">tradstds@gloucestershire.gov.uk</a>
<b>9 Local health body representative</b>	Public Health Department, Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester, GL1 2TG Telephone: 01452 328607 E-mail: <a href="mailto:Publichealth@gloucestershire.gov.uk">Publichealth@gloucestershire.gov.uk</a>

## APPENDIX D - LIST OF CONSULTEES FOR REVIEW OF STATEMENT OF LICENSING POLICY

This Statement of Policy has been developed by the Council in consultation with the following stakeholder groups, agencies and organisations

<b>Responsible Authorities</b>
Chief Officer of Police
Fire and Rescue
Gloucestershire Safeguarding Children Board
Environmental Health
Gloucestershire Trading Standards
Gloucestershire Public Health
The Local Planning Authority
<b>Licence Holders and Representative of the trade</b>
Email to all Licensed Premises
Stroud Safe
Association of Licensed Multiple Retailers (ALMR)
British Beer and Pub Association (BBPA)
Tesco Stores Ltd Licensing Department
The Midcounties Co-operative Limited
EI Group and Punch Taverns
Winckworth Sherwood LLP (rep Sainsburys)
Melrose Associates
<b>Persons/bodies representative of businesses and residents</b>
Stroud District Council Councillors
Parish Councils/Town Councils
Stroud and District Citizens Advice Bureau
The Wotton-under-Edge and District Chamber of Trade and Commerce
Stroud and District Chamber of Trade and Commerce
Nailsworth Chamber of Trade
Gloucestershire Safeguarding vulnerable adults board
Gloucestershire Health and Wellbeing Board GHWB
<b>Other</b>
Stroud District Council - Heads of Service
Stroud District Council - Legal Section
Other Licensing Authorities – Gloucestershire Licensing Officers Group (GLOG)
Stroud District Council's Web Site
Notice on Notice Board Reception Stroud District Council Offices, Ebley Mill



