

Licensing Act 2003

Statement of Licensing Policy for period commencing July 2021



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1 INTRODUCTION

- 1.1 The Forest of Dean is one of the most distinctive parts of the UK, distinct geographically, topographically, culturally and historically. These characteristics create the area's primary appeal as a destination for tourism.
- 1.2 The area has a unique history of mining, quarrying and forestry. The area's relative remoteness has helped maintain a strong local sense of place and community. There remains a very strong tradition of sporting and cultural activities including rugby, football, cricket, brass bands and working men's clubs.
- 1.3 The Forest of Dean District Council is one of Six District Councils, plus the County Council authority, which comprise the County of Gloucestershire. It covers an area of 52,666 hectares and includes the main towns of Coleford, Cinderford, Lydney and Newent. The majority of its 87,000 population are found in and around these towns.
- 1.4 The main concentration of premises in the district providing regulated entertainment and/or the sale of alcohol can be found in the towns and there are two existing cinemas.. All the main towns are also well served with late night refreshment premises.
- 1.5 There are many rural public houses in the district that provide a focal point for community life. In other cases this focal point may be provided by small stores and shops that sell alcohol.
- 1.6 This policy seeks to support this heritage by providing opportunity for licensed premises to develop, without prejudice to residents and visitors who wish to enjoy the peace and tranquillity associated with the Forest.

2. THE LICENSING ACT 2003

- 2.1 The Forest of Dean District Council is responsible for the licensing of 'licensable activities'. The licensable activities that are required to be licensed 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 Licensing Act 2003 imposes a duty on the Council to produce, develop and review a Licensing Policy that sets out the policies that the Council will generally apply to achieve the licensing objectives when making decisions under the Act. The Council will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Licensing Act 2003, which are: -
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.3 Each objective is of equal importance. The four objectives are detailed later in this Policy. These objectives are the only matters to be taken into account in determining an application. Where a representation is received the Council may consider attaching conditions to licences to promote the policy objectives as appropriate.
- 2.4 This Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and Guidance issued by the Secretary of State under Section 182 of the Act. There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities.
- 2.6 The Policy was reviewed in 2020 and will take effect on 15 July 2021 and will remain in force for a period of five years.
- 2.7 In addition, the Council will consider applications with reference to other adopted Council policies, including the:
- Community Safety Partnership Strategic Assessment – <https://inform.gloucestershire.gov.uk/media/1520660/overview.pdf>
 - Enforcement Policy and Core Strategy - <https://www.fdean.gov.uk/about-the-council/plans-and-policies/policies-and-strategies/>
 - Single Equality Scheme
 - <https://www.fdean.gov.uk/media/phrgpn10/equality-policy.pdf>
 - Local Transport Plan <https://www.gloucestershire.gov.uk/transport/gloucestershires-local-transport-plan-2015-2031/draft-ltp/>
- 2.9 In undertaking its licensing function, the licensing authority shall have regard to other legislation however the Licensing Act will not be used as an enforcement tool for breaches of other statutes. Enforcement of such matters will be undertaken by the relevant enforcement agencies.

- 2.10 Where representations are received from a relevant authority the Council will take account of any non-compliance of other statutory requirements brought to its attention where these undermine the licensing objectives set out at paragraph 2.2.
- 2.11 The Council's Planning Policies are set out in its Core Strategy. Government guidance in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG) are also relevant.
- 2.12 The Council has separate planning and licensing regimes to avoid duplication and inefficiency. Licensing applications will not, therefore, be a re-run of the planning application. There is no legal basis for the Licensing Authority to refuse a licence application because the premises do not have planning permission. As appropriate, the Licensing and Planning Committees will be kept informed of the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.
- 2.15 The Human Rights Act 1998 incorporated the European Convention on Human Rights and makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions in determining licence applications:
- Article 1 – of the First Protocol that every person is entitled to a peaceful enjoyment of his or her possessions
 - Article 6 - In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law
 - Article 8 – That everyone has the right to respect for his home and family life
- 2.16 In determining licensing applications due regard will be given to ensure that the Council's functions and policies are fair, non discriminatory and compliant with equality legislation and regulations. In particular the Council will endeavour to:-
- eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunity between different groups; and
 - foster good relations between different groups.
- 2.17 There are a number of groups who have an interest in the licensing of premises under the Licensing Act 2003, including the licensed trade, customers, residents and enforcing agencies. All these parties have views and concerns that require consideration as part of the consultation process. The consultation will be made available on the Council's website, comments will be accepted over a 12 week period. The Council will consult with all of the Responsible Authorities; bodies representing local holders of personal licences, premises licences and club premises certificates; local businesses and residents in the District. In addition, the Council may also consult with other local bodies regional or national, and agencies as appropriate.
- 2.18 The objective of the licensing process is for a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that ensures public safety but 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 managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. To this end, terms and conditions attached to the various permissions granted under the Act will be focused on matters within the

control of the individual licensees and others granted relevant permissions. The Council will always seek to ensure that conditions are necessary, proportionate and reasonable and will avoid the use of any conditions, which duplicate other legal requirements that apply to an employer or operator of premises.

- 2.19 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. As a matter of policy, 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.
- 2.20 Every application received by the Council will be considered on its own merits. The Council 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 adversely affected by these activities. The views of vocal minorities, although taken into consideration, will not usually predominate over the general interests of the community community. Where it is necessary to depart from the guidance, in this policy at any time, the Council will give clear and sound reasons for doing so. The Council expects that any conditions that are necessary will, in the first place, be identifiable from prospective licensees or certificate holders' risk assessments. Applicants will have to translate their assessments into measures, which promote one or more of the licensing objectives and record them in their operating schedule. The Council encourages prospective applicants to seek advice to minimise disputes and the need for hearings by consulting with all responsible authorities when operating schedules are being prepared.
- 2.21 The Council will work in partnership with other local authorities, particularly in Gloucestershire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.
- 2.22 The Council will actively encourage a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant communities. The Council subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti-social activities that damage local communities. The potential for limited disturbance in neighbourhoods will always be balanced with these wider benefits and so the Council will endeavour to positively encourage all venues to offer entertainment as far as possible. In determining what conditions should be attached to licences as a matter of necessity for the promotion of licensing objectives, the Council will be aware of the need to avoid measures that deter live music, dancing and theatre by imposing indirect costs of a substantial nature through conditions.
- 2.23 The Council may consider seeking Premises Licences for public spaces in the community in its own name. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the Premises Licence Holder. The Council intends to use this method of licensing to encourage a broad range of entertainment to the local communities. Any charges related to this permission will be reasonable and proportionate. The Council will also monitor the impact of licensing on regulated entertainment to ensure that only necessary, proportionate and reasonable licensing conditions are imposed on such events. Where there is an indication that licensing requirements are deterring such events, the Council will re-visit the Licensing Policy and endeavour to reverse these effects.

2.24 Temporary Event Notices are a simple way of organising events for up to 499 people (including the entertainers and staff on site). Applications must be made a minimum of 10 working days before the event. This 10-day period does not include the day of receipt or the day of the event. Notifications are consulted with the Police and Environmental Health who can object to the notification. A hearing will be held to determine this if a compromise cannot be sought.

You can also apply for a 'Late TEN' (5 – 9 working days prior to the event and not including the day the notice is given or the day of the event itself). If an objection is received there is no right to a hearing and the event will not be permitted.

For those not giving at least 5 working days notice will be returned as invalid. Applications incorrectly completed may be returned as invalid where the officers cannot obtain the necessary information from the applicant. A TEN can last for up to 168hrs (7days).

2.25 Village and Community Halls can apply to include alcohol on their premises licence without the need for a Designated Premises Supervisor to be nominated. The Council will support such applications provided it is satisfied that the Management Committee has suitable arrangements in place to ensure compliance with the Licensing Act 2003 and any conditions attached to the licence. Village Halls that already have a Designated Premises Supervisor can apply to "disapply" the condition.

2.26 Live Music Act 2012

The Live Music Act officially came into effect on October 1st 2012 and removes the Local Authority requirement for venues with an alcohol licence to purchase an additional licence for hosting a performance of live music for small venues.

It removes the Local Authority licensing requirements for:

- amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
- unamplified live music between 8am and 11pm in all venues.
- There will be no audience limit for performances of unamplified music

3. THE LICENSING POLICY OBJECTIVES

The Forest of Dean District Council recognises that all premises are different, as are their clientele, licensable activities and location. The examples below of matters to take into consideration when producing an operating schedule are for information only and it is for each applicant to assess the risks of their activities with regard to the licensing objectives and to include appropriate measures in their operating schedule, as they deem necessary.

3.1 PREVENTION OF CRIME AND DISORDER

- 3.1.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment can sometimes be a source of crime and disorder problems.
- 3.1.2 The Forest of Dean District Council will expect applicants to submit Operating Schedules to outline how they will exercise suitable control over licensable activities to prevent crime and disorder taking place on their premises.
- 3.1.3 Applicants are recommended to seek advice from the Council's Licensing Officers and Gloucestershire Police. In addition, when planning and preparing Operating Schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.
- 3.1.4 In addition to the requirements for the Forest of Dean District 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 can to prevent crime and disorder in the District.
- 3.1.5 Applicants should include, where appropriate, information within their Operating Schedule as to their proposals, which are appropriate for the premises having regard to the following examples:
 - the ability of the person in charge of the premises to monitor the premises at all times that it is open;
 - the training given to staff regarding crime prevention measures for the premises;
 - physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
 - management attitudes (e.g. responsible pricing promotions, willingness to stagger trading and willingness to limit sales of bottles or canned alcohol for immediate consumption);
 - any other measure which may be appropriate;
 - the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
 - the likelihood of any violence, public order or policing problems if the licence is granted.
 - Where the premises are subject to age restrictions, the procedures in place to conduct age verification checks (e.g. photo driving licence, Passport or proof of age card e.g. PASS (Proof of Age Standards Scheme card))
 - The location of the premises and the likelihood of any anti-social behaviour, violence, public order or policing problems if the licence is granted.

- 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.
- 3.1.8 Further information can be found in the Statutory Guidance.
- 3.1.8 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.
- 3.1.9 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 may be required to become members of the Pubwatch scheme (if in place 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.
- 3.1.10 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.
- 3.1.11 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.
- 3.1.12 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.

3.2 PUBLIC SAFETY

- 3.2.1 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.
- 3.2.2 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

- 3.2.3 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.
- 3.2.4 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.
- 3.2.5 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.
- 3.2.6 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.
- 3.2.7 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>

3.3 PREVENTION OF PUBLIC NUISANCE

- 3.3.1 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.
- 3.3.2 The Forest of Dean District Council wishes 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.
- 3.3.3 In addition, the Council is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Council will work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 3.3.4 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.
- 3.3.5 When considering all licence applications, 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 Forest of Dean District Council will consider the action, which is appropriate for the premises that the applicant(s) has taken or is proposing with regard to the following:
- prevention of noise and vibration escaping from the premises, including music, and human voices. Such measures may include the installation of soundproofing, acoustic lobbies and sound limitation devices;
 - preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
 - 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, such as the employment of registered door supervisors or the use of CCTV;
 - preventing the consumption or supply of illegal drugs, including search procedures;

- 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;
 - the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.
- 3.3.6 The Forest of Dean District 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 law with regard to disorder and anti-social behaviour;
 - the power of the police, local business or resident to request a review of the licence;
 - enforcement action against those selling alcohol to people who are already drunk.

3.4 PROTECTION OF CHILDREN FROM HARM

- 3.4.1 The Forest of Dean District Council recognises that there are a range of activities for which licences may be sought and that children can be expected to visit premises, often on their own, for food and / or other entertainment. The Licensing Act 2003 only prohibits unaccompanied children (persons aged under 16) from visiting certain licensed premises. The Council recognises that locally, limitations may have to be imposed where it is considered necessary for the prevention of physical, moral, or psychological harm. Concerns may be raised about particular premises where:
- current members of staff have convictions for serving alcohol to minors or the premises are associated with underage drinking
 - there is a known association with drug taking or dealing
 - there is a strong element of gambling on the premises but not merely the presence of a small number of cash prize gaming machines
 - entertainment or services of an adult nature or sexual nature are commonly 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 children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).
- 4.2 When deciding whether or not 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. 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.
- 3.4.3 The Council will not impose any conditions that specifically require the access of children to the premises.
- 3.4.4 Where no conditions or restrictions are imposed, the issue of access for children remains a matter for the discretion of individual licensees or clubs or person who has 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.
- 3.4.5 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.
- 3.4.6 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme.
- 3.4.7 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.
- 3.4.8 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 with certain age ranges. In order to prevent children from seeing such films, the council will impose conditions requiring licensees to restrict children from viewing age restricted films classified by the British Board of Film Classification.
- 3.4.9 In considering applications, the Council will take into account any evidence that age restrictions for film exhibitions are not being properly observed.
- 3.4.10 Many children attend or take part in an entertainment arranged especially for them, for example children's film shows, dance and drama or school productions. In these cases additional arrangements to safeguard them should be considered.
- 3.4.11 In considering applications, the Council suggest that the following matters, that assist in protecting children from harm be considered when producing in the operating schedule for the premises:
- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol

- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing
- Arrangements taken or proposed to prevent children from being exposed to gambling
- Steps taken or proposed to prevent children from being exposed to activities of an adult nature or sexual nature
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder
- Measures taken or proposed to prevent children from being exposed to excessive noise
- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height
- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines
- Arrangements for appropriate recruitment, vetting, instruction, training and supervision of those employed or engaged to secure the protection of children from harm

4. CUMULATIVE IMPACT

4.1 The Forest of Dean District Council recognises that the cumulative impact of a number of premises open late at night for regulated entertainment, late night refreshment or supply of alcohol 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;
- an increase in noise causing disturbance to residents;
- traffic congestion and/or parking problems;
- littering and fouling.

4.2 This may result in the amenity of local residents in some areas being placed under pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action may be taken to ensure conditions are complied with, this may not resolve all the problems.

4.3 Where there is evidence that a particular area of the District is already suffering, or likely to suffer, adverse effects from the concentration of late night premises, when determining any further application for premises within the area identified the Forest of Dean District Council will take into account:

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

4.4 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.

- 4.5 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.
- 4.6 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.
- 4.7 Similarly there is currently insufficient evidence to demonstrate that an Early Morning restriction order is required in this district
- 4.8 The Council has not adopted a Late Night Levy.
- 4.9 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.
- 4.10 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
- 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.

5. LICENSING HOURS

- 5.1 The Forest of Dean District Council recognises the variety of premises for which licences will be sought and that fixed 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.
- 5.2 Generally the Council will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to 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.
- 5.3 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. The Council will take into account requests for closing 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.

Consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

6. THE LICENSING PROCESS

- 6.1 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.
- 6.2 The Forest of Dean District Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 6.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness these are delegated to Officers. Attached at Appendix A to this Licensing Policy is a Table of Delegated Functions setting out the agreed delegation of decisions and functions to the Forest of Dean District Council's Licensing Committee, and Officers. These delegations are without prejudice to Officers referring an application to the Licensing Committee if considered appropriate in the circumstances of the case.
- 6.4 The Council will expect all individual applicants to address the licensing objectives in their Operating Schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 6.5 Applicants will need to be 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.

- 6.6 Any decision in relation to licensing applications will be entirely separate from any decision in relation to planning. The Council also recognises the need to avoid, so far as possible, duplication with other regulatory areas.
- 6.7 Some regulations do not cover the unique circumstances of some entertainment. The Council will consider attaching Conditions to premises licences and club premises certificates where these are necessary to promote the licensing objectives and are not already provided for in any other legislation.
- 6.8 The Licensing Authority cannot impose blanket standard conditions. Therefore conditions imposed on licences will be tailored to the individual style and characteristics of the premises and events concerned. Conditions will normally be drawn from the pool of model conditions, as contained in the Secretary of State's Guidance, although the list is not exclusive and may be varied from time to time as considered necessary to meet the circumstances of the proposed activities. It must be stressed that the conditions are a pool from which to choose appropriate ones to suit the specific needs of an individual premises operation, conditions not listed in the pool may be specifically tailored by the Council and attached to licenses as appropriate.
- 6.9 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's risk assessment, which should be undertaken by applicants before making their application. This normally would be translated into the steps recorded in the operating schedule that is proposed to promote the licensing objectives. Where the responsible authorities and interested parties do not raise any representations about the application, the licence will be granted subject only to conditions that are consistent within the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 6.10 The Licensing Authority may not, therefore, impose any conditions unless its discretion has been engaged following the making of representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations made. The Authority will take this policy into account when considering any licensing application or review of a licence.
- 6.11 The Council will issue and make readily available, guidance notes on the various procedures it requires for making applications for licences and will, from time to time, review such guidance.

7. COVID-19

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

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

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

8. ENFORCEMENT AND COMPLAINTS

- 8.1 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 Forest of Dean District Council will monitor premises and take any appropriate enforcement action to ensure compliance.
- 8.2 All decisions and enforcement actions taken by the Forest of Dean District Council will be in accordance with the Council's Enforcement Policy, and the principles of consistency, transparency and proportionality. The Policy is available on the Council's website.
- 8.3 The Council will continue to employ officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with Gloucestershire Police and other Responsible Authorities in enforcing licensing legislation within the terms of an established enforcement protocol.
- 8.4 The Council will investigate complaints against licensed premises of any description. In the first instance, however, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 8.5 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 arrange a meeting between all parties concerned, to address, clarify and try to resolve the issues of concern.
- 8.6 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.

9. LICENCE REVIEWS

- 9.1 Only responsible authorities and Other Persons (i.e. local residents, local organisations and councillors) can apply for the review of a licence.

The licensing authority's role will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 9.2 Where the Licensing authority is satisfied that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence, even in the first instance, will be seriously considered.

10. FURTHER INFORMATION

For further information about the Forest of Dean District Council's Licensing Policy, the Licensing Act 2003, application forms, application process, or any other licensing matters please the Licensing Team:-

Licensing Team
Forest of Dean District Council
Council Offices
High Street
Coleford
GL16 8HG

Telephone No: 01594 810000
Email: ers@fdean.gov.uk

For information concerning matters relating to probity in licensing and the licensing committee please contact:

The Monitoring Officer
Forest of Dean District Council
Council Offices
High Street
Coleford
GL16 8HG

Telephone No: 01594 810000
Website: www.fdean.gov.uk

TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Officers
Application for personal licence with unspent convictions		All Cases
Application for personal licence with spent convictions	If police conviction	If no objection is made
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 relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor	If a police objection is received	All other cases
Application for transfer of premises licence	If a police objection is received	All cases
Application for interim authority	If a police objection is received	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 considering the application		All Cases
Determination of a police objection to a temporary event notice	All Cases	
Temporary Event Notice and Late Temporary Event Notice	If police or environmental health objection is received	All other cases

RESPONSIBLE AUTHORITY CONTACT DETAILS

Licensing Authority	Licensing Team, Forest of Dean District Council, Council Offices, High Street, Coleford GL16 8HG Telephone No: 01594 810000 Email: ers@fdean.gov.uk
Environmental Pollution	Operational Team, Forest of Dean District Council, High Street, Coleford GL16 8HG Telephone: 01594 810000 Email: ers@fdean.gov.uk
Health & Safety	Food, Health and Safety Team, Forest of Dean District Council, High Street, Coleford GL16 8HG Telephone: 01594 81000 Email: ers@fdean.gov.uk
Gloucestershire Constabulary	Licensing, Gloucestershire Constabulary, Hucclecote Police Station, 58 Hucclecote Road, Hucclecote GL3 3RT 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
Trading Standards	Gloucestershire County Council, Trading Standards, Hillfield House, Denmark Road, Gloucester. GL1 3LD Telephone: 01452 426201 Email: tradstds@gloucestershire.gov.uk
Gloucestershire Area Child Protection Committee	Gloucester County Council Child Protection Team, Social Services Department, Quayside Wing, Quayside House, Shire Hall, Gloucester. GL1 2RH Telephone: 01452 426321 Email: gscb@gloucestershire.gov.uk
Local Health Board/ Primary Care Trust	Substance Misuse Co-ordinator, Public Health Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG Telephone: 01452 328699 Email: publichealth@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
Planning Department	Planning Services, Forest of Dean District Council, High Street, Coleford GL16 8HG Telephone: 01594 810000 Email: planning@fdean.gov.uk

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 meeting of the Full Committee 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.