



THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Revised with effect from 7th January 2011

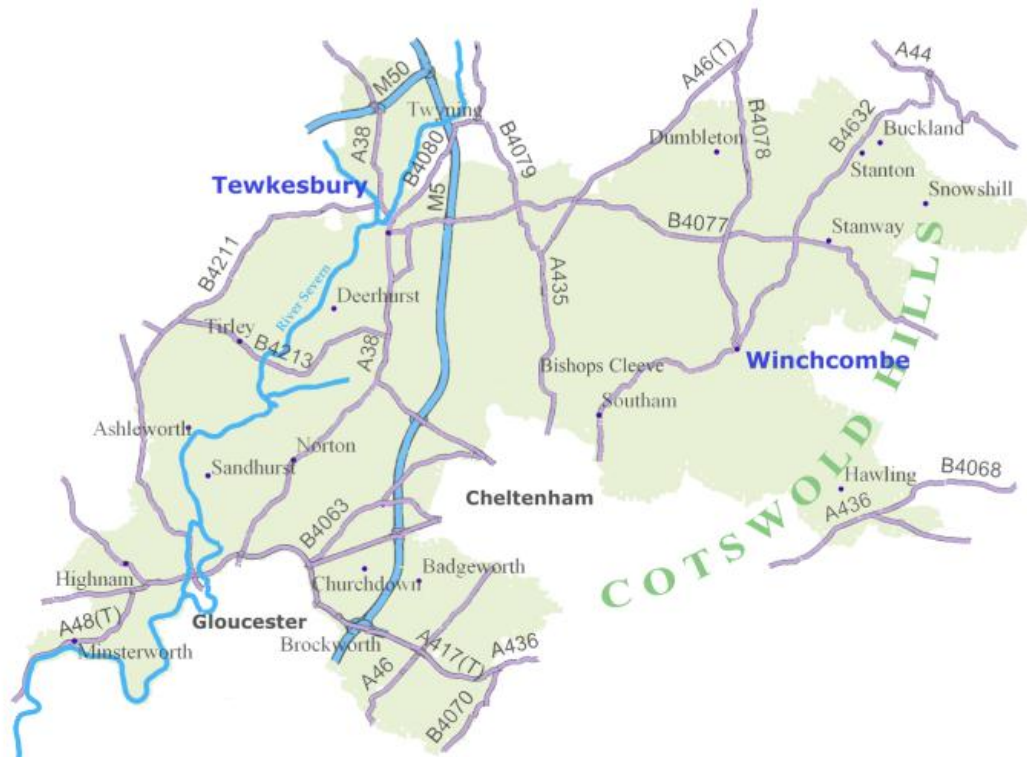
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1.0 INTRODUCTION AND PREAMBLE

1.1 PROFILE OF THE BOROUGH

- 1.2 Tewkesbury Borough has a relatively small population of 80,000 and current figures show that it is the smallest out of the six districts in Gloucestershire. However, very rapid growth is predicted over the next 20 years with the Borough absorbing a lot of the housing development planned for Gloucestershire. It is predicted that by 2028 the Borough will be the fourth largest district at that time increasing from 80,000 to 106,000 .
- 1.3 Within this population, growth will be a rapid rise in two population areas: the older population (above 65 yrs) seeing a 65% rise and the younger population (under 19yrs) seeing a 25% rise. This will have an impact on the workforce and on the kinds of services needed.
- 1.4 Overall residents of the Borough experience a good quality environment and life with low levels of crime and unemployment. They achieve a higher than average level of education and enjoy good health across the ages. However there are pockets of deprivation with areas of low income, unemployment and poor access to services.
- 1.5 The Borough's economy is currently healthy and home to a wide range of businesses both large and small characterised by a highly mobile workforce. Tourism is a valuable source of income with a number of festivals throughout the year and the market towns provide a focus for much of the economic activity.



2.0 THE LICENSING ACT 2003

2.1 The Tewkesbury Borough Council is a Licensing Authority under this Act and is responsible for the licensing of 'licensable activities'. The licensable activities that are required to be licensed under the Act are as follows:

- The sale by retail of alcohol,
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- the provision of regulated entertainment, and
- the provision of late night refreshment

2.2 The Licensing Act 2003 imposes a duty on the Licensing Authority to produce, develop and review a Licensing Policy that sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions under the Act. The Licensing Authority will actively seek to promote the four statutory licensing objectives that are set out in section 5 of the Licensing Act 2003, which are as follows:

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

Each objective is of equal importance and the Licensing Authorities policy relating to each of them is given in this Licensing Policy. These objectives are the only matters to be taken into account in determining an application. The Licensing Authority will consider attaching conditions to licences to promote the policy objectives as appropriate, but only to achieve the licensing objectives and only if representations are made.

2.3 This Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under Section 182 of the Act. Further regard has been given to the statutory provisions arising under the Crime and Disorder Act 1988; the Human Rights Act 1998; the Health and Safety at Work etc Act 1974; the Environmental Protection Act 1990, the Race Relations Act (as Amended) 2000 and the Anti-Social Behaviour Act 2003. The Council has also had regard to a range of local strategies, plans and policies and these are listed in this policy. The Policy will take effect on 7th January 2011 and will remain in force for a period of not more than three years. A review and further consultation will be carried out by 7th January 2014. If any amendments to the Licensing Policy are needed before the review period they will only be made following consultation with those parties referred to in paragraph 2.4 below.

- 2.4 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 licensing function. Before publishing the Licensing Policy and any amendments to it, the Licensing Authority will consult with Gloucestershire Police; Gloucestershire Fire and Rescue Service; bodies representing local holders of personal licences, premises licences and club premises certificates; and local businesses and residents in the Borough. In addition, the Licensing Authority may also consult with other local bodies and agencies as appropriate.
- 2.5 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 Licensing Authority's aim is to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. To this end, 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.
- 2.6 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 Licensing Authority 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. The Licensing Authority will seek to work with all parties to support and promote the licensing objectives. The Licensing Authority will only apply terms and conditions to licences that act to promote and support the licensing objectives and are relevant to the individual circumstances of the case. Although the Licensing Authority may use standardised conditions and forms of wording to cover commonly arising situations and circumstances, "blanket conditions" will not be applied to licenses and specific conditions may be drawn up and applied to meet local need and circumstances. In attaching conditions to a licence the Licensing Authority may seek to attach one or more conditions drawn from the pool of conditions contained in Annex D of the Guidance to the 'Act'. The Licensing Authority will always seek to ensure that any conditions applied to a licence are necessary, proportionate and reasonable. Conditions will not be used that duplicate any other legal requirements falling on an employer or operator of premises.
- 2.7 The Licensing Authority expects that any conditions that are necessary will in the first instance be identifiable from an applicant's risk assessment. Risk assessments should clearly indicate the measures necessary to be undertaken to support the licensing objectives and these measures must be recorded in the operating schedule. There is no requirement to submit the risk assessments as part of the application. If conditions are to be applied these will only be so applied following a hearing of the Licensing Committee and the opportunity to make representations to the Committee has been given to all parties concerned. If the Committee is satisfied that conditions should be applied it may make such reasonable conditions in any form at its discretion.
- 2.8 The Licensing Authority recognises that the Act provides for a number of mandatory conditions to be attached to licences and certificates for films, door registration, plays and the sale and supply of alcohol and will ensure the appropriate condition is attached to each licence or certificate.

- 2.9 Every application considered by the Licensing Authority will be considered on its own merits. The Licensing Authority 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 the activities. The views of vocal minorities will not usually predominate over the general interests of the community. Where it is necessary to depart from the guidance, either in this policy or at any other time, the Licensing Authority will give clear and sound reasons for doing so.
- 2.10 The Licensing Authority will endeavour to establish a Licensing Forum made up of representatives from licensed premises, personal licensees, businesses and residents to meet periodically to discuss and keep matters relating to licensing under review.
- 2.11 The Licensing Authority will work in partnership with other Licensing Authorities, particularly in Gloucestershire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.
- 2.12 In setting out this policy the Licensing Authority has had regard to the following strategies and plans for the Area:

Community Plan

Tourism and Economic Development Policy

Crime and Disorder Strategy

Equalities Policy and Action Plan

Local Transport Plan

Tewkesbury Borough Council Plan

Tewkesbury Cultural Strategy

Tewkesbury Borough Council Enforcement Policy

Alcohol Harm Reduction Strategy

- 2.13 Work undertaken to develop these policies and strategies further will ensure that reference to the Licensing Authority's licensing policy is made and that policies, strategies and plans can be seen to integrate with the licensing policy. Specifically the Licensing Authority will seek to ensure that any conditions attached to licenses reflect the local crime prevention strategy for the Licensing Authority's area.
- 2.14 Other arrangements will be made to ensure that there is an annual review of the effect of the licensing policy on the provision of regulated entertainment including music and dancing. That local transport strategies may need to take account of the need to disperse large numbers of people from events and areas and that the local licensing committee considers from time to time the impact of its policy on the local economy.
- 2.15 The Licensing Authority will also seek to ensure that its licensing policy supports the promotion of good race relations, equality of opportunity and the elimination of unlawful discrimination as provided by the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000. In future the Licensing Authority's licensing policy will be referred to in the Council's Race Relations Scheme.
- 2.16 Applicants for a licence should note that the granting of a licence does not imply that there are any permissions or approvals in force such as planning permission or building regulation approval for the subsequent development of premises. There will need to be separate applications made to the Council to ensure that these items are the subject of separate consideration in so far as the Council is the appropriate authority.

- 2.17 The Licensing Authority encourages applications from any organisation for premises licenses for public open spaces and will consider applying for licences for its own land, where appropriate.
- 2.18 The Licensing Authority, in conjunction with other Licensing Authorities within Gloucestershire, will produce notes on procedural guidance for applicants. This guidance will compliment this policy and will be kept under review and consultation from time to time.

Any enquiries regarding this policy and or any of the Council Strategies and Plans listed above should be made to:

The Licensing Department
Tewkesbury Borough Council
Council Offices, Tewkesbury Road
Tewkesbury, Glos. GL20 5TT.

THE LICENSING POLICY OBJECTIVES

3.0 THE FOUR LICENSING OBJECTIVES.

- 3.1 The four licensing objectives are the only matters to be taken into consideration in determining an application.
- 3.2 Where the Policy refers to issues the Licensing Authority will expect applicants to address in their operating schedule it also recognises that not all issues are appropriate for all sizes of premises.
- 3.3 It is for the applicant to consider whether and how to address these issues in the operating schedule and it will not count against the applicant if certain non-relevant issues are not mentioned.

4.0 PREVENTION OF CRIME AND DISORDER

- 4.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can sometimes be a source of crime and disorder problems.
- 4.2 The Licensing Authority will expect Operating Schedules, where appropriate, to satisfactorily address these issues from the design of the premises through to the daily operation of the business.
- 4.3 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.
- 4.4 In addition to the requirements for the Licensing Authority 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 Borough.
- 4.5 When considering all licence applications the Licensing Authority will take into account the measures proposed to deal with the potential for, and the prevention of, crime and disorder having regard to all circumstances of the application. Applicants

should include information on these issues within the Operating Schedule for the premises. In particular, the Licensing Authority will consider the actions, which are appropriate for the premises that the applicant(s) has taken, or is proposing to take with regard to the following:

- i) the ability of the person in charge of the premises to monitor the premises at all times that it is open; although this does not mean that the designated premises supervisor has to be present at all times.
- ii) the training given to staff regarding crime prevention measures for the premises;
- iii) physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
- iv) management attitudes (e.g. responsible pricing promotions, willingness to stagger trading, willingness to limit sales of bottles or canned alcohol for immediate consumption and preventing the sale of alcohol to people who are drunk);
- v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);
- vi) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- vii) where the premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- viii) the likelihood of any violence, public order or policing problems if the licence is granted.
- ix) the employment of door safety staff licensed by the Security Industries Association (SIA)

4.6 Applicants for late night entertainment and alcohol premises should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and Gloucestershire Police on the handling of illegal drugs found on their premises.

4.7 The Licensing Authority in setting its policies and practices considering applications for licensed premises will have due regard to the current Crime and Disorder Strategy for the Tewkesbury Area. Regard will be had to the low crime levels in the area and any disproportionate effects likely to be perceived by residents and members of the public due to nuisance, anti social behaviour and disorder arising or likely to arise as the result of granting a licence.

5.0 PUBLIC SAFETY

5.1 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls, schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. Risk assessments must reflect the local nature of risks applying to each event and or venue.

5.2 The Licensing Authority will expect Operating Schedules, where appropriate, to satisfactorily address these public safety issues. Applicants are encouraged to seek advice from the Council's Licensing Officers and the Fire Safety Section of Gloucestershire Fire and Rescue Service.

- 5.3 Where an inspection is required for premises the Council's Licensing Officers will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.
- 5.4 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 attendance by customers with disabilities, or whose first language is not English
 - availability of suitable and sufficient sanitary facilities
 - nature and provision of facilities for ventilation
- 5.5 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 public safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Gloucestershire Fire and Rescue Service.
- 5.6 Where the Licensing Authority's discretion has been engaged following receipt of a relevant representation and it believes it is necessary for reasons of public safety to impose a condition identifying an occupancy limit, the Licensing Authority will not normally seek to impose an occupancy limit different to that identified by the Fire Authority if this differs from the figure set in the applicant's Fire Risk Assessment.

6.0 PREVENTION OF NUISANCE

- 6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 6.2 The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. Whether or not residents and businesses are in the vicinity of licensed premises will be a matter of fact and degree and will be determined on a case by case basis having regard to the likely impact on activities at the licensed premises on the residents and businesses concerned.
- 6.3 In addition, the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Licensing Authority will, therefore, try and work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.

6.4. When considering all licence applications, the Licensing Authority 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 Licensing Authority will consider the action that is appropriate for the premises that the applicant(s) 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) The structural suitability of the premises to provide the licensable activities sought including for example matters such as whether the premises benefits from double glazing and lobbied doors.
- iii) preventing disturbance by customers arriving at or leaving the premises, particularly between 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) ensuring staff leave the premises quietly;
- vi) arrangements for parking by patrons and staff, and the effect of the parking on local residents;
- vii) provision for public transport (including taxis and private hire vehicles) for patrons;
- viii) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- ix) whether routes to and from the premises on foot, by car or other services pass residential premises;
- x) 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;
- xi) the use of gardens and other open-air areas;
- xii) the location of external lighting, including security lighting that is installed;
- xiii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- xiv) preventing the consumption or supply of illegal drugs, including search procedures;
- xv) 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;
- xvi) the history of previous nuisance complaints proved *to have taken place at* the premises, particularly where statutory notices have been served on the present licensees.

6.5 The Licensing Authority 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 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 responsible authorities or interested parties to request a review of the licence;

- enforcement action against those selling alcohol to people who are already drunk.

7.0 PROTECTION OF CHILDREN FROM HARM

7.1 The Licensing Authority recognises that there are a range of activities for which licences may be sought meaning that children can be expected to visit many of these premises, often on their own, for food and /or other entertainment. The Licensing Act 2003 does not prevent children having free access to any licensed premises. The Licensing Authority recognises that limitations may have to be considered where it is deemed necessary to protect children from harm. The following are examples of premises that may raise concerns:

- where there have been convictions for serving alcohol to minors, or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held).

7.2 The Licensing Authority expects personal licence holders to *seek* to ensure alcohol is not served to children under the age of 18, except in limited conditions allowed for by law. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to the following:-

- passport
- a photocard driving licence issued in a European Union country;
- a Proof of Age Standards Scheme card;
- a Citizen Card, supported by the Home Office (details from www.citizencard.net);
- an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the bearer.

7.3 When deciding whether to limit the access of children to premises the Licensing Authority will judge each application on its own merits and a range of conditions may be imposed depending on the circumstances. To assist with this the Licensing Authority will consult with Gloucestershire Police and the Gloucestershire Safeguarding Children Board if practical or other agencies as the Licensing Authority consider appropriate. 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 include:

- 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 person under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for person under 18;
- a requirement for an accompanying adult to be present.

However these options are not comprehensive and other options may be considered as the Council considers appropriate. The Licensing Authority also commends the adoption of the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks by prospective licensees where the licence applies to the sale of alcohol. The Licensing Act details a number of offences that are designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement is undertaken, especially in relation to the sale and supply of alcohol to children.

- 7.4 The Licensing Authority will not impose any conditions that specifically require the access of children to the premises.
- 7.5 Where no conditions or restrictions are imposed, the issue of access for children remains a matter of discretion for individual licensees or clubs.
- 7.6 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. Where a premises is used for film exhibitions, the Licensing Authority will normally 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 or the Licensing Authority itself.
- 7.7 The Licensing Authority will expect licensees to ensure that age restrictions for film exhibitions are properly complied with.
- 7.8 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for film exhibitions are not being properly observed.
- 7.9 Many children attend or take part in an entertainment arranged especially for them, for example children's shows, dance and drama or school productions. Specific additional arrangements may need to be operated to ensure their safety:

For example; an adult member of staff to be stationed at each and every exit from any level and to the outside and subject to there being a minimum of one member of staff to fifty children or part thereof.

No child is to be permitted in the front row of any balcony unless they are supervised by an adult.

8.0 CUMULATIVE IMPACT

- 8.1 The Licensing Authority recognises that the cumulative impact of a number of late night entertainment premises (including cafes) 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.
- 8.2 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.

8.3 Where there is evidence that a particular area of the Borough is already suffering adverse effects from the concentration of late night premises, when determining any further application for premises within the area identified the Licensing Authority 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.

8.4 There is insufficient evidence to adopt a special policy within this statement. The following steps must be followed before a special policy is considered.

In summary, the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are:

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
- subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of this Guidance in the statement of licensing policy; publication of the special policy as part of the statement of licensing policy required by the 2003 Act.

9.0 LICENSING HOURS

9.1 The Licensing Authority recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.

9.2 Generally the Licensing Authority 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.

9.3 The Licensing Authority 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 Licensing Authority will take into account requests for *licensable* 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.

9.4 The Licensing Authority wants all licensees and their customers to continue to enjoy the benefits of the pattern of extended hours for Bank Holidays and major horse racing events at Cheltenham that has been established in Gloucestershire. All premises that are licensed for on sales whose operating hours would preclude them from trading may, therefore, subject to application, operate during the extended hours that are specified below: -

1. National Hunt Festival	Monday – Friday	11.00 pm - 12.30 am*
2. Easter Bank Holiday	Good Friday	10.30 pm - 12.00 midnight
	Easter Eve	11.00 pm - 12.00 midnight
	Easter Day	10.30 pm - 12.00 midnight
	Easter Monday	11.00 pm - 12.00 midnight
3. May Day Bank Holiday Weekend	Friday	11.00 pm - 12.00 midnight
	Saturday	11.00 pm - 12.00 midnight
	Sunday	10.30 pm - 12.00 midnight
4. Whitsun Bank Holiday Weekend	Monday	11.00 pm - 12.00 midnight
	Friday	11.00 pm - 12.00 midnight
	Saturday	11.00 pm - 12.00 midnight
5. August Bank Holiday Weekend	Sunday	10.30 pm - 12.00 midnight
	Monday	11.00 pm - 12.00 midnight
	Friday	11.00 pm - 12.00 midnight
6. November Open Festival	Saturday	11.00 pm - 12.00 midnight
	Sunday	10.30 pm - 12.00 midnight
	Monday	11.00 pm - 12.00 midnight
7. <u>Christmas</u>	Friday	11.00 pm - 12.30 am*
	Saturday	11.00 pm - 12.30 am*
	Sunday	10.30 pm - 12.00 midnight
	Monday	11.00 pm - 12.00 midnight
8. <u>New Year</u>	24 th December	11.00 pm - 12.00 midnight
	25 th December	11.00 am - 12.00 noon
	26 th December	11.00 pm - 12.00 midnight
	27 th December	11.00 pm - 12.00 midnight
New Years Eve New Years Day	Deregulation Order applies	
	1 st January	11.00 pm - 12.00 midnight

* CLOSED DOOR POLICY

In accordance with established practice, the Licensing Authority encourages applicants, to include measures of good practice in their Operating Schedules such as a policy of prohibiting new persons from being admitted to their premises after 11.00 pm in order to reduce the risk of disorder and disturbance to members of the public late at night, where this is appropriate to the premises concerned.

10.0 TEMPORARY EVENT NOTICES

- 10.1 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 96 hours) do not need a licence providing that advance notice is given to the police and the Licensing Authority. The police can only object to a Temporary Event Notice if the event is likely to undermine the crime prevention objective.
- 10.2 The law states that at least ten working days notice must be given but the Licensing Authority recommends that, wherever possible, at least two months notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 10.3 Organisers of temporary events are strongly advised to contact the Licensing Authority for advice at the earliest opportunity when planning events. Where necessary discussions will be held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

11.0 THE LICENSING PROCESS

- 11.1 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.
- 11.2 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide an efficient service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with those matters.
- 11.3 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 Tewkesbury Borough Council's Licensing Committee, Sub-Committees and Officers. These delegations are without prejudice to Officers referring an application to a Sub Committee or the Licensing Committee if considered appropriate in the circumstances of the case.

12.0 ENFORCEMENT AND COMPLAINTS

- 12.1 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 Licensing Authority will monitor premises and take any appropriate enforcement action to ensure compliance. Only complaints linked to a licensing objective will be investigated.
- 12.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of

consistency, transparency and proportionality set out in the Regulator's Compliance Code.

- 12.3 The Licensing Authority will continue to employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with Gloucestershire Police in enforcing licensing legislation.
- 12.4 The Licensing Authority is happy to investigate complaints against licensed premises of any description. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 12.5 Where an interested party (such as a person living in the vicinity, resident's association representing persons living in the vicinity or an elected member of the relevant Licensing Authority where the premises are situated) has made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Licensing Authority will initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.
- 12.6 This process will not override the right of any interested party 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.
- 12.7 All representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right.

13.0 FURTHER INFORMATION

- 13.1 For further information about the Licensing Authority's Licensing Policy, the Licensing Act 2003 and any other licensing matters please contact:-

The Licensing Section
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
GL20 5TT
Tel No.: 01684 272167
Fax No.: 01684 272049
Email: licensing@tewkesbury.gov.uk

Chief Officer or Police
Gloucestershire Constabulary
County Police Headquarters
No. 1 Waterwells
Waterwells Drive
Quedgeley
Gloucester
GL2 2AN

Tel 0845 0901234
Email : [callcentre @gloucestershire.police.uk](mailto:callcentre@gloucestershire.police.uk)

Gloucestershire Fire and Rescue Service
Chief Fire Officer
Fire Service HQ
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX
Tel 01452 753333
Email fire@glosfire.gov.uk

ANNEX A - TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a representation is made	If no representation is made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a police representation is made	All other cases
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied		If a police representation is made	All other cases
Application for a minor variation of a premises licence or club premises certificate			All cases
Request to be removed as designated personal licence holder			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 an individual is an interested party.			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	
Acknowledgement of receipt of a temporary events notice			All cases
Determination of a police representation to a temporary event notice		All cases	