

Paragraph	Existing (where applicable)	Proposed Change	Officer Comments
<p>1. Introduction</p>		<p>1.12 Bristol is a major regional entertainment centre...</p> <p>This is accurate but presents Bristol as a party city which is great but can we have a section entitled 'Health'. In this section we can say that:</p> <p>"Bristol is a socially responsible city that recognises the potential harms associated with alcohol misuse. The harms to health are widely documented including the part it can play in fuelling aggression, violence or assault. The rates of admission for alcohol specific conditions have been consistently higher than that for England for the last ten years for which we have data. Alcohol specific mortality rates for Bristol are higher than that for England.</p> <p>THE LICENCING AUTHORITY would like to take into account the links between the availability of alcohol and alcohol-related harm when considering a licence application (for example take into account the number of alcohol outlets in a given area and times when it is on sale and the potential links to</p>	<p>Amendment recommended.</p> <p>New section added at paragraph 3.5</p>

		<p>local crime and disorder and alcohol-related illnesses and deaths). However THE LICENCING AUTHORITY recognises that the Licensing Act does not, as it stands, cover public health considerations.</p> <p>Public Health BCC</p>	
<p>1. Introduction</p>		<p>We need to emphasise responsible drinking - The Licensing Authority expects alcohol to be promoted in a responsible way in Bristol. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting to achieving the licensing objectives and is committed to working with them.</p> <p>Although THE LICENCING AUTHORITY recognises that management aspects are outside the remit of the Licensing Act we would hope that license applicants and license holders to consider implementing a</p>	<p>No change recommended.</p> <p>Pub watch scheme is covered at para 3.1.4</p> <p>Mandatory licence conditions cover the responsible promotion of alcohol.</p>

		responsible workplace drug and alcohol policy for their staff. Public Health BCC	
1. Introduction		THE LICENCING AUTHORITY would anticipate that applicants consider how their role in advertising of alcohol, through for example publicity materials, may impact on the licensing duties particularly on protection of children from harm. Public Health BCC	Amendment recommended - Para 6.6.10 updated
1. Introduction		THE LICENCING AUTHORITY and partners aim to use local crime and related trauma data to map the extent of alcohol-related problems. If an area is 'saturated' with licensed premises and the evidence suggests that additional premises may affect the licensing objectives, adopt a 'cumulative impact' policy. If necessary, limit the number of new licensed premises in a given area. Public Health BCC	Amendment recommended – Para 6.3.1 updated
Introduction		<i>In the introduction of the policy there is little/ no recognition of the progress that Bristol has made in making food a reason to visit and of the importance of that industry sector in the night time licensed economy. The recent accolades and awards that have been hard earned by the city and its businesses should be</i>	Amendment recommended.

		<p><i>recognised and applauded, this is not least because they have helped to change the character and feel of a number of the city centre areas e.g. Harbourside and Old City (as well as Stokes Croft) by the granting of appropriately conditioned licences under the existing Licensing policy.</i></p> <p><i>The purpose and aim of the Licensing Policy should include:</i></p> <p><i>the encouragement of a wide diversity of licensed premises appealing to the needs of all those who live work study and spend leisure time in our fine city.</i></p> <p><i>recognition of the need for a strong partnership of all those involved in the leisure and entertainment sector to ensure that Bristol remains a safe and welcoming city</i></p> <p><i>The purpose of this policy should be to develop Bristol as a centre of leisure and entertainment excellence. As it stands it is 'for the council' it could easily be more ambitious and lay out Bristol's aspirations as, for example the 'City of Music and Food'. That would lay the basis for both businesses and the public to measure the city's (and this policy's) success.</i></p>	
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		(Keith Rundle Operations Director City Centre BID)	
2. Purpose and Scope		<p>2.4 Under The provision of late night refreshment: (Supply of hot food or drink from premises from 23.00 to 5.00 hours the following day).</p> <p>As this policy does include 'late night refreshments', with hot food served between 11pm and 5am, it would be worth adding in a sentence similar to that used for procurement of our catering/food contracts, including Leisure Centre food offers. Essentially it's saying that they must adhere to THE LICENCING AUTHORITY Food and catering policy and therefore have a Bristol Eating Better award.</p> <p>Public Health BCC</p>	Amendment recommended – change to para 2.15 to link to the Better Eating Award.
2. Purpose and Scope	-	<p>Add in the following statement:</p> <p><i>'In determining licensing matters, the licensing committee will have regard to other relevant local strategies, including any Bristol master plan. Applicants who are able to demonstrate that their application fits with such strategies are more likely to be considered favourably. '</i></p> <p>Plus the addition of links to</p>	<p>Amendment recommended – see later comments from BCC Economic Development and City Centre Development Teams.</p> <p>And para 14.63 s182 guidance:</p> <p>Integrating strategies 14.63 It is recommended that statements of licensing policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy. Many of these strategies are not directly related to</p>

		<p>relevant Council strategies online i.e. Bristol master plan</p> <p>(TLT)</p>	<p><i>the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.</i></p>
2. Purpose and Scope		<p>We feel that this policy would benefit from a more details relating to Integrating other guidance, policies, objectives and strategies into licensing decisions.</p> <p>Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city.</p> <p>(Punch Taverns)</p>	<p>Amendment recommended – as above.</p>
2. Purpose and Scope	<p>2.6 <i>The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:</i></p> <ul style="list-style-type: none"> <i>*The chief officer of police;</i> <i>*The Fire and Rescue Authority;</i> <i>*The Director of Public Health each Local Health Board</i> <i>*such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by that authority;</i> <i>*such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.</i> 	<p><i>I would like clarity or a definition of what constitutes an attempt to “actively seek the views” of the above parties. Refer back to my comments on section 1.14 and it seems like the lack of definition here allows too much leeway for a minimal effort.</i></p> <p><i>(1.14 Consultation is a requirement of the licensing policy and yet minimum effort was made to ensure stakeholders were aware of the consultation. Notifications were sent out to out-of-date addresses and when the letters were returned no action was taken to ensure the licence holder was properly notified.)</i></p> <p>(Ralph Mizen – Townhouse RSL)</p>	<p>S5 of the Licensing Act 2003 requires the Council to consult with:</p> <ul style="list-style-type: none"> <i>(a) the chief officer of police for the licensing authority’s area,</i> <i>(b) the [Fire and rescue authority] for that area,</i> <i>(ba) each Local Health Board for an area any part of which is in the licensing authority's area,]</i> <i>(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,]</i> <i>(c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,</i> <i>(d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,</i> <i>(e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and</i>

		Ltd)	<p><i>(f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.</i></p> <p>The Council is not required, for example, to consult with all premises licence holders. Para 2.8 of the Statement of Licensing Policy states:</p> <p><i>The Council is able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.</i></p> <p>Letters were sent to all premises licence holders. Letters were sent to the premises licence holders address, as specified on their premises licence. Section 33 of the Licensing Act 2003 states:</p> <p>33 Notification of change of name or address</p> <p><i>(1) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in—</i></p> <p><i>(a) his name or address,</i></p> <p>A person guilty of an offence under this section is guilty on summary conviction to a fine not exceeding level 2 on the standard scale.</p> <p>A number of letters were returned to the licensing authority. Where this happened a further letter was sent to the licensed premises address. The consultation was extended by two weeks to allow licence holders who did not receive the original letter additional time to respond.</p>
2. Purpose and Scope		1.14 Consultation is a requirement of the licensing policy and yet minimum effort was made to	As above

		<p><i>ensure stakeholders were aware of the consultation. Notifications were sent out to out-of-date addresses and when the letters were returned no action was taken to ensure the licence holder was properly notified.</i></p> <p>(Will Price)</p>	
2. Purpose and Scope		<p><i>1.14 Consultation is a requirement of the licensing policy and yet minimum effort was made to ensure stakeholders were aware of the consultation. Notifications were sent out to out-of-date addresses and when the letters were returned no action was taken to ensure the licence holder was properly notified.</i></p> <p>(Thomas Smith)</p>	As above
2. Purpose and Scope		<p><i>I would like clarity or a definition of what constitutes an attempt to “actively seek the views” of the above parties.</i></p> <p>(Will Price)</p>	As above
2. Purpose and Scope		<p><i>I would like clarity or a definition of what constitutes an attempt to “actively seek the views” of the above parties.</i></p> <p>(Thomas Smith)</p>	As above
2. Purpose and Scope		<p>The need for more openness and transparency in the licensing system:</p> <p><i>On the face of it that seems a</i></p>	The licensing authority is investing in a new piece of software that will enable the full details of all issued licences to be publicly available on the Council’s website. At present members of the public can request any relevant information from the Licensing Team. A public register can also be

		<p><i>good democratic check, but in Bristol and maybe nationally, this is not how it works out.</i></p> <p><i>-For residents to be able to challenge a license they need to know that one exists and then what it is. None of this is available in an easily accessible manner. It is difficult for us councillors to find out often.</i></p> <p><i>-Secondly when one gets to a review hearing, the public and their elected representatives face a biased process. The license holder (often with a solicitor) has access to all the documents: the representations from the authorities and the public. But the public and their councillors do not. This puts one side at a distinct disadvantage. (Although I wasn't involved in the old system of magistrates court reviews I would have expected them to be like any other court process and that means both sides have access to the same evidence).</i></p> <p>(Councillor Clive Stevens, Clifton Down)</p>	<p>inspected.</p> <p>Discussion has taken place with a BCC Senior Data Protection Officer;</p> <p>Concerns were raised regarding making personal information available in respect of other persons making representations.</p> <p>The Licensing Act and guidance is absent in respect of what information can be published in respect of representations and personal information whereas in planning law it is quite clear that full details of objections and objectors are made public. Therefore to publish information we would need a legitimate reason to do so and it would have to be in the public interest to do so. Publishing this information this could deter representations in the future. GDPR also relates to personal information and the Council would need express consent to publish this information which could again deter representations. As such no change is recommended at this time.</p> <p>Consideration can be given to publish representations from Responsible Authorities which would inform the public regarding potential conditions and concerns. GDPR does not apply as personal information is not disclosed generally in representations.</p> <p>Guidance/webpages can be reviewed for residents to ensure that it is clear what happens with their information and will add that they could consider copying in their local councillors who can support them or if they do not want their personal information to be disclosed to the applicant they could approach a local councillor who may be willing to submit a representation based on their concerns.</p> <p>Consideration to be given as to whether redacted representations can be made available.</p>
2. Purpose and Scope		<i>Our current Cumulative Impact</i>	An amendment to the Statement of Licensing Policy has been

		<p><i>Area approach in the city centre is too restrictive by limiting additional licensed premises and is at odds with our planning policy, which is flexible and allows for a different mix of uses. The Bristol Central Area Plan (adopted 2015) states 'The Primary Shopping Frontages of Bristol Shopping Quarter are characterised by their particularly strong and consistent retail character. Policies BCAP13, BCAP36 and this policy aim to maintain that retail strength. However, the introduction of some appropriately located cafés, restaurants, pubs and bars would be appropriate where they would help to complement the retail offer and visitor experience, support and encourage longer shopping trips and generate continued activity outside normal shopping hours. Planning conditions may be used to restrict subsequent change of use and to ensure activities and opening hours are appropriate to a family shopping area.'</i></p> <p>City Centre Development – Bristol City Council</p>	<p>recommended to recognise the importance of its integration with all relevant local strategies.</p> <p>The proposed city centre CIA (to undergo consultation) has been reduced in size and would exclude the Broadmead area from its scope.</p>
2. Purpose and Scope		<p><i>Any future CIA regime needs to recognise more regularly and be more closely aligned with the flexibility that already exists within the Council's planning</i></p>	<p>An amendment to the Statement of Licensing Policy has been recommended to recognise the importance of its integration with all relevant local strategies.</p> <p>The proposed city centre CIA (to undergo consultation) has</p>

		<p><i>policy regarding the city's town centres as cited, for example, in BCS7 which states that uses "which contribute to maintaining the vitality, viability and diversity of centres will be encouraged" and, furthermore, in the Local Plan Review, which states that relevant policies "provide a very flexible approach to supporting centres whilst accommodating the changing face of the high street."</i></p> <p>Economic Development – Bristol City Council</p>	<p>been reduced in size and would exclude the Broadmead area from its scope</p>
<p>2. Purpose and Scope</p>	<p>2.6 <i>The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:</i> <i>*The chief officer of police;</i> <i>*The Fire and Rescue Authority;</i> <i>*The Director of Public Health each Local Health Board</i> <i>*such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by that authority;</i> <i>*such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.</i></p>	<p><i>I would like clarity or a definition of what constitutes an attempt to "actively seek the views" of the above parties. Refer back to my comments on section 1.14 and it seems like the lack of definition here allows too much leeway for a minimal effort.</i></p> <p><i>(1.14 Consultation is a requirement of the licensing policy and yet minimum effort was made to ensure stakeholders were aware of the consultation. Notifications were sent out to out-of-date addresses and when the letters were returned no action was taken to ensure the licence holder was properly notified.)</i></p> <p><i>(BARBIE - Bristol Association of Restaurants, Bars & Independent Establishments)</i></p>	<p>S5 of the Licensing Act 2003 requires the Council to consult with:</p> <p><i>(a) the chief officer of police for the licensing authority's area,</i> <i>(b) the [Fire and rescue authority] for that area,</i> <i>(ba) each Local Health Board for an area any part of which is in the licensing authority's area,]</i> <i>(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,]</i> <i>(c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,</i> <i>(d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,</i> <i>(e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and</i> <i>(f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.</i></p>

			<p>The Council is not required, for example, to consult with all premises licence holders. Para 2.8 of the Statement of Licensing Policy states:</p> <p><i>The Council is able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.</i></p> <p>Letters were sent to all premises licence holders. Letters were sent to the premises licence holders address, as specified on their premises licence. Section 33 of the Licensing Act 2003 states:</p> <p>33 Notification of change of name or address</p> <p><i>(2) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in—</i></p> <p><i>(b) his name or address,</i></p> <p>A person guilty of an offence under this section is guilty on summary conviction to a fine not exceeding level 2 on the standard scale.</p> <p>A number of letters were returned to the licensing authority. Where this happened a further letter was sent to the licensed premises address. The consultation was extended by two weeks to allow licence holders who did not receive the original letter additional time to respond.</p>
<p>Part 2: General matters</p> <p>On and Off-Sales</p>		<p>We propose the following statement is adopted:</p> <p><i>"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale</i></p>	<p>The definition of on and off-sales is not currently included within the Statement of Licensing Policy. No change is proposed in this regard.</p>

		<p><i>made within the licensed premises in an open container for immediate consumption at the premises is an onsale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.</i></p> <p><i>An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it",</i></p> <p>(TLT)</p>	
<p>Part 2: General matters</p> <p>On and Off-Sales</p>		<p><i>Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside of a premises, for instance onto the pavement, and consume their drinks there.</i></p> <p><i>We contend that such a sale is an on-sale...</i></p> <p><i>...we feel that this needs to be clarified in the policy. We would propose a statement along the</i></p>	<p>As above</p>

		<p><i>following lines:-</i></p> <p><i>"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.</i></p> <p><i>An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it".</i></p> <p><i>(Punch Taverns)</i></p>	
3.1 Prevention of Crime and Disorder	-	<p>Request for policy to expressly set out expectations in terms of evidence from police or other officers when bringing a review or objecting to a premises licence and:</p> <p><i>We propose that the policy states that the council's expectation is that evidence brought by the police or other responsible authorities/ other persons relating to the prevention of crime and</i></p>	<p>No change recommended.</p> <p>Whilst in the majority of cases evidence from responsible authorities with regard to the crime and disorder objective is likely to relate to the licensable activities being provided in the premises themselves it is open to a responsible authority to present any evidence they consider may be relevant to show the premises is have a negative impact on the licensing objectives. The licensing committee will attach relevant weight to such representations. Representations must still relate to the impact the premises is having (or will have) on the promotion of the licensing objectives.</p>

		<p><i>disorder licensing objective will directly relate to the licensable activities being provided within the premises themselves.</i></p> <p>(TLT)</p>	<p>For example para 11.24 of the s182 Guidance states:</p> <p><i>Reviews arising in connection with crime</i></p> <p><i>11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.</i></p>
<p>3.1 Prevention of Crime and Disorder</p>		<p>We have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally.</p> <p>Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves.</p> <p>We feel it is important that the council recognise in their policy</p>	<p>No change recommended - As above</p>

		<p>that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.</p> <p>(Punch Taverns)</p>	
3.1 Prevention of Crime and Disorder		<p>3.3.4 The factors that the Council will particularly consider when determining an application or undertaking a review include:</p> <p>The point relates to littering: "Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate".</p> <p>Litter absolutely does need to be avoided and cigarette bins are great, however, having them at entrances means non-smokers have to walk through the smoke to access the venue, and second hand smoke is a health hazard. Can we ask venues to consider encouraging smoking to take place away from where other people have to access the building?</p> <p>Public Health BCC</p>	<p>Amendment recommended</p> <p>Change to para 3.3.4</p> <p><i>"Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate. However licence holders are encouraged to ensure that where possible smoking is discouraged by the entrance to the premises to avoid the need for other customers to inhale second hand smoke. The licensing authority recognises however that in some cases no other suitable location may be available."</i></p>
3.1 Prevention of Crime and Disorder		Verification checks. The policy	Amendment recommended

Disorder		<p>should be specific in what is expected of the confiscation procedures of fake ID.</p> <p>Public Health BCC</p>	
3.1 Prevention of Crime and Disorder		The policy should contain some reference to data protection of images and the expected time duration for CCTV images to be kept.	No change recommended. The pools of conditions and template operating schedules contain further guidance on CCTV.
3.1 Prevention of Crime and Disorder		<p>Glass bottle policy-the policy quotes a 'poor history of crime & disorder'. Can this be extended to 'poor history of crime & disorder, or where the client disposal of bottles will be in areas of high public traffic or environmentally sensitive area e.g. the waterfront.</p> <p>Public Health BCC</p>	<p>No change recommended.</p> <p>Issues to be considered on a case by case basis as the imposition of this policy would not necessarily be appropriate in all high traffic areas depending on the premises.</p>
3.1.4	<p><i>"...Other appropriate measures, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, subscription to dedicated security radio circuits and other examples of industry best practice."</i></p>	<p>You have mentioned local pub watch and radio links.</p> <p>It is important that the liason role is made much clearer and that this needs to be someone with responsibility for the premises. Perhaps expand on what this is. "The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the</p>	<p>No change recommended. The inclusion of such a condition for all public houses etc. in leisure areas would be unjustified. Consideration must be given on a case by case basis.</p>

		<p>police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises”.</p> <p>Public Health BCC</p>	
<p>3.1 Prevention of Crime and Disorder</p>		<p>3.1 Prevention of crime and disorder</p> <p>Criminal Activity - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:</p> <ul style="list-style-type: none"> • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; • for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young 	<p>No change recommended.</p> <p>All crime and disorder can be treated as serious by the licensing authority depending on its impact on the promotion of the licensing objectives.</p>

		<p>people;</p> <ul style="list-style-type: none"> • for prostitution or the sale of unlawful pornography; • by organised groups of paedophiles to groom children; • as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol. <p>Public Health – BCC</p>	
3.3 Prevention of Public Nuisance	<p><i>3.3 Prevention of Public Nuisance</i></p> <p><i>“A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property,..... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”(Archbold)....</i></p>	<p>Request for the policy to recognise the distinction between “nuisance” i.e. private nuisance and public nuisance.</p> <p><i>We propose that the policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing</i></p>	<p>Amendment recommended - the policy already addresses the definition of public nuisance but further clarification could be provided.</p> <p><i>Private nuisance is not a licensing objective. With regard to applications it is public nuisance that must be demonstrated and any conditions imposed on licences must relate to the prevention of public nuisance rather than private nuisance.</i></p>

		<p><i>legislation.</i></p> <p>(TLT)</p>	
3.3 Prevention of Public Nuisance		<p>The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence.</p> <p>Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and</p>	Amendment recommended

		<p>is not the remit of licensing legislation.</p> <p>(Punch Taverns)</p>	
<p>3.3 Prevention of Public Nuisance</p>		<p>Proposed additional wording for 3.3.4</p> <p><i>“When undertaking a review for any premises it shall be considered if any changes to the operating schedule of the venue have occurred that have brought forwards complaints from local residents. If, it is apparent, that it is the local neighbourhood has changed and it is not the operating schedule of the venue that has changed, then weighting of any decision should be given in favour of the existing venue and its current licence.</i></p> <p><i>If clear improvements can be suggested to the internal fabric of the building or systems in place for ingress and egress of customers then these should take precedence, however restrictions on existing operating times, or internal sound levels, should only be considered as a last resort as it is understood that such restrictions could have catastrophic effects on the continued existence of the venue”</i></p> <p>(Tom Paine - Team Love - Love Saves The Day - Love International</p>	<p>Amendment recommended.</p> <p>However with regard to improvements to the internal fabric of a building as a first resort as opposed to restricting hours etc. the policy should recognise that it is within the gift of the PLH to take action in this regard <u>before</u> these matters are raised as part of a review/complaint.</p>

		Glastonbury Silver Hayes and Wow Stage - SimpleThings - The Downs - The Love Inn)	
3.3 Prevention of Public Nuisance Outdoor Events		<p>There is no guidance here for setting the offsite sound levels for outdoor events. This is something that is very much needed to be considered and would be very helpful.</p> <p>At present it falls upon the BCC Council Teams to recommend noise levels for outdoor licensed events and we believe this is unfair weight of responsibility on a small group of hard working individuals and would benefit from support written into licensing policy.</p> <p>There is also confusion as to the clarifications from government Code of Practice as to clarifications of what should be classified as ‘Urban Stadia or Arenas’ and what should be classified as ‘Other Urban Venue’, as these are recommended different levels of offsite sounds.</p> <p>Music and Festival Culture has changed a lot since this COP was produced, with Bristol City Council themselves designating a lot of park spaces as approved ‘event’ spaces, which we believe in turn would mean that should be classified as ‘Urban Stadia or</p>	<p>No change recommended.</p> <p>Comments from BCC Pollution Control:</p> <p><i>As Tom states there is currently no BCC guidance on noise levels for outdoor events. Also, contrary to what Tom states there is also no current government or national guidance re noise levels at outdoor events. The guidance which Tom refers to is from the Noise Council’s Code of Practice on Control of Environmental Noise at Concerts. The only official copy of the code was kept on the Chartered Institute of Environmental Health Officer’s website https://www.cieh.org/ According to the CIEH they did an update of their website in June 2018 when they reviewed all of their documents. They decided to remove some documents from their website, including this code, due to age. They advised me earlier this year that updated guidance should be published towards the end of 2019. In the circumstances I feel it would be appropriate to wait to see what any proposed national guidance is before considering our own.</i></p> <p><i>As Tom mentions noise levels the Code of Practice on Control of Environmental Noise at Concerts did recommend different levels for different types of venues 75 dBA for stadiums and arenas and 65 dBA for all other venues (would include parks, open spaces such as the Amphitheatre). In Bristol we have tried to take a pragmatic approach and licences for Tokyo World & Love Saves the Day in Eastville Park, The Downs Festival and some events in the Amphitheatre have maximum noise levels of 70 dBA.</i></p> <p><i>For the Downs Concert and the Amphitheatre the licence levels appear to work and we don’t receive significant numbers of complaints about these events. Dependent on weather conditions we can however receive significant (over 20)</i></p>

		<p>Arenas'. We also look elsewhere to park or greenspace areas in other UK cities that have flexible offsite levels. Good examples are Hyde Park in London, with 75db offsite limits, Heaton Park in Manchester with 80db offsite limits and South Park in Oxford, with offsite levels of 75db.</p> <p>We would like to suggest that levels of up to 75db would be considered to be granted as offsite levels for outdoor music events, when taken into consideration the maximum times per year an event with such levels take place, we suggest a maximum of 6-8 days can be considered, as long as such levels finish at 23:00hrs.</p> <p>(Tom Paine - Team Love - Love Saves The Day - Love International Glastonbury Silver Hayes and Wow Stage - SimpleThings - The Downs - The Love Inn)</p>	<p><i>complaints regarding Tokyo World & Love Saves the Day and last year we received an Ombudsman enquiry as to why we allowed 70 dBA at Tokyo World when following the Code of Practice on Control of Environmental Noise at Concerts a level of 65 dBA should be used.</i></p> <p><i>I think for the time being we should continue to judge each event/application on its own merits. Applicants can ask for whatever noise levels they want and the licensing committee can condition these or alternative levels on a licence.</i></p>
<p>3.4 Protection of children from harm</p>	<p>6.6.13 <i>Examples of steps/conditions that the Council expects in such cases (where evidence suggests such conditions are appropriate for the promotion of the licensing objectives) include:</i></p> <ul style="list-style-type: none"> • <i>Implementation of the "Challenge 25" scheme (challenging anyone who looks</i> 	<p>Request for policy to recognise that some operators have policies throughout estates to adhere to Challenge 21 policies rather than Challenge 25.</p> <p><i>We propose that the policy states that if an applicant expresses a preference for a particular 'challenge policy', be it 'Challenge 21 or Challenge 25', this should</i></p>	<p>Amendment recommended</p>

	<i>under 25 to prove their age by use of an approved means of identification); for this to be advertised and enforced on the premises and to be a condition of the authorisation</i>	<i>not be objected to unless there is good reason, backed by evidence, to do so.</i> (TLT)	
3.4 Protection of children from harm		We note that responsible authorities often request 'Challenge 25' as a standard condition. Many premises (especially multiple operators) operate Challenge 21 policies and have training and signage for this. To change it can be expensive and/ or time consuming. As such, we would suggest that the licensing authority would not expect responsible authorities to suggest a change to Challenge 25 where a premises is already trading with a different challenge policy, unless there have been identified risks to children at the specific premises. It would assist if the policy reflected this. (Punch Taverns)	Amendment recommended
3.4 Protection of children from harm		Under section 3.4 Protection of Children from Harm Please insert the following. Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions. Tackling Child Sexual Exploitation	Amendment recommended.

		<p>(CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:</p> <ul style="list-style-type: none"> • Understand that there are criminal offences in relation to sexual • exploitation of a child • Ensure that they and their employees have a basic awareness of the • signs of CSE and how to report it; • Report any concerns to the appropriate authorities or to the Licensing • Authority can advise them of the appropriate authority to report • concerns to. <p>Public Health BCC</p>	
3.4 Protection of children from harm		<p><i>Please insert the following.</i></p> <p><i>“Ensure sanctions are fully applied to businesses that break the law on under-age sales, sales to those who are intoxicated and proxy purchases. This includes fixed penalty and closure notices (the latter should be applied to establishments that persistently sell alcohol to children and young people”</i></p> <p>Public Health BCC</p>	<p>No change recommended.</p> <p>The Council’s Enforcement Policy will inform the approach taken to enforcement.</p>
6.2 Flyposting and nuisance	6.2 Flyposting and	(C) Flyers and flyposting:	No change recommended:

advertising	<p>nuisance advertising</p> <p>6.2.6 <i>Where the Council believes the applicant's operating schedule is not consistent with tackling nuisance and criminal advertising and where relevant representations have been made conditions to control fly posting, in line with this policy, should usually be considered to be appropriate to promote the Licensing Objectives</i></p>	<p><i>Time to get a legal ruling that flyers and flyposting relating to particular clubs can be assumed to be the responsibility of that club. Our neighbourhood is often littered with such material from Propaganda and the Blue Mountain Club, but we are told they cannot be fined for this as the Council cannot prove that they are the culprits.</i></p> <p><i>This is ridiculous.</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	<p>BCC Neighbourhood Enforcement Team comments:</p> <p><i>There is a statutory defence under S.224TCPA'90 that the venue was not aware. As venues are hired by promoters then we have to write to the venue to make them aware of individual posters & give them 48hrs to remove the poster.</i></p>
6.3 Cumulative Impact		<p><i>We propose that the CIA section is expanded to explain more about CIA's and the effect of them, including that cumulative impact policies need to be reviewed every 3 years, rather than the 5 for the policy itself.</i></p> <p>(TLT)</p>	<p>Para 6.3.6 states that a CIA must be reviewed within three years of publication.</p>
6.3 Cumulative Impact		<p><i>It would also assist if the CIA section were expanded to explain more about CIA's and the effect of them, including that cumulative impact policies need to be reviewed every 3 years, rather than the 5 for the policy itself.</i></p> <p>(Punch Taverns)</p>	<p>As above.</p>
6.3 Cumulative Impact		<p><i>We propose that the policy refers to the cumulative impact areas as 'cumulative impact zones' ('CIZs')</i></p>	<p>Cumulative Impact Zones may be clearer if this terminology had previously been used. However to make the change now may cause additional confusion as Bristol has used the term</p>

		<p><i>to avoid confusion.</i></p> <p>(TLT)</p>	<p>'Cumulative Impact Areas' since their adoption. The policy itself must now be called a Cumulative Impact Assessment Policy (if adopted). It is proposed to call any area designated under the policy a Cumulative Impact Assessment Area.</p>
6.3 Cumulative Impact		<p><i>It would assist to refer to the areas as 'zones' and therefore 'CIZs' to avoid confusion.</i></p> <p>(Punch Taverns)</p>	<p>As above.</p>
6.3 Cumulative Impact		<p><i>We propose that the CIZ's in Bristol are re-evaluated in line with the council planning and other strategies to ensure that there is no conflict. Where necessary, we suggest that the CIZ's are amended or removed. We also propose that those remaining CIZ's are reviewed and amended to promote the principle that smaller businesses looking to come into the area, and established businesses making applications to improve their existing offer, even if they go against the policy, will be considered on their merits as a means of ensuring continued investment in the city.</i></p> <p>(TLT)</p>	<p>An amendment to the Statement of Licensing Policy has been recommended to recognise the importance of its integration with all relevant local strategies.</p> <p>An exemption for “smaller” businesses has not been included in the proposed CIA for the city centre (to be consulted on). Applications will be treated on their merits and can overcome the policy if they can demonstrate they will not add to the cumulative impact already experienced.</p>
6.3 Cumulative Impact		<p>Under the CIA can we consider including the following as this explains one of the reasons for a CIA?</p> <p><i>“It describes a specific geographical area where there are already a lot of premises</i></p>	<p>No change recommended. The policy already covers anti-social behaviour as a reason for adopting a CIA at para 6.3.1. this incorporates alcohol related disorder.</p>

		<p><i>selling alcohol – and where the awarding of any new licences to sell alcohol may contribute to an increase in alcohol-related disorder”.</i></p> <p>Public Health BCC</p>	
6.5 Licensing Hours		<p><i>6.5 Licensing hours We will consider every case and make decisions accordingly but do we not want to include framework hours? Sunday – 06:00 hours to 22:30 hours Monday to Thursday – 06:00 hours to 23:30 hours Friday and Saturday – 0 6:00 hours to 00:00 hours (midnight)</i></p> <p><i>Public Health - BCC</i></p>	<p>No change recommended. see para 10.13 of the s182 guidance which states:</p> <p>Hours of trading 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.</p> <p>A CIA policy could take this stance if sufficient evidence available of negative impact after a set time. however this is not currently apparent.</p>
6.5 Licensing Hours		<p><i>Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, Insert the following</i></p> <p><i>“To support residents expectations that their sleep will</i></p>	<p>No change recommended.</p> <p>Applications must be treated on a case by case basis.</p>

		<p><i>not be unduly disturbed between the hours of 23:00 and 07:00 consideration will be given to imposing stricter conditions in respect of noise control and antisocial behaviour where premises are situated close to local residents”.</i></p> <p><i>Page 40</i></p> <p><i>Public Health BCC</i></p>	
6.5 Licensing Hours	<p><i>6.5.1 There are no fixed hours for trading under the Licensing Act. Applicants are required to identify the hours they propose to operate.</i></p> <p>Also see 6.5.4 Early Morning Restriction Orders (EMROs)</p>	<p>How to ensure a balance between later and later licenses and sleep times.</p> <p><i>In summary, I am suggesting new principles of opening times presumably possible only within Cumulative Impact Areas</i></p> <p><i>One way of stopping such license creep (assuming there is evidence to support it) is for the Licensing Authority to set broad policies about closing times in each area. For example it could be that licencing principles in The Triangle could be with restaurants open latest until midnight, large bars open until 11.30 pm, night clubs until say 3am. I’m not suggesting these times are correct, I am suggesting a new principle. In areas where one of the problems is disturbance of sleep due to noise from people leaving the area often all at once then you might even consider giving an</i></p>	<p>No change recommended – see para 10.13 of the s182 guidance which states:</p> <p>Hours of trading</p> <p><i>10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.</i></p> <p>A CIA policy could take this stance if sufficient evidence available of negative impact after a set time. however this is not currently apparent.</p>

		<p><i>advantage to smaller premises which turn out forty people on closing and cause little disturbance compared with a place with say two hundred places.</i></p> <p>(Councillor Clive Stevens, Clifton Down)</p>	
6.5 Licensing Hours	<p><i>6.5.1 There are no fixed hours for trading under the Licensing Act. Applicants are required to identify the hours they propose to operate.</i></p> <p>Also see 6.5.4 Early Morning Restriction Orders (EMROs)</p>	<p><i>(A) Climate change: The Council's low-emission targets would be far easier to achieve if the people of Bristol were out and about in daylight hours and asleep at night. Current licensed hours encourage the opposite behaviour. We need to return to earlier closing for pubs and far earlier closing for nightclubs, especially before weekdays.</i></p> <p><i>The current student model in our neighbourhood of preloading at home, then not heading out to the nightclub until about 11 pm is bad for the environment and energy use (and also disastrous for neighbours, and probably bad for the students themselves).</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	No change recommended – see above para 10.13 of the s182 guidance
6.6.8		<p>6.6.8 <i>Under this section can we please refer to the 2019 Bristol Pupil Voice survey which gives us access</i></p>	Amendment recommended

		<p><i>to an understanding of the views and behaviours of the general population of school aged children and young people in Bristol.</i></p> <p><i>Of the 3268 secondary pupils who gave a valid response, 25% reported they had had an alcoholic drink in the last four weeks. This was similar across gender with the percentages rising with age to 36% for those from year 10 (14- 15 year olds). Of those secondary school pupils who reported drinking alcohol, 71% report that their parents either “always know” (52%) or “usually know” (19%).</i></p> <p><i>Overall approximate numbers reporting that they consumed alcohol during the last month are as follows:</i></p> <ul style="list-style-type: none"> <i>• Year 8: approximately 700</i> <i>• Year 10: approximately 1,600</i> <p><i>Public Health BCC</i></p>	
6.6.13		<p><i>6.6.13 Examples of steps/conditions that the Council expects in such cases (where evidence suggests such conditions are appropriate for the promotion of the licensing objectives) include:</i></p> <p><i>Can we please include the following bullet point?</i></p> <p><i>“We will undertake test purchases (using 'mystery' shoppers) to ensure compliance with the law</i></p>	No change recommended

		<p><i>on under-age sales. Test purchases will also be used to identify and take action against premises where sales are made to people who are intoxicated or to those illegally purchasing alcohol for others”.</i></p> <p><i>Public Health BCC</i></p>	
<p>8 Licensing and planning</p>	<p><i>8.1 The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes (Para 14.64). Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate. In appropriate situations a hearing could be deferred until planning consent has been obtained, or arrangements made for the applications to be considered together. A responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application or choose to submit both at the</i></p>	<p><i>We propose that the policy explicitly states that where conditions on planning permissions regulate matters relevant to one or more of the licensing objectives, such conditions would not be expected to be duplicated on premises licences.</i></p> <p>(TLT)</p>	<p>Conditions should not be placed on premises licences that require the PLH to adhere to planning conditions. See s182 para 14.65:</p> <p><i>14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.</i></p> <p>However there may be situations where conditions are required which may duplicate these restrictions. For example a planning restriction may limit the use of the external area after 23:00; however a licensing committee may still consider it appropriate to impose an identical condition if relevant representations are before them. The test under each regime is different, and a condition on a planning consent would not relieve the committee from its duty to properly consider representations and impose conditions where appropriate to promote the licensing objectives.</p>

	<p><i>same time.</i></p> <p><i>Whilst recognising that licensing and planning are separate regimes the Licensing Authority will work closely with planning to ensure that where possible the two regimes will align with each other. The 'agent of change' principle which seeks to protect existing uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes.</i></p>		
8 Licensing and planning		<p>We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so</p> <p>(Punch Taverns)</p>	Amendment recommended.
8 Licensing and Planning	<p><i>8.1 ...Whilst recognising that licensing and planning are separate regimes the Licensing Authority will work closely with planning to ensure that where possible the two regimes will align with each other. The 'agent of change' principle which seeks to protect existing</i></p>	<p>We propose that the Agent of Change Principle is adopted into the licensing policy to ensure that where reviews are sought by residents or responsible authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, it's track record and</p>	Amendment recommended.

	<i>uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes.</i>	length of time it has been providing the activities complained of will all be taken into account in determining the matter. (TLT)		
8	Licensing and Planning	<p><i>8.1 ...Whilst recognising that licensing and planning are separate regimes the Licensing Authority will work closely with planning to ensure that where possible the two regimes will align with each other. The 'agent of change' principle which seeks to protect existing uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes.</i></p>	<p>Agent of Change:</p> <p><i>Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.</i></p> <p>(Punch Taverns)</p>	See above
8.1		<i>...The 'agent of change' principle which seeks to protect existing uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under</i>	<p><i>No real examination or regard made to existing live music or other venues - ie where these have existed for a long time without hindrance. For example licenses revoked or changed resulting from residential dwellings being built near existing</i></p>	Agent of change principle is recognised in the policy at para 8.1. further clarification to be provided.

	<i>both regimes....</i>	<i>venues. 'Grandfather' rights should be respected</i>	
8.1		<i>More provision should be taken to protect late night venues from new developments</i>	See above
8.1		<i>The licensing regime should operate in conjunction with the planning permission and building control. For example, how can the licensing authority guarantee that walls will be insulated against noise in new or converted premises? Impact on amenity and residents, and transport and car parking, late night taxi noise, food smells etc should be taken into account more often .</i>	Amendment recommended. The Statement of Licensing Policy will link to other Council policies such as planning. The licensing committee can impose conditions on premises licences as appropriate for the promotion of the licensing objectives. Only the impact on the four objectives can be considered as part of the licensing regime.
Appendix C: Model Operating Schedules		<i>If there was one recommendation that we would make to promote both efficiency for the council and progress for operators it would be to stop the practice of insisting on large numbers of conditions as standard - with reference to model operating schedules.</i> (See City of London comments) (TLT)	Amendment recommended.
Appendix C: Model Operating Schedules		<i>We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their</i>	Amendment recommended.

		<p><i>one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.</i></p> <p>(Punch Taverns)</p>	
<p>Appendix C: Model Operating Schedules</p>		<p>Request to remove standardised approach of model operating schedules</p> <p><i>“Model pool of conditions</i></p> <p><i>Whilst we understand that for premises that are not late night entertainment venues, the authority is looking to remove the presumption (if I can use that phrase) that a raft of standardised conditions are appropriate to attach to applications/licences of particular types, for late night entertainment venues although there are revisions to some of the detail, there seems to be a presumption that 90 odd</i></p>	<p>Amendment recommended.</p>

		<p><i>conditions is an appropriate starting place, so as to ensure that the licensing objectives are fairly promoted.</i></p> <p><i>I am bound to observe that Bristol, it seems to me, is almost unique across England and Wales in adopting that approach. It may help if I explain in a little more detail why it is not our view that that is an appropriate nor legitimate basis on which to consider and/or grant premises licences. Of whichever type or categorisation...”</i></p> <p>(Matthew Phipps – TLT)</p>	
<p>Appendix C: Model Operating Schedules</p>		<p><i>As the Pollution Control Team considers applications on an individual basis on their own merits and conditions are only requested where appropriate I feel that the need for Model Operating Schedules or template conditions are not worthwhile from a Pollution Control point of view. Nowadays there appears to be a propensity for premises to morph between different traditional types of licensed premises and I therefore that the Model Operating Schedules are becoming more difficult to apply. We do however feel that the Model Operating Schedules could have some use in directing an applicant lead process.</i></p>	<p>Amendment recommended.</p> <p>Remove as a minimum but perhaps keep as examples applicants may wish to draw on for certain types of premises but making clear not all will necessarily be relevant in every case.</p>

		Environmental Health (Pollution Control) Bristol City Council	
Appendix C: Model Operating Schedules		<p><i>Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, This has taken over from a proper analysis of the need for such conditions in the first place.</i></p> <p>(Punch Taverns)</p>	See above
Appendix C: Model Operating Schedules		<p>We propose that the policy states:</p> <p><i>Where breaches of condition occur and the breach does not materially undermine a licensing objective, this is a matter for the Courts and not for the licensing committee. The Licensing committee can and must only interest themselves in matters where there has been a material undermining of the licensing objectives.</i></p> <p>(TLT)</p>	<p>No change recommended.</p> <p>The committee should attach the appropriate weight to representations/information before them. “Technical” breaches of licence conditions where there has been no negative impact on the licensing objectives may be attached little weight, especially where no negative impact has resulted.</p> <p>However it is right that the committee should be able to consider such breaches as they may help ascertain how a premises may operate within the confines of the Licensing Act. For example if such conditions had been originally proposed by the PLH or had been agreed as part of mediation the committee would be right to expect they are followed. If in practice the PLH had deemed them unnecessary and of no value a minor variation application could have been submitted to remove them. A blanket failure to comply may in some circumstances give the committee cause of concern.</p>

			A breach of licence condition is an offence under s136 and as such would impact on the crime and disorder objective.
Appendix C: Model Operating Schedules		<p>Template 1 in the draft model operating schedule says</p> <p><i>“(iii) The premises licence holder shall ensure that they consult the Public Health Services of Bristol City Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based”.</i></p> <p>The term Public Health Services is confusing. Do we mean environmental health?</p>	Amendment recommended
Conditions		<p>We propose that the policy states:</p> <p><i>Where an applicant applies for a variation to their licence, the licensing committee will expect responsible authorities to limit representations to the detail of the application itself and tailor any proposed conditions accordingly.'</i></p> <p>The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application</p>	Amendment recommended.

		<p>itself and should not stray into other areas that are not part of the application.</p> <p>(TLT)</p>	
Conditions		<p>In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.</p> <p>(Punch Taverns)</p>	Amendment recommended.
GDPR		<p>We propose that GDPR is expressly dealt with in the policy to ensure that all parties understand that any conditions need to comply with GDPR and any evidence submitted to the local authority to be included in the public documents must likewise comply.</p> <p>(TLT)</p>	<p>Amendment recommended:</p> <p><i>The Licensing Authority will ensure that all personal data is processed fairly and lawfully and only kept for as long as is necessary. It will also ensure that personal data is kept secure and not disclosed unlawfully to another party.</i></p> <p><i>Any conditions imposed on licences must be compliant and complied with under the General Data Protection Regulation rules.</i></p>
GDPR		<p><i>We note that the policy does not make reference to the GDPR</i></p>	Condition reference CC01 has been amended to read:

		<p><i>...the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV condition's to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an</i></p>	<p><i>(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the justified request of an authorised officer of the Licensing Authority or a constable.</i></p> <p>This ensures that the request must be compatible with GDPR.</p>
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		<p><i>operator to breach GDPR.</i></p> <p>(Punch Taverns)</p>	
General		<p><i>The policy should be simple to use and accessible to both businesses and residents, currently it is really wordy and could easily be made more comprehensible and easy to read.</i></p> <p>(Keith Rundle Operations Director City Centre BID)</p>	Unclear as to which sections require action. Subsequent reviews could address this issue.
		<p><i>(B) Night-time alcohol delivery: Surely we need a blanket ban on this. A good percentage of Bristol's population live in flats, so the likelihood of disturbance of neighbours is very high. And the majority of people using such services are surely vulnerable individuals---either alcohol addicts or people whose judgment is impaired by having had too much alcohol already.</i></p> <p><i>An ethical decision would be to save these people from themselves by removing this temptation.</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	<p>Unclear on the evidence for the statement regarding customer base.</p> <p>Approximately 34.4% of Bristol accommodation is flats or shared housing (2011 Census data). Disturbance could be caused by late night deliveries; however a blanket ban on alcohol delivery services is not possible under the 2003 Act.</p>
		<p><i>(D) Noise limits: Noise limits on extraction systems, music etc need to be absolute, not relative (to background, say)---or</i></p>	<p>No change recommended –</p> <p>Comments from BCC Pollution Control:</p>

		<p><i>it is just a building cycle for each new noise nuisance.</i></p> <p><i>Also the rules need setting such that they can be checked in the street (rather than via highly intrusive and disruptive late-night access to people's bedrooms).</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	<p><i>I don't really think it would be practical for levels to be absolute rather than compared to background levels. One of the fundamental ways of assessing noise nuisance is comparison of the noise to the background levels and a level that would not cause nuisance in the busy city centre could cause considerable nuisance in a pub in the outskirts of the city. If absolute levels were adopted then it is likely these would lead to unnecessarily low levels for pubs, bars or clubs in noisy areas or areas with no residents.</i></p> <p><i>Fully agree that the checking of noise levels should not be intrusive to residents and this has never, as far as I'm concerned, been a requirement of a licence condition. The condition for monitoring stating the following:</i></p> <p><i>5. (i) The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the residential accommodation in the area. on at least hourly intervals whilst regulated entertainment is taking place in order to establish whether there is a noise breakout from the premises.</i></p> <p><i>(j) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.</i></p> <p><i>If noise monitoring is being carried out by officers of the Council in order to establish noise nuisance for possible legal action then it may be necessary for this evidence to be gained from within a complainant's property.</i></p>
		<p><i>(E) Lapsing of moribund licences: The very late opening of Dorma Nightclub gave rise to appalling strain for many in our neighbourhood. The club went into receivership and the premises has become a gym.</i></p>	<p>This would require a change to the Licensing Act 2003.</p>

		<p><i>But, apparently, the owners retain the licence, so we live in fear of a return to the stress and disruption of the nightclub. Surely, some release from this pressure is appropriate: couldn't licences automatically lapse if not used for a given period of time?</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	
		<p><i>(F) Several clubs in an area: Round The Triangle, for example, there is a problem in challenging licensed premises as regards noise because of the difficulty of pinning down an individual culprit.</i></p> <p><i>It looked like the EMRO legislation should have led to a route for dealing with this, but it proved not fit for purpose. A replacement is urgently needed, in order that clearly outrageous/misguided licensing decisions affecting residential areas can be challenged as a group, and without having to go via the notoriously lenient and business-biased magistrates courts.</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	<p>Noise break out from a premises in the majority of cases can be identified by observations from the exterior of the premises.</p> <p>If problems are occurring reviews can be called, Para 11.7 of the s182 guidance states:</p> <p><i>11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.</i></p>
		<p><i>(G) Agent of change: The 'Agent of Change' legislation,</i></p>	<p>Requires change to legislation.</p>

		<p><i>which was developed to protect established music venues from being closed following new residential property being built near them, should also apply in reverse: new licensed venues should not be allowed near established residential property. This is particularly important now that (following changes to legislation) an alcohol licence carries with it a right to host music performances.</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	<p>Any new application will currently be considered on the basis of the impact the grant could have on the promotion of the licensing objectives.</p>
		<p><i>(H) New licensing objective: There is a constant tension between people's 'freedom' to party all night and people's 'freedom' to sleep during normal sleeping hours of, say, 11 pm to 8 am. It needs to be made clear in licensing law that the latter 'freedom' is by far the more essential, especially now that it is so evident that loss of sleep is a factor in so many serious medical issues---diabetes, heart disease and Alzheimer's, for example. We suggest adding a new licensing objective: 'To protect residents living within 2 km of the premises from sleep disturbance between 10 pm and 8 pm from Sunday night to Thursday night and between 11</i></p>	<p>Requires change to legislation.</p>

		<p><i>pm and 9 pm on Friday night and Saturday night.'</i></p> <p>(Emily Wolfe and Simon Margetts Dr Jill White Dr Penny Dobson)</p>	
		<p><i>On Take Away outlets that some form of notice be exhibited at it and on take away boxes reminding users that they shouldn't eat the product and throw the container away when finished into the road or gardens of houses that can be a good way from the outlet.</i></p>	<p>Blanket conditions should not be imposed. S182 guidance states:</p> <p><i>Licence conditions – general principles</i> <i>1.16... .. Licence conditions:... ..should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;</i></p> <p>Conditions of this type could be added to the pool of conditions.</p>
		<p><i>There are lots of things that seem to me to be essential that you are planning to drop: e.g., drinking up time, no re-entry, third-party use requirements, CCTV, air con noise, rubbish disposal. I am baffled by these changes, as the restrictions were there with good reason. Please rethink this.</i></p> <p><i>Re off-licences: should it be 'Principal' rather than 'Principle'?</i></p> <p><i>Re night-time alcohol delivery services: I think that these should be totally banned. The likelihood of disturbance to neighbours, especially in flats, is very high. The only people likely to use such services are people who have already consumed too much, and are hence at high risk of making bad or even dangerous choices.</i></p>	<p>Conditions are not being removed/dropped. Instead the policy is recognising that each application must be treated on its own merits. Conditions can be added when appropriate to promote the licensing objectives. However conditions cannot be imposed as “standard” across all licences of a certain type.</p> <p><i>*Principle to be changed to Principal</i></p> <p>Approx 34.4% of Bristol accommodation is flats or shared housing (2011 Census data). Disturbance could be caused by late night deliveries but a blanket ban on alcohol delivery services is not possible under the 2003 Act.</p>

		<i>They should be protected from themselves, not given further temptation.</i>	
		<i>It seems as if the new model allows much more noise, late night drinking and general nuisance.</i>	See above
		<p><i>THE RULES ABOUT ADULT ONLY ENTERTAINMENT SHOULD ALSO APPLY TO BCC EVENTS ON QUEEN SQUARE EG COMEDY GARDEN WHICH HAS BEEN COMPLAINED ABOUT BY FAMILIES LIVING NEARBY ON WHICH THIS ADULT ONLY ENTERTAINMENT IS IMPOSED ON THEM, THE COARSE HUMOUR COMING OUT ON NON SOUND PROOFED TENETS AND THE ALL NIGHT ASB, EVERY YEAR DESPITE RESIDENT PROTESTS.</i></p> <p><i>AS STATED ABOVE BCC DO NOT PROPERLY WARN AND INVITE INPUT FROM RESIDENTS ABOUT LICENCE APPLICATIONS OR CHANGES, NOR ENFORCE EXISTING LICENCE CONDITIONS DESPITE RESIDENT COMPLAINS THEREFORE A MODEL OPERATING SCHEDULE SHOULD BE CREATED ALSO FOR THE REQUIRED ACTIONS AND BEHAVIOURS OF BCC ITSELF, WHO ARE PAID BY US THE RESIDENTS THROUGH OUR COUNCIL TAXES TO PERFORM SPECIFIC DUTIES AND KEEP US SAFE BUT BLATANTLY REFUSE TO DO SO.</i></p>	<p>Blanket conditions cannot be imposed on a type of event – see s182 guidance:</p> <p><i>Licence conditions – general principles</i> 1.16... .. Licence conditions:... ..should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;</p> <p>If relevant representations are received with regard to an event the licensing committee can consider what conditions, if any, are appropriate for the promotion of the licensing objectives.</p> <p>Unlike with planning legislation the Licensing Act 2003 does not permit the Council to write to residents to notify them of applications. However a public register of all applications is kept on the Council’s website which any party can view. Notices are also displayed by the applicant at the premises and an advert placed in a local newspaper.</p> <p>Bristol City Council’s Enforcement Policy is available on the Council’s website and sets out the approach taken to Enforcement. The policy was drawn up with due regard to the Regulator’s Code.</p>

		<p><i>All seems fair except the blanket rule of closing outside areas at 10pm - this should be managed on a site by site level and with communication channels from local residents. Some sites keep their outside areas open later and there is little to no nuisance caused and the staff are great at managing noise levels to reduce impact on local residents. Local residents should be given a voice on this but sound levels need to be monitored and if there is no cause for complaint then venues should be allowed to open their outsides later, on a site by site basis. Some venues could keep their areas open until midnight or later with no impact on local residents.</i></p>	<p>Conditions with regard to outside areas will only be imposed on a case by case basis if appropriate to promote the licensing objectives.</p>
		<p><i>Please include a section on the Responsibility of Licence Holders and Designated Premises Supervisors (DPS) “ When licence holders or designated premises supervisors move, leave a premises or dispose of their premises they remain responsible in law until they have informed the licensing authority and surrendered the licence or arranged a transfer, which may involve notification to the Police as well. Any licensees or designated premises supervisors who are not sure what to do should contact the licensing authority. Please note that should</i></p>	<p>No change recommended. However guidance for applicants to be updated to incorporate some elements.</p>

		<p><i>the DPS cease to work/be employed by the premises the Licensing Authority will consider that there is no DPS for those premises. This consideration shall apply regardless of whether that person is still named on the Premises Licence, or whether they have asked for their name to be removed from it. This consideration shall apply until such time that an application is received to nominate a new premises supervisor. In such cases, the Licensing Authority shall expect no sales of alcohol to take place until an application to vary the DPS has been submitted to the Licensing Authority</i></p> <ul style="list-style-type: none"><i>• Every premises licence that authorises the sale of alcohol must specify a designated premises supervisor (DPS). This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act. The DPS to be a person with day to day managerial control of the premises who will take reasonable steps to ensure the licensing objectives are promoted and</i>	
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		<p><i>licence conditions are adhered to.</i></p> <ul style="list-style-type: none"><i>• Though there is no requirement for a designated premises supervisor (DPS) to be on the premises at all times that alcohol is being sold, the Licensing Authority expects where they are likely to be absent for a prolonged period, perhaps due to ill health, maternity leave or extended holiday, that a new DPS to be appointed to cover the period of absence. If there are concerns that a DPS is repeatedly absent, the Police may apply for a review of the Premises Licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.</i><i>• Where the DPS is not present at the premises the Licensing Authority, following guidance by the Secretary of State, recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. The letter of authorisation should state the following:-</i><ul style="list-style-type: none"><i>• the person(s) authorised to sell alcohol at any particular premises should be clearly identified;</i><i>• the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol</i>	
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		<p><i>there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and</i></p> <ul style="list-style-type: none"> <i>• there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.</i> <p><i>It should be noted that the responsibility remains with the Premises Licence Holder and the Designated Premises Supervisor.</i></p> <p><i>Public Health BCC</i></p>	
		<p><i>A premises should always offer a standard measure as the normal offer and not a double measure (I'm not sure the policy can do this but it is worth a mention).</i></p> <p><i>Public Health BCC</i></p>	No change recommended – already covered by mandatory licence conditions
		<p><i>We need to have a section on the following (apologies if this is in here and we have missed it). Home Office as a Responsible Authority</i></p> <ul style="list-style-type: none"> <i>• From 6th April 2017 the provisions of Immigration Act 2016 which relate to Licensing became effective. These provisions amend the Licensing Act 2003 making the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late</i> 	<p>No change recommended.</p> <p>Responsible authorities are dictated by legislation. The Statement of Licensing Policy sets out the licensing authorities approach to undertaking its role. The Secretary of States Guidance issued under section 182 of the Licensing Act 2003 covers additional aspects including the Home Office's role as a responsible authority.</p>

		<p><i>night refreshment. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. For contact details please see the list of Responsible Authorities in Appendix 1.</i></p> <p><i>When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.</i></p> <ul style="list-style-type: none"><i>• From 6th April 2017 Licensing Authorities will check the eligibility to work for those applying for personal licences and premises licences for the sale of alcohol and late night refreshment (hot food or drink between 23:00 and 05:00 hours).</i> <p><i>This does not apply to the licensable activity of Regulated Entertainment ONLY or Club premises certificate and temporary event notices (TEN). However, they will commit a criminal offence if they work illegally.</i></p> <ul style="list-style-type: none"><i>• Those applying for a personal or premises licence (for sale of alcohol/provision of</i>	
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		<p><i>late night refreshment) must be able to satisfy the Licensing Authority that they have permission to be in the United Kingdom (UK), and are entitled to undertake work relating to the carrying on of a licensable activity. Essentially this means that licence cannot be granted to disqualified persons who are:</i></p> <ul style="list-style-type: none"><i>• Unlawfully present in the UK,</i><i>• Not permitted to work in the UK,</i><i>• Permitted to work, but not in this licensable activity.</i> <p><i>Applications from disqualified persons above will be classed as invalid and will be rejected.</i></p> <ul style="list-style-type: none"><i>• The application for personal and premises licences must submit one of the documents listed in Annex A of the Secretary of State's Guidance with their application, to show that they have permission to be in the UK and to undertake work in a licensable activity.</i> <p><i>Applicants may provide photocopies or scanned copies of the documents, which do not need to be endorsed as a copy of the original. Applicants are not required to submit original copies of documents.</i></p> <ul style="list-style-type: none"><i>• Where an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect</i>	
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		<p><i>when the right to work lapses.</i></p> <ul style="list-style-type: none"> • <i>A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end. The licensing authority is under no duty to carry out on-going immigration checks to see whether a licence-holder's permission to be in the UK has been brought to an end, and the Act does not place a duty on the licensing authority to withdraw or revoke the licence if this occurs.</i> • <i>The Home Office as a Responsible Authority may request a review of a licence, where a licence is prejudicial to the prevention of illegal working. This may be as a result of:</i> <ul style="list-style-type: none"> • <i>An enforcement operation or data sharing that identifies a relevant offence,</i> • <i>The issue of a civil penalty for employing illegal workers,</i> • <i>The identification of a licence holder whose leave to be in the UK, or their permission to work, has come to an end.</i> <p><i>Public Health BCC</i></p>	
		<p><i>You have made reference to discrimination but perhaps we can be more explicit?</i></p> <p><i>Prohibition signs</i> <i>When its discretion is engaged</i></p>	<p>No change recommended – duplication of existing legislation</p>

		<p><i>and a relevant representation is made relating to the exclusion or discouragement of any minority adult group the Licensing Authority will add a condition which forbids such as practice.</i></p> <p><i>The Licensing Authority is especially concerned that such practices adversely affect social cohesion and are likely to hinder the promotion of the licensing objective relating to law and order. The Licensing Authority will also refer such practices to other authorities, where appropriate. Promotion of Racial Equality Legislation requires the local authority to have due regard to the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority expects all licence applications to be consistent with this duty. The Council as an organisation has a race equality scheme and monitoring licensing forms a part of that overall scheme.</i></p>	
		<p><i>Add an appendix</i></p> <p><i>You have outlined good practice in the draft model operating schedule. But please consider including an appendix giving examples of what people can do</i></p>	<p>No change recommended. However guidance for applicants to be updated to incorporate some elements.</p>

		<p><i>to promote licensing objectives, as they have done in the Nottingham licensing statement below. This comes across as a helpful checklist at the end of the SLP.</i></p> <p><i>Extract from Nottingham's licensing statement.</i></p> <p><i>“Appendix A PROMOTING THE LICENSING OBJECTIVES The Licensing Authority recognises that licensed premises come in different shapes and sizes and provide different activities. A venue's operation may be geared to alcohol, entertainment, late night refreshment or a combination of two or more of these activities. Venues may be large or small, with high occupancy or low occupancy, in urban or suburban areas, with a predominantly young clientele or a mix of all ages. How operators of different licensed premises promote the licensing objectives varies from premises to premises. For example:-</i></p> <ul style="list-style-type: none"><i>• Premises that supply alcohol will have different demands on them than those that do not.</i><i>• High occupancy premises will have different issues to consider particularly in the areas of public nuisance, public safety and crime</i>	
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		<p><i>and disorder than low occupancy premises.</i></p> <ul style="list-style-type: none"><i>• Premises with a predominantly young clientele will have different issues to consider than those frequented by a mixed age group.</i> <p><i>There is no definitive list of control measures that could (or should) be introduced by all premises. Licensed premises are assessed according to the activities they provide and the manner of their provision. Steps should be in place to proportionately address the individual risks of each premises' activity. Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are ongoing responsibilities for all licence holders. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the licence being reviewed and subsequently suspended or revoked.</i></p> <p><i>The Licensing Authority does not want premises to lose their licences, it wants to see well managed premises that benefit from being able to provide the hours and the activities their customers and communities want. This means licensees should regularly consult with their local communities to inform them of</i></p>	
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		<p><i>the hours and activities they provide, gauging their concerns and addressing these.</i></p> <p><i>Licensees are encouraged to be both imaginative and proactive, seeking advice from Responsible Authorities and other local organisations that have professional advice to offer.</i></p> <p><i>The Licensing Authority recommends that operators:</i></p> <ol style="list-style-type: none"><i>1. Read this Licensing Policy carefully – reading it indicates that you are taking the promotion of the licensing objectives seriously.</i><i>2. Think about the activities you provide, the risks from those activities and the appropriate steps to tackle them.</i><i>3. Consult local residents and local businesses and the Responsible Authorities. How do they feel about your operation? Are they currently experiencing problems?</i><i>4. Undertake appropriate risk assessments and take appropriate steps to address any risks.</i><i>5. Take action to put steps in place that will address risks and meet the concerns of your community.</i><i>6. Consider whether you need to apply to vary your licence to ensure that you have all necessary measures in place to meet the four licensing objectives. This can reassure local residents and</i>	
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		<p><i>businesses and the Responsible Authorities that you take your responsibilities seriously and are a valuable asset to the community. Licensed premises will be continually monitored on how they impact on their local communities. Where operators fail to adequately address the concerns of local residents / businesses with respect to the licensing objectives, their premises may have its licence reviewed at any time.</i></p> <p><i>Potential risks to the Promotion of the Licensing Objectives and Possible Solutions</i></p> <p><i>The Prevention of Crime and Disorder</i></p> <p><i>1. What measures will you put in place to prevent disorderly and potentially violent behaviour both on and in the vicinity of your premises?</i></p> <ul style="list-style-type: none"><i>• We will use CCTV</i><i>• We will use text and radio pager systems to report incidents to the police and keep in contact with other venues (especially important in town and city centres with a high concentration of licensed premises).</i><i>• We will determine sensible occupancy limits according to the nature of the premises and activities being carried out.</i><i>• We will train staff to handle</i>	
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		<p><i>potential troublemakers and defuse difficult situations.</i></p> <ul style="list-style-type: none"><i>• We will seek further advice from local Police, PubWatch and Responsible Authorities.</i> <p><i>2. What measures will you put in place to prevent drunkenness on your premises?</i></p> <ul style="list-style-type: none"><i>• We will train staff to recognise those who are drunk and be vigilant in not serving those who are drunk or passing on alcohol to those who are drunk.</i><i>• We will ensure sufficient staffing and managerial support to make the identification and non-service of those passing on drinks practicable.</i><i>• We will refuse entry to those who have had too much to drink.</i><i>• We will ensure that staff training is carried out regularly and includes knowledge testing and that all training is documented.</i> <p><i>3. How will you prevent drug dealing on and around your premises?</i></p> <p><i>How will you prevent offensive weapons being brought on to your premises?</i></p> <p><i>How will you prevent the sale of contraband or stolen goods?</i></p> <ul style="list-style-type: none"><i>• We will install strategically located closed-circuit TV cameras inside and outside premises to deter/monitor illegal activity (footage can be used as evidence).</i>	
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		<ul style="list-style-type: none">• We will provide accredited staff training on these issues and ensure staff are on the look out for suspicious behaviour.• We will ban known offenders and share information with the police and licensed premises in the area.• We will consult our local police crime reduction adviser. <p>4. How will you reduce the risk of glasses and bottles being used as weapons and causing accidents?</p> <ul style="list-style-type: none">• We will ensure glasses and bottles are collected on an on-going and frequent basis, make regular inspections for broken glass and clear up glass and any spillages immediately.• We will, at those times where there is a risk of incident, use safety glass.• We will ensure drinks containers are not taken from the premises.• We will have a no glass policy. <p>5. How will you prevent toilets from being a magnet for sexual assault, accidents and conflict?</p> <ul style="list-style-type: none">• We will ensure that sufficient toilets are available, with an appropriate number of male/female toilets as per British Standards.• We will ensure sufficient lighting levels.• We will keep toilets clean, well stocked; clearing spillages promptly to avoid accident.	
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		<ul style="list-style-type: none">• We will install toilet attendants if problems occur. <p>Further examples of risks that could undermine this licensing objective are:</p> <p>6. Late night refreshment – Applicants in respect of late-night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.</p> <p>7. Toughened / Safety Glass Policy Licensed venues that provide the sale of alcohol for consumption on the premises should consider the introduction of toughened / safety glass. This toughened / safety glass policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context. For example in facilities for hotel residents and their guests it is not expected that a toughened / safety glass policy</p>	
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		<p><i>need operate and nor would it be necessary in premises which operate primarily as a restaurant where the bar is primarily provided for restaurant customers). The toughened / safety glass policy also applies where outside areas are provided for consumption of alcohol, particularly where the area is constructed of hard material and also where the outside area is in or adjacent to a public place.</i></p> <p><i>8 Glass Bottle Policy</i></p> <p><i>The Licensing Authority considers it necessary for the promotion of the licensing objectives to prevent the passing of a glass bottle over the bar of premises licensed to supply alcohol for consumption on the premises where there is a poor history of crime and disorder. This expectation may be considered as a result of relevant representations having been received on an application. Like other conditions set out in this Licensing Policy it may also be considered at a hearing following an application for review of an authorisation.</i></p> <p><i>Public Safety</i></p> <p><i>1. How will you avoid overcrowding?</i></p> <ul style="list-style-type: none"><i>• We will determine sensible occupancy limits according to the nature of the premises and activities being carried out.</i>	
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		<ul style="list-style-type: none">• We will use clickers to monitor and manage occupancy levels. <p>2. How will you prevent drug taking on your premises and protect customers from harm?</p> <ul style="list-style-type: none">• We will make customers aware of the risk of drink-spiking.• We will train staff in drug awareness issues and ensure sufficient staffing and managerial support to make identification and handling of incidents practicable. <p>3. What measures will you put in place to clear away broken glass promptly and effectively?</p> <ul style="list-style-type: none">• We will remove glasses promptly when empty. <p>Further examples of risks that could undermine this licensing objective are:</p> <p>4. Emergencies – issues in relation to fires, emergency management, evacuation and overcrowding.</p> <p>5. Environment – issues concerning cooling and heating and access to drinking water.</p> <p>In considering what steps may be necessary, applicants will be expected to have particular regard to:</p> <ul style="list-style-type: none">• The premises itself (are there for example any inherent hazards such as steps, open fires, use of shared areas, etc.).• The neighbouring area (are there for example particular problems with crime and disorder, is it a primarily residential area,	
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		<p>etc.).</p> <ul style="list-style-type: none">• <i>The types of regulated entertainment they wish to provide and any hazards.</i>• <i>The type of persons that may be using the premises or place (e.g. persons who are very old or very young, disabled, possibly impaired through drink or drugs, etc.).</i>• <i>The situation and circumstances of use (e.g. low lighting levels, loud noise, crowds, use of special effects, etc.).</i> <p><i>Applicants must set out the steps they propose to promote public safety. The following are examples of the adequate steps regarding this that the Licensing Authority expects in premises where particular risks may arise. Where public safety may be compromised by an excessive number of customers, applicants are expected to propose capacity limits. This is especially important for premises where regulated entertainment (within the meaning of the Act) is being provided at nightclubs, cinemas and theatres. Other appropriate measures may include the use of door staff, CCTV, staff training, etc.</i></p> <p><i>Where the public needs to be protected from potentially dangerous sources of electricity expected measures may include:</i></p> <ul style="list-style-type: none">• <i>An assurance that any</i>	
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		<p><i>alterations to the existing system will be made in line with the Electrical Equipment of Buildings issued by the institution of Electrical Engineers (BS 7671) or as amended.</i></p> <ul style="list-style-type: none"><i>• The use of residual current devices (RCDs) on high-risk circuits, such as those which may be used by entertainers for plugging in musical equipment or used for plugging in equipment to be used outdoors.</i><i>• Other appropriate measures may include portable appliance and fixed appliance testing.</i> <p><i>The physical layout of the premises may present particular risks and in some situations (such as those in which vulnerable persons may be especially at risk) applicants will be expected to advance steps accordingly. For example:</i></p> <ul style="list-style-type: none"><i>• Applicants whose premises have stairs should consider whether it is necessary for appropriate handrails to be fitted together with contrasting nosings to the steps.</i><i>• In respect of premises which have uneven flooring, applicants are expected to set out the steps they propose to minimise risks.</i><i>• In respect of premises with outdoor areas that may be accessed by customers or the public (whether or not those areas</i>	
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		<p><i>form part of the place that is licensed) applicants should consider whether it is necessary to provide appropriate lighting of these areas, use of toughened glasses and the provision of customer bins.</i></p> <ul style="list-style-type: none"><i>• Steps expected for premises with working fireplaces include guarding or similar; this is especially important where children may be permitted on the premises.</i><i>• Applicants with premises which will be relying on the usage of shared areas, such as escape routes, are expected to advance measures that will ensure the usage of these areas will not create any risks to the public. Applicants are also expected to consider how the proposed activities may impact upon public safety / public nuisance and put forward steps accordingly. For example:</i> <ul style="list-style-type: none"><i>• Premises that are of high capacity or whose regulated entertainment may give rise to an increased risk of injuries occurring are expected to advance steps regarding first aid provision.</i><i>• Premises that plan to use special effects (such as fireworks / foam / lasers /etc.) will be expected to propose measures that will ensure this will not create any safety risks. Where proposed licensable</i>	
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		<p><i>activity includes the consumption of alcohol or provision of late night refreshments on the premises, it is expected that applicants should advance steps regarding the provision of adequate and well managed toilet and hand washing facilities.</i></p> <p><i>The Prevention of Public Nuisance</i></p> <p><i>1. How will you prevent the noise nuisance from outside drinking?</i></p> <ul style="list-style-type: none"><i>• We will limit the number of people using outside areas.</i><i>• We will ensure that drinkers remain seated and that they do not drift from the seated area (e.g. using barriers at those times where this is identified as a problem).</i><i>• We will advise noisy customers to keep the noise down and ask them to leave if they disregard our advice.</i><i>• We will determine a closing time on the use of outdoor areas in consultation with local residents.</i> <p><i>2. How will you prevent flyers becoming a source of litter?</i></p> <ul style="list-style-type: none"><i>• Where we distribute flyers, we will ensure we have the necessary consent and take responsibility for picking up dropped flyers in the vicinity.</i> <p><i>3. How will you prevent disturbance to local residents from customers arriving and leaving your premises late at</i></p>	
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		<p><i>night?</i></p> <ul style="list-style-type: none"><i>• We will consult local residents on their preferred closing time and come to an agreement.</i><i>• We will display telephone numbers for taxi firms in a prominent location and provide a facility for customers to order cabs or operate a taxi call back service.</i><i>• We will implement a 'winding down period' during the last hour of service.</i><i>• We will ensure signs are in place asking customers to leave quietly.</i><i>• We will ensure signage and staff remind customers to keep noise down as they leave.</i><i>• We will hand out lollipops to customers as they leave.</i><i>• Ensure that people do not congregate / queue outside premises.</i><i>• We will have a detailed dispersal policy in place and train all relevant staff in its operation.</i> <p><i>4. What steps can you take to reduce the impact that sales of alcohol from your premises may have on the community around you?</i></p> <ul style="list-style-type: none"><i>• We will implement a bottle marking scheme</i><i>• We will take part in the Voluntary Code for Off-Licences or similar initiatives</i><i>• We will ensure that sales are not made to people who already</i>	
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		<p><i>appear drunk</i></p> <ul style="list-style-type: none"><i>• We will ensure sales are not made to known street drinkers</i><i>• We will not sell beer, lager and/or cider with an ABV of 5.6 or above</i> <p><i>5. What measures will you put in place to ensure that local residents and local businesses are not upset by loud or persistent noise?</i></p> <ul style="list-style-type: none"><i>• We will consult local residents on what noises disturb them and take steps to remedy these issues.</i><i>• We will avoid emptying bins into skips, especially if they contain glass after 9pm and before 9am (10am on weekends).</i><i>• We will instruct suppliers not to make deliveries after 9pm and before 9am (10am on weekends).</i><i>• We will avoid refuse collections after 9pm and before 9am (10am on weekends).</i><i>• We will ensure that noise from regulated entertainment is kept to a level that does not cause disturbance to local residents.</i> <p><i>Further examples of risks (particular with the increased use of smoking shelters) that could undermine this licensing objective are:</i></p> <p><i>6. Lighting – Excessive artificial lighting in the vicinity of licensed premises.</i></p> <p><i>7. Litter / waste – Litter and waste generated by the carrying out of</i></p>	
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		<p><i>licensable activities. For example, food wrappers, fly posting and cigarette butts.</i></p> <p><i>Measures to prevent litter may include</i></p> <ul style="list-style-type: none"><i>• Providing litter bins</i><i>• Sweeping up rubbish and clearing the vicinity</i> <p><i>8. Smoking - The Council acknowledges that smoking is not a licensing matter. However as an enforcement authority under the Health Act 2006, it recognises the significant changes to all licensed premises brought about by the implementation of the Smoke Free legislation on 1st July 2007.</i></p> <p><i>The Council also recognises the effect that the smoking ban has had on issues around public nuisance including noise and litter across the city. The Council expects that licensees will be able to manage those issues effectively. It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area.</i></p> <p><i>9. Environmental issues - noise, litter and disturbance from customers Steps taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens</i></p>	
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		<p><i>and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers arriving, leaving or queuing outside a premises. Consideration has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 10pm and 7am. However, it must be noted that noise and disturbance from customers out of doors can cause public nuisance outside of these times. Measures to prevent nuisance may include the:</i></p> <ul style="list-style-type: none"><i>• Use of time restrictions on certain areas;</i><i>• The end of the use of certain areas;</i><i>• Supervision of outdoor areas;</i><i>• Suitable signage;</i><i>• Restriction on the times that food or drinks can be consumed or sold to be consumed outside the premises;</i><i>• In some cases the hours at which premises are open to the</i>	
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		<p><i>public will also be considered.</i></p> <p><i>10. Noise from plant and equipment</i> <i>Steps taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning and refrigeration equipment.</i></p> <p><i>Measures to prevent nuisance may include the:</i></p> <ul style="list-style-type: none"><i>• Installation of acoustic enclosures;</i><i>• Sound proofing, timing device;</i><i>• Relocation or replacing equipment;</i><i>• Provision and regular emptying of litter bins;</i><i>• Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate;</i><i>• Regular monitoring and cleaning of areas;</i><i>• Reduction in the amount of packaging passed onto customer;</i><i>• Provision of posters asking customers not to drop litter.</i> <p><i>11. Fly posting, flyers and graffiti</i> <i>Steps taken to prevent fly posting and the distribution of flyers advertising the premises or events at the premises.</i></p> <p><i>Steps taken by the applicant to remove graffiti and fly posting from their surfaces as soon as it</i></p>	
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		<p><i>appears.</i></p> <p><i>The Protection of Children From Harm</i></p> <p><i>1. What measures will you put in place to prevent underage drinking on and around your premises?</i></p> <ul style="list-style-type: none"><i>• We will adopt a well-publicised Challenge 21 policy; asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them;</i><i>• We will refuse service to those we believe to be passing on alcohol to under 18s (except where over 18s are buying beer, wine or cider for 16 or 17 year olds for consumption with a table meal);</i><i>• We will display of prominent warning notices about the supply of alcohol to minors</i><i>• We will give all relevant staff appropriate accredited training on the law relating to alcohol and those aged under 18 (e.g. a 'Responsible Retailing' course);</i><i>• We will ensure sufficient staffing and managerial support to monitor outside areas and make the identification and non service of those passing on drinks to under 18s practicable;</i><i>• We will report those who pass on drinks to under 18s to the police;</i><i>• We will use a 'refusal book' to</i>	
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		<p><i>record details of instances where staff have refused a customer thought to be under age;</i></p> <ul style="list-style-type: none"><i>• We will use CCTV.</i><i>• We will identify a child safeguarder.</i> <p><i>2. It is an offence to allow unaccompanied under 16s into primarily drinking venues. However, family friendly premises typically experience fewer problems of crime, disorder and public nuisance. What measures will you put in place to create a safe, child-friendly environment?</i></p> <ul style="list-style-type: none"><i>• We will ensure vigilance re. the sale of alcohol to under 18s, to those who are drunk and to those passing on drinks to under 18s / those who are drunk;</i><i>• We will ensure those who are drunk do not gain entry to the premises and those who become drunk on the premises are asked to leave (N.B. it is an offence to serve those who are drunk);</i><i>• We will specify areas, activities and times that are suitable for children instead of merely placing restrictions on access to those areas, activities and during those times that are appropriate. Further examples of risks that could undermine this licensing objective are:</i> <p><i>3. Adult only entertainment – Where entertainment or services of an adult or sexual nature are</i></p>	
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		<p><i>commonly provided, ensuring that underage persons cannot enter the premises. There shall be no display of photographs or visual images advertising such entertainment outside the premises.”</i></p> <p><i>Public Health BCC</i></p>	
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