

BRISTOL CITY COUNCIL STATEMENT OF LICENSING POLICY RESPONSE

TLT LLP Response

1 About TLT

Overview

Created in Bristol in 2000, we set out to be a different kind of law firm, one that pushed the boundaries with new ways of working and thinking.

Since then, we've grown rapidly and are privileged to support some of the UK's major institutions, high growth businesses and well-known brands. Our head office is in Bristol, but we also have offices in Manchester, London, Glasgow, Edinburgh, Belfast and Greece. We are a major employer in Bristol, currently employing 779 solicitors and support staff.

We have significant experience working with organisations in the Clean Energy; Digital; Financial Services; Leisure, Food & Drink; Public Sector; Real Estate and Retail & Consumer Goods sectors and can advise in all three UK legal jurisdictions.

Licensing

We are regularly ranked as one of the leading licensing advisers in England and Wales in Chambers and Legal 500, which are annual independent guides to the legal sector driven by client feedback.

TLT's licensing practice is ranked 'Band 1' in Chambers and Partners for licensing in the regions (one of only three firms nationwide to hold this ranking) and 'Tier 1' for the South West in the Legal 500. Chambers and Partners states:

'Universally respected practice covering the full range of premises licence matters. Liquor licensing is a key area of focus, and the team is especially active in the food and drink and retail sectors. Enjoys a fine reputation for its representation of music festival clients with regard to licence applications and enforcement matters. Equally capable of representing both single-premises clients and large chains.'

Our clients hold premises licences in every local authority area in England, Wales and Scotland. This genuine UK-wide presence gives us a breadth of expertise combined with the local knowledge and relationships that allow us to best advise clients on their licensing issues, no matter where they are based or the size of their estate.

Both Matthew Phipps (head of licensing England and Wales) and Piers Warne regularly appear before Bristol City Council's Licensing Sub-Committee and Piers sits on the mayoral 'Bristol at Night' panel, as well as attending 'Nitewatch' meetings to advise bar and club operators on updates in licensing matters. Matthew sits on various panels and boards including for the Institute of Licensing and BII. Both regularly lecture on licensing matters to operators, councillors and other interested parties.

We advise a broad range of clients from hotels, bars, clubs and restaurants to major music festivals, pub companies, sports clubs and race course operators. We support one-off events or venues to businesses with property estates that sometimes run into the thousands.

Our advice is bespoke and designed around business need. Our client portfolio requires us to understand and advise on all aspects of premises licensing, whether it is technical legal advice or business oriented operational guidance.

As such, TLT LLP is ideally placed to respond to the Bristol City Council consultation on licensing policy.

2 RESPONSE

We have divided the response into two discrete sections: the first relates to specific items in the draft policy (numbered with the paragraph number of the policy section), the second makes more general comments that we feel would assist all parties who deal with licensing matters were they to be adopted within the policy. We have given recommendations in each section in bold.

Part 1: Specific comments in relation to the draft policy

2 Purpose and Scope

Strategies

Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

There has been a focus in Bristol, through Bristol @ Night and other panels on how the strategic vision for Bristol needs to incorporate all aspects of development and regulatory strategy, including licensing. This has been an area that has proven particularly difficult for licensing, where it has been deliberately separated from planning, for instance. That being said, the review of licensing 10 years on by the House of Lords, saw this as an arbitrary division that they criticised. The House of Lords recommendation, rejected by the Secretary of State called for licensing and planning to be merged.

We propose that the policy states:

'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.'

However, integrating strategies, by definition, requires the council to carefully consider where areas of licensing policy would conflict. For instance, cumulative impact zones are inflexible and often will conflict with overall strategies if they are not reflected upon in light of such matters.

In any event, often it is difficult to find the local council strategy and other relevant documents online. Therefore we feel that this policy would benefit from providing some guidance relating to Integrating other guidance, policies, objectives and strategies into licensing decisions.

We propose that links to specific strategies within the policy, will assist new potential businesses to understand and factor in the likely costs of entry into the city.

3 The Four Licensing Objectives

3.1 Prevention of Crime and Disorder

The prevention of crime and disorder is a major pillar of licensing legislation and one of two objectives, along with prevention of public nuisance, that drives the majority of representations to applications and reviews.

However, 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. Because premises undertaking licensable activities require a licence, this is often used to drive premises licence holders to accept conditions on their licence that have associated costs other premises would not be required to meet. Because breaches of condition can lead to prosecution or review of the licence, such conditions force costs onto premises that often can play a part in perfectly

good businesses folding. Bricks and mortar businesses are already under severe financial pressures from minimum wage, rates and other levies, so these costs that may appear small when imposed can be the tipping point as to whether a business can survive or not. For instance, the approximate cost for hiring two door supervisors for four hours on a Friday and Saturday night alone per annum is around £14,000.

It would also assist if the policy could expressly set out what it expects in terms of evidence from police or other officers when bringing a review or objecting to a premises licence. 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. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included.

We feel it is important that the council recognise this in their policy.

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 disorder licensing objective will directly relate to the licensable activities being provided within the premises themselves.

3.3 Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted. The S182 Statutory Guidance requires this. However, we often come across conditions on premises licences that reference 'nuisance', rather than 'public nuisance'. This sets 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. It should be recognised in the policy that this goes beyond that which was intended by Parliament.

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 legislation.

3.4 Protection of children from harm

Since the current policy came into force, a mandatory condition has been added to all premises licences permitting sales of alcohol requiring the premises licence holder to implement a policy to prevent underage sales of alcohol and for the DPS to implement that policy.

We note that responsible authorities often request 'Challenge 25' as a standard condition. Many premises (especially multiple operators) operate Challenge 21 policies throughout their estates and have training and signage prepared for this. To change it can be expensive and/ or time consuming.

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 not be objected to unless there is good reason, backed by evidence, to do so.

6.3 Cumulative Impact

Cumulative impact has been brought onto a statutory footing since the current policy was last revised. In particular the law requires licensing authorities to undertake cumulative impact assessments ('CIA's') once every three years.

We note that your cumulative impact policy section references cumulative impact assessments ('CIA's') but only to state it 'may consider publishing' a CIA. **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.**

We also note that there is a reference in the policy to CIA's, but in reference to 'cumulative impact areas', as opposed to cumulative impact assessments. **We propose that the policy refers to the cumulative impact areas as 'cumulative impact zones' ('CIZs') to avoid confusion.**

Bristol has various cumulative impact policies that have been introduced at various times over the years. We believe that in light of the new assessments, the policy areas should be more thoroughly reviewed.

We understand that there are occasions where CIZ's provide a valuable tool to licensing authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving economy. We have represented a number of potential operators who have wanted to open premises in Bristol who have decided not to go ahead once the likely consequences of the policy are explained to them. This has included innovative small business operators looking to open their first premises, as well as more established operators. The effect can be that premises in the city centre remain boarded up when they could be otherwise occupied and benefiting the city as a whole.

For this reason, cumulative impact policies unintentionally penalise operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in those areas of the city.

For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. On occasion, operators will accept licences, or have licences imposed upon them that prove to be unworkable, simply to be able to have the chance to trade. This again promotes a kind of ubiquity.

Given the plight of the casual dining market in recent times, evidenced by the spate of closures across Bristol from local and national operators alike, this is an issue that needs to be taken seriously. It can be forcefully argued that they failed in part because their offers were unable to adapt as the market developed around them, because the conditions on their licence prohibited it and the chances of varying the licenses to allow for change was restricted by licensing policy and the use of CIZs in particular.

We feel that this is particularly important in relation to some of the zones in Bristol that have existed since 2006 and we have yet to see any evidence presented as to the negative effects that this may have had on businesses in the area. A cursory look at the changes to Whiteladies Road is telling. Likewise, the manner in which smaller traditional premises in Clifton Village are struggling to adapt to changing customer need but find the policy an impediment to their continued survival.

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.

8 Licensing and planning

We have dealt with our proposal that the policy references and encourages integrated thinking between all city strategies and policies above.

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 without good reason to do so. Often conditions relating to extract systems, closing times of external areas, deliveries of goods or collection of waste appear on both permissions and on occasion they do not even mirror each other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended. Again, this is an unnecessary burden for premises struggling to stay afloat and needing to deal with these matters quickly and cost effectively.

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.

9 Enforcement

We propose the policy specifically references the Regulator's Code and provides a link to it. This is useful for all parties to licensing matters and recognises the important role that businesses play in local communities.

Appendix C: Model Operating Schedules

We recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives. Nevertheless, Bristol stands out amongst all local authorities for imposing the greatest number of conditions on premises licences as a matter of common practice. This is led by the policy and causes significant problems for officers looking to draw up licenses, as well as operators drowning in a sea of conditions. Ten well drafted and pertinent conditions are much better than fifty 'standard' conditions applied because the policy requires it. The effect of this aspect of the current policy is akin to Japanese knotweed. It endangers the growth of anything it affects, eventually suffocating the host. Worse, it seems to be impossible to remove once there. **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.**

A separate concern in relation to having such a significant number of conditions on a premises licence is that it leads to breaches of the licence without any evidence that the breach undermines any particular licensing objective. This is regularly raised at hearings as a failure by a premises licence holder in situations where if the condition were not there there would be no undermining of any licensing objective. Breaches of conditions are, in and of themselves, an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in the policy. **We propose that the policy states: *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.*** This can happen irrespective of conditions being on the licence. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

We have also seen a rise in conditions being requested and imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. 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 itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to

challenge their right to impose such conditions where the cost would be sent the matter to a hearing. **We propose that the policy states: *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.***'

For the reasons stated above, 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 one area of expertise. 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.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. We have seen no evidence to suggest such premises have undermined the licensing objectives more in the City of London than in Bristol.

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed Operators

Part 2: General matters

On and Off-Sales

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.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to offsales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We propose the following statement is adopted:

"On and off-sales are defined by reference to the intention of the setter at the time of sale. A sale 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.

An off-sale is a state 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 setter when selling that drink had no intention for the purchaser to remain at the premises to consume it",

GDPR

We note that the policy does not make reference to the GDPR.

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, 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 restaurants and event spaces. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions 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 operator to breach GDPR. Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We have also seen evidence submitted to licensing sub-committees by responsible authorities and other persons and therefore made public, that has been in breach of an individual's rights under GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

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.

Agent of Change

In recent years, Bristol has lost venues providing music and dancing to its citizens at an alarming rate. We understand that somewhere in the region of 10,000 customer spaces have been lost during the time of the current licensing policy being in force. A lot of this can be attributed to the development of the City, with some of it directly resulting from residential properties being built in the immediate vicinity of these premises, often without adequate noise protection for the residents. This development should not, however, lead to the venue being required to implement expensive works to ensure their survival. We act for clients who have very genuine concerns that their premises are likely to fall victim of this ongoing drive to build residential property without proper care and attention being paid to the diverse mix of licensed premises that make Bristol the unique creative hub it is recognised as being worldwide.

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, smaller venues 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. Such premises remain under threat and often cannot afford to fight review proceedings.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the communities, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

We therefore 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 length of time it has been providing the activities complained of will all be taken into account in determining the matter.

Submitted on behalf of TLT LLP
TLT

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is [**Premises Licence Holder**]

My postcode is BS9 **XXX**

I am commenting as: a local business owner and a premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of

Gloucester Road
Whiteladies Road
City Centre
Clifton Village

The reason for this is

I would like to be able to go out and eat, drink and socialise later at night.

Habits have changed, people are going out later and there is less choice of venues these days.

Best regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS13 **XXX**

I am commenting as a freelance designer and photographer with an invested interest in Bristol nightlife and bars.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of:

Gloucester Road
Whiteladies Road
City Centre
Clifton Village
Bedminster and Southville – North Street Area
Bedminster and Southville – Cannon Street Area

The reasons for this cutting down opening hours for venues will put many at risk, and in turn allow for less budget to employ working sole-traders like myself for art, photography and design commissions. I personally would also like to go out and eat, drink and socialise later at night as again my work (and that of my peers) frequently requires later social hours.

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Kind Regards,

My name is **[Resident]**

My postcode is BS2 **XXX**

I am commenting as: A Member of the public & Worker in Bristol

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of

Gloucester Road
Whiteladies Road
City Centre
Old Market – West Street
Clifton Village
Bedminster and Southville – North Street Area
Bedminster and Southville – Cannon Street Area

The reason for this is:

I would like to be able to go out and eat, drink and socialise later at night especially after a hard day at work.

Habits have changed, people are going out later and there is less choice of venues these days. Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is [**Premises Licence Holder**], proprietor of Aqua Restaurants
My postcode is BS1 **XXX**

I am commenting as a Local business owner or manager as a premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of;

- Whiteladies Road
- City Centre

This is down to a number of reasons, mainly the high street economy is really suffering right now and policies need to be relaxed to encourage more people to come out later and stay out later. People are just being discouraged to go out right now and this is having massive consequence for our local independent businesses. This cannot be sustained.

Too many restrictions are having a negative impact on the hospitality sector. As a trader for coming up to 25 years now I have personally seen a massive movement on the high street, it is being killed by policies and over inflated rates and fees. Something has to be done.

Kind Regards,

Operations Director

BRISTOL CITY COUNCIL STATEMENT OF LICENSING POLICY RESPONSE

Punch Taverns Response

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.

Punch operate 6 premises within Bristol

We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.

RESPONSE

2 Purpose and Scope

Strategies

We feel that this policy would benefit from a more details relating to Integrating other guidance, policies, objectives and strategies into licensing decisions.

Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city.

3 The Four Licensing Objectives

3.1 Prevention of Crime and Disorder

The prevention of crime and disorder is one of the 4 licensing objectives and clearly a major pillar of licensing legislation. However, 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. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy 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.

3.3 Prevention of Public Nuisance

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.

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 is not the remit of licensing legislation.

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.

6.3 Cumulative Impact

We note that your cumulative impact policy section references cumulative impact assessments ('CIA's') but only to state it 'may consider publishing' a CIA. There is, later, a confusing reference to CIA's, but in reference to 'cumulative impact areas'. It would assist to refer to the areas as 'zones' and therefore 'CIZs' to avoid confusion. 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.

We note that you have various cumulative impact policies that have been introduced at various times. Whilst we also commend the policy on distinguishing between and narrowing the effect of certain policy areas to ensure that they only relate to specific premises types, we believe that the policy areas should be more thoroughly reviewed.

We understand that there are occasions where CIP's provide a valuable tool to local authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving night time economy. Punch, as a promoter of entrepreneurship within our estate of leased pubs understands very well the challenges that small business operator's face when looking to enter a new market or adapt their offer.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 7 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight.

We feel that this is particularly important in relation to some of the zones in Bristol that have existed since 2006 and we have yet to see any evidence presented as to the negative effects that this may have had on businesses in the area.

8 Licensing and planning

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. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

9 Enforcement

We suggest this policy specifically references the Regulator's Code and provides a link. This is useful for all parties to licensing matters and recognises the important role that businesses play in local communities.

Appendix C: Model Operating Schedules

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

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.

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. 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 itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be sent the matter to a hearing.

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 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.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

OTHER MATTERS WE WOULD ASK YOU TO CONSIDER REFLECTING IN YOUR POLICY

On and Off-Sales

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.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"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.

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".

GDPR

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, 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 conditions 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 of a 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 operator to breach GDPR.

Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data.

Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

Agent of Change

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.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is bs15 **XXX**

I am commenting as:

A member of the public

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of o Gloucester Road Whiteladies Road City Centre Clifton Village Bedminster and Southville – North Street Area Bedminster and Southville – Cannon Street Area

The reason for this is I feel Bristol nightlife has become quite sterile and boring.

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city or at least it used to be. our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

Hi

As requested Re- CIA please find our feedback regarding the CIA

We do not agree with the Avon and Somerset police's assertion that Cabot Circus / QF / Broadmead is a crime and anti-social behaviour hotspot related to alcohol consumption.

- The wide extent of the City Centre Cumulative Impact Policy area seriously restricts the investment in a diverse night time economy in Bristol City Centre, particularly as a change in the retail landscape is requiring landlords and property owners to find alternative and financially viable uses for vacant premises;
- The policy makes it difficult for alternative offerings to be provided for a wide range of customer demographics/markets which may provide an alternative to the late night economy and an opportunity to bring positive benefits to upholding the licensing objectives; in fact it should aid natural surveillance in the area, bringing about a reduction in both criminal activity and the fear of crime.
- Well planned leisure schemes bring a mix of leisure activities including a well thought out combination of high quality restaurants, wet led premises and other leisure based operators can offer real benefits to the City centre and its late night economy without having a negative impact on crime and disorder and public nuisance in the area.
- We would propose that any future requests are based on a case by case basis not a blanket ban
- The majority of this area is actively managed by the centre management team and has 24 hour security in place
- We do not believe there to be an over concentration of such in the vicinity, and it remains a key objective for the future Broadmead Development a varied mix use to enhance the area

We would expect to be fully consulted and engaged in a dialogue on this moving forward and believe an assumption against the grant of further alcohol licences within Broadmead needs to be very carefully considered and would place a significant hindrance on its future regeneration.

Regards

Andrew

Andrew Gibbens

General Manager

Direct Line:

Mobile:

Cabot Circus | The Management Suite | Glass House | Bristol | BS1 3BX |

<https://www.cabotcircus.com>

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS15 **XXX**

I am commenting as a local manager as a non premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas of Gloucester Road, Whiteladies Road, City Centre, Bedminster and Southville – North Street Area & Cannon Street Area

The reason for this is that over the past decade the nightlife in the city has slowly been diminished and losing the diversity it had when I arrived here for University. Smaller independent venues are being lost and town planning has seen the closure of many live music and licensed venues due to the masses of flats being built with low levels of noise insulation stripping the city of its cultural music scene along with a lack of protection to stop venues being turned into flats or offices.

These closures have a knock on effect where more people are living and going out in the city with fewer places to go. Causing more people to congregate in fewer areas adding to issues with large crowds of intoxicated people descending on the street at the same time. This also causes issues with gangs and criminal aspects of the night time economy being forced into a smaller area and large fights breaking out and a noticeable rise in knife crime since I moved to the city over a decade ago. Whiteladies road is an example where overly strict licensing regulations have seen the bars struggle to contend with other areas of town and is no longer the destination area that it once was due to being forced to close earlier than their competitors. I have lived in the city centre and by licensed venues with drunk people making noise outside on any day of the week and have never complained unless a criminal element has occurred. The reason for this, I had made the choice to live there and knew what that would entail. You don't rent or buy on or near main roads in the city centre unless you're understanding that living by bars and clubs means noise and intoxicated people will be vacating the premises and be in the vicinity. Licensed venues shouldn't be held to such scrutiny after bringing much of the culture and entertainment to these areas then to be pushed aside and not taken care of due to the post code they are situated in.

Bristol is a destination city for the night time economy, we have swathes of stag and hen parties who inject thousands into the economy each year and they expect a diverse array of entertainment and venues for which to go. Most of which are not upmarket cocktail bars which appears to be the only licences being greenlit in the city over the past few years. We also have a huge thriving student body in the city which are looking for more bars and clubs to frequent as well as work in. We also have no late night eateries serving decent food, other cities have restaurants opening far later than our own embracing the more diverse living schedule that the inhabitants of a modern 24 hour city now expect. Give more venues flexible opening hours and stop allowing the inhabitants who choose to move near to licensed premises all the power, they have to take some responsibility for choosing to live where they are. Support the businesses that pay rates and taxes whilst offering careers or part time flexible work as without us the city will lose the identity it has a reputation for having. Safeguard the night time economy and encourage smaller premises to open to redistribute the night time crowd evenly across the city whilst encouraging it to grow and compete nationally with other cities.

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is [**Premises Licence Holder**]

My postcode is BS13 **XXX**

I am commenting as the owner proprietor of The Golden Guinea Public House in BS1, but also as someone in their mid forties who uses the bars and restaurants of the city.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of Bristol city centre.

The reason for this is:

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Kind Regards

The Rising Sun

Carl

Thank you for giving us the opportunity to comment on the licensing policy review and the CIAs which are currently in force. I have submitted my responses to the survey online.

The worry for me is that the way the survey is structured and its length is an obstacle to members of the general public, particularly those who are not part of organised residents groups. There is a real risk that if the CIAs continue as they are this will stifle the growth of the city's night time economy, which is such an essential part of the city's growth and prosperity.

We have recently been named the Best Food Destination by the World Food Association. This is great for the city and should result in more visitors, which should lead to an increase in demand for not only restaurants but late night venues that those visitors can go on to afterwards. We need to be able to increase our capacity easily. With the CIA and Licensing Regime as it stands my view is that new operators may think twice before considering opening a new establishment here particularly if the process is too difficult.

As it stands there are parts of the city which fall within areas covered by the existing CIAs which clearly need more night time activity. By encouraging night time activity in these areas and increasing footfall this makes these areas safer, creates the critical mass to attract people to a particular area and boosts the economy for venues. For example, Nelson Street falls within the same CIA as King Street but in my mind would massively benefit from an increase in night time activity whereas King Street is probably at an optimum level.

If I take Broadmead as another example right at the heart of a CIA, it is also desperately in need of more night time activity if it is to become a flagship area at the heart of the city. There are several developments planned for Broadmead which will hopefully lead to positive change in the atmosphere and culture of this struggling retail district, however this may not happen as anticipated unless the relevant CIA area is amended.

Visitors to Bristol probably find it strange that there is more activity outside of the main shopping district than in it particularly when compared to other city centres in the UK and in Europe. If you look at shopping districts in cities such as Leeds and Manchester, these have changed dramatically in the last decade and you can see that developers have successfully provided mixed use schemes which include a blend of retail and leisure and has led to a shopping districts that are busy both night and day.

It seems to me that the Clifton and Whiteladies Road CIA have also failed the city and led to an area which was very vibrant throughout the 90's but now because of the amount of closures is lagging behind other areas such as Gloucester Road and North St. If you choose to go out in Clifton and Whiteladies Road and your first choice is not open or at capacity then you are likely be forced into having to go to another area due to there being limited other options within that CIA. It seems to me that pressure points (for example, the area around the triangle) within the CIA has led to blanket policies across the Clifton and Whiteladies Road CIA which does not allow trade to flourish. Certain operators will continue to struggle if they are not allowed to stay open later and if they are not close to similar operations.

As it currently stands with the CIAs it will be difficult for new premises to obtain licenses because of the restrictions and the presumption that no additional venues will be licensed or it is difficult to increase the hours of existing venues which are well run and cause no issues to local residents.

My view is that the new proposed Licensing Policy is an improvement as it seems open for the applicants to make changes and choose which conditions, from the pool of conditions, are appropriate for their establishment. It is also appreciated that the aim seems to be to promote what is a vibrant night time economy and shows an understanding of how important this is to the city. Notwithstanding that, in my mind the standardised approach is not helpful as I consider that each applicant should be considered on its individual merits. The approach seems to be too formulaic.

I hope you find this feedback useful and it leads to Bristol adopting policies which will support our great night time economy which is such an integral part of our city's story.

Kind regards

Marti
Chair of Bristol @ Night

Marti Burgess | Partner
for Bevan Brittan LLP

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS8 **XXX**

I am commenting as a Clifton resident and as a prospective local business owner who has operated bars and pubs in the city over the last decade up to the present.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for all currently operational CIA's in the city, but with special mind to Clifton and the City Centre as these are where I operate.

My business partner and I, have reviewed the policy and have the following comments:

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.

When we arrived for the consultation session, we found that we had been assigned an extremely small meeting room, suggesting that they expected very few people would come. This suggests an intentional lack of effort was put into notifying relevant parties.

This section states that the policy must be reviewed and a new statement made every five years. As discussed in the consultation, five years is too long of a period and the city changes significantly over that time. For example, the current CIAs were implemented in 2015. They have now gone far beyond their original intent and are now simply negatively impacting businesses.

2.3 This section used to contain this statement for clarity.

“The Council’s Scrutiny function plays a key role in keeping the policy under review and exercising statutory powers that enable scrutiny members to make recommendations to the full council.”

Why has this been removed?

2.6 From the draft:

“The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:

- The chief officer of police;
- The Fire and Rescue Authority;
- The Director of Public Health
- each Local Health Board
- 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;
- such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.”

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.

2.8 This section states that the council is able to go beyond minimum statutory requirements because “it has actively sought the views of all stakeholders on its proposals”. This is a statement written before the fact and is still unclear on what constitutes ‘actively seeking.’

Furthermore

Section 2.9 thanks those who responded referring to appendix A. Appendix A of the 2015 policy makes it clear that not enough effort was made to consult stakeholders. It lists only 37 people and only two of those are premises licence holders.

The reason so many stakeholders were not notified based on the current system was due to out of date addresses held in the council’s records. This clearly isn’t working so I would like to see new systems put in place to allow better future communication.

6.3.9 This section contains a note stating that it will likely change as a result of the consultation. I feel that at this stage amendments should already have been made. Section 6.3.6 states that the council will keep cumulative impact assessments under review. The fact that section 6.3, pertaining to cumulative impact areas, is almost word for word identical to the 2015 proposal suggests that either the assessments were either never reviewed, or that those reviews were completely ignored. The descriptions and reasoning behind the current CIAs has literally not been altered at all despite two significant factors:

1. Each part of the city under a CIA has changed extensively in the last five years.
2. The impact of late night entertainment in these areas has since been shown to be the cause of either; people returning late from the centre, or people drinking without regulation in private residences. This is something the council is aware of as evidenced by new measures being brought in to reduce or restrict student house parties.

As a business person looking to start a responsible and well managed business I have found the process of trying to find suitable premises very difficult, to the point that someone with less drive than Ourselves, who would succeed in other industries may look for an alternative locations within the country to make there vision reality. This is not my understanding of the function of a council and there responsibility to residents in providing paying jobs and the small businesses themselves, especially as the four licensing objectives set out by the Licensing Act 2003 are being meet in the vast majority of licensed venues within the CIA's (this is supported by crime stats both locally and nationally). The red tape and potential issues surrounding the licensed trade is driving landlords away from letting suitable premises to entrepreneurs in favor of retail and office space nether of which are in great demand, as a short walk up Park street and Clifton triangle from your office will demonstrate through the alarming number of empty shops and office spaces being advertised.

A vibrant and successful nightlife in Bristol will produce jobs, increase tax revenue and provide a safe environment for the consumption of alcohol rather than the unregulated house parties that are starting to cause real nuisance to residents, something i'm sure you are aware, meets all four of the licensing objectives.

I hope my comments prove helpful in informing the councils path forward and I look forward to seeing the promotion of responsible nightlife businesses in the future,

Kind regards,

Townhouse RSL Ltd.

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS8 **XXX**

I am a member of the public and I live and work in Bristol

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas of

Whiteladies Road

City Centre

Clifton Village

The reason for this is since the introduction of the CIA on Whiteladies Road, the area has become completely stagnant and dead. The once vibrant street, used to have 2 late nightclubs, and the ability to play live music. It also had many bars and clubs which stayed open late.. it is now a dead zone , with only a few places left open after 11 such as Miss Millies and Mr Doner. There is nothing for young people to do and it's boring .. they end up hanging around because there is nowhere for them to go, and sometimes I would like to go out later than 11.

Clifton Village is dead.

Please do not make the City Centre like these areas.. there is no live music, not everyone wants to go to the same nightclub or the same chain pub.. people need to be able to go out and choose what sort of entertainment they want.

Bristol benefits hugely from the night time economy from tourism to Bristol citizens.. why do you feel it necessary to fill the town centre with soul less flats, with soulless people living in them that complain about the noise.. I suspect this is what all this is about , however, I don't understand why the council doesn't support the venue owners who tirelessly bring revenue to the City . People go out later and you are forcing them to be in bed by 11 with these 1950's draconian laws. To compensate with the current financial climate, venues are clinging on by staying open later in order to survive and they cannot do this under these proposed laws.

On one hand you say Bristol is a thriving creative city, etc etc .. but these do not allow Bristol citizens to be creative .. you are taking away their choice and that of honest venue owners who are trying to make a living .. what would happen is everyone closed..

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council

I am commenting as a local business owner with a premises license.

The survey on your website for the consultation on licensing policy was difficult to follow with huge numbers of pages of policy to read through, despite this I filled it in with my best intentions. I would also like to submit my comments for consideration about the licensing policy in regards to operating hours and the number of venues needs in the city centre in support of Bristol's nightlife.

Bristol City Centre is a vibrant, and eclectic space to be part of, and having operated a licenced premises here for the best part of ten years, I very much see myself staying here for the considerable future.

I don't operate particularly late into the night other than at weekends, and would consider my business as a low impact venue in regards to the licensing objectives, and feel I have a decent rapport with my local residents.

I have seen growth in the number of people coming to the city centre later in the night, and wanting to stay out longer as eating and drinking habits change. Provided there is variety of course. People will be encouraged to spend, and stay longer if businesses are given the opportunity to accommodate them.

Allowing longer opening hours, or encouraging new businesses to use currently vacant holdings should be seen as a positive for Bristol's nightlife.

Whilst I appreciate restrictions in CIA areas are to primarily minimise the impact of licensed venues on local residents, and to minimise the impact some of the larger venues have on Bristol's emergency services, I believe Bristol's late night economy should be encouraged and nurtured.

I have visited many cities across the UK, and mainland Europe that efficiently license their late night economy, and encourage businesses to thrive. Many allowing 24 hour licences, provided that licensing objectives are adhered to.

I understand these policies need to be updated, and they are there to protect residents and the overall reputation Bristol must present, but they also need to provide fair opportunities for businesses who want to encourage grassroots live music, food, and other ventures for the late night scene.

I appreciate your time and your consideration.

Kind regards

--

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Premises Licence Holder]**

My postcode is BS30 **XXX**

I am commenting as a local business owner and a premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of

Gloucester Road

Whiteladies Road

City Centre

Clifton Village

Bedminster and Southville – North Street Area

Bedminster and Southville – Cannon Street Area

The reason for this is habits have changed and people like to go out at all different times. Some people like to go out during the day, some early evening and others may not come out till 10/11pm and like to socialise till the early hours. As someone that has worked nights for over 16 years I am someone that likes to go out to eat, drink and socialise later in the evening. As someone who works in the hospitality trade I also tend to go out during the week a lot as I work weekends. This is when I notice the lack of options and how many businesses can not cater to people like myself who would want to socialise past 11pm! The Cumulative Impact Zones reduces the amount of choice of venues as once a certain number is reached it means other businesses who apply for licences are normally refused. Bristol then loses some fantastic new and exciting businesses due to them not being granted licences. We end up with the same venues for many years. I have been running a venue for over 16 years but I also feel other new exciting businesses should be given the chance to open up as well as it adds new life to the area, will increase Bristol's offering and attract more people to the city centre and surrounding areas. I feel the operators of the businesses should be able to decide which hours work best for their business. Many will thrive having later licences and some will simply not want them due to the offering of their business. These people know what their customers wants and should be consulted on any changes. Something a little better than this ridiculously long and hideous survey!

Bristol is a 24 hour city and the offering of night time economy venues should reflect this. I am 100% in favour of these venues being regulated to ensure they operate safely but I feel the current restrictions imposed on certain businesses and areas massively effect businesses which makes trading very difficult for them and even results in closure of some businesses. A classic example of how this has effected an area is Whiteladies Road. Once a bustling and renown area for people to socialise its now ghost town. Very few bars in that area and the ones currently still trading are struggling because they can not trade the later hours required to be financially viable. The area not having new and exciting businesses opening has also had an effect on the area and it feels very outdated and stale. Lessons should be learnt from this to make sure this does not happen to other areas that are in these Cumulative Impact Zones. The city centre has lost many venues to student housing and offices and I fear that the city centre could become the next victim like Whiteladies Road. The night time economy should be embraced and exciting and new businesses encouraged to open.

The city centre being in a Cumulative Impact Zone has just moved the nighttime economy to other areas like Clifton Village, Gloucester Road and Bedminster. When licences are constantly refused or

un reasonable operating times and conditions are imposed these businesses look for somewhere else to operate. The night time economy venues then end up being spread all over the city. People have to travel to these venues which causes unnecessary journeys by taxi's and buses creating unnecessary pollution or people walk to different areas to get from venue to venue and when in high spirits unintentionally cause noise and anti social behaviour. The city centre has always been the place to go for a night out in any big city. No matter where you go in the UK if you want to go drinking, dancing or to a restaurant you would always head to a city centre. By capping numbers of venues and restricting trading hours this has just moved the nightlife out of the city centre to more residential areas which then causes problems. Bristol now has several key areas as listed above which are clear hotspots with different offerings so I think these areas should be embraced as night-time economy areas. All that will happen if these CIZ restrict them too much is move the problems to another part of the city and put the established business at risk of closure when certain areas then become ghost towns like Whiteladies Road!

The other thing that must be taken into consideration is that when planning is granted for new student housing these young people need somewhere to go! The students will want to party and if there are not enough bars and clubs in the area for them to do this or they close too early they just have their own big parties or illegal raves and free parties. This is totally unregulated, unsafe and causing huge problems in residential areas.

Bristol's night time scene should be embraced not constantly restricted. It's a huge part of the economy, employs thousands of people and also vital to tourism/stag and hen industry that brings a lot of revenue to the city for many different businesses.

Best regards,

To Carl Knights,
Senior Licensing Officer, Bristol City Council

My name is **[Resident]**, postcode BS7 **XXX**

I am commenting as a bartender who has lived and worked here for four years.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of:

Gloucester Road
Whiteladies Road
City Centre
Clifton Village

The reason for this is I would like to be able to go out and eat, drink and socialise later at night.

There are no one-size-fits-all solutions to nightlife policy and each venue should be able to set their own hours.

Habits have changed, people are going out later and there is less choice of venues these days. It's kind of embarrassing that there are nights when Bristol just stops. For the city to stay relevant and retain economically mobile young professionals it's needs to offer world class amenities and here licensing is massively falling us with draconian legislation.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Having read through the draft of the new licensing policy I have the following comments, labelled by relevant section.

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.

When we arrived for the consultation session, we found that we had been assigned an extremely small meeting room, suggesting that they expected very few people would come. This suggests an intentional lack of effort was put into notifying relevant parties.

This section states that the policy must be reviewed and a new statement made every five years. As discussed in the consultation, five years is too long of a period and the city changes significantly over that time. For example, the current CIAs were implemented in 2015. They have now gone far beyond their original intent and are now simply negatively impacting businesses.

2.3 This section used to contain this statement for clarity.

"The Council's Scrutiny function plays a key role in keeping the policy under review and exercising statutory powers that enable scrutiny members to make recommendations to the full council."

Why has this been removed?

2.6 From the draft:

"The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:

- The chief officer of police;
- The Fire and Rescue Authority;
- The Director of Public Health
- each Local Health Board

- 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;
- such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.”

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.

2.8 This section states that the council is able to go beyond minimum statutory requirements because “it has actively sought the views of all stakeholders on its proposals”. This is a statement written before the fact and is still unclear on what constitutes ‘actively seeking.’

Furthermore

Section 2.9 thanks those who responded referring to appendix A. Appendix A of the 2015 policy makes it clear that not enough effort was made to consult stakeholders. It lists only 37 people and only two of those are premises licence holders.

The reason so many stakeholders were not notified based on the current system was due to out of date addresses held in the council’s records. This clearly isn’t working so I would like to see new systems put in place to allow better future communication.

6.3.9 This section contains a note stating that it will likely change as a result of the consultation. I feel that at this stage amendments should already have been made. Section 6.3.6 states that the council will keep cumulative impact assessments under review. The fact that section 6.3, pertaining to cumulative impact areas, is almost word for word identical to the 2015 proposal suggests that either the assessments were either never reviewed, or that those reviews were completely ignored. The descriptions and reasoning behind the current CIAs has literally not been altered at all despite two significant factors:

Each part of the city under a CIA has changed extensively in the last five years.

The impact of late night entertainment in these areas has since been shown to be the cause of either; people returning late from the centre, or people drinking without regulation in private residences. This is something the council is aware of as evidenced by new measures being brought in to reduce or restrict student house parties.

Kind regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council,

My name is: **[Premises Licence Holder]**

My postcode is: BS5 **XXX**

I am commenting as:

Local Business Manager as a Premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas of Gloucester Road, City Centre (Harbourside, King Street, Park Street)

The reason for this is large volume of customers are going out later and there is less choice of venues;

Drinks sales-driven establishments are struggling to survive due to early licensing hours;

Bristol bars and late night establishments scene is one of the biggest attractions in the city, and the variety of the aforementioned is part of what makes Bristol night life so successful;

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

Kind Regards,

Hi Carl,

Hope you are well.

Please find my input into the licensing review. I have completed the questionnaire online but I wanted to send this in addition, specifically with regards to Noise Control and because there is no proposed guidance with regards to outdoor events, which I think would be an opportunity missed here.

Thoughts below.

In the House of Lords case of Rimmington, Lord Rodger said:

“A core element of the crime of public nuisance is that the defendant’s act should affect the community, a section of the public, rather than simply individuals. Obvious examples would be the release of smoke or fumes which affect a village or neighbourhood or the emission of loud noises which disturb the neighbourhood.”

This is a very important statement, the key part of it should lead all decisions where by a clear section of the public are affected by a premises, rather than an individual or small group of individuals

Point 3.3.4 = The factors that the Council will particularly consider when determining an application or undertaking a review include:

I think this is a good opportunity from the licensing committee to put in a caveat to protect licences for existing venues that are clearly run well,

For example, it could be worded in addition.

“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.

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”

Outdoor Events

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.

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.

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.

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 Arenas'. We also look elsewhere to park or greenspace areas in other UK cities that have flexible offside 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.

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.

Best

Team Love - Love Saves The Day - Love International
Glastonbury Silver Hayes and Wow Stage - SimpleThings - The Downs - The Love Inn

Hi Carl

Pollution Controls comment as follows:

Cumulative Impact Assessment Policy

BCC enforcement of noise issues dealt with by the Council are usually based on individual premises causing noise from within their premises rather than specific areas, issues often being down to poor management rather than an accumulation of a particular type of premise in an area.

For example, the Pollution Control Team has been involved in assessing the suitability of a number of planning applications for licensed premises in the Queens Road/Triangle area in relation to noise where the current numbers of licensed premises and noise from them has been raised by residents in objections against some premises, particularly pubs/bar. The complaints received by Bristol City Council regarding noise in this area do not appear to fully reflect the objections made by residents. The Council would not usually investigate complaints of noise or anti-social behaviour from people in the street and therefore it may be more suitable for the Police to comment on CIA's.

Model Operating Schedules

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.

Following our recent meeting we would agree that the Pool of Conditions needs reviewing but I understand that this is not a priority for this review.

Happy to discuss further if needed.

All the best.

Mark

Mark Curtis
Pollution Control Team
Bristol City Council

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS30 **XXX**

I am commenting as:

Member of the public

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas listed below.

Gloucester Road

Whiteladies Road

City Centre

Clifton Village

Bedminster and Southville – North Street Area

Bedminster and Southville – Cannon Street Area

The reason for my email is I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues and I don't want to spend all my social time in family friendly venues that close early. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

Thank you for inviting me to respond to your consultation.

In a crowded city there will inevitably be tensions between the need for a thriving evening economy, a successful sector of high street trade and nearby residents needing a good night's sleep so they can go to work and work in safe and effective manner the next morning. Such tensions need to be resolved using a fair process, officers to understand the strengths and weaknesses of the statute and their own systems and revised policy (regarding cumulative impact areas (CIAs)).

Therefore this response is split into four sections.

- The need for more openness and transparency in the licensing system,
- How to stop the drive towards later and later licenses and
- Issues in the two CIAs that impact Clifton Down residents
- Emerging issues:

1) The need for more openness and transparency in the licensing system:

One of the powers within the Licensing Act 2003 is the opportunity to trigger a license review. Operators of premises, councillors, residents or indeed anyone can challenge a license and request a review.

On the face of it that seems a good democratic check, but in Bristol and maybe nationally, this is not how it works out.

-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.

-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).

In summary this lack of access to information creates a bias that needs to be changed please. Without change your department will cause more frustration and conflict.

2) How to ensure a balance between later and later licenses and sleep times.

In an area in and near the ward I represent, Clifton Down, owners of premises in areas like the Triangle or Cotham Hill are seemingly in a race to try to get a later licence and an advantage over their competitors. Such behaviour is quite understandable from an individual business's standpoint trying to maximise profits but such behaviour damages residents' amenity and confidence in the fairness of the licensing system.

Let me explain with a hypothetical example: Imagine all licenses in an area were until midnight. There would be a large advantage to any premises getting an 00.30 license. The financial gains are

large, not only the extra 30 minutes of customer spending but many other customers will be attracted to it, choosing this establishment over others earlier in the night because this one is open until 00.30. I know, I used to do this in my younger days. Once the first premises gets 00.30 then the others lose a bit of business and will request 00.30 too. The result is everywhere is open half an hour later, each business might be gaining some business but residents are losing amenity (from loss of sleep, litter) and the police and council have more costs. There needs to be a way of effectively balancing the benefits and harm something additional to go within CIA policy.

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 advantage to smaller premises which turn out forty people on closing and cause little disturbance compared with a place with say two hundred places.

Such a policy would bring more certainty to the whole licensing regime and to the retailer's offer. If someone opens a new bar they know they have to make it work with midnight closing instead of trying to push the system and add an extra half hour on every few years.

In summary, I am suggesting new principles of opening times presumably possible only within Cumulative Impact Areas

3) Comments on the two Cumulative Impact Areas CIAs that impact Clifton Down residents....

3.1 Whiteladies Road CIA - The CIA objective at the moment is to prevent encroachment on normal sleeping times. This has generally worked but is closing is getting later and later. There is also a legacy problem, for example there is a premises with a valid night club license until 4am, it is currently a 24/7 gym but if it reverted to a night club it would again cause immense harm through physical and mental ill health to some residents living around Cotham Hill, Hampton Park, Imperial Road, Whatley Road and surrounds.

There are now so many alcohol outlets, offering effectively the same product and thus competing on price that I would suggest that adding the principle from Clifton's CIA objective (the need to offer something distinctive) would improve the situation. Night time disturbance can mean that families are being discouraged from living in and around this CIA due to the nature of the retail offer and the noise from the street even at midnight. That is leading to an unbalanced community.

Litter is a problem too because there are so many food establishments and takeaways. Litter and refuse from the venues themselves; there isn't enough street space for all the commercial bins, especially now as the emerging Local Plan is allocating Hampton Lane for housing. This is where many of the commercial waste bins are currently stored. Pittville Place is usually in an appalling state with very poor refuse control. Additionally Whiteladies Rd bus stop (South bound) is often occupied by more bins than bus passengers.

Residents are still kept awake well past midnight. The CIA objective talks about not encroaching into normal sleeping hours. It depends what you mean by "normal sleeping times" for small children, those doing exams and older people.

I think if a place opened that was offering something genuinely different and clearly wasn't going to cause a disturbance when people left and walked up residential streets then it would be understood and perhaps even welcomed. So we request an addition of the CIA clause to include; "to get a license, the premises need to offer something new and distinctive."

3.2 Clifton CIA - A small part of this is in Clifton Down ward. The main complaint from our residents is large groups of people making a noise late at night as they walk back to Halls or housing leaving a venue (or venues) often in The Triangle and all leaving at about the same time. Many complaints are aimed at a large bar to the North of this area which is masquerading as a restaurant (Planning enforcement currently investigating). Richmond Hill seems to get the worst of it but other roads also. Residents are regularly woken at 2am, 3am or 4am even.

4. Emerging issues

Finally, I appreciate this topic isn't licensing yet but it is beginning to be reported that noise and litter issues also apply to some Airbnb residencies where a "large party group" will stay the weekend and make a lot of noise having first partied the evening away on the Triangle. They then continue in the house or flat. It adds to the cumulative disturbance and a lot of litter as they often don't put the waste out for collection.

Also some student parties should be licensed I'm sure, selling tickets in advance, bought in DJs and bouncers.

Thank you for your time in reading this. I am happy for this whole statement to be published

- Councillor Clive Stevens (Clifton Down ward)

To Carl Knights,
Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS2 **XXX**.

I am commenting as a local business manager as a non premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of:

Gloucester Road

Whiteladies Road

City Centre

Clifton Village

The reasons for this is:

Habits have changed, people are going out later and there is less choice of venues these days.

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident/Worker]**

My postcode is bs15 **XXX**

I am commenting as:

A Bristol worker

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of o Gloucester Road Whiteladies Road City Centre Clifton Village Bedminster and Southville – North Street Area Bedminster and Southville – Cannon Street Area

The reason for this is I feel Bristol nightlife has become quite sterile and boring.

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city or at least it used to be. our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

from my iPhone

Sent from my iPhone

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is bs8 **XXX**

I am commenting as:

A member of the public

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of o Gloucester Road Whiteladies Road City Centre Clifton Village Bedminster and Southville – North Street Area Bedminster and Southville – Cannon Street Area

The reason for this is I feel Bristol nightlife has become quite sterile and boring.

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

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It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

from my iPhone

Sent from my iPhone

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is bs15 **XXX**

I am commenting as:

A member of the public

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of o Gloucester Road Whiteladies Road City Centre Clifton Village Bedminster and Southville – North Street Area Bedminster and Southville – Cannon Street Area

The reason for this is I feel Bristol nightlife has become quite sterile and boring.

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city or at least it used to be. our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

To Carl Knights,
Senior Licensing Officer, Bristol City Council
My name is: **[Business owner]**

My postcode is: BS2 **XXX**

I am commenting as a local business owner.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of

Gloucester Road

Whiteladies Road

City Centre

Clifton Village

Bedminster and Southville – North Street Area

Bedminster and Southville – Cannon Street Area

The reasons for this are as follows:

With the dissolution of public spaces we need pubs and bars to enhance our communities by giving spaces people can meet. Many people work transient jobs late into the night and need places to wind down with colleagues and friends.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive. Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

On top of this, Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

Dear Sir/ Madam,

I have commented on this today. I live in the centre- want a good night time scene- but one that is proportionate and safe. It isn't at the moment.

My main comments- some of which were difficult to place were/ are:

1. Individual licensing can only have a marginal impact- there needs to be a Centre/ City wide policy on opening hours and safety. Not just a maximum- as in the CIZs
2. The City needs a clearer strategy on what it wants at night. Not just late opening clubs- but more of a mix, family and tourist friendly. It's not enough to say it values the night time economy- we need to define what we want and where.
3. It needs to recognise that the scene at the moment very late is dangerous and unappealing.
4. It is dangerously under policed and very unsafe. It could still work late- if properly policed in all kinds of ways. Wardens, door supervisors, street chaplains etc etc
5. The night time scene and city centre need to be actively managed- including involving the many thousands of residents and ordinary businesses. Maybe use the BID more?
6. The major problem is groups of very drunk people very late out side and between venues. Open until 6am on Park Street- REALLY!!! Bound to cause trouble!

This is now a really big issue because of the increasing number of City centre residents, all those students and the high level of crime.

It needs a proper review of where we want to be- not just of licensing- which should serve and follow that. And actively managed with wide engagement.(not just weakly enforced)

The Centres great most of the time.

Best wishes

Resident
Chair of Age UK Bristol and BAB

Good afternoon Carl

I hope this email finds you remarkably well

I have laid out below a submission on the Licensing Policy on behalf of the City Centre & Broadmead BIDs and their levy payers

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 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.

The purpose and aim of the Licensing Policy should include:

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.

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

There has been discussion over many years as to the benefits of a night-time vision for the city centre. That clarity of purpose from the city as to what it sees as its desire for the night-time economy is still sorely needed and should be developed alongside this policy.

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.

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.

The City Centre CIA as currently drafted is in dire need of review. It was set in place when the city centre was a very different place and had a significantly different offer to that which is currently available. Specific examples would be the changes to operators and venues within the Old City and the Harbourside the vertical drinking venues that proliferated in those areas have now all but gone as has the need for the Cumulative Impact areas for these sections of the city centre. The majority of venues in these areas are now more focused on food and drink or primarily food offers, other premises have ceased to be licensed premises and the area is no longer 'at saturation point'.

The Broadmead and Cabot Circus have also altered significantly and the CIA now simply stymies development and changes with in the city centre. There may be specific areas of the city centre in which a CIA is required but that must be justified by relevant and targeted crime and disorder data.

In considering the police crime and disorder data there should be consideration should be given to the experience of venues and others present in the city centre - that experience is that evening and night-time policing has reduced significantly. This is especially so in the visibility of officers patrolling on foot to deter and respond immediately to crime and disorder incidents. There is a clear assumption to be drawn that crime and disorder has reduced significantly to justify such a reduction and that officers have been deployed to areas of greater concern. The City Centre BID has

Safeguarding Marshals patrolling from midnight to 5 a.m. and their data continually indicates that the police are now rarely present on foot and are responding to incidents by vehicle presumably from further afield.

As the city centre continues to change, and developments are planned in both the Broadmead (Callowhill Court) and Nelson Street (NatWest Court) significant benefits could accrue to the city centre and the wider city. Mixed developments such as these help to build and improve the character of the city centre. Currently both these are within the city centre CIA which carries the presumption there can be no new licensed premises.

The inappropriate application of such a Cumulative Impact Policy is likely to prevent or reduce these benefits by stopping the addition of well located additional licensed premises that animate streets and areas and add to safety whilst also further adding to the diversity and range of offer that is available to residents and visitors alike.

My experience of Bristol's Licensing Committees is that they are capable of making effective and sound judgements without the need for ill-defined and outdated CIAs, they should be permitted to do so..

There is adequate provision within the Licensing Act for the density of premises to be a consideration in determining applications and Licensing Committees have made such judgements outside of the specified CIAs. Applications should be considered primarily on the benefits it brings to the area in which it operates.

Finally, the Licensing Policy must set expectations that assist in the promotion of the Licensing objectives. For example there should be a clear timescale for the issue of licences and amendments to licences. Operators should not be expected to wait months for the issue of a licence under which they are expected to operate – the expectation should be that licences are issued to operators and Responsible Authorities within one month of decision.

Best wishes

Keith

Keith Rundle
Operations Director

Website: bristolcitycentrebid.co.uk

Twitter: [@briscentrebid](https://twitter.com/briscentrebid)

First Floor, 8, Unity Street, Bristol BS1 5HH



We've just published our latest annual report. Read it [here](#).

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[resident/business owner]**. My postcode is BS8. I am commenting as: a local business owner or manager as a non premises license holder.

Having read through the draft of the new licensing policy I have the following comments, labelled by relevant section.

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.

When we arrived for the consultation session, we found that we had been assigned an extremely small meeting room, suggesting that they expected very few people would come. This suggests an intentional lack of effort was put into notifying relevant parties.

This section states that the policy must be reviewed and a new statement made every five years. As discussed in the consultation, five years is too long of a period and the city changes significantly over that time. For example, the current CIAs were implemented in 2015. They have now gone far beyond their original intent and are now simply negatively impacting businesses.

2.3 This section used to contain this statement for clarity.

“The Council’s Scrutiny function plays a key role in keeping the policy under review and exercising statutory powers that enable scrutiny members to make recommendations to the full council.”

Why has this been removed?

2.6 From the draft:

“The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:

- The chief officer of police;
- The Fire and Rescue Authority;
- The Director of Public Health
- each Local Health Board
- 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;
- such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.”

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.

2.8 This section states that the council is able to go beyond minimum statutory requirements because “it has actively sought the views of all stakeholders on its proposals”. This is a statement written before the fact and is still unclear on what constitutes ‘actively seeking.’

Furthermore

Section 2.9 thanks those who responded referring to appendix A. Appendix A of the 2015 policy makes it clear that not enough effort was made to consult stakeholders. It lists only 37 people and only two of those are premises licence holders.

The reason so many stakeholders were not notified based on the current system was due to out of date addresses held in the council's records. This clearly isn't working so I would like to see new systems put in place to allow better future communication.

6.3.9 This section contains a note stating that it will likely change as a result of the consultation. I feel that at this stage amendments should already have been made. Section 6.3.6 states that the council will keep cumulative impact assessments under review. The fact that section 6.3, pertaining to cumulative impact areas, is almost word for word identical to the 2015 proposal suggests that either the assessments were either never reviewed, or that those reviews were completely ignored.

The descriptions and reasoning behind the current CIAs has literally not been altered at all despite two significant factors:

1. Each part of the city under a CIA has changed extensively in the last five years.
2. The impact of late night entertainment in these areas has since been shown to be the cause of either; people returning late from the centre, or people drinking without regulation in private residences. This is something the council is aware of as evidenced by new measures being brought in to reduce or restrict student house parties.

Kind Regards

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**, my home postcode is BS3 **XXX**, though I also work in the city centre (BS1 **XXX**)

I am commenting as a worker in Bristol and manager as a non premises license holder.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through and it becomes rather confusing, even to someone that works in the hospitality industry.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas of Gloucester Road, Whiteladies Road, City Centre and Bedminster and Southville – North Street Area.

The reason for this is that I would like to be able to go out and eat, drink and socialise later at night. Working in the hospitality industry I often find myself socialising with colleagues later in the evening due to when we finish work. It's great that we currently have a choice of venues, albeit a small choice, rather than a very low number being open at certain times.

Furthermore, I believe the proposed review would negatively impact not only the business that I work for but businesses owned and operated by my peers who depend on having a later license.

Warm regards,

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is BS7 **XXX**

I am commenting as: Member of the public.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of:

Gloucester Road

Whiteladies Road

City Centre

Clifton Village

Bedminster and Southville – North Street Area

Bedminster and Southville – Cannon Street Area

The reason for this is:

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

Here are some points that we would like to see considered.

(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. 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).

(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. An ethical decision would be to save these people from themselves by removing this temptation.

(C) Flyers and flyposting:

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. This is ridiculous.

(D) Noise limits:

Noise limits on extraction systems, music etc need to be absolute, not relative (to background, say)---or it is just a building cycle for each new noise nuisance. 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).

(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. 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?

(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. 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.

(G) Agent of change:

The 'Agent of Change' legislation, 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.

(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 pm and 9 pm on Friday night and Saturday night.'

From:

Bristol BS6 XXX

[Resident x 4]

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**

My postcode is bs15 **XXX**

I am commenting as:

As a bristol worker

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of o Gloucester Road Whiteladies Road City Centre Clifton Village Bedminster and Southville – North Street Area Bedminster and Southville – Cannon Street Area

The reason for this is I feel Bristol nightlife has become quite sterile and boring.

I would like to be able to go out and eat, drink and socialise later at night.

I would like to have a choice of venues to attend, people of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.

Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days.

Venues need to stay open later in order for to survive.

Bristol is a 24 hour city or at least it used to be. our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards

Dear both,

Piers Warne in my team will be responsible for collating the formal TLT response to the statement of licensing policy revisions, as currently being consulted upon. These are to be treated as my comments and if you will, a personal response. But having been a licensing solicitor practising in the city and nationally for the best part of twenty years I hope they have some value and credibility.

Model pool of conditions

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 conditions is an appropriate starting place, so as to ensure that the licensing objectives are fairly promoted.

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.

Light Touch Legislation

This legislation was heralded as being “light touch”. The starting point for licence premises, surely, is that there are to be no conditions imposed on a premises licence, unless they are seen to be appropriate (necessary as was) by the licensing authority.

Therefore, it is perfectly legitimate for a premises licence holder to submit an application for a new licence, or a variation, and propose no conditions or perhaps in the case of a variation application no new conditions.

But, of course they then risk the receipt of representations that may challenge the applicant to show why it is fairly said that no conditions are required, in lieu of an extension or the grant of a licence. And absent a cogent answer, an application risks being refused or only part granted, in those circumstances.

Additionally it strikes me that it is perfectly legitimate for licensing authorities to indicate that for certain types of activity, certain types of conditions are if not “recommended”, then propositioned as the means by which an applicant can fairly balance an application for perhaps extended hours or extended licensable activities, so as to adequately demonstrate that they are going to promote the licensing objectives.

But the current template which seems to be the basis on which the authority is currently consulting, suggests that “these measures are not only necessary to ensure public safety but also to prevent crime and disorder.” That indicates, and to my mind the remainder of all of the template 1 indicates, that all late night entertainment venues are being treated as likely “suffering” from the same problems and therefore necessitating the same conditionality.

This is the point at which it strikes me that the policy and perhaps the consultation is flawed.

Each Application on its individual merits

It is an absolute fundamental of premises licensing that each application could and should be considered on its individual merits. A premises conducting late night entertainment might be a small prohibition style bar perhaps with a dance floor for a dozen, with or without a DJ. And it might equally be a 2,000 capacity nightclub operating through until the early hours of the morning with extensive live and recorded music.

90 odd conditions where as an example CCTV is simply presumed to be an integral part of any crime and disorder management plan, where smoking areas are to be monitored by door staff, where glass is prohibited near dance floor seems to miss that fundamental point.

Excessive protectionism

Two additional points stand out. Picking up on the idea of excluding glass from dance floors within all premises that have such seems to me to impose a nanny state approach to the management of licenced premises. What is the evidence or where are the statistics that suggest that this is an appropriate condition for all late night entertainment licenced premises in the city? Someone, once, cutting themselves on a broken glass, having taken their shoes off to dance, is not the legitimate basis on which all glass should be banned from dancefloor areas. Conceivable risk is not the same as proportionate, balanced, reasonable precautions.

The question to be asked, is not, "*why would you object to such a protection?*", the question is rather, "*is this appropriate and necessary in an the circumstances, based on the evidence and the application?*"

Onus and obligation should not be imposed on the Licence Holder.

Similarly it has long been a theme in Bristol that the child protection services submit, I would venture to suggest as standard, a request for challenge 25 to be introduced as a proof of age scheme. Many of our clients have accepted that condition not because it is a legitimate, appropriate, balanced or reasonable condition commensurate with the operation in question, but because they simply cannot afford to instruct solicitors to contest such a condition before a licensing committee.

This "policy", again risks falling into the fair categorisation of a nanny state request.

That some youngsters access alcohol in late night entertainment venues is, of course, beyond challenge. But does that mean that every single premises in the entire city that makes an application for a new licence or a variation needs to have a challenge 25 policy imposed upon it? With all due respect, such an approach appears to be hostile to business and hostile to licence applicants.

If the nature, type and style of the application fairly considered following submission and perhaps considering the history of the operation merits it, then of course one is respectful of the request. But it could not and should not be approached as blanket policy, as a number of these extensive (standard) conditions appear to be.

Culture

Part of the unique attraction of Bristol is that it has a thriving, interesting, independent and entrepreneurial air that is reflected in its people and its licence premises.

A generic standardised approach, seeking to manage away every conceivable risk, without fair regard to the individual circumstances of the individual matter, that homogenises and normalises ubiquity, does not fairly reflect the city and its culture. I would invite you to reflect on whether that is an approach that the authority could and/or should continue with across the next several years.

Yours sincerely

Matthew Phipps
Partner
Head of Licensing England and Wales
for TLT LLP
www.TLTsolicitors.com

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is **[Resident]**, my postcode is BS1 **XXX**

I am commenting as a worker and resident in Bristol

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards to operating hours and number of venues needs to be relaxed in the city centre area.

There are many reasons for this, I would like to have more options personally in terms of what is available, and I hear that from the customers I work with. In regards to opening hours, I think it's best to let the market self regulate opening hours, and let the council regulate how to operate within the opening hours.

Also speaking as a worker, the work provided by the night life industry is great for workers, as it allows many people to have flexible work that they can balance around their personal needs, many of my co workers work the occasional late night shift to help with saving towards houses and flats, it also provides flexibility to parents that would struggle to get that from your average job.

I believe relaxing the policy around opening hours and venue limits would indirectly benefit the Bristol economy as a whole, as the more people we can cater to; the more likely people are to view Bristol as a good destination, our customers are also providing business for the larger economy.

Best regards,

To Carl Knights,
Senior Licensing Officer, Bristol City Council

Dear Sir

My name is **[Resident]** and I live and work in central Bristol (my postcode is BS1 **XXX**)

I am commenting as I have been a General Manager of several bars, restaurants and nightclubs in central Bristol since 1999. I have seen the city change, develop and thrive in that time.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for all the areas mentioned, but specifically central Bristol, although Clifton and Gloucester Road are close to my heart and I have recently moved in closer proximity to Bedminster.

I know a lot of people who work in the industry and hence rely on this for their livelihoods.

Not only are we passionate about what we do, but we like to live and work in a safe and welcoming environment.

We work unsociable hours and like everyone else like to have places we can go to unwind, but find the choices limited by these hours.

In the twenty years I have been here, I have seen a number of venues open, change, close and it is testament to the uncertain times we live in. Many businesses rely on their opening hours for thier survival

Not only is it a shame that certain venues have gone by the wayside, but it limits the choice and diversity of this city.

I also believe that fewer venues will lead to more people being crammed in to venues which increses flashpoints for anti social behaviour.

for us in the trade it would be great to have a variety of venues and times to choose from to fit in with our lives which we do to serve the general public.

With Bristol being a cosmopolitan city, I think it only right that our nightlife diversity reflects this.

Regards

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is Eoin Fenton, my postcode is BS6 **XXX**.

I am writing to you as a concerned party on two fronts; One; as the Head of Marketing at Lakota Bristol,

Two; an avid fan of the nightlife industry in Bristol as a punter and DJ.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the areas of

Gloucester Road

City Centre

Bedminster

The reason for this is whilst Lakota is very fortunate to have a [~24 hour license](#) for music and bar sales, other venues are restricted in what they can do. With the eventual closure of Lakota, Blue Mountain and (hopefully **not**) Motion/Marble Factory, the city is in desperate need of relaxed licensing policies.

Bristol is a cultural hotspot with a vibrant cultural history for music and arts (from film, theatre, food and beyond). With the number of students being welcomed to this beautiful city I'm now proud to call home alongside an influx from elsewhere, the nightlife industry stands to better itself year on year. Areas such as Gloucester Road and the city centre come alive in the evening and night time 7 days a week for all manner of people, why should venues who hire within the local economy, bringing locals and visitors alike together spending in their establishments and elsewhere in the city - creating that coveted multiplier effect with choices on a night out, such as moving to different bars and clubs, using a taxi and getting food becoming the standard for those going out - be penalised with restricted opening hours, thus reducing their revenue and in turn their ability to survive what is an increasingly difficult economy to operate in? You are essentially in control of how successful Bristol's nightlife industry can become and by working together on this, we truly can implement change for the better.

Cheers,

Eoin Fenton

Head of Marketing
Lakota Bristol | Wide Eyes

Mobile:

FOR THE URGENT ATTENTION OF: Carl Knights, Senior Licensing Officer, Bristol City Council

As a member of the public and Bristol resident, worker and tax payer for 30 years and one who has contributed substantially to the city and the hospitality businesses within it during those years from a business and a personal perspective, I am writing to give you my views and feedback regarding the Cumulative Impact Policy Assessment Review with regard to premises licensing in Bristol.

I have found that the survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

Therefore, I am submitting my comments below as to why I feel that the that licensing policy regarding operating hours and number of venues permitted needs to be relaxed for at least the following areas in which I live, work and frequent, in particular:

Whiteladies Road

Clifton Village

Bedminster and Southville – North Street Area

Stoke Bishop, Westbury on Trym, Henleaze and Redland

City Centre/Park Street

The reason for this is, as I work and travel for work often during the day, often not downing tools until circa 9pm, I would like to be able to go out and eat, drink and socialise later at night without feeling rushed. I would also like a choice of venues to go to.

In addition, I have lived, worked and travelled extensively throughout Europe, especially in Spain and, as is possible there, I would like to have a choice of venues to attend later in the evening when I have finished my work. Also, as an international business consultant and marketer, I will often wish to entertain and extend hospitality to visiting clients and colleagues and, as I have been able to do in cities all over Europe for my long career (pan-European and global team or client meetings, conferences, team building etc). My European clients and colleagues often tell me how surprised they are at how early venues close in this city. and I often find it difficult to explain, especially when I will always try to sell the merits of Bristol as a venue for meetings and conferences over other European or British cities, many of which can often have more lenient and pragmatic approach to licensing and number of venues (after all, not all venues which open late are the same and they are certainly not all loud and troublesome. If they were, I wouldn't want to go to them yet there is certainly room for later opening venues who cater to a more professional, global crowd). I simply want sociable and safe places to go out in later on in the evening either with my friends and family and/or with corporate clients and business colleagues who are used to being able to do this where they come from.

It seems to me that, despite all the positive PR Bristol is currently receiving both nationally and internationally for our food, drink and hospitality trade, we are at risk of negatively impacting upon that reputation as well as missing several opportunities to sustain and grow Bristol's reputation as a city for doing business in, and revenue opportunities for business people who would be out and about as well as the venues which could be trading and who won't get the chance. I never have and don't want to have to go to the same venue all the time, and neither will my corporate clients and business colleagues. I also don't want to be restricted to having to go to the parts of town and venues that I would never normally frequent or don't feel safe going to simply because I want to have a place to go later on in the evening. My choice is to simply go home but this

means a loss of revenue to the city and a loss of credibility with my corporate clients and business colleagues for persuading them to visit a city that's not really open for business. If you wish to discuss or have any questions at all, please don't hesitate to ask.

yours sincerely

[Resident]

To Carl Knights, Senior Licensing Officer, Bristol City Council

My name is Glen Dawkins of **XXXX**

I am commenting as a local business owner and premises license holder with multiple venues in Bristol.

The survey on your website for the consultation on licensing policy is extremely hard to complete with huge numbers of pages of policy to read through.

I would like to submit my comments that licensing policy in regards operating hours and number of venues needs to be relaxed for the area of or areas of:

Whiteladies Road
City Centre
Clifton Village

The reason for this is:-

- Consumers would like to be able to go out and eat, drink and socialise later at night.
- People of a certain age don't necessarily want to go to rave music venues. If there were bars and restaurants open later that would be ideal.
- Bristol benefits hugely from the night time economy – I don't understand why the council don't support the venue owners.

Habits have changed, people are going out later and there is less choice of venues these days. Venues need to stay open later in order for to survive. Bristol is a 24 hour city, our venues need to be able to operate in a safe way but with extended operating hours.

It would be great to have a choice of venues rather than a very low number being open at certain times.

Best regards,

Glen Dawkins

Dawkins Ales

www.dawkinsales.com

Licensing Policy Review – comments from City Centre Development perspective

In common with many other city centres across the UK, Bristol City Centre needs to adapt to rapid changes being experienced in the retail and leisure sectors. Whilst there is a decline in the demand for retail space, there is a growing demand for entertainment and leisure spaces as people demand experiences.

The Shape of Retail – Assessing the role of physical space in the UK Retail industry states *‘Based on current market forecasts, Retail Economics estimates that there is overcapacity of between 15-20% of retail space for multiple retailers in the UK, and the subsequent adjustment in the industry will occur over the next 10 years to reach a steady state.The rise of independent retailers and an explosion of entertainment services and leisure outlets will be most notable over the next decade.’*

Our current Cumulative Impact 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.’*

Given changes in the market, a restrictive approach is likely to lead to an increasing retail property vacancy rate, which will inevitably impact both the day and night time economies. At July 2019, the City Centre currently had a vacancy rate of 9.5%, the Bristol Shopping Quarter was 11.9%, compared to a national rate of 10.3%.

Major regeneration plans are due to come forward shortly for large parts of Bristol Shopping Quarter focused on Callowhill Court (part of Broadmead), The Galleries and St Mary le Port. A greater mix of uses will be sought, including evening and night time uses. Crime and safety within the area are currently a concern due to a lack of activity and natural surveillance after dark.

Areas outside of the Bristol Shopping Quarter, including Park Street/Queen’s Road, Old City, Old Market, Stokes Croft, Christmas Steps/Colston Street and Harbourside need to have a mix of uses across the day and night time economies. License

applications for these areas should be considered on a case by case basis in order to take into account issues such as local crime and safety, needs, market trends, establishment type and management.

If Bristol City Centre is to be economically and culturally vibrant, inclusive and sustainable in the future, it is vital that day and night time uses are supported to meet the needs of a growing resident population and provide an experience visitors want to return to.

We would like to work with you to develop a policy which reflects the different needs of the various parts of the City Centre.

Jason Thorne, Senior Project Manager – City Centre Development,

Licensing Policy Review – comments from Economic Development perspective on High Streets

There is an ever increasing body of evidence clearly pointing to the fact that high streets are changing and can no longer predominantly rely on retail activity to survive as effective community hubs.

In its response to the House of Commons Housing, Communities and Local Government Committee's report High Streets and Town Centres in 2030 (published in February 2019), the UK Government recognised that "high streets and town centres will need to respond to how people want to use them"; agreed that "community must be at the heart of all high streets and town centres"; and acknowledged that people "increasingly prize experiences and leisure opportunities over simply purchasing goods".

While there is in theory an element of flexibility within the Cumulative Impact Assessment (CIA) regime in Bristol, in practice it is often too strictly applied, and as such is not taking into full account the changing nature of those major high streets and centres beyond the city centre – Gloucester Road, Whiteladies Road, Clifton, and Bedminster & Southville – where CIAs are currently in place, the habits of those who use/frequent them (both local and visitors from further afield), and their long term prospects as attractive places to fully enjoy, day or night.

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 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."

License applications should be considered on a case by case basis in order to take into account issues such as local crime and safety, needs, market trends, establishment type and management.

If Bristol's high streets are to be economically and culturally vibrant, inclusive and sustainable in the future, it is vital that day and night time uses are supported to meet the needs of residents and provide an experience people want to return to.

We would like to work with you to develop a policy which reflects the different needs of our high streets.

Declan Murphy, Town & District Centres Liaison Officer – Economic Development,

Hi Carl,

BARBIE have gone through the survey and our comments regarding it are below. If you need anything further from us on this matter then please let me know.

Having read through the draft of the new licensing policy I have the following comments, labelled by relevant section.

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.

When we arrived for the consultation session, we found that we had been assigned an extremely small meeting room, suggesting that they expected very few people would come. This suggests an intentional lack of effort was put into notifying relevant parties.

This section states that the policy must be reviewed and a new statement made every five years. As discussed in the consultation, five years is too long of a period and the city changes significantly over that time. For example, the current CIAs were implemented in 2015. They have now gone far beyond their original intent and are now simply negatively impacting businesses.

2.3 This section used to contain this statement for clarity.

“The Council’s Scrutiny function plays a key role in keeping the policy under review and exercising statutory powers that enable scrutiny members to make recommendations to the full council.”

Why has this been removed?

2.6 From the draft:

“The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:

- The chief officer of police;**
- The Fire and Rescue Authority;**
- The Director of Public Health**
- each Local Health Board**
- 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;**
- such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.”**

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.

2.8 This section states that the council is able to go beyond minimum statutory requirements because “it has actively sought the views of all stakeholders on its proposals”. This is a statement written before the fact and is still unclear on what constitutes ‘actively seeking.’

Furthermore

Section 2.9 thanks those who responded referring to appendix A. Appendix A of the 2015 policy makes it clear that not enough effort was made to consult stakeholders. It lists only 37 people and only two of those are premises licence holders.

The reason so many stakeholders were not notified based on the current system was due to out of date addresses held in the council’s records. This clearly isn’t working so I would like to see new systems put in place to allow better future communication.

6.3.9 This section contains a note stating that it will likely change as a result of the consultation. I feel that at this stage amendments should already have been made. Section 6.3.6 states that the council will keep cumulative impact assessments under review. The fact that section 6.3, pertaining to cumulative impact areas, is almost word for word identical to the 2015 proposal suggests that either the assessments were either never reviewed, or that those reviews were completely ignored.

The descriptions and reasoning behind the current CIAs has literally not been altered at all despite two significant factors:

- 1. Each part of the city under a CIA has changed extensively in the last five years.**
- 2. The impact of late night entertainment in these areas has since been shown to be the cause of either; people returning late from the centre, or people drinking without regulation in private residences. This is something the council is aware of as evidenced by new measures being brought in to reduce or restrict student house parties.**

Due to a number of major changes over the recent years: closure of a number of large late night venues reducing the capacities of areas, changes in drinking habits of the public and also a reduction of crime in a number of the CIA's that are related to the night-time economy, we feel that there needs to be a relaxation of the times venues are restricted to trade from and also new licenses being granted, especially when a new venue is offering something different to an area.

We would also like to help if we can in assuring that BCC have the correct information from the premises licenses of venues that are members of BARBIE. If there is anything else that we can help with then please just ask.

Regards,
Andy Dodd

Chairman of BARBIE
Bristol Association of Restaurants, Bars & Independent Establishments

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