



Forest of Dean  
— DISTRICT COUNCIL —

# The Licensing Act 2003

Licensing Policy for period  
commencing January 2016

## CONTENTS

|  |    |
|--|----|
| 1. INTRODUCTION.....                       | 1  |
| 2. THE LICENSING ACT 2003.....             | 2  |
| 3. THE LICENSING POLICY OBJECTIVES .....   | 7  |
| 3.1 PREVENTION OF CRIME AND DISORDER.....  | 7  |
| 3.2 PUBLIC SAFETY .....                    | 8  |
| 3.3 PREVENTION OF PUBLIC NUISANCE .....    | 9  |
| 3.4 PROTECTION OF CHILDREN FROM HARM ..... | 10 |
| 4. CUMULATIVE IMPACT .....                 | 13 |
| 5. LICENSING HOURS.....                    | 14 |
| 6. THE LICENSING PROCESS .....             | 15 |
| 7. ENFORCEMENT AND COMPLAINTS.....         | 17 |
| 8 FURTHER INFORMATION.....                 | 19 |
| APPENDIX A – DELEGATION OF FUNCTIONS.....  | 20 |
| APPENDIX B - CONTACT DETAILS               | 21 |

## **1. INTRODUCTION**

- 1.1 The Forest of Dean is one of the most distinctive parts of the UK, distinct geographically, topographically, culturally and historically. These characteristics create the area's primary appeal as a destination for tourism.
- 1.2 The area has a unique history of mining, quarrying and forestry. The area's relative remoteness has helped maintain a strong local sense of place and community. There remains a very strong tradition of sporting and cultural activities including rugby, football, cricket, brass bands and working men's clubs.
- 1.3 The Forest of Dean District Council is one of Six District Councils, plus the County Council authority, which comprise the County of Gloucestershire. It covers an area of 52,666 hectares and includes the main towns of Coleford, Cinderford, Lydney and Newent. The majority of its 80,000 population are found in and around these towns.
- 1.4 The main concentration of premises in the district providing regulated entertainment and/or the sale of alcohol can be found in the towns. There are two existing cinemas, and a few late opening 'nightclubs'. All the main towns are also well served with late night refreshment premises.
- 1.5 There are many rural public houses in the district that provide a focal point for community life. In other cases this focal point may be provided by small stores and shops that sell alcohol.
- 1.6 This policy seeks to support this heritage by providing opportunity for licensed premises to develop, without prejudice to residents and visitors who wish to enjoy the peace and tranquillity associated with the Forest.

## **2. THE LICENSING ACT 2003**

2.1 The Forest of Dean District Council is responsible for the licensing of 'licensable activities'. The licensable activities that are required to be licensed are:-

- The retail sale of alcohol (including via the internet or mail order);
- The wholesale of alcohol to members of the public;
- The supply of alcohol to members of registered clubs;
- The provision of regulated entertainment in the presence of an audience including the performance of a play; film exhibitions; indoor sporting events; boxing or wrestling events (indoor and outdoor); performing live music and playing recorded music (except incidental music); dance performances and entertainment of similar descriptions; unless exempt under the Live Music Act 2012
- The supply of hot food or hot drink between 11.00 pm and 5.00 am ('late night refreshments').

2.2 The Licensing Act 2003 imposes a duty on the Council to produce, develop and review a Licensing Policy that sets out the policies that the Council will generally apply to achieve the licensing objectives when making decisions under the Act. The Council will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Licensing Act 2003, which are: -

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

2.3 Each objective is of equal importance. The four objectives are detailed later in this Policy. These objectives are the only matters to be taken into account in determining an application. Where a representation is received the Council may consider attaching conditions to licences to promote the policy objectives as appropriate.

2.4 This Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and Guidance issued by the Secretary of State under Section 182 of the Act. There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities.

- 2.5 The Council will continue working in partnership to discharge its responsibilities identified by other Government and local strategies and initiatives, so far as they impact on the objectives of the Licensing Act. The Council has worked with the Police and CDRP to obtain Designated Public Place Orders. (Ultimately these orders will be replaced by Public Space Protection Orders, contained in the Anti-Social Behaviour Crime and Policing Act 2014. These will combat antisocial behaviour related to the consumption of alcohol. Where large events are planned the Council will initiate Safety Advisory Groups to ensure that there is no adverse impact on Public Safety.
- 2.6 The Policy was reviewed in July 2015 and will take effect on 7th January 2016 and will remain in force for a period of five years.
- 2.7 In addition, the Council will consider applications with reference to other adopted Council policies, including the:
- Community Safety Partnership Strategic Assessment – [http://www.fdean.gov.uk/nqcontent.cfm?a\\_id=6799](http://www.fdean.gov.uk/nqcontent.cfm?a_id=6799)
  - Enforcement Concordat and Enforcement Policy [http://www.fdean.gov.uk/nqcontent.cfm?a\\_id=7004&tt=graphic](http://www.fdean.gov.uk/nqcontent.cfm?a_id=7004&tt=graphic)
  - Core Strategy – [http://www.fdean.gov.uk/nqcontent.cfm?a\\_id=6478&tt=graphic](http://www.fdean.gov.uk/nqcontent.cfm?a_id=6478&tt=graphic)
  - Single Equality Scheme [http://www.fdean.gov.uk/nqcontent.cfm?a\\_id=6549&tt=graphic](http://www.fdean.gov.uk/nqcontent.cfm?a_id=6549&tt=graphic)
  - Local Transport Plan
- 2.8 The Licensing Committee may receive, from time to time, reports on the needs of the local tourist economy, and cultural strategy and may keep themselves apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- 2.9 In undertaking its licensing function, the licensing authority shall have regard to other legislation however the Licensing Act will not be used as an enforcement tool for breaches of other statutes. Enforcement of such matters will be undertaken by the relevant enforcement agencies.
- 2.10 Where representations are received from a relevant authority the Council will take account of any non-compliance of other statutory requirements brought to its attention where these undermine the licensing objectives set out at paragraph 2.2.
- 2.11 The Council's Planning Policies are set out in its Core Strategy. Government guidance in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG) are also relevant.
- 2.12 The Council has separate planning and licensing regimes to avoid duplication and inefficiency. Licensing applications will not, therefore, be a re-run of the planning application. There is no legal basis for the Licensing Authority to

refuse a licence application because the premises do not have planning permission. As appropriate, the Licensing and Planning Committees will be kept informed of the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

2.13 Building Regulations govern a variety of issues, which will directly contribute to the licensing objective, including means of escape, structural integrity, accessibility and public safety.

2.14 The Council will not normally entertain an application for a licence or variation of a licence where a building control representation has been made unless the applicant can demonstrate that the matter does not relate to any concerns in respect of public safety.

2.15 The Human Rights Act 1998 incorporated the European Convention on Human Rights and makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions in determining licence applications:

- Article 1 – of the First Protocol that every person is entitled to a peaceful enjoyment of his or her possessions
- Article 6 - In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 – That everyone has the right to respect for his home and family life

2.16 In determining licensing applications due regard will be given to ensure that the Council's functions and policies are fair, non discriminatory and compliant with equality legislation and regulations. In particular the Council will endeavour to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

2.17 There are a number of groups who have an interest in the licensing of premises under the Licensing Act 2003, including the licensed trade, customers, residents and enforcing agencies. All these parties have views and concerns that require consideration as part of the consultation process. The consultation will be made available by post and on the Council's website, comments will be accepted over a 8 week period. The Council will consult with Gloucestershire Police; Gloucestershire Fire and Rescue Service; bodies representing local holders of personal licences, premises licences and club premises certificates; local businesses and residents in the District. In addition, the Council may also consult with other local bodies regional or national, and agencies as appropriate.

- 2.18 The objective of the licensing process is for a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that ensures public safety but is not to the detriment of residents and does not give rise to the loss of amenity. The Council's aim is to facilitate well managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. To this end, terms and conditions attached to the various permissions granted under the Act will be focused on matters within the control of the individual licensees and others granted relevant permissions. The Council will always seek to ensure that conditions are necessary, proportionate and reasonable and will avoid the use of any conditions, which duplicate other legal requirements that apply to an employer or operator of premises.
- 2.19 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. As a matter of policy, however, the Council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises.
- 2.20 Every application received by the Council will be considered on its own merits. The Council will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by these activities. The views of vocal minorities, although taken into consideration, will not usually predominate over the general interests of the community. Where it is necessary to depart from the guidance, in this policy at any time, the Council will give clear and sound reasons for doing so. The Council expects that any conditions that are necessary will, in the first place, be identifiable from prospective licensees or certificate holders' risk assessments. Applicants will have to translate their assessments into measures, which promote one or more of the licensing objectives and record them in their operating schedule. The Council encourages prospective applicants to seek advice to minimise disputes and the need for hearings by consulting with all responsible authorities when operating schedules are being prepared.
- 2.21 The Council will work in partnership with other local authorities, particularly in Gloucestershire, to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities.
- 2.22 The Council will actively encourage a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant communities. The Council subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti-social activities that damage local communities. The potential for limited disturbance

in neighbourhoods will always be balanced with these wider benefits and so the Council will endeavour to positively encourage all venues to offer entertainment as far as possible. In determining what conditions should be attached to licences as a matter of necessity for the promotion of licensing objectives, the Council will be aware of the need to avoid measures that deter live music, dancing and theatre by imposing indirect costs of a substantial nature through conditions.

2.23 The Council may consider seeking Premises Licences for public spaces in the community in its own name. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the Premises Licence Holder. The Council intends to use this method of licensing to encourage a broad range of entertainment to the local communities. Any charges related to this permission will be reasonable and proportionate. The Council will also monitor the impact of licensing on regulated entertainment to ensure that only necessary, proportionate and reasonable licensing conditions are imposed on such events. Where there is an indication that licensing requirements are deterring such events, the Council will re-visit the Licensing Policy and endeavour to reverse these effects.

2.24 **Temporary Event Notices** are a simple way of organising events for up to 499 people (including the entertainers and staff on site). Applications must be made a minimum of 10 working days before the event. This 10-day period does not include the day of receipt or the day of the event. Only the Police can object to a TEN and then only on the grounds of crime or disorder. You can also apply for a 'Late TEN' The Council recommends that organisers apply well in advance so that other interested parties such as Environmental Protection Officer Health and Safety Team or the Highways Department, can give advice. Applications where 10 working days notice have not been given will be treated as a Late TEN, for those not giving at least 5 days notice will be returned as invalid Applications incorrectly completed may be returned as invalid where the officers cannot obtain the necessary information from the applicant. A TEN can last for up to 168hrs (7days).

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

## 2.26 **Live Music Act 2012**

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



It removes the Local Authority licensing requirements for:

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

### **3. THE LICENSING POLICY OBJECTIVES**

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

#### **3.1 PREVENTION OF CRIME AND DISORDER**

- 3.1.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment can sometimes be a source of crime and disorder problems.
- 3.1.2 The Forest of Dean District Council will expect applicants to submit Operating Schedules to outline how they will exercise suitable control over licensable activities to prevent crime and disorder taking place on their premises.
- 3.1.3 Applicants are recommended to seek advice from the Council's Licensing Officers and Gloucestershire Police. In addition, when planning and preparing Operating Schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.
- 3.1.4 In addition to the requirements for the Forest of Dean District Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1988 to do all it can to prevent crime and disorder in the District.
- 3.1.5 Applicants should include, where appropriate, information within their Operating Schedule as to their proposals, which are appropriate for the premises having regard to the following examples:

- the ability of the person in charge of the premises to monitor the premises at all times that it is open;
- the training given to staff regarding crime prevention measures for the premises;
- physical security features installed in the premises (e.g. position of cash registers, CCTV, toughened drinking glasses etc.);
- management attitudes (e.g. responsible pricing promotions, willingness to stagger trading and willingness to limit sales of bottles or canned alcohol for immediate consumption);
- any other measure which may be appropriate;
- the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- the likelihood of any violence, public order or policing problems if the licence is granted.

3.1.6 Applicants for regulated entertainment and premises serving alcohol late at night should show that they can comply with the Home Office Guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Forest of Dean District Council and Gloucestershire Police on the handling of illegal drugs found on their premises.

## **3.2 PUBLIC SAFETY**

3.2.1 The Licensing Act 2003 covers a wide range of premises that require licensing including cinemas, nightclubs, public houses, village and community halls schools, cafes, restaurants and fast food outlets/takeaways. Each of these types of premises present a mixture of risks, some of which may be common to most premises whilst others will be unique to specific operations. In all cases, the applicant should undertake a risk assessment which should be used by them to determine what public safety measures are necessary given the nature and style of the venue.

3.2.2 The Forest of Dean District Council will expect Operating Schedules to satisfactorily address public safety issues. Applicants are encouraged to seek advice from the Council's Licensing Officers and the Fire Safety Section of Gloucestershire Fire and Rescue Service. Further advice can be found in the Secretary of State's Guidance [www.culture.gov.uk](http://www.culture.gov.uk).

3.2.3 Where an inspection is required for premises the Council's Licensing Officers will try where possible to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers, as appropriate.

3.2.4 Safe occupancy capacities will only be imposed on relevant premises where applicants' risk assessments and / or advice from the fire and rescue service show them to be necessary in the interests of public safety. On occasion the council may act on police advice and use such a condition where overcrowding has raised concerns about the risk of disorder.

### **3.3 PREVENTION OF PUBLIC NUISANCE**

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

3.3.2 The Forest of Dean District Council wishes to protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises.

3.3.3 In addition, the Council is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. The Council will work together with all interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.

3.3.4 When considering all licence applications, the Council will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. In particular the Forest of Dean District Council will consider the action, which is appropriate for the premises that the applicant(s) has taken or is proposing with regard to the following:

- prevention of noise and vibration escaping from the premises, including music, , and human voices. Such measures may include the installation of soundproofing, acoustic lobbies and sound limitation devices;
- preventing disturbance by customers arriving at or leaving the premises, particularly between 11.00 pm and 7.00 am;
- preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
- ensuring staff leave the premises quietly;
- arrangements for parking by patrons and staff, and the effect of the parking on local residents;
- provision for public transport (including taxis and private hire vehicles) for patrons;
- whether licensed taxis or private hire vehicles are likely to disturb local residents;
- whether routes to and from the premises on foot, by car or other services pass residential premises;
- the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- the use of gardens and other open-air areas;
- the location of external lighting, including security lighting that is installed inappropriately;
- other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;

- preventing the consumption or supply of illegal drugs, including search procedures;
- whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
- the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

3.3.5 The Forest of Dean District Council is keen to stress, however, that as well as the licensing function there are other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. These include:

- planning controls;
- powers to designate parts of the District as places where alcohol may not be consumed publicly and the confiscation of alcohol in these areas;
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- police enforcement of the law with regard to disorder and anti-social behaviour;
- the power of the police, local business or resident to request a review of the licence;
- enforcement action against those selling alcohol to people who are already drunk.

### **3.4 PROTECTION OF CHILDREN FROM HARM**

3.4.1 The Forest of Dean District Council recognises that there are a range of activities for which licences may be sought and that children can be expected to visit premises, often on their own, for food and / or other entertainment. The Licensing Act 2003 only prohibits unaccompanied children (persons aged under 16) from visiting certain licensed premises. The Council recognises that locally, limitations may have to be imposed where it is considered necessary for the prevention of physical, moral, or psychological harm. Concerns may be raised about particular premises where:

- current members of staff have convictions for serving alcohol to minors or the premises are associated with underage drinking
- there is a known association with drug taking or dealing
- there is a strong element of gambling on the premises but not merely the presence of a small number of cash prize gaming machines
- entertainment or services of an adult nature or sexual nature are commonly provided
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- where there is a presumption that children under 18 should not be

allowed (e.g. to nightclubs, except when under 18 discos are being held).

3.4.2 When deciding whether or not to limit the access of children to premises the Council will judge each application on its own merits. To assist with this the Council will consult with Gloucestershire Police and other agencies as appropriate including the Area Child Protection Committee. Where concerns have been identified in respect of individual premises and it is felt that access to the premises by children should be restricted, the options available would include:

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

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

3.4.4 Where no conditions or restrictions are imposed, the issue of access for children remains a matter for the discretion of individual licensees or clubs or person who has given a temporary event notice. The Act does not impose any restrictions on individual applicants volunteering prohibitions or restrictions in their operating schedules because their own risk assessments have shown that the presence of children is undesirable or inappropriate. In the absence of any relevant representations the volunteered prohibitions or restrictions would become conditions of the licence or certificate.

3.4.5 The Act details a number of offences that are designed to protect children in licensed premises and the council will work closely with the Police and Trading Standards Services to ensure appropriate and effective enforcement, particularly in relation to the sale and supply of alcohol to children.

3.4.6 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children with certain age ranges. In order to prevent children from seeing such films, the council will impose conditions requiring licensees to restrict children from viewing age restricted films classified by the British Board of Film Classification.

3.4.7 In considering applications, the Council will take into account any evidence that age restrictions for film exhibitions are not being properly observed.

3.4.8 Many children attend or take part in an entertainment arranged especially for them, for example children's film shows, dance and drama or school productions. In these cases additional arrangements to safeguard them should be considered.

3.4.9 In considering applications, the Council suggest that the following matters, that assist in protecting children from harm be considered when producing in the operating schedule for the premises:

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

## **4. CUMULATIVE IMPACT**

4.1 The Forest of Dean District Council recognises that the cumulative impact of a number of premises open late at night for regulated entertainment, late night refreshment or supply of alcohol in some areas may result in an increase of people, either walking through, or congregating in streets during the night. This may, in turn, have a number of undesirable consequences, for example;

- an increase in crime against property and/or person;
- an increase in noise causing disturbance to residents;
- traffic congestion and/or parking problems;
- littering and fouling.

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

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

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

## 5. LICENSING HOURS

- 5.1 The Forest of Dean District Council recognises the variety of premises for which licences will be sought and that fixed early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time.
- 5.2 Generally the Council will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.
- 5.3 The Council will have a flexible approach to opening hours and will generally deal with the issue of licensing hours having due regard to the individual merits of each application. The Council will take into account requests for closing hours in the light of the:
- environmental quality;
  - residential amenity;
  - character or function of a particular area; and
  - nature of the proposed activities to be provided at the premises.

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



## **6. THE LICENSING PROCESS**

- 6.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 6.2 The Forest of Dean District Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 6.3 In addition, it is expected that many of the decisions and functions will be largely administrative with no perceived areas of contention and, in the interests of efficiency and effectiveness these are delegated to Officers. Attached at Appendix A to this Licensing Policy is a Table of Delegated Functions setting out the agreed delegation of decisions and functions to the Forest of Dean District Council's Licensing Committee, and Officers. These delegations are without prejudice to Officers referring an application to the Licensing Committee if considered appropriate in the circumstances of the case.
- 6.4 The Council will expect all individual applicants to address the licensing objectives in their Operating Schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 6.5 Applicants will need to be aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime and disorder strategies and to take account of these, where appropriate, when formulating their Operating Schedule.
- 6.6 Any decision in relation to licensing applications will be entirely separate from any decision in relation to planning. The Council also recognises the need to avoid, so far as possible, duplication with other regulatory areas.
- 6.7 Some regulations do not cover the unique circumstances of some entertainment. The Council will consider attaching Conditions to premises licences and club premises certificates where these are necessary to promote the licensing objectives and are not already provided for in any other legislation.
- 6.8 The Licensing Authority cannot impose blanket standard conditions. Therefore conditions imposed on licences will be tailored to the individual style and characteristics of the premises and events concerned. Conditions will normally be drawn from the pool of model conditions, as contained in the Secretary of State's Guidance, although the list is not exclusive and may be varied from time to time as considered necessary to meet the circumstances of the proposed activities. It must be stressed that the conditions are a pool from which to choose appropriate ones to suit the specific needs of an individual premises operation, conditions not listed in the pool may be specifically tailored by the Council and attached to licenses as appropriate.

- 6.9 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's risk assessment, which should be undertaken by applicants before making their application. This normally would be translated into the steps recorded in the operating schedule that is proposed to promote the licensing objectives. Where the responsible authorities and interested parties do not raise any representations about the application, the licence will be granted subjected only to conditions that are consistent within the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 6.10 The Licensing Authority may not, therefore, impose any conditions unless its discretion has been engaged following the making of representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations made. The Authority will take this policy into account when considering any licensing application or review of a licence.
- 6.11 The Council will issue and make readily available, guidance notes on the various procedures it requires for making applications for licences and will, from time to time, review such guidance.

## **7. ENFORCEMENT AND COMPLAINTS**

- 7.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Forest of Dean District Council will monitor premises and take any appropriate enforcement action to ensure compliance.
- 7.2 All decisions and enforcement actions taken by the Forest of Dean District Council will be in accordance with the Council's Enforcement Policy, and the principles of consistency, transparency and proportionality. The Policy is available on the Council's web-site.
- 7.3 The Council will continue to employ enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with, and will seek to work actively with Gloucestershire Police in enforcing licensing legislation within the terms of an established enforcement protocol.
- 7.4 The Council will investigate complaints against licensed premises of any description. In the first instance, however, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.
- 7.5 Where an interested party (such as a local resident, or a resident's association) has made a valid representation about licensed premises or a valid application for a licence to be reviewed, then the Council will arrange a meeting between all parties concerned, to address, clarify and try to resolve the issues of concern.
- 7.6 This process will not override the right of any interested party to ask the Council's Licensing Committee to consider their valid objections, or for any Licence holder to decline to participate in a mediation meeting.

## **8. LICENCE REVIEWS**

- 8.1 Only responsible authorities and interested parties (i.e. local residents, local organisations and councillors) can apply for the review of a licence, the licensing authority itself cannot initiate the review process. The authorities role will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 8.2 Where the Licensing authority is satisfied that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence, even in the first instance, will be seriously considered.

## **9. FURTHER INFORMATION**

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

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

Telephone No: 01594 810000  
Email: [Licensing@fdean.gcsx.gov.uk](mailto:Licensing@fdean.gcsx.gov.uk)

### **FOR INFORMATION CONCERNING MATTERS RELATING TO PROBITY IN LICENSING AND THE LICENSING COMMITTEE – PLEASE CONTACT:**

Mrs. Claire Hughes  
Monitoring Officer  
Forest of Dean District Council  
Council Offices  
High Street  
Coleford, Glos. GL16 8HG

Telephone No: [01594 812515](tel:01594812515)  
Email: [claire.hughes@fdean.gcsx.gov.uk](mailto:claire.hughes@fdean.gcsx.gov.uk)

WEBSITE: [www.fdean.gov.uk](http://www.fdean.gov.uk)

## APPENDIX A – DELEGATION OF FUNCTIONS

| <b><u>Matter to be dealt with</u></b>   | <b>Licensing Committee</b>                              | <b>Officers</b>                       |
|---|---|---------------------------------------|
| Application for personal licence  | If Police Objection or unspent conviction               | If no objection is made               |
| Application for premises licence/club premises certificate  | If a relevant representation is made                    | If no relevant representation is made |
| Application for provisional statement   | If a relevant representation is made                    | If no relevant representation is made |
| Application to vary premises licence/club premises certificate  | If a relevant representation is made                    | If no relevant representation is made |
| Application to vary designated premises supervisor  | If a police objection is received                       | All other cases                       |
| Request to be removed as designated premises supervisor   |   | All cases                             |
| Application for transfer of premises licence  | If a police objection is received                       | All other cases                       |
| Application for interim authority   | If police objection is received                         | All other cases                       |
| Application to review premises licence/club premises certificate  | All cases   |                                       |
| Decision on whether a complaint is irrelevant, frivolous, vexatious etc   |   | All cases                             |
| Decision to object when Local Authority is a consultee and not the relevant authority considering the application |   | All cases                             |
| Determination of a police objection to a temporary event notice   | All cases   |                                       |
| Temporary Event Notice and Late Temporary Event Notice  | If police or environmental health objection is received | All other cases                       |

## APPENDIX B- CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

|   |  |   |
|---|--|---|
| 1 | <b>Planning Department</b>                             | Planning Services, Forest of Dean District Council, High Street, Coleford, Glos. GL16 8HG<br><b>Telephone:</b> 01594 812312<br><b>Email:</b> <a href="mailto:council@fdean.gov.uk">council@fdean.gov.uk</a>   |
| 2 | <b>Environmental Pollution</b>                         | Environmental Protection, Environmental Health, Forest of Dean District Council, High Street, Coleford, Glos. GL16 8HG<br><b>Telephone:</b> 01594 812442<br><b>Email:</b> <a href="mailto:environmental.health@fdean.gov.uk">environmental.health@fdean.gov.uk</a>                          |
| 3 | <b>Health &amp; Safety</b>                             | Food and Safety Team, Environmental Health, Forest of Dean District Council, High Street, Coleford, Glos. GL16 8HG<br><b>Telephone:</b> 01594 812418  |
| 4 | <b>Gloucestershire Constabulary</b>                    | The Licensing Unit, Community Engagement Department, Police Headquarters, No. 1 Waterwells, Quedgeley, Gloucester, GL2 2AN<br><b>Telephone:</b> 08450901234<br><b>Email:</b> <a href="mailto:Licensing@Gloucestershire.pnn.police.uk">Licensing@Gloucestershire.pnn.police.uk</a>           |
| 5 | <b>Gloucestershire Fire &amp; Rescue Service</b>       | Chief Fire Officer, Fire Service HQ, Waterwells Drive, Quedgeley, Gloucester. GL2 2AX<br><b>Telephone:</b> 01452 753333<br><b>Email:</b> <a href="mailto:fire@glosfire.gov.uk">fire@glosfire.gov.uk</a>   |
| 6 | <b>Trading Standards</b>                               | Gloucestershire County Council, Trading Standards, Hillfield House, Denmark Road, Gloucester. GL1 3LD<br><b>Telephone:</b> 01452 426201<br><b>Email:</b> <a href="mailto:tradstds@gloucestershire.gov.uk">tradstds@gloucestershire.gov.uk</a>   |
| 7 | <b>Gloucestershire Area Child Protection Committee</b> | Gloucester County Council Child Protection Team, Mr M Knowles, Social Services Department, Quayside Wing, Quayside House, Shire Hall, Gloucester. GL1 2RH<br><b>Telephone:</b> 01452 426321<br><b>Email:</b> <a href="mailto:gscb@gloucestershire.gov.uk#">gscb@gloucestershire.gov.uk#</a> |
| 8 | <b>Local Health Board/Primary Care Trust</b>           | Substance Misuse Co-ordinator, Public Health Gloucestershire County Council, Shire Hall, Westgate Street, Gloucester, GL1 2TG<br><b>Telephone:</b> 01452 328699<br><b>Email:</b> <a href="mailto:publichealth@gloucestershire.gov.uk">publichealth@gloucestershire.gov.uk</a>               |