

List of amendments to the Statement of Licensing Policy

Paragraph	Text removed or amended	Amended text (<i>amended text showed in bold italics</i>)
Contents page	C Model Operating Schedules D Maps of Cumulative Impact Areas – City Centre, Gloucester Road, Clifton, Whiteladies Road, Bedminster & Southville.	Removed
1.4	By way of example, where no relevant representations are made on an application for a premises authorisation, the Council may only attach conditions that are in line with the applicant’s operating schedule. Those conditions can only be modified where relevant representations are received and where the council deems it appropriate to modify them to promote the licensing objectives. The test of relevance includes that the representations are received within the time allowed by statute.	By way of example, where no relevant representations are made on an application for a premises authorisation, the Council may only attach <i>the mandatory conditions specified by the Act and</i> conditions that are <i>consistent</i> with the applicant’s operating schedule. <i>Operating schedule</i> conditions can only be modified where relevant representations are received and where the Council deems it appropriate to modify them to promote the licensing objectives. The test of relevance includes that the representations are received within the time allowed by statute.
1.12	Bristol is a major regional entertainment centre and regularly attracts in excess of 30,000 people into its city centre at weekends. The main entertainment areas are located within Harbourside, the Old City, Whiteladies Road and Gloucester Road. There are also local entertainment centres within areas such as Bedminster, Shirehampton and Westbury on Trym and there are many licensed premises situated in predominantly residential areas. A key issue for the Council is to achieve a balance that ensures the promotion of the licensing objectives across a variety of urban settings. Bristol has a rich mix of cultural diversity, epitomised by events such as the Bristol Harbour Festival, which is the largest free event in the South West and attracts over 250,000 visitors, St Pauls Carnival and Bristol Pride which all contribute to a vibrant leisure scene and night time economy. The Council is keen to promote the cultural life of Bristol and so licensing is approached with a view to encouraging forms of licensable activity consistent with the licensing objectives.	Bristol is a major regional entertainment centre and regularly attracts in excess of 30,000 people into its city centre at weekends. The main entertainment areas are located within the city centre, Stokes Croft, Southville and Gloucester Road. Bristol has a rich history of creative music. The underground Bristol music scene from the 1990s produced bands such as Massive Attack, Portishead and Tricky and through its approach to drum and bass and trip hop produced a unique and distinctive Bristol sound. Bristol’s cultural diversity plays a leading role in shaping the entertainment offer in the city and is showcased with the St Pauls Carnival which attracts around 100, 000 residents and visitors in a celebration of the city’s Afro Caribbean culture and its history.. The Bristol Harbour Festival, which is the largest free event in the South West and attracts over 250,000 visitors, points back to the city’s maritime history. Bristol Pride gives recognition to the LGBTQ community whilst South Bristol’s Upfest event celebrates the strong links in the city between music and graffiti art. <i>Bristol also has an impressive food scene which has won many accolades and awards in recent years. Food led venues have helped change the character and feel of a number or areas of the city and the Council recognises the importance of the food industry in the night time economy.</i> The Council is keen to promote the cultural life of Bristol and so licensing is approached with a view to encouraging forms of licensable activity consistent with the licensing objectives.
1.15	New paragraph	<i>This policy was approved by Bristol City Council on 7 July 2020 and came into effect on 1 August 2020.</i>
2.14	Most applications need to be supported by an operating schedule. The	Most applications need to be supported by an operating schedule. The schedule

schedule must specify (among other things) the steps the applicant proposes to promote each of the licensing objectives.

Uncontested applications

If no responsible authority or other person makes a relevant representation then, providing the application has been validly made and the applicant shows it has been advertised as required by law, the licensing authority must grant the application as set out in the operating schedule and the only conditions that can be imposed are the mandatory conditions under the Licensing Act 2003 and those conditions that are consistent with the operating schedule. The Act still requires that the Licensing Authority have regard to relevant policy and guidance and act with a view to promoting the four licensing objectives when it is dealing with uncontested applications, just as is the case where relevant representations are in play; but the Authority cannot, in the absence of relevant representations, exercise substantial discretion. The judgment of what conditions, consistent with the operating schedule, should be imposed on the authorisation falls to be made by duly authorised officers in such cases.

Apart from the mandatory conditions, which are standard conditions applying to all relevant applications and are to be found in the Act or in Ministerial Orders, there is no obligation under The Act to impose any conditions. In cases where no relevant representations are received the licensing authority has power to impose conditions but only ones that are consistent with the steps advanced in the operating schedule.

There is no legal obligation to impose a condition in respect of each and every step that may be contained in the operating schedule in such a case; there is simply a power to do so and that power must be exercised having regard to national guidance and local policy and acting with a view to promoting the four licensing objectives. That is:-

- only conditions that are consistent with the operating schedule may be imposed (but they do not have to be imposed);
- regard must be had to the Ministerial guidance and to local policy when deciding whether any conditions need to be imposed and if so what should be imposed;
- when considering these matters and making decisions the Authority must act with a view to promoting the Licensing objectives

must specify (among other things) the steps the applicant proposes to promote each of the licensing objectives.

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- only conditions that are consistent with the operating schedule may be imposed (but they do not have to be imposed);
- regard must be had to the Ministerial guidance and to local policy when deciding whether any conditions need to be imposed and if so what should be imposed;
- when considering these matters and making decisions the Authority must act with a view to promoting the Licensing objectives.

It is a matter for applicants to decide how to set out the steps they propose to take to promote the licensing objectives when they complete their operating schedules, providing they act in accordance with their statutory obligations and do not make any false or misleading statements.

In order for this policy to be effective it is especially important that applicants comply with their obligation to provide the information prescribed on the form. This can be particularly important when providing a description of the premises, when providing information to describe the activities applied for or when responding to questions intended to ensure the protection of children from harm.

For example, the Authority expects applicants to accurately describe the type of premises, their general situation and layout and any other information which could be relevant to the promotion of the licensing objectives. What is relevant will vary from case to case but the following can reasonably be expected to be relevant to the consideration and evaluation of the licensing objectives and to therefore form part of the prescribed information required to make a compliant application:

- any proposed use that is contrary to existing planning consents;
- where the planned operation of the premises changes through the proposed licensed period. For example some licensed premises provide a food led offer during the day and early evening before changing to a drink led offer during later hours
- the proximity of the premises to residential accommodation, schools etc
- any features that might pose special risks such as ornate suspended ceilings

Through this policy, the council aims to set out its minimum expectations of the steps it hopes will be advanced by applicants seeking authorisation for certain types of premises, locations and activities. The policy indicates the conditions that it would usually expect to be imposed by officers when they are in line with such steps and no relevant representations have been received.

Annexed to this policy are a number of appendixes that set out these policy expectations and summary reasons (in italics) why the conditions there referred to are generally considered to be ones that are appropriate for the promotion of the licensing objectives. More

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Separate from this policy the Council publishes a number of templates that applicants may wish to refer to when completing an application. They contain example conditions that may be relevant for particular types of premises for the promotion of the licensing objectives. It should be made clear that the individual templates are guides only and cannot cover all eventualities. Equally the

detailed reasons for many such conditions are contained in the main body of this policy.

Some applicants may offer steps beyond the ones usually expected through this policy. That is their right. It is for applicants to decide what steps to put forward in their operating schedule. However, it does not follow that, where no relevant representations have been received, the licensing authority must impose conditions to reflect all of the steps that have been advanced. In some cases to do so could result in onerous conditions being imposed on the licence. The delegated officer determining an application where there are no relevant representations does enjoy limited discretion about which conditions should be imposed that are in line with the steps advanced. The officer should only impose steps beyond what is generally anticipated under this policy when it is considered appropriate to do so having regard to the Secretary of State's guidance, to this policy and acting with a view to promoting the four licensing objectives.

The annexed minimum steps/ conditions have been developed in consultation with responsible authorities and have been subject to statutory consultation. This policy does not aim to tell applicants what steps they should advance (other than expecting adherence to the legal obligation on applicants laid down in and under the Act) and nor does it seek to control the content of any relevant representations that any person or body may choose to make. However it is hoped that the schedules will be of assistance to applicants and responsible authorities alike, when making applications or evaluating them, by making clear the minimum policy expectation of the Licensing Authority as to what will usually promote the licensing objectives.

It should be made clear that the individual model operating schedules cannot cover all eventualities. For example there may be premises that operate as a restaurant for most of the time but that cease serving food at some point during the night and then function as an alcohol led late night bar or entertainment venue. In such cases, under this policy, the minimum steps for each type of venue, taken together, would be relevant policy provisions to guide in the processing of applications. The appendixes will be kept under review and further developed in the light of experience of their operation.

conditions contained within them may not be appropriate for all applications. It is a matter for applicants to decide how to set out the steps they propose to take to promote the licensing objectives when they complete their operating schedules, providing they act in accordance with their statutory obligations and do not make any false or misleading statements.

In cases where no relevant representations have been received, the licensing authority does not have to impose conditions to reflect all of the steps that have been advanced by the applicant. In some cases to do so could result in onerous conditions being imposed on the licence. The delegated officer determining an application where there are no relevant representations has limited discretion about which conditions should be imposed that are in line with the steps advanced. The officer should only impose conditions when it is considered appropriate to do so having regard to the Secretary of State's guidance, to this policy and acting with a view to promoting the four licensing objectives.

The conditions contained within the templates have been developed in consultation with responsible authorities and have been subject to statutory consultation. This policy does not aim to tell applicants what steps they should advance (other than expecting adherence to the legal obligation on applicants laid down in and under the Act) and nor does it seek to control the content of any relevant representations that any person or body may choose to make. However it is hoped that the templates will be of assistance to applicants and responsible authorities alike, when making applications or evaluating them.

It should be made clear that the individual templates cannot cover all eventualities. For example there may be premises that operate as a restaurant for most of the time but that cease serving food at some point during the night and then function as an alcohol led late night bar or entertainment venue. In such cases applicants may wish to look at the templates for each type of venue, to guide their application. The appendixes will be kept under review and further developed as appropriate.

Contested applications

Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub committees. In Bristol it is usually a sub-committee that determines such applications and this

	<p><u>Contested applications</u></p> <p>Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub committees. In Bristol it is usually a sub-committee that determines such applications and this determination will usually take place at a hearing. The sub-committee in such cases has full discretion to take such steps that are set out in the Act as it considers appropriate to promote the licensing objectives. These steps may include modifying the conditions that are in line with those proposed in the operating schedule (see preceding paragraph) (or in the case of variations, on the existing authorisation) and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application.</p> <p>In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants should find it helpful to read this policy carefully and to understand what is expected by the licensing authority in order to promote the licensing objectives. As stated previously in this statement of policy, this does not mean an applicant has to apply in line with this policy. However it will enable applicants to decide if their prospective application might benefit from discussion with responsible authorities, for example to assuage any concerns that might otherwise result in relevant representations being made on the application.</p>	<p>determination will usually take place at a hearing. The sub-committee in such cases has full discretion to take such steps that are set out in the Act as it considers appropriate to promote the licensing objectives. These steps may include modifying the conditions that are in line with those proposed in the operating schedule (see preceding paragraph) (or in the case of variations, on the existing authorisation) and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application. <i>In the case of applications to vary existing licences the Council expects responsible authorities and relevant persons to limit representations to the detail of the application itself and tailor any proposed conditions accordingly.</i></p> <p>In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants should find it helpful to read this policy carefully and to understand what is expected by the licensing authority in order to promote the licensing objectives. As stated previously in this statement of policy, this does not mean an applicant has to apply in line with this policy. However it will enable applicants to decide if their prospective application might benefit from discussion with responsible authorities, for example to assuage any concerns that might otherwise result in relevant representations being made on the application.</p> <p><i>The Licensing Authority will ensure that all personal data is processed fairly and lawfully and only kept for as long as is necessary. It will also ensure that personal data is kept secure and not disclosed unlawfully to another party.</i></p> <p><i>Any conditions imposed on licences must be compliant and complied with under the General Data Protection Regulation rules.</i></p>
2.14	<p><u>Where relevant representations have been made and are not withdrawn or no agreement to dispense with a hearing is reached</u></p> <p>It does not follow that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be rejected. Where there have been relevant representations, the licensing authority will always consider the merits of the case, acting within the statutory constraints.</p> <p>Where a relevant representation refers to the absence of minimum expected steps as set out in this policy then in any hearing the applicant</p>	<p><u>Where relevant representations have been made and are not withdrawn or no agreement to dispense with a hearing is reached</u></p> <p>It does not follow that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be rejected. Where there have been relevant representations, the licensing authority will always consider the merits of the case, acting within the statutory constraints. Where a relevant representation refers to the absence of minimum expected steps as set out in this policy then in any hearing the applicant will be expected to rebut the policy presumption that the corresponding conditions should be imposed. In</p>

	<p>will be expected to rebut the policy presumption that the corresponding conditions should be imposed. In the absence of a clear case for an exception in the particular case the Authority intends the policy to be strictly applied in order to achieve the purpose for which the particular policy provision concerned has been made.</p> <p>Not all premises types and activities are covered in the annexed schedules and the following policy on the promotion of the four licensing objectives remains relevant:</p>	<p>the absence of a clear case for an exception in the particular case the Authority intends the policy to be strictly applied in order to achieve the purpose for which the particular policy provision concerned has been made.</p> <p>Not all premises types and activities are covered in the annexed schedules and the following policy on the promotion of the four licensing objectives remains relevant:</p>
2.15	New paragraph	<p><i>2.15 In determining applications the licensing sub-committee will have regard to other relevant local strategic plans and policies. The Council recognises the importance of securing the proper integration with all relevant local strategies introduced for the management of town centres and the night-time economy. Where applicants are able to demonstrate that their application fits with such strategies the sub-committee will recognise that this is a relevant consideration and attach the appropriate weight to this when reaching a determination.</i></p> <p><i>The Council's "Local Plan" which includes policies for deciding planning applications in Bristol can be found at:</i></p> <p>https://www.bristol.gov.uk/planning-and-building-regulations/local-plan</p> <p><i>The Bristol Better Eating Award which is an award for food businesses that sell healthier food options and promote sustainability can be found at:</i></p> <p>https://www.bristol.gov.uk/web/bristol-eating-better-award/home</p>
3.1.4	<p>The previous Government's Alcohol Strategy published in March 2012 recognised the issues arising from binge drinking. The strategy proposed, amongst other measures:</p> <ul style="list-style-type: none"> • To encourage greater use of existing powers to stop serving alcohol to people who have consumed too much. • Give more powers for Licensing Authorities to restrict opening and closing times through the use of Early Morning Restriction Orders (which came into force in October 2012). • Encourage local health bodies to share non confidential information with the police and to exercise their new powers as a Responsible Authority to make representations on licence applications and submit licence reviews. 	<p>The previous Government's Alcohol Strategy published in March 2012 recognised the issues arising from binge drinking. The strategy proposed, amongst other measures:</p> <ul style="list-style-type: none"> • To encourage greater use of existing powers to stop serving alcohol to people who have consumed too much. • Give more powers for Licensing Authorities to restrict opening and closing times through the use of Early Morning Restriction Orders (which came into force in October 2012). • Encourage local health bodies to share non confidential information with the police and to exercise their new powers as a Responsible Authority to make representations on licence applications and submit licence reviews. • Restrict the supply of cheap alcohol with the introduction of a minimum

	<ul style="list-style-type: none"> Restrict the supply of cheap alcohol with the introduction of a minimum unit price for alcohol. To work in partnership with business to drive down alcohol misuse and to encourage a culture of responsible drinking. 	<p>unit price for alcohol.</p> <ul style="list-style-type: none"> To work in partnership with business to drive down alcohol misuse and to encourage a culture of responsible drinking. <p><i>The Council will have regard to any future government alcohol strategy or similar plan.</i></p>
3.1.4	<ul style="list-style-type: none"> Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks 	<ul style="list-style-type: none"> Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. The Council will expect the premises licence holder to follow any guidance issued by the Home Office in this regard. The current Home Office guidance is available at: https://www.gov.uk/government/publications/false-id-guidance
3.2.3	<p>In considering what steps may be appropriate; applicants will be expected to have particular regard to:</p> <ul style="list-style-type: none"> The premises itself (are there for example any inherent hazards such as steps, open fires, use of shared areas, etc.). The neighbouring area (are there for example particular problems with crime and disorder, is it a primarily residential area etc.). 	<p>In considering what steps may be appropriate; applicants will be expected to have particular regard to:</p> <ul style="list-style-type: none"> The premises itself (are there for example any inherent hazards such as steps, open fires, use of shared areas, etc.). The neighbouring area (are there for example particular problems with crime and disorder, is it a primarily residential area, <i>is there a water frontage</i> etc.).
3.3	<p>Prevention of Public Nuisance</p> <p>“A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property,..... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”(Archbold)</p> <p>In the House of Lords case of Rimmington, Lord Rodger said:</p> <p>“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.”</p>	<p>Prevention of Public Nuisance</p> <p>“A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property,..... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”(Archbold)</p> <p>In the House of Lords case of Rimmington, Lord Rodger said:</p> <p>“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.”</p> <p><i>Private nuisance is not a licensing objective. With regard to applications it is public nuisance that must be demonstrated and any conditions imposed on licences must relate to the prevention of public nuisance rather than private nuisance.</i></p>
3.3.4	<p><i>(Existing 3.3.4 text to remain with addition of a “Noise – General” section)</i></p>	<p>Noise – General</p> <p><i>When undertaking a review for any premises the Council will consider if</i></p>

		<p><i>alterations to the operation of the premises have occurred that have brought forward complaints from local residents. If, it is apparent, that it is the local neighbourhood has changed and it is not the operating of the premises that has changed, then this will inform the Council’s determination.</i></p> <p><i>On review the Council will consider if improvements can be made to the internal fabric of the building or systems be imposed for ingress and egress of customers. If such actions can prevent public nuisance occurring then these steps would take precedence over the restriction of operating times or licensable activities as it is recognised that such restrictions could have catastrophic effects on the continued existence of the venue. The Council also recognises that premises licence holders have a duty to uphold the licensing objectives. Where issues are raised with premises licence holders prior to a review application being submitted the Council expects that proactive action should be taken by the premises licence holder to ensure any issues are resolved.</i></p>
3.3.4	<p>“...Litter</p> <p>Steps taken or proposed to be taken to prevent public nuisance from customers depositing litter without due care in the vicinity of the premises. Measures may include the:</p> <ul style="list-style-type: none"> ● Provision and regular emptying of litter bins. ● Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate. ● Regular monitoring and cleaning of areas. ● Reduction in the amount of packaging passed on to customers. ● Provision of posters asking customers not to drop litter.” 	<p>Litter</p> <p><i>Steps taken or proposed to be taken to prevent public nuisance from customers depositing litter without due care in the vicinity of the premises. Measures may include the:</i></p> <ul style="list-style-type: none"> ● <i>Provision and regular emptying of litter bins.</i> ● <i>Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate. Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate. However licence holders are encouraged to ensure that where possible smoking is discouraged by the entrance to the premises to avoid the need for other customers to inhale second hand smoke. The licensing authority recognises however that in some cases no other suitable location may be available.</i> ● <i>Regular monitoring and cleaning of areas.</i> ● <i>Reduction in the amount of packaging passed on to customers.</i> ● <i>Provision of posters asking customers not to drop litter.</i>
3.4.7	New paragraph	<p><i>Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:</i></p> <ul style="list-style-type: none"> ● <i>Understand that there are criminal offences in relation to sexual exploitation of</i>

		<p><i>a</i></p> <p><i>child</i></p> <ul style="list-style-type: none"> • <i>Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;</i> • <i>Report any concerns to the appropriate authorities or to the Licensing Authority who can advise them of the appropriate authority to report concerns to.</i>
3.5	New paragraph	<p>3.5 Health Bodies Acting as Responsible Authorities</p> <p>3.5.1 The Licensing Authority recognise that the local authority’s Director of Public Health (DPH) may exercise their function as a responsible authority and that such representations may potentially cover any of the four licensing objectives. Representations should be evidenced based and, as recognised in the Secretary of State’s section 182 Guidance, the DPH may hold information that other responsible authorities do not which will assist the licensing authority in exercising its functions.</p> <p>3.5.2 Bristol is a socially responsible city that recognises the potential harms associated with alcohol misuse. The harms to health are widely documented including the part it can play in fuelling aggression, violence or assault. The rates of admission for alcohol specific conditions have been consistently higher than that for England for the last ten years for which we have data. Alcohol specific mortality rates for Bristol are higher than that for England.</p> <p>3.5.3 The Licensing Authority will take into account the links between the availability of alcohol and alcohol-related harm when considering a licence application (for example take into account the number of alcohol outlets in a given area and times when it is on sale and the potential links to local crime and disorder and alcohol-related illnesses and deaths). However the Licensing Authority recognises that the Licensing Act does not, as it stands, cover public health considerations.</p>
5.6	In Bristol the BBFC has not therefore been specified as the film classification body. Instead the Licensing Committee should enable its sub committees and/or officers to recommend classification and should publish its classification policy. The classification policy should include the general application of the classification recommended by the BBFC where films have been submitted for classification. Where the Council is asked to consider classifying films which have not been submitted to the BBFC then the Council can if it wishes to do so consider issuing its	In Bristol the BBFC has not therefore been specified as the film classification body. Instead the Licensing Committee should enable its sub committees and/or officers to recommend classification and should publish its classification policy. The classification policy should include the general application of the classification recommended by the BBFC where films have been submitted for classification. Where the Council is asked to consider classifying films which have not been submitted to the BBFC then the Council can if it wishes to do so consider issuing its own classification in respect of which regard should be had to the BBFC guidelines.

	<p>own classification in respect of which regard should be had to the BBFC guidelines. The Licensing Authority wishes to retain the discretion to depart from the BBFC although it expects this discretion to be exercised sparingly. As this is a discretionary service and having regard to the cost to the Council tax payer which would otherwise arise, any such request should be processed only on payment of a suitable fee. A discretion should be retained under the classification regime of the Council enabling it to refuse to consider an application for classification itself but instead recommending the film for submission to the BBFC. This should be done in cases where the summary of the film suggests that it may be considered for a Restricted 18 classification. A suggested film classification policy for Bristol is included at Appendix B.</p>	<p>The Licensing Authority wishes to retain the discretion to depart from the BBFC although it expects this discretion to be exercised sparingly. As this is a discretionary service and having regard to the cost to the Council tax payer which would otherwise arise, any such request should be processed only on payment of a suitable fee. A Discretion should be retained under the classification regime of the Council enabling it to refuse to consider an application for classification itself but instead recommending the film for submission to the BBFC. This should be done in cases where the summary of the film suggests that it may be considered for a Restricted 18 classification. A suggested film classification policy for Bristol is included at Appendix B.</p>
6.1.8	<p>The Pools of Conditions which have been developed by the Licensing Committee and can be found at www.bristol.gov.uk/licensingpolicy are considered by the Council to be a useful resource to the Licensing Committee in attaching conditions that are appropriate in the particular circumstances of the case. However, the Council supports the Licensing Committee in utilising other conditions where they are judged reasonable and in particular where it is judged to be conducive to facilitate the promotion of a relevant statutory obligation. The local pools of conditions are contained in Appendix C.</p>	<p>The Pools of Conditions which have been developed by the Licensing Committee and can be found at www.bristol.gov.uk/licensingpolicy are considered by the Council to be a useful resource to the Licensing Committee in attaching conditions that are appropriate in the particular circumstances of the case. However, the Council supports the Licensing Committee in utilising other conditions where they are judged reasonable and in particular where it is judged to be conducive to facilitate the promotion of a relevant statutory obligation. The local pools of conditions are contained in Appendix C.</p>
6.2.5	<p>The council hopes that responsible applicants will want to work with the Council in tackling nuisance and criminal advertising and will play their part by submitting operating schedules that are consistent with this objective. Applicants are referred to the model operating schedules to assist in this regard.</p>	<p>The Council hopes that responsible applicants will want to work with the Council in tackling nuisance and criminal advertising and will play their part by submitting operating schedules that are consistent with this objective. Applicants are referred to the Template Operating Schedules available on the Council's website to assist in this regard.</p>
6.3.1	<p>The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti- social behaviour. The licensing authority may consider the adoption of a of refusing new premises authorisations within a defined area or areas if it is satisfied that it is appropriate to include an approach to cumulative impact in its Licensing Policy Statement. It will take the decision only after it is satisfied that there is evidence to support such a decision.</p>	<p>The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance, and anti- social behaviour or other alcohol related problems. Local crime and related trauma data may be used to map the extent of such problems. The licensing authority may consider publishing a cumulative impact assessment (CIA) to help limit the number of types of licence applications granted in such areas if it is satisfied that it is appropriate to include an approach to cumulative impact in its Licensing Policy Statement. It will take the decision only after it is satisfied that there is evidence to support such a decision.</p>
6.3.6	<p>The Licensing Authority will keep cumulative impact policies under</p>	<p>The Licensing Authority will any keep any cumulative impact assessment policy</p>

	review	<i>under review. Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review the CIA within three years of its publication.</i>
6.3.8	<p>Cumulative impact policies are intended to be strictly applied. Applications which would seek to be allowed as an exception to a special cumulative impact policy will generally be favourably considered if they are judged to encourage a greater variety of types of entertainment than currently exists in these areas. It is important to be clear that this does not mean that an applicant who believes their offer is different to what already exists in the area can assume a favourable outcome. "Greater variety" must be understood in the context of the licensing objectives. In particular, the Licensing Authority welcomes those proposals which can be viewed as more family friendly and which offer a wider range of entertainment than that which is currently available because it is considered that such proposals will not usually add to the stress in the area and undermine the licensing objectives.</p> <p>However matters such as for example,</p> <ul style="list-style-type: none"> • the premises will not add people to the area; • longer hours will create slower dispersal; • history of good management; • premises are well run; • premises application is small in nature • alcohol is not sold; • clientele are a cut above the usual; <p>will not be considered exceptional circumstances, as the issue is crime and disorder/public nuisance in the area as a whole rather than that associated with individual premises and the promotion of the licensing objectives.</p> <p>Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates. Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy. Of course this</p>	<p><i>Cumulative impact policies are intended to be strictly applied. Applications which would seek to be allowed as an exception to a special cumulative impact policy will generally be favourably considered if they are judged to encourage a greater variety of types of entertainment than currently exists in these areas. It is important to be clear that this does not mean that an applicant who believes their offer is different to what already exists in the area can assume a favourable outcome. "Greater variety" must be understood in the context of the licensing objectives. In particular, the Licensing Authority welcomes those proposals which can be viewed as more family friendly and which offer a wider range of entertainment than that which is currently available because it is considered that such proposals will not usually add to the stress in the area and undermine the licensing objectives.</i></p> <p><i>However matters such as for example,</i></p> <ul style="list-style-type: none"> • the premises will not add people to the area; • longer hours will create slower dispersal; • history of good management; • premises are well run; • premises application is small in nature • alcohol is not sold; • clientele are a cut above the usual; <p><i>will not be considered exceptional circumstances, as the issue is crime and disorder/public nuisance in the area as a whole rather than that associated with individual premises and the promotion of the licensing objectives. Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates. Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy. Of course this policy cannot restrict the right of any responsible authority or other person to make relevant representations in that regard and if such are forthcoming they will be diligently considered, but the policy expectation is that the application should be granted</i></p>

	<p>policy cannot restrict the right of any responsible authority or other person to make relevant representations in that regard and if such are forthcoming they will be diligently considered, but the policy expectation is that the application should be granted unless the relevant representations demonstrate the change will be likely to add to the cumulative impact being experienced. Where other change is envisaged then the presumption may arise.</p> <p>Applicants are reminded that they are entitled to seek a provisional statement in such circumstances.</p> <p>Applicants who have the benefit of a provisional statement and who have completed their works substantially in line with that statement should not have the policy applied to them. This is because the cumulative impact policy could (indeed may) have been raised and considered prior to the provisional statement having been granted.</p>	<p><i>unless the relevant representations demonstrate the change will be likely to add to the cumulative impact being experienced. Where other change is envisaged then the presumption may arise.</i></p> <p><i>Applicants are reminded that they are entitled to seek a provisional statement in such circumstances.</i></p> <p><i>Applicants who have the benefit of a provisional statement and who have completed their works substantially in line with that statement should not have the policy applied to them. This is because the cumulative impact policy could (indeed may) have been raised and considered prior to the provisional statement having been granted.</i></p> <p><i>Having had regard to the guidance referred to above, consulted upon the issue, taken into account the views of respondents and considered the evidence the Council has determined that it is not appropriate to publish a cumulative impact assessment policy at this time. However at the time this policy was published the Council is considering publishing a Cumulative Impact Assessment Policy in respect of the city centre area of Bristol. A consultation will be carried out in that respect.</i></p>
6.3.9	<p>Having had regard to the guidance referred to above, consulted upon the issue, taken into account the views of respondents and considered the evidence the council has adopted a cumulative impact policy in respect of five areas of Bristol, namely:</p> <p>City Centre CIA</p> <p>The central area within the Cabot Sector as identified by Avon and Somerset Police and as extended to include the Welsh Back area, Stokes Croft and Cabot Circus (Map at Appendix D)</p> <p>Reason for Policy</p> <p>The Avon and Somerset Police produced evidence to support their request that the central area of Bristol be designated a CIA. It remains at saturation point and the Police produced evidence for extending the area to which the special policy should apply so as to include Stokes Croft and Cabot Circus. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public</p>	Removed

nuisance and risk to public safety. The policy will apply to further applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets).

Gloucester Road CIA

The area covers a stretch of Gloucester Road from its junction with Pitt Road and Rudthorpe Road to the Arches on Cheltenham Road and also includes a section of Zetland Road (Map at Appendix D).

Reason for Policy

This stretch of Gloucester Road, which is a major transport route in and out of the city, features a mix of retail and leisure uses with primarily residential areas behind the frontages. The request for a CIA to be introduced was made by the Police and supported by local residential amenity groups. The potential for increased public nuisance and crime and disorder arising from further licenses being granted is a major concern for local residents in this area and the Police. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety.

The ability to prevent further encroachment into the normal sleeping times of local residents is also a key aspect of this policy. The policy will apply to further applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is

most challenging (for example late night refreshment from “fast food” outlets)

Whiteladies Road CIA

The area bounded by West Park and that length of Whiteladies Road which extends from its junction with West Park to its junction with Imperial Road and that length of Cotham Hill extending from its junction with Whiteladies Road to its junction with West Park (Map at Appendix D)

Reason for Policy

This stretch of Whiteladies Road is predominantly characterised by properties with A3 leisure uses behind which are sited residential areas. The request for the CIA to be implemented was made by local amenity groups and supported by the Redland Sector of Avon and Somerset Police. This area differs from the city centre in that there is a greater emphasis on the need to promote the prevention of public nuisance objective. The ability to prevent further encroachment into the normal sleeping times of local residents is a key aspect of this policy. The policy will apply to the consideration of applications for the grant of new authorisations or for significant variations of existing authorisations in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets.

Clifton CIA

An area comprising of Clifton Village and extending to Queens Road and Whiteladies Road (Map at Appendix D)

Reason for Policy

Clifton Village and the surrounding area has seen a rapid growth in restaurants, bars and cafes. These A3 uses are mixed with residential areas and have led to an increase in public nuisance. The request for the CIA was made by the Clifton and Hotwells Improvement Society and is supported by local residents and Avon and Somerset Constabulary.

Clifton Village is a popular destination with a vibrant day and night time economy. The CIA policy will help to protect the residential amenity and ensure that further expansion with licensed premises is not to the detriment of this important and iconic part of Bristol. The policy, when triggered, will apply to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced.

Bedminster and Southville CIA

The CIA comprises of two adjacent areas that have different characteristics. The North Street section places a greater emphasis on seeking to prevent public nuisance whilst the Cannon street area has more of an emphasis on preventing crime and disorder (Map at Appendix D)

North Street (From the junction with Ashton Road to the junction with Greville Street)

Reason for Policy

This stretch of North Street is characterised by a varied range of food, drink and entertainment offers leading to a busy area, which has resulted in anti- social behaviour and loss of amenity for local residents. The policy will help to protect residential amenity from being harmed by public nuisance and will, when triggered by the receipt of relevant representations, give rise to a presumption of refusal of applications for the grant of new premises licences or for significant variation of existing licenses particularly where such proposals could increase anti-social behaviour. The policy is not designed to preclude high-quality food-led developments that are commensurate with the community's longer term ambitions for the area.

Cannon Street Area (Cannon Street, North Street (from junction of

	<p>Grenville Street to junction with Cannon Street), East Street (from junction with Little Paradise to junction with West Street/Sheene Road and West Street (from junction with East Street to junction with Victor Road)</p> <p>Reason for Policy</p> <p>The Cannon Street locality comprises of a close concentration of late night ‘destination’ bars, take away food outlets and premises supplying alcohol for consumption away from the premises (off-licences) that has resulted in a cumulative adverse impact on the promotion of the licensing objectives, in particular those concerning the prevention of crime and disorder and the prevention of public nuisance. The policy, when triggered by the receipt of relevant representations, will apply to applications for the grant of new premises licences or for significant variation of existing licenses and is intended to prevent the further proliferation of the type of premises on offer in this locality. In order to rebut the presumption of refusal applicants for licences will be expected to demonstrate through the operating schedule accompanying the application that what they propose is a significantly different type of operation than that which is currently on offer; a proposal that will result in a greater variety of range of venues and that it is demonstrated will not add to the problems currently being experienced which this policy aims to address. The policy is intended to be strictly applied, i.e. to refuse applications with operating schedules that could enable a venue to operate as an additional late night alcohol led venue, or as a late night food take away outlet, or as an “off-licence”.</p>	
6.3.10	<p>The adoption of such policies should not be understood to be an absolute bar to new authorisations being issued or granting significant variations to existing licenses. Applicants are entitled to seek any of the permissions available to them in the Act and the Council does not in this policy intend to prevent applicants from exercising their statutory rights. Each application will be considered on its own merits, within the constraints of the legislation and having due regard to the relevant guidance and policy.</p>	Removed
6.3.11	<p>Interpreting the extent of a Cumulative Impact Policy</p>	Removed

	<p>In respect of past policy, issues have occasionally arisen with regard to whether or not a particular premises that is located abutting or just outside of the indicated boundary for each CIA should be considered as being covered by the policy. Through this policy the council seeks to clarify that each CIA boundary line is intended to be indicative of the area that is affected by the stress underpinning the cumulative impact policy for the area concerned. The policy purpose is to prevent that stress from worsening and to reduce it over time. That policy purpose is frustrated if premises such as those referred to above are automatically considered as being outside of the policy.</p> <p>It is intended that the wording of the cumulative impact policies should be understood by the decision taker in a way that best ensures the purpose of the policy is achieved. This is sometimes called a purposive interpretation Each application that falls to be considered at a hearing will be assessed on its own individual facts and merit. Where relevant representations are received in respect of an application for any premises that is adjoining or is in close proximity to (but not within) the CIA defined boundary and where those representations raise a material impact on the CIA then the CIA policy may be triggered if the sub committee reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.</p>	
6.6.8	<p>In 2010 a report by the Health and Social Care Information Centre into smoking, drinking and drug use among young people in England collected information in respect of children at secondary schools aged between 11 and 15 drinking alcohol. Results were that 13% of pupils had drunk alcohol in the previous week and the proportion of girls to boys was similar. This figure is lower when compared to 26% in 2001 and 18% in 2009. Of these young people (13%) the report highlights that they drank a mean amount of 12.9 units and median amount of 8.5 units. 36% of the pupils that reported to have obtained alcohol in the last 4 weeks 23% from friends, 20% from parents, 15% asked someone to buy it, 48% had bought the alcohol themselves. Of those that bought the alcohol themselves 26% purchased alcohol from friends/relatives, 18% from someone else, 16% from off licences, 12% from shops/supermarkets. When compared to 1996 figures the percentage of pupils purchasing from retail outlets has reduced.</p>	<p>In 2016 a report by the Health and Social Care Information Centre into smoking, drinking and drug use among young people in England collected information in respect of children at secondary schools aged between 11 and 15 drinking alcohol. <i>The results showed that 44% of pupils aged 11-15 had drunk alcohol at least once (15% at age 11, and 73% at age 15 years). 10% of pupils said they drank alcohol at least once a week, of these the mean average was 9.6 units. 38% of pupils said that they drank alcohol at least a few times a year. This increased sharply by age, from 8% of 11 year olds to 68% of 15 year olds, and therefore, the age profile of current drinkers is heavily weighted towards older pupils. Current drinkers were most likely to buy alcohol from friends or relatives (22%), someone else (16%), an off-licence (10%) or a shop or supermarket (8%). 61% of current drinkers said they never buy alcohol. The figures would suggest that a number of young people are attempting to buy alcohol from premises that hold an off licence (including supermarkets and smaller independent stores/off licences). When compared to 2010 figures the percentage of pupils purchasing from retail outlets has reduced.</i></p>

		<p><i>The 2019 Bristol Pupil Voice survey also reveals data about alcohol use of secondary pupils in Bristol. Of the 3268 secondary pupils who gave a valid response, 25% reported they had had an alcoholic drink in the last four weeks. This was similar across gender with the percentages rising with age to 36% for those from year 10 (14- 15 year olds). Of those secondary school pupils who reported drinking alcohol, 71% report that their parents either “always know” (52%) or “usually know” (19%). Overall approximate numbers reporting that they consumed alcohol during the last month are as follows:</i></p> <ul style="list-style-type: none"> • <i>Year 8: approximately 700</i> • <i>Year 10: approximately 1,600</i>
6.6.10	6.6.10 It is consistent with the duty to promote the four licensing objectives for the Council to aim to ensure access to alcohol for consumption by young people is restricted.	6.6.10 It is consistent with the duty to promote the four licensing objectives for the Council to aim to ensure access to alcohol for consumption by young people is restricted. <i>The Council also expects premises licence holders to consider how their role in the advertising of alcohol, through for example publicity materials, may impact on the protection of children from harm.</i>
6.6.13	<p>Examples of steps/conditions that the council expects in such cases include:</p> <ul style="list-style-type: none"> • Implementation of the “Challenge 25” scheme (challenging anyone who looks under 25 to prove their age by use of an approved means of identification); for this to be advertised and enforced on the premises and to be a condition of the authorisation. 	<p>Examples of steps/conditions that the Council expects in such cases (where evidence suggests such conditions are appropriate for the promotion of the licensing objectives) include:</p> <ul style="list-style-type: none"> • Implementation of the “Challenge 25” scheme (challenging anyone who looks under 25 to prove their age by use of an approved means of identification); for this to be advertised and enforced on the premises and to be a condition of the authorisation. <i>The Council recognises that some applicants may already operate an alternative scheme such as “Challenge 21” in other premises. Where an applicant expresses a desire for an alternative scheme such as “Challenge 21” the Council would not seek to impose “Challenge 25” unless there was sufficient justification to do so.</i>
6.6.13	Save for mandatory conditions imposed directly through the Licensing Act itself, there are no standard conditions that automatically apply and this policy should be understood within that context. The introduction to this policy including the section on how this policy applies summarise the circumstances in which the Council can exercise substantial	Removed (duplicated at para 6.6.4).

	discretion when determining applications and indicates the constraints imposed by the statute governing the exercise of that discretion when it is engaged.	
6.8.5	Given the explicit nature of the content of films classified as R18 the council considers that they are suitable for showing only in suitable premises and under restricted “club” conditions. In order to give effect to this, the Council has included a set of conditions based upon those contained in the guidance issued under the previous regime, namely Annex B to Home Office circular 98 of 1982, in the relevant model operating schedule.	Given the explicit nature of the content of films classified as R18 the Council considers that they are suitable for showing only in suitable premises and under restricted “club” conditions. In order to give effect to this, the Council has included a set of conditions based upon those contained in the guidance issued under the previous regime, namely Annex B to Home Office circular 98 of 1982, in the relevant template operating schedule.
8.1	The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes (Para 13.55). Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate. In appropriate situations a hearing could be deferred until planning consent has been obtained, or arrangements made for the applications to be considered together. A responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application or choose to submit both at the same time.	<p>The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes (Para 14.64). Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate. In appropriate situations a hearing could be deferred until planning consent has been obtained, or arrangements made for the applications to be considered together. A responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application or choose to submit both at the same time. <i>The Council will not duplicate restrictions on planning permissions unless such restrictions are necessary to promote the licensing objectives.</i></p> <p><i>Whilst recognising that licensing and planning are separate regimes the Licensing Authority will work closely with planning to ensure that where possible the two regimes will align with each other. The ‘agent of change’ principle which seeks to protect existing uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes and is supported by this policy. 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 application.</i></p>
9.1	All enforcement carried out under the Licensing Act should be undertaken having regard to Bristol City Council enforcement policies, the Secretary of State’s guidance and this policy. The exercise of all other licensing functions, and enforcement functions under the act that	All enforcement carried out under the Licensing Act should be undertaken having regard to Bristol City Council enforcement policies, the Secretary of State’s guidance, <i>this policy and the Regulators Code which is available at: https://www.gov.uk/government/publications/regulators-code</i> .

	<p>are the responsibility of the Licensing Authority must be undertaken with a view to promoting the four licensing objectives.</p>	<p>The exercise of all other licensing functions and enforcement functions under the act that are the responsibility of the Licensing Authority must be undertaken with a view to promoting the four licensing objectives.</p>
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