

RESPONSE TO CONSULTATION on DRAFT STATEMENT OF LICENSING POLICY (LP)

By Redland & Cotham Amenities Society, St John's Residents Association, Clifton & Hotwells Improvement Society, High Kingsdown Residents Association.

Introduction

We welcome the opportunity to comment and hope that Bristol's Local Policy will help to create an environment where the public can 'enjoy a good night out' whilst allowing others to 'enjoy a good night at home'. We will encourage our members to participate in the Council's licensing procedures as they do over other Bristol matters.

We have participated in all available consultations on the Act over the last three years. The concerns of Britain's city dwellers over the licensing liberalisation proposed have been largely ignored in the eventual Act, Guidance and Regulations. We are now relying on good local decision-making, aided by this Local Policy.

This response follows the numbering of the printed DRAFT STATEMENT. It is a combination of comments, questions and suggestions for amendment.

1 Introduction

1.10 We welcome the intention to 'give the protection of residents a central place in strategy' and reference to the impact of longer trading hours at night. Damage to the lives of residents from late night activity is a fundamental concern of our members.

1.11 The very existence of late trading bars and clubs in residential areas creates potential damage to residents, and this usually cannot be attributed to individual 'problem premises' but to concentrations of such licensed premises. Policy should seek to prevent public nuisance by preventing the cause – late opening premises in basically residential areas.

2.8 We welcome the undertaking to consult residents as well as 'representatives'. Without this residents would badly served in this matter compared to the Council's standards in other functions. We therefore ask that the LP (or the Council's Guidance to procedures) explains exactly how public information and consultation will be done.

Public information and consultation - Premises License applications

We believe the following is needed to inform the public and to make information accessible to ensure informed response.

- a. All policies, guidance, model/standard conditions used in Bristol to be published. *Reason - to assist public understanding and save Officer time.*
- b. Register(s) of Premises Applications received. Note – Act Regulations do not require Premises Applications (except for Review) to be included in LA Register. This is essential. Register(s) to be updated to record licences granted, with conditions and approved Operating Plan, and licences refused, with reasons. *Reason – to inform public of typical decisions based on LP.*

c. Weekly list of Premises Licence Applications, including the name of LA Case Officer (similar to Planning).

c. Notice – by LA, standard Council format on nearest lamp post (similar to Planning)

d. Letter advising of application, by LA, to nearby residents and businesses, their representative groups (if known) and anyone who has previously written to LA commenting on licensing issues in area affected (similar to Planning).

e. Reports by Police, and other responsible authorities to be available for inspection at council offices during the period of consideration.

f. Objectors to be notified of Licensing Officer's decision where delegated, and notified of availability of Licensing Officers Reports prior to a Hearing.

Licensing objectives

Prevention of Crime and Disorder

3.1.1 It should be made clear that 'vicinity' will be considered in relation to the local area including routes taken by pedestrians accessing the premises.

3.1.3 Restaurants, where alcohol is only to be served to those consuming a table meal, should not be subject to restrictions concerning glasses. All other premises where alcohol is served should be required to use plastic/toughened glasses. Restriction of bottles over counter should be used to discipline premises where the licensing objectives are not being achieved.

3.1.4 We welcome the range of measures proposed. We suggest that premises whose layout will allow vertical drinking should be subject to every possible preventive measure. Visits to premises by Enforcement Officers and police should be used to decide when further controls should be imposed. It should be made easy for the public to assist by reporting apparently irresponsible management. *Reason – to enable action that may avoid need for a Review.*

3.2.3 All premises, except restaurants (as defined in 3.1.3 comment above) should be required to state Occupancy Limits. Issues of overcrowding and safety will occur in many bars and pubs, due to size and nature of activity, e.g. vertical drinking, even if not providing regulated entertainment. Occupancy figures are also needed to calculate the total capacity of an area or street when considering cumulative effect. The capacity of premises should be on the displayed licence.

3.3.3 We generally welcome the factors listed but point out that in many cases it is hard to see how Operating Plans will 'prevent nuisance arising' (3.3.1). The most that can be hoped for is some mitigation of the degree of nuisance.

Prevention of Public Nuisance

Comments on factors.

- Queuing and pavement use.

Pavement obstruction outside licensed premises is a significant public nuisance. Queuing on public pavements should not be permitted unless at least 2m. width of footway can remain clear.

Pavements are also frequently used for tables and advertising boards. Licensing policy should make this a particular factor for consideration, and require the areas to be so used to be defined and adhered to. *Reason – highway dept. does not use power to monitor and control pavement use.*

- noise and vibration.

Reference should be made to 'open fronts'. These are increasingly popular and cause significant noise pollution in the street and often at some distance. All premises with open fronts should have special limitations on music noise levels within the premises. All open fronts should be required to be fully closed from 2200hours.

- disturbance by customers arriving and leaving premises.

Nearby residents and those some distance away can be subjected to nuisance caused by customers on their way to and from premises. This can range from 'high spirits' to noise and alcohol fuelled anti-social behaviour. The draft LP notes the particularly damaging effect during core 'sleep hours'. Where there are a number of licensed premises it is impossible to establish which are the source. In any case licensees have no control over behaviour of customers outside the curtilage of the premises and any steps proposed are likely to be meaningless. Night time nuisance can only be moderated by limiting opening hours. The LP should say that this will be considered where there is significant residential use.

- parking

Outside the City Centre licensed premises generate significant on-street parking. This coincides with peak demand by residents. It is often anti-social, e.g. blocking of private accesses. It is often illegal, both Highway and the limited evening Parking Regulations being ignored. Double-parking in roads such as Whiteladies occurs late at night. There is no patrolling by Parking Attendants and police cannot be expected to deal with obstruction except in emergency. Pedestrians are endangered. Anti-social behaviour, including disputes in the street, is generated. Planning consents no longer require any parking provision for customers. We therefore welcome the LP comment.

- the use of licensed gardens and other open areas.

We agree that this is a significant cause of noise problems. It is becoming year round due to the use of canopies and gas heaters in cold weather. Where there are homes in the area, Operating Plans should control nuisance by limiting music sound levels in these areas and ceasing their use completely not later than 2200hrs. (Similar conditions have recently been imposed by the Planning Committee in some cases).

- representations by police etc and history of nuisance complaints

Residents and local businesses should be included in the list. It should be recognised that many serious complaints about nuisance from licensed premises are not made or pursued because of :-

- a. public tolerance / reluctant acceptance of public nuisance
- b. inadequate and difficult to understand laws covering the problems
- c. not knowing how to complain – which premises are responsible, which authority has responsibility, and most problems occurring at night.
- d. not wanting to trouble the police or believing the police will be too busy to attend.

The 'history of proven complaints' may be short, and should not be the only information considered.

As an additional measure to prevent nuisance and reduce disorder premises could be required to stop serving alcohol 30min before they close but continue to serve soft drinks.

4.6 Frivolous and Vexatious representations.

The Act's requirements appear designed to limit democratic comment in the interests of speedy dismissal of complaint about licensed premises. We welcome the Council's intention to ensure that this decision is not made without being openly explored. It is important that genuine concerns are heard, particularly as the Act bars a repeat application for Review, whilst allowing a repeat application for a premises licence.

6 Licensing of Premises

6.8 We welcome the intention to add Bristol related Model Conditions. We ask that these are made available in draft form for comment.

6.1 Fly posting etc

We have been regularly removing fly posting in our area relating to licensed premises. We consider that for clarity in view of potential changes of character all premises licenses should be subject to a suitable condition.

6.2 Cumulative Impact

We support the intention to designate the Police Cabot Sector as a Cumulative Impact area. However, the boundaries of this are not provided. Assuming that this does not include the part of Whiteladies Road known as The Strip we ask for this to be added. See additional information attached, **Annexe A.**

We note that the Police Report confirms that 80% of evening/night violent crime incidents occur from 2300 – 0300hrs, with the peak from 0200 to 0300hrs, coinciding with the closing of most clubs. It is clear that the 'regulated entertainment' provided contributes to the density of violent crime, and of Public Nuisance generally.

Thus it is not only the total quantity of licensed premises but the type of activity and hours that should be considered when considering Cumulative Impact areas.

6.4 Licensing Hours

6.4.4 The Operating Plan is vital to show the individual merit and likely consequences of the Premises Licence application. We therefore assume that applications will not be accepted without it, and that it will be publicly available at the time of application.

It seems certain that many applicants will seek the flexibility of very long opening hours and periods for individual Licensable Activities, even if they have little intention of using these to the full. This will create considerable difficulty for nearby residents who will not know what to expect in terms of noise etc from day to day. We assume this would be a problem for police also. The LP should make it clear that asking for longer hours and extreme flexibility will lead to particularly close scrutiny.

- We believe that almost any additional licensable activity may have adverse impact on local residents but accept that for example, a small Restaurant closing at say 2300hrs would have neutral or modest impact. However outside of the City Centre a new pub, cafe bar, bar or club, or

the later opening or addition of regulated entertainment is likely to have significant adverse impact. We ask that applicants be required to include information on other premises in the area concerned, and the location of residential property.

- Late night public transport is a particular concern outside the City Centre. There is one Night Bus service only for Whiteladies Road, but eight for the Centre. The area already relies heavily on taxis, but has limited cab ranks. After midnight dispersal of customers would be slow, difficult and liable to cause public nuisance.

- Parking – see comment under Prevention of Nuisance

- Planning

Licences should never be granted which conflict with previously imposed planning conditions, and this applies generally, not just to licensing hours. We ask that it is made clear to applicants that submitting a copy of the relevant planning consent will assist in efficient consideration and proper public consultation. We assume that the Planning Department will be asked to comment on planning issues in respect of all premises, to achieve a consistent approach across different Council functions.

Comments on Appendix A

BRIEFING NOTE

General.

We trust a leaflet explaining the new system will be provided for the general public.

Regulations

We appreciate that the Council's hands are tied in many respects by the (draft) Regulations of the Act. Some of these cause concern, and we ask that every attempt is made to persuade Bristol's licensed trade to co-operate with any procedures that you adopt to improve decision making.

For example –

- **The Register.** Inclusion of all applications (as previously noted)

- **Transition.** Applicants should be required to supply a copy of existing licence with Conditions and Undertakings .Reason – *Licensing Dept will not have any access to Magistrates court files. Unless it is proposed that Police check their records it will be impossible for Licensing to know whether the information submitted by applicant is absolutely complete and correct.*

- Temporary Events.

This little noted provision of the Act, which was strongly opposed, is very alarming in several respects if we have understood it correctly.

a. The notice period – 10 working days, is insufficient for proper police consideration. We note that some Council Licensing Policies are specifying 20 working days. The time limits placed on the Council are also unreasonable.

b. There is no requirement to advertise and no ability for the public to object.

c. Only the police can object, and only on grounds of Crime Prevention. Temporary events are thus not subject to the other aims of the Act, including prevention of Public Nuisance, which is quite likely to occur in the case of large one-off events.

d. Up to 50 Temporary Events are allowed per venue per annum. It would thus be possible for venues to give notice of Temporary Events every Saturday continuing to a later hour than the Operating Schedule permits. Unless the police object successfully on crime prevention grounds the Committee is obliged to issue licences, probably knowing that public nuisance will result. One off Temporary Events, for example a pub based weekend jazz or beer festival, can also cause considerable public nuisance. Lack of adequate notice or ability for public to ask for conditions is likely to lead to public nuisance complaints to Noise Control and other agencies during the event.

We appreciate that most responsible venues will not seek to use this provision in the ways suggested above. However we ask that the LP makes it clear that problems with Temporary Events could cause reviews of Premises Licence.

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