

# Licensing Policy Statement

## The Licensing Act 2003



January 2019

**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**C O N T E N T S**

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2</b>	<b>BACKGROUND.....</b>	<b>5</b>
<b>3</b>	<b>FUNDAMENTAL PRINCIPLES .....</b>	<b>5</b>
<b>4</b>	<b>CONDITIONS OF LICENCE .....</b>	<b>6</b>
<b>5</b>	<b>THE LICENSING OBJECTIVES – GENERAL COMMENTS.....</b>	<b>7</b>
<b>6</b>	<b>THE PREVENTION OF CRIME AND DISORDER.....</b>	<b>8</b>
<b>7</b>	<b>PUBLIC SAFETY.....</b>	<b>11</b>
<b>8</b>	<b>THE PREVENTION OF PUBLIC NUISANCE.....</b>	<b>13</b>
<b>9</b>	<b>THE PROTECTION OF CHILDREN FROM HARM.....</b>	<b>15</b>
<b>10</b>	<b>CUMULATIVE IMPACT .....</b>	<b>19</b>
<b>11</b>	<b>LICENSING HOURS.....</b>	<b>23</b>
<b>12.</b>	<b>FILMS .....</b>	<b>24</b>
<b>13.</b>	<b>INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION .....</b>	<b>24</b>
<b>14.</b>	<b>LIVE MUSIC, DANCING AND THEATRE .....</b>	<b>25</b>
<b>15.</b>	<b>SMALL SCALE TEMPORARY EVENTS.....</b>	<b>26</b>
<b>16</b>	<b>LARGER OCCASIONAL EVENTS.....</b>	<b>27</b>
<b>17.</b>	<b>THE LICENSING PROCESS.....</b>	<b>28</b>
<b>18.</b>	<b>LICENCE REVIEWS.....</b>	<b>30</b>
<b>19.</b>	<b>DISPUTE RESOLUTION .....</b>	<b>31</b>
<b>20.</b>	<b>ENFORCEMENT .....</b>	<b>31</b>

**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**APPENDIX A.....33**

**APPENDIX B.....34**

**APPENDIX C.....37**

**APPENDIX D.....37**

**APPENDIX E.....38**

**APPENDIX F.....39**

**APPENDIX G.....42**

**APPENDIX H.....43**

# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### 1. INTRODUCTION

1.1 This policy has been developed in accordance with the Licensing Act 2003 ('the Act'), regulations made under that Act, and guidance issued by the Home Office. This policy should be considered in conjunction with these documents.

1.2 The Licensing Authority will carry out its duties under the Act with a view to promoting the four Licensing Objectives. These are:

- a) The prevention of crime and disorder**
- b) Public safety**
- c) The prevention of public nuisance**
- d) The protection of children from harm**

The Licensing Authority believes that these objectives are of equal importance.

See sections 5-9 below for further details.

1.3 This policy has been formulated as a result of a wide ranging consultation exercise involving (but not limited to): -

- a) The Police
- b) The Fire Service
- c) Other Responsible Authorities
- d) Licence Holders and their representatives
- e) Holders of club premises certificates and their representatives
- f) Local businesses and their representatives
- g) Local residents and their representatives

Due consideration has been given to all those who have responded.

1.4 This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

- a) Retail sale of alcohol (including via the Internet or Mail Order)
- b) Supply of alcohol to members of registered clubs
- c) The supply of hot food and/or drink from any premises between 11pm and 5am (late night refreshments)
- d) Provision of '*regulated entertainment*' (as defined by schedule 1, part 1, paragraph 2 of the Act) to the public, club members or with a view to profit. This includes: -
  - i) A performance of a play
  - ii) An exhibition of a film
  - iii) An indoor sporting event

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- iv) Boxing or wrestling entertainment
- v) A performance of live music
- vi) Any playing of recorded music
- vii) A performance of dance

1.5 The Act contains a number of exceptions and exemptions, which have been amended and increased in recent years by, the Live Music Act, Deregulation Act and other legislative orders. It is not intended to set out these changes in detail in this policy, but they are explained in the guidance issued by the Home Office under section 182 of the Act. They should be carefully considered by any person considering providing entertainment. For further advice, applicants are advised to contact the Licensing Section.

#### 1.6 Types of Authorisations

There are four types of authorisations:

- a) **Premises Licence** - a licence granted in respect of any premises, which authorises them to be used for one or more licensable activities.
- b) **Personal Licence** - a licence granted by the Licensing Authority to an individual which authorises them to supply alcohol (or authorise the supply of alcohol) in accordance with a premises licence.
- c) **Club Premises Certificate** - a certificate granted in respect of premises occupied and used for the purposes of a club.
- d) **Temporary Event Notice** - where it is proposed to use premises for one or more licensable activity during a period not exceeding 168 hours.

1.7 It is recognised that the licensing process can only seek to address those measures within the control of the licensee, and in the vicinity of licensed premises. The licensing process is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of the licence holder. However where it can be established that a licensed premises is linked to anti-social behaviour or any other activity which undermines the licensing objectives, the matters may be pursued under the licensing process. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, the police, fire service, the NHS, the licensed trade, local businesses and local people towards the promotion of these four objectives.

1.8 It is intended that this policy statement will remain in existence for a period of up to five years from the 10<sup>th</sup> of February 2016. However the policy will be kept under constant review during this period, and where necessary, changes made, subject to the statutory consultation requirements being met.

1.9 As part of the above the Licensing Authority will consider the impact of licensing on regulated entertainment and particularly live music and dancing.

# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### 2 BACKGROUND

- 2.1 Carmarthenshire is the third largest county in Wales in demographic terms, with a population in 2013 of 184,681 of whom 11.6% were between the ages of 15 and 24, and 22.1% were between the ages of 25 and 44. It is these two age groups, who are currently most likely to make use of, and be employed within, the night time economy. However, 22% of the population is of pensionable age and therefore it is an aim of this policy to make the night time economy accessible to everyone, not just the young.
- 2.2 As a primarily rural area, Carmarthenshire has a strong agricultural base with a 'necklace' of key market towns providing the needs of communities in those rural areas. South East Carmarthenshire is the most densely populated part of the county, and is characterised by close knit former industrial communities. These contrasting types of environment present very different opportunities and challenges to those involved in the night time economy.
- 2.3 The night time economy within the county is extremely diverse, ranging from night clubs in the town centres to traditional local pubs, pub/restaurants, small village halls and community halls. These smaller venues have an important role to play in preserving and promoting the rich cultural and linguistic heritage of the county. On the 31<sup>st</sup> of March 2018 the Authority had 869 premises with Premises Licences, 74 with Club Premises Certificates and 2546 individual Personal Licence Holders.
- 2.4 Whilst the night time economy undoubtedly has benefits in terms of jobs, wealth creation, tourism and the promotion of cultural diversity, there are also obvious disadvantages. Alcohol related public nuisance, and crime and disorder are found not just in the larger town centres, but also in the smaller rural communities.

### 3 FUNDAMENTAL PRINCIPLES

- 3.1 Each application received under the provisions of the Act will be dealt with upon its own merits. However the Licensing Authority's discretion will not be engaged unless representations are received.
- 3.2 Nothing in this policy will undermine the right of a person to apply for a variety of permissions under the Act.
- 3.3 Absolute weight will be given to all relevant representations received by the council in respect of any application or request made under the Act. However representations, which are frivolous, vexatious or repetitious, will not be considered.
- 3.4 The Licensing Authority will not operate a quota of any kind, which would predetermine any application.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 3.5 The Licensing Authority does not currently impose general limitations on trading hours in particular areas.
- 3.6 In carrying out its functions under the Act, the Licensing Authority will have due regard to all relevant legislation.

#### 4 CONDITIONS OF LICENCE

- 4.1 In order to avoid duplication with other statutory regimes as far as possible, the Licensing Authority, where representations are received, will not attach conditions of licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered inappropriate if issues are already adequately covered by other legislation.
- 4.2 The Licensing Authority cannot impose standard conditions of licence across the board.
- 4.3 In 2010 the Licensing Act 2003 (Mandatory Licensing Conditions) order set out five new mandatory licence conditions. In 2014 those conditions were replaced by five new conditions introduced by an amendment order.

The new mandatory licence conditions relate to:-

- 1) Prohibition of irresponsible drinks promotions.
- 2) Provision of free tap water for customers
- 3) Requiring the adoption and use of an Age Verification Policy
- 4) Giving customers the choice of small measures
- 5) Banning the sale of alcohol below the cost of duty plus VAT.

The five conditions apply to all premises licences and club premises certificates which authorise the sale of alcohol for consumption on the premises.

Mandatory condition 3 is the only one which applies to premises which authorise off sales of alcohol only.

In certain circumstances conditions attached to licences will not take effect due to the operation of the Live Music Act, Deregulation Act and other legislative orders. For further advice contact the licensing section.

Licence holders are encouraged to contact the Licensing Section to discuss any proposed drinks promotion prior to their commencement. Further detailed guidance along with a new page outlining the conditions have been sent to each licence holder. Further copies of this advice is available from the Licensing Section.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 4.4 For advice regarding any pools of model conditions which may be available please contact the licensing section.

#### 5 THE LICENSING OBJECTIVES – GENERAL COMMENTS

- 5.1 Applicants for new premises licences and those seeking variation of existing licences/permissions are advised to demonstrate how they intend to promote the four licensing objectives.
- 5.2 In order to do this applicants are advised to carry out a comprehensive and detailed assessment which should cover, amongst other things:
- a) The scope and nature of the licensable activities to be carried out.
  - b) The duration of such activities.
  - c) The nature and location of the premises in which the activities are to take place (this may include reference to beer gardens, smoking shelters or any other open areas forming part of the premises, or used by the premises for the carrying on of licensable activities and/or consumption of alcohol).
  - d) The nature and location of other premises in the vicinity and their occupants.
  - e) The skills and knowledge levels of persons engaged in carrying out those activities.
- 5.3 The Licensing Authority advises that such an assessment should identify issues which could lead to the licensing objectives being undermined.
- 5.4 The Licensing Authority advises that such an assessment, and its conclusions, be incorporated within, or be annexed to, the operating schedule, which forms part of the application. Where an applicant chooses not to submit a risk assessment they are advised instead to provide a statement explaining why in their opinion one is not needed.
- 5.5 The Licensing Authority advises that the operating schedule sets out in detail the control measures the applicant intends to put in place to deal with the risks identified in the assessment.
- 5.6 Applicants are reminded that, where representations are made in relation to an application, the Licensing Authority has the power to place conditions upon the licence where it considers it appropriate to do so to promote the licensing objectives.

The Licensing Authority believes that the effective management of licensed premises by suitability experienced and trained staff is essential for the promotion of the four licensing objectives.



## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### Designated Premises Supervisors

- 5.7 Applicants are reminded that where they wish the premises licence to include the sale or supply of alcohol that they need to appoint a Designated Premises Supervisor (DPS), who must hold a personal licence. The Licensing Authority strongly recommends to all applicants that the Designated Premises Supervisor (DPS) be the person who has day-to-day control of the premises.
- 5.8 The Licensing Authority recognises that where a large organisation such as a pub or supermarket chain has a number of premises from which it intends to sell/supply alcohol, that organisation may wish a more senior member of staff such as an Area Manager to act as Designated Premises Supervisor (DPS) for more than one premises. In those circumstances, the Licensing Authority strongly advises applicants to clearly set out in their operating schedules on how the DPS will ensure that the licensing objectives are to be promoted at the premises in question. The Licensing Authority recommends that this includes:
- a) The frequency of visits by the DPS to the premises.
  - b) The maintenance of proper records at the premises relating to the Licensing Objectives and their inspection by the DPS.
  - c) The identification of the person or persons responsible for the day-to-day management of the premises.
  - d) The proper training of staff at the premises, having regard to their individual roles and the nature of the licensable activities carried on at the premises.
- 5.9 Adult Entertainment  
Following the amendment of the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of establishment called Sexual Entertainment Venues, applicants and existing licence holders who are providing adult entertainment such as Lap Dancing, Pole Dancing or Table Dancing are advised to contact the Authority to check whether they require a separate Sexual Entertainment Venue licence for the premises. Further guidance regarding the provision of adult entertainment is available from the Licensing Section.
- 5.10 When preparing their Operating Schedules, applicants are advised to have regard to the guidance issued under Section 182 of the Licensing Act 2003 and any other guidance referred to therein.

#### 6 THE PREVENTION OF CRIME AND DISORDER

- 6.1 In order for applicants to properly address this objective, the Licensing Authority advises that the operating schedule where appropriate includes (amongst other things) reference to the following:

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- a) The use of CCTV cameras, both inside and outside the premises. It is recommended that such cameras, where installed, meet the standard set out in the Operational Requirements Guidance document issued by the Carmarthenshire Division of the Dyfed Powys Police and that images are retained for thirty one days. Where cameras are installed, applicants are advised to provide a declaration that Police and Licensing Officers can have immediate access to the images at any time during the opening hours of the premises.
- b) The CCTV system shall be recording whenever the premises is open for licensable activities and at least one hour before opening time and one hour beyond the closing time.
- c) That a competent person capable of producing a copy of CCTV footage upon request of any investigating agency is available at the premises.
- d) The CCTV system be installed and maintained to the satisfaction of the Dyfed Powys Police and local Community Safety Officer.
- e) The Premises Licence holder shall ensure that the CCTV system is kept in a good working order.
- f) The licensee or another appropriate person must randomly examine any available recordings in an attempt to satisfy themselves that all relevant policies are being adhered to and act accordingly where there is any suspicion that staff are not following policy, such as requesting identification or questioning potential 'proxy sales'.
- g) The installation of a security system for the whole of the premises, including the stock area of an approved standard.
- h) Procedures for risk assessing promotions (e.g. drinks promotions) and special events with potential to cause crime and disorder. Plans to minimise the risks identified.
- i) Means to prevent the use and supply of illegal drugs.
- j) Training of staff, including the obtaining of qualifications to a national standard. Applicants are advised to keep written records of all staff training.
- k) The use of security staff, including the number to be deployed, methods of operation, training and qualifications. Applicants are reminded of the requirements of the Securities Industry Act. Applicants will be expected to maintain a register, detailing the security staff on duty at any one time and allow the Police and Licensing Officers access to that register at any time during the opening hours of the premises.
- l) That where Door Supervisors are employed it be in the ratio of two door supervisors for the first one hundred persons and one per hundred thereafter. If applicants wish to employ a different ratio, it is recommended they explain why.
- m) In the case of nightclubs and venues used for live entertainment and concerts, the use of metal detectors and/or other search facilities and procedures.
- n) Door supervisors whenever on duty must wear high visibility style clothing both indoors and outdoors. The type of clothing to be used indoors must be clearly visible and readily identifiable in premises where the lighting may be dim, so that they are recognisable to members of the public, police officers and licensing officers. Whenever on duty door supervisors must complete a register of the time they start and finish duty, the register must contain the contact details of the individual door supervisor.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- o) Certain premises, particularly those with access restrictions for under 18's are advised to consider arranging for trading standards officers to deliver the free training regarding age verification, detailed in paragraph 9.10, for key staff such as door supervisors.
- 6.2 Applicants are strongly advised to state clearly in their operating schedules the measures to be taken to prevent customers removing glasses and/or open bottles/cans of alcohol from the premises.
- 6.3 All applicants are advised for the purposes of the prevention of crime and disorder that they include within the operating schedule, a capacity limit for the premises and the control measures to ensure it is enforced.
- 6.4 Applicants are advised to outline measures to be taken to supervise customers within any outside location at the premises either a beer garden or street café, in respect of the consumption of alcohol or smoking.
- 6.5 Applicants are advised that where they are planning to place tables and chairs on the highway or on private land, to indicate how they intend to control patrons at those locations and when they intend to remove those tables and chairs. Applicants are advised to contact the Street Scene section for advice regarding relevant permits under the Highways Act 1980.
- 6.6 It is recommended that Licensees support the Dyfed Powys Police in any initiatives to prevent crime and disorder such as passive drugs dogs, Itemiser drug scanning machine or any other relevant resource tool.
- 6.7 Licensees are encouraged to actively participate in an appropriate Pub Watch, LVA, Club Watch, Club Radio, Behave or be Banned, Best Bar None, and Home Watch Scheme or any other similar scheme. Applicants are advised to indicate whether or not they are willing to participate and also whether they are willing to contribute financially to the cost of such schemes.
- 6.8 Licensees are encouraged to promote and take part in any local or national initiatives, strategies or campaigns such as the 'Safer Clubbing Guide' and have regard to the Working Together to Reduce Harm – The Substance Misuse Strategy For Wales 2008 – 2018( Welsh Government 2008)
- 6.9 Applicants are advised where age restrictions on access apply, to put in place measures to control such activities, including staff training and the adoption of schemes such as "Challenge 25"
- 6.10 Licensees are reminded of their statutory duties to display certain licence documents and notices, Proper access to the licence and the display of the summary documents are vital elements of both the premises management and enforcement regimes. The Dyfed Powys Police and the Licensing Authority are of the view that in order to comply with these requirements, the premises summary document needs to be displayed in full public view, at a convenient height, not obscured and in such a way that each page of the document can easily be read by any person at the premises.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

Police and Licensing Officers will expect the responsible person at the premises to be able to produce the licence without delay.

- 6.11 Applicants requiring further information regarding the above or local crime prevention strategies should contact the Police at the address given in Appendix B.
- 6.12 The Dyfed Powys Police have identified the following areas within the County as hot spots of alcohol related crime and disorder. Applicants and existing Licence holders are strongly advised to pay special attention to measures aimed at preventing Crime and Disorder at premises located on these streets and in the vicinity.

#### Llanelli

**Murray Street, Station Road, Stepney Street, Ann Street.**

#### Carmarthen

**Coracle Way, Lammas Street, Water Street, Priory Street, Queen Street, King Street. Nott Square**

#### Ammanford

**Quay Street, Wind Street.**

## 7 PUBLIC SAFETY

- 7.1 Applicants are reminded that the safety of staff and patrons on licensed premises is the responsibility of the licensee.

### 7.2 **New Psychoactive Substances**

A recent trend has been the use and availability of New Psychoactive Substances (NPS), so called 'legal highs'. The authority recognises that legislation is sometimes slow to change to deal with such substances and that both the Police and local authority have powers under other legislation to tackle premises supplying substances that could be considered as legal highs. The Licensing Authority expects licence holders and qualifying clubs to actively discourage and prevent the use or supply of such substances in licensed premises.

- 7.3 All applicants are strongly advised to include within their operating schedule details of the maximum numbers of persons to be allowed in the premises at any time, how that figure was reached, and the control measures to ensure it is enforced.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 7.4 Applicants are reminded that such maximum numbers should be calculated to ensure that premises can be safely evacuated in the event of any emergency, not just in the event of fire (which is the subject of separate legislation). The proposed maximum numbers and control measures should therefore also provide for other types of emergency (e.g. violent disorder, flooding, bomb threats etc).
- 7.5 All applicants are strongly advised to assess as to when the use of alternatives to glass, such as plastic bottles, plastic glasses and/or toughened glasses may be appropriate. The Licensing Authority believes that this is of particular relevance not just to high volume premises such as nightclubs and large town centre pubs, but also to other premises during peak periods such as bank holidays, other special occasions and external beer gardens and street cafes. Failure to properly address this issue could result in representations being submitted by the responsible authorities.
- 7.6 Applicants are advised to set out how they intend to make adequate first aid provisions for staff and customers.
- 7.7 The Licence Holder are advised to ensure that there is in force an appropriate public Liability Insurance Policy relating to his/her use of the premises for licensable activities. A copy of which should be on display at the principal point of entry and be produced to a Police Officer or an officer of the Licensing Authority on request.
- 7.8 Applicants are reminded electrical safety is of paramount importance. Applicants should be aware of the importance of ensuring that the electrical installations of a venue are maintained in safe correct working order, and are periodically checked to ensure they remain in such a condition.

Applicants are advised that the electrical installation in the premises should be in accordance with the requirements contained in the Institution of Electrical Engineers Regulations for the Electrical Equipment of Buildings (IEE Wiring Regulations – issued as BS 7671:2001-amd 2002: Requirements of electrical installations). The Local Authority also advises that the electrical installation of the premises should be inspected and tested annually by a qualified electrical engineer. Applicants are encouraged to keep a record of such certificates for a period of twelve months.

- 7.9 Applicants are reminded that in circumstances where temporary structures (e.g. stages, marquees, seating etc) and/or temporary installations (e.g. generators, heaters) are used, it is the applicant's responsibility to ensure that they are suitable for their intended use and they are erected/installed correctly. Applicants are encouraged to ensure only competent people install/erect temporary structure(s) and installations, and the applicant is strongly advised to obtain completion / conformity certificates from the persons responsible for erecting or installing the structure. In addition, applicants are encouraged to keep a record of such certificates for a period of 12 months following obtaining the certificate.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 7.10 The use of LPG is not uncommon, in particular, at outdoor events. In circumstances where LPG is intended to be used and stored, applicants are urged to familiarise themselves with the requirements of the LPG Association code of practices and follow such codes.
- 7.11 Applicants and existing licence holders are reminded of the need to comply with the requirements of The Regulatory Reform (Fire Safety) Order 2005. Advice regarding Fire safety can be obtained from the Mid and West Wales Fire Brigade, contact details for their Fire Safety department appear in Appendix B.
- 7.12 The Licensing Authority recommends that applicants contact the Fire Brigade, Health and Safety Executive and or Carmarthenshire County Council Commercial Services as appropriate for further information and guidance on these issues. (See Appendix B for relevant contact details).

## 8 THE PREVENTION OF PUBLIC NUISANCE

- 8.1 Applicants are reminded that licensed premises do not exist in isolation and that their operation contains an inherent risk of public nuisance.
- 8.2 Applicants are advised, as part of the assessment referred to in paragraph 5.2, to identify potential instances of public nuisance, arising from the operation of the premises and the measures to be implemented to control them.
- 8.3 Inaudibility - The simple presence of noise at a complainant's premises would not itself be sufficient to determine the matter as being a Public Nuisance or statutory noise nuisance as defined by the Section 79 of the Environmental Protection Act 1990. In determining the existence of a public nuisance or statutory noise nuisance a number of factors must be taken into consideration such as time, duration, frequency and loudness of the noise.
- 8.4 Applicants are reminded that their responsibilities in this respect are not limited to activities taking place within the premises during opening hours. Applicants are advised to have regard to (amongst other things) the manner in which their premises are prepared for opening (e.g. cleaning and deliveries), the management of patrons entering and leaving the premises and the manner in which the premises is closed down, including the way in which glass bottles are disposed of.

Applicants are also advised to consider:-

- a) Displaying Neighbour courtesy notices to be displayed at the premises.
  - b) Adopting a Dispersal Policy for the premises in respect of any person leaving the premises after midnight.
- 8.5 Applicants are reminded that public nuisance is not limited in scope to noise nuisance. Regard should therefore be had to (amongst other things) issues of light pollution, odour pollution, vibration etc.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 8.6 As a result of the introduction of The Health Act 2006 and subsequently The Smoke-free Premises etc. (Wales) Regulations 2007, a large number of premises have erected external shelters and smoking areas, a number of which use street furnishings. Applicants should consider carefully the layout and locations of such external areas and are advised that such furnishings be situated in locations so as not to cause obstruction to the public.
- 8.7 Prior to erecting smoking structures applicants are reminded to consider whether their structure may conflict with relevant planning/building control permission for the premises. If the applicant is unsure whether this is the case or where they are aware of such a conflict, then they should contact the relevant Section of the Authority to resolve this matter.
- 8.8 Applicants are advised to consider how noise arising from the use of external smoking shelters/smoking areas is controlled. Applicants are advised to locate such areas away from residential properties if possible. It is also advised that applicants consider restricting the access to such areas and the activities undertaken within the areas e.g. alcohol not to be used in the external areas beyond a particular time and carefully manage access to and use of such areas.
- 8.9 Applicants are advised not to provide entertainment such as music and televisions in the external smoking areas. Not only can the noise from the entertainment cause disturbance, but external entertainment encourages people to stay outside for prolonged periods of time and this itself can give rise to noise and disturbance
- 8.10 Advertising by means of fly posting is increasing and can have a detrimental effect on the surroundings. Applicants who use such methods of advertisement are recommended to have procedures in place to ensure that the advertisements are removed as soon as possible. Applicants are reminded that fly posting may give rise to criminal liability, both for those who fly post and the business that is being advertised.
- 8.11 Applicants are advised to consider how customers using the smoking areas dispose of their used cigarettes. Applicants are encouraged to provide receptacles for the used cigarettes and also to have systems in place to ensure the area is kept free from litter.
- 8.12 The Public Health Team has encountered a number of cases where trade waste is not being effectively managed by Licensed Premises. The result of which can give rise to Public Health problems such as rodent infestations, flies and odours. Situations have also arisen where premises (especially food premises) have been depositing their waste oil into the foul drainage system that resulted in blocked drainage system. Applicants are therefore reminded of their obligation to comply with legislation in relation to these issues.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 8.13 Carmarthenshire County Council Public Health Services has produced further detailed guidance to assist applicants to address the public nuisance licensing objective. The Licensing Authority advise applicants to have regard to this guidance when producing operating schedules.
- 8.14 The Public Health Team has a duty to investigate nuisance complaints and therefore should be the first point of contact in cases where individuals are experiencing problems of nuisance from licensed premises.

### 9 THE PROTECTION OF CHILDREN FROM HARM

- 9.1 The Licensing Authority will not seek to require that access to any premises is given to children at all times. Under normal circumstances this will be left to the discretion of the licensee. Generally the Licensing Authority will not seek to limit access of children to any premises unless it is necessary for the prevention of harm to them. Applicants are reminded that their general responsibilities towards staff and customers are increased where such staff/customers are children.
- 9.2 Applicants are advised to include within their operating schedules a clear statement as to when children will be employed at the premises and/or when they will be allowed on the premises as customers or performers in regulated entertainment. Applicants are reminded of the existence of local by laws governing the employment of children, and are advised to contact Education and Children Services in relation to this issue.
- 9.3 The range of alternatives which may be considered for limiting the access of children include:
- a) Limitations on the hours when children may be present.
  - b) Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place.
  - c) Limitations on the parts of premises to which children might be given access.
  - d) Age limitations (below 18).
  - e) Requirements for accompanying adults.
  - f) Full exclusion of people under 18 from premises when licensable activities are taking place.
- 9.4 Where applicants intend to allow children to enter their premises they are advised to establish and enforce clear codes of conduct to be observed at all times when children are present. The Licensing Authority suggests such codes to be incorporated within or annexed to operating schedules and to include reference to (amongst other things):
- a) The prohibition of foul and abusive language
  - b) The prohibition of threatening behaviour
  - c) The prohibition of entertainment of an adult or sexual nature
  - d) The prohibition of entertainment of a violent nature



## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- e) The prohibition of gambling (other than small numbers of AWP machines).
- 9.5 Applicants are advised to clearly state which parts of the premises children are allowed to enter, the circumstances in which this can take place and the control measures to ensure this is enforced. Applicants should seek advice from the Licensing Authority and Children's Services on a case by case basis.
- 9.6 Applicants are advised to include within their operating schedule a declaration that children of school age will not be allowed into their premises during school hours.
- 9.7 Applicants whose premises are used to provide services specifically to children and/or family groups are advised to adopt the following measures:
- a) Security checks on all staff, including temporary staff.
  - b) Training for key staff in relation to child protection and safety issues.
  - c) The adoption of fixed time deadlines after which children of a certain age will generally be expected to leave the premises. The Licensing Authority recommends that on a day preceding a school day this should be 8pm for children up to and including primary school age, and 10pm for secondary school children.
  - d) Procedures to ensure that unaccompanied children have the means to travel home safely.
- 9.8 In respect of licensed premises that hire their function rooms for private events, they adopt a system where all bookings are checked and details of the event or functions are verified as being bona fide. Such details to be recorded to include name of person who took the booking, contact details of person make the booking and what steps were taken to confirm that the event or function was not for persons under 18 years of age. This is to prevent the possibility of licensing offences being committed by the premises or those attending the function, such as an under 18's party, school proms or similar events where the majority of those attending will be under 18.
- 9.9 Applicants whose premises are to be used for Parties or events aimed primarily at 18 year olds and under are advised that the following arrangements are prudent to protect children from harm.
- Bookings for such events should only be taken from an adult. A requirement of an accompanying adult to supervise should be considered.
  - A Designated Premises Supervisor should be present whenever the premises is in use for such events
  - Specific arrangements need to be made by the premises to ensure that children and young people are able to get home safely. For example having a freephone available for booking local taxis.
  - Specific arrangements need to be made to ensure that children and young people that turn up at the premises and are denied access due to

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

intoxication get home safely to the care of a parent or carer or responsible adult.

- Fixed time deadlines at which such parties will generally be expected to leave the premises.
- 9.10 Consideration should be given to the age of bar staff serving at these events and the potential impact that peer pressure could have on the likelihood of alcohol being served to underage persons. Arrangements should include the supervision and training of these staff to deal with peer pressure.
- 9.11 Applicants are reminded of research carried out on behalf of the Department of Children & Families by Newcastle University, which concluded that children who misuse alcohol are likely to suffer harm to their physical and mental health, educational development and personal safety.
- 9.12 Applicants whose premises are to be used for the sale and/or supply of alcohol are advised to set out in their operating schedules the steps that will be taken to prevent the sale and/or supply of alcohol to persons under age. This may include (but not necessarily be limited to):
- a) The Implementation of a “Challenge 25” policy to ensure that all staff will insist on appropriate ID if they believe that a purchaser may be 25 or under – “No ID – No Sale”.
  - b) The provision of notices / posters to be clearly displayed in store, near the point of sale areas, to emphasise to customers that they will be challenged if they look 25 or under. It is recommended that similar posters relating to the sale of age related products to be clearly displayed near the products themselves.
  - c) What forms of proof of age will be accepted at the premises e.g. Photo-card driving licence, passport, Validate card or any PASS accredited proof of age card.
  - d) A requirement that all new employees to undergo induction training in relation to the sale of age restricted products, immediately on commencing employment, and a written record and details be kept of such training.
  - e) A requirement that all relevant staff undertake refresher training in relation to the sale of age restricted products at least once every 6 months.
  - f) That such training include information on the acceptable forms of ID, and in particular the “Validate” proof of age card, promoted within Carmarthenshire. Sample “Validate” ID cards, should be made available, for staff, to assist confidence in their understanding of information contained on such cards.
  - g) A Requirement that a “Refusals Log” be maintained, kept at the till area, and entries completed every time a sale is refused. These “refusals” should be examined and analysed by an appropriate person within the organisation, at regular intervals, and any potential concerns addressed immediately. Any such actions should be recorded, signed and dated.
  - h) Where a person under is 18 is employed, a signed record should be made by the relevant “supervisor” in charge of that person, prior to them commencing duty on each day.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- i) The Premises Licence Holder should have installed a CCTV system that covers the checkout area. The licensee or another appropriate person should randomly examine any available CCTV recordings, in an attempt to satisfy themselves that all relevant policies are being adhered to, and act accordingly where there is any suspicion that staff, are not following policy, such as not requesting ID, or questioning potential “proxy sales”.
- j) The preparation of a written policy in relation to the sale of age restricted products, a copy of which to be provided to all staff. Such a policy should be annually reviewed and if relevant, updated to reflect changes in the law, and / or guidance issued by relevant bodies.
- k) Where an EPOS system is in use, a till prompt is automatically generated to alert staff that an alcoholic product has been scanned, and that staff need to acknowledge this, before such a sale can continue.
- l) Arranging for the DPS to be in full time employment at the premises, with an active “hands on” role in, and responsibility for, overseeing staff. The DPS should have successfully completed, and provide evidence of such, a nationally accredited “personal licence” course.
- m) Ensuring that all documents referred to above, are kept at the premises and made available on request, at all times to Police, Trading Standards or Licensing Officers. Applicants are advised that where such a requirement is made a condition of licence, a failure to produce could be interpreted as documents “not being available”, which could be a breach of licensing conditions.

9.13 The Trading Standards Services Section offer free training for premises staff in relation to the sale of alcohol and other age restricted products. Licence holders wishing to take advantage of this service must make arrangements well in advance by contacting the Trading Standards Section using the contact details contained in Appendix B.

9.14 Applicants should have regard to such advice and guidance as may be issued from time to time by the Police and the Carmarthenshire County Council’s own Trading Standards Officers.

9.15 Applicants are reminded that the advice to keep training records set out in paragraph 6.1 in this policy is equally applicable in this context.

9.16 The Licensing Authority recognises that the Department for Education and Children of Carmarthenshire Council is the competent body to advise on matters relating to the protection of children from harm. The address to which applicants should forward copies of their application is contained in Appendix E.

9.17 The Licensing Authority strongly advises applicants to make a commitment in their operating schedules to follow the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. Failure to do so may be regarded as intelligence of irresponsible drinks promotions under section 19 (2) of this policy.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### 10 CUMULATIVE IMPACT

##### Station Road, Llanelli

- 10.1 The Licensing Authority has received sufficient evidence to show that a Cumulative Impact Policy continues to be required in relation to the lower end of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F. However, in accordance with paragraph 1.7 this matter will be kept under constant review.

This Policy applies to any property which has a boundary on the relevant portion of Station Road.

- 10.2 Where relevant representations are received, it is the Licensing Authority's policy to refuse applications in respect of the lower end of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F for;

- (a) New Premises Licences
- (b) The variation of such licences that are considered likely to add to the existing cumulative impact.

The policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances

Exceptions are unlikely to be made on the grounds that the premises are, or will be, well managed

Exceptions should be directed at the reasons underlying the policy.

An exception might arise where an application proposes;

- (a) To effect a real reduction in capacity
- (b) To replace vertical drinking with seated consumption and waiter service.
- (c) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental Impact and will promote the licensing objectives.
- (d) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.

Variation applications which are likely to be considered to add to the existing cumulative impact include;

- (a) An increase in the capacity of the premises
- (b) An extension in the hours of operation of the premises
- (c) Introducing opportunities to consume alcohol other than ancillary to table meals

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- (d) Introducing opportunities to take food away from the premises
- (e) Introducing dance floors or similar facilities
- (f) Any other change to the way the premises operate which is likely to have an impact on the promotion of the licensing objectives.
- (g) The varying of an existing licence condition attached to a premises licence, which is likely to have an impact on the promotion of the licensing objectives.

The Licensing Authority acknowledges that it has departed from the Secretary of State's guidance by including premises which sell alcohol for consumption off the premises within the scope of this policy. However the Licensing Authority believes that this departure is justified due to the evidence of price competitive behaviour linked to street drinking, underage drinking, proxy sales and pre-loading associated with the concentration of such premises in Station Road, Llanelli.

The Licensing Authority acknowledges that this policy goes further than that set out within the Secretary of State's Guidance. However the Licensing Authority believes this is justified on the grounds set out below.

The reasons for adopting this policy are as follows;

1. The portion of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F contains a total of 23 licensed premises, including pubs, nightclubs, off licences and late night take away outlets.
  - a) During the period 01/01/13 to 31/07/15 the following incidents occurred in Station Road –
    - 101 incidents of alcohol related ASB
    - 84 Incidents including alcohol related public safety concerns
    - 233 alcohol related crimes.
  - b) Station Road accounted for 57% of alcohol related anti social behaviour and 67% of alcohol related crime recorded in the hot spot areas in Llanelli identified in the policy.
2. The Road is in close proximity to a large number of residential streets. There is clear evidence that these streets are subject to alcohol related crime and disorder by persons who have purchased alcohol in Station Road.
3. Station Road is the location for a number of licensed premises. There is clear evidence linking these premises to late night noise and anti social behaviour in Station Road and the surrounding residential streets.
4. Evidence has been received that late night food outlets attract passing custom from people leaving the town centre, leading to a greater concentration of people than would otherwise be the case, before dispersing through nearby residential streets.
5. There have been licence applications relating to premises in Station Road which have highlighted issues of alcohol related anti-social behaviour and crime and disorder.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

6. The evidence to support the above is contained in the Policy review file and on the individual premises files held by the Licensing Section.
7. The evidence from the consultation shows that residents are continuing to be affected by alcohol related crime and disorder, however this is primarily between it's junction with Queen Victoria Road south to the railway crossing, as shown on the plan attached at appendix F.

#### **Lammas Street, Carmarthen.**

- 10.3 The Licensing Authority has received sufficient evidence to show that it would be inconsistent with the Authority's duty under section 4 (1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises in Lammas Street, Carmarthen as shown on the plan attached at appendix G. However, in accordance with paragraph 1.7 this matter will be kept under constant review.

This Cumulative Impact Assessment applies to any property which has a boundary on Lammas Street, Carmarthen.

- 10.4 Where relevant representations are received, it is the Licensing Authority's intention to refuse applications in respect Lammas Street, Carmarthen as shown on the plan attached at appendix G for;

- (c) New Premises Licences
- (d) The variation of such licences that are considered likely to add to the existing cumulative impact.

This Assessment is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances

Exceptions are unlikely to be made on the grounds that the premises are, or will be, well managed

Exceptions should be directed at the reasons underlying the Assessment.

An exception might arise where an application proposes;

- (e) To effect a real reduction in capacity
- (f) To replace vertical drinking with seated consumption and waiter service.
- (g) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental Impact and will promote the licensing objectives.
- (h) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.

Variation applications which are likely to be considered to add to the existing cumulative impact include;

- (h) An increase in the capacity of the premises
- (i) An extension in the hours of operation of the premises

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- (j) Introducing opportunities to consume alcohol other than ancillary to table meals
- (k) Introducing opportunities to take food away from the premises
- (l) Introducing dance floors or similar facilities
- (m) Any other change to the way the premises operate which is likely to have an impact on the promotion of the licensing objectives.
- (n) The varying of an existing licence condition attached to a premises licence, which is likely to have an impact on the promotion of the licensing objectives.

The reasons for adopting this Assessment are as follows;

1. Lammas Street, Carmarthen, shown on the plan attached at appendix G contains a total of 18 licensed premises, including pubs, nightclubs, off licences and late night take away outlets.
  - a) During the period 01/01/16 to 31/03/18 there have been a total of 262 alcohol related crimes recorded between 10pm and 6am across Carmarthen Town, 44% of these crimes (114) were committed in Lammas Street.
  - b) Over the last two years there have been a total of 226 crimes reported to have occurred in Lammas Street, 74% of these crimes (167) were committed between the hours of 10pm and 6am with 68% of those crimes being alcohol related (114 out of 167 crimes)
  - c) In addition to the above there were 125 incidents of anti-social behaviour reported and received between the hours of 10pm and 6am in Lammas Street. 46% of those ASB incidents were alcohol related (37).42% of alcohol related public order incidents and 82% of alcohol related violence against the person in Carmarthen Town over the last two years were committed in Lammas Street.
2. The Road is in close proximity to a large number of residential streets. There is clear evidence that these streets are subject to alcohol related crime and disorder by persons who have purchased alcohol in Lammas Street.
3. Lammas Street is the location for a number of licensed premises. There is clear evidence linking these premises to late night noise and anti-social behaviour in Lammas Street and the surrounding residential streets.
4. Evidence has been received that late night food outlets attract passing custom from people leaving the town centre, leading to a greater concentration of people than would otherwise be the case, before dispersing through nearby residential streets.
5. There have been licence applications relating to premises in Lammas Street which have highlighted issues of alcohol related anti-social behaviour and crime and disorder.
6. The evidence to support the above is contained in the Policy review file and on the individual premises files held by the Licensing Section.
7. The evidence from the consultation shows that residents are continuing to be affected by alcohol related crime and disorder, as shown on the plan attached at appendix G.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### 11 LICENSING HOURS

- 11.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours may therefore be an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 11.2 However, the Licensing Authority recognises that in certain cases, the presumed benefits of longer licensing hours may be outweighed by the disadvantages of increased public nuisance, crime and disorder. This may be particularly the case in rural or residential areas. The Licensing Authority advises applicants to address this possibility when preparing their operating schedules in accordance with section 5 of this policy.
- 11.3 As far as the Licensing Authority's overall approach to licensing hours is concerned, it has not introduced any form of zoning at present.
- 11.4 Instead, regard will be given to the individual characteristics of the premises concerned and the area in which it is located. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, members clubs and community venues all contribute to the night time economy but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 11.5 Premises licensed to sell alcohol will generally be permitted to do so during the normal hours they intend to open for business
- 11.6 Where representations are received, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. For example, when issuing a licence, stricter controls may be imposed in the case of premises which are situated in the vicinity of residential accommodation.
- 11.7 Applicants for new licences, or those seeking variation of their existing licences and permissions, are advised to set out in detail in their operating schedules the control measures which they intend to adopt to address the licensing objectives.
- 11.8 Applicants are strongly recommended to include provision for drinking up time in their operating schedules.



## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### 12. FILMS

- 12.1 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself. The Licensing Authority has adopted a procedure for processing classification requests. Anyone wishing to obtain a certificate to show an unclassified film at a specific location is advised to contact the licensing section for a copy of the procedure prior to arranging a screening.
- In recent years, the Act has been amended to exempt some types of film entertainment provided at certain locations from the requirement to be licensed between the hours of 8am and 11pm. Persons considering providing film entertainment are advised to contact the licensing section for detailed guidance regarding these exemptions.

#### 13. INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 13.1 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operatives.
- 13.2 The Licensing Authority will endeavour to secure proper integration with local crime prevention, substance misuse action plans and strategies, planning, transport, tourism, cultural and health, social care and well-being strategies.
- 13.3 Where any protocols agreed with the police identify a particular need to disperse people from any areas swiftly and safely to avoid concentrations which could lead to disorder and/or nuisance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.
- 13.4 The licensing authority will seek to encourage licensable activities which do not undermine the licensing objectives and which are consistent with the economic regeneration strategies and objectives of the authority, particularly those of the Llanelli town centre task force.
- 13.5 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Therefore, the Licensing Authority will not insist that a premises has the benefit of appropriate planning consent before considering an application, although applicants are reminded that the local planning authority, as a relevant authority, has the power to object to the granting of a licence and/or request the imposition of conditions upon any licence granted. Applicants are also reminded that the fact that planning consent may permit them to operate until a particular hour does not mean that they will necessarily be granted a licence on the same terms as different statutory criteria is applied under the planning and licensing regimes.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 13.6 The Licensing Authority recognises that, apart from the licensing function, there are a number of other means available for addressing issues of disorder and nuisance that can occur away from licensed premises, including:
- a) Planning Controls.
  - b) Positive measures to create a safe and clean town centre environment in partnership with (amongst others) local businesses, transport operators and other departments of the Local Authority.
  - c) The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - d) Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly.
  - e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
  - f) The prosecution of any personal licence holder or member of staff at such premises, selling alcohol to people who are drunk.
  - g) The confiscation of alcohol from adults and children in designated areas.
  - h) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, or the likelihood of disorder or noise from the premises causing a nuisance.
  - i) The powers of the police, other relevant authority or a local resident or business to seek a review of the licence or certificate in question.
  - j) The powers of Public Health Services to issue abatement notices under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance.
- 13.7 The Licensing Authority will continue to address issues of this type through the Carmarthenshire Community Safety Partnership.

## 14. LIVE MUSIC, DANCING AND THEATRE

- 14.1 In recent years, the Act has been amended by the Live Music Act, Deregulation Act and other legislative orders, which have exempted some types of entertainment provided at certain locations from the requirement to be licensed between the hours of 8am and 11pm. It should be noted that exempt entertainment is still subject to the powers under the Environmental Protection Act 1990 and that live music provided at licensed premises under The Live Music Act must still promote the licensing objectives and could still be subject to a licence review. Persons considering providing entertainment are advised to contact the licensing section for detailed guidance regarding these exemptions.
- 14.2 When determining applications for live and/or community based events the Licensing Authority will take into account the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole, and in particular the need to support and promote the linguistic and cultural heritage of Carmarthenshire.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 14.3 If representations are made concerning the potential for disturbance in a particular neighbourhood as a result of such activities, such representations will be balanced against the wider benefits to the community of such events taking place.
- 14.4 When attaching conditions to licences granted for such events, the Licensing Authority recognises the need to avoid measures that might deter live music, dancing or theatre by the imposition of substantial indirect costs.
- 14.5 The Licensing Authority acknowledges the advice previously received from the DCMS in this context that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 14.6 Only conditions strictly appropriate for the promotion of the licensing objectives will be attached to licences for activities of this nature.

#### 15. SMALL SCALE TEMPORARY EVENTS

- 15.1 The Act provides for certain occasions when small-scale events (for no more than 499 people at any one time and lasting for no more than 168 hours) do not need a premises licence providing that advance notice is given to the Police, Environmental Health and the Licensing Authority. Only the Police or Environmental Health can object to such a Temporary Event Notice if they believe the event is likely to undermine any of the licensing objectives.

##### **Standard Temporary Event Notices**

- 15.2 Persons wishing to hold such events under the authority of a standard temporary event notice (TEN) must give a **minimum of 10 clear working days** notice to the Police, Environmental Health and the Licensing Authority. The addresses to which such notices must be sent can be found in Appendix C to this policy.

##### **Late Temporary Event Notices**

- 15.3 A late temporary event notice can be submitted up to **five clear working days prior to the start** of an event and must be served in the same way as set out above for standard TENs. However if one of the authorities objects to a late TEN, the Notice will not be valid and the event will not be able to go ahead.
- 15.4 The Licensing Authority recommends that responsible event organisers give far greater notice of events however, to ensure that potential problems can be identified and resolved well in advance. Ideally the Licensing Authority would like to receive three months notice of such 'small' temporary events, although it is recognised that this may not be practicable in some cases.
- 15.5 Those submitting Temporary Event Notices are therefore strongly recommended to contact licensing officers early in the planning of such events to obtain further guidance regarding the process.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 15.6 Those submitting Temporary Event Notices are advised to consider the advice about organising events for 18 year olds and under which can be found at paragraph 9.9 and the impact of alcohol consumption on young people which can be found at 9.10
- 15.7 Organisers of Temporary Events are strongly advised to refer to the good practice advice contained in other sections of this policy document. In particular :-
- Section 6 The Prevention of Crime and Disorder,
  - Section 7 Public Safety
  - Section 8 The Prevention of Public Nuisance and
  - Section 9 The Protection of Children From Harm

Organisers are also strongly advised to consult the Authorities listed in Annex B for advice regarding their obligations under other separate legislation.

## 16 LARGER OCCASIONAL EVENTS

- 16.1 Organisers of larger Occasional events involving 500 or more people will be required to submit applications for premises licences. The Licensing Authority again strongly recommends that event organisers contact licensing officers early in the planning stages of the event. Ideally the Licensing Authority would like to receive 12 months notice of any such event, although it is again recognised this may not be practicable in some cases.
- 16.2 The Following table is included as a suggested minimum period of time prior to an event for submitting a complete application, following consultations with the responsible authorities.

<b>Maximum number of attendees at any time</b>	<b>Minimum notice period</b>
500 - 999	Not less than 2 months
1000 - 2999	Not less than 3 months
3000 - 4999	Not less than 4 months
5000 - 19999	Not less than 5 months
20000 – 49999	Not less than 6 months
50000 +	Not less than 7 months

- 16.3 Organisers of all occasional events, irrespective of their size and duration, are reminded that failure to consult with the Licensing Authority and Responsible Authorities well in advance of the event taking place increases the risk of objections to the event, and the subsequent cancellation of the event itself.
- 16.4 Organisers of occasional events are advised to prepare an Event Management Plan setting out details of all aspects of the arrangements for

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

the event. Organisers are advised to contact the licensing section for advice and guidance regarding the preparation of such management plans.

- 16.5 The Licensing Authority will establish a multi-agency advisory group, consisting of the emergency services and other council services such as Highways and Public Health, to advise and co-ordinate planning for public events in the County, irrespective of their size and duration.
- 16.6 Organisers of occasional events are advised to consider the advice about events aimed at 18 year olds and under that can be found at 9.9 and the impact of alcohol consumption on young people which can be found at 9.10.

### 17. THE LICENSING PROCESS

- 17.1 The powers of the Licensing Authority under the Act will be carried out either by the Licensing Committee, by a sub-committee of that committee, or by one or more officers of the council in accordance with the scheme of delegation, which is prescribed from time to time by regulations and guidance under the Act. See Appendix A.
- 17.2 In general terms however, the Licensing Committee will have a largely supervisory role, contested applications will be dealt with by sub-committees, and uncontested applications by officers. See Appendix A.
- 17.3 Applicants are strongly encouraged to consult the Licensing Authority, responsible authorities, local businesses and residents whilst preparing their applications. The Licensing Authority firmly believes that this will assist applicants in identifying potential problems so that they can be addressed before they occur, and allay the fears of such businesses and residents as to the impact of the new licensing regime.
- 17.4 Applicants are strongly encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedules.
- 17.5 There is a presumption that a Sub Committee will not undertake site visits. A site visit will only be arranged where a valid representation is received and in the opinion of the licensing officer the sub committee may benefit from such a visit when determining the application. Officers will consult the chairman of the relevant Sub Committee prior to arranging a site visit.

If when dealing with applications where a site visit has not been arranged, the sub committee subsequently feels that a site visit is necessary in order to determine the application, the hearing may be deferred to allow this to take place.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### 17.6 Minor Variations

The Licensing Act 2003 has been amended by the insertion of Section 41A to 41C relating to minor variations. This allows for certain small variations to be processed through a simplified 'minor variations' process.

Minor variations will generally fall into four categories:

- Minor variations to the structure or layout of the premises
- Small adjustments to licensing hours
- The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
- The addition of certain licensable activities

Applicants are advised to contact the Licensing Section to discuss their proposed application prior to submitting a formal application.

#### 17.7 Community Premises

The Licensing Act 2003 has been amended to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to be exempted from the need to have a designated premises supervisor.

Such an application may only be submitted where the licence holder is the management committee, who would then be responsible for the supervision and authorisation of all alcohol sales made.

Community premises are defined as church or chapel halls, village or community halls or similar buildings.

Applicants are advised to discuss their proposals with the Licensing Section prior to submitting a formal application.

#### Making Representations

17.8 Persons considering making representations in relation to an application may wish to contact the licensing section for further information regarding the application and for guidance regarding the process of making representations.

17.9 The Authority advises individuals wishing to make representations against submitting a petition, as it is often difficult to verify that all the signatories meet the criteria contained in the legislation for relevant representations. In line with advice from LACORS, where lengthy petitions are submitted in relation to licence applications, a lead contact should be given and the Authority will then only correspond directly with that individual. Information regarding the application will be made available upon reasonable request to other signatories of the petition.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- 17.10 In the interests of Local Authority cost and efficiency, where large numbers of representations are received regarding an application, copies of all the representations may not be distributed to all persons. The relevant documents will however be made available for inspection.
- 17.11 Any persons who have submitted representations are strongly advised to attend the hearing arranged to determine the application, as the committee may have to attach less weight to their representation if they are not present to answer questions regarding matters raised.
- 17.12 Where a person does not agree for their personal information being disclosed to an applicant, they are advised that this may result in less weight being attached to their representations.
- 17.13 Where a person has a genuine and well founded fear of intimidation and may be deterred from making a representation, they are advised to consider contacting the relevant Responsible Authority to discuss their concerns regarding the application.
- 17.14 Any person may make relevant representations in respect of licence applications.
- 17.15 Persons who make representations are expected to set out in detail the problems complained of and how they affect them.

### **18. LICENCE REVIEWS**

- 18.1 At any stage following the grant of a premises licence, any person or responsible authority may ask the Licensing Authority to review the licence because of problems arising at the premises in connection with any of the four licensing objectives. In addition, a review of the licence will normally follow any action by the police to close down premises for up to twenty-four hours on grounds of disorder or public nuisance.
- 18.2 Any person who wishes to apply to review a licence or certificate are reminded that such an application cannot be made on a confidential basis. It is a requirement of the Act that the identity of the person or organisation making the application be disclosed in order for the request to be valid.
- 18.3 Where the application for a review originates with a person other than a responsible authority the Licensing Authority will first consider whether the request made is irrelevant, vexatious, frivolous or repetitious. This decision will be made by officers of the Licensing Authority in conjunction with the Chair or Vice Chair of the Licensing Committee.
- 18.4 Nothing in this policy shall be taken to prevent any individual making separate applications for the review of different licences, or more than one

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

application for the review of the same licence where such requests are based on different complaints or evidence.

- 18.5 Following receipt of an application for review or where the closure procedures referred to in paragraph 18.1 above apply, the Licensing Authority will arrange a hearing, which will be conducted in accordance with the prescribed regulations.

### 19. DISPUTE RESOLUTION

- 19.1 In the first instance, individuals or groups with concerns about particular premises are encouraged to raise their concerns directly with the applicant or licensee concerned.

- 19.2 Where the following have occurred the Licensing Authority will offer to arrange for mediation between the parties concerned to try to address, clarify and resolve the issues in dispute:

- a) A valid representation regarding a licence application
- b) A valid request for the review of a licence
- c) A valid complaint about licensed premises.

- 19.3 This offer will not override the right of any party to ask that the Licensing Committee (through its sub-committees) consider their representation, request or objection, nor the right of any applicant or licensee to refuse to take part in the mediation process.

### 20. ENFORCEMENT

- 20.1 The Licensing Authority has established protocols with the police and other enforcing authorities. These protocols will provide for the targeting of unlicensed premises, problem premises and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

The authority has established a Licensing Action Group to provide a forum for representatives of the responsible authorities to meet regularly to focus coordinated action in respect of clubs or premises which are a source of complaint or concerns.

- 20.2 In establishing whether premises are high risk, regard will be had to the following:

- a) Intelligence relating to disorder and/or nuisance at, or in the vicinity of the premises.
- b) Intelligence relating to the sale/consumption of alcoholic drinks at, or in the vicinity of the premises by persons under age.
- c) Intelligence relating to drug taking and/or dealing at, or in the vicinity of the premises.



## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

- d) Intelligence relating to irresponsible drinks promotions at the premises.
- e) Intelligence relating to binge drinking at the premises.
- f) Whether the premises can be categorised at any time as high volume or high-density vertical drinking establishments.

20.3 In general, action will only be taken in accordance with set enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### Appendix A

#### DELEGATION OF FUNCTIONS

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Suspension or revocation of a personal licence		All Cases	
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a representation or review application is irrelevant, frivolous, vexatious etc.			All cases (In consultation with the Chair or Vice Chair of Licensing)
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	
Adjourning a sub committee where all parties consent			In consultation with sub-committee chairperson
Film Classification Request		Film not	Previously classified

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

		previously classified	film to be shown at different premises
--	--	-----------------------	--

## Appendix B

### CONTACT DETAILS

#### Licensing Authority

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567  
e-mail : [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

Tel No. 101 Ext 26464  
e-mail: [Mike.Price@Dyfed-Powys.pnn.police.uk](mailto:Mike.Price@Dyfed-Powys.pnn.police.uk)

#### The relevant Planning Authority for your premises:-

#### Either

Head of Planning  
Carmarthenshire County Council  
8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

Tel No. 01267 242454  
e-mail: [Planning@Carmarthenshire.gov.uk](mailto:Planning@Carmarthenshire.gov.uk)

#### Or

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

#### **Brecon Beacons National Park, for premises within its administrative area**

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

Tel No: 01874 620431  
Email: [planning.enquiries@breconbeacons.org](mailto:planning.enquiries@breconbeacons.org)  
Fax: 01874 622524

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Tel No. 01267 234567  
e-mail: [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

Trading Standards Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Tel No. 01267 234567  
e-mail: [PublicProtection@Carmarthenshire.gov.uk](mailto:PublicProtection@Carmarthenshire.gov.uk)

County Commander  
Mid and West Wales Fire and Rescue Services  
Carmarthenshire County Command HQ  
Lime Grove Avenue  
Carmarthen  
Carmarthenshire  
SA31 1SP

Tel No. 0870 6060699  
e-mail: [Mail@Mawwfire.gov.uk](mailto:Mail@Mawwfire.gov.uk)

Department for Education and Children  
Carmarthenshire County Council  
Building 2  
St. Davids Park

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

Jobs Well Road  
Carmarthen  
SA31 3HB

Tel No. 01267 246544  
e-mail. SocialCare@Carmarthenshire.gov.uk

#### **The relevant Health and Safety authority for your premises**

##### **Either**

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
SA31 1LE

Tel No. 01267 234567  
e-mail: PublicProtection@Carmarthenshire.gov.uk

##### **Or**

Health and Safety Executive  
Services Division  
Ty Myrddin  
Old Station Road  
Carmarthen  
Carmarthenshire  
SA31 1LP

Tel No. 01267 244230  
Fax No 01267 223267

Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.

**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**Appendix C**

**ADDRESSES FOR SERVICE OF TEMPORARY EVENT NOTICES**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Commercial Services Manager  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

Tel No. 101 Ext 26464  
e-mail: [Mike.Price@Dyfed-Powys.pnn.police.uk](mailto:Mike.Price@Dyfed-Powys.pnn.police.uk)

Envelopes should be marked 'URGENT TEMPORARY EVENTS NOTICE'

**Appendix D**

**ADDRESS FOR SERVICE OF APPLICATIONS ON THE LICENSING AUTHORITY**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**Appendix E**

**ADDRESSES FOR SERVICE OF RESPONSIBLE AUTHORITIES**

**Licensing Authority**

Licensing Section  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

Police Licensing Officer  
Dyfed Powys Police  
Ammanford Police Station  
Foundry Road  
Ammanford  
Carmarthenshire  
SA18 2LS

**The Relevant planning Authority**

**Either ,**

Head of Planning  
Carmarthenshire County Council  
8 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LQ

**Or**

**Brecon Beacons National Park, for premises within its administrative area**

Enforcement Officer  
Brecon Beacons National Park Authority  
Plas Y Ffynnon  
Cambrian Way  
Brecon  
Powys  
LD3 7HP

## LICENSING ACT 2003

### STATEMENT OF LICENSING POLICY

Commercial Services Manager (for public nuisance issues)  
Department for Communities  
Carmarthenshire County Council  
Ammanford Town Hall  
Iscennen Road  
Ammanford  
SA18 3BE

Trading Standards Manager  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE

County Commander  
Mid and West Wales Fire and Rescue Services  
Carmarthenshire County Command HQ  
Lime Grove Avenue  
Carmarthen  
Carmarthenshire  
SA31 1SP

Department for Education and Children  
Carmarthenshire County Council  
Building 2  
St. Davids Park  
Jobs Well Road  
Carmarthen  
SA31 3HB

**The relevant Health and safety authority for your premises,**

**Either**

Commercial Services Manager (for public safety issues)  
Department for Communities  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
SA31 1LE

**Or**

Health and Safety Executive  
Services Division  
Ty Myrddin  
Old Station Road



## **LICENSING ACT 2003**

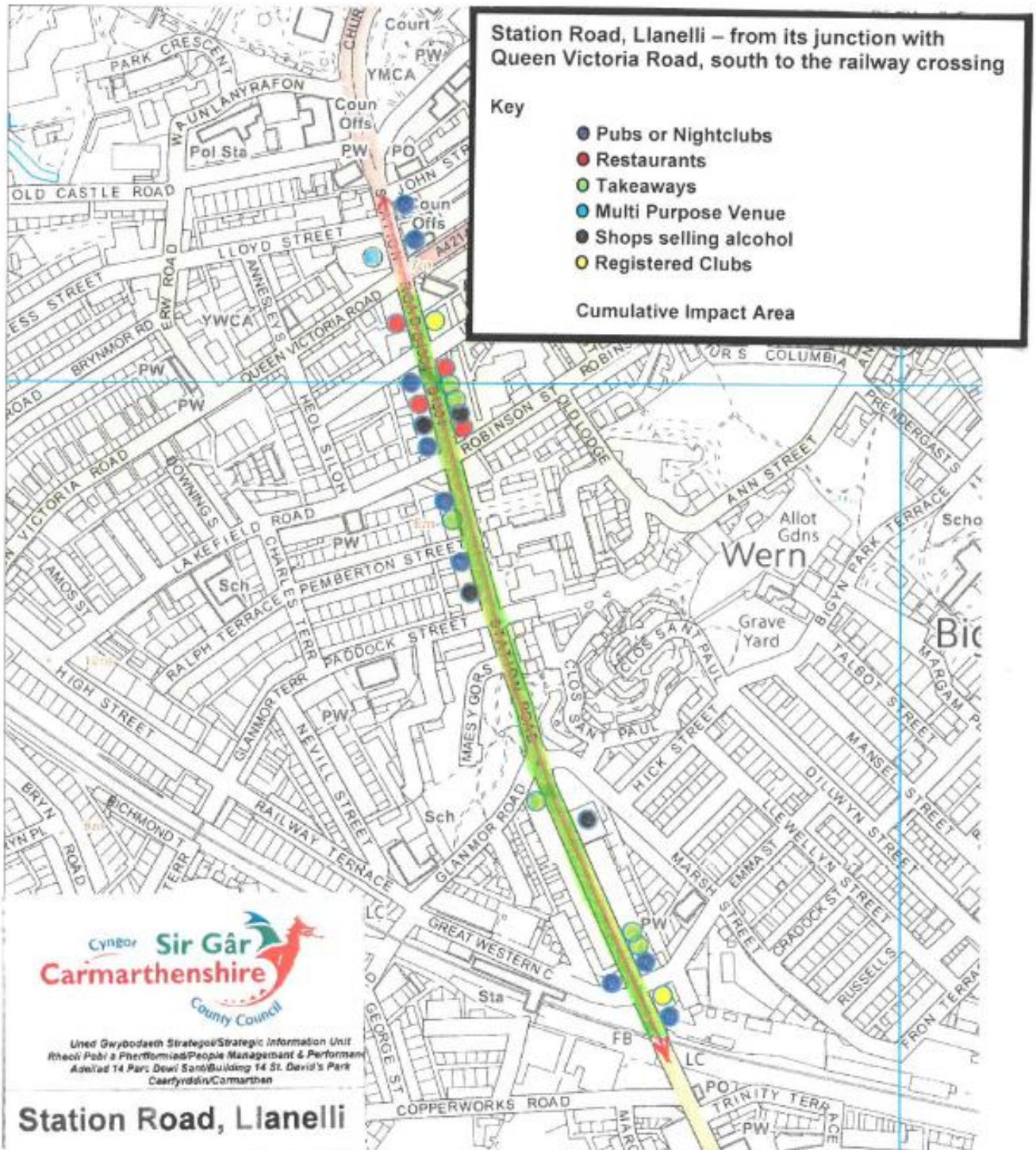
### **STATEMENT OF LICENSING POLICY**

Carmarthen  
Carmarthenshire  
SA31 1LP

Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.

STATEMENT OF LICENSING POLICY

Appendix F



# LICENSING ACT 2003

## STATEMENT OF LICENSING POLICY

### Appendix G

