

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Executive and Full Council
Date:	22/03/2021 and 18/05/2021
Subject:	Statement of Licensing Policy 2021 – 2026
Portfolio Holder(s):	Councillor Richard Dew Councillor Nicola Roberts Chair of Licensing Committee
Head of Service:	Christian Branch Acting Head of Regulation and Economic Development
Report Author: Tel: E-mail:	Sion Hughes 07747 118 406 slhpp@anglesey.gov.uk
Local Members:	

A –Recommendation/s and reason/s
<p>The Executive is requested to recommend to the Full Council the adoption of the Statement of Licensing Policy 2021-2026.</p> <p>Every Five years the Licensing Act 2003 requires that the Council adopts a Statement of Licensing Policy. This Policy sets out how the Council will discharge its functions with regard to the regulation of Licensed regulated activity. The draft policy has been produced in accordance with the Licensing Act statutory guidance on form and content of the Policy. It is a revised and updated version of the Council’s previous policy.</p>

B – What other options did you consider and why did you reject them and/or opt for this option?
<p>It is a legal requirement that the Statement of Licensing Policy is adopted by the Council. No other options are available.</p>

C – Why is this a decision for the Executive?
<p>The Executive is required to make recommendations to the Council as the policy forms part of the Council’s Policy Framework.</p>

CH – Is this decision consistent with policy approved by the full Council?
<p>Yes. It forms part of the Council’s Policy Framework.</p>

D – Is this decision within the budget approved by the Council?
Yes

DD – Who did you consult?		What did they say?
1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	Approved for consideration by the Executive. Deputy Chief Executive requested reference to adapting to external factors affecting implementation of the policy. Included at para. 14.5.
2	Finance / Section 151 (mandatory)	Approved with request to encourage online payments.
3	Legal / Monitoring Officer (mandatory)	Approved
4	Human Resources (HR)	Not applicable
5	Property	Not applicable
6	Information Communication Technology (ICT)	Not applicable
7	Procurement	Not applicable
8	Scrutiny	Not applicable
9	Local Members	Not applicable
10	Any external bodies / other/s	Consultation was carried out with all the responsible authorities as listed in the policy. A public consultation page was published on our website. North Wales Fire and Rescue, Planning and Environmental Health provided updating information. Teulu Mon asked for specific reference to child exploitation, which has been included. There were no other consultation responses.

E – Risks and any mitigation (if relevant)	
1	Economic
2	Anti-poverty
3	Crime and Disorder
4	Environmental
5	Equalities
6	Outcome Agreements

7	Other	
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F - Appendices:
Statement of Licensing Policy, Licensing Act 2003, 2021 - 2026

FF - Background papers (please contact the author of the Report for any further information):



CYNGOR SIR
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ISLE OF ANGLESEY
COUNTY COUNCIL

LICENSING POLICY

FEBRUARY 2021 (INSERT DATE POLICY ADOPTED)

1. Background
2. Scope and Extent of the Licensing Act 2003
3. Licensing Objectives
4. The Licensing Process and Administration of Functions
5. Premises Licences and Club Premises Certificates (New Applications, Variations & General Information)
6. Temporary Event Notices (TENs)
7. Personal Licences
8. Club Premises Certificates.
9. Operating Schedule
10. Fees
11. Cumulative Impact, Late Night Levy & Early Morning Restriction Orders
12. Other relevant regimes
13. Enforcement
14. Miscellaneous

APPENDICES

- Appendix A Contact details for licensing applications
- Appendix B Responsible Authorities
- Appendix C Review procedure incorporating joint problem solving and enforcement ladder
- Appendix D Delegation of functions
- Appendix E Glossary of Terms

1 BACKGROUND

1.1 This Licensing Policy (**the Policy**) is issued in accordance with the Licensing Act 2003 (**the Act**). The Policy sets out the principles that Isle of Anglesey County Council (**the Authority**) will apply when making decisions upon applications, hearings, reviews and appeals under the Act in relation to:

- (a) The sale by retail of alcohol;
- (b) The supply of alcohol by or on behalf of a club to, or to the order of a member of the club;
- (c) The provision of late night refreshment (supply of hot food or drink from a premises between 23.00 and 05.00 hours); and
- (d) The provision of regulated entertainment to the public or club members with a view to making profit including raising money for charity where the entertainment involves: a theatrical performance or film exhibition; an indoor sporting event; boxing or wrestling bouts; performance of live music; playing of recorded music or performance of dance.

1.2 The Isle of Anglesey is located in the North West of Wales. The Island is predominantly lowland and it has a coastal Area of Outstanding Natural Beauty (AONB). Large numbers of visitors are attracted, who make an important contribution to the local economy. Agriculture remains an important activity and is integral to the island's identity and culture. The 2011 Census records a population of 69,769 with 30,600 households. Holyhead is the largest town on Anglesey, and the majority of the largest settlements are located around the coast. The largest settlement away from the coast is Llangefni, which is the County town. Anglesey has strong international transport links to Ireland through the Port of Holyhead. The A55, which is part of the Trans-European Road Network (TERN), and the North Wales coastal railway, connects the area to the rest of North Wales and the United Kingdom

1.3 There are few recognised "night clubs" or major concentrations of licensed premises on the Island. Village and school halls provide venues for social and cultural events. Several open air concerts and shows provide for the larger and temporary events.

2 SCOPE AND EXTENT OF THE LICENSING ACT 2003

2.1 It is the duty of the Authority to carry out its functions under the Act with a view to promoting with equal importance the **Four Licensing Objectives**:

- (a) Prevention of Crime and Disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance and,

- (d) Protection of children from harm.
- 2.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Authority will therefore continue to work in partnership with all other relevant stakeholders and partners.
- 2.3 In undertaking its licensing function, the Authority will have regard to other legislation and Government Strategies and Policies as applicable. Where other regulatory regimes place obligations on applicants, the Authority will avoid imposing the same or similar obligations by way of conditions on a licence as far as possible.
- 2.4 The Authority will also consider wider initiatives that are relevant to licensing such as:
- (a) CCTV coverage of town centres
 - (b) Exclusion Orders from Town Centre
 - (c) Safer Clubbing Guide
 - (d) Pub Watch & Safety Advisory Group
 - (e) The Best Bar None awards initiative
- 2.5 The Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents. The Authority recognises that licensed premises on the Island contribute to the local economy, attract tourists and visitors, make for vibrant towns and communities and are major employers. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. That said, the Authority is mindful of balancing this with the needs of local residents and wider considerations in accordance with the Licensing Objectives.
- 2.6 The Authority has adopted this Policy which sets out the Authority's general approach to licensing decisions. The Authority will take the Policy, as well as the Guidance published by the Secretary of State under Section 182 of the Act, into account when exercising its functions under the Act whilst recognising that each application must be considered on its own merits.
- 2.7 This Policy was last reviewed in [24 February 2016] and adopted on [**to be confirmed**].
- 2.8 Where the statutory guidance published under Section 182 of the Act is revised at any time, or where relevant legislative or regulatory changes occur, the Licensing Authority will have regard to such developments where they might have a potential impact upon this Policy.

3 LICENSING OBJECTIVES

- 3.1 The Authority's approach to the Licensing Objectives is set out further below.

- 3.2 In addition to its powers under the Act, the Authority will use a full range of measures including its planning controls, transport controls, crime and disorder policies and powers. The Authority will enter into partnership arrangements, working closely with the Police, the fire authority, local Health Board, local businesses, community representatives and local people in meeting these objectives.

Prevention of Crime and Disorder

- 3.3 The Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.
- 3.4 One of the key priorities of the Authority's Crime and Disorder Strategy is to reduce the level of crime in specified areas. The Policy will have regard to the likely impact of licensing on the good management of premises and their immediate environment.
- 3.5 The Authority will have due regard to the representations of North Wales Police Service.
- 3.6 **Safer Clubbing** - The Authority wishes to promote the principles of "Safer Clubbing". It will recommend the current Home Office guidance to relevant Premises Licence and Club Premises Certificate holders. Appropriate and proportional licensing conditions may be imposed to control the environment at relevant premises in support of the "Safer Clubbing" principles.
- 3.7 **Drugs** - Where deemed necessary, conditions will be imposed to reduce the possible sale and/or consumption of drugs. In all cases where these conditions are deemed necessary, advice will be taken from the local Drugs Action Team and the Police.
- 3.8 **Door Supervisors** - Where a premises licence includes a condition requiring any person to carry out a security activity, the licence must include a condition requiring that person to be licensed by the Security Industry Authority unless exempt from such a requirement by reason of falling into one or more of the categories specified in section 21(2) of the Act (licences authorising plays or films, or on other occasions). Where deemed necessary, the Authority may also exercise its discretion and impose conditions that licensed door supervisors (approved by the Security Industry Authority) must be employed at the premises, either at all times or at such times as specified by the Authority, and at a number and ratio to be determined by the Authority, based on a risk assessment of the premises.

Public Safety

- 3.9 The Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.
- 3.10 The Authority's Environmental Health Section which enforces health and safety requirements in relevant premises will be consulted as a Responsible Authority and its officers may also act as Authorised Persons for enforcement purposes under the Act.

- 3.11 The Authority recognises that general health and safety duties will not always adequately cover specific issues and therefore conditions may need to be attached to a Premises Licence or Club Premises Certificate. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness and alcohol poisoning.
- 3.12 In the case of premises requiring a Premises Licence or Club Premises Certificate the Authority may select certain conditions that are appropriate and proportionate to the nature of the activities specified in the operating schedule and that promote the licensing objectives.
- 3.13 Where activities are organised by volunteers or a committee of a club or society or community premises the Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the relevant legislation. Applicants are also encouraged to take a proactive approach to general safety issues, including that of their customers, and to discuss appropriate measures with the Responsible Authorities concerned.
- 3.14 Where any conditions have been applied to a Premises Licence or Club Premises Certificate an Authorised Officer of the Authority may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.
- 3.15 The Authority expects that organisers of large scale events, where licensable activities are to take place, will prepare an event management plan incorporating appropriate risk assessments and present them to the Safety Advisory Group well in advance of any proposed event. Any decision to authorise such an event under the Act will remain that of the Authority.
- 3.16 **Fire Safety** - The Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be consulted regarding applications. The Authority may select appropriate and proportional conditions in relation to fire safety matters in consultation with North Wales Fire and Rescue Service. In any premises where a work activity takes place the Fire Precautions (Workplace) Regulations 1997 (as amended) and The Regulatory Reform (Fire Safety) Order 2005 will also apply. These regulations are enforced by North Wales Fire and Rescue Service and confer a statutory duty on premises supervisors to conduct and keep up to date their own Fire Risk Assessments on each Premises. The Fire Risk Assessment document should amongst other matters address the mode of construction, occupancy figures, smoke and fire detection, alarm systems and communication, security and supervision, principal and secondary means of escape and firefighting equipment for the licensed Premises.

Prevention of Public Nuisance

- 3.17 The Authority when making objective judgments about what constitutes a nuisance will focus on impacts of the licensable activities at the relevant premises on people living and working in

the vicinity that are unreasonable. The issues will mainly concern: Noise from talking, shouting, and music played; Waste; Litter; Car Parking and Light pollution and noxious odours.

- 3.18 In considering the potential impact of licensed premises on the surrounding locality the Authority will initially take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 3.19 The Authority's Environmental Health Section enforce the provisions of the Environmental Protection Act 1990 which relate to noise nuisance and will be consulted in relation to existing premises if a statutory nuisance is caused to residents or the business community. They will also be consulted as a Responsible Authority in relation to applications.
- 3.20 The Authority will use a range of licence conditions to control noise and reference may be made to the 'Good Practice Guide on the Control of Noise from Pubs and Clubs. Stricter conditions with regard to noise control are likely to be imposed in areas where premises are near or adjacent to residential property.
- 3.21 The Authority will not impose conditions that a licence holder cannot directly control, or concerning matters not related to the immediate vicinity of the premises.
- 3.22 North Wales Police also have powers under the Act to control noise from premises. In the event that they have to invoke these powers they shall liaise, where practicable, with the Authority in accordance with the shared enforcement protocol.
- 3.23 The Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 3.24 The Authority will work together with Licensed Premises Operators to ensure all appropriate terms of the Clean Neighbourhoods and Environment Act 2005 are upheld.
- 3.25 The Anti-Social Behaviour, Crime and Policing Act 2013 makes provision for the closure of premises where noise from any licensed premises is causing a public nuisance.

Protection of Children from Harm

- 3.26 The Authority recognises the great variety of premises for which licences may be sought. These will include for example; theatres, cinemas, hotels, supermarkets and smaller shops, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way (save as in accordance with the Act) unless it is considered appropriate and proportionate to do so in order to protect them from harm or exploitation.
- 3.27 When considering applications and options appropriate to prevent harm or exploitation of children, the Authority will take into account the history of a particular premises and the nature of the activities proposed. For example:

- (a) Have there been convictions for serving alcohol to minors or does the premises have a reputation/evidence for underage drinking (to include any action undertaken by the Trading Standards Section of the Authority regarding test purchases in relation to the supply of alcohol);
 - (b) Is there is a known association with drug taking or dealing;
 - (c) Is there is a strong element of gambling on the premises; or
 - (d) Is entertainment of an adult or sexual nature commonly provided.
- 3.28 Where deemed appropriate conditions may be attached which:
- (a) Limit the hours when children may be present;
 - (b) Restrict the age of persons on a premises (below 18);
 - (c) Limit or exclude when certain activities may take place; or
 - (d) Require an accompanying adult.
- 3.29 The Police Reform & Social Responsibility Act 2011 allows Licensing Authorities and the Police the option of imposing a period of voluntary closure of up to two weeks (48 hours minimum) on a premises persistently selling alcohol to children as an alternative to prosecution in some cases. The maximum fine has been increased to £20,000.
- 3.30 Where large numbers of children are likely to be present on any licensed premises, for example a children's show or pantomime, then the Authority will require the presence of an appropriate number of adult staff (who will have provided a satisfactory criminal records check) to ensure their safety and protection from harm.
- 3.31 Where the exhibition of films is permitted the Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications recommendations. Only in exceptional cases will the authority consider variations of this general rule.
- 3.32 No film shall be exhibited at licensed premises which is likely to lead to disorder; stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation, marital status, pregnancy or gender.
- 3.33 The Authority will not impose any condition, which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the individual licence holder.
- 3.34 The Gambling Act 2005 allows a degree of equal chance gaming on licensed premises plus a limited number of gaming machines. The presence of children or vulnerable persons must be monitored by the Authority and the Designated Premises Supervisor.

4 THE LICENSING PROCESS AND ADMINISTRATION OF FUNCTIONS - OVERVIEW

- 4.1 **Appendix A** provides contact details for the licensing application process, whilst this section provides some general guidance.

Administration of Licensing Functions and the Licensing Committee

- 4.2 The powers of the Authority under the Act shall be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority (see **Appendix D**).
- 4.3 The Licensing Committee consists of 15 members of the Authority. Hearings (when necessary) take place before the Licensing Sub-Committee which is made up of 3 members of the Licensing Committee.

Advertising and Relevant Representations

- 4.4 When an application is advertised, the Responsible Authorities (**see Appendix B**) and other persons have the opportunity to comment and make representations. Representations are only considered relevant if they relate to one or more of the licensing objectives.
- 4.5 Responsible Authorities may make representations and observations in relation to the impact each licence application may have on the licensing objectives and whether the control measures contained in the operating schedule are adequate to mitigate those impacts.
- 4.6 Representation can be made by any other person (including where a third party or Ward Councillor is representing that person, subject to the Authority being satisfied as to their identity and having given the third party authority to make the representation on their behalf).
- 4.7 Representations may be positive as well as negative, however if only positive representations are received a hearing is unlikely to be necessary.
- 4.8 The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply relists the licensing objectives without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.
- 4.9 Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit letters of representation. All letters of representation will be contained in the agenda should the matter proceed to a Sub-Committee hearing. Hearings are open to the public and may include the presence of members of the media, unless the sub-committee so decides under the Licensing Act 2003 (Hearings) Regulations 2005 or the Local Government Act 1972, Sch 12A (as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, SI 2007/969, Article 3). Furthermore, personal data may be published in the

minutes which are distributed to all parties to the proceedings and available on the Authority's website.

Representations and discussion and the need for a hearing

- 4.10 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations which cannot be resolved (see below) then the application will be considered by the Licensing Sub-Committee at a public hearing.
- 4.11 Where representations are made, an officer will be responsible for liaising between the Applicant(s), the Responsible Authorities and any other person who makes relevant representations.
- 4.12 Where relevant representations are made, an officer of the Licensing Authority may liaise with the relevant parties to see if a "settlement" is possible to overcome any objections and resolve areas of concern, without the need for the matter to go before the Licensing Sub-Committee. Once an application has been lodged there are statutory timescales imposed on the application and determination process which may restrict the opportunity for discussions, liaison and mediation.
- 4.13 If agreement can be reached, Members will meet to consider the proposed agreed conditions and if they are considered to be relevant and appropriate, will agree to their being appended to the Licence. Only where objections are raised which cannot be reconciled, will matters be referred to the Licensing Sub-Committee for determination.
- 4.14 Whilst contested Licensing Applications and Review Hearings are Quasi-Judicial in nature, the Sub-Committee will aim to keep the proceedings as informal as possible. Some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly.
- 4.15 Whilst the Sub-Committee usually meets in public, it does have power to hear certain applications in private. The Sub-Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline for the reasons for that decision.

Conditions

- 4.16 If no relevant representations are made the application will be granted on the terms sought i.e. consistent with the operating schedule and subject to the mandatory conditions. No additional conditions will be imposed.
- 4.17 The Licensing Sub-Committee deal with applications where there are relevant representations, or where there is an application for a review of a licence. When considering applications the

Sub-Committee will have regard to this Policy, the Act, the statutory guidance and associated regulations.

- 4.18 If the matter proceeds to hearing, the Licensing Sub-Committee may attach conditions (in addition to the mandatory conditions) where it concludes (after receiving relevant representations) that it is appropriate to promote one or more of the licensing objectives. The Authority will, as far as it is reasonably practicable, avoid imposing disproportionate and over burdensome conditions on premises.
- 4.19 The Authority acknowledges Home Office advice that the views of vocal minorities should not be allowed to predominate over the interests of the community
- 4.20 Any conditions attached at hearing will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises. In determining whether a person lives or has business interests sufficiently close to the premises so as to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:
- (a) The size of the premises.
 - (b) The nature of the premises.
 - (c) The distance of the premises from the location of the residence or business of the person making the representations.
 - (d) The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).
- 4.21 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.

Integrating Strategies and the avoidance of Duplication

- 4.22 Any decision in relation to licensing applications will be entirely separate from any decision in relation to planning. Regular reports will, however, be furnished to the Planning Committee on the situation with regard to licensing for the area, including the general impact of alcohol related crime and disorder.
- 4.23 The Licensing Committee should also receive reports from Anglesey and Gwynedd Community Safety Partnership in relation to Crime and Disorder.
- 4.24 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Authority's Licensing Committee may therefore receive reports,

where deemed appropriate, on the needs of the local tourist economy, the Cultural Strategy for the area, the Employment situation in the area and the need for new investment and employment and planning considerations which might affect licensed premises.

- 4.25 Where any protocols agreed with the Police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the Authority will aim to inform those responsible for providing local transportation so that arrangements can be made, where practicable, to reduce the potential for problems to occur.
- 4.26 The Local Health Board is responsible for making representations and observations on licence applications. The Health Board will also use information provided by Public Health Wales in order to inform their decision making. Public health is not yet a licensing objective but the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

5 PREMISES LICENCES AND CLUB PREMISES CERTIFICATES (NEW APPLICATIONS, VARIATIONS AND GENERAL INFORMATION)

- 5.1 The Authority will assess all new or variation applications in light of the licensing objectives and in particular will consider the following:
- (a) The steps taken or proposed to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - (b) The steps taken or proposed to prevent disturbance by patrons and staff arriving at or leaving the premises.
 - (c) The steps taken or proposed to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage to prevent disturbance or obstruction.
 - (d) The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
 - (e) Whether there is sufficient provision for public transport for patrons.
 - (f) Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.

- (g) Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises.
- (h) Whether other measures to prevent nuisance have been considered, such as the use of CCTV or the employment of registered door supervisors.
- (i) The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- (j) The measures proposed to comply with the Disability Discrimination Act
- (k) The likelihood of violence, public disorder or policing problems arising if a licence was granted.
- (l) If the applicant has previously held a licence with the Authority, the details of any enforcement action arising from that premises.
- (m) Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- (n) Representations from responsible authorities (including the Police, Fire Authority and Environmental Health).
- (o) Representations from any other person (such as a member of the public or other business).
- (p) Any mitigation measures proposed.

5.2 The Authority also requires applicants to provide contextual information in support of their applications and to demonstrate an awareness of the local community; which could include for example the area's demographic characteristics and/or specific local crime and disorder issues for example.

5.3 The Authority will take account of any non-compliance of other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed; or that the management of the premises is not adequate to protect the public from harm or nuisance.

5.4 **Minor Variations** – A premises licence/club premises certificate holder may apply under the minor variation procedure for small variations that will not impact adversely on the licensing objectives. This is a simplified variation process and there is no right to a hearing. If an application is refused, a full variation may be made.

General Information

5.5 **Disapplication of Designated Premises Supervisor** – Where community premises hold a premises licence allowing the supply/sale of alcohol, the licence holder can apply to have the mandatory condition requiring a Designated Premises Supervisor to be appointed, be removed. This passes the responsibility for the sale/supply of alcohol to the premises Management Committee.

5.6 **Garages** - In determining applications for garages, (i.e. forecourt shops) the Authority must decide whether or not premises are primarily used as a garage and will expect applicants to submit data which establishes the primary use. Where such information is not available (because for example the premises have only just started trading), the Authority may consider imposing a condition requiring this information to be provided to the Licensing Authority on a regular basis for the following years to ensure the premises are primarily used as a garage.

6 TEMPORARY EVENT NOTICES (TENS)

6.1 There are strict criteria and limits in relation to TENS which applicants should be aware of and comply with. These include (but are not limited to) in relation to:

- (a) **Number of TENS that may be given per calendar year** - 50 for personal licence holder (including a maximum of 10 late TENS), 5 for other people (including a maximum of 2 late TENS). 15 TENS maximum per calendar year for any particular premises.
- (b) **Maximum duration of one event** – 168 hours (seven days).
- (c) **Maximum total duration of events across calendar year** - 21 days.
- (d) **Maximum number of attendees at any one time** – 499.
- (e) **Minimum period between events authorised under separate TENS in relation to the same premises** – 24 hours.

6.2 Applicants should consider their compliance with the limitations before a TEN is submitted.

Timings for submission

6.3 The Authority recommends that applicants submit standard TENS **at least 20 days** prior to the temporary event in question.

6.4 Both the Police and Environmental Health Department can object to a TEN, within a three day window of submission, which will allow a period for a review of the TEN leading to a modification or in some cases for the Authority to add conditions to the TEN.

6.5 A late TEN is one submitted between 9 and 5 working days before the event.

6.6 A key difference between standard and late TENS is that where an objection is received in relation to a standard TEN a hearing must be held (unless all parties consider this

unnecessary). If the Police or Environmental Health Department object to a late TEN there is no hearing and the event will not go ahead.

6.7 The Authority will aim to provide advice about organising such events to applicants, including in relation to the issue of public safety. Where the need arises, coordination between responsible authorities and the emergency services will be facilitated through the Safety Advisory Group.

6.8 Many local events will be organised by volunteers or a committee of a club or society. The Authority considers it good practice that the same level of health and safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.

7 PERSONAL LICENCES

7.1 Applicants for a Personal Licence must demonstrate the following requirements:

- (a) They are aged 18 or over.
- (b) They possess a relevant licensing qualification.
- (c) They have not forfeited a personal licence within 5 years of the application.
- (d) Where an applicant has an unspent conviction for a relevant offence or a foreign offence that either i) the Police have not objected to the grant of the application or ii) the Authority has considered the Police's objection but determined that the grant of the application will not undermine the prevention of crime and disorder objective.
- (e) They have paid the relevant fee.

7.2 The named Designated Premises Supervisor (DPS) on each Premises Licence, who is the principle point of contact for the Authority, Police and other Responsible Authorities must hold a personal licence.

7.3 Personal Licences are valid for an indefinite period however once issued the licensing authority which issued the licence remains the relevant licensing authority for it and its holder even though the holder may move out of the area.

7.4 The holder of a Personal Licence is also required to notify the Licensing Authority of any relevant convictions and to notify the courts that they hold a personal licence at the first possible opportunity in order that the licence can be considered for endorsement, suspension or revocation. It will be an offence not to conform with the above.

7.5 A Personal Licence ceases to have effect if the holder of the Personal Licence ceases to be entitled to work in the United Kingdom.

8 CLUB PREMISES CERTIFICATES

8.1 A club is an organisation where members have joined together for particular social, sporting or political purposes. These should not be confused with proprietary clubs, which are clubs run by individuals, partnerships or businesses for profit. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club' which means that the Club must meet conditions set out in the Act, including that:

- (a) Under the rules of the Club, there is a minimum of 2 days between applications for membership and admission. This includes the privileges of membership (i.e. use of facilities and the consumption of alcohol).
- (b) The Club is established and conducted in good faith as a club.
- (c) The club has at least 25 members.
- (d) Alcohol is not supplied or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

8.2 Clubs that hold Club Premises Certificates are entitled to certain benefits:

- (a) No need for Personal Licence Holders on the premises.
- (b) No need for Designated Premises Supervisors.
- (c) More limited rights of entry for the Police and Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public.
- (d) To sell hot food and drink between 11pm and 5am to members and guests without the need for a licence.

9 OPERATING SCHEDULE

9.1 All new and variation applications for Premises Licences, Club Premises Certificates and Provisional Statements must incorporate an operating schedule which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from their operation on the local community, depending on the type of premises, location and profile of customers.

9.2 The proposals contained in the operating schedule will form the main body of the conditions to be applied, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by the Licensing Sub-Committee (as applicable).

9.3 In completing an operating schedule, applicants are expected to have regard to this Policy and to demonstrate suitable knowledge of their local area when describing the steps that they

propose to take in order to promote the Licensing Objectives. Applicants should demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- (a) the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- (b) any risk posed to the local area by the applicants' proposed licensable activities; and
- (c) any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

9.4 Applicants are advised to discuss their proposed operating schedules with the Authority and other Responsible Authorities prior to submission. Officers of the Authority will endeavour to provide guidance at this stage of the process. Where an officer is representing the Authority in its role as a Responsible Authority, wherever possible another officer will be designated to process the application and provide applicant guidance.

9.5 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For example, for a public house where regulated entertainment is not provided, only a relatively simple document may be required whereas an application for a major entertainment venue or event will require a much more detailed operating schedule and it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

9.6 The operating schedule must be set out on the prescribed form and include:

- (a) Full details of the licensable activities to be carried on at and the intended use of the premises;
- (b) The times during which the licensable activities will take place;
- (c) Any other times when the premises are to be open to the public;
- (d) Where the licence is only required for a limited period, that period;
- (e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor (as applicable);
- (f) Whether alcohol will be supplied for consumption on or off the premises or both;
- (g) The steps which the applicant proposes to promote the Licensing Objectives.

- 9.7 For some premises, it is possible that no additional measures in the form of conditions will be appropriate to promote one or more of the Licensing Objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and enforceable, unambiguous, not duplicate other statutory provisions, be clear in what they intend to achieve and be appropriate, proportionate and justifiable.

Hours of Operation

- 9.8 Under the Act there is no general presumption in favour of lengthening hours.
- 9.9 In relation to hours of operation the four licensing objectives will be the paramount consideration at all times and each case will be judged on its individual merits. As part of this, key issues that will be considered include: Environmental quality; Residential amenity; Character or function of a particular area and nature of the proposed activities to be provided at the premises.
- 9.10 The Authority recognises that longer licensing hours for the sale of alcohol may be a factor in reducing problems at late night food outlets, taxi ranks, private hire offices and other sources of Transport which lead to disorder and disturbance.
- 9.11 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off premises at times when they are normally open in the course of their business. Where relevant representations are made (for example from the Police or resident(s) in the case of individual shops, which are known to be a focus of disorder and disturbance), restrictions on hours may be appropriate.
- 9.12 Whilst the Authority is minded to grant the applied for terminal hours where the applicant can show that they will not adversely affect any of the above, the Authority may set an earlier terminal hour where it considers, having regard to the licensing objectives, this is appropriate to the nature of the activities and the amenity of the area.
- 9.13 Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.

10 FEES

- 10.1 Although premises licences and club premises certificates are granted in perpetuity, licence/certificate holders are required to pay an annual licence fee to the Authority. The annual fee becomes payable upon the anniversary of grant.
- 10.2 The Authority **must suspend** premises licences and club premises certificates, where the annual fee is not paid when it is due, subject to a grace period of 21 days where payment was not made because of a dispute or administrative error. Once the fee has been paid the licence is automatically re-instated

- 10.3 Upon notification/discovery that an annual fee is not paid, the Authority will give notice to the licence/certificate holder, in writing:
- (a) That the licence/certificate will be suspended 14 days from the date of the notice but that suspension will not become effective if the fee is paid prior to the suspension date.
 - (b) If an administration error is claimed, the suspension date may be 21 days from the due date; or the date of suspension on the 14 day notice, whichever is later.
 - (c) A copy of the notice will also be served on the designated premise supervisor/premises manager if they are not the premises licence holder.
- 10.4 If the fee is not paid by the date specified on the notice then the licence/certificate will be deemed suspended. The licence/certificate holder and DPS/Manager will be immediately notified of the suspension becoming effective, and informed that the premises may no longer offer any licensable activities until such time as the fee is paid and the suspension lifted. When full payment is made the Authority will immediately lift the suspension, and confirm this in writing.
- 10.5 Where a licence/certificate is suspended and licensable activities are provided the Authority will consider prosecuting the provider for offences under section 136 of the Act.

11 CUMULATIVE IMPACT, LATE NIGHT LEVY & EARLY MORNING RESTRICTION ORDERS

Cumulative Impact

- 11.1 In some areas where the type or density of premises selling alcohol or providing late night refreshment is high or exceptional, there may be a negative impact on the promotion of the licensing objectives. For example, the cumulative effect of a proliferation of late night entertainment premises (including night cafes) in a particular area may result in an increase in the number of people either walking through or congregating in streets during the night, potentially leading to: an increase in crime; an increase in noise causing disturbance to residents; significant increase in the level of pedestrian traffic; traffic congestion and/or parking difficulties and/or littering and fouling.
- 11.2 This may result in an unacceptable interference with the amenity of local residents, as it will not always be possible to attribute the cause to patrons of particular premises. This means that while enforcement action to ensure conditions are complied with is taken, this may not resolve all problems in a locality.
- 11.3 Under the Act, the Authority has discretion (after following a specified procedure) to introduce a Cumulative Impact Policy which would have the effect of creating a rebuttable presumption that applications for the grant or variation of a premises licence or club premises certificate which are likely to add to the cumulative impact will normally be refused or subject to certain limitations.

11.4 **The Authority does not have a special Cumulative Impact Policy in place at the present time but will keep this under review.**

11.5 The absence of a Cumulative Impact Policy at the present time does not prevent any Responsible Authority or other person making representations on an application for the grant or variation of a licence on the grounds that because of its location it will give rise to a negative cumulative impact on one or more of the licensing objectives.

11.6 It should be noted that Licensing is only one means of addressing the problems identified above and the following mechanisms are also relevant:

- (a) Planning controls.
- (b) Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas.
- (c) Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise.
- (d) Prosecution of personal licence holders who sell alcohol to people who are drunk.
- (e) Powers of the Police, responsible authorities or a local resident or business to seek a review of a licence or premises certificate.

Late Night Levy

11.7 The Late Night Levy power enables the Authority to charge a levy to persons who are licensed to sell alcohol between the hours of midnight and 06.00 as a means of raising a contribution towards the costs of policing the late night economy.

11.8 **The Authority does not consider it appropriate to introduce a levy at the current time.**

Early Morning Restriction Order (EMRO)

11.9 EMROs allow for restrictions on the sale of alcohol in all or part of the Authority's area between the hours of midnight and 06.00, if it is satisfied that it would be appropriate for the promotion of the licensing objectives.

11.10 **The Authority does not consider that there is a need for the introduction of an EMRO at the current time.**

12 OTHER RELEVANT REGIMES

Planning/ Building Control

12.1 Welsh Government planning policy is set out in Planning Policy Wales and Technical Advice Notes. The Authority's Planning Policies are set out within the Anglesey and Gwynedd Joint Local Development Plan.

- 12.2 Planning, building control and licensing are properly separated within the Authority. The planning and Licensing regimes consider different (albeit related) matters and the Licensing Committee is not bound by decisions of the planning committee (and vice versa).
- 12.3 Where an applicant has been through the planning process prior to submitting their licensing application, the Authority expects the applicant's operating schedule to be consistent with any planning permission or conditions imposed.
- 12.4 When any hours specified for a premises differ under Planning from Licensing, the applicant must observe the earlier time. Premises operating in breach of their planning permission are liable to prosecution under planning law.
- 12.5 It should be borne in mind that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities

Street Trading

- 12.6 Street Traders will give consideration to the Authority's Policy regarding street trading and ensure all sites utilized are appropriately licensed.

Tables and Chairs

- 12.7 Operators will give consideration to the Authority's policy with regards to street/garden furniture and any possible implications in pursuance of the four main licensing objectives as set out in the Act.

Adult Entertainment – Sexual Entertainment Venues

- 12.8 Isle of Anglesey County Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This means that venues proposing to provide sexual entertainment must apply for a Sexual Entertainment Venue licence (in addition to their premises licence under the Act) where any premises is to be used on more than 12 occasions within a 12 month period for any relevant sexual entertainment. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.
- 12.9 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Where operators intend to take advantage of this exemption, the licensing authority expects a clear explanation in the operating schedule of the proposed signage, publicity and external advertising/display materials. Explicit material should not be visible while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

- 12.10 The licensing authority would also expect to see the following measures offered in the operating schedule:
- (a) No persons under 18 years of age will be admitted to premises when a performance of adult entertainment is taking place.
 - (b) No performance shall involve physical contact between the performer(s) and any other person.
 - (c) No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982 and performers shall at all times wear a G-string of other similar clothing on the appropriate part of the body.
 - (d) CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.
- 12.11 Applicants for both new licences and variations must indicate the nature of any adult entertainment to be carried out at the premises. Where no information is provided it will be assumed that there are no intentions to allow such activities and the licensing authority will impose a condition to that effect.

13 ENFORCEMENT

- 13.1 Protocols exist on the implementation of a shared enforcement role between the Authority and North Wales Police and the Fire and Rescue Service as well as a local Enforcement ladder protocol again agreed between the Authority and the Police (see **Appendix C**).
- 13.2 Enforcement action will be taken in accordance with relevant legislation, agreed enforcement principles and in line with the Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

Reviews

- 13.3 A responsible authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 13.4 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.
- 13.5 Where Responsible Authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give licence holders early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.

- 13.6 The Police can take action under the Act to close premises for up to 24 hours on grounds of disorder and noise nuisance. They also have powers to apply for an expedited review of a premises licence leading potentially to immediate closure where premises selling alcohol are associated with 'serious crime or serious disorder or both'.
- 13.7 Environmental Health officers have further powers under Sections 76 of the Anti - Social Behaviour Crime and Policing Act 2014 to close premises for 24 hours and up to 48 hours on grounds that noise from licensed premises is causing a public nuisance.
- 13.8 The Licensing Authority draws the attention of Responsible Authorities to the (2009) Home office publication, "The Practical Guide for Preventing and Dealing with Alcohol Related Problems – What You Need To Know".

14 MISCELLANEOUS

Alcohol Deliveries

- 14.1 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- (a) The person they are selling alcohol to is over 18
 - (b) That alcohol is only delivered to a person over 18
 - (c) That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer
 - (d) The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

Illicit Goods

- 14.2 The Licence Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 14.3 The Authority's approach, which is consistent with the Guidance issued by the Home Office, is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect the Authority to impose additional controls and sanctions and holders run the risk of losing their licence.

Interaction with other policies

- 14.4 In applying this policy the Authority will, where relevant, give due consideration to other policies adopted. This will include consideration of Equality matters, Welsh language policies and Safeguarding in the context of Licensing Act matters.

Adapting to External factors

- 14.5 The current uncertainties, risks and challenges are recognised as a result of the COVID pandemic and EU exit. Where it is necessary for the Authority to adapt to external factors which have a significant impact on business delivery; it will do so in a flexible and agile manner. This will be done in a transparent manner that upholds the principles of this policy and ensures business continuity as far as possible.

APPENDIX A – CONTACT DETAILS FOR LICENSING APPLICATIONS

Applications for premises licences, club certificates, personal licences and variations may be made via the Isle of Anglesey County Council website.

Pre application advice is available, on a chargeable basis. If you wish to use this service please contact: licensing@anglesey.gov.uk

You may contact the licensing section at licensing@anglesey.gov.uk

APPENDIX B – RESPONSIBLE AUTHORITIES

1. North Wales Police

Licensing Co-ordinator
North Wales Police
The Police Station
Yr Ala
Pwllheli
Gwynedd
LL53 5BU
Tel No : 01286 670053
e-mail : Elizabeth.Williams@nthwales.pnn.police.uk

2. Teulu Môn

Isle of Anglesey County Council
Council Offices
LLANGEFNI
Anglesey
LL77 7TW
01248 725 888
teulumon@ynysmon.gov.uk

3. North Wales Fire and Rescue Service

Chief Fire Officer
North Wales Fire and Rescue Service
Fire Station
Llanberis Road
Caernarfon
Gwynedd
LL55 2DF
Tel No: 01286 662999
e-mail : gwynedd.mon@nwales-fireservice.org.uk

4. Trading Standards

Trading Standards Manager
Public Protection Section
Regulation & Economic Development Dept
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Anglesey
LL77 7TW
01248 752 840
safonaumasnach@ynysmon.gov.uk

5. Environmental Health

Environmental Health Manager
Public Protection Section
Regulation & Economic Development Dept
Isle of Anglesey County Council
Council Offices

LLANGEFNI
Anglesey
LL77 7TW
01248 752 840
ehhealth@ynysmon.gov.uk

6. Planning

Planning Development Manager
Planning Section
Regulation & Economic Development Dept
Isle of Anglesey County Council
Council Offices
LLANGEFNI
Anglesey
LL77 7TW
01248 752 421
cynllunio@ynysmon.gov.uk

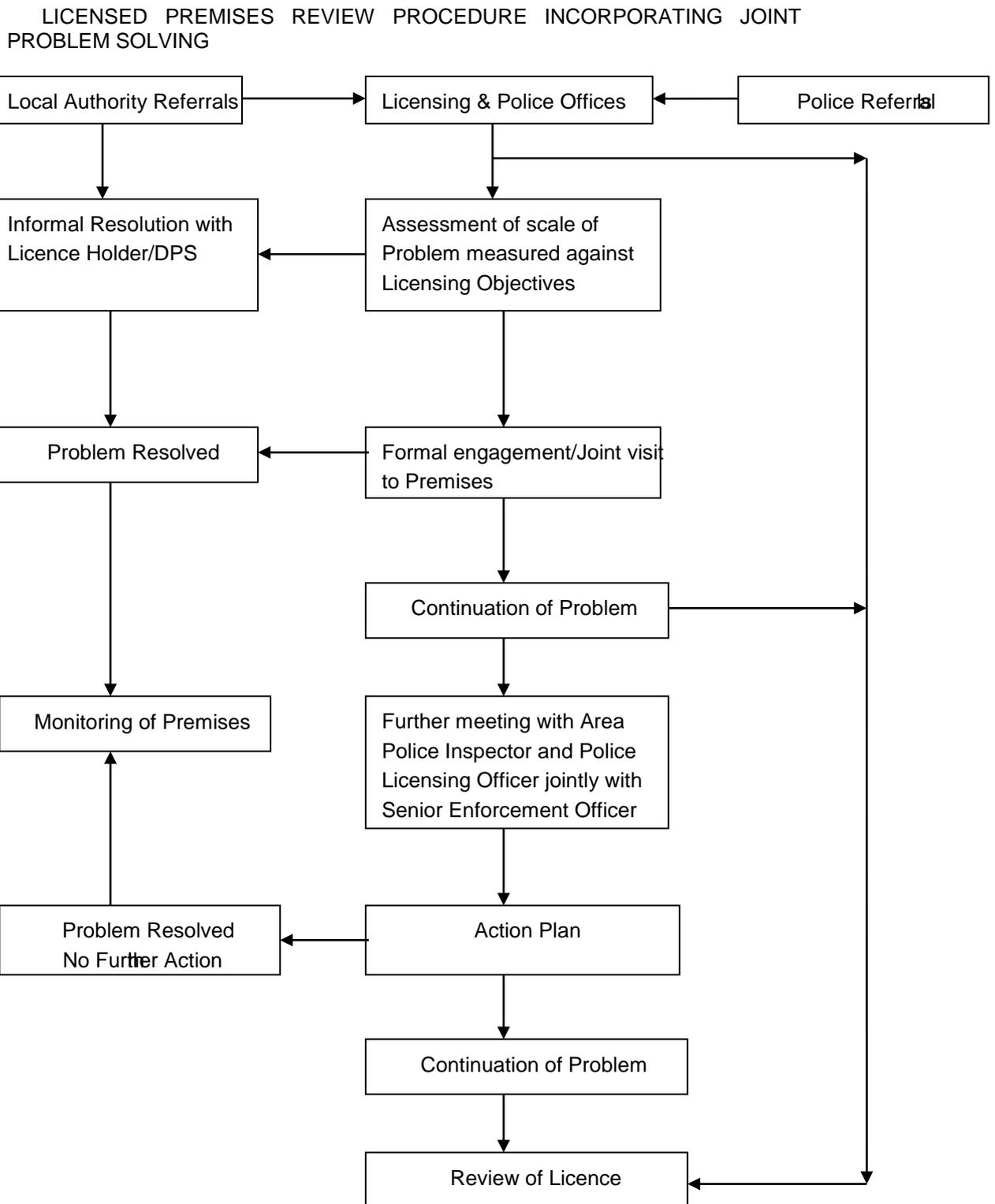
7. North Wales Health Board

Administration & Resource Officer
Betsi Cadwaladr University Health Board
Public Health Directorate
Preswylfa
Hendy Road
Mold
Flintshire
CH7 1PZ
BCUHB.Licensing@wales.nhs.uk

8. Home Office Immigration Enforcement

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Alcohol@homeoffice.gsi.gov.uk

APPENDIX C - REVIEW PROCEDURE INCORPORATING JOINT PROBLEM SOLVING AND ENFORCEMENT LADDER



It should be noted that this flowchart is designed as a template for the monitoring of troublesome licensed premises, but the Authority's may depart from the procedure outlined as necessary on a case-by-case basis.

NORTH WALES POLICE AND LOCAL AUTHORITY LICENSING PARTNERSHIP

PREMISES ENFORCEMENT LADDER

It should be noted that the emphasis of this enforcement ladder is achieving the common aims of 'good housekeeping' and 'best practice' whilst working together. There is no absolute intention to review a licence as long as problems are willingly addressed by the Designated Premises Supervisor with the support of North Wales Police and the Licensing Authority

Example Scenario

STAGE ONE - Incident of disorder/underage drinking/ attempts to purchase alcohol by underage person or on behalf of underage person in/from a licensed premise where the person in charge calls the Police for assistance and agrees to work with the Police.

If problems continue move from Stage 1 to Stage 2.

STAGE TWO - Meeting with Police Inspector / Neighbourhood Sergeant, Western Division, Licensed Premises Manager and representative of the Local Authority. Issues will be formally discussed and formal written warning given.

If problems continue move from Stage 2 to Stage 3.

STAGE THREE - Police Inspector / Neighbourhood Sergeant and Western Division Licensed Premises Manager will apply for Review of Premises Licence, as appropriate to the circumstances.

Mutual Action Plan agreed with time span of three months. If no further incidents occur then exit from enforcement ladder.

The Police will do everything possible to assist and work with a Designated Premise Supervisor to come off the enforcement ladder. However, the onus of responsibility is on the Designated Premises Supervisor to run good business/premises.

More serious offences can trigger stage two or three automatically (e.g. Willful serving of Pub Watch excluded persons, assault on Police by Designated Premises Supervisor, authorized staff or family) and the discretion for this rests with the Police Inspector. More than two entries (in any 12 month period) onto the ladder will result in an immediate stage 3 review (more than one will result in Stage 2).

APPENDIX D – DELEGATION OF FUNCTIONS

Delegation of Functions

Matter	Full Committee	Sub-committee	Officers
Application for Personal Licence		If a Police Objection	If no representation made
Application for Personal Licence with Unspent Convictions		All cases	
Application for Premises / Club Premise Certificate		If a relevant representation made	If no relevant representation made
Application for a 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 a Designated Premises Supervisor			All cases
Application for Transfer of Premises Licence		If a Police Objection	All other cases
Application for Interim Authorities		If a Police Objection	All other cases
Application to Review Premises Licence / Club Premises Certificate		All cases	
Decision on Whether a Complaint Is Irrelevant Frivolous or Vexatious etc.			All cases
Decision to Object When Local Authority Is a Consultee and not relevant authority considering the application		All cases	
Determination of a Police Objection to a Temporary Event Notice		All cases	

APPENDIX E - GLOSSARY OF TERMS

Please note that this glossary of terms is provided for reference only. They have not been used throughout the Policy and are provided for guidance only.

Authorised Persons – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

Club premises certificate – Authorising a **qualifying club** to carry out 'qualifying club activities' under the Licensing Act 2003. This includes time-limited certificates.

Conditions – there are three types of conditions

1. **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – are conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – are conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

Cumulative impact area – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the 'cumulative impact' of any additional licensed premises could adversely impact on the statutory licensing objectives.

Designated Premises Supervisor (DPS) – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

Early morning alcohol restriction order – A power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

Expedited/summary review – A chief officer of police can apply for an expedited/summary review of a **premises licence** because of serious crime and/or serious disorder under s.53A of the **Licensing Act 2003**.

Fee bands – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no **multiplier**] (£450); Band D premises licence with **multiplier** (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

Forfeited (personal licence) – Suspension following a court order under s.129 of the **Licensing Act 2003** specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

Hearing – Used in the context of applications for a **premises licence** or **club premises certificate** that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

Judicial review – Includes only those where the High Court notified parties of its decision in the time period specified.

Lapsed (club certificate) – Where a **club premises certificate** has lapsed because it had effect for a limited period, but that period has since expired.

Lapsed (premises licence) – Where a **premises licence** has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the **Licensing Act 2003**. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

Late night levy order – A discretionary power for **licensing authorities** under section 125 of the **Police Reform and Social Responsibility Act 2011**. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

Late night refreshment – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

Licensing authority – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

Minor variation (to licence or certificate) – Applications made under s.41A or s.86A of the **Licensing Act 2003** to make low-risk changes to the terms of a **premises licence** or **club premises certificate**. The fee for a minor variation is prescribed in the Act.

Multiplier – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a **premises licence (fee bands D and E only)**.

Off-sales – The sale by retail of alcohol for consumption off the premises.

On-sales – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

Other persons – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

Personal licence – Authorising an individual to supply or authorise the supply of alcohol in accordance with a **premises licence** under the **Licensing Act 2003**. The application fee for a personal licence is prescribed in the Act.

Premises licence – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of **late night refreshment**, under the **Licensing Act 2003**. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

Qualifying club – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

Relevant representations – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under

section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

Responsible authority – Public bodies that must be notified of certain **premises licence** or **club premises certificate** applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,
- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

Review – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Revoked (personal licence) – If the holder of a **personal licence** is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the **Licensing Act 2003**.

Surrender (of licence) – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a **premises licence**), section 81 (for a **club certificate**) and section 116 (for a **personal licence**).

Temporary event notice (TEN) – A notice under s.100 of the **Licensing Act 2003**, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

Variation (to premises licence) – Applications made under s.34 of the **Licensing Act 2003** to change the terms of a **premises licence**, for example the opening hours, the licensable activities or the conditions. The fee for a variation of **DPS** is prescribed in the Act.

Variation (to club premises certificate) – Applications made under s.84 of the **Licensing Act 2003** to change the terms of a **club premises certificate**, for example the qualifying club activities or the conditions.