



wrexham

COUNTY BOROUGH COUNCIL

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Licensing Act 2003

Licensing Policy 2010



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1 Background

- 1.1 This Licensing Policy Statement is issued as required by the Licensing Act 2003 (“the Act”) and is in line with Department of Culture, Media and Sport guidance (“DCMS”) to Local Authorities. Wrexham County Borough Council (“the Licensing Authority”) is required to prepare and publish its Licensing Policy every three years. During the three year period the policy must be kept under review and the Licensing Authority may make such revisions to it as it considers appropriate.

2 Introduction

- 2.1 The Act introduced major reforms to liquor licensing and public entertainment law creating a unified system of regulation for the sale and supply of alcohol. In addition, the Act integrated the alcohol, public entertainment, theatre, cinema and night café licensing schemes and transferred the power to grant alcohol licences from magistrates to local authorities.
- 2.2 The Licensing Policy sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act and in turn will assist applicants’ for licences, those bodies concerned with the determination of licences and those with a particular interest in the work of the Licensing Authority.
- 2.3 The policy takes account of legislation and guidance issued by the DCMS and works in partnership with responsible Authorities (Appendix 1), local businesses and all other relevant stakeholders and partners. It is recognised that the private sector, local residents and community groups have as equally a vital role as public/private organisations.
- 2.4 In undertaking its licensing function the authority is also bound by other legislation and where existing law already places a statutory obligation on applicants, the Licensing Authority will not impose the same or similar responsibilities by way of licence conditions.
- 2.5 Wrexham County Borough continues to have an increasing residential population, whose amenity the Council has a duty to protect. Commercial operators have a legitimate expectation to provide a vibrant and sustainable night time economy and residents have an equal right to protection against any adverse effect of these activities.

3 Licensing Objectives

- 3.1 In carrying out its functions under the Act, the Licensing Authority will have regard to four licensing objectives: (of which each one is of equal importance):
1. The prevention of crime and disorder
 2. Public safety
 3. The prevention of public nuisance
 4. The protection of children from harm

3.2 In considering the above, the Licensing Authority will not only focus on licensed premises, but also on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

3.3 Prevention of Crime and Disorder

The Licensing Authority will have regard to Government and local strategies, so far as they impact on the objectives of the Act. Examples of the strategies are set as follows:-

- Crime and Disorder Reduction Strategy
- LACORS / TSI Code of Practice on test purchasing
- Safer Clubbing
- Enforcement Policy
- Night-safe Scheme
- Proof of age scheme
- CCTV coverage of town centre
- Pubwatch schemes
- Security Industry Authority
- Local Transport Plan

Furthermore the Licensing Authority appropriately consult and involve the Community Safety Partnership in decision making in order to maximise the effectiveness of reducing crime.

3.4 Door Supervisors

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Competent and professional door supervisors are key to prevention of crime and disorder and public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.

If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

The Licensing Authority may look more favourably on licence applications which demonstrate that licensees have considered:

- Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status
- What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

3.5 Public Safety

The Licensing Authority will promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.

- 3.6 The Licensing Authority will have regard to Health and Safety Legislation and liaise with the Responsible Authority for enforcement, purposes and the imposition of necessary conditions.
- 3.7 Each type of premises presents a mixture of risks, with many common to most premises and others unique to specific operators. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 3.8 Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.
- 3.9 Fire Safety
The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service with particular emphasis on fire safety and occupancy capacity where necessary for public safety. If a Fire Certificate already exists in relation to a premises and specifies an occupancy capacity, that figure will be used.
- 3.10 Prevention of Public Nuisance
Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 3.11 When considering public nuisance the Licensing Authority will take into account:-
- Noise (including vibration) from premises
 - Waste
 - Litter
 - Car parking
 - Light pollution
 - Noxious smells
- 3.12 The Licensing Authority will take the broad common law meaning of public nuisance when making its judgement on applications and reviews of premises licences / certificates.
- 3.13 The Licensing Authority will have due regard to the Environmental Protection Section of the Councils Housing and Public Protection Department with regard to all issues relating to the above.
- 3.14 The Licensing Authority may impose conditions to control nuisance from existing premises including conditions drawn from the DCMS pool of licence conditions.
- 3.15 The Licensing Authority will balance the potential for limited disturbance in residential areas with the need to encourage and promote live music, dancing and theatre.

- 3.16 When considering applications or reviews of licences with regard to the term “in the vicinity” the Licensing Authority will take a common sense view as to whether the premises is directly, or is likely to be directly the cause of, or a contributor to disorder and disturbance.
- 3.17 Protection of Children from harm
The protection of children from harm is an important licensing objective. Although the Act creates offences in relation to unaccompanied children under 16 and licensed premises, the Licensing Authority would not otherwise seek to limit the access of children to any premises unless it is for the prevention of physical, moral or psychological harm to them.
- 3.18 When deciding whether to limit access to children or not the Licensing Authority will judge each application on its own individual merits. Examples, which may give rise to particular concern in respect of children, would include premises:
- (i) Where entertainment or services of an adult or sexual nature are commonly provided.
 - (ii) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
 - (iii) With a known association with drug taking or dealing.
 - (iv) Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
 - (v) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of services provided at the premises.

NB. The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

- 3.19 Where the circumstances described in 3.18 exist then conditions may be attached to the licence to protect children from harm. Such conditions may include:
- (i) Limitations on the hours when children may be present.
 - (ii) Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place.
 - (iii) Limitations on the parts of the premises to which children might be given access.
 - (iv) Age limitations (under 18)
 - (v) Requirements for accompanying adults (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
 - (vi) Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

The Licensing Authority will have regard to Working Together to Safeguard Children 2000, guidance prepared and issued by the Welsh Assembly Government.

- 3.20 It should be noted that generally, conditions concerning the admission of children to any premises will not be attached to licences or certificates. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has been granted a temporary event notice.
- 3.21 In the case of premises giving film exhibitions, this Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.
- 3.22 This Licensing Authority commends the **Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**. This code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 or over. Further details concerning the Code of Practice can be found on the Portman Group website.

4 Live Music, Dancing and Theatre

- 4.1 The Licensing Authority in seeking to promote the four licensing objectives will also ensure the active promotion throughout the district, both in public and private locations and premises, of live music and dance and all other art forms covered by the new licensing law.
- 4.2 Cultural events
The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 4.3 Applications will be carefully considered with the view to balancing the cultural needs with the necessity of promoting the licensing objectives.
- 4.4 Spontaneous music, singing and dancing is not included in the definition as regulated entertainment and any occurrences of it will be assessed in accordance with the Act.
- 4.5 The Licensing Authority has pursued a policy to seek a premises licence in its own name for public spaces such as market squares, pedestrianised streets, village greens, community halls and similar public areas for the purpose of regulated entertainment and will continue to do so.

5 Personal Licences

- 5.1 A personal licence is required for the supply of alcohol.

- 5.2 An application is made to the Local Authority for the area in which the individual is ordinarily resident at the time of the application. That Local Authority then becomes the relevant Licensing Authority for all subsequent matters relating to the personal licence including renewals. A personal licence holder is required to notify the relevant Licensing Authority of any changes of name or address and of any relevant convictions during the licence period.
- 5.3 Providing an applicant is aged 18 or over, possesses a licensing qualification accredited by the Secretary of State, has not had a personal licence forfeited within 5 years of the application and does not have an unspent conviction for a relevant offence (defined in the Act) to which the police object, the application will be granted.
- 5.4 A personal licence is granted for an initial period of 10 years, renewable thereafter unless surrendered, suspended, revoked or declared forfeit by the Courts.
- 5.5 Where an applicant has an unspent conviction for a relevant offence and the Police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the Licensing Authority.
- 5.6 Having considered the objection notice, the Licensing Authority must reject the application only if that would be necessary in order to promote the crime prevention objective. In any other case, the application must be granted. It should be noted that where the Police have issued an objection notice, refusal of the application should be the normal course unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances which justify the granting of the application.
- 5.7 Full reasons will be given for the decision to reject an application for a personal licence and there is a right of appeal to the Magistrates' Court.
- 5.8 A qualifying club holding a Club Premises Certificate will not require a club member or employee to hold a personal licence.

6 Premises Licence

- 6.1 A premises licence authorises the use of any premises for licensable activities which are:
- (i) the sale by retail of alcohol;
 - (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - (iii) the provision of regulated entertainment which is defined as:
 - An Exhibition of Film
 - A Performance of a Play
 - An Indoor Sporting Event
 - A Boxing or Wrestling entertainment
 - A Performance of Live Music
 - Any playing of Recorded Music

A Performance of Dance

Entertainment of a similar description to that falling within the last three definitions above

- (iv) the provision of late night refreshment which is the provision of hot food or hot drink between the hours of 11.00pm and 5.00am for consumption on or off the premises either to members of the public or from premises to which the public has access.
- 6.2 The majority of applicants for a premises licence will be those directly involved in running the premises for licensable activities although the legislation does prescribe other permitted persons such as a recognised club, a charity and a Chief Officer of Police. Applications can be made by corporate and unincorporate bodies as well as by individuals who must be aged 18 or over.
- 6.3 The application for a premises licence is made to the Licensing Authority and must be accompanied by:
- (i) An Operating Schedule
 - (ii) A scale plan of the premises in the prescribed form
 - (iii) If the premises involves the supply of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor.
- 6.4 If a qualifying club holding a Club Premises Certificate wishes to open its facilities and premises on a commercial basis, it may choose to apply for a premises licence.
- 6.5 A premises licence can be varied upon application – the procedure for which is similar to that for applying for a premises licence. The operating schedule in relation to the variation need only address any additional steps required in relation to the variation.
- 6.6 A premises licence can be reviewed at any stage upon receipt of representations because of a matter arising at the premises in connection with any of the four licensing objectives. A review can lead to the modification of the conditions on the licence; the exclusion of a licensable activity from the scope of the licence; the removal of the designated premises supervisor; the suspension of the licence for a period not exceeding 3 months or the revocation of the licence.
- 6.7 A review will usually involve working in partnership with other Responsible Authorities to achieve the promotion of licensing objectives with the aim of giving licensees early warning of any concerns identified at a premises. Only responsible authorities and interested parties (eg local residents, local organisations and councillors) can apply for the review of a licence; the licensing authority itself cannot initiate the review process. The Authority's role will be to administrate the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.

- 6.8 In general, a reference in this policy to a premises licence will include a club premises certificate.

7 Licensing Conditions

- 7.1 Licences will be tailored to the individual styles and characteristics of the premises and events concerned, subject only to conditions that are consistent with the operating schedule. There are a number of mandatory conditions (See Appendix 2) which will be attached to Premises Licences, authorised to sell alcohol, exhibiting films or require door supervisors.
- 7.2 Additional conditions will only be imposed, where objections or relevant representations are made and it is considered necessary for the promotion of one or more of the four licensing objectives.
- 7.3 Where appropriate conditions may be drawn from the model pool of conditions produced by the DCMS and available for view at DCMS website. The list is not exclusive and may be varied from time to time as considered necessary by the Licensing Authority.
- 7.4 When considering any conditions, the Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals, once they are away from the direct control of the licensee of any premises concerned.
- 7.5 Conditions are enforceable and any breach could result in prosecution.

8 Discounting and Sales Promotions

- 8.1 In addition to the mandatory licence conditions the Licensing Authority would encourage the adoption, locally of voluntary industry Codes of Practice which cover irresponsible drinks promotions such as that produced by the British Beer and Pub Association (the BBPA's Guidelines on On-Trade Promotions).
- 8.2 The Licensing Authority will also consider imposing any necessary licence conditions in connection with the restriction of discounting and sales promotions where representations are received that such conditions are necessary in respect of a particular premises.

9 Operating Schedule

- 9.1 From the information the applicant provides in the operating schedule, the extent and limit of the licence applied for is defined.
- 9.2 Examples of specimen operating schedules can be viewed on the DCMS Website but must include:
- (i) The relevant licensable activities to be conducted on the premises;
 - (ii) The times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the

week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);

- (iii) Any other times when the premises will be open to the public;
- (iv) Where the licence is required only for a limited period, that period;
- (v) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- (vi) Where the licensable activities includes the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- (vii) The steps which the applicant proposes to take to promote the licensing objectives;
- (viii) The Licensing Authority will expect operating schedules to satisfactorily address all issues relating to the licensing objectives. Applicants are advised to seek advice on these issues if in doubt as to the requirements.

- 9.3 The steps identified within the operating schedule that deal with and promote the licensing objectives, will form part of the licence conditions attached to any relevant licence, certificate or notice.

10 Designated Premises Supervisor

- 10.1 Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. The main purpose of the ‘designated premises supervisor’ (“DPS”) is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day-to-day responsibility for running the premises by the premises licence holder. In a number of cases and particularly in small businesses, an individual will be both a premises and personal licence holder and may also be the DPS.
- 10.2 The Police can object to the appointment of a DPS only in exceptional circumstances where they believe the appointment would undermine the crime prevention objective. Such an objection would be heard by the Licensing Authority.
- 10.3 If a DPS is newly appointed, the premises licence holder is to apply to the Licensing Authority accompanied by a form of consent by the individual concerned to show that he consents to taking on this role and to notify the Police of the application. The whole premises licence does not have to be provided for amendment.

11 Transfer of Premises Licences

- 11.1 A person entitled to apply for a premises licence, which includes a business, may apply for the transfer of a premises licence.

- 11.2 A transfer of a premises licence will often arise when a business involving licensable activities is sold to a new owner. A transfer of the licence only changes the identity of the holder of the licence and does not alter the licence in any other way.
- 11.3 Notice of the application must be made to the Licensing Authority and to the Police who may object if they believe that the transfer may undermine the crime prevention objective.

12 Interim Authority

- 12.1 If a Premises Licence holder dies, becomes bankrupt or mentally incapable then the licence will lapse. However, if within a 28 day period of such circumstances (beginning with the day after the licence lapsed) a person who had an interest in the premises or who is connected to the former holder or if the licence, gives the Authority an “Interim Authority Notice”, the Premises Licence will be reinstated for a period of three months after which time it lapses. It is expected that during this period there will be a formal application for the transfer of the licence.
- 12.2 Interim Authority Notices must also be served on the Police within the seven-day period of being served on the Authority. Where required, the Police may raise an objection to the notice under the ‘prevention of crime and disorder’ objective within two working days. The Authority will then hold a hearing to consider the objection.
- 12.3 The Licensing Authority recognises the need to consider any objections in these circumstances quickly.

13 Licensing Hours

- 13.1 The Licensing Authority wishes to promote the development of a thriving and safe evening and night-time local economies.
- 13.2 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transports in areas where there have been incidents of disorder and disturbance.
- 13.3 The Licensing Authority will deal with the issue of licensing hours having due regard to the individual merits of each application and where objections or relevant representations are made, conditions in respect of trading hours may be placed on the licence where they are considered necessary to meet the licensing objectives.

- 13.4 Where an application is made to extend the current opening hours, the Licensing Authority will expect the applicant to detail in their operating schedule the measures to be taken to ensure the licensing objectives are met.
- 13.5 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there is very good reason for restricting those hours in relation to the licensing objectives and in particular the prevention of crime and disorder and public nuisance in particular areas of denser population.
- 13.6 There is no obligation on a premises licence holder or club premises certificate holder to remain open for the entire period permitted by his licence or certificate.

14 Temporary Event Notice

- 14.1 A person 18 or over may use a premises for one or more licensable activity for a period not exceeding 96 hours if notice is given in duplicate to the Licensing Authority and the Police in prescribed form no later than 10 working days before the event is due to start. A fee is payable to the Licensing Authority.
- 14.2 Temporary Event Notices can only be used where the maximum number attending is 499 at any one time (including staff and performers).
- 14.3 The holder of a personal licence may hold up to 50 temporary licensable events each year, whereas an individual may only hold 5 such events.
- 14.4 There is an added restriction that no premises may be used more than 12 times for a period not exceeding 15 days in any calendar year. Similarly, there must be a minimum of 24 hours between event periods for the same premises by the same premises user.
- 14.5 Objections can be made to the Licensing Authority by the Police who must have two working days notice and may result in the event not being able to go ahead.
- 14.6 Where police representation is received (by means of an objection notice) and not withdrawn the Council will hold a hearing. The police can withdraw the objection notice by amending the TEN with the agreement of the premises user, and serving a copy on the Council.
- 14.7 The law states that a minimum of ten working days notice must be given. Applicants are encouraged to give more notice when possible.

15 Exempted Activities

- 15.1 The 2003 Act provides that a number of activities are exempt and do not require a licence. Example of these activities are religious services or entertainment at a place of public religious workship, garden fetes, morris dancing and use of television or radio receivers.

- 15.2 If an applicant is uncertain as to whether an activity requires a licence, they are asked to contact the Licensing Officer identified at Appendix 5 of this Policy.

16 Provisional Statement

- 16.1 Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or are about to be extended or otherwise altered for that purpose, a developer or person interested in the premises would wish to have some degree of assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work was complete.
- 16.2 In such circumstances, an application should be made for a provisional statement. The application should be accompanied by a schedule of works which must include a statement of the licensing activities for which the premises are proposed to be used as well as plans of the premises and proposed works. The application must be advertised.
- 16.3 If there are no objections or relevant representations, the Licensing Authority is obliged to issue a provisional statement.
- 16.4 Upon completion of the works, a premises licence must be applied for in the usual way.

17 The cumulative impact of a concentration of licensed premises

- 17.1 The Licensing Authority may receive representations from either a responsible authority or an interested party that the cumulative impact of new licenses is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.
- 17.2 The Licensing Authority will not operate a quota of any kind, which would predetermine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the local community.
- 17.3 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy:

- Identification of a serious concern from a responsible authority or representative of residents about nuisance and disorder
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area
 - assessing the causes
 - adopting a policy about future licence applications from that area
- 17.4 The Licensing Authority will consider representations based on the impact on the promotion of the licensing objectives in the County Borough generally of the grant of the particular application in front of them.
- 17.5 However, the onus would be on the objectors to provide evidence to support any assertion that the addition of the premises in question would produce the cumulative impact alleged, taking into account that the impact will be different for premises with different styles and characteristics.
- 17.6 The Licensing Authority will review any special saturation policies to see whether they have had the effect intended, and whether they are still needed.
- 17.7 The Licensing Authority will not use such policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or
 - to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- 17.8 It is also recognised that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.
- 17.9 The Licensing Authority will not take “need” into account when considering an application. Need relates more to the commercial demand for a particular type of premises and is therefore a matter for planning consideration or for the market to decide.

18 Planning

- 18.1 Applications for premises licences for permanent commercial premises should normally be from businesses with planning permission for the property concerned. However, applications for licences may be made before any relevant permission has been sought or granted by the planning authority.
- 18.2 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.

- 18.3 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe more restrictive time.
- 18.4 The granting by the licensing authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

19 Transport

- 19.1 The Licensing Authority recognises a shortage of public transport at night, which can lead to disorder and recognises that fixed licensing hours are a key cause of disorder and disturbance also putting pressure on transport facilities.
- 19.2 The Licensing Authority will work with partners to seek provision of additional public transport from the town centre at night.

20 Tourism

- 20.1 The area has a wealth of attractions and places to visit. Some of the most popular are Wrexham Parish Church and the two National Trust Properties, Erddig Hall and Chirk Castle.
- 20.2 The Licensing Authority recognises that the entertainment industry is a major contributor to the local economy and encourage visitor and employment opportunity.

21 Race equality

- 21.1 The Licensing Authority will have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different social groups.

22 Disability Discrimination

- 22.1 The Licensing Authority will have particular regard to the likely impact of licensing on disability discrimination when considering the operational management of all proposed licensed applications, renewals and variations of conditions.

23 Enforcement

- 23.1 The Licensing Authority has established protocols with the Police on enforcement issues in relation to Act. These protocols provide for the targeting of agreed problems and high risk premises with a lighter touch being applied to low risk premises, which are shown to be well run.

- 23.2 Local Authority enforcement will be in accordance with the Government's Enforcement concordat's agreed enforcement principles and in line with the Licensing Authority's own enforcement policy.
- 23.3 The authority will endeavour to apply the principles of consistency, transparency and proportionality which will also apply when premises licenses or club premises certificates are subject of reviews.

23 Other Legislation

In undertaking its licensing function, the Licensing Authority is also bound by any other legislation, some of which is set out below;

1. The Gambling Act, 2005
 2. Section 17 of the exemption of Crime and Disorder Act 1998 requires a Local Authority to do all that it reasonably can to prevent crime and disorder in its locality.
 3. The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
 4. Health and Safety at Work etc Act 1974
 5. Environmental Protection Act 1990
 6. The Anti-social Behaviour Act 2003
 7. The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
 8. The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2001
 9. Policing and Crime Act, 2009
 10. Crime and Disorder Act, 1998
 11. Crime and Security Act, 2010
 12. Criminal Justice and Police Act, 2001
 13. The Clean Neighbourhood and Environmental Act, 2005
 14. The Health Act, 2006
 15. Violent Crime Reduction Act, 2006
- 23.1 Where existing law already places statutory obligations on applicants, the Licensing Authority will not impose the same or similar duties by way of licence conditions.

Appendix 1

Responsible Authorities for this Licensing Authority

The bodies listed below must be notified of applications for the grant, variation or review of a premises licence:

1. **The Chief Officer of Police**
Divisional Police H.Q., Bodhyfryd, Wrexham, LL12 7BW
Tel.: 01978 290222
2. **The Chief Fire Officer**
North Wales Fire and Rescue Service, Wrexham County Office, Fire Station, Bradley Road, Wrexham, LL13 7SU
Tel.: 01978 353876
3. **The Local Enforcement Agency for the Health & Safety at Work etc. Act 1974 (either the Local Authority or the HSE)**
Public Protection Service, Wrexham Council, Ruabon Offices, High Street, Ruabon, Wrexham, LL14 6NH
Tel.: 01978 813700

HSE, Unit 7 & 8, Edison Court, Ellice Way, Wrexham Technology Park, Wrexham, LL13 7YJ
Tel.: 01978 316000
4. **Environmental Health Department of the Local Authority**
Public Protection Service, Wrexham Council, Ruabon Offices, High Street, Ruabon, Wrexham, LL14 6NH
Tel.: 01978 813700
5. **The Local Planning Authority**
The Chief Planning Officer, Wrexham County Borough Council, Lambpit Street Offices, Wrexham, LL11 1AR
Tel.: 01978 292500
6. **Social Services Department of the Local Authority / Area Child Protection Committee**
The Chief Safeguarding and Support Officer, Wrexham County Borough Council, Crown Buildings, Chester Street, Wrexham, LL13 8BG
Tel.: 01978 292039
7. **Trading Standards Division**
Public Protection Service, Wrexham Council, Ruabon Offices, High Street, Ruabon, Wrexham, LL14 6NH
Tel.: 01978 813700

MANDATORY CONDITIONS THAT MUST BE ATTACHED TO LICENCES

Where a Premises Licence authorises the supply of alcohol

1. That no supply of alcohol may be made under the Premises Licence:-
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. That every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

1. Where a Premises Licence or Club Premises Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.
2. Where the film classification body is specified in the Licence or Certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where,
 - a) The film classification body is not specified in the Licence or Certificate, or
 - b) The Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

4. In these paragraphs, 'children' means persons aged under 18, and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1948 (authority to determine suitability of video works for classification).

Door Supervision

1. Where a Premises Licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the

Licence must include a condition that each such individual must be licensed by the Security Industry Authority.

Irresponsible Promotions

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Drinking Water

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Measures of Alcohol for Consumption

5. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Conditions attached to Premises Licences and Club Premises Certificates (Pool of conditions)

The pool of conditions is designed to assist applicants for Premises Licence and Club Premises Certificate to apply strategies to be included on the Licensing schedule to ensure the Licensing objectives are met and in accordance with Chapter 7 and Annex D to K of the DCMS Guidelines and reproduced as follows for ease of reference.

Any conditions agreed / imposed will be wholly appropriate to the application.

Crime and Disorder

Text / Radio Pagers
Door Supervisors
Plastic Containers and toughened glass
CCTV
Open containers not to be taken from premises
Restrictions on drinking areas
Capacity Limits
Proof of age cards
Crime Prevention Notices
Drinks Promotions
Signage
High Volume Vertical Drinking establishments (HVVDs)

Public Safety

In addition to the points made in this Annex those preparing operating schedules or due operating schedules, licensing authorities and responsible authorities should consider.

National and Standard Conditions for Places of Public Entertainment
The Safety Event Guide
Managing Crowds Safety
Steps to risk assessment
The Guide to Safety at Sports Grounds
Safety Guidance for Street Arts, Carnivals, Processions and Large Scale Performances
Disabled People
Escape Routes
Safety Checks
Curtains, Hangings, Decorations and Upholstery
Accommodation Limits

Fire Action Notices
Outbreaks of Fire
Loss of Water
Access for Emergency Vehicles
First Aid
Lighting
Temporary Electrical Installations
Indoor Sports Entertainment
Alterations to the Premises
Special Effects

Public Safety – Theatres, Cinemas, Concert Halls and similar places

Premises used for closely seated audiences
Attendants
Standing and sitting in gangways
Drinks
Special Effects
Scenery
Safety curtain
Ceilings
Seating
Premises used for film exhibition with or without staff alerting system

Public Nuisance

Hours premises are open
Noise and vibrations
Noxious smells
Light pollution

Children

Access for children to licensed premises – in general
Age Restrictions – specific
Age Restrictions – Cinemas
Theatres
Performances especially for children
Children in performances
Portman Group Code of Practice - Packaging and Promotions of Alcohol Drinks
Proof of age cards

Statutory qualifying conditions for Clubs

As defined in the DCMS Guidelines Annex I

Safer Clubbing

As defined in the DCMS Guidelines Annex J and K

Appendix 4

Administration, exercise and 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 5

To enquire whether or not an activity needs to be licensed contact:

Alan Davies, Licensing Officer, Wrexham County Borough Council, Ruabon Offices,
High Street, Ruabon, Wrexham, LL14 6NH

Telephone No.: 01978 813782

E-mail: alan.davies@wrexham.gov.uk