

# WREXHAM COUNTY BOROUGH COUNCIL

## Statement of Licensing Policy

This document is available in Welsh



**2022 - 2027**

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## **1.0 Introduction**

### **1.1 Background**

1.1.1 Under the provisions of the Licensing Act 2003, Wrexham County Borough Council is the Licensing Authority (and is referred to in this document as the “Licensing Authority”) responsible for granting Premises Licences, Club Premises Certificates and Personal Licences in the county of Wrexham.

1.1.2 This statement of Licensing Policy is made under section 5 of the Licensing Act 2003 and details the Council’s administration of those licensing functions under it.

1.1.3 The Licensing Policy is intended to inform applicants and residents about the way in which the Licensing Authority will make licensing decisions and how licensed premises are likely to be permitted to operate in a way that will promote the licensing objectives. Although each application will of course be considered on its own merits, the Council in adopting this Policy, is indicating the wider considerations that it will take into account when determining any licence application.

1.1.4 As a Licensing Authority we have a duty to promote the following four licensing objectives and these objectives will underpin every decision that we undertake:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance.

1.1.5 The aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and users. Premises are encouraged to extend the diversity of entertainment and attract a wider range of participants rather than premises mainly or exclusively focused on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.

1.1.6 The Licensing Policy is integral in managing the role licensed premises play throughout the county borough. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality, and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. Local residents and businesses have an important role under the Licensing Act 2003 and are able to have their say in respect of licence applications and the operation of licensed premises in their area.

1.1.7 This Policy aims to develop a more inclusive night-time economy, ensure high standards of management for licensed premises, as well as promote high-quality premises that can contribute positively to their respective neighbourhood.

## 1.2 Authority Profile

- 1.2.1 Wrexham is the largest town in North Wales. The population of the County Borough is concentrated along the north-south A483 (T) road corridor in a settlement pattern that reflects the traditional importance attached to mining and industry, agriculture and latterly manufacturing.
- 1.2.2 The area has many cross boundaries, it abuts Flintshire and Denbighshire to the north-west and to the south-west are the counties of Powys and Shropshire. To the South and to the East is the national boundary of England. Wrexham is just 45 minutes' drive from major airports in Manchester and Liverpool and 90 minutes from Birmingham.
- 1.2.3 The area is characterised by attractive countryside, varied landscapes and diverse settlements ranging from the large urban areas of Wrexham Town and Wrexham Industrial Estate (UK's second largest), the rural areas of Glyn Ceiriog in the south west, the Maelor in the south east and the former mining villages to the south and west of Wrexham Town. Wrexham Town dominates the northern part of the County Borough, which over the past decade has been one of the fastest growing retail centres in the UK.
- 1.2.4 The economy of Wrexham County Borough has been transformed over the past twenty years from one dominated by heavy and traditional industry into a major high tech, manufacturing, technology and services hub. Though a declining sector, manufacturing is still a major employment sector in the County Borough, providing nearly 20% of jobs.
- 1.2.5 The County Borough contains some of the most deprived urban areas in Wales which experience problems associated with poverty, multiple deprivation, low levels of economic activity and low quality housing and infrastructure. The Wales Spatial Plan identifies these communities as regeneration areas and includes Plas Madoc, Queensway, Caia Park and Gwenfro.
- 1.2.6 Further information regarding a more detailed profile of Wrexham's individual wards can be found using the Welsh Government's site "Welsh Index of Multiple Deprivation (WIMD)" (<https://gov.wales/welsh-index-multiple-deprivation>). It is the official measure of relative deprivation covering eight types of deprivation as follows: employment, health, education, access to services, community safety, physical environment and housing.

### 1.3 Integration with other Council Strategies/Priorities

1.3.1 While the overarching aim of this Statement of Licensing Policy is to promote the licensing objectives, it is acknowledged that there are other key council policies and priorities in place as described below. The policy links to and reflects these and aims to secure the safety and amenity of residential and business communities whilst ensuring a sustainable entertainment and cultural industry. The Council recognises the importance of well-managed entertainment premises to the local economy, ambience and culture of the County Borough.

1.3.2 The strategic priorities of Wrexham CBC are:

- Developing the economy
- Ensuring everyone is safe
- Ensuring a modern and resilient council
- Improving the environment
- Improving secondary education
- Promoting good health and well-being (with a focus on improving children's services)

1.3.3 The relevant key strategies are:

WCBC Council Plan 2020- 2023

Wrexham's Unitary Development Plan

Our Wrexham Plan (Wrexham Local Service Board) 2013 - 2024

Community Safety Partnership Plan 2020 – 2023

### 1.4 Partnership Working

1.4.1 Community safety and wellbeing is a high priority and the Council is committed to working in partnership with all agencies and use all available tools, as appropriate, to promote safety and wellbeing and to focus resources. Evidence from the Responsible Authorities (see glossary) the Welsh Ambulance Service, the licensed trade, local councillors and the public will be used to inform an evidenced based approach to tackling issues associated with licensed premises.

1.4.2 Wrexham has historically had strong partnerships delivering many initiatives in relation to reducing alcohol related violence and anti-social behaviour. It offers support to those affected by alcohol and encourages licensed premises to manage their businesses responsibly. There have been significant successes, relevant to licensing, demonstrating that a partnership approach works, examples are :

- Best Bar None
- Town centre Nightsafe and rural Pubwatch groups
- Proof of Age Schemes(PASS)
- Town centre welfare centre

- Establishment of Designated Public Place Order in town centre
- CCTV network
- Crimelink radio in town centre
- Joint – agency enforcement exercises and safety campaigns
- Proactive monitoring of licensed premises

(please see Glossary, Appendix A for further information).

## 1.5 Alcohol and Health

1.5.1 Alcohol is widely available, increasingly affordable and when drunk sensibly is enjoyed by many. However, it should not be forgotten that it is a strong drug with serious health implications and is associated with a wide range of criminal offences including drink driving, criminal damage, anti-social behaviour and domestic violence.

1.5.2 Alcohol misuse is a major cause of death and illness in Wales with around 1,500 deaths attributable to alcohol each year (1 in 20 of all deaths). Alcohol misuse has a marked effect on the physical and mental health and wellbeing of the individual as well as impacting on their family and the wider society. Alcohol misuse is strongly linked to crime and disorder, particularly violent crime including domestic violence. The Council is also concerned about the health effects of alcohol misuse, particularly in respect of conditions such as liver disease.

1.5.3 The Public Health remit of the Council recognises that whilst treatment interventions are central to supporting individuals with alcohol problems to recover, there is a prevention agenda across the Council's business. Setting out clearly the local issues and concerns with regards to alcohol, and collaborative approaches to tackling its misuse, are key to tackling the harm it causes in our communities. A balanced approach to business, community and social wellbeing and health impacts is essential to reduce harmful patterns of alcohol use.

1.5.4 In summary this policy recognises the need to work collaboratively with partners to help shape safer and healthier public places. The implementation of the policy should ensure that businesses are well run; that what is operated fits with the character and nature of the neighbourhood in which it operates and that businesses do not put increasing profits above the safety of customers and the prevention of nuisance to neighbours.

## 1.6 Consultation

1.6.1 In reviewing this Policy, the Licensing Authority will consult widely to ascertain an appropriate licensing framework for its area. Various bodies will be consulted, including:

- North Wales Police
- North Wales Fire & Rescue Service
- Wrexham County Borough Council Trading Standards
- Wrexham County Borough Council Safeguarding

- Wrexham County Borough Council Planning
- Public Health Wales
- Betsi Cadwaladr University Health Board
- UK Border Agency
- Alcohol Concern Wales
- Current licence holders
- Representatives of the local and national licensed trade
- Representatives of local businesses and residents

In addition, the Licensing Authority will also consult :

- Joint Safer Communities Unit
- County Councillors
- Community Councils
- Council Officers

## 1.7 Duration and Review

- 1.7.1 The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every five years. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.

## 2.0 SCOPE AND EXTENT

- 2.1 The purpose of this Statement of Licensing Policy is to set out the policies the Licensing Authority will apply when carrying out its licensing function i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. References will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law. A glossary of the terms used in the Act and in this policy can be found at Appendix F.

- 2.2 The Act defines licensable activities as:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
- The provision of regulated entertainment (see glossary)

- 2.3 **The provision of regulated entertainment** - the Deregulation Act 2015 made considerable changes to the definition of regulated entertainment. Further information regarding these changes along with the changes made following the Live Music Act 2012 can be found in Appendix E.



- 2.4 **The provision of late night refreshment** - Schedule 2 of the Act sets out what activities are to be treated as the provision of late night refreshment and those that are not. The Deregulation Act 2015 provides a Licensing Authority may exempt the supply of hot food or hot drink if it takes place in a designated area, on or from designated premises and during designated times.
- 2.5 The Licensing Authority has NOT designated an area within the county of Wrexham for the exempt supply of late night refreshment.
- 2.6 It is a criminal offence under Section 136 of the Act to carry on any of the above licensable activities other than in accordance with a licence or other authorisation under the Act.
- 2.7 The types of authorisation or permission the Act requires the Licensing Authority to regulate are:
- Premises licence
  - Club premises certificate
  - Temporary Event Notice
  - Personal Licence
- (Please refer to section 6 and 8).
- 2.8 When carrying out its functions under the Act the Licensing Authority must seek to promote, with equal importance the four licensing objectives contained in the Act and as outlined in section 1.1.4.
- 2.9 It is recognised that the licensing function is only one means of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with its Local Communities, the Responsible Authorities, local businesses and all other relevant stakeholders and partners.
- 2.10 If its discretion is engaged, when considering the type of activities for which licenses may be sought, the Licensing Authority will have proper regard to amongst other issues:
- Location of and environmental impact of the proposed activity
  - Suitability of the applicant
  - Suitability of the premises application
  - Operation and management of the premises
  - Monitoring, review and enforcement
- 2.11 Whilst these factors will be given due consideration as part of any application, it should be noted that the following principles will apply in all cases:
- The right of any individual or body to apply for a variety of permissions is not undermined and that each application shall be determined on its own merits.
  - The statutory right of Responsible Authorities or Interested Parties to make relevant representations or to seek a review of any licence or certificate.

2.12 The licensing regime is primarily concerned with the regulation of persons, premises and temporary events and consequently any conditions will focus on:

- Matters within the control of individual licensees and others who are granted relevant permissions.
- The premises and places being used for licensable activities and the immediate vicinity.
- The direct impact of the activities taking place at licensed premises, on members of the public, living or engaged in normal day-to-day activity in the vicinity of the licensed premises.

2.13 In undertaking its statutory licensing function, the Licensing Authority may have regard to:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Security Act 2010
- Policing and Crime Act 2017
- Health Act 2006
- Violent Crime Reduction Act 2006
- Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Health and Safety at Work etc Act 1974
- Regulatory Reform (Fire Safety) Order 2005
- The Clean Neighbourhoods and Environmental Act 2005
- Wrexham County Borough Council's Public Protection Enforcement Policy.
- Wrexham Alcohol Harm Reduction Strategy
- Wrexham Crime and Disorder Reduction Strategy

***Where existing law already places statutory obligations on applicants the Licensing Authority will not impose the same or similar duties by way of condition.***

2.14 The objective of the licensing process is to allow the retail sale of alcohol and the provision of licensable activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of their premises on local residents.

2.15 The Licensing Authority may depart from this Policy should it consider doing so would benefit the promotion of the licensing objectives. In cases where a departure occurs, the Licensing Authority shall, as part their decision making

process, provide reasons for the departure. It is expected that any such departure would likely only be in exceptional circumstances.

- 2.16 The Licensing Authority may select appropriate conditions from the Department of Culture, Media and Sport pool of Conditions (see Appendix C) and the Institute of Licensing conditions, where it is deemed necessary when considering the content of the Operating Schedule in ensuring that it reflects the four Licensing Objectives.
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### 3.0 Licensing Objectives

Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community.

The licensing objectives as listed below are at the heart of the licensing regime. Applicants must demonstrate in their operating schedules as part of an application how they will address each objective. The Licensing Authority will make decisions about applications, variation and reviews based on the promotion of the same objectives. **Each objective is of equal importance.** Those making representations to the Licensing sub-committee must base them on the objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

#### 3.1 The Prevention of Crime and Disorder

- 3.1.1 The Licensing 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.
- 3.1.2 The Licensing Authority will consider the representations of North Wales Police Service as the main source of advice on crime and disorder.
- 3.1.3 Applicants for a premises licence or club premises certificate will be expected to demonstrate in their application/operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise and prevent crime and disorder in and around the vicinity of the premises.
- 3.1.4 When addressing the licensing objective of prevention of crime and disorder the applicant should identify any particular issues (having regard to their particular

type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective.

3.1.5 These factors include :

- Underage drinking- adopting Challenge 25 policy
- Drug supply and use
- Drunkenness on premises
- Drunkenness in public places
- Anti- social and violent behaviour
- Physical security at premises
- Policies and initiatives implementing best practice in the industry, including those supporting sensible drinking
- Training of staff

3.1.6 Where previous licence conditions have not been adhered to, the applicant must demonstrate that any previous issues have been resolved. If relevant representations are received, applications are likely to be refused where there are significant outstanding issues

3.1.7 The Authority would expect applicants/licence holders to support any local Pubwatch scheme.

3.1.8 The Authority recognises that training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

3.1.9 Drugs

Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:

- Take all reasonable steps to prevent the entry of drugs into licensed premises
- Take all reasonable steps to prevent drugs changing hands within the premises
- Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
- Have appropriately trained staff to deal with drug related incidents
- Display appropriate drug safety awareness information to customers
- Provide a first aid room and first aid equipment, including a defibrillator in larger venues

- Deploy staff trained to assist with medical incidents
- Implement an appropriate banning policy

#### Licensed Security Personnel (doorpersons)

- 3.1.10 The responsible authorities may consider that certain premises or events may require supervision to support the licensing objectives. Where relevant representation is received, the Licensing Authority may impose a condition, that licensed security personnel (approved by the Security Industry Authority) be employed at the premises either at all times or when certain events are taking place.
- 3.1.11 The Licensing Authority may look more favourably on licence applications which demonstrate that licensees have considered:
- Recruiting SIA licensed door security personnel 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 security personnel to ensure their premises and customers are only protected by appropriately licensed people.

#### Designated Public Places Order/Public Spaces Protection Order

- 3.1.12 The Authority supports the use of Designated Public Place Orders (DPPOs) and the new power to make a public space protection order (PSPO) as a tool to prevent alcohol related crime and disorder in the streets.
- 3.1.13 The Authority expects premises that operate in areas where DPPO's/ PSPO's have been implemented to ensure that their customers do not contribute to drink related anti-social behaviour.

#### Illicit Goods

- 3.1.14 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 Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 3.1.15 The Licensing 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 Licensing Authority to impose additional controls and sanctions and run the risk of losing their licence.

## Industry Partnership Schemes

- 3.1.16 The Licensing Authority would encourage active participation in schemes such as Pubwatch, Off-Watch, Best Bar None (if available in the area) as contributing to the prevention of crime and disorder licensing objective.

## Take-away Premises

- 3.1.17 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).
- 3.1.18 It is recognised that takeaway premises open late at night, can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have written policies for dealing with disorder and nuisance.
- 3.1.19 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.
- 3.1.20 Where the Licensing Authority considers it appropriate and necessary, it may impose conditions on a premises licence to require the operators of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

## 3.2 Public Safety (note on Public Health)

- 3.2.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Applicants should be able to demonstrate that they have considered and put into effect measures to protect members of the public as well as the interests of neighbouring premises. This Policy recognises the importance of public health and the role of partner agencies in minimising the effects of alcohol misuse.

- 3.2.2 This objective is concerned with the physical safety of the people using the relevant premises. 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. There must be no doubt that it remains an offence to sell or supply alcohol to a person who is drunk. For further information regarding effects of alcohol in Wales see Appendix B.
- 3.2.3 The Licensing Authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.
- 3.2.4 Applicants for a premises licence or club premises certificate will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the types of licensable activities taking place. The following are examples of what should be considered:
- Arrangements to ensure safety of customers and staff in the event of fire or other emergency
  - Use of CCTV
  - Implementation of appropriate crowd management measures including appropriate number of licensed security personnel.
  - Measure employed to monitor occupancy so maximum capacity not exceeded
  - Necessary health and safety and fire risk assessments for premises
  - Risk assessments and safety procedures for any special effect devices
  - Use of plastic or polycarbonates of glass bottles and glasses
  - Arrangements to deny access to persons who are drunk and the welfare of those who have drunk alcohol to excess whilst on the premises and where appropriate their safety beyond the perimeter of the premises.

### Public Health

- 3.2.5 Betsi Cadwaladr University Health Board is responsible for making representations and observations on licence applications. 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.
- 3.2.6 The Authority recognises that training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

- 3.2.7 The Council may attach conditions to licences to promote public safety if it is appropriate to do so following representations such as in relation to capacity or the checking of electrical installations.
- 3.2.8 The Licensing Authority will have particular regard to representations from North Wales Fire and Rescue Service, North Wales Police and Local Authority Health and Safety Officers to determine whether measures proposed are suitable to ensure the safety of the public.
- 3.2.9 Where activities are organised by volunteers or a committee of a club or a society, the Licensing 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 Health and Safety legislation.
- 3.2.10 The Licensing Authority expects the organiser of any large scale event, where licensable activities are to take place, to prepare an event management plan. The authority provides guidance as to what would be expected to be incorporated into the plan ([www.wrexham.gov.uk](http://www.wrexham.gov.uk))
- 3.2.11 Organisers of such events are advised to contact Wrexham Event Safety Advisory Group ([www.wrexham.gov.uk](http://www.wrexham.gov.uk)) at the initial planning stage of the event.

### **3.3 The Prevention of Public Nuisance**

- 3.3.1 The Licensing Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community.
- 3.3.2 The section 182 statutory guidance says, “It is important to remember that the prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises”.
- 3.3.3 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.
- 3.3.4 Applicants for a premises licence or club premises certificate will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure the prevention of public nuisance, relevant to the premises and types of licensable activities taking place.
- 3.3.5 The following provides a non-exhaustive list of issues associated with the Public Nuisance objective which applicants may wish to consider when preparing their operating schedule :
- **amplified music** – noise from music played on the premises,



- **customer noise** - this takes many forms but the following are of particular concern:
  - > customers queuing to enter or leave the premises
  - > customers loitering outside the premises waiting for transport
  - > alcohol-related drunken behaviour and shouting
  - > customers eating, drinking or smoking in external areas such as beer gardens, forecourts and other open areas adjacent to the premises
  - > car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises
- **deliveries** - early morning deliveries and late night clearing up. For example, the emptying of bottle bins
- **lighting** - excessive artificial lighting in the vicinity of licensed premises
- **litter/waste** - litter and waste generated by the carrying out of licensable activities. For example, food wrappers and cigarette butts
- **obstruction** - the blocking of footpaths by customers eating, drinking and smoking in the vicinity of the premises
- **plant and machinery** - noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extracts. This may include smell nuisance from ventilation ducting and kitchen extracts.

3.3.6 The Licensing Authority will have due regard to the Environmental Health and Housing Standards team (Environmental Protection) of the Council's Public Protection Service, The principal statutory powers that already exist to control most of these matters are contained in the Environmental Protection Act 1990. Although this legislation empowers Environmental Health Practitioners to take pre-emptive action in appropriate cases, there is no statutory requirement for operators to notify the Council about activities that might give rise to problems. Furthermore, there are limits on the action Environmental Health Practitioners can take in respect of problems on the adjacent highway.

3.3.7 The Authority recognises that training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

3.3.8 Where relevant representations are made, conditions will focus on matters within the control of the premises licence holder and may include restriction on the times when music or other licensable activities may take place and technical restrictions on sound levels at the premises.

3.3.9 In considering an application, the Licensing Authority will take into account previous noise and nuisance complaints. The Licensing Authority will also take into account of the fact that premises have previously been well run.

3.3.10 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

## 3.4 The protection of children from harm

3.4.1 Protection of Children from Harm includes the protection of children from moral, psychological and physical harm. This includes both the protection of children

from the harm associated with alcohol consumption (it is fully acknowledged that evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol) and exposure to strong language and sexual expletives.

3.4.2 The Licensing Authority does recognise, however, the great variety of premises for which licences may be sought and acknowledges that many of these premises are appropriate venues for children to be present. These include theatres, cinemas, restaurants, pubs, cafes, takeaways, community halls and schools. It is therefore recommended that applicants and licensees take a proactive approach to protecting and ensuring the well-being of children on their premises.

3.4.3 The following provides a non-exhaustive list of issues associated with the Protection of Children from Harm objective which applicants may wish to consider when preparing their operating schedule :

- Arrangements to prevent children from acquiring or consuming alcohol
- Steps to prevent children from being exposed to drugs, drug taking or drug dealing;
- Arrangements to prevent children from being exposed to gambling;
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature;
- Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height;
- Restrictions on the access by children to the whole or any part of the premises, including times when children may not be present;
- Means for ensuring that nominated persons supervising children are suitable. To include training in supervising adults in safeguarding principles and where necessary disclosure from the Disclosure and Barring Service.
- Training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

#### Age Verification Policy

3.4.4 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council and North Wales Police favour the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

#### Proxy Sales

3.4.5 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their

responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

- 3.4.6 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

#### Alcohol Deliveries

- 3.4.7 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:
- The person they are selling alcohol to is over 18
  - That alcohol is only delivered to a person over 18
  - 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
  - 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.

#### Off- Sales

- 3.4.8 In recent years there has been a large increase in the number of premises licensed to sell alcohol for consumption off the premises only. At the same time visits to public houses have decreased and those who do visit town centre establishments appear to be pre-loading on cheaper alcohol from off-licences so that they are intoxicated to some degree before they arrive at their destination. Residents often complain about the availability of alcohol through off-licences due to the increased issues of crime, disorder and public nuisance they experience. Other complaints are that it encourages street drinking, and can provide easy access to alcohol by children. Street drinking can be a cause of antisocial behaviour, often involving underage persons and the homeless, which gives rise to disorder, a fear of crime, concerns over public safety and harm to children.
- 3.4.9 Where relevant representations are made, the Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol dependent may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late-night disorder, anti-social behaviour or nuisance, the hours for alcohol sales from the premises may be restricted.
- 3.4.10 Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, that would

appeal to underage drinkers or street drinkers, or that encourage excessive consumption.

- 3.4.11 As in all cases, it is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on location.

#### Child Sexual Exploitation

- 3.4.12 Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

- 3.4.13 It is recognised that the Licensing Authority must consider the need to protect children from sexual exploitation and will liaise with, and seek advice when appropriate, from the Council's Safeguarding Section when undertaking its licensing functions in relation to child protection matters

- 3.4.14 The Licensing Authority encourages licence holders and operators of licensed premises:

(1) To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime, and

(2) To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

- 3.4.15 The Licensing Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority, when in receipt of Relevant Representations, may impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include;

- Where there have been convictions for serving alcohol to minors or where the premises have a reputation/evidence for underage drinking (to include any action undertaken regarding test purchases in relation to the supply of alcohol).
- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises

- Entertainment of an adult or sexual nature is provided

3.4.16 Where relevant representations have been received and it is considered necessary that the access by children should be restricted to protect them from harm, then conditions may be attached to the licence. These may include:

- Limitation on the hours when children may be present
- Restrictions to the age of persons on a premises (e.g. to over 18s only)
- Restrictions on access to certain parts of the premises
- Limitations or exclusions when certain activities may take place
- Require an accompanying adult to be present at all times

3.4.17 Where large numbers of children are likely to be present on any licensed premises, for example a children's show or pantomime, then the Licensing Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory disclosure from the Disclosure and Barring Service to ensure their safety and protection from harm). The exact ratio is to be assessed against each particular application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

3.4.18 The Licensing Authority will not impose conditions that specifically require that children have access to premises, and where no conditions or restrictions apply, the access of children to any premises still remains a matter of the discretion of the individual premises.

#### Cinema Exhibitions

3.4.19 Where the exhibition of films is permitted, the Licensing 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.*

3.4.20 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

## Adult Entertainment

- 3.4.21 Applicants for new licences or variations of existing licences must also indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no information it will be assumed that there are no intentions to allow such activities and the Licensing Authority will impose a condition to that effect.
- 3.4.22 Wrexham County Borough Council has adopted Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003.
- 3.4.23 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.
- 3.4.24 The Licensing Authority would expect to see the following measures offered in the operating schedule:
- No persons under 18 years of age will be admitted to premises when a performance of adult entertainment is taking place
  - No performance shall involve physical contact between the performer(s) and any other person
  - 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 or other similar clothing on the appropriate part of the body
  - CCTV should cover all performance areas in the premises including those areas set aside for private dances/performances.

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## 4.0 Cumulative Impact, Late Night Levy and Early Morning Restriction Orders

### 4.1 Cumulative Impact

The number, type and density of premises selling alcohol in a particular area can lead to serious problems of nuisance or disorder. In these circumstances the impact of the premises taken as a whole can be far greater than that arising

from individual premises. In most cases it would be impossible to identify individual premises as being the sole cause or major contributing factor.

4.1.2 The potential impact on the promotion of the licensing objectives by a significant number of licensed premises concentrated in one area is called cumulative impact. This is not to be confused with “need” for premises which relates to commercial demand for licensed premises, the Licensing Committee cannot take this into account when determining application

4.1.3 Where there is a cumulative impact of premises the Authority can adopt a “Saturation Policy”. The effect of such a policy is that the Licensing Authority could refuse applications for a new premises licence or club premises certificate, or variation of an existing licence or certificate, whenever it received relevant representation.

4.1.4 The “Saturation Policy” would not be absolute however, and any application would be considered on its own merits and would be given proper consideration. However, the policy will only be overridden in genuinely exceptional cases where the applicant can demonstrate that the granting of an application will not undermine the policy and the reasons for it.

4.1.5 Notwithstanding the above, the policy will not seek to limit the number of licensed premises which will be permitted, simply because the Licensing Authority considers that there are already enough licensed premises to satisfy the demand.

4.1.6 In determining whether to adopt a “Saturation Policy” for a particular area the Licensing Authority may, among other things:

- Gather evidence or identification of serious and chronic concern from responsible authorities and interested parties about nuisance and disorder
- Identify the area from which problems are arising and the boundaries of that area
- Make an assessment of the causes
- Conduct a consultation exercise

4.1.7 If a “Saturation Policy” is adopted, it will be reviewed regularly to assess if it is necessary and proportionate.

4.1.8 Before establishing a “Saturation Policy” the Licensing Authority will consider the number of existing measures available relevant to tackling unlawful and antisocial behaviour associated with licensed premises.

## 4.2 Late Night Levy (LNL)

4.2.1 Under the provisions of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy. The implementation of the Late Night levy allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after midnight and up to 06:00 in order to cover the additional costs associated with late night

alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.

- 4.2.2 Any income raised by the Levy must be split between the Licensing Authority and the Police. The police will receive at least 70% of the net levy revenue. The Licensing Authority can retain up to 30% of the net levy revenue to fund other activities besides policing. There are restrictions on the types of services that licensing authorities can fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the night-time economy. The Licensing Authority is able to deduct permitted administration, collection and enforcement costs from the gross levy revenue.
- 4.2.3 Where there is evidence that alcohol-related crime and disorder in the night time economy gives rise to costs for the police, local authorities and other bodies; the Licensing Authority will consider whether the late night levy requirement is a desirable means of raising revenue in relation to these costs.
- 4.2.4 Before introducing any Late Night Levy the Council must undertake a process of statutory consultation. The Council will consider implementing a Late Night Levy if appropriate.
- 4.3 Early Morning Restriction Orders (EMROS)
  - 4.3.1 The Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of midnight and 06:00. EMROs are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
  - 4.3.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered (including local crime and disorder statistics, anti-social behaviour statistics and health related statistics) to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. An EMRO will only be introduced if the step is considered to be reasonable, justified and proportionate.
  - 4.3.3 The Licensing Authority acknowledges that an EMRO is a powerful, restrictive tool that can be implemented to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified
  - 4.3.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations



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## 5.0 Planning and Building Control

### 5.1 Planning

- 5.1.2 Any premises for which a licence is required should have an authorised use under the planning legislation.
- 5.1.3 Welsh Assembly Planning Policy is set out in Planning Policy Wales and associated Technical Advice Notes.
- 5.1.4 Wrexham County Borough Council's planning policies are set out in the adopted Unitary Development Plan UDP.
- 5.1.5 Planning permission, building control approval and the licensing regime will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 5.1.6 Planning permission for an entertainment use, for example, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence is a matter for the Licensing Authority and this will need to be considered when the application is made.
- 5.1.7 The Licensing Authority expects each applicant to have already gained planning consent in respect of the application and must submit details (which should include any details of any restrictions that may have been imposed), so as to avoid any unnecessary duplication.
- 5.1.8 The Licensing Authority recognises that in certain circumstances it may be necessary to consider and determine an application that does not have authorised use under planning legislation. In such cases, it may be appropriate for the applicant to invite the Licensing Authority to limit the duration of the Premises Licence if, for any reason, planning permission were not forthcoming.
- 5.1.9 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. The Licensing Authority will endorse any licence to this effect, where this might apply.
- 5.1.10 Proper integration shall be assured by the Licensing Authority and Committee where appropriate to provide reports to the Planning Committee regarding the situation surrounding Licensed Premises in the area, including the general impact of alcohol related crime and disorder. The Planning

Committee having regard to such matters when making any decisions will prevent any unnecessary overlap between the Licensing and Planning functions.

## 5.2 Building Control

- 5.2.1 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.

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## 6.0 Applications

### 6.1 Premises Licence

The prescribed application form for a premises licence contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the premises, the times when the activities will take place, the time period the licence is required for, whether any alcohol that is to be sold is for consumption on or of the premises or both and critically, the steps they proposed to take to promote the four licensing objectives.

- 6.1.2 A scale plan of the premises and a form of consent from the designated premises supervisor (for applications where the sale of alcohol will be a licensable activity) must be provided with the application.
- 6.1.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a premises licence may only be determined when the Licensing Authority is satisfied that the applicant has complied with these requirements.
- 6.1.4 Once a premises licence is granted further applications may be made in its respect, these include:-
- Application to vary a premises licence
  - Application to minor variation to a premises licence
  - Application to vary a premises licence to specify an individual as a designated premises supervisor
  - Application to transfer a premises licence
  - Interim Authority Notice
  - Application for the review of a premises licence

### 6.2 Designated Premises Supervisor

- 6.2.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises

licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

6.2.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.

6.2.3 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.

6.2.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

6.2.5 In exceptional circumstances, North Wales Police may object to the appointment of an individual as a Designated Premises Supervisor.

6.2.6 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

### 6.3 Provisional statements

6.3.1 Where premises are being constructed, extended or otherwise altered and are to be used for one or more licensable activities, a person over 18 years of age with an interest in the premises may apply for a **Provisional Statement**.

6.3.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.

6.3.3 If a provisional statement has been issued and the person subsequently applies for a premises licence for those premises, any representations will not be considered if:

- Given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and
- There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

6.3.4 The licence will not become effective until the start date stipulated by the Licensing Authority.

#### 6.4 Transfer of a Premises Licence

6.4.1 The Act provides for any person who may apply for a premises licence, to apply for a premises licence to be transferred to them. An application to transfer a premises licence changes the identity of the holder of the licence and does not alter the licence in any other way

6.4.2 North Wales Police must receive notice of the application in accordance with the requirements of the Act. If they believe the transfer may undermine the prevention of crime and disorder licensing objective, they may object to the transfer by giving notice to the Licensing Authority within 14 days.

6.4.3 Where the consent of the holder of the licence to transfer the premises licence is required but has **not** been obtained, the applicant must provide evidence to satisfy the Licensing Authority that **ALL** reasonable steps have been taken to obtain the consent. Reasonable steps includes allowing a reasonable amount of time for the holder of the licence to respond/give consent.

#### 6.5 Club Premises Certificate

6.5.1 The prescribed application form for a club premises certificate contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the club premises, the times when the activities will take place, the time period the licence is required for, whether alcohol will be supplied to members and most critically, the steps they proposed to take to promote the four licensing objectives.

6.5.2 A plan of the premises and a declaration for a club premises certificate must be provided with the application.

6.5.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a premises licence may only be determined when the Licensing Authority is satisfied that the applicant has complied with these requirements.

6.5.4 Once a club premises certificate is granted further applications may be made in its respect, these include:

- Application to vary a club premises certificate
- Application for a minor variation to club premises certificate
- Application for the review of a premises licence or club premises certificate under the Licensing Act, 2003

## 6.6 Variations and Minor Variations

6.6.1 Where an applicant wishes to make any changes to a premises licence or club premises certificate such as extending the hours during which a licensable activity is permitted, adding other licensable activities or amending a condition, a variation application may be made under s34 of the Act.

6.6.2 Where structural alterations are made to a premises, a variation application will only be accepted if the alterations do not have any impact on the licensing objectives. Where significant structural alterations are made e.g. which change the capacity of the premises or alter the means of escape, an application for the grant of a new premises licence will be required.

6.6.3 Variations to premises licences or club premises certificates that do not adversely impact on the licensing objectives are subject to the simplified minor variation process. Examples where a minor variation may be appropriate include:

- The reduction in licensing hours for the sale or supply of alcohol or, in some cases to move (without increasing) the licensing hours between 07.00 and 23.00.
- The removal of a condition on a licence that is no longer required due to changes in circumstances or legislation.
- The revision of the wording of a condition attached to a licence for the sake of clarity

6.6.4 Each case will be considered on its own merits. If applicants are in any doubt, they should consult the Licensing Team for further advice regarding whether a full or minor variation application is required or a new grant application is appropriate given the circumstances of the proposed changes.

## 6.7 Temporary Event Notice

6.7.1 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the Licensing Authority they propose to carry out licensable activities.

6.7.2 Temporary Event Notices are subject to various limitations defined in the Act, including the number of times a premises user may give a TEN, the number of times a TEN is given for a particular premises, the maximum duration of an event, the maximum number of people that may attend the event at any one time.

6.7.3 Proposed activities that exceed the prescribed limits will require a premises licence or club premises certificate.

## Standards TENs

- 6.7.4 A standard TEN must be given no later than ten working days before the event to which it relates.
- 6.7.5 Where the Police or Environmental Health object to the TEN the applicant can agree to modify the TEN. If no agreement is reached, a hearing will be arranged before a panel of the Licensing Committee. Following the hearing the panel may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead.
- 6.7.6 Conditions can only be applied to a TEN:
- If the Police or Environmental Health Officers have objected to the TEN;
  - If that objection has not been withdrawn;
  - There is a licence or certificate in relation to at least one part of the premises in respect of which the TEN is given;
  - And the Licensing Authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions

## Late TENs

- 6.7.7 A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 6.7.8 Where the Police or Environmental Protection object to a late TEN, there is no provision for a hearing and the Authority must serve a counter notice to prevent the event going ahead.

## 6.8 Personal Licence

- 6.8.1 A Personal Licence allows the holder to sell alcohol on behalf of any business that has a premises licence or club premises certificate. Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. For clarification a personal licence doesn't need to be present at all times that alcohol is being sold, but if any sales are made when a personal licence holder is not present, they must have been authorised by somebody who holds a personal licence. The Council does however recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.
- 6.8.2 A personal licence holder can act as a designated premises supervisor (DPS) for any business that sells or supplies alcohol.
- 6.8.3 Applications must be sent to the Licensing Authority for the area where the applicant lives, and not to the authority in which the premises is located.
- 6.8.4 A personal licence must be granted where the applicant:

- Is 18 or over
  - Possesses a licensing qualification
  - Has not had a licence forfeited in the last five years, and
  - Has not been convicted of a relevant offence.
- 6.8.5 Where the application discloses relevant unspent convictions for a relevant or foreign offence, the application will be sent to North Wales Police for comment. If the police object on the crime and disorder objective a hearing will be held. If the police do not issue an objection notice and the application otherwise meets the requirements of the Act, the Licensing Authority must grant it.
- 6.8.6 At a hearing a panel of the Licensing Committee will consider whether the granting of the licence would undermine the crime prevention objective. The panel will consider the seriousness of the conviction(s), the time that has elapsed since the offence(s) were committed and any mitigating circumstances. Applications will normally be refused unless there are exceptional and compelling circumstances which justify grant.
- 6.8.7 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.
- 6.8.8 The holder of a personal licence is required by the Act to notify the Licensing Authority of any changes to their name or address, any convictions for relevant offences and any convictions for a foreign offence.
- 6.8.9 The requirement to renew a personal licence was removed from the Act by the Deregulation Act 2015. While personal licences issued before the Deregulation Act 2015 have expiry dates, these licences will remain valid and such dates no longer have an effect.
- 6.9 Community Premises
- 6.9.1 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 amended the 2003 Act to allow certain community premises which have, or are applying for, a Premises Licence that authorises alcohol sales to also apply to include an alternative licence condition instead of the usual Mandatory Conditions in sections 19(2) and 19(3) of the 2003 Act requiring a Designated Premises Supervisor to be specified on the Premises Licence and for all sales of alcohol to be authorised by a Personal Licence holder. Instead, the alternative condition only requires that every supply of alcohol under the Premises Licence must be made or authorised by the management committee.
- 6.9.2 Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the 'management committee'). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (ie. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales will have to be made or authorised by the licence holder. There will be no

requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a Personal Licence holder.

6.9.3 'Community premises' are defined as premises that are or form part of a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building.

6.9.4 Where it is not clear whether the premises constitute a community premises, the Licensing Authority will approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominantly used. The Licensing Authority will need to be satisfied that the premises are genuinely made available for community benefit most of the time and accessible by a broad range of persons and sectors of the local community for purposes that include purposes beneficial to the community as a whole. The fact that premises may be available for private hire by the general public will not normally be sufficient for such premises to qualify as 'community premises'.

#### Management of the premises

6.9.5 The application form requires applicants to set out how the premises are managed, the committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties), and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers, e.g. the Chairman, Secretary, Treasurer.

6.9.6 Where the management arrangements are less clear, the Licensing Authority may require further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the Council's Licensing Unit before making an application. The management committee is strongly encouraged to notify the Licensing Authority if there are key changes in the committee's composition, e.g. to the Chair, Secretary, Treasurer, and to submit a copy to the Chief Officer of North Wales Police. A failure to do so may form the basis of an application to review the Premises Licence, or be taken into account as part of the consideration of such an application.

#### Objections by North Wales Police

6.9.7 In exceptional circumstances the police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any Responsible Authority and/or any other person can seek reinstatement of the Mandatory Conditions through a review of the licence (as provided in section 52A of the 2003 Act). It is expected that North Wales Police will consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements. If the police issue a notice seeking the refusal of the application to include the



alternative licence condition, the Licensing Authority will hold a hearing in order to reach a decision on whether to grant the application.

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## 7.0 Operating Schedules

- 7.1 The Licensing Authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.
- 7.2 Using the operating schedule, applicants must demonstrate how high standards of management will be achieved. The Licensing Authority will expect all applicants to specify the methods by which they will promote the four licensing objectives in their operating schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.
- 7.3 The Authority considers that a well-drawn, specific operating plan indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
- 7.4 The Authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.
- 7.5 For an applicant to assess what steps are appropriate for the promotion of the licensing objectives, they must first understand the area in which they intend to operate. By way of example the controls required in an area suffering from a high level of deprivation, alcohol dependency and street drinking may be completely different to those required in other areas.

Applicants are expected to make their own enquiries and demonstrate how they have considered the following in the operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;
  - Any risk posed to the local area by the proposed licensable activities; and
  - Any local initiatives (for example local crime reduction initiatives or voluntary schemes which may help mitigate potential risks)
- 7.6 Applicants are to consider this information when making their application, demonstrating their understanding of their local community and how their new premises may impact on this.
- 7.7 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:

- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
- The potential effect on the licensing objectives is not significant
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses

7.8 Where appropriate the Authority may consider imposing controls on products sold where representations indicate localised problems. This could include a ban on selling super-strength beer lager and cider, or single cans as part of a package to deal with identified problems.

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## 8.0 Hours of Operation

8.1 Whilst the Licensing Authority accepts that flexible licensing hours may reduce crime, disorder and anti-social behaviour by allowing a more gradual dispersal of customers, experience shows that in the town centre especially, the majority of requests for opening hours are to match those of competitors.

8.2 It is acknowledged that licensing hours should not inhibit the development of a thriving and safe evening and night time local economies, which are important for investment and employment locally. However, the Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

8.3 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when later hours are applied for.

8.4 Where relevant representations are made, premises that are considered to meet the standards we encourage will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, vertical drinking establishments.

8.5 The potential impact on any local residents will be an important matter for consideration. The Licensing Authority considers it more appropriate that terminal hours will normally be earlier for licensed premises located in areas with a higher density of residential property, particularly those outside the town centre, than those within the town centre.

8.6 However, it is expected that hours for licensed premises will be particularly relevant having consideration of the location of the premises, consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognised that in spite of the quality

of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

- 8.7 Licensees are strongly encouraged only to apply for hours that they realistically intend to operate.
- 8.8 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

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## 9.0 Enforcement Powers and Reviews

### 9.1 Enforcement

The Licensing Authority will act in accordance with its enforcement policy and will use such enforcement powers as are appropriate in each case.

- 9.1.2 The Licensing Authority will establish and maintain both proactive and reactive enforcement protocols with North Wales Police and other enforcement agencies. Copies of the protocols between the Licensing Authority and North Wales Police are at Appendix A.

- 9.1.3 Compliance with the licensing objectives will be monitored through inspections. A risk based approach will be adopted to ensure that low risk premises and responsible operators are permitted to trade with the minimum level of inspection. Resources will be directed towards high risk and problem premises.

### 9.2 Reviews

- 9.2.1 At any time following the grant of a premises licence or a club premises certificate, a **responsible authority** or any **other person** may ask the Licensing Authority to review the premises licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

- 9.2.2 Any interested party/responsible authority may request a review of a premises licence/club premises certificate. Any request for a review must relate to particular premises for which a premises licence/club premises certificate is in existence and must be relevant to the promotion of the licensing objectives. Any request for a review must be made in accordance with the regulatory requirements.

- 9.2.3 The Licensing Authority will disregard any representations considered repetitive, frivolous or vexatious.

- 9.2.4 The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves the:

- Underage purchase and consumption of alcohol
- Continuous breaches or contraventions of licence conditions
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
- Where serious risks to children have been identified
- Not operating the premises according to the agreed operating schedule
- Use of licensed premises for the sale and distribution of illegal drugs/firearms
- Where the police are frequently called to attend incidents of disorder

#### Reviews in connection with underage sales

9.2.5 The Licensing Authority is concerned about the availability of alcohol to persons under the age of 18 within the area. Aside from the obvious health problems and the enhanced chances of teenage pregnancy, the community suffers from anti-social behaviour caused by excessive consumption of alcohol by young people. In order to reduce the risk of under-age sales in premises, staff training will be an essential part of the preventative measures licence holders will be expected to take.

9.2.6 The Licensing Committee will view very seriously premises reviewed due to under-age sales and although each review will be determined on its own merits, licence holders will be expected to explain how the sales took place and what measures have been put in place to minimise the risk of such sales taking place in the future.

#### Reviews in connection with crime

9.2.7 Where reviews are brought in connection with crime not directly connected to licensable activities, the Local Authority's role is not to determine the guilt or innocence of any individual. The Secretary of State's guidance issued under section 182 Licensing Act 2003 reminds the Authority that its role is to ensure that the crime prevention objective is promoted.

9.2.8 Where a review follows a conviction, the Licensing Authority will not go behind the findings of the Court instead the conviction will be treated as undisputed evidence.

9.2.9 The Licensing Authority is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

### 9.3 POWERS

9.3.1 The Act provides a range of statutory powers to the Licensing Authority which it may exercise on determining applications or following the receipt of a notice.

### Non- payment of Annual Fee

- 9.3.2 Amendments to the Licensing Act by the Police Reform and Social Responsibility Act 2010 afford Councils the power to suspend premises licences and club premises certificates where the required annual fee has not been paid.
- 9.3.3 The fee is payable irrespective of whether the holder of the current licence intends to close the business at some point during the coming year or has taken over mid-year.
- 9.3.4 The Licensing Authority is required to suspend the Premises Licence or Club Premises Certificate if the annual fee has not been paid.
- 9.3.5 If there is a dispute relating to the amount of the fee and/or a genuine administrative error (made by the holder, the Licensing Authority or anyone else) before or at the time the fee becomes due, a Statutory Grace Period of 21 days will be given for the dispute to be determined.
- 9.3.6 If the dispute or error is not resolved during the 21 day period then the Licensing Authority MUST suspend the licence and no licensable activities will be able to take place.
- 9.3.7 The Licensing Authority will notify the holder of the suspension in writing and specify the date on which the suspension will take effect. The effective date of the suspension will be at least 2 working days after the day the notice of suspension is given.
- 9.3.8 Once payment is received the suspension can be lifted. The suspension ceases to have effect on the day the Licensing Authority receives payment of the outstanding fee.

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## **10.0 The Licensing Process**

- 10.0.1 This policy sets out the Authority's expectations with regards to applications. Whilst applicants are not obliged to meet these expectations it is more likely that responsible authorities and other parties will make representations if they do not.
- 10.0.2 Application forms are prescribed by the Act and Regulations. These forms together with guidance notes and further advice can be obtained from the Licensing Service or from [www.wrexham.gov.uk/](http://www.wrexham.gov.uk/)
- 10.0.3 To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the Licensing Authority.

10.0.4 Applicants are encouraged to seek advice from the Licensing Authority and responsible authorities before submitting an application.

## 10.1 Application Pathway

10.1.1 It is considered that the majority of the licensing function will be administrative in nature, i.e. applications and notices will have few areas of contention. In the interests of speed, efficiency and cost effectiveness, these authorisations will, for the most part, be carried out by officers.

10.1.2 Where the Licensing Authority receives an application for a new licence or a variation to an existing licence, the responsible authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Current applications can be viewed at the licensing office or online at [www.wrexham.gov.uk/english/env\\_services/licensing/applications\\_premises\\_licence.cfm](http://www.wrexham.gov.uk/english/env_services/licensing/applications_premises_licence.cfm)

10.1.3 The Authority can only take relevant representations into account when considering an application. To be relevant a representation must be about the likely effect of the premises licence on the promotion of the licensing objectives;

10.1.4 Where relevant representations are made, the following factors will normally be taken into account:

- The style of operations, the number of customers and profile of customers expected to attend the premises
- The location of the premises and its proximity to noise sensitive properties
- The proposed hours of operation
- The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses
- The proposed methods for the dispersal of customers
- The scope for mitigating any impact
- The extent to which the applicant has offered conditions to mitigate the impact
- How often the activity occurs

10.1.5 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.

10.1.6 Although the Licensing Authority is a responsible authority in its own right, it expects other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the Licensing Authority to make representations for them.

## Mediation

- 10.1.7 Where a relevant representation concerning the licensing objectives is made by responsible authorities or other person, the licensing section will decide whether the representation is relevant.
- 10.1.8 Where the Licensing Authority find the representation to be relevant a **mediation discussion** between the relevant parties will be arranged to try and find a reasonable compromise.
- 10.1.9 If this informal process is unsuccessful a hearing before the Licensing Committee will follow. All relevant parties will be notified.
- 10.1.10 The determination of the application will be made by the Licensing Committee or sub-committee and the details of that decision will be circulated to the parties concerned.

## Responsible Authorities

- 10.1.11 The following bodies are responsible for making 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 application's operating schedule are adequate to mitigate those impacts:

<b>Responsible Authority</b>	<b>Relevant Licensing Objective</b>
North Wales Police	Prevention of Crime and Disorder
North Wales Fire and Rescue Service	Public Safety
Local Health Boards	Public Safety
Council Health and Safety Officer or the Health and Safety Executive (HSE)	Public Safety
WCBC Environmental Health	Public Nuisance
WCBC Trading Standards	Protection of Children and Prevention of Crime and Disorder
WCBC Social Services	Protection of Children
WCBC Planning Authority	Planning matters
Licensing Authority	All

## Public Health

- 10.1.12 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.

## Border Agency/Immigration

10.1.13 It is currently being proposed that the Secretary of State (Secretary of State) be made a Responsible Authority when a premises licence is submitted. This would enable the Secretary of State to make relevant representations in respect of such an application if satisfied that issuing the licence would undermine the objective of preventing illegal working on a licensed premises.

See glossary for further information regarding the Bill.

### 10.2 Conditions

10.2.1 The conditions attached to a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

10.2.2 There are three types of conditions that may be attached to a licence or certificate; proposed, imposed and mandatory.

10.2.3 **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.

10.2.4 **Imposed Conditions** – are conditions imposed by the Licensing Authority after its discretion has been engaged following the receipt of relevant representations.

10.2.5 **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.

10.2.6 The Licensing Authority acknowledges that where no representations are made to it by responsible authorities or interested parties about an application, its duty is to grant the licence or certificate subject only to conditions which are consistent with the applicant's operating schedule, and any mandatory conditions prescribed by the Act.

10.2.7 With regard to proposed conditions, the Licensing Authority will not simply replicate the wording from an applicant's operating schedule. The Licensing Authority will interpret the condition in accordance with the applicant's intention and compose the condition in accordance with the licence conditions principles shown below.

10.2.8 The Licensing Authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.



## Licence conditions principles:

10.2.9 When imposing conditions the Licensing Authority will have regard to the following licence conditions principles;

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristic of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the Act or other legislation;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

10.2.10 When imposing conditions to a licence, the Licensing Authority will be aware of the need to avoid, as far as possible, measures which might deter live music, dancing or theatre through the imposition of substantial indirect costs.

10.2.11 The Licensing Authority will endeavour to ensure that, if a decision is made which is contrary to the statutory Guidance, the applicant will be given a full explanation of that decision.

10.2.12 The Licensing Authority acknowledges the Guidance in that the views of local minorities must be balanced with the general interests and wider cultural benefits of the community.

10.2.13 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

10.2.14 Where amendments or additions are made to the mandatory conditions under the Act they will be treated as if they were included in existing licences or certificates on the date that they come into force. The Licensing Authority is not obliged to re-issue licences or certificate to include the revised mandatory conditions but will do so where the opportunity arises.

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## 11.0 Licensing Committee, Delegation and Decision Making

### Licensing Committee

11.1.1 The Act provides that the functions of the Licensing Authority, including its determinations are to be carried out by its Licensing Committee. The Licensing Committee in Wrexham consists of 15 elected members.

The Licensing Committee may delegate its functions to sub-committees or in appropriate cases, to officers supporting the Licensing Authority. The Committee has delegated its licensing functions to the Licensing Act Sub-Committee, which is made up of 3 members of the Licensing Committee.

11.1.2 The purpose of a hearing before the Licensing Act Sub- Committee is to deal with :

- Applications where there are relevant representations
- Applications for a personal licence with unspent convictions
- Applications to review premises licence/club certificate
- Decision to object when the Licensing Authority is a consultee and not the relevant authority considering the application

11.1.3 The majority of decisions and functions will be largely administrative in nature with no perceived areas of contention. In the interests of speed, efficiency and cost effectiveness, these will, for the most part, be carried out by officers.

11.1.4 Whilst contested Licensing Applications and Review Hearings are Quasi-Judicial in nature, the Sub-Committee will try 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. The Sub-Committee procedure is inquisitorial rather than adversarial and, whilst Applicants, Interested Parties and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.

11.1.5 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.

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## 12.0 Licensing Register

12.1 Under the Act, every Licensing Authority is required to keep a **licensing register** containing:

- a record of each premises licence, club premises certificate and personal licence issued by it,
  - a record of each temporary event notice received by it,
  - a record of every other applications made to it, notices given to it and any counter notice given by it, and
  - such other information as may be prescribed by regulations.
- 12.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 12.3 A summary of the information contained in the licensing register is available to view online at [www.wrexham.gov.uk](http://www.wrexham.gov.uk).
- 12.4 Any person wishing to view the licensing register in person should contact the Licensing Authority by email – [licensing@wrexham.gov.uk](mailto:licensing@wrexham.gov.uk) or via telephone 01978 297441 to arrange an appointment.

### Well-being of Future Generations Act 2015

- 13.0 This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance.
- 13.1 It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely,
- i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs,
  - ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention.
- 13.2 Welsh Government has produced a ‘Noise and Soundscape Action Plan for 2018-2023’ <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences.

### JOINT ENFORCEMENT PROTOCOL WITH NORTH WALES POLICE

A Memorandum of Understanding exists between North Wales Police and all North Wales licensing authorities regarding the operational procedures and a joint enforcement protocol under the Licensing Act 2003.

The purpose of the joint enforcement protocol is to

- ensure efficient and targeted enforcement,
- facilitate co-operation between enforcement agencies, and
- underpin the mutual operational support required to tackle problem licensed premises.
- This joint enforcement protocol describes how North Wales Police and the Licensing Authority will deal with problems arising at premises or club in relation to any of the four licensing objectives. It also describes when commencement of the review process may be deemed necessary.

### ENFORCEMENT LADDER

#### 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.

More serious offences can trigger stage two or three automatically.

#### **If problems continue on from Stage One**

#### STAGE TWO

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

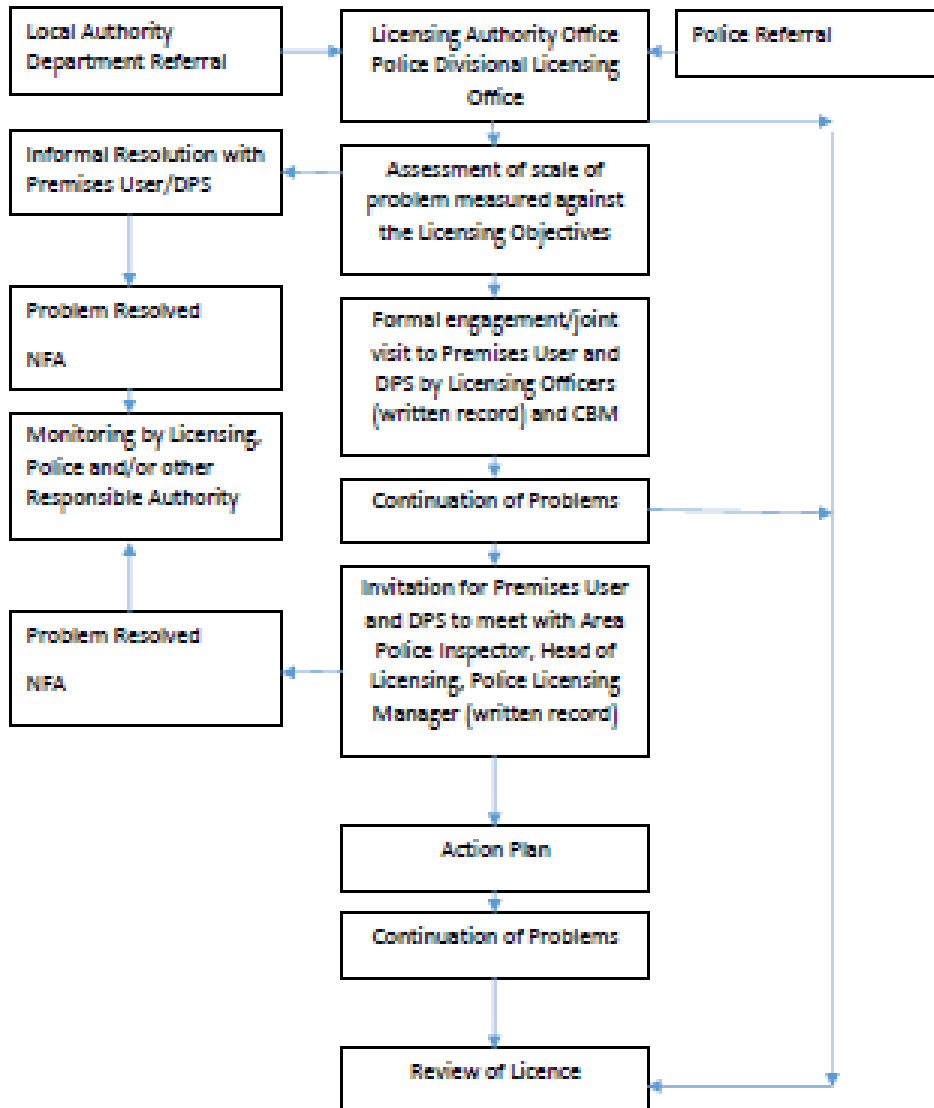
**Mutual Action Plan** agreed with time span of **three months**. If no further incidents occur then exit from enforcement ladder

#### **If problems continue on from Stage Two**

#### STAGE THREE

Police Inspector/Neighbourhood Sergeant and Western Division or Licensing Authority will apply for review of Premises Licence, as appropriate to the circumstances.

### Licensed Premises Review Procedure



At any level it can be decided, depending on the merits of the case, to apply for a review of a premises licence. Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of troublesome Licensed Premises culmination of the Licence.

Branding logo identifying North Wales Police.

This is a flowchart showing the Licensed Premises Review Procedure, Incorporating a Problem Solving Group Approach.

The first stage shows the Local Authority or Police Authority to make a referral into the Licensing Authority Office or Police Divisional Licensing Office.

This may lead directly to a Review of the Licence or there is an Assessment of the scale of the problem measured against the Licensing Objectives.

This can lead to an informal Resolution with the Premises User or there will be Formal Engagement/Joint visit to the Premises User and DPS by Licensing Officers (written record) and CBM.

The problem may be resolved and No Further Action, with further Monitoring by Licensing, Police and/or another Responsible Authority.

Or there is a continuation of the problem.

This can lead to a Review of the Licence or an Invitation for the Premises User and DPS to meet with the Area Inspector, Head of Licensing and Police Licensing Officer. From this meeting there would be an Action Plan. If the problem is resolved then there is No Further Action. However, if the problem continues then there will be a Review of the Licence.

For further information and guidance on this chart please contact a Licensing Officer at Wrexham County Borough Council 01978 297441.

### ALCOHOL AND HEALTH IN WALES

#### ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences remain a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

Public health data from the National Public Health Observatory (2020) reports that:

- 22 percent of adults in Wrexham drink above the recommended average weekly consumption of alcohol (14 units per week).
- In 2019 - 2020, there was 357.6 alcohol-specific hospital admissions and 1767.4 alcohol-attributable hospital admissions for individuals resident in Wrexham (European Age Standardised Rate per 100,000 population)

In March 2020, following a major consultation with professional stakeholders and individuals and families affected by alcohol harm, the first alcohol harm reduction strategy for North Wales was launched.

'Calling time for Change' was produced on behalf of the North Wales Area Planning Board and in collaboration with partners across the region. It demonstrates a commitment to reducing harm from alcohol through collaborative working over the next five years. [www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy](http://www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy)

An Alcohol Strategy Group, chaired by Betsi Cadwaladr University Health Board Public Health Team and involving key partners from across the region was established to develop and implement a supporting action plan focusing on the six priorities of the Calling time for change strategy –

- Safe and supporting environments
- Changed attitudes and social norms
- Reduced affordability
- Reduced availability
- Behaviour change
- Children, young people and families
- The proportion of adults drinking alcohol above the weekly guidelines (average weekly consumption above 14 units) has remained at a similar level since 2016. Data published by Public Health Wales Observatory in 2019 reveals that 19 percent of adults (aged 16 years and over) drink above the weekly guidelines compared to 20 percent in 2016.

- Rates of alcohol consumption by gender show that 25.8 percent of men drink above weekly guidelines compared to 12.7 percent of women and people aged 45 to 65 drink more frequently than any other age group (Public Health Observatory, 2019).
- Since 2009-10, the percentage alcohol specific hospital admissions involving individuals over the age of 50 has risen by almost 23 percent (Public Health Wales, 2020).
- Alcohol hospital admissions are strongly linked to deprivation. The proportion of all patients admitted for alcohol-specific conditions living in the most deprived areas was 2.7 times higher than those from the least deprived areas (Public Health Wales, 2020).
- Mortality from alcohol specific conditions has steadily increased since 2013. However, the number of admissions fell by 7 percent in 2019 compared to the year before (Public Health Wales, 2020).

Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

## **DRINKING LEVELS AND PATTERNS**

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. It is not only the amount of alcohol consumed that increases the risk of harm.

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective. In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol



will have implications for both the crime and disorder and protecting children from harm objectives. Health teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body. In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area.

Wrexham Council and its partners, Wrexham Maelor Hospital, North Wales Police, Welsh Ambulance Service and Betsi Cadwaladr University Health Board are currently working on a pilot project to improve data collection and sharing. It is intended to implement this across the whole of North Wales. The data collected should assist greatly in targeting enforcement where it is needed, informing licensing policy and contributing to the licensing decision making process.

**SUPPLY OF ALCOHOL**

**SECTION 19 (2), LICENSING ACT 2003**

No supply of alcohol may be made under this licence

- (a) At a time when there is no designated premises supervisor in respect of it or,
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

**SECTION 19 (3), LICENSING ACT 2003**

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

**SECTION 19 (4), LICENSING ACT 2003 –**

Other conditions

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended**

**1**

(1) The responsible person must 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 -

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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.

(e) dispensing alcohol 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).

## **2**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

## **3**

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

(a) a holographic mark, or

(b) an ultraviolet feature.

## **4**

The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **The Licensing Act 2003 (Mandatory Conditions) Order 2014**

### **1**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **2**

For the purposes of the condition set out in paragraph 1 – 47:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

### 3

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

### 4

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## EXHIBITION OF FILMS

### **SECTION 20, LICENSING ACT 2003**

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

(a) by the British Board of Film Classification (BBFC), where the film has been classified by that Board, or

(b) by the Licensing Authority where no classification certificate has been granted by

the BBFC, or, where the Licensing Authority has notified the licence holder that section 20(3) (b), (Section 74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

## **DOOR SUPERVISION**

### **SECTION 21, LICENSING ACT 2003**

At the specified times when one or more individuals must be at the premises to carry out a security activity, every such individual must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.

For the purposes of this condition —

(a) “security activity” means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)] and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **ALTERNATIVE LICENCE CONDITION**

### **SECTION 25A (2), LICENSING ACT 2003**

Every supply of alcohol made under this licence must be made or authorised by the management committee.

## SCHEME OF DELEGATION

## APPENDIX D

The following table sets out the delegated functions.

Matter to be dealt with	Full Committee/Panel	Officer Delegation
Application for personal licence	If a police representation made	If no police representation made
Application for premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a provisional statement	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application to vary premises licence/club premises certificate	If a relevant representation made (and not withdrawn)	If no representation made (or representation made but withdrawn)
Application for a minor variation		All cases
Application to vary Designated Premises Supervisor	If a police representation made (and not withdrawn)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application to transfer premises licence	If a police representation made (and not withdrawn)	All other cases
Application for interim authority	If a police representation made (and not withdrawn)	All other cases
Application to review premises licence/club premises certificate	All cases	

Matter to be dealt with	Full Committee/Panel	Officer Delegation
Decision on whether a representation is irrelevant, frivolous or vexatious		All cases
Decision to make a representation when local authority is a consultee and not the lead authority		Principal Manager Licensing -all cases
Determination of a police, environmental health representation in respect of a temporary event notice	All cases	

**THE DEREGULATION ACT 2015**

The Deregulation Act 2015 provides for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals.

The measures affecting the Licensing Act 2003 are:

- S67 – Sale of alcohol: community events etc and ancillary business sales
- S68 – Temporary event notices: increase in maximum number of events per year
- S69 – Personal licence: no requirement to renew
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence
- S71 – Late night refreshment
- S72 – Removal of requirement to report loss or theft of licence etc to police
- S76 – Exhibition of films in community premises

**THE DEREGULATION ACT 2015 (COMMENCEMENT No.1 and Transitional and Savings Provisions) Order 2015** - This order specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

**From 1 April 2015**

S69 – Personal licence: no requirement to renew

**From 6 April 2015**

S76 – Exhibition of films in community premises

**From 26 May 2015**

S68 - Temporary event notices: increase in maximum number of events per year from 12 to 15. The increased limit will apply for calendar years from 1st January 2016.

S70 – Sale of liqueur confectionery to children under 16: abolition of offence of selling liqueur confectionery to children under the age of 16.

S72 – Removal of requirement to report loss or theft of licence etc to police

**THE DEREGULATION ACT 2015 (COMMENCEMENT No.3 and Transitional and Savings Provisions) Order 2015**

**From 1 October 2015**

S71 – Late night refreshment – Power to exempt premises from the requirement to have a licence to provide Late Night Refreshment.

The following section is yet to come into force.

S67 – Sale of alcohol: community events etc and ancillary business sales 41



## THE LIVE MUSIC ACT 2012

The Live Music Act 2012 amended the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities. It:

- removed the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- removed the licensing requirement for the provision of entertainment facilities; and widened the licensing exemption for live music integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

## Immigration Bill

- Applicant for a personal licence must have entitlement to work in the UK.
- Person not entitled to work in UK may not apply for a licence to sell alcohol or provide late night refreshment
- Existing premises licence or personal licence lapses if licence holder ceases to be entitled to work in the UK.
- Commission of immigration offences may constitute a relevant offence under the Licensing Act 2003 for the Licensing Authority to take into consideration
- SoS can appeal a Licensing Authority decision to grant a transfer of a licence, an interim authority notice or a personal licence.

See [www.services.parliament.uk/bills/2015-16/immigration/documents](http://www.services.parliament.uk/bills/2015-16/immigration/documents)

## **GLOSSARY**

## **APPENDIX F**

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 ('the Act') and Guidance.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive nor are the definitions legally comprehensive.

### **ACPO**

Association of Chief Police Officers (see [www.acpo.police.uk](http://www.acpo.police.uk))

### **Applicant**

A person making an application for a Premises Licence or Club Premises Certificate

### **Application to vary a Premises Licence**

Where a Premises Licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new Premises Licence

### **ASB**

Antisocial behaviour

### **BBFC**

British Board of Film Classification: the national body responsible for the classification of cinema films and videos

### **BBPA**

British Beer and Pub Association (see [www.beerandpub.com](http://www.beerandpub.com))

### **Best Bar None**

The Best Bar None is a national awards scheme for licensed premises, currently running in more than eighty locations across the UK. The scheme promotes responsible management of licensed premises, enabling licensees to obtain an award that recognises their efforts and achievements as responsible operators. This is in its second year in Wrexham targeting town centre premises, please visit BBN Wrexham.

### **CCTV**

Closed Circuit Television

## **Club Premises Certificate**

Club Premises Certificates are authorisations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is similar to that for a Premises Licence; for example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a Premises Licence, there is no requirement to identify a Designated Premises Supervisor to allow the supply of alcohol under a club Premises Certificate.

## **Conditions**

Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question. The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

## **Conditions consistent with the operating schedule**

Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

## **Councillor**

An elected member of the Council

## **Crimelink**

Radio communication network linking licensed premises that are operated in the city centre

## **Designated Premises Supervisor (DPS)**

The Designated Premises Supervisor (DPS) is a Personal Licence holder specified in the Premises Licence. All premises licensed to sell alcohol will have an identified Personal Licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises.

## **Designated Public Place Order (DPPO)**

Designated Public Place Orders are used by local authorities to deal with the problems of antisocial alcohol drinking in public places. Once a DPPO is in place the police can

use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer's requests to stop drinking and surrender alcohol without reasonable excuse is.

### **Door supervisors**

Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.

### **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 section 53A of the Licensing Act 2003

### **Family-friendly venues**

Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.

### **Forfeited (Personal Licence)**

Suspension following a court order under s129 of the Licensing Act 2003

### **Guidance**

Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise, guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

### **In the vicinity**

Whether somebody lives or works 'in the vicinity' of a premises is a matter that will be decided by the relevant Licensing Authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, licensing authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.

### **Irresponsible promotions**

An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

## **Key Factors**

The primary issues that the Council expects to be considered in respect of licensed premises

### **Late-night refreshment**

The provision of late-night refreshment means the supply of hot food or hot 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 anyone between 11pm and 5am, on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 (eg. vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).

### **Licensable activities**

Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a Premises Licence, a Club Premises Certificate or a Temporary Event Notice).

### **Licensee**

Generally refers to the holder of a Premises Licence but also includes in this policy an applicant for a Premises Licence or applicant for a provisional statement unless otherwise stated.

### **Licensing Act 2003**

The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that:

- Supply alcohol
- Provide regulated entertainment
- Provide late-night refreshment.

### **Licensing Authority**

This refers to Wrexham County Borough Council as the body responsible for licensing under the Act.

### **Licensing objectives**

Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Licensing authorities must decide applications in connection with Premises Licences and Club

Premises Certificates on the basis of the steps it considers appropriate to promote these objectives.

Each objective is of equal importance.

## **Licensing Policy**

See Statement of Licensing Policy

## **Licensing Register**

Licensing authorities are required to keep a register containing a record of all Premises Licences, Club Premises Certificates and Personal Licences issued by it and Temporary Event Notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in the Licensing Authority register can be found on the DCMS website. You can inspect the Licensing Authority's register of licences during office hours without charge.

## **Licensing subcommittee**

Full Licensing Committees delegate a number of their functions to one or more 'licensing subcommittees'. These are made up of three members of the full Licensing Committee.

## **Live music**

Following the implementation of the Live Music Act 2012, live music is not licensable as follows:

### **1. Alcohol on-licensed premises**

Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises

### **2. Workplaces**

Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late-night refreshment)

### **3. All Venues**

*Unamplified* live music between 8am and 11pm

### **Conditions on existing licences**

Where a premises continues to operate licensable activities (such as the sale of alcohol), any conditions relating to the above live music activities are suspended unless they have been added following a licence review.

## **Mandatory Conditions**

The 2003 Act provides for the following Mandatory Conditions to be included in every licence and/or club Premises Certificate.

## **Minor variation**

Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or
- increase the amount of time on any day during which alcohol may be sold or supplied for

consumption on or off the premises are excluded from the minor variations process and just be treated as full variations in all cases.

### **Night Safe**

This is the town centre's "Pubwatch" and is attended by town centre licensees. The group meets monthly to discuss crime and safety issues. The town centre manager, representatives from North Wales Police and the Council's Licensing Officers also attend. The group has a website where members can also raise issues. Licensees are required as part of their licence conditions to comply with the "Nightsafe Standard" which is aimed at improving health and safety and addressing potential crime issues at licensed premises.

### **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 (clubs) for consumption on the premises.

### **Operating schedule**

The operating schedule is the part of the application form for a Premises Licence or Club Premises Certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the Premises Licence or Club Premises Certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.

### **Personal Licence**

Authorising an individual to supply or authorise the supply of alcohol in accordance with a premises licence under the Licensing Act 2003

### **Premises licence**

Authorising premises for the sale or supply of alcohol, the provision of regulated entertainment or the provision of regulated entertainment or the provision of late night refreshment, under the Licensing Act 2003.

### **Proof of Age Scheme (PASS)**

PASS is the UK's **national** proof of age accreditation scheme. It is recognized by the Home Office, the Police, Trading Standards and the Security Industry Authority (SIA) as a verifiable proof of identity and age.

The Police and Trading Standards are promoting the card as the preferred proof of age document as it means that young people don't need to carry valuable documents such as driving licences or passports which can be lost or stolen and used in identity theft.

Production of the card by a young person at the point of sale affords retailers and their staff the confidence of knowing that the card is a secure form of identification and age verification that can be trusted. Acceptance of it by the retailer can evidence that they are exercising due diligence at the point of sale.

The possession of a PASS accredited card demonstrates that a person's age and personal details have been verified by the card issuer (Citizencard) and that they are who they say they are.

Wrexham County Borough Council together with the other Local Authorities in North Wales and North Wales Police are working together to promote a North Wales PASS card. Our chosen provider of the card is Citizencard.

### **Personal Licence**

Personal Licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a Premises Licence or a Temporary Event Notice. Not everybody who works in any licensed premises will need to hold a Personal Licence; however, all premises licensed to sell alcohol will have an identified Personal Licence holder, known as the Designated Premises Supervisor. In addition, all supplies of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence.

### **Premises Licence**

A Premises Licence authorises the use of premises for 'licensable activities'.

### **Provisional statement**

This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities.

### **Pubwatch**

National Pubwatch is a voluntary organisation set up to promote best practice through supporting the work of local Pubwatch Schemes. Its aim is to achieve a safer drinking environment in all licensed premises throughout the UK. The Licensing Authority recognises that the National Pubwatch Scheme and its local affiliated groups are an effective tool for promoting partnership working and contribute to making communities safe. Licensing Officers, along with their Police and PCSO colleagues have supported the local area groups for many years and act as advisors to each scheme. The schemes are a useful forum for the licensed trade and partners alike. Monthly meetings are held where licensees discuss current issues, addressing problem customers and issuing banning orders. Licensing and Police Officers do not participate in the banning process. Individuals wishing to appeal banning orders should address communications directly to the Chairperson of the relevant Pubwatch scheme. The Licensing section can provide further information on Pubwatch and the contact details for each scheme. Licensees wishing to form a new Pubwatch scheme should contact the Licensing Section.



## **Purple Flag**

Purple Flag is the new 'gold standard' that recognises great entertainment and hospitality areas at night. Places that achieve the standard will be those that offer a positive experience to night-time visitors and users. The scheme is managed by the Association of Town Centre Management working alongside the Purple Flag Advisory Board – a partnership of key stakeholder groups, including central and local government, the police, businesses and consumers.

## **Qualifying clubs**

Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith, and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit.

## **Regulated entertainment**

Generally speaking, the provision of regulated entertainment means the commercial or public

provision of entertainment facilities or the commercial or public provision of any of the following

sorts of entertainment:

- The performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to live music, recorded music or dance.

Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit.

## **Representation**

Submission made to the Licensing Authority in respect of an application.

Representations can be in support or against an application

## **Relevant representation**

These are written representations about the likely effect of the grant of an application for or variation to a Premises Licence or Club Premises Certificate, on the promotion of the licensing objectives. Any persons, such as local residents, or businesses and Responsible Authorities, such as environmental health, can make representations. The term 'relevant' refers to representations that are considered 'valid' by the Licensing Authority. The representations must be made within 28 days

after the day on which the application is given and if made by a person other than a Responsible Authority must be made seriously (ie. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of a Premises Licence or Club Premises Certificate.

### **Responsible Authorities**

Responsible Authorities include public bodies that must be notified of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a Premises Licence or Club Premises Certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives.

Responsible Authorities include the following for the area in which the premises are situated:

- The Licensing Authority
- The Chief Officer of Police
- The Fire Authority
- The Planning Authority
- The Health Authority
- The Health and Safety Authority
- The Environmental Health Authority
- The body recognised as being responsible for protection of children from harm
- The Trading Standards Authority

And in respect of **vessels** only :

- The Environment Agency
- The British Waterways Board
- The Maritime and Coastguard Agency, and if different from these:
- the relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

### **Review**

Interested parties including local residents can also request a review of a particular Premises Licence when problems occur that are related to the licensing objectives. Following the review the Licensing Authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives.

### **Relevant Offence**

A 'relevant offence' is for a conviction of an offence (or a comparable foreign offence), unless spent, must be taken into account by a Licensing Authority in its consideration of an application for the grant or renewal of a personal licence. If an existing personal licence holder is convicted of a relevant offence, his licence may be forfeited or suspended.

**Risk assessment**

The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.

**Statement of licensing policy**

Every Licensing Authority will publish a 'statement of licensing policy' every five years. This will set out the general approach the Licensing Authority will take when making licensing decisions.

**Temporary Event Notice (TEN)**

This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system. See section 7.

**Think Safe Drink Safe**

The tag line for Wrexham's public safety campaigns in relation to alcohol, involving various partners and initiatives taking place at key times e.g. Christmas, exam results time.

**Welfare Centre**

Facility in town centre open at significantly busy night time periods e.g. Christmas and Bank Holidays for treating people with minor injuries/intoxication reducing the need for ambulance call outs and hospital admissions relating to alcohol misuse.

**Variation**

See Application to vary a Premises Licence

**Vertical drinking establishment**

Premises used primarily or exclusively for the sale and consumption of alcohol, with little or no seating for patrons