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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
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Dyddiad: Dydd Iau, 29 Hydref 2020

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Iau, 5ed Tachwedd, 2020** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn www.caerffili.gov.uk

Yr eiddoch yn gywir,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad canlynol:-

3 Ddeddf Trwyddedu 2003 - Ddatganiad y Polisi Trwyddedu.

1 - 112

Cylchrediad:

Cyngorwyr M.A. Adams, Mrs E.M. Aldworth, J. Bevan, P.J. Bevan, D. Cushing, W. David, M. Davies, Ms J. Gale, D.C. Harse, D.W.R. Preece (Cadeirydd), Mrs D. Price, J.E. Roberts, J. Simmonds (Is Gadeirydd) a W. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

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LICENSING AND GAMBLING COMMITTEE – 5TH NOVEMBER 2020

SUBJECT: LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT -

- 1.1 To inform Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out. The report is seeking the views of Members prior to its presentation to Council.

2. SUMMARY

- 2.1 The Licensing Act came into force on 7 February 2005, and requires the Authority to publish a Statement of Licensing Policy to determine how applications would be considered. The Authority is required to review the statement every five years.
- 2.2 The current Policy was published in January 2016. The Council must therefore review the current Policy and, based upon the results of consultation undertaken, approve a revised Policy for publication in January 2021.

3. RECOMMENDATIONS

- 3.1 That Members review the revised Statement of Licensing Policy offering appropriate comments prior to presentation of a Report to Council for approval.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In order to give effect to the statutory obligations imposed by the Licensing Act 2003 and in Regulations made under the Act.

5. THE REPORT

5.1 The Licensing Act 2003

In accordance with the above Act, the Council, as Licensing Authority, is responsible for issuing licences and certificates for the supply of alcohol, entertainment, late night

food and other licensable activities. The Council has a duty to prepare and publish a Statement of Licensing Policy, having firstly consulted a wide range of bodies and individuals and to review it every five years.

- 5.2 The Authority has conducted a review of the Policy and consulted with responsible authorities detailed under the Act, for example: Police, Health Board, Fire Authority, Child Protection Officer, Environmental Health, Trading Standards and Planning. All existing licence premises licence holders and holders of club premises certificates in the borough were written to informing them of the consultation. In addition, residents and businesses throughout the Caerphilly Borough have been invited to comment by accessing the Council's website during a period of consultation 14th August to 9th October 2020.
- 5.3 When preparing the revised Statement of Licensing Policy, the Council, in accordance with Section 182 of the Act, must have regard to the Guidance issued by the Home Office who hold responsibility for the Licensing Act 2003. Revised Guidance was issued in April 2018 and, where appropriate, this has been reflected in the Council's revised Policy. There have also been a number of legislative changes that have been incorporated into the revised policy which include the Policing and Crime Act 2017, which gives the licensing authority the ability to revoke or suspend personal licences. In addition, the Immigration Act 2016 in relation to making Home Office, a responsible Authority and also allowing the detection and prevention of illegal working on premises that hold an alcohol or late-night refreshment licence.
- 5.4 The format of the Statement of Policy has been reviewed via the Gwent Licensing Forum which includes officers from council licensing, police licensing and health board representatives and amended to align with neighbouring Licensing authorities within the Gwent region, which share the same local health board and police force area to bring about a consistency of approach.
- 5.5 The existing policy has been reviewed and amended to align itself to the Gwent region and the changes proposed include the following:
- An update of the implications of drug and alcohol harm provided by Public Health. (Paragraphs 7.1 – 7.7 of revised policy)
 - Best Practice guidance in relation to prevention of crime and disorder (Paragraph 10.4)
 - Sets out measures on how to prevent and report sexual exploitation, modern day slavery and human trafficking. (Paragraph 10.7)
 - Prevention of public nuisance working with partners such as environmental health and referral to Welsh Government's Noise and Soundscape Action plan 2018-2023 (Paragraphs 11.1 – 11.10)
 - Public Safety – provides advice on risk assessments and control measures. (Paragraph 12.1 -12.7)
 - Protection of children from harm, including safeguarding advice and underage sales. (Paragraph 13.9)
 - Provides advice on how the licensing authority will deal with petitions in support of or objecting to applications. (Paragraph 28.24)

- 5.6 In addition to the above, the revised policy seeks to advise applicants planning outdoor events requiring Temporary Event Notices (TENs) or Premises Licences to contact the Council's Event Safety Advisory Group (ESAG) in good time, in order that advice and guidance in relation to the event can be provided. (Paragraph 21.10)
- 5.7 Furthermore, the revised policy sets out that there will be an expectation that Premises Licence holders, Designated Premises and holders of Club Premises Certificates will be aware of their permitted licensable activities, permitted hours and conditions and that failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority which could give lead to enforcement action or licence review. (Paragraph 19.7 & 20.4)
- 5.8 In relation to the prevention of crime and disorder licensing objective, the revised policy details the approach by Responsible Authorities to work together sharing all available data to address alcohol related crime and disorder, particularly violence by including NHS sources of data to identify premises or areas of concern. (Paragraph 10.5)
- 5.9 Attached as **Appendix 1** to this report is the revised Statement of Licensing Policy. The Policy will also be presented to Council in November, with a view to the document being finally approved in readiness for publishing in January 2021.
- 5.10 Attached as **Appendix 2** to this report are the Licensing Authorities model pool of conditions, which assist applicants, responsible authorities, local residents and businesses who may be considering making comments as to conditions of licence as part of the application or review process. The use of the pools of conditions assists in attaching enforceable and consistent conditions. These conditions have not been changed since the current policy was approved.

5.9 **Conclusion**

The Licensing Authority is required to review its statement of licensing policy every 5 years. The revised policy takes into account legislative change since the adoption of the last policy. Work has been undertaken to align the policy to neighbouring Gwent Authorities for a consistent approach towards licensing applications. Whilst the format of the policy has been amended, there are no major changes in policy.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

7. **LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 Statement of Licensing Policy 2016.

7.2 **Corporate Plan 2018-2023.**

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A globally responsible Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders.

There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for polices and applications allowing other agencies and the community to input into the decision-making process. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

9. EQUALITIES IMPLICATIONS

9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full EIA has not been carried out. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications for the Authority arising directly from this report.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications.

12. CONSULTATIONS

12.1 Comments received from the bodies or individuals consulted, in particular the

Responsible Authorities have been considered and, where necessary, amendments or inclusions have been made to the revised policy. During the period of consultation only one formal response was completed which informed of amended contact details for a Responsible Authority.

- 12.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

- 13.1 Licensing Act 2003 and any Regulations made under the Act. The decision is the responsibility of the full Council.

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Consultees: Cllr Denver Preece Chair, Licensing & Gambling Committee
Cllr Julian Simmonds, Vice Chair, Licensing & Gambling Committee
Cllr Nigel George, Cabinet Member for Waste and Public Protection
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Steve Harris, Head of Corporate Finance, S.151 Officer
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:
Statement of Licensing Policy 2016

Appendices:
Appendix 1 Revised Statement of Licensing Policy
Appendix 2 Model Pool of Conditions

Gadewir y dudalen hon yn wag yn fwriadol



Licensing Act 2003

Draft Policy Statement 2020

Revision 2020

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This publication is available in Welsh, other languages or formats on request.
Mae'r cyhoeddiad hwn ar gael yn Gymraeg ac mewn ieithoedd neu fformatau
eraill ar gais.

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1. Introduction

- 1.1 The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to publish a “Licensing Policy” that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is that statement of policy prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act.
- 1.2 Caerphilly County Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.3 This policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority.
- 1.4 In developing this licensing policy, the advice of bodies such as Local Government (LG), the Welsh Local Government Association (WLGA) and various trade associations have been taken into account wherever possible. Where appropriate, the Policies of other Gwent authorities have also been taken into account, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area. Other Corporate policies adopted by the Council have also been taken into account, and these will be referred to throughout this document as appropriate.
- 1.5 The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice.
- 1.6 Caerphilly County Borough Council has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. The Council has a Strategic Equality Plan which is available for inspection on our website. Licensing of persons and premises under the Licensing Act 2003 will actively promote equality of service and enforcement to all members of the community.
- 1.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.
- 1.8 Each application will be considered on its individual merits, and in the light of this Policy

- 1.9 The Licensing Authority acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.
- 1.10 The licensing policy will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.
- 1.11 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Caerphilly County Borough throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.
- 1.12 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within five years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time. However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.
- 1.13 This policy revision will take into account the following matters in its re-drafting.
- The amendment's to the Licensing Act 2003 made by:
 - ❖ The Police Reform and Social Responsibility Act 2011
 - ❖ The Live Music Act 2012
 - ❖ The Deregulation Act 2015
 - ❖ Statutory instruments laid
 - ❖ Revised Guidance issued under S182 of the Licensing Act 2003
 - ❖ Immigration
- 1.14 In addition to the above, a Review of the council's Licensing Policy was conducted with members of the Gwent Licensing Forum, which consists of Council Licensing Officers, Police licensing and Public Health Officer covering the areas of Caerphilly, Monmouthshire, Torfaen, Blaenau Gwent and Newport. The Forum sought to align its policies across Gwent with a view to provide a consistent approach to licensing across the region.

2. Profile of the County

- 2.1 The County Borough has a population in excess of 181,019 and is semi-rural in character covering a total area of 69,160 acres. There are seven main town centres servicing the area, (Caerphilly, Blackwood, Bargoed, Ystrad Mynach, Newbridge,

Risca and Rhymney) along with numerous villages, each with their own individual character. The authority is comprised of 33 wards.

- 2.2 There are many major concentrations of premises in the County Borough providing regulated entertainment and / or retail sale of alcohol. There are also many private clubs, several nightclubs, theatres and premises for the exhibition of films. Local venues such as village, community and school halls, sports clubs, etc provide additional locations for cultural activities.
- 2.3 During the summer months, several open-air events provide for the larger cultural audiences and many local carnivals, fetes etc are organised in smaller communities.
- 2.4 There are many public houses in the County Borough outside of the main towns, many of these in smaller villages. These provide focal points for community life. In other cases this may be provided by small stores, shops and supermarkets that sell alcohol.
- 2.5 Premises and events which are licensed under the Licensing Act 2003 can provide a contribution to the local economy through tourism, cultural development and maximising night time trade.
- 2.6 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.

3. Licensing Committee

- 3.1 The Council will appoint a Licensing Committee in accordance with its constitution.
- 3.2 A Licensing Committee shall establish Sub-Committees (panels) consisting of three Members of the Committee, to consider applications where representations have been received from any person and/or Responsible Authorities.
- 3.3 In the interests of good governance, where a Councillor who is a Member of a Licensing Committee or a Licensing Sub-Committee has had a direct or indirect pecuniary or personal interest in any matter before them they will be disqualified from any involvement in the decision-making process affecting the premises licence. A Councillor will not sit on a Sub-Committee to consider an application within their 'Ward'.
- 3.4 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with reasons for the decision.
- 3.5 The Council's Licensing Officers will deal with all licence applications where either no relevant representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

- 3.6 A periodic report will be made to Licensing Committee on the exercise of delegated powers.
- 3.7 The Council will ensure that members and relevant officers are appropriately trained to carry out their duties under the Act.
- 3.8 Matters in respect of the Licensing Act 2003 are to be dealt with as specified in the council's scheme of delegation under its constitution.

4. Fundamental principles

- 4.1 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.2 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.3 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:
- Planning controls;
 - On-going measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
 - Designation of parts of the county borough as places where alcohol may not be consumed publicly;
 - Regular liaison with police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises;
 - The power of the police, other responsible authority or interested party to seek a review of the licence or certificate.

5. Zoning and licensing hours

- 5.1 Paragraph 10.13 of the Government's current Section 182 Guidance states that:
"The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However,

licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application”

5.2 Paragraph 13.41 of the Government’s current Section 182 Guidance goes on to state that:

“As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closed times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to the individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. The licensing authority would be expected to include its intention to use such measures in its statement of licensing policy and justify doing so in order to orchestrate closing times so as to manage problems in the night-time economy based on the promotion of the licensing objectives. As with the creation of a cumulative impact policies, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representation being received”

5.3 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. At the time of preparing this policy, no zones have been identified. However, the Licensing Authority will consider the introduction of such zones and limiting of hours for licensable activities upon receipt of representations from and following consultation undertaken with Responsible Authorities. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.

5.4 The Licensing Authority notes that the Government’s Section 182 Guidance states that “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”. However, because of the problems experienced in some local communities in the county borough arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.

- 5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.
- 5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.
- 5.7 Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

5.8 **Drinking up time / cooling down time**

Even though the traditional drinking up time was not carried over into the Act, the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

6. Commercial demand

- 6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed trade and market demands.

7. Alcohol Harm

- 7.1 The evidence base for the impact of alcohol use on health and well-being is strong. Alcohol use contributes to over 60 different health conditions including liver disease, foetal alcohol syndrome and several cancers. Research shows that as well as being a contributor to a wide range of diseases and conditions, alcohol use can result in injuries and can contribute to, trigger and/or exacerbate mental health conditions. In addition, alcohol is a major cause of death and illness in Wales with around 1,500 deaths attribute to alcohol each year, (1 in 20 of all deaths).

- 7.2 Research has repeatedly shown that the economic, geographical and temporal availability of alcohol has a significant effect on the level of alcohol related harms, including health harms. Research and real-life experiments have shown that the range of times and days alcohol is available for sale has a significant impact on the harms caused by alcohol. The geographical ease of access also has an impact, as shown by a large body of research into outlet density. Research conducted in 2017 demonstrated that actively enforced Licensing policies lead to a reduction in alcohol-related hospital admissions. These are all factors that are influenced by local licensing frameworks and operational and enforcement approaches to licensing.
- 7.3 Research has demonstrated that the most effective and cost-effective approach to tackle the harms from alcohol misuse is to reduce the affordability, availability of and access to alcohol. The World Health Organisation and Public Health Wales have identified reducing the availability of and access to alcohol as key to reducing alcohol related health harms.
- 7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.
- 7.5 Caerphilly has the largest population in Gwent of 181019. People are widely dispersed among fifty small towns and villages with the main settlements largely reflecting the area's rich coal mining heritage. Caerphilly has an expanding economy and benefits through good transport links to Cardiff but there are significant levels of unemployment and poor health.

Caerphilly County Borough Council recognises the significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses (see below).

Alcohol data shared by Public Health Wales in 2019 indicates that Caerphilly local authority area has:

- The highest rate of alcohol-specific admission rates for both males and females under 18s when compared to the five Local Authority areas in Gwent, and significantly higher rates than the national average.
- Significantly higher rates of alcohol-specific admissions than the national average in 2017-18, and has the second highest local authority rate when compared to other local authority areas in Gwent.
- The second highest rate of alcohol-attributable admissions (broad) compared to other local authority areas in Gwent, and the fourth highest local authority area in Wales when compared with all 22 Local Authorities. This level is significantly higher than the Welsh average for both males and females.

- The highest rate of alcohol specific mortality (deaths) when compared to other local authority areas in Gwent and the fourth highest in Wales. Alcohol attributable mortality has been increasing in Caerphilly since 2013-15 being higher than the national average, and mortality from liver disease was higher than the national average in 2015-17.
- Similar levels of reporting drinking above guidelines for adults in 2018-19 when compared to the national and regional average. In 2018-19, 18% of adults across Gwent local authorities reported drinking above the guidelines on at least one day in the past week, compared to Caerphilly at 18.6%.

7.6 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. For examples of licensing conditions that can promote health and wellbeing reference can be made to Caerphilly County Borough Council's 'Model Pool of Conditions'.

7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks.

8. Drugs

8.1 The harms from drug misuse are numerous, and not restricted to health harms. Welsh drug death levels were at their highest ever level in 2018-19 with deaths from drug poisoning having increased by 78% over the last 10 years. Drug deaths appear to be increasingly occurring in people using drugs on a recreational basis.

8.2 The UK's drug market is rapidly evolving, with common street drugs continuing to increase in strength and purity, and an ever-widening array of substances in circulation. Licensing has a role in reducing the harms from drug misuse in the Night Time Economy and our licensed premises.

8.3 Where there are issues of concern the Licensing Authority will expect to see evidence that a drug policy has been implemented and reviewed.

8.4 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:

3 National Survey for Wales, 2019

- 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

8.5 At the request of Gwent Police, licensed premises would be required to seize, retain and document any drugs found, with a clear audit trail and a process for surrender in compliance with Gwent Police written policy. Furthermore, in the interest of Crime and Disorder, Gwent Police would also require licensed premises to allow the use of the ION Track machine on their premises to assist with identifying the areas where illegal drugs may be used at the venue.

8.6 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises. However, it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.

8.7 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.

8.8 In premises where drug misuse is problematic and where any responsible authority or other person apply for a review of the licence, the licensing authority will consider this as being very serious and will give appropriate consideration to the full range of options available, including suspension and revocation of the licence in accordance with the statutory guidance issued by the secretary of state. The licensing authority recognises that each case is individual and will be decided on its own facts and specific merits.

9. Licensing Objectives

9.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

- The prevention of crime and disorder;

- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

9.2 It is recognised that the licensing function is not the primary method of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, Health Board, Immigration, Community Safety Partnership, local businesses, licensees and local people towards the promotion of the objectives.

10. Prevention of crime and disorder

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored.

Are areas or surfaces designed to prevent the likelihood of drug use at the premises?

- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

10.5 The Licensing Authority recognises that although Gwent Police and other criminal justice services suffer the greatest resource burden from preventable alcohol related crime and disorder, the health system is also impacted upon. Preventable alcohol-related attendances and admissions have a negative impact on limited NHS resources, staff and other patients. Physical injury and the psychological impacts from violent incidents directly affect the health and wellbeing of individuals, their family, friends and work colleagues, our public service staff and licensed premise staff who deal with these incidents, and the local community. Responsible Authorities will work together, sharing all available local data, and will use NHS sources of data to promote this licensing objective.

10.6 The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

10.7 Caerphilly County Borough Council, through agencies working together and sharing information aim to identify and prevent sexual exploitation, modern slavery and human trafficking. Licence holders can help as they may become aware or come into contact with such victims. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders, and staff employed in licensed premises, are in an ideal position to help protect people.

Modern slavery and human trafficking is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude and compulsory labour. The licence holder and staff who work in licensed premises should look for and ask themselves the following;

- Has the person got any physical signs of abuse or neglect? Deprived of food, water, sleep, medical care or other life necessities?
- You see worrying behaviour towards someone.
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak when spoken directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement? Can they freely contact friends and family? Do they have limited social interaction?

- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim bonded by debt, or in a situation of dependence?

If there are concerns the licence holder are to report the matter to [Modern Day Slavery helpline](#) on 08000 121 700 or visit the website_ or can report to Licensing on 01443 866750 or e-mail licensing@caerphilly.gov.uk. If someone is in immediate danger to call the Police on 999.

In addition, all staff who are employed in the UK must have the right to work in the UK. Employing someone illegally without carrying out the prescribed checks can lead to robust sanctions against the licence holder.

11. Prevention of public nuisance

- 11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable.
- 11.2 The definition of what may be considered as a potential or actual ‘public nuisance’ is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to ‘public nuisance’ are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.
- 11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being.

The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents’ mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases.

Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

- 11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.
- 11.5 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.
- 11.6 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area; or
 - extended opening hours are proposed.
- 11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.
- 11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.
- 11.9 **The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management.**

The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven

prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.

- 11.10 The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below).

12. Public safety

- 12.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants 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 events. Applicants are advised to seek advice from various organisations, such as the Caerphilly CBC health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.
- 12.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks, to which persons may be exposed for the purpose of identifying the general fire precautions, which need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.
- 12.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety.

Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels, (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);
- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;

- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Electrics and heating as part of the risk assessment.

12.4 The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities -

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises;
- Adoption of best practice guidance (Assistance can be obtained by contacting such Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises;
- Implementation of crowd management measures;
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.
- Appropriate First Aid facilities and staff training on when to administer/ not administer First Aid.

12.5 The authority recommends that specialists, e.g. qualified safety officer, should be consulted to assist with an assessment of public safety issues, (excluding fire safety as such a risk assessment is a mandatory requirement).

12.6 Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The Council supports this initiative and would advise any applicant or authorisation holder that toughened glass often lose their tempering through repeated use, and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder, the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

12.7 The Licensing Authority recognises that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions.

Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.

13. Protection of children from harm

- 13.1 Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.
- 13.2 With the exception of the restrictions specified in Section 145, the 2003 Act does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 13.3 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises or club.
- 13.4 The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police and trading standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 13.5 Officers from Child Protection, Trading Standards and Local Health Board will be consulted on issues relating to protecting children from harm.
- 13.6 Safeguarding children is everyone's responsibility. Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation involves perpetrators grooming youngsters and using their powers and it can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older partner, having sex in return for attention, gifts, money, alcohol and cigarettes. Violence, coercion and intimidation are common forms of exploitation, with some vulnerable children being given drugs or made to sell drugs and/or are forced to be part of county lines network.

Hotels, bars and restaurants, late night takeaways, off licences or other licensed premises may come into contact with such children. This Authority encourages those premises to look out for signs of possible exploitation. Licence holders and staff should look for and ask themselves the following -

- Does a child appear to be in a relationship with an older person?
- Does the child appear to be under the influence of alcohol or drugs?

- Is the hotel booking done by an adult, who is trying to conceal they are with a young person?
- Numerous adults and young people coming to a hotel who do not appear to have a reason for being there, or high levels of visitors to a guest room. With guests moving in and out of the premises at unusual times.
- Guests arriving and asking for specific rooms number without knowing the name of the person the room is booked under.

For safeguarding children the Council do not support contactless check in systems (virtual reception) whereby no members of staff will have interaction with the customers at a hotel.

If there are concerns the licence holder and staff are to report the matter to Caerphilly Information, Advice and Assistance Service on 0808 100 1727 or via Caerphilly Information, Advice and Assistance Service.

If someone is in immediate danger to call the Police on 999.

- 13.7 The Licensing Authority recognise that compared to adults, children and young people are at higher risk of harm in relation to alcohol use and consumption, and the health impacts can be higher where they happen. Children and young people are also more vulnerable to certain harms in licensed settings. Furthermore, earlier take up of regular drinking increases lifetime risks of alcohol-related harms.

Children and young people have multiple vulnerabilities related to the impact that alcohol can have on their health and development. They have higher levels of vulnerability and risk associated with being on licensed premises that need to be considered and appropriately addressed in licensing policies, practices and processes. A significant impact from a child or young person suffering illness, injury or dependence as a result of access to alcohol and licensed premises is likely to fall to the Health Board.

The Licensing Authority also recognise the serious impact of parental alcohol misuse on children at every age, and the long-term consequences (i.e. adverse childhood experiences). There is potential for lower levels of harmful parental alcohol consumption having a beneficial impact on reducing childhood adversity in the home environment (e.g. reductions in violence, in particular domestic abuse).

- 13.8 Evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol due to a range of physical and psycho-social factors. As such, initiatives to prevent the sale and supply of alcohol to children are supported.

- 13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met.

To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales

–

- That 'Challenge 25' is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.
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14. Rights of representations

- 14.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. In this way, those with a right to make representations or objections are able to fully assess the factors that may affect them.
- 14.2 Relevant representations may be made by a responsible authority, other persons or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.
- 14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-
- Residents living near the premises
 - Persons with an interest in the premises or locality
 - Local councillors
 - Businesses with an interest in the premises or locality.
 - Organisations with an interest in the locality, premises or licensable activities.

The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of:

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

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to 28.24 below for further guidance.

15. Responsible authorities

15.1 The Licensing Act 2003 as amended specifies who is responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, and they are:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Local
- Safeguarding Children Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The Local Health Board (Aneurin Bevan University Health Board)
- The Licensing Authority (The Council)
- Immigration (Home Office Immigration Enforcement)

16. Other persons

- 16.1 Changes to the Licensing Act 2003 by virtue of the Police Reform and Social Responsibility Act 2011 have now removed the test of “vicinity” from the 2003 Act and as a consequence, the categories of “interested party” no longer exist.
- 16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17. Integrating strategies

- 17.1 The Secretary of State’s Guidance to the Licensing Act 2003 states that the Licensing Authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agrees that such co-ordination and integration is crucial to achieve the Council’s aims for a safe and vibrant night time economy. Other pieces of legislation may impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-Social Behaviour, Crime and Policing Act 2014

This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders, which allows the local authority to designate areas where anti-social behaviour such as street drinking will be prohibited. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti-social behaviour is taking place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

Immigration Act 2016

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Gwent Police to enforce this.

Human Rights Act 1998

The Council has a duty under the European Convention on Human Rights to protect both the rights of resident to privacy and family life (Article 8), and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

Equality Act 2010

The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who shared a protected characteristic and those that do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all. Other legislation that the Licensing Authority will consider -

Well-being of Future Generations (Wales) Act 2015

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. 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. Welsh Government has produced a '[Noise and Soundscape Action Plan for 2018-2023](#)'

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.

- 17.2 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.
- 17.3 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.
- 17.4 It is the Local Authority's intention that it will, through its Licensing Committee monitor how these matters, set above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.
- 17.5 In respect of cultural strategies the Licensing Authority will, for example through periodic consultation with local Leisure and Destination & Events officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.

Relationship with Planning Process

- 17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 17.7 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the

premises. It clearly makes operational sense to ensure that planning and licensing are compatible.

- 17.8 The Licensing Authority wishes to emphasise that the granting by the Licensing & Gambling Sub Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
- 17.9 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters.
- 17.10 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally:
- cut-across decisions taken by the Local Authority Planning Committee or following appeals decisions taken by that Committee; or
 - impose licensing conditions where the same or similar conditions have been imposed on a planning consent.
- 17.11 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 17.12 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

18. Personal alcohol licence

- 18.1 The Council recognises it has very little discretion in the granting of a personal licence. In general provided an applicant is aged 18 or over, is entitled to work in the UK, has an approved qualification, has not had a personal licence forfeited within 5 years of this application and does not have relevant criminal convictions or civil penalty received after 6 April 2017 for immigration matters, the application must be granted.
- 18.2 Individuals applying for a personal licence must be entitled to work in the UK. Licences must not be issued to people who are illegally present in the UK who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating the carrying on of a licensable activity.
- 18.3 Where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission, any personal licence issued in respect of an application made on or after 6 April 2017 will automatically lapse.

- 18.4 If an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or foreign offence comparable to an immigration offence, the licensing authority is required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement).
- 18.5 If an applicant has a relevant conviction the Police can oppose the application. If an applicant has been issued with an immigration penalty or convicted of a relevant immigration offence on or after 6 April 2017, the Home Office may object to the application. When an objection is lodged a hearing must be held.
- 18.6 Applicants with unspent convictions for relevant offence as set out in the Regulations made under the Act are encouraged to first discuss their application with the Council's Licensing Officer and/or the Police.
- 18.7 At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Council will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The Council will only grant the application, if it is satisfied that doing so will promote this objective.
- 18.8 Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a person with a relevant criminal record could undermine rather than promote the crime prevention objective.
- 18.9 From 6 April 2017 the Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences. This is a discretionary power and may be undertaken when a licensing authority becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty on or after 6 April 2017. The decision must be made by the Licensing Committee or sub-committee and they may revoke the licence or suspend it for a period up to 6 months.

19. Premises licence

- 19.1 A premises licence is granted in respect of any premises, other than a private members club or similar type premises, authorised for one or more licensable activities, such as the supply of alcohol, late night refreshment or regulated entertainment.
- 19.2 There are some exemptions for the requirement of a licence and they include the exhibition of films for educational or promotional reasons, films shown as part of an exhibition, amplified live and recorded music to audiences of less than 500

people between the hours of 8.00 am and 11.00 pm. Applicants are advised to contact the licensing authority on other exemptions for further guidance.

- 19.3 Where alcohol is supplied, a Designated Premises Supervisor, who must be the holder of a personal licence, must be nominated to authorise the sale of alcohol at the premises.
- 19.4 Premises licences are issued to individuals over the age of 18 years who carry on, or propose to carry on, a business which involves the use of the premises for licensable activities. In addition, charities, health service bodies, educational institutions and persons of other prescribed descriptions may apply for a premises licence.
- 19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.
- 19.6 Fees for licences are based on the rateable value of a premises and although licences are usually issued for an indefinite period, an annual fee is payable.
- 19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

20. Club premises certificate

- 20.1 A qualifying club, industrial and provident society, friendly society and miners welfare institute that satisfies the criteria specified in part 4 of the Licensing Act 2003 may provide licensable activities for its members and guests of a member that are authorised by a club premises certificate (CPC).
- 20.2 A CPC only authorises the use of a premises for the benefit of its members and their guests and cannot be used to provide licensable activities to non-members. If the premises are to be used to provide licensable activities for non-members an additional authorisation will be required. This may be a premises licence (PL) or a temporary event notice (TEN).
- 20.3 A premises operating under the authorisation of a CPC enjoy special privileges. If a club premises operate under the authorisation of a PL or TEN the privileges do not apply. The privileges include; restricted rights of entry, no need to have a qualified person authorising sales of alcohol. Other considerations would be different taxation rules, advice should be sought from HMRC.
- 20.4 It is an expectation that the CPC holder will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or

have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

21. Temporary Event Notices

- 21.1 Temporary Event Notices (TENs) can be used to allow licensable activities to be carried out on a one-off or occasional basis. They are the most appropriate type of authorisation for small-scale, one-off events, such as community, school and charity fundraising events, at which it is intended to:
- sell or supply alcohol;
 - provide regulated entertainment; or
 - sell hot food/drink between 11 pm and 5 am.
- 21.2 Unless sent electronically, a TEN must be sent to the relevant licensing authority, to the Police and the local authority exercising environmental health functions at least ten working days before the event. A premises user may also give a limited number of “Late TENs” to the licensing authority less than 10 working days before the event, but certain restrictions apply.
- 21.3 The Police or authority exercising environmental health functions may intervene to restrict the event or prevent the event taking place. They may agree a modification of the TEN directly with the TEN user. When giving a TEN, the premises user should consider the promotion of the four licensing objectives.
- 21.4 There are two types of TEN, a standard TEN and a late TEN. A standard notice is given no later than ten working days before the event to which it relates and a late notice is given not before nine and not later than five working days before the event. The period excludes the day the notice is received and the first day of the event. Late TENs are intended to assist premises users who are required to submit a notification at short notice for reasons outside their control.
- 21.5 The Police and authority exercising environmental health functions have a period of three working days from when they are given the notice to object to it on the basis on any of the four licensing objectives.
- 21.6 If an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary.
- 21.7 If an objection notice is received in relation to a late TEN, the notice will not be valid and the event will not be permitted to go ahead as there is no scope for a hearing or for any existing licence conditions to be applied to the notice.
- 21.8 A number of limitations are imposed on the use of TENs by the Licensing Act 2003. Notice givers are advised to contact the licensing authority for further advice.
- 21.9 The Licensing Authority recommends that anyone wishing to submit a Temporary Event Notice, particularly where this involves the provision of regulated

entertainment, gives as much notice to the Authority as possible, to ensure that proper advice can be given and any anticipated issues resolved in a planned and timely manner. Whilst notices can legally be submitted with 10 working days or a late notice in 5 working days prior to the event taking place, a period of 12 weeks is recommended for larger events.

- 21.10 The Licensing Authority may notify the Council's Event Safety Advisory Group (ESAG) of any Temporary Event Notices involving the provision of regulated entertainment. This Panel brings together the various enforcement bodies that may be responsible for enforcement in respect of an event, along with any applicants and other organisers, and allows agreement to be reached regarding the way that the event will be organised etc. It is recommended that all applicants submitting a Temporary Event Notice go through the Events Panel when drawing up their Notice, and the Events Panel will be of particular assistance to charities, community and voluntary groups, and other event organisers who may not have access to legal advice or technical knowledge.

It is recommended that ESAG is contacted in adequate time to factor in the possibility of objections to a licence or temporary event and the hearing timescale. As such, it is recommended that ESAG be contacted for events under 500 people, 24 working days before the event and 68 working days before the event for events over 500. This is recommended where alcohol, regulated entertainment and/or late night refreshment is taking place.

- 21.11 External areas and outdoor events will normally be restricted to 08.00 – 22.00hrs unless the applicant can demonstrate the comprehensive control measures have been implemented that ensure the promotion of the licensable objectives, in particular the public nuisance objective.

22. Sale and supply of alcohol

- 22.1 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.
- 22.2 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:
- The sale to persons under the age of 18 years
 - The sale to persons who are delivering to persons under the age of 18 years
 - The sale to persons who are drunk
- 22.3 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.

22.4 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

23. Regulated entertainment

23.1 Schedule 1 to the 2003 act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities, which are not and therefore exempt from the regulated entertainment regime. (Applicants are strongly advised to review Home Office Section 182 Guidance of the Licensing Act 2003 regarding Regulated Entertainment).

The descriptions of entertainment activities licensable under the 2003 Act are:

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

To be licensable, on or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit.

23.2 Public Audience

For the purpose of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.

More than one entertainment activity (or single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

23.3 **Overview of circumstances in which entertainment activities are not licensable**

There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 is not required. This Policy cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- Activities which involve participation as acts of worship in a religious context;
- Activities in places of public religious worship;
- Education – teaching students to perform music or to dance;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to make a profit;
- Morris dancing (or similar);
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)

23.4 **Deregulatory changes where a licence is not required**

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do not exceed 500.

- **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day, provided that the audience does not exceed 500 and the organiser (a) gets the consent to the screening from a person who is responsible for the premises and (b) ensures that such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for an event between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Boxing or wrestling entertainment:** no licence is required for a contest exhibition or display of Greco-Roman wrestling, or freestyle between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Live unamplified music:** No licence is required for a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- **Live amplified music:** No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on the premises, if the audience do not exceed 500. In a workplace that does not have a licence, if the audience do not exceed 500. In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded music:** No licence is required for any playing of recorded music between 08.00 and 23.00 on any day
 - On premises authorised to sell alcohol for consumption on the premises, if the audience do not exceed 500.
 - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience do not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- **Cross Activity Exemptions:** No licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider.
 - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school and
 - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If organisers are uncertain as to audience size or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation.

Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that required an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

23.5 **Circumstances in which entertainment activities are no longer licensable**

Local Authorities, hospital healthcare providers and school proprietors: cross entertainment activity exemption

No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00 and 23.00 on any day provided that:

- For entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has relevant property interest, or is in lawful occupation.
- For entertainment provided by, or on behalf of, a health care provider, providing it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- For entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

The policy cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case.

However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity.

- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority merely facilitates through providing a public space.

All the terms used in this exemption such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order.

Local authority, hospital and school premises: third party music entertainment

No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that;

- It is performed in front of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these “trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

Community premises: music entertainment

No licence is required for a performance of live music or the playing of recorded music on community premises, between 08.00-23.00 on any day provided that;

- The community premises are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises;
- The music entertainment is in the presence of an audience of no more than 500 people and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

Community premises: exhibition of film

No licence is required for an exhibition of a film on community premises between 08.00-23.00 on any day providing that

- The film entertainment is not provided with a view to a profit
- The film entertainment is in the presence of an audience of no more than 500 people
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by BBFC or relevant licensing authority regarding the admission of children and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises

Under this exemption, one condition is that the film entertainment is not being provided with a view to profit. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.

This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

Travelling Circuses

Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. The qualifying conditions are;

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08.00hrs and 23.00hrs on the same day;
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and

- The travelling circus has not been located on the same site for more than 28 consecutive days.

Live Music

Live music is licensable -

- Where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- Where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- Where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review.

In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

Key terms used in relation to live music

Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live

music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.

Recorded Music

No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable

- Where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- Where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where the playing of recorded music takes place at a relevant licensed premises in the presence of an audience of more than 500 people; and
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

Plays and Dance

No licence is required for a performance of a play or dance to the extent that certain qualifying conditions are satisfied. However a performance of a play or dance remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the performance takes place in the presence of an audience of more than 500 people.

Indoor Sport

No licence is required for an indoor sporting event to the extent that certain qualifying conditions are satisfied. However an indoor sporting event remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the event takes place in the presence of more than 1000 spectators.

23.6 Licence Conditions

Live Music or Recorded Music

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and
- The music takes place between 08.00 and 23.00 on the same day.

Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect)

These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Beer Gardens

Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace.

Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music.

However, a licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Plays, dance and indoor sport

Where qualifying conditions are satisfied, any current licence condition that relates to a performance of a play or dance, or an indoor sporting event for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.

Where, however, these non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out above.

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- The premises are not licensed as a sex entertainment venue under the 1982 Act, and
- Relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

Boxing or wrestling entertainment and conditions relating to combined fighting sports

An indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and any contest, exhibition or display that combines boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.

Where a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

A contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex) does not require a licence provided that certain qualifying conditions are met. They are that:

- It takes place in the presence of no more than 1,000 spectators;
- It takes place between 08.00 and 23.00 on the same day; and
- It takes place wholly inside a building and the spectators present at that entertainment are accommodated wholly inside that building.

23.7 Conditions relating to other non-licensable activities

If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.

Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an 'open-mic' night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.

23.8 **Incidental music**

The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act. 16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume or the music disrupt or predominate over other activities, or could it be described as 'background' music.

Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
- Whether musicians are paid;
- Whether the performance is pre-arranged; and
- Whether a charge is made for admission to the premises.

In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is "incidental" in the individual circumstances of any case.

23.9 **Removing licence conditions**

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

23.10 **Busking**

Busking or street performance is the practice of performing in public spaces for money. Performances are not limited to music or singing and can take the form of a wide range of activities that people find entertaining.

Busking is generally not licensable under the 2003 Act as

- It often occurs in a place that is not a premises made available (at least in part) for the purposes of providing entertainment.
- The entertainment is usually incidental to another activity, such as shopping or sightseeing, as there are few circumstances in which anyone would go out specifically to watch buskers; and
- Any unamplified live music is not licensable between 08.00 and 23.00.

23.11 **Incidental Film**

An exhibition of a film within the meaning of paragraph 15 of Schedule 1 to the 2003 Act is not regulated entertainment if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

The incidental film exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08.00 and 23.00 on the same day before an audience which does not exceed the relevant limit. Such activities would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act

This means that, while any exhibition of moving pictures cannot be incidental to a boxing or wrestling entertainment, such film displays may be within the scope of the incidental film exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

Whether or not an exhibition of moving pictures is "incidental" to another activity will depend on the facts of each case. In considering whether or not film is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of an exhibition of moving images will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. This would mean that if the BBFC or the relevant licensing authority has given an age rating to a film, video, or music video, then to qualify for the "incidental film" licensing exemption, the admission of children to the premises will need to be restricted in accordance with the appropriate age rating. But that is one aspect of one relevant factor. Other factors to consider in assessing whether film is incidental might include some or all of the following:

- Is the film the main, or one of the main, reasons for people attending the premises and being charged?
- Is the film advertised as the main attraction?
- Does the screening of the film predominate over other activities, or could it be described as 'background' images?
- Does the appearance of moving pictures within another entertainment activity, for which no licence is required (e.g. a performance of a play or dance), undermine the promotion of the licensing objectives?

23.12 **Entertainment activity provided as part of childcare**

Entertainment activity that is provided as part of childcare will generally not be licensable. This includes entertainment activity in a nursery or private home. In addition, paragraph 5 of Schedule 1 to the 2003 Act includes a licensing exemption for an exhibition of a film where the main purpose is to provide education. Education will generally include all forms of pre-school child and day care. Furthermore, an exhibition of a film, or the playing of live or recorded music, will generally be incidental to the activity of childcare and so the incidental music and film exemption in paragraph 7 of Schedule 1 will also apply. This will generally be the case for any entertainment activity organised as part of wraparound childcare, including breakfast clubs, after school clubs or holiday clubs linked to the child's school or based in the local community.

23.13 **Child Performers**

Child performance legislation requires that a licence must be obtained from a child's home local authority before a child can take part in certain types of performance and activities. A licence may be required whether or not any payment is made for the child to perform. The deregulation of entertainment licensing does not alter the regulations on when children can take part in performances. For further information on the licence for Child Performers contact the Education Welfare Officer of the Council.

24. **Administration**

The council's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. Application information and forms can be downloaded from our website. The licensing teams can be contacted by any of the following means:-

Licensing Section
 Caerphilly County Borough Council
 Ty Penallta
 Tredomen Park,
 Ystrad Mynach

Hengoed
 CF82 7PG
 E-mail: licensing@caerphilly.gov.uk
 Tel: 01443 866750
 Web: www.Caerphilly.gov.uk/licensing

25. Application procedures

- 25.1 Prospective applicants are strongly recommended to seek pre-application advice. Advice on the application process will be given, but at no stage will the Licensing Authority complete the application form on behalf of an applicant. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. In addition the website can be used to search pending applications and is available at [Click Here](#)
- 25.2 In accordance with the Provision of Services Regulations 2009, electronic application facilities for premises licences are available and may be found on GOV.UK or [Click Here](#). Electronic applications for other categories of licence and authorisations are also available on these sites. Applications made in electronic form or via GOV.UK will be sent to the responsible authorities by the licensing authority. If the applicant submits their application in writing, they will remain responsible for copying it to the responsible authorities.
- 25.3 Applications for all licences and authorisations available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee(s) and all other required information, by the Licensing Authority and the relevant responsible authorities.
- 25.4 Where electronic applications are made, the application will be taken to be 'given' when the applicant has submitted a complete application form and submitted the fee.
- 25.5 **The Responsible Authorities are:**

Responsible Authority	Contact details
Licensing Authority	Licensing Section Caerphilly County Borough Council Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG 01443 866750 Licensing@caerphilly.gov.uk
Environmental Health (Statutory function for minimising or preventing the	Team Leader Pollution Control Caerphilly County Borough Council Ty Penallta

Responsible Authority	Contact details
risk of pollution of the environment or of harm to human health.)	Tredomen Park Ystrad Mynach Hengoed CF82 7PG enviroservices@caerphilly.gov.uk
Environmental Health Authority (Enforcing Authority within the meaning given by section 18 of the Health and Safety etc Act 1974 for the area in which the premises are situated)	Senior Environmental Health Officer (Food and Health and Safety) Caerphilly County Borough Council Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG foodhealthandsafety@caerphilly.gov.uk
Health and Safety Executive (for HSE enforced and Council owned properties only CCBC)	Health and Safety Executive Government Buildings Phase 1 Ty Glas Road Llanishen Cardiff CF14 5SH
Weights and Measures Authority (Function of Trading Standards)	Senior Trading Standards Officer (Community Protection Section) Caerphilly County Borough Council Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG tradingstandards@caerphilly.gov.uk
Child Protection (Body which represents those who are responsible for or interested in matters relating to the protection of children from harm and is competent to advise on such matters.)	Child Protection Co-ordinator, Caerphilly County Borough Council Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG 01443 864744
Planning Authority	Chief Planning Officer Planning Division Caerphilly County Borough Council Ty Dyffryn Dyffryn Industrial Estate Ystrad Mynach CF82 7FP E-mail: planning@caerphilly.gov.uk

Responsible Authority	Contact details
Heddlu Gwent Police	The Chief Officer of Police FAO The Licensing Officer Heddlu Gwent Police Divisional Headquarters Blackwood Police Station Blackwood Road Pontllanfraith Blackwood NP12 2XA Tel: 01633 838111 WestLPALicensingTeam@gwent.pnn.police.uk
South Wales Fire & Rescue Service	South Wales Fire & Rescue Service, Forest View Business Park, Llantrisant, Pontyclun CF72 8LX. 01443 232713 safety-east@southwales-fire.gov.uk
Public Health	Dr G Richardson, Executive Director of Public Health – Alcohol Licensing Lead Aneurin Bevan Gwent Public Health Team Victoria House 136-140 Corporation Road Newport NP19 0BH Email: publichealth.aneurinbevan@wales.nhs.uk
Home Office (Immigration Enforcement)	Home Office Alcohol Licensing Team, Lunar House, 40 Wellesley Road Croydon CR9 2BY. alcohol@homeoffice.gsi.gov.uk

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are:

- a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk
- b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary).

- c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data.
- d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence:

- 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 characteristics 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 2003 Act or other legislation;
- Should be proportionate, justifiable and capable of being met;
- 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.

25.8 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

25.9 A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

26. Operating schedule

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.

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

26.5 The operating schedule must be set out on the prescribed form and include a statement of the following:-

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

- 26.6 For some premises, it is possible that no measures will appropriate to promote one or more of the Licensing Objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be:
- Precise and enforceable
 - Be unambiguous
 - Not to duplicate other statutory provisions
 - Be clear in what they intend to achieve, and
 - Be appropriate, proportionate and justifiable.
- 26.7 To assist applicants the authority has provided a Code of good practice / Model pool of conditions for licensed premises, the current code can be found in **Appendix A** of this policy. It should be noted the code does not form any part of this policy and the guidance and examples of control measures are simply given to assist applicants in preparing operating schedules and the on-going running of a licensed premises. The code is not exhaustive and is not to be regarded in any way as standard conditions or mandatory requirements.

27. Conditions

- 27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.
- 27.2 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises, activities and/or events provided at the premises. The policy does not provide for any standard, general or blanket conditions, and will not impose disproportionate and burdensome requirements.
- 27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.
- 27.4 The council recognise that they can only impose conditions were relevant representations are received and it is considered appropriate for the promotion of the licensing objectives. Where a responsible authority gives evidence that it is appropriate to impose specific conditions the request will be considered by the council who may suggest the wording of the condition to ensure that it is clear, relevant and enforceable.
- 27.5 When attaching conditions, the council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing costs of a substantial nature, that are not in proportion to the risks.

28. Applications where representations are received

- 28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 28.2 Representations must be made to the Licensing Authority within the statutory period of 28 days beginning on the day after the relevant application is received by the Licensing Authority. Representations must be made in writing.
- 28.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the Licensing Authority can only accept “relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives
- 28.4 An example of a representation that would not be relevant would be a representation from a local business person about the commercial damage that competition from a new licensed premise would do to their own business. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.
- 28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.
- 28.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that 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. A full list of contact details for the responsible authorities is provided on the Licensing Authority’s website.
- 28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.

- 28.10 The Licensing Authority recognises that every Responsible Authority can make representations relating to any of the four Licensing Objectives. However the Licensing Authority would normally expect representations about the promotion of individual Licensing Objectives to come from the most relevant Responsible Authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.
- 28.11 The Licensing Authority recognises that the police should be its main source or advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other Licensing Objectives if they have evidence to support such representations.
- 28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 28.13 The Licensing Authority recognises the input of Caerphilly County Borough Council Children's Services, Trading Standards and Local Health Board in relation to the licensing objective of the protection of children from harm.
- 28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.
- 28.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 28.16 As a result of the Police Reform and Social Responsibility Act 2011, the Licensing Authority is also now a Responsible Authority and can therefore make representations if it deems it appropriate to do so.
- 28.17 However the Licensing Authority will not normally act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 28.18 Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority expects them to make representations themselves where they are reasonably able to do so.
- 28.19 The Licensing Authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority. Each Responsible Authority has equal standing under the

2003 Act and may act independently without waiting for representations from any other Responsible Authority.

- 28.20 In cases where a Licensing Authority is also acting as Responsible Authority in relation to the same process, the Licensing Authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.
- 28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 28.22 The Licensing Authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 28.23 Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:
- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition.
 - Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
 - Full names and addresses must be supplied
 - All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

- 28.25 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.
- 28.26 Where a notice of a hearing is given to an applicant, the Licensing Authority is required to provide the applicant with copies of the relevant representations that have been made.
- 28.27 The Licensing Authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the Licensing Authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.
- 28.28 In such circumstances the Licensing Authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.
- 28.29 Alternatively persons may wish to contact the relevant Responsible Authority or their local Councillor with details of how they consider that the Licensing Objectives are being undermined so that the Responsible Authority can make representations on their behalf if appropriate and justified.
- 28.30 Further guidance on making representations is provided on the Licensing Authority's website.

29. Exercise and delegation of functions

- 29.1 The Licensing Act 2003 requires local authorities to act as the Licensing Authority and to set up a Licensing Committee to be responsible for all matters relating to the Licensing Act 2003. The Licensing Committee further delegate to Licensing Sub Committees (Panels), or by one or more officers acting under delegated authority.
- 29.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers. The Licensing Authority, when acting as a Responsible Authority commenting on Licence applications, will have separate roles for officers. One member of staff will be required to administer the application and another member of staff will act as the Responsible Authority making comments on the application.
- 29.3 The Schedule below sets out the presumed delegation of functions and decisions. Notwithstanding this presumption of delegation, the Council reserves the right to refer any matter to the Licensing Committee or sub-committee.

29.4 **Schedule of delegation of licensing functions and decisions**

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee (panels)	Officers
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application for provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary designated premises supervisor		If a police objection	All other cases
Application for a minor variation			All cases
Application to vary a licence on a community premises to include alternative licence condition		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee (panels)	Officers
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Determination of a police or environmental health objection to a temporary event notice		In all cases if not withdrawn.	
Suspension of licences following non-payment of annual fees			All Cases

30. Reviews of licences

30.1 The Council can only review a licence where it is alleged by a “responsible authority”, or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only responsible authorities or other persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence; and determine its outcome at a hearing where an evidential basis for allegations made will be submitted. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;

- Serious risk to children.

- 30.2 The Licensing Sub-committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making their decision.
- 30.3 The licensing sub-committee will consider all of the sanctions available to it provided for in the Act and guidance, including taking no action if appropriate. In cases where a licensing objective is seriously undermined, that revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.
- 30.4 In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be seriously considered where appropriate to ensure the licensing objectives are promoted.

31. Cumulative Impact Assessment

- 31.1 Under the Licensing Act 2003, Licensing Authorities have the power to introduce a cumulative impact policy where there is evidence showing that a significant number of licensed premises concentrated in one area has led to an increase in; Crime and disorder, Public nuisance or to both. Where adopted, a Cumulative Impact Policy creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, that are likely to add to the existing cumulative impact will normally be refused.
- 31.2 The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Policy these include -
- a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
 - b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - c) If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - d) Identify the boundaries of the area where problems are occurring
 - e) Consult with those specified by Section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement.
- 31.3 In April 2018, Section 141 of the Policing and Crime Act 2018 introduced a new Section 5A to the Licensing Act 2003 relating to Cumulative Impact Assessments (CIA). Before an Impact assessment area can be introduced the Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers the CIA applies to all licences or those of a particular kind. As such, the Authority must conduct a thorough assessment and if a CIA is introduced it must be reviewed at least every 3 years.

- 31.4 There are currently no CIA areas within Caerphilly County Borough Council. If evidence was provided about a negative impact on the licensing objectives, the formulation of a special policy would be carefully considered have due regard to the guidance provided in Section 182 of the Act.
- 31.5 The licensing authority recognises there are a number of existing measures available that are relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:
- Planning controls
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
 - The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
 - The confiscation of alcohol from adults and children in designated areas
 - Police enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale) – Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a disturbance.
 - Robust conditions on the licence promoting the four licensing objectives.
 - The power of the police, or other responsible authorities or any person to seek a review of the licence or certificate.
 - Regular Responsible Authority meetings, for parties to comment on, and providing an action plan, when dealing with problematic premises and areas.

32. Early morning restriction orders

- 32.1 An Early Morning Restriction Order (EMRO) restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 0000-0600 and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via minibars and room service.
- 32.2 An EMRO is a powerful tool as it can prevent licensed premises in a specified area from supplying alcohol during the times at which the EMRO applies. Prior to any determination to recommend to full council that an EMRO is proposed, it should be satisfied that it has sufficient evidence that such a measure would be appropriate for the promotion of the licensing objectives.
- 32.2 There are currently no EMRO's within Caerphilly County Borough Council. Any requests for an EMRO will be considered on the basis of evidence (guidance indicates

the types of evidence that may be relevant) however, the licensing authority will also consider evidence from local partners, responsible authorities, local Community Safety Partnerships or other party that they consider relevant in their determinations as to whether an EMRO would be an appropriate means of promoting the licensing objectives.

33. Hearings

- 33.1 Applications for licences and certificates will be determined following consultation with relevant responsible authorities. Where no representations are received, they will be issued administratively by the Licensing Team, however, contentious applications must be referred to the Council's Licensing Sub-Committee (panel) for determination, unless it is agreed by all parties that a hearing is not necessary.
- 33.2 The period of notice of a hearing that must be given to all relevant parties, and the information which may be disclosed, varies depending on the type of application, subject to regulations. A Licensing Sub-Committee (panel) of three Elected Members will determine a contentious application and will either grant a licence, grant a licence with amendments or refuse an application. Any party can appeal against the Council's decision to a Magistrates' Court
- 33.3 At any time during the period of a licence, any responsible authority or other person can ask for the review of a licence or certificate. All review applications will be determined by the Licensing Sub-Committee.

34. Appeals

- 34.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the Act. Other than in the case of personal licences, an appeal has to be made to the local Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the licensing authority which has considered the application (or any part of it) is situated.
- 34.2 An appeal has to be instigated by giving notice of the appeal by the appellant to
The Clerk to the Justices,
Newport Magistrates' Court
Usk Way
Newport
Gwent
NP20 2GE
01633 261300

Within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against.

34.3 On determining an appeal, the Court may:

- dismiss the appeal
- substitute any other decision which could have been made by the Council or
- remit the case to the Council to dispose of it in accordance with the direction of the Court.

The Court may make such order as to costs as it thinks fit.

34.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182 Implementing the determination of the Magistrates' Courts

34.5 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

34.6 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

35. Implementing the determination of the Magistrates' Court

35.1 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action [for example, as a result of an on-going Judicial Review]. The Act provides for no further appeal against the determination of the Magistrates' Courts.

36. Enforcement

36.1 The Licensing Authority has established joint enforcement protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to low-risk premises, which are shown to be well run.

36.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.

36.3 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles

of consistency, transparency and proportionality will be maintained. For more information see the [Council's Public Protection Enforcement Policy](#).

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

37. Fees Generally

37.1 All fees are currently set by statute and the council is obliged to charge the fees as detailed in the Fees Regulations.

37.2 The Police Reform and Social Responsibility Act 2010 have provisions to give councils to set their fees locally, however at this time the relevant sections have not been commenced. When commenced the councils will calculate fees to recover the costs of the service and then consult on their implementation before asking the Licensing Committee to approve any change.

38. Annual Fees for Premises Licences and Club Premises Certificates

38.1 The Licensing Act 2003 and regulations made under the Act set out requirements for annual fees and require that the fee is paid on the due date which is every year on the anniversary of the original grant of the licence. The fee is currently set by regulations, however amendments made by the Police Reform and Social Responsibility Act 2010 will when commenced give the council the ability to set fees locally to recover costs associated with the administration and compliance of the Act.

39. Licence suspension for non-payment of annual fee

39.1 Amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2010 give councils the power to suspend premises licences and club premises certificates where the annual fee required by regulations is not paid.

39.2 The council will suspend any licence or certificate where the required fee is not paid by the 'due date', which is annually on the anniversary of the date that the licence was first granted. The council will follow the below procedure:-

39.3 Upon notification/discovery that an annual fee is not paid, the council will give notice to the licence/certificate holder, in writing,

- that the licence/certificate will be suspended 14 days from the date of the notice.
- It will also state that the suspension will not become effective if the fee is paid prior to the suspension date.
- If an administration error is claimed, the suspension date may be 21 days from the due date; or the date of suspension on the 14 day notice, whichever is later.

- A copy of the notice will also be served on the designated premise supervisor/premises manager if they are not the premises licence holder.

39.4 If the fee is not paid by the date specified on the notice the licence/certificate will be deemed suspended. The licence/certificate holder and DPS/Manager will be immediately notified of the suspension becoming effective, and informed that the premises may no longer offer any licensable activities until such time as the fee is paid and the suspension lifted. When the full payment is made the council will immediately lift the suspension, and confirm this in writing.

39.5 Where a licence/certificate is suspended and licensable activities are provided the council will consider prosecuting the provider for offences under section 136 of the Licensing Act 2003.

40. Late night levies

40.1 A Late Night Levy (LNL) is an optional power, introduced by the Police Reform and Social Responsibility Act which allows Licensing Authorities (LAs) to raise a contribution towards the costs of policing the night time economy (NTE) by charging a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole borough and also applies to all on- and off-licences. TENs are not included.

40.2 The levy is payable by the holders of any premises licence or club premises certificate which authorise the sale or supply of alcohol on any days during a specific period (referred to as the late night supply period) beginning at or after midnight and ending at or before 6am.

40.3 The licensing authority is expected to consider the need for a levy with the chief officer of police and the police and crime commissioner for the police area in which it is proposed the levy will be introduced. Local residents can use their existing rights to make representations and other channels of communication to call for the implementation of a levy in their area. The decision to introduce a Late Night Levy sits with the Council. The Authority will consider this approach if at any point it becomes appropriate and necessary and will conduct a full consultation before the provision is considered.

41. Further Information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

*The Licensing Section
Caerphilly County Borough Council
Ty Penallta,
Tredomen Park, Ystrad Mynach
Hengoed
CF82 7PG
Tel: 01443 866750*

E-mail licensing@caerphilly.gov.uk

Website: www.caerphilly.gov.uk

LICENSING ACT 2003 POOLS OF CONDITIONS

INTRODUCTION

1. This pool of conditions covers a wide range of topics that may be of concern to applicants for premises licences and Responsible Authorities who may be considering making representations on applications. Other Persons and local residents or local businesses may also seek to propose conditions in respect of applications or as a means of addressing concern raised by the review process.
2. Applicants for club premise certificates may adapt any of the conditions listed but should replace any reference to premise licence or premises licence holder with club premise certificate.
3. Where a condition contains an instruction to insert any fact, the information must be supplied by the applicant.

AD ADVERTISING

AD01 The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no licensable activity shall be advertised in a manner which contravenes the general law or cause a nuisance to the general public.

AD02 In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or a constable upon request. The register shall record the following:

- (i) Date and time of event and brief description of it;
- (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event;
- (iii) Where the promoter is a company, its registered number;
- (iv) The proper address of the promoter;
- (v) Contact telephone number for promoter

CA CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS

CA01 The total capacity for the event shall be limited to *(insert number)* persons. This limit includes performers, guests, staff and officials.

CA02 There shall be no security passes for admission other than those issued to persons working on the site and to statutory authorities.

CA03 Measures must be put in place to ensure that the capacity is not exceeded at any time.

CA04 All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

CA05 Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.

CA06 Admission to the event shall be through the approved entrances. The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.

CA07 Documented procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

- CA08 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).
- (i) The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change;
 - (ii) Where necessary separate occupancy levels must be set for different parts of the premises;
 - (iii) The premises licence holder shall ensure that they consult the Public Health Services of Caerphilly County Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based;
 - (iv) The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence;
 - (v) Measures must be put in place to ensure that the capacity is not exceeded at any time;
 - (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable;
 - (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.
- CA09 Where necessary separate occupancy levels must be set for different parts of the premises. The proposed capacity figure must be notified to the Licensing Authority within (*insert period*) of the date of (*insert either date of hearing or date of issue of licence*).
- CA10 There shall be no entry or re-entry to the premises after (*insert terminal hour for entry*) hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after (*insert terminal re-entry time*) hours on any morning is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
- CA11 The occupancy shall be restricted to (*insert number*) persons in the premises. (*limits may also be appropriate for different rooms or floors of premises*). The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises/specified areas are not exceeded at any time.
- CA12 Manual and automatic electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.

CA13 The premises licence holder shall support any taxi marshalling initiative that operates in the environs of the premises. This may include any fair and proportionate financial support from the premises licence holder.

CA14 The premises will operate in line with the (*insert name of policy e.g. Health and Safety, fire risk assessment and date submitted to the Licensing Authority*) or any amended version in operation from time to time. The premises licence holder shall give to the Licensing Authority not less than seven days notice of any proposed amendment to the aforesaid policy (including its deletion or its replacement) and shall provide to the Licensing Authority a copy of any amended policy prior to the change being implemented in the premises. A copy of the policy current at the time shall be provided to an authorised officer of the Licensing Authority or a constable upon request.

CC CCTV

CC01 CCTV shall be in use at the premises.

- (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by (*insert date*). Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by (*insert date*) and the system be fully operational on that date;
- (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during *(insert hours)* hours.

CC02 A minimum of *(insert number)* head mounted mobile cameras (robocams) shall be in use at the premises from *(insert commencement hours)* hours until closing on each day that the premises are open to the public. One such camera shall be permanently located at the entrance and in each *(insert specified areas where appropriate)*.

CC03 The CCTV system shall include all external areas of the premises.

CC04 A plan of the premises shall be annotated to show the location of all CCTV cameras within the premises, such a plan to be submitted to the Licensing Authority by the *(insert date)*. Such a plan to be regularly updated in the event of any changes to the location of such cameras.

CC05 CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.

CC06 The CCTV covering any dedicated smoking area shall be fully installed and operational before the smoking area can be used.

CE CINEMATOGRAPHIC / FILM EXHIBITIONS

CE01 *Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.*

No film shall be exhibited unless –

- (i) it has received a 'U', 'PG', '12A', '15' or '18' certificate of the British Board of Film Classifications; or
- (ii) it is a current newsreel, which has not been submitted to the British Board of Film Classification;
- (iii) no film classified as R18 may be exhibited in these premises.

CE02 No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.

CE03 No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received a '15' certificate from the British Board of Film Classification.

CE04 No person apparently under the age of twelve years shall be admitted to any exhibition at which there is to be shown any film, which has received a '12A' certificate from the British Board of Film Classification unless accompanied by an adult.

CE05 A representation or written statement of the terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in a form large enough for it to be read from any seat in the auditorium.

CE06 There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures –

- (i) The title of each film to be shown on that day, other than trailers and films of less than five minutes duration;
- (ii) The approximate times of commencement of each such film'
- (iii) Whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and
- (iii) The effect of such 'U', 'PG', '12A' or '18' certificates in relation to the admission of persons under the age of eighteen years.

CE07 The notice shall be not less than 36 inches in dimensions and shall be in the form specified hereunder, the distinguishing initial letters 'U', 'PG', '12A', '15' and '18' being not less than 1½ inches in height.

CATEGORY 'U': Passed for universal exhibition

CATEGORY 'PG': Passed for universal exhibition but parents are advised that the film contains some scenes which may be unsuitable for young children.

CATEGORY '12A': Passed as suitable only for exhibition to persons of twelve years and over. Children under 12 must be accompanied by an adult.

CATEGORY '15': Passed as suitable only for exhibition to persons of fifteen years and over.

CATEGORY '18': Passed as suitable only for exhibition to adults. When a programme includes an '18' film no persons under eighteen years can be admitted.

CE08 The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.

CE09 No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Classification or approved for exhibition by the Licensing Authority, as the case may be.

CE10 Where the Licensing Authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling that advertisement shall not be displayed at the premises except with the consent in writing of the Licensing Authority.

- CE11 Where the Licensing Authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains matter which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the consent in writing of the Licensing Authority.
- CE12 If the Licensing Authority request the licensee to exhibit to them any film shown or proposed to be shown by him, he shall do so at such time and to such persons as the Licensing Authority may direct.
- CE13 No persons shall be permitted to enter or continue within the licensed premises in a state of intoxication. All persons within the premises whose conduct is deemed by the licensee to be conducive to any breach of the peace, tumult or disorder shall be forthwith removed there from. The licensee shall be responsible for the maintenance of good order and decent behaviour in the licensed premises, and he shall by himself and his servants assist to the utmost in the capture and expulsion of any offender.
- CE14 There shall be fixed on each floor of the hall a special white signal light, to the approval of the Chief Constable, which shall be operated by a switch in the operator's box, and by a switch or switches fitted in an approved position in the hall. This light shall be used as a warning to attendants that an emergency exists and upon receiving the signal, attendants will take steps forthwith to control the movements of the audience and ensure the orderly and safe clearance of the hall.

Conditions to be complied with when showing 'RESTRICTED' (18) films

- CE15 No films in the 'RESTRICTED (18)' category may be exhibited except in a cinema operating as a club in accordance with the conditions set out below.
- CE16 No club showing films in the 'RESTRICTED (18)' category may operate in a multi-screen complex whilst persons under the age of 18 are being admitted to any performance given in that complex.
- CE17 An exception may be made to the above condition only if the cinema club and all facilities adjacent thereto, including foyers, lavatories and refreshment areas, are wholly segregated and accessible only through a separate entrance and box office.
- CE18 All registers of members and visitors books of their guests shall be available for immediate inspection by the Licensing Authority during any performance, or at any other reasonable time.
- CE19 Tickets shall in no circumstances be sold to persons other than members.

CE20 Front of house advertising for films in the 'RESTRICTED (18)' category will specify the category in which the film has been passed for exhibition but will include no pictorial material or other information about the names of performers or the plot. Newspaper advertisements for an exhibition will be limited to the inclusion of the titles of such films in the film listings column together with the category in which the film has been passed for exhibition.

CE21 No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs showing films in the 'RESTRICTED (18)' category.

CE22 Except with the prior consent of the Licensing Authority in writing, no intoxicating drinks shall be consumed, supplied or sold on the premises.

CE23 Membership rules for club cinemas shall include the following:

- (i) only members and their guests shall attend exhibitions of moving pictures classified in the 'RESTRICTED (18)' category;
- (ii) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applications shall provide satisfactory references and proof of age;
- (iii) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors;
- (iv) Members shall be entitled on any one day to bring not more than one guest to accompany the member and the name of the guest shall be entered in the visitor's book and countersigned by the member;
- (v) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued;
- (vi) Membership cards shall be personal to the member and shall not be transferable to any other person;
- (vii) Neither membership tickets nor guest tickets shall be transferable; No member shall introduce as a guest any person under the age of 18 or any person whose application for membership has been refused;
- (viii) Proof of identity, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the proprietors;
- (ix) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration;
- (x) A subscription may not entitle the club member to attend other clubs under the same management unless the prior consent of the Licensing authority has been obtained.
- (xi) On admission a member shall be bound by the rules of the club and by any byelaws and regulations made there-under.

CE24 For the purposes of these conditions 'film' means any exhibition of moving pictures produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or programmes included in a cable programme service which is, or does not require to be, licensed under Section 4 of the Cable and Broadcasting Act 1984.

CL CEILINGS

CL01 All ceilings and ornamental plasterwork in those parts of the premises to which the public are admitted shall be inspected at least once in every five years by a qualified person appointed by, or on behalf of the occupier of the premises free of expense to the Licensing Authority, and a certificate concerning the conditions of such ceilings and plasterwork shall, after each inspection, be forwarded to the Licensing Authority. Such inspections shall be made in the presence of an authorised officer of the Licensing Authority.

CL02 The certificate required to be submitted by the previous paragraph of these conditions shall be in the following form:-

"I/We hereby certify that the ceilings and ornamental plasterwork over all parts of the premises to which the public have access at *(insert name of premises)* have been inspected on *(insert date)* and these inspections indicate that such ceilings and plasterwork, so far as can be ascertained by visual or other examination, appear to be in a safe condition on this date".

Signed.....

Competent Technical Advisor(s) to the Licensee(s).

Date.....

I/We hereby certify that I/We were present at the inspection referred to in this certificate and that the inspection was thoroughly carried out.

Signed.....

Technical Advisor(s) to the Licensing Authority .

Date.....

CL03

It shall be competent for the Licensing Authority in any instance to require the provision of a certificate as the safe condition of the aforesaid ceilings and plasterwork at such lesser intervals than five years as the Licensing Authority deem necessary.

CV CHILDREN AND VULNERABLE PERSONS

CV01 All children shall vacate the premises by *(insert time)* hours.

CV02 No person under sixteen years of age shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (i) He is the child of the holder of the premises licence;
- (ii) He resides in the premises, but is not employed there;

- (iii) He is in the bar solely for the purpose of passing to or from some part of the premises, which is not a bar, and to or from which there is no other convenient means of access or egress;
- (iv) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and intoxicating liquor is only sold or supplied to persons as an ancillary to their table meals;
- (v) He is in the bar in the company of a person who is aged 18 years or over.

CV03 All open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.

CV04 Children must be accompanied by a responsible adult.

CV05 Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.

CV06 If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo=card driving licence and passport.

CV07 The premises licence holder shall ensure that suitable policies are implemented to ensure the safety of vulnerable persons, such as disabled persons, on the premises whilst the licensable activity is taking place.

CV08 The premises licence holder shall ensure that suitable measures are implemented to ensure the safety if disabled persons. Regard should be made to any particular aspect of the premises layout or nature of activities that may pose particular hazards for disabled persons.

CV09 People with disabilities may be permitted, to sit in the auditorium in wheelchairs, other than petrol driven chairs, subject to the following conditions:

- (i) A section of the auditorium approved in writing by the Licensing Authority shall be set aside for the accommodation of wheelchairs;
- (ii) The section of the auditorium so set aside shall be easy and direct access to the open air through an exit door additional to any exit door provided for use by other members of the audience;

- (iii) Where a person with disabilities requires the assistance of a helper, that helper shall be seated close at hand and be able to push the wheelchair, with its occupant, out into the open air in case of emergency, without difficulty;
- (iv) Petrol driven wheelchairs shall not be permitted on the premises.

CV10 The premise licence holder shall ensure that all open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.

CV11 The premises shall not be permitted to be used for any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children, which prohibited uses include, among other things, nudity or semi-nudity films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 except where that is expressly permitted under a licence or waiver granted or given under that legislation.

CV12 There shall be no events for persons under 18 years of age

CV13 It shall be the responsibility of the premises licence holder, to ensure that an appointed person shall be in charge of the premises when regulated entertainment is taking place to ensure the safety of disabled persons on the premises.

CV14 A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

CV15 Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or a constable.

DA DRUG ACTION

DA01 Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.

DA02 The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

- DA03 The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
- DA04 The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.
- DA05 The premises licence shall ensure that rest facilities are provided when required, to the satisfaction of the Licensing Authority, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

DC DOOR CONTROL / STEWARDING

- DC01 Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy. All door supervisors must ensure that identification bearing the customers photograph, date of birth and integral holographic mark or security measure is produced before allowing entry and where it is not, entry shall be refused. Suitable means of identification would include PASS approved proof of age card, photo-card driving licences and passports.
- DC02 There shall be a minimum of (*insert number*) door supervisors, who have been accredited by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, on duty from (*insert hours*) hours on each trading day and who shall remain on duty until the premises closes.
- DC03 [A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:
- (i) Full name;
 - (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);The time they began their duty;
 - (iii) The time they completed their duty.

- (iv) This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

[B] The premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:

- (i) Name
- (ii) Date of birth
- (iii) Address
- (iv) Contact telephone numbers
- (v) SIA Certificate number, or registration number of any accreditation scheme recognised by the Licensing Authority
- (vi) The full details of any agency through which they have been allocated to work at the premises if appropriate

These details should be easily accessible to any authorised officer of the Licensing Authority or a constable.

DC04 The premise licence holder shall ensure that all door supervisors on duty at the premises wear a current identification badge, issued by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, in a conspicuous position to the front of their upper body.

DC05 The premise licence holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an "Incident Report Register" in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

DC06 The premise licence holder shall require the designated premises supervisor, or in his/her absence other responsible person to identify by name, those persons performing duty as door security personnel to an authorised officer of the Licensing Authority or a constable.

DC07 The Door Stewards shall be responsible for preventing the admission and ensuring the departure from the premises of persons who are drunk and disorderly in such a manner as not to cause further disorder.

DC08 Door Stewards shall prevent access to the premises of any excluded individual (subject to Court bans or bans imposed by the licence holder).

DC09 Where queuing is allowed outside of a premises door steward(s) shall maintain an orderly queue of patrons.

- DC10 Where there is provided in any building regulated entertainment for children, or regulated entertainment at which the majority of the persons attending are children, then, if the number of children attending the regulated entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed, wherever necessary, a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the premises, or any part thereof, than the premises or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all reasonable precautions for the safety of the children.
- DC11 In pursuit of the proper co-ordination of stewarding of the site and provision of the required level of assistance in the event of an emergency situation arising, the premises licence holder shall ensure that a suitably competent person from amongst the door supervisors/security staff is attached to the emergency services team at all appropriate times as a liaison point for stewards and security staff.
- DC12 The minimum number of door supervisors provided at venues, holding regulated entertainment for less than 500 persons, shall be based on a risk assessment.
- DC13 The minimum number of door supervisors provided at venues, holding regulated entertainment for more than 500 persons, shall be based on a risk assessment. The risk assessment shall follow the recommendations as laid out in the Health and Safety Executive's Event Safety Guide or any other similar guidance recognised by the Licensing Authority.
- DC14 The premise licence holder shall ensure that appropriate measures are employed at the premises to verify the ages of customers obtaining alcohol. Any measures that are to be used shall be approved by the Licensing Authority in consultation with the Police.
- DC15 *Please note that this condition is directed specifically at problem premises.* Door supervisors shall be provided at the premises to a ratio of 1:85 patrons. Where the premises incorporates a dedicated smoking area within its cartilage a minimum of *(insert number)* door supervisors shall permanently monitor the smoking area during *(insert appropriate hours)*.
- DC16 A minimum of *(insert number)* door supervisors shall be permanently stationed at each entrance/exit [excluding fire exits] to the premises.
- DC17 Door Supervisors shall be on duty at the premises on each trading day from *(insert commencement hours)* until *(insert terminal hours)*.

DC18 All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

DC19 *Please note that this condition is directed specifically at problem premises.* All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).

DC20 When licensable activities occur on a Sunday before a Bank Holiday, SIA registered door staff shall be employed during all trading hours.

EL ELECTRICAL FITINGS AND INSTALLATIONS

EL01 Temporary electrical wiring and distribution systems shall not be provided without notification to the Licensing Authority at least 10 days before the commencement of works and a prior inspection by a suitably qualified electrician. A record shall be kept by the premises holder.

EL02 The fixed electrical wiring installation and any portable electrical appliances should be inspected and tested by a competent person at the appropriate frequency specified in the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same) for that type of premises and equipment. Records of this inspection shall be maintained by the licence holder and made available at the premises for inspection by any authorised officer of the Licensing Authority or a constable.

EL03 All temporary electrical wiring and distribution systems shall comply with the recommendations of British Standard No. 7671 or where applicable British Standard No. 7909 or any British Standard replacing or amending the same.

EL04 The premise licence holder shall ensure that a Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amps, are fitted to all power circuits supplying sockets that may be used by entertainers / members of the public for plugging in electrical equipment. These should be regularly tested to ensure they are still functioning as required.

EL05 With regard to premises with outdoor areas, a Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EL06 Proper means of access for maintenance of all electrical fittings or apparatus shall be provided.

- EL07 Electrical installation in areas used by members of the public shall be subject to the following:
- (i) Any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same).
 - (ii) All electrical equipment and installations shall be subject to regular visual checks to ensure that they are safe and in good working order, as well as formal routine tests by a competent person as advised in the aforementioned BS 7671 guidance.
 - (iii) A Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.

EX EXTERNAL AREAS

- EX01 The (*insert name of area i.e. beer garden, upper patio, etc*) shall only be open to customers (*insert days*) from (*insert commencement time*) until 22:00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
- EX02 All outside areas must be closed and cleared of customers by 22:00 hours. Adequate notices shall be displayed to inform patrons of this requirement.
- EX03 The premises licence holder shall investigate and propose measures to enclose the garden area to a sufficient height to prevent patrons or members of the public accessing or egressing the garden areas over the existing boundary within 3 months of the date of the hearing (i.e. *insert date*). Such proposals to be implemented subject to the applicants' best endeavours to obtain planning permission. It is anticipated that the works to be completed within one year of the date of the hearing (i.e. by (*insert date*)).
- EX04 A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.

FA FIRST AID

- FA01 For events where it is anticipated that more than 100 persons will be in attendance or where an activity is taking place that is likely to give rise to personal injury (e.g. indoor sporting events/use of special effects/etc.), the premises licence holder shall ensure that first aid

provision is available at all times that licensable activity is taking place and shall have a suitably qualified first-aider on the premises during that period.

FA02 The minimum standard of first aid provision for events of more than 500 persons shall be in accordance with a risk assessment. The risk assessment shall take into account the recommendations of the Health and Safety Executive's Event Safety Guide or any other guidance recognised by the Licensing Authority.

FA03 The premises licence holder shall provide medical facilities, which are adequate for the purpose by the Ambulance Service. Details of the organisation of these services shall be provided to the Licensing Authority not less than 14 days prior to an event. The medical facilities shall include:

- (i) Sufficient means of communication between the first aid post(s) and the main control point on the site and/or stewards, and an adequate standby point for ambulances;
- (ii) Adequate medical facilities within the pit area/backstage area;
- (iii) A facility within the concert area serving as the main medical facility provided by the approved contractor for medical facilities.

Persons wearing distinctive dress shall staff the first aid post(s), and the first aiders on site shall be available to offer assistance through the whole site.

FA04 Individual toilet units, not available for general public use shall be sited adjacent to the first aid post(s).

FA05 The premises licence holder shall notify the Great Western Ambulance NHS Trust (or equivalent) of the first-aid operating on site, prior to the event and of the on site telephone contact point for the said agency. The Great Western Ambulance NHS Trust shall certify to the satisfaction of the Licensing Authority that adequate arrangements have been made with the first-aid agency operating on the site to deal with emergencies.

FA06 Adequate medical facilities shall be available on site from the time when it is first occupied by the public to the time when it is vacated. The level of provision shall be as advised by the Ambulance Service and the time at which the provision ceases shall be subject to the agreement of the Licensing Authority.

FE FIRE FIGHTING EQUIPMENT AND FIRE PRECAUTIONS

Please note that there are no conditions in this section as potential conditions have been superseded by the Regulatory Reform Order relating to Fire Safety.

GS GENERAL SAFETY AND EVACUATION

GS01 All doors and fastenings shall at all times be kept in proper working order.

- GS02 Any door not usable by the public to be marked "PRIVATE", notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be used.
- GS03 A door or gate shall not open immediately upon a step or steps. A landing having a width of not less than 900 mm shall be provided between the door and gate and the step or steps.
- GS04 Barriers for checking or controlling admission shall not be used without permission of the Licensing Authority.
- GS05 Temporary barriers, other than rope barriers of a type approved by the Licensing Authority, shall not be provided. Rope barriers approved by the Licensing Authority shall be fitted with automatic catches or slip connections and shall be arranged so as not to trail on the floor when parted, and the fittings shall not project into the gangway or exit way.
- GS06 Curtains shall not be hung across gangways or over staircases; where hung over doorways or across corridors they shall draw easily from the centre and slide freely and shall be clear of the floor. All hangings, curtains and temporary decorations shall be maintained in a flame retardant condition.
- GS07 All curtains, hangings and temporary decorations are arranged so as not to cause any obstruction.
- GS08 Any temporary decorations are not used without prior notification to the Licensing Authority.
- GS09 Stairways, corridors or gangways shall not be used as cloakrooms and no pegs for hanging hats, cloaks or other articles shall be fitted therein. All escape routes shall be kept free of any obstruction. Where cloakrooms are provided, they shall be so situated that the persons using them shall not interfere with the free use of any exit route.
- GS10 The public shall be permitted to leave by all exit and entrance doors after each performance, entrances being considered and treated as exits for all purposes, provided that they are not revolving doors or fitted with turnstiles.
- GS11 Adequate means of escape shall be provided from all dressing rooms.
- GS12 Gangways shall be of adequate width for the number of persons served, and in no case shall be less than 1.1 m wide.
- GS13 There shall be no projection, which would diminish the clear width of the gangway.
- GS14 No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.

- GS15 Emergency exits will be kept clear of obstructions at any time when licensable activities are taking place.
- GS16 A continuous handrail shall be securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.
- GS17 The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or a constable.
- GS18 Paper decorations, not being decorations the whole surface of which is directly affixed to walls or ceilings, shall not be permitted.
- GS19 Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature not to alarm the public.
- GS20 All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of fire, panic or other emergency. Such duties shall aim at the avoidance of panic and the safe evacuation of the premises where necessary rather than the extinction of fire.
- GS21 All exit doors shall be easily opened without the use of key, card, code or similar means.
- GS22 Doors of such exits are to be regularly checked to ensure that the doors function satisfactorily and a record of the check is kept in a log book for that purpose.
- GS23 Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks etc.)
- GS24 Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use

of these shared areas and that none of the other licensing conditions may be breached.

GS25 Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate arrangements in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own arrangements which will ensure that the licensing objectives are not compromised.

GS26 All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and all steps and stairways) should have:

- (i) Nosings of the treads of steps in a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions;
- (ii) Any changes in level clearly visible to members of the public, such as by using contrasting colours or additional lighting;
- (iii) Mats more than 1 cm thick sunk to floor level unless of rubber with wide bevelled edges.

A continuous handrail securely fixed on each side of all staircases, steps and landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.

GS27 Heavy Fittings. Heavy fittings such as projectors, stage lights, etc., must have not less than two independent means of suspension e.g. clamp and chain.

GS28 Smoking Area. If patrons are to be allowed to use the area for smoking then the following conditions must apply:

- (i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled;
- (ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re-enter the premises;
- (iii) Patrons must not be allowed to take drinks to the smoking area;
- (iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff;
The area must be regularly swept to remove cigarette ends;
- (v) Adequate arrangements must be made to prevent overcrowding or disorder on the *(insert location)*, particularly if patrons exiting towards the smoking area whilst others are queuing for entrance in/on the *(insert location)*.

GS29 All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article of substance which may cause a person to slip, trip or fall.

GS30 Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following:

- (i) Risk assessments;
- (ii) Details of type to include design, construction materials, size – e.g. height
- (iii) Precise location of all elements of the barrier

Said document having been provided to the Licensing Authority, to be kept with the licence records.

GS31 The floors of all gangways, lobbies, corridors, passages and other exit routes and the tread of all steps and stairways shall be non-slippery and flat. The nosings of the treads of steps, changes of level and stairways shall be of a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions. (premises may be exempt from this requirement where the premises is a listed building or similar).

GB GLASS / BOTTLES

GB01 The Licensee shall ensure that any bottles or glasses are removed from persons leaving the premises.

GB02 No bottles containing beverages of any kind whether opened or sealed shall be given to customers on the premises for consumption by those persons on the premises whether at the bar or by staff service away from the bar.

GB03 The contents of any bottled beverage shall be decanted into a plastic / PTE / glass before service to any customer.

GB04 The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

GB05 No customer carrying open or sealed beverage containers shall be admitted to the premises at such times as they are open to the public.

GB06 Bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area of the consumption of food that is away from the main bar.

GB07 Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the outdoor area/dance-floor area ~~as appropriate~~.

GB08 Glazing. Windows and mirrors must be of safety glass or adequately protected from breakage, particularly when they are in safety critical locations. They must also be marked to make their presence obvious.

GB09 All beverages (including alcoholic and non alcoholic drinks) shall only be dispensed in polycarbonate, plastic or non-glass containers.

GB10 The contents of all glass bottles shall be decanted by bar staff into polycarbonate, plastic or non-glass containers. All glass bottles are to be retained behind the bar for safe disposal.

GB11 The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

HF LATE NIGHT REFRESHMENT [HOT FOOD]

HF01 It shall not be lawful to make any charge for or in connection with the entertainment of persons in the refreshment house during the hours of late opening, whether for the supply of food or drink, for admission, for service of any description or for any other matter, except any reasonable charge for use of cloakroom or toilet facilities unless:

- (i) A tariff or charges made in the refreshment house is during those hours kept displayed in such position and in such manner that it can be conveniently read by person frequenting the refreshment house and can be so ready by any such person before entering; and
- (ii) The charge is specified for the matter in question in the tariff; and
- (iii) The charge is no more than that stated in the tariff

HF02 It shall not be lawful to seek to obtain custom for the refreshment house by means of personal solicitation outside or in the vicinity of the refreshment house.

NP NOISE PRECAUTIONS

NP01 *Whilst it is recognised that short-term exposure is unlikely to cause long term hearing damage, it is recognised that it may cause short-term health problems such as tinnitus, acoustic trauma or temporary threshold shift if the noise levels are excessive.*

The premises licence holder shall ensure that:

- (i) The speakers are not placed in positions where members of the public can stand within close proximity to them.
- (ii) Consumer-friendly signs that give advice about hearing protection shall be appropriately displayed. Earplugs are either available free of charge or that they are available for purchase by patrons.

NP02 Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

NP03 Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

- NP04 No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
- NP05 Alarms shall be fitted to (Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
- NP06 No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.
- NP07 The specification, location and orientation of all permanently fixed speakers shall be agreed with an authorised officer of the Licensing Authority.
- NP08 No repositioning or replacement of speakers or any amplification equipment shall be carried out without consultation with and the agreement of an authorised officer of the Licensing Authority.
- NP09 Noise from music and associated sources shall not be audible in noise sensitive premises (*between the hours of 23.00 and 07.00 the next day*) (*at any time*).
- NP10 In order to improve the sound attenuation of the premises the (*doors(s)*) (*window(s)*) at (*specify*) shall be fitted with (*double*) (*secondary*) glazing to the satisfaction of the Licensing Authority by (*insert date*).
- NP11 (*Doors*) (*Windows*) (*Openings*) (*Ventilators*) (*Airbricks*) (*fans*) in the external fabric of the premises shall be acoustically (*sealed*) (*treated*) to the satisfaction of the Licensing Authority by (*insert date*).
- NP12 A (sound trap lobby/acoustic door/automatic door closer) shall be installed at (describe the location) to the satisfaction of the Licensing Authority by (insert date).
- NP13 Noise limiting devices
If officers of the Caerphilly County Borough Council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise-limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises.
- NP14 A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
- NP15 The noise limiting device shall be installed and set at a level approved by the Licensing Authority (*in consultation with the Pollution Control Section of the Caerphilly County Borough Council*) within 1 month of notification, for its requirement, from either the Licensing Authority or the Pollution Control Section of the Caerphilly County Borough Council.

- NP16 The noise limiting device can only be reset with the authority of an officer of the Caerphilly County Borough Council.
- NP17 The noise limiting device shall be reset by an officer of the Caerphilly County Borough Council, if deemed necessary.
- NP18 The noise limiting device shall be properly secured so that it can not be tampered with.
- NP19 Monitoring
The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (*insert location*), on at least (*insert time period e.g. hourly*) intervals between (*insert start time*) and (*insert finish time*) whilst the Premises Licence is being exercised in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.
- NP20 Sound Insulation Works
A detailed scheme of sound insulation works shall be submitted to and approved in writing by the Licensing Authority. The approved details shall be implemented in full prior to the commencement of the premises licence.
- NP21 A report shall be submitted detailing and recommending a scheme of sound insulation works for the separating structure between the licensed premises and the (*adjacent*) residential use (*above*). The report shall consider: the potential for noise breakout from the building and the volume and nature of the music likely to be desired by the premises. The report shall be approved in writing by Caerphilly County Borough Council. All recommended works shall be completed prior to the commencement of the premises licence.
- NP22 A report shall be submitted detailing the potential for noise from (*specify*) (*amplified music*) (*refrigeration*) (*ventilation*) (*air conditioning plant*) (*other*) at the premises from affecting neighbouring noise sensitive properties at (*insert address*). If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then the report shall include a detailed scheme of noise mitigation to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties from the licensed premises.
- NP23 The report shall be approved in writing by Caerphilly County Borough Council and all recommended works completed prior to the commencement of the premises licence.

- NP24 All entrances are lobbied with 2 separate self-closing doors.
- NP25 All internal speakers are attached to independent wall linings and not to the ceiling.
- NP26 All speakers are mounted on speaker brackets that incorporate isolating rubber mounts.
- NP27 Any bass bins are installed within acoustic enclosures that isolate the speaker from the building structure.
- NP28 The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas (*such as terraces and beer gardens*) do so in a quiet and orderly fashion.
- NP29 Noise from premises shall not result in exceedances of the following noise levels expressed as [*x minute LAeq*] at [*stated location*].

Frequency Range	From a hours to b hours	From y hours to z hours
(Whole range)	x dBA	y dBA
(63Hz octave band)	x dB	y dB
(125 Hz octave band)	x dB	y dB

NP30 Sound Insulation Works

A detailed scheme of sound insulation works shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team. The approved works shall be provided in full prior to commencement of any regulated entertainment should the Premises Licence be granted.

- NP31 A report shall be submitted detailing and recommending a scheme of sound insulation works for the partition between the licensed premises and adjacent residential usage. The report shall also consider the noise leakage from the building and also consider the volume and nature of the music likely to be desired by the premises. The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted.

Guidance

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. 'Method of rating industrial noise affecting mixed residential and industrial areas' and BS 8233: 1999 'Sound Insulation and Noise Insulation for Buildings – Code of Practice'.

The recommended design criteria for dwellings are as follows:

Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.

- (i) NP32 A report shall be submitted detailing the potential for noise from *(insert – amplified music, refrigeration, heating, ventilation and air conditioning plant etc)* at the premises from affecting neighbouring noise sensitive properties at *(insert)*.
- (ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.
- (iii) The report shall be submitted to and approved in writing by the council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any regulated entertainment should the Premises Licence be granted.

Guidance

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. ‘Method of rating industrial noise affecting mixed residential and industrial areas’ and BS 8233: 1999 ‘Sound Insulation and Noise Insulation for Buildings – Code of Practice’.

The recommended design criteria for dwellings are as follows:

Daytime (07.00 – 23.00) LAeq (16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq (8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms.

NP33 In order to improve the sound attenuation of the premises the *[doors/windows]* at *[specify]* shall be fitted with *[double/secondary]* glazing to the satisfaction of an authorised officer of the Pollution Control Team.

NP34 *[Openings/specify]* in the external fabric of the premises must be acoustically sealed to the satisfaction of an authorised officer of the Pollution Control Team.

NP35 A *[sound trap lobby / acoustic door / automatic door closer]* shall be installed at *[describe the location]* to the satisfaction of an authorised officer of the Pollution Control Team.

NP36 Noise Limiting Device

Limiters required from commencement of Premises Licence – this condition may be required where representations are submitted or if the licence is being reviewed.

- (i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.

- (ii) The noise limiting device shall be installed and set at a level approved by the council through its authorised environmental health officer prior to the opening of the premises in conjunction with the premises licence.
- (iii) The noise limiting device shall be properly secured so that it can not be tampered with.
- (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.

If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.

NP37 (*Condition regarding limiter only triggered if nuisance witnessed*)

- (i) If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity then a noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.
- (ii) The noise limiting device shall be installed and set at a level approved by the council through an authorised officer of the Pollution Control Team within 1 month of notification, for its requirement, from the Licensing Authority.
- (iii) The noise limiting device shall be properly secured so that it can not be tampered with.
- (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.
- (v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.

NP38 (*Limiter already set*)

- (i) A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.
- (ii) The noise limiting device shall be kept at the settings approved by the council through an authorised officer of the Pollution Control Team on (*Date*).
- (iii) The noise limiting device shall be properly secured so that it can not be tampered with.
- (iv) The noise limiting device shall only be reset with the authority of the council through an authorised officer of the Pollution Control Team.
- (v) If deemed necessary, the noise limiting device shall be reset to a level approved by the council through an authorised officer of the Pollution Control Team within 14 days of notification.

NP39 Monitoring

- (i) The manager, licensee or other competent person shall carry out observations in the vicinity of the properties at [insert], on at least [insert] intervals between [insert] and [insert] whilst live music, karaoke or DJ's playing recorded music is taking place to establish whether there is a noise breakout from the premises.
- (ii) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.

NP40 A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout.

- (i) Such book to be made available at all times upon request to a police officer or an officer of the local authority.

NP41 One off Events

The organiser shall appoint a suitably qualified and experienced noise control consultant approved by the council through an authorised officer of the Pollution Control Team no later than (insert) weeks prior to the event. The noise control consultant shall liaise between all parties including the promoter and sound engineer and the Licensing Authority etc on all matters relating to noise control prior to and during the event. The consultant must be experienced in noise propagation and control, particularly from music events.

NP42 The control limits set at the mixer position shall be adequate to ensure that Music Noise Level (MNL) shall not exceed LAeq (15 mins) of (insert) over a 15 minute period at the nearest noise sensitive premises throughout the duration of the event.

NP43 A noise propagation test shall be undertaken at a time to be agreed prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event.

NP44 The organiser shall ensure that the promoter, sound supplier and all individual sound engineers are informed of the sound control limits.

NP45 A logging noise level meter shall remain at the mixing desk so that the noise consultant and sound engineers can ensure that the predetermined noise levels are not exceeded. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.

- NP46 During the events the noise consultant shall monitor noise levels at (insert) and at any other sites deemed necessary by the council during the event.
- NP47 The consultant shall be able to contact the mixer desk and advise the sound engineer accordingly to ensure that the Licensing Authority can contact the consultant and sound engineer throughout the events and during the sound checks. The results of the monitoring shall be provided to the Licensing Authority within 10 working days following the event.
- NP48 The exact times of all sound checks and performances shall be submitted to, and approved by the Licensing Authority no later than 10 working days before the events. (In order to prevent disturbance to the occupiers of (insert) no sound checks shall be carried out before (insert hours).
- NP49 Details of the time, date and duration of set up and dismantling of the stage and other associated noise generating activities (refuse disposal, provision and emptying of toilets, generators, etc.) outside the times of the performances shall be submitted to, and approved by the Licensing Authority no later than 10 working days before the events.
- NP50 All local residents likely to be affected by noise from the event shall be informed in writing as to:
- (i) The exact times of all performances and sound checks.
 - (ii) A contact name and telephone number should they wish to make a complaint of noise.
- NP51 The occupiers of premises, detailed below, shall be informed in writing, no later than 10 days before the event of the exact times that the event will operate and a contact name and telephone number should they wish to make a complaint of noise (insert addresses).
- NP52 Whilst the event is being held, the licensee, event organiser or other competent person shall carry out observations in the immediate area around the event, to assess the level of noise. Should such observations confirm that noise is disturbing to the occupiers of premises in the vicinity, then appropriate steps shall be taken to control noise levels in order to prevent disturbance to local residents.
- NP53 Orientation of speakers be such that all sound is directed away from residential properties and towards (insert).
- NP54 Customer Noise
Except for access and egress all doors and windows shall be kept closed after (insert) hours.
- NP55 Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

- NP56 The (garden/patio) must not be used by customers after the hours of (insert).
- NP57 The car park must be securely locked to prevent access to customers cars between (insert) and (insert) providing the locking of the car park does not effect any means of escape or any evacuation plan.
- NP58 There shall be no consumption of beverages purchased from the premises outside of the premises.
- NP59 There shall be no consumption of beverages in any outside areas/specific after (insert) hours.
- NP60 Any outdoor areas to (the front/rear of) the premises must not be used by customers or staff after 22.00 hours.
- NP61 The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- NP62 Clear notices must be displayed at prominent points in all outdoor areas (informing them as to the requirements of points (insert and insert i.e. no drinks, hours of use, above and) requesting that they respect the needs of local residents and behave in a quiet and orderly manner.
- NP63 A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
- NP64 There shall be no consumption of beverages purchased from the premises in open containers outside at the front of the premises.
- NP65 No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- NP66 Noise from plant and equipment
Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

Recommendation:

- a) The rating level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of rating industrial noise affecting mixed residential and industrial areas at any time.
- b) Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

NP67 Signage. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.

OA OPEN AIR REGULATED ENTERTAINMENT

Unique conditions will be attached to an open air event to meet the specific requirements of the Licensing Authority or its Responsible Authorities dependent on the site, the type of entertainment to be held and the anticipated audience.

PP PERFORMANCE OF PLAYS – ONLY APPLICABLE IF AUDIENCE IN EXCESS OF 500 PEOPLE

PP01 All scenery which expression includes all cloths, draperies, gauze cloths, hangings, curtains, fabric decorations and all floral decorations, and all properties of whatsoever kind on the stage shall be non-flammable and shall be available for test by officers of the Fire Authority.

PP02 Scenery (except that in use for the current production) shall only be kept in an appropriate scene and property store.

PP03 Ropes attached to counterweights shall be tested by a competent person appointed by the premises licence holder at such intervals as may be necessary to guard against failure, and in any event not less than once every twelve months.

PP04 Where smoking is essential to the action of the performance, such additional precautions as may be required by the Licensing Authority shall be strictly observed.

PP05 The safety curtain to the proscenium opening shall be lowered and raised in the presence of each audience.

PP06 In the event of the safety curtain being out of order, the licensee shall immediately notify the Chief Fire Officer.

PP07 Whenever the safety curtain is lowered, sufficient lights shall be immediately lighted to give good general illumination of the auditorium.

PP08 No scenery or apparatus of whatsoever kind shall at any time during the performance cross the plane of descent of the safety curtain, or in any circumstances interfere with its descent.

PP09 Except with the consent of the Licensing Authority scenery or properties shall not be placed on the auditorium side of the safety curtain.

PS PREMISES – SECURITY

PS01 Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

PS02 The premises licence holder shall ensure that the car park of the premises shall be illuminated at all appropriate times but that outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

PS03 The premises licence holder shall ensure that the barrier to the car park shall be properly secured at all appropriate times, providing that securing of the barrier does not effect any means of escape or any evacuation plan.

PS04 The premises holder shall ensure that the burglar alarm shall be maintained and implemented at the premises.

PS05 The premises holder shall ensure that the premises are a member of any locally operating Pub Watch Scheme.

PS06 The premises licence holder shall ensure that signage is appropriately displayed in the premises advising all customers not to leave any belongings unattended.

PS07 The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or a constable upon request.

PS08 Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or a constable upon

request. The premises licence holder shall make suitable arrangements with the Police for the collection of any seized items.

PS09 *This condition is aimed at problematic premises*

Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.

PS10 An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.

PS11 Spirits shall be located (insert location), and all other alcoholic beverages to be located on display in such a position that it is not obscured from the constant view of the cashier / staff by other fixtures. (If this is reasonably practical because of refrigeration or other limitations, the Licensing Authority shall be consulted regarding other suitable locations in the premises).

PS12 The requirement for the presence of a security officer shall be subject to consultation and review with the Licensing Authority and the Police. On those occasions when security staff are deemed to be required they shall be at the premises between the hours of (insert hours) hours daily.

PS13 The need for security guards shall be assessed by the licence holder / designated premises supervisor on a regular basis and security guards shall be employed when and where the assessment requires. However, as a minimum, one dedicated SIA registered (or other accredited scheme recognised by the Licensing Authority) security guard shall be employed at the premises.

PS14 The premises licence holder shall provide contact details for any security personnel employed at the premises to an authorised officer of the Licensing Authority or a constable upon request.

PW POLICE LISASON, PUB WATCH OR SIMILAR SCHEMES

PW01 The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.

PW02 Subject to reasonable notice being given which save in an emergency shall be not less than seven days, the premises licence holder shall ensure attendance at any meeting convened by the Police to discuss any matters relating to the premises.

RL RADIO LINKS

- RL01 The premises shall be incorporated into Storennet, or Pub Watch, or similar scheme operating within Caerphilly County Borough Council
- RL02 The radio equipment shall be kept in working order at all times.
- RL03 The radio equipment shall be made available to and be monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public.
- RL04 Any Police instruction / direction received via the radio scheme shall be complied with whenever given.
- RL05 All instances of crime or disorder are reported via the radio equipment by the designated premises supervisor or a responsible member of staff to an agreed Police contact point.

SA CONTROLS FOR SALE OF ALCOHOL

- SA01 All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
- SA02 (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
- (b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
- SA03 The premises licence holder shall required the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the

close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

- SA04 The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
- SA05 Intoxicating liquor will only be sold and supplied to customers who are engaging in a sit down table meal, as an ancillary to that meal.
- SA06 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.
- SA07 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.

SE PROVISIONS RELATING TO ADULT ENTERTAINMENT

- SE01 Striptease or adult types of entertainment will only take place in designated areas approved by the Licensing Authority. Arrangements for access to the dressing room shall be approved by the Licensing Authority and shall be maintained at all times whilst striptease is taking place and immediately thereafter.
- SE02 Whilst striptease entertainment is taking place, no person aged under the age of 18 will be allowed on that part of the licensed premises where the striptease entertainment is taking place and such part must not be visible from other parts of the premises. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:- 'No person under 18 years will be admitted'.
- SE03 Dancers not performing must not be in a stated of undress in any area in which the public have access.
- SE04 Dancers shall only perform on the stage area or to seated customers.
- SE05 Performers shall be aged not less than 18 years.

- SE06 The premises licence holder must not permit the display outside of the premises of photographs or other images which indicate and suggest that striptease or similar dancing takes place on the premises.
- SE07 There shall be at least (insert number) registered door supervisor(s) on the premises when the striptease entertainment is taking place.
- SE08 There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of money or tokens into the hands of the dancer, or by the placing of notes by the customer in a garter worn by the performer for that purpose.
- SE09 The premises licence holder, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (other than in accordance with SE08 above).
- SE10 The performer shall at all times wear, for females, a g-string and males appropriate clothing to cover their genitalia adequately and the clothing shall not be transparent or removed.
- SE11 No performer shall at any time reveal any part of their genitalia or anus.
- SE12 No sex act shall take place.
- SE13 The area proposed for striptease shall:
- (a) Be in a position where the performance cannot be seen from the street.
 - (b) Be in a designated area of the premises with segregation from the audience.
 - (c) Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity of the audience.
- SE14 The entertainment shall be given only by performers / entertainers and the audience shall not be permitted to participate.
- SE15 Persons appearing on stage shall go directly between the dressing room and designated performance area without passing through or in close proximity to the audience.
- SE16 Striptease / exotic / adult entertainment dancers (including table side / lap / pole dancers) must immediately dress at the conclusion of each performance.
- SE17 Entertainment provided by topless (only) dancers to customers seated at tables may only take part in those parts of the premises approved by the Licensing Authority. No audience participation shall be permitted.
- SE18 Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager / supervisor.

- SE19 No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
- SE20 No dancer may perform if they are intoxicated.
- SE21 No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
- SE22 All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
- SE23 Signs must be displayed at the entrance to the dance area stating:
'Any customer attempting to make physical contact with a dancer will be asked to leave',
Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
- SE24 No dancer shall perform any sexually explicit or lewd act.
- SE25 Whilst dancing takes place not less than (insert agreed number) of Door Supervisors registered Security Industry Authority or other accredited scheme recognised by the Licensing Authority shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Licensing Authority.
- SE26 CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public.
- SE27 Striptease entertainment or any exotic entertainment involving full nudity shall not be permitted at the premises.
- SE28 The premises shall not be permitted to be used for any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children which prohibited uses include, among other things, nudity or semi-nudity, films for restricted age groups or any relevant entertainment (with the meaning of the third schedule to the Local Government (Miscellaneous Provisions) Act 1982) except where that is expressly permitted under a licence or waiver granted or given under that legislation.

Conditions to be complied with when showing 'RESTRICTED (18)' Films

No films in the 'RESTRICTED (18)' category may be exhibited in a cinema operating as a club in accordance with conditions CE16 – CE25

SF SANITARY FACILITIES

- SF01 Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for

places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

SF02 In respect of temporary sanitary facilities the premises licence holder shall ensure that the servicing of sanitary accommodation takes place on a continuous basis throughout the event to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.

SF03 In respect of temporary sanitary facilities the premises licence holder shall ensure that the removal of sewage takes place hygienically and appropriately at the conclusion of the event or as required.

ST SEATING

ST01 In any part of the premises which is regularly used for a closely-seated audience all seats shall be securely fastened to the floor. In premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve chairs whenever more than 200 persons are to be accommodated. There shall be a space of not less than twelve inches between the back of one seat and the front of the one behind, measured in perpendiculars, provided that in premises erected before 4 October 1948; the space shall be not less than may be allowed by the Licensing Authority. Except with the consent of the Licensing Authority, no seat shall be more than 4 metres from a gangway. Any upholstered seating and furniture which is either purchased, provided or replaced during the period of the licence shall meet the current British Standard. All upholstered seating and furniture shall be properly maintained and be in good condition.

SM SMOKING AREAS

SM01 Dedicated smoking areas within the curtilage of premises.
The smoking area shall be permanently monitored by a minimum of (insert number) SIA or other accredited scheme recognised by the Licensing Authority registered door staff during (insert hours) hours. The amount of people in this area will not exceed (insert occupancy number) persons; this shall be monitored with (insert method of monitoring occupancy number) from a position (insert positions from which monitoring is to take place). The numbers and location shall be permanently monitored by a SIA or other accredited scheme recognised by the Licensing Authority registered (or other accredited scheme recognised by the Licensing Authority) door staff located at (insert location from which door staff can conduct this duty).

SM02 *This condition is aimed at problematic premises where there are external smoking areas which may be viewed as areas of potential concern*
Where smoking areas within curtilages of premises abut areas to which the public have access then the following condition will be deemed as appropriate.

- (a) A safety netting, mesh or screen (of a gauge that satisfies the requirements for the 50% rule for enclosed space walling under smoking legislation), shall be fitted and maintained in order to prevent objects being passed from the outside into the smoking area.
- (b) Intoxicating liquor shall not be permitted into the access walkways leading to and within the smoking area.
- (c) Any bottle or bin stores located near an external smoking facility shall be enclosed and secured.
- (d) There shall be no furniture in the outside areas, with the exception of the appropriate wall mounted receptacles for tobacco waste materials.
- (e) Public access areas outside of the smoking area shall have PIR lights operated and maintained in order to draw attention to persons moving around outside the smoking area.
- (f) Calculations regarding the smoking area shall be deemed as forming a part of the premises licence:
- (g) The smoking area shall be thoroughly cleaned, provided with adequate lighting and painted so as to clearly designate this area as the smoking area.
- (h) The floor of the smoking area shall be level.
- (i) An adequate number of wall-mounted ashtrays shall be provided in the smoking area.
- (j) Staff shall be instructed to clean the smoking area and adjacent pavements of smoking-related litter before and after each period of use.

SX SPECIAL EFFECTS, NOVEL AND ONE OFF PROMOTIONS

- SX01 (a) All special effects, equipment and mechanical installations shall be selected, arranged, stored and used so as to minimise any risk to the safety of the audience, performance and staff. This must be on the basis of a written risk assessment.
- (b) 'Special effects' include:
Dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators, pyrotechnics including fireworks, explosives and other highly flammable substances, real flame, firearms, motor vehicles, strobe lighting, lasers, foam, any other unusual or novel effect.
- (b) Furthermore written permission must be sought from the licensing authority before using any of the above – for the first time and after any significant changes have been made to the venue, usage of the effect or the equipment itself.

SX02 No outdoor fireworks or other pyrotechnics shall be used other than with the prior consent of an officer of the Pollution Control Team.

SX03 A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the management of the venue and such risk assessment shall be available upon request by an authorised officer of the council or the Police. Promotional or one-off events shall be

notified to the Licensing Authority and the Police at least one month prior to the proposed event.

- SX04 Use of premises by third parties. Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the premises licence holder must ensure that there are appropriate procedures in place that will ensure that as far as possible, the third party is aware of the licensing conditions and has in place their own procedures / arrangements which will ensure that the licensing objectives are not compromised.
- SX05 Except where expressly permitted no lasers, smoke producing effects, light shows (strobe lights) or pyrotechnics shall be used at any time when licensable activity is taking place.
- SX06 Except where expressly permitted, explosives or highly flammable substances shall not be brought on to or used in the premises at any time when any licensable activity is taking place.
- SX07 Acts and performances. No act or performance where there may be a risk of injury from fire; falling objects or people; impact; moving equipment; animals or any other source should take place within the venue unless it is done safely and without risk to the public. Control measures must be decided on the basis of a written risk assessment, which must be submitted to the Licensing Authority at least 14 days before the event. Written permission of the Licensing Authority must be given before the act or performance can go ahead.
- SX08 Unless the express consent of the Licensing Authority is obtained and subject to any conditions attached to such consent, no person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

TL TELEPHONE

- TL01 The premises licence holder shall ensure the designated premises supervisor, or nominated deputy in their absence, provides unhampered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place, in premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.

TR TRAINING

- TR01 The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by authorised members of the Licensing Authority or a constable.
- TR02 All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.
- TR03 A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised office of the council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

VN VENTILATION

- VN01 All parts of the licensed premises used by members of the public shall be effectively and suitably ventilated by a sufficient quantity of fresh or purified air. The air within the premises shall be maintained at a reasonable and comfortable temperature immediately before and during their use by patrons. Guidance on this should be sought from Guide B 'Heating, Ventilation, Air conditioning and Refrigeration' issued by the CIBSE (Chartered Institute for Building Services Engineers) or any document replacing the same.

WM WASTE MANAGEMENT / ODOURS

- WM01 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
- WM02 The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
- WM03 The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

WM04 The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.

WM05 The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.

WM06 An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the Licensing Authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the Licensing Authority.

WM07 Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between (insert hours and days as necessary).

WM08 The collection of refuse, bottles and recyclable materials shall only take place (insert hours and days as necessary).

WM09 Activities relating to deliveries shall only take place between (insert hours and days as necessary).

WM10 Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

Recommendation:

It is recommended that any flues for the dispersal of cooking smells shall either:

- (a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or;
- (b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs, Product Code PB10527.

[Link to DEFRA guidance](#)

WM11 The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.

WM12 Foul water arising from the operation of the premises shall be disposed of in an appropriate manner.

WM13 Where a premises i.e. mobile unit is regularly removed from site the premises licence holder shall ensure that site is properly cleaned and that any accumulations of surface grease are properly cleansed and removed from the site.