



Complete Agenda

Chief Executive's Department
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

THE COUNCIL

Date and Time

1.00 pm, THURSDAY, 10TH DECEMBER, 2015

*** NOTE**

This meeting will be webcast

<http://www.gwynedd.public-i.tv/core/portal/home>

Location

Siambwr Dafydd Orwig, Council Offices, Caernarfon, Gwynedd, LL55 1SH

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(DISTRIBUTED 03/12/15)

**Dilwyn Williams
Chief Executive**

www.gwynedd.gov.uk

THURSDAY, 3 DECEMBER 2015

Dear Councillor,

MEETING OF GWYNEDD COUNCIL – THURSDAY, 10 DECEMBER 2015

YOU ARE HEREBY SUMMONED to attend a meeting of **GWYNEDD COUNCIL** which will be held at **1.00 pm** on **THURSDAY, 10TH DECEMBER, 2015** in **SIAMBR DAFYDD ORWIG, COUNCIL OFFICES, CAERNARFON, GWYNEDD, LL55 1SH, COUNCIL OFFICES, CAERNARFON** to consider the matters mentioned in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads "Dewi Sallian". The signature is written in a cursive style.

Prif Weithredwr/Chief Executive

The following rooms will be available for the political groups during the morning:-

Plaid Cymru - Siambr Dafydd Orwig
Independent – Siambr Hywel Dda
Llais Gwynedd – Ystafell Gwyrfai
Liberal Democrats - Ystafell Peris
Labour – Rear of Siambr Dafydd Orwig

AGENDA

1. APOLOGIES

To receive any apologies for absence

2. MINUTES

1 - 11

The Chairman shall propose that the minutes of the previous meeting of the Council held on 8 October, 2015 be signed as a true record. (attached)

3. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

4. THE CHAIRMAN'S ANNOUNCEMENTS

To receive any Chairman's announcements.

5. CORRESPONDENCE, COMMUNICATIONS OR OTHER BUSINESS

To receive any correspondence, communications or other business brought forward at the request of the Chairman.

6. URGENT ITEMS

To note any items which are urgent business in the opinion of the Chairman so they may be considered.

7. QUESTIONS

To consider any questions the appropriate notice for which have been given under Section 4.19 of the Constitution.

8. IMPLEMENTING THE SOCIAL SERVICES AND WELL-BEING ACT

To receive a presentation by the Cabinet Member for Care.

9. COUNCIL TAX REDUCTION SCHEME 2016/17

12 - 16

To consider the report of the Head of Finance (attached).

10. COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS - 2016/17

17 - 19

To consider the report of the Head of Finance (attached).

11. REVIEW OF STATEMENT OF LICENSING POLICY - LICENCING ACT 2003

20 - 137

To consider the report of the Head of Regulatory Department (attached).

12. THE COUNCIL'S POLITICAL BALANCE

138 - 140

To consider the report of the Head of Democratic Services (attached).

13. NON-ATTENDANCE OF A MEMBER OF THE COUNCIL

141

To consider the report of the Head of Democratic Services (attached).

14. THE FUTURE OF S4C

To consider the Council's response to the Chancellor's recent announcement.

15. NOTICES OF MOTION

(A) NOTICE OF MOTION BY COUNCILLOR MANDY WILLIAMS-DAVIES

In accordance with the Notice of Motion received under Section 4.20 of the Constitution, Councillor Mandy Williams-Davies will propose as follows:-

“Gwynedd Council acknowledges the constructive relationship and the contribution made by the Unions and their members in the workforce and their commitment to offering a high standard of public service. We therefore oppose the trade union bill tabled recently. The bill involves introducing a higher ballot threshold for industrial action; tightening the control over picketing, social communication and the way union subscriptions are collected.

This Council considers that such control undermines the civil rights of our workers in the fields of health, education and core public services as the UK has some of the strictest Trade Union laws in the world.

I call upon Gwynedd Council to write to our Members of Parliament and Assembly Members stating our opposition to the bill.”

(B) NOTICE OF MOTION BY COUNCILLOR SIAN GWENLLIAN

In accordance with the Notice of Motion received under Section 4.20 of the Constitution, Councillor Siân Gwenllian will propose as follows:-

“This Council expresses its fierce opposition to the Treasury's

monetary policies because they hit the most needy, destroy public services and force us like every Council to make dire cuts which will also have a significant impact on the local economy. The cuts are not Gwynedd Council cuts, they are the Tories' cuts; we oppose the ideology that drives the cuts, but we are trying to act as fairly and transparently as possible under atrocious circumstances. Despite this, we remain ambitious for the county and eager to generate future success."

THE COUNCIL, 08.10.15

Present: Councillor Dilwyn Morgan (Chairman);

Councillors: Craig ab Iago, Endaf Cooke, Annwen Daniels, Anwen Davies, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, Thomas Ellis, Alan Jones Evans, Aled Evans, Jean Forsyth, Simon Glyn, Gwen Griffith, Selwyn Griffiths, Alwyn Gruffydd, Siân Gwenllian, Annwen Hughes, Chris Hughes, John Brynmor Hughes, Sian Wyn Hughes, Jason Humphreys, Peredur Jenkins, Aeron M. Jones, Charles W. Jones, Dyfrig Jones, Elin Walker Jones, John Wynn Jones, Linda Wyn Jones, Sion Wyn Jones, Eryl Jones-Williams, Dilwyn Lloyd, Christopher O’Neal, Dewi Owen, Michael Sol Owen, William Tudor Owen, Caerwyn Roberts, John Pughe Roberts, W. Gareth Roberts, Mair Rowlands, Angela Russell, Dyfrig Siencyn, Gareth Thomas, Glyn Thomas, Ioan Thomas, Ann Williams, Eirwyn Williams, Elfed Williams, Gethin Glyn Williams, Gruffydd Williams, Hefin Williams, John Wyn Williams, Owain Williams, R. H. Wyn Williams, Mandy Williams-Davies and Eurig Wyn.

Officers present: Dilwyn Williams (Chief Executive), Morwena Edwards and Iwan Trefor Jones (Corporate Directors), Dafydd Edwards (Head of Finance Department), Geraint Owen (Head of Corporate Support Department), Iwan Evans (Head of Legal Services / Monitoring Officer), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Arwel E. Jones (Senior Manager – Democracy and Delivery), Llyr Beaumont Jones (Senior Manager – Economy and Community), Anthony Williams (Performance Officer) and Eirian Roberts (Member Support and Scrutiny Officer).

Also present:- Dr Einir Young (Chair of the Standards Committee)

Apologies: Councillors Stephen Churchman, Lesley Day, Gweno Glyn, Louise Hughes, Anne Lloyd Jones, Brian Jones, Eric Merfyn Jones, Beth Lawton, June E. Marshall, Dafydd Meurig, Linda Morgan, W. Roy Owen, Nigel Pickavance, Peter Read and Mike Stevens.

1. MINUTES

The Chairman signed the minutes of the previous meeting of the Council held on 9 July 2015 as a true record.

2. DECLARATION OF PERSONAL INTEREST

Councillor Aeron Jones declared a personal interest in item 12 on the agenda - Urgent Decision Notice by a Cabinet Member - as he was the manager of a company in Caernarfon that could benefit from the proposal in question.

The member was of the opinion that it was a prejudicial interest and he withdrew from the meeting during the discussion on the item.

The following members declared a personal interest in item 13(B) on the agenda – Notice of Motion from Councillor Ioan Thomas, for the reasons noted:-

- Councillor W. Tudor Owen – as he was the Chairman of the Gisda Board.
- Councillor Siân Gwenllian – as she was a member of the Gisda Management Board.
- Councillor Gwen Griffith – as she was the Chair of Mantell Gwynedd.
- Councillor Linda Wyn Jones – as she was a member of the Seren company.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussions on those items.

3. CHAIRMAN'S ANNOUNCEMENTS

(1) Condolences

Reference was made to the sudden death of Councillor Bob Wright who had represented the Pwllheli (South) Ward on this Council since 2008, and previously the Dwyfor District Council for many years prior to the re-organisation of local government in 1996. The Chairman read out a tribute to him which had been prepared by Councillor Peter Read, and condolences were extended to the family in their loss.

Condolences were also extended to the family of 20 year old Robin Llyr Evans from Llanbedrog who had died following a horrific accident in China.

It was noted that the Council also wished to express condolences to everyone within the county's communities who had lost loved ones recently.

The Council stood as a mark of respect.

(2) Speedy Recovery

A speedy recovery was wished to Councillor Linda Morgan who was currently receiving treatment and also to Councillors Peter Read and Louise Hughes following recent ill-health.

(3) Best Wishes

Best wishes were extended to former councillors Eddie Dogan and Llywarch Bowen Jones who had had to give up their work as councillors due to ill-health.

Eddie Dogan had served local government for over forty years starting with the former Gwyrfa Council and he then had become a member of the Arfon Borough Council before being elected to represent the Dewi Ward on this Council in 1996. He had also been a member of Bangor City Council for 43 years. Llywarch Bowen Jones had been elected to represent the Llanaelhaearn Ward in 2012 and he had also been a valuable member of this Council.

It was noted that they would be sorely missed and that the Council would send its best wishes, along with its gratitude, to both.

It was noted that plans were in place to hold the Dewi and Llanaelhaearn by-elections on 19 November and the Pwllheli (South) by-election on 26 November.

Councillor Roy Owen and his family were also wished well following recent events and it was also noted that everyone's thoughts were with Councillor Eric Merfyn Jones and his family.

(4) Welcome

Councillor Sian Hughes, the new member for the Morfa Nefyn Ward, was welcomed to her first meeting of the Council.

(5) Congratulations

Elfyn Evans was congratulated on securing the best ever result for a Welshman in the World Rallying Championship. Elfyn Evans managed to be the runner-up in the Tour de Corse, namely the French round of the FIA World Rally Championship this year and he was wished every success in the Wales Rally GB on 12-15 November.

The National Team was congratulated for doing so well in the Rugby World Cup competition and they were wished well in their match against Australia the following Saturday. The National Football Team was also wished well in the Euro 2016 qualifying rounds in a key match against Bosnia-Herzegovina on the following Saturday night and it was noted that the Council took pride in the success of the members of both squads who had a close connection with Gwynedd.

(6) Note

It was noted that the draft proposals of the Independent Panel on Members' Salaries and Expenses was now available and that there was an intention to circulate the document through Rhaeadr and invite members to provide observations.

4. **QUESTIONS**

Question from Councillor Sion Jones

“What is the Leader's view on wasting public money on external consultants?”

Answer from Councillor Dyfed Edwards, Council Leader

(The Leader's written response had been circulated to members in advance.)

“It is likely that all of us in the Chamber can state that we are not keen to see public money being wasted in any situation. I believe that all of us have work to do to ensure that any public expenditure is undertaken in the most appropriate and efficient manner. As the answer outlines, there is always a need to enquire about and scrutinise the Council’s expenditure and indeed that is the work of the scrutiny committees and the Audit Committee and the Audit Committee has decided to undertake a piece of work to examine expenditure on external consultants and that report will be available for members in due course. I do not anticipate what the outcome of that work will be but I have said that there is a need for us to commission work from external bodies and external agencies to assist us in the process. The examples I think about are those where the Council seeks to create change. Clearly, we must have an independent person to be involved in that work and we should not support both sides of the argument at the same time. That is not possible. The presence of independent people in the situation is required to ensure fairness for everyone and of course expenditure is associated with that. Let us see what results are achieved by the working group that is looking at this.”

A supplementary question by Councillor Sion Jones

“The Leader states in his written response that if the specialist skills or necessary capacity is not available within the Council, that we will be using external consultants. I think that that is quite insulting. We have 7000 members of staff working for Gwynedd Council and I believe that there are fantastic skills in this Council to deal with the work that is required by these external consultants. Is the Leader willing to apologise for wasting public money?”

Answer from Councillor Dyfed Edwards, Council Leader

“It is not insulting to recognise that we do not always have all the skills. Is this not the reality of the situation? We are not all experts on everything. There are situations where we require specialist support and advice. In that situation, is not ensuring that we receive the appropriate and suitable advice the responsible thing to do? Indeed, unless we do that, we could be challenged. The Wales Audit Office would be after us and there would be situations where we could be challenged. There is also a bit of reality involved, i.e. as we reduce the workforce, we do not have the capacity to do everything. That is impossible. There are not enough hours in the day to do everything and that is a by-product of facing cuts which means that we reduce staff numbers. With regards to public expenditure, I am not in favour of wasting money, whether it be at home or in any public organisation, and we must keep a close eye on it. If you want to look at public expenditure, and coming to a conclusion about the efficiency and effectiveness of that expenditure is a matter for everyone, visit the website of the Wales Audit Office. It is noted on the website what every public body has spent on consultants. The Welsh Government has spent millions on consultants. I am not saying that that is wasting money, but I draw your attention to the need for public bodies to spend money outside that body. I am not going to apologise for what the Council has done in terms of expenditure. Let us look at the report that is going to specifically examine expenditure on consultants in detail. Let us come to conclusions then. How can we come to a conclusion about the pattern of the Council’s expenditure without seeing the facts? I am astounded that a member can stand in the Chamber and make

such a statement when he is a member of the committee that has commissioned the work! Was the member present at the committee when a decision was made to commission the work? Perhaps he was not – no he was not! The Committee has commissioned the work and let us see what the result of that work will be before coming to any conclusions. Doing anything else would be total madness, if I may add.”

5. GWYNEDD COUNCIL PERFORMANCE REPORT 2014/15

The Leader submitted a report which recommended that the Council approved the document as a balanced, fair and accurate reflection of the Council’s performance during 2014/15, and to adopt the report.

The Leader thanked the officers who had been involved with the work.

RESOLVED to approve the report as a balanced, fair and accurate reflection of the Council’s performance in 2014/15, and to adopt the report.

6. GWYNEDD OVERVIEW AND SCRUTINY ANNUAL REPORT 2014/15

The annual reports of the three scrutiny committees for 2014/15 were submitted together with their work programmes for 2015/16.

Corporate Scrutiny Committee

The Chairman of the Corporate Scrutiny Committee, Councillor Dyfrig Jones provided details on the terms of reference and work of the committee during 2014/15, and he thanked the Vice-chair, Councillor Jason Humphreys, members of the committee and officers for their support.

Services Scrutiny Committee

In the absence of the Chairman and Vice-chair of the Services Scrutiny Committee, Councillor Alwyn Gruffydd provided details on the terms of reference and work of the committee during 2014/15, and he thanked the Chairman, Councillor Peter Read, the Vice-chair, Councillor Beth Lawton, members of the committee and officers for their support.

During the discussion the following matters were raised:-

- Reference was made to the very heavy workload of the Services Scrutiny Committee and the need to review the Constitution was noted so that the three scrutiny committees shared the work fairer. The Chairman of the Corporate Scrutiny Committee noted that the current system was based on a model that had been forced on the Council following the last election and that the Corporate Scrutiny Committee would support the attempt to ensure a better balance between the workloads of the different scrutiny committees.
- It was enquired whether the Leader and Cabinet were paying enough attention to the recommendations of the scrutiny committees? It was

suggested that the member should raise the point directly with the Leader and the Cabinet. It was further noted that the scrutiny committee had not been informed of how many times the Cabinet had accepted / refused their recommendations.

- The Vanguard project in Ysbyty Alltwn was praised and a wish was expressed to see Morwena Edwards, Corporate Director, drawing up a report to inform the people of Gwynedd of the pilot's success.
- It was noted that the scrutiny committee had asked on numerous occasions how much money was being spent on consultants, but it had not received a response.

Communities Scrutiny Committee

The Chair of the Communities Scrutiny Committee, Councillor Angela Russell, provided details on the terms of reference and work of the committee during 2014/15, and she thanked the Vice-chairs during the year, Councillors Mandy Williams-Davies and Caerwyn Roberts, members of the committee and officers for their support.

The Leader thanked the chairs, vice-chairs and members of the three scrutiny committees for all their work and noted that the report clearly highlighted what topics had been scrutinised, what had been the purpose of the scrutiny and what had happened to the resulting recommendations.

7. ANNUAL REPORT OF GWYNEDD COUNCIL'S STANDARDS COMMITTEE 2014/15

Dr Einir Young, Chair of the Standards Committee was welcomed to the Council to submit the annual report of the Standards Committee for 2014/15.

Dr Einir Young provided details about the main purpose of the committee of promoting and maintaining high standards of conduct by the councillors and co-opted members of Gwynedd Council and Gwynedd community and town councils and referred to the membership of the committee and the work that it had achieved during 2014/15. She thanked Gwilym Ellis Evans, who had been the Chairman of the committee for 10 years, for his diligent work and commitment and also Sam Soysa, who had been a Vice-chairman, before his time on the committee came to an end. She also thanked the Monitoring Officer and other officers who had supported the committee.

Dr Einir Young was thanked for submitting the report.

8. CONSULTATION ON THE DRAFT DIRECTIONS BY THE WELSH GOVERNMENT TO THE REVIEW BY THE LOCAL DEMOCRACY AND BOUNDARY COMMISSION WALES

Councillor Tom Ellis, Chairman of the Democratic Services Committee, submitted a report by the Head of Democratic Services which noted that as part of its programme of local government reform, that the Welsh Government would require the Local Democracy and Boundary Commission Wales to conduct reviews of

electoral arrangements for proposed new local authority areas. The Council was asked to consider the recommendations of the Democratic Services Committee together with the committee's view on the changes proposed for the 2017 elections.

A member expressed a lack of confidence in the whole process on the grounds that bribing councillors with an additional year without any mandate and on full pay indicated how low the process had sunk.

RESOLVED

- (a) To submit the observations on the contents of the Draft Directions to the Boundary Commission that have been summarised in Appendix A of these minutes.**
- (b) To write to the Welsh Government to state the view that it would be inappropriate to implement the proposed changes for the 2017 elections with such a fundamental change in the boundaries to follow so soon with the reorganisation.**

9. CABINET MEMBER DECISION NOTICE

The Cabinet Member for Economy submitted a report for information noting that a Cabinet Member Decision Notice had been submitted regarding the Proposed Bangor and Caernarfon Business Improvement District (BID) - Gwynedd Council voted that it was an urgent decision in accordance with section 7.25.2 of the Constitution so that the call-in procedure would not apply in this case to ensure that the Council could submit votes before the closing date. She noted that this procedure allowed for a decision to be made with the agreement of the Chair of the Council but it would be required to report on that to the next meeting of the Council. Agreement from the Chair of the Council had been received in that the decision was an urgent matter and that the proposed decision was reasonable under the circumstances.

During the discussion:-

- The fact that a scheme was in place was welcomed and the Cabinet Member was thanked for her work.
- It was noted that the central Government in England had decided that local councils in England would get to keep all of the business rate for it to be invested locally and a suggestion was made that the Welsh Government should be contacted to ask for the same conditions to be introduced in Wales. The Chief Executive responded that a scrutiny committee would have to look at this first in order to see whether or not such a system in Wales would lead to benefits for Gwynedd.

RESOLVED to note the report for information.

10. NOTICES OF MOTION

- (a) The following notice of motion was submitted by Councillor Elin Walker Jones, in accordance with Section 4.20 of the Constitution and it was seconded.

“I call upon my fellow councillors to support a request to write to John Penrose, MP to request a change in the legislation to allow us who wish to be identified as Welsh rather than British, to be identified as such on the Electoral Roll, passports and any other relevant official documentation.

Recently, an Electoral Enquiry Form was sent to every home in Gwynedd. One of the things registered on the Form is nationality; however, a Welsh person does not have the right to register as Welsh. The Form is sent by our Council to every home in Gwynedd, and although the Council is responsible for administrating the Electoral Roll in Gwynedd, it is a system which implements a statutory procedure to hold elections. The system must be followed in order to maintain the electoral roll in order to ensure that the citizens of Gwynedd have the right to vote.

Gwynedd is not responsible for the system. Welsh Government is not responsible for the system. In order to change the system, we must contact John Penrose, MP, the Government whip, the Lords Commissioner from Her Majesty’s Treasury and Parliamentary Secretary (Minister for Constitutional Reform).

I call upon my fellow councillors to support the right of Welsh people to call themselves Welsh. I call upon my fellow councillors to express support in order for us, as Gwynedd Council, to write to John Penrose to change the legislation.”

The motion was supported.

RESOLVED to accept the motion.

- (b) The following notice of motion was submitted by Councillor Ioan Thomas, in accordance with Section 4.20 of the Constitution and it was seconded.

“That Gwynedd Council:-

(1) Recognises and supports the good work that Gwynedd has done in terms of providing a range of accommodation and/or support services for vulnerable people to help them to retain or regain their place in the community in Gwynedd.

(2) Supports the continuation of the Supporting People preventative programme funded by Welsh Government to assist and support vulnerable people and people on the periphery to live independently and with dignity in their communities by providing support with housing and Council services.

(3) Calls upon Welsh Government to protect the Supporting People grant, rather than reduce it further.

(4) Supports a joint campaign between Cymorth Cymru and Community Housing Cymru “Let’s Keep on Supporting People”, to protect the Supporting People grant.

(5) Invites the Welsh Assembly Regional and Constituency Members to support this proposal.”

The motion was supported.

RESOLVED to accept the motion.

- (c) Submitted, for information, a letter from Alun Cairns, MP, Parliamentary Under-Secretary of State for Wales, in response to Councillor Wyn Williams’s notice of motion to the previous meeting regarding devolving the powers of the Crown Estate.

RESOLVED to note the letter with disappointment.

The meeting commenced at 1.00pm and concluded at 2.30pm.

Appendix A**Question 1: Do you think the suggested ratio provides for effective and convenient local government?**

No. The ratio is completely inappropriate for a rural dispersed area. At the moment, the current ratio for Gwynedd as a county is 1,089 with Gwynedd wards ranging between 480 and 2,428 electors with the two largest having two members.

An approach of using a simple ratio regarding the number of electors does raise concerns. That pays no regard to the workload of local councillors that can arise from students who have not registered, seasonal population arising from tourism and second homes.

It also goes completely against the direction that the Welsh Government sets out in its consultation document (Reforming Local Government – Power to Local People” which talks of the importance of “Councillor-led community governance”. It is difficult to see how councillors can cope with this challenging role on top of their institutional responsibilities as committee members etc. if they are to serve such large electorates.

If such a move did take place, there would have to be a move to a system of full-time councillors in order to shoulder that workload.

Question 2: Do you think there is a minimum number of councillors required to ensure the effective and democratic working of a local authority? If so, what is it and why?

Some minimum is required for effective democracy but the sort of figures noted are far too small. Within the Cabinet system, with a need for about 10 members on a cabinet, that leaves the rest of the Council’s work (Scrutiny, Audit, Planning, Licensing etc.) on too small a number of councillors placing unreasonable pressures on them. The minimum number of members should be at least 45-50 members.

The above comments are based on views of the current councils’ workload. That would obviously increase significantly following re-organisations in areas such as Planning and Licensing, with the number of applications requiring attention increasing.

The other issue to consider is that the allocation of seats to political groups may prove more complex on councils with smaller numbers. It could be harder to fill seats and the burden on a small group of councillors could increase.

Question 3: Do you think a minimum number of elected members per local authority should be specified in the Draft Directions?

Yes, as explained in the answer to Question 2. The Draft Directions should recognise the governance needs of running a modern council. However, once that has happened, each council should be considered separately considering the circumstances of the individual council. Travelling times should be considered (for travelling to meetings in addition to travelling to see electors within the ward) in addition to the need to have wards that reflect natural communities.

Question 4: Do you think that there should be a cap on the maximum number of elected members per local authority? If so, what do you think the maximum number should be and why?

There is certainly some sense in having a cap but that should reflect the area of the individual council.

Question 5: Do you agree that each ward within a local authority area should have roughly the same number of electors per elected member?

No. The nature of wards is so varied, even within individual councils. As a result, it is not sensible to do so. It is quite appropriate to have a range for the purposes of the Boundary Commission but the Commission must have the freedom to make exceptions if the nature of a natural community means that it would not be sensible to link it with another area.

On a related point, it is recommended that multi-member wards should be avoided since having one member per ward is simpler for residents and councillors.

Question 6: What effect should the particular characteristics of an area have on the number of councillors needed to represent the population?

They should be the main considerations and they should be very influential. If councils are to reflect the characteristics of their areas, all the characteristics of the area (population, travelling distances, the nature of natural communities etc.) should influence the decision.

Question 7: Do you agree that commonly used Welsh language names for wards do not also need an English language equivalent? If not, do you think that each ward should have an English and Welsh name?

Agree that there is no need for a corresponding English name for wards that have familiar Welsh names.

Agenda Item 9

MEETING:	Full Council
DATE:	10 December 2015
CABINET MEMBER:	Councillor Ioan Thomas
TITLE:	COUNCIL TAX REDUCTION SCHEME 2016/17
OBJECTIVE:	Confirm the continuation of the current Local Scheme for providing assistance towards paying Council Tax for the year beginning 1 April 2016.
CONTACT OFFICER:	Dafydd L Edwards, Head of Finance

1. Executive Summary

- 1.1 The purpose of this report is to present arrangements for the implementation of the Council Tax Reduction Scheme and to approve it for 2016/17.
- 1.2 On 1 April 2013, as part of the UK Government's welfare reform programme, Council Tax Benefit was abolished and replaced by the Council Tax Reduction Scheme.
- 1.3 In accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, every local authority must make a scheme in order to determine which reductions will be available as support towards paying the Council Tax. Gwynedd Council's current local scheme was adopted by the Full Council on 4 December 2014.
- 1.4 The Regulations insist that the Full Council must adopt the local Scheme every year, and must do so by 31 January before the start of the relevant financial year.
- 1.5 Under the local scheme, qualifying taxpayers may continue to receive a reduction up to 100% of their Council Tax bill (where in receipt of certain benefits).
- 1.6 **The recommendations below are that the Gwynedd Council Local Scheme continues without revisions for 2016/17.** Detailed explanations and reasons behind the subsequent recommendations follow in the body of this report.

2. Recommendations

The full Council is asked to resolve formally:

- 2.1 To continue the Council's Local Scheme for the year commencing 1 April 2016 as it was during 2015/16. Therefore, the following conditions regarding the discretionary elements will continue:**
 - a) To apply a 100% disregard for war disablement pensions, war widows' pensions and war widowers' pensions, for both pensioners and working age claimants.**
 - b) Not to increase the extended reduction periods for pensioners and working age claimants from the standard four weeks in the Prescribed Scheme.**
 - c) Not to increase the backdate period for pensioners and working age claimants from the standard three months contained within the Prescribed Scheme.**
- 2.2 Where appropriate, to delegate powers to the Head of Finance, in consultation with the Cabinet Member for Housing, Customer Care and Libraries, Deprivation and Equality, to make minor amendments to the scheme for 2016/17, on condition that it will not change the substance of the scheme.**

3. Background Information

- 3.1 In accordance with the Welfare Reform Act 2013, since 1 April 2013, the responsibility for arranging support towards paying Council Tax, and the associated funding, has transferred from the DWP to local authorities in England, and to the Scottish Government and the Welsh Government.**
- 3.2 The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 allow support up to 100% for claimants and the financing of some of the relevant cost.**
- 3.3 The Gwynedd Council Local Scheme for 2015/16 was approved by the Full Council on 4 December 2014. The Regulations control the implementation of reduction schemes across the whole of Wales and are designed to ensure that each local authority consistently provides support for Welsh taxpayers.**

4. 2016/17 Reduction Scheme

- 4.1 The Regulations (Regulation 18) state that **for each financial year, an authority must consider whether to revise its scheme** or to replace it with another scheme; the authority must make any revision to its scheme, or any replacement scheme, **no later than 31 January** in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 4.2 The Regulations (Regulation 12) state that the function of making the scheme cannot be delegated to the Cabinet, and it **must be decided by the full Council**.
- 4.3 Therefore, the purpose of this report is to satisfy the requirement for the Council to consider whether to revise its local scheme.
- 4.4 There is limited discretion under the Prescribed Scheme for councils to consider the following 3 specific discretionary elements. These discretionary elements are more generous than the national scheme.

War disablement pensions, war widows' pensions and war widowers' pensions (*recommendation 2.1(a) above*)

- 4.5 There is discretion to increase the disregard for war disablement pensions, war widows' pensions and war widowers' pensions, for both pensioners and working age.

Presently, regulations provide that the first £10 of a weekly war disablement pension, war widows' pension and war widowers' pension are disregarded. However, local authorities have discretion to disregard up to 100% of the actual amount above the first £10. Since 1 April 1996 Gwynedd Council, as have the majority of other Welsh Authorities, resolved to disregard 100% of the war pensions above the £10. It is estimated in 2016/17 that this disregard of war pensions will cost the Authority approximately £33,000 in Council Tax reductions. As this is the position in 2015/16, this sum has already been included within the base budget and in the 2016/17 Financial Strategy.

It is recommended that this local discretion in Gwynedd continues.

Extended payment period for working age persons (*recommendation 2.1(b) above*)

- 4.6 There is discretion to increase the standard extended payment period of 4 weeks given to people after they return to work, when they have been in receipt of a relevant qualifying benefit for at least 26 weeks.

There is no limit on the maximum period they may be extended to, but to extend this period would have financial implications. The estimated expenditure in respect of the standard 4 week extended payments is approximately £26,000.

It is recommended that the standard four week extended payment period contained within the Prescribed Scheme remains unaltered.

Backdating late applications
(*recommendation 2.1(c) above*)

- 4.7 There is discretion to increase backdates for late applications beyond the standard three months. There is no limit on the maximum period they may be extended to. The current cost of granting backdated claims (3 months) is estimated at £28,000.

The current Council Tax Reduction Scheme only allows backdating for a maximum period of 3 months. Extending this period would increase the cost of the Scheme.

It is recommended that there should be no increase in the backdate period from the standard 3 months contained within the Prescribed Scheme.

- 4.8 The recommendations above for 2016/17 are in line with current arrangements in 2015/16.**

5. Consultation

- 5.1 Should the Council wish to revise its local scheme – in effect to amend the 3 areas of discretion described in paragraphs 4.5 to 4.7 – it would need to consult with “any persons who would have an interest”.
- 5.2 There was a particularly thorough and inclusive consultation exercise in December 2012 / January 2013 for the 2013/14 scheme, and a further consultation for the period 29/11/13 to 10/01/14 for the 2014/15 scheme.
- 5.3 As there is no intention to change the Local Scheme this year, further consultation is not necessary.

6. Equality Impact Assessment

- 6.1 Other than funding at Council level, the scheme proposed for 2016/17 does not contain any significant changes from the scheme which is currently operational. Therefore, Gwynedd Council did not conduct a local Equalities Impact Assessment Study this year. This was done for 2013/14, when the arrangements changed from Council Tax Benefit to the Council Tax Reduction Scheme.
- 6.2 The Welsh Government has undertaken a detailed ‘regulatory’ impact assessment, which includes equality impact assessment, and I understand that the findings were in line with their expectations.

7. Resources

- 7.1 The costs of the Council Tax Reduction Scheme have been included in the local government 'settlement' grant by the Welsh Government, but it should be noted that this settlement does not pay the Reduction Scheme in full.
- 7.2 The draft settlement for 2016/17 is to be published by the Welsh Government on 9 December, which was too late for consideration during the preparation of this report. As paragraphs 4.1 and 4.2 above explain, the full Council must make the local scheme, and must do so before 31 January. Therefore, this meeting is the latest in the calendar at which the Scheme could be adopted.
- 7.3 The reality of the situation is that the Council must fund any Scheme costs not included in the settlement, as well as inflation, which is not funded by the Government. In terms of inflation, the cost of support will increase in proportion with the increase in Council Tax.
- 7.4 There is no choice other than to face with situation and the above will be considered appropriately and factored into the Financial Strategy that identifies the budgetary gap for 2016/17.

MEETING:	Full Council
DATE:	10 December 2015
CABINET MEMBER:	Councillor Peredur Jenkins
TITLE:	COUNCIL TAX: DISCRETIONARY POWERS TO ALLOW DISCOUNTS
OBJECTIVE:	Formal ratification for 2016/17 of previous decisions not to allow any discounts for second homes and to disallow discount on empty properties.
AUTHOR:	Dafydd L Edwards, Head of Finance

1. EXECUTIVE SUMMARY

- 1.1 The Council has resolved annually since 1998 to allow NO discounts to second homes.
- 1.2 The Council has resolved annually since 2009 NOT to allow a discount in respect of empty properties.
- 1.3 It is prudent to seek an annual decision by the full Council on these matters.

2. RECOMMENDATIONS

- 2.1 **Therefore, the Council is asked to formally resolve again for 2016/17 that Gwynedd Council allows NO discount under Section 12 of the Local Government Finance Act 1992 to the two classes of second homes (classes A and B) defined in the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 1998.**
- 2.2 **Further, the Council is asked to formally decide again for 2016/17 to allow NO discount in respect of empty properties (class C).**

3. LEGISLATIVE BACKGROUND

- 3.1 Section 12 of the Local Government Finance Act 1992 (as amended by Section 75 of The Local Government Act 2003), and The Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998 (as amended by The Council Tax (Prescribed Classes of Dwellings) (Wales) (Amendment) Regulations 2004) provides Councils with the discretionary powers to grant discount, or not, to two classes of second homes (classes A and B, below) and to long term empty dwellings (class C). The discount can be 50%, a reduced percentage or no discount.
- 3.2 Whilst regulations provide the Cabinet with powers to decide on the council tax base, **a decision by the full Council is still required in relation to discounts.** For technical reasons (see 4.3 below), annual confirmation has been sought again regarding the decision to disallow council tax discounts.

4. CURRENT POLICY AND INTENTION

- 4.1 The Council has resolved to allow NO discounts to second homes (classes A and B) every year since receiving discretionary powers for these classes in 1998, and it is recommended below that this should continue for 2016/17.
- 4.2 The Council has also resolved NOT to allow a 50% discount for class C (in respect of empty/unoccupied properties) since 2009/10, and it is recommended below that this should continue for 2016/17.
- 4.3 In order to avoid the need for an annual decision on the above, the full Council resolved on 21 January 2010 to confirm that this policy would continue beyond 2010/11, and thereafter until a relevant item is tabled on the full Council's agenda. However, consideration by a valuation tribunal of a case involving a property in another county raised doubt regarding the validity of a permanent resolution and policy on this matter, and the legal opinion is that it would avoid an element of risk to the Council if we secure an annual decision for this matter.
- 4.4 The financial strategy for 2016/17, and the Council's grant settlement from the Welsh Government, is based on continuation of the policy to allow NO discounts, and any change to that policy would need to be funded by the Council in 2016/17.

5. "THE REGULATIONS" – COUNCIL TAX (PRESCRIBED CLASS OF DWELLINGS (WALES) REGULATIONS 1998 / THE COUNCIL TAX (PRESCRIBED CLASSES OF DWELLINGS) (WALES) (AMENDMENT) REGULATIONS 2004

- 5.1 In the above Regulations, 'second homes' have been categorised into two classes, A and B, while class C refers to empty properties:
- ❑ **Class A** - Second homes which are unoccupied and furnished, with a restriction on occupancy for a period of at least 28 consecutive days in any 12 month period.
 - ❑ **Class B** - Second homes which are unoccupied and furnished.
 - ❑ **Class C** – empty and unfurnished properties, and have been such for a period of over 6 months.
- 5.2 The Regulations provide the Council with the discretion to charge full Council Tax or to allow a 25% or 50% discount to classes A and B.
- 5.3 Similarly, the Regulations provide the Council with discretion to continue to allow a 50% discount, to allow a lower percentage of discount, or no discount at all to class C.

6. SECOND HOMES

- 6.1 As well as the right not to allow discount, the Housing (Wales) Act 2014 has added Section 12B to the Local Government Finance Act 1992 to include discretionary provision for Councils to raise a "premium" of no more than 100% on second homes. We expect that it will be possible to do this from April 2017.
- 6.2 However, there must be a commencement order before implementation. This order has not yet been published, but is imminent.

- 6.3 The Council must provide notice of its intention to raise a "second homes premium" at least one year before the start of the financial year to which it relates. That is, if the Council is to raise a premium for 2017/18, the full Council will have to make a decision at its meeting on 3 March 2016.
- 6.4 In the interim, for 2016/17, it is recommended (2.1 above) that the Council allows no discounts for second homes.

7. EMPTY PROPERTY

- 7.1 Gwynedd Council's Empty Property Strategy was adopted in February 2009. The Council has also recognised the importance of dealing with empty properties within its Strategic Plan (bringing empty properties back into use). The Empty Property Strategy's mission statement is that: *"Gwynedd Council will endeavour to bring empty properties back into use. Our aims are to contribute to the well-being of the neighbourhood, increase the supply of housing, reduce homelessness or the potential for homelessness, and at the same time, reduce the pressure on the Housing Waiting List"*.
- 7.2 Since April 2009, long term empty dwellings have been charged 100% council tax, following either an exempt period of 6 months, or an extended 12 month period of exemption if undergoing major renovation. Any discount would provide an unfortunate incentive for owners to keep dwellings empty. The Empty Property Strategy includes the Council exercising its discretion to charge 100% council tax on long term empty dwellings, as an incentive for these dwellings to be reoccupied. It is recommended that the full Council continues with the resolution not to allow a discount on empty property in 2016/17.
- 7.3 Similar to second homes, as referred to above, the Housing (Wales) Act 2014 introduces Section 12A to the Local Government Finance Act 1992, giving local authorities the discretionary provision to charge a council tax premium of not more than 100% on properties which have been empty for 12 months or more.
- 7.4 Again the provision needs a commencement order before implementation. As with second homes, the earliest chargeable date for any premium is April 2017. In the interim, for 2016/17, it is recommended (2.2 above) that the Council resolves to allow no discounts for empty properties.

Agenda Item 11

COMMITTEE:	FULL COUNCIL
DATE:	10 DECEMBER 2015
CABINET MEMBER:	DAFYDD MEURIG (PLANNING AND REGULATORY)
TITLE:	REVIEW OF STATEMENT OF LICENSING POLICY - LICENSING ACT 2003
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 In accordance with Section 5 of the Licensing Act 2003, licensing authorities must, for every 5 year period, determine and publish a statement of licensing policy before the beginning of the period. The current 5 year period comes to an end on 6 January 2016. The Council must determine and publish its replacement policy by this date.
- 1.2 The current Statement of Licensing Policy was adopted by the Council in its meeting on 16 December 2010. See Appendix I.

2.0 STATUTORY PUBLIC CONSULTATION

- 2.1 On 3 November 2015, the Central Licensing Committee decided to approve the draft Statement of Licensing Policy and to commence the statutory public consultation on the replacement policy.
- 2.2 The statutory consultation process began on 4 November 2015 and was open for 21 days. The termination date of the consultation was 24 November 2015.
- 2.3 As required by the Licensing Act 2003, the Licensing Unit consulted with
- North Wales Police
 - North Wales Fire & Rescue Service
 - Betsi Cadwaladr Health Board
 - Persons/bodies representative of businesses and residents in the county
 - Persons/bodies representative of current licence/certificate holders.
- 2.4 In respect of “Persons/bodies representative of businesses and residents in the county” the Licensing Unit contacted every Community Council Clerk to inform them of the consultation.
- 2.5 In respect of “Persons/bodies representative of current licence/certificate holders” the Licensing Unit contacted members of “Pubwatch” groups and secretaries of Chambers of Trade from across the county.
- 2.6 In addition to the above statutory requirement, the Licensing Unit
- i. Prepared an item for Rhaeadr in order to inform every Councillor of the consultation
 - ii. Prepared a press release
 - iii. Contacted every other responsible authority under the Licensing Act 2003, i.e. the Council’s Environmental Health, Health & Safety and Trading Standards unit; the Council’s Children’s Services, the Council and Snowdonia National Park’s Planning Authority.

- iv. Prepared information to publish on the Council's 'Have your say' page on the Gwynedd Council website.
 - v. Prepared an information pack for inspection at every Siop Gwynedd.
- 2.7 A copy of the information sheet and initial equality impact assessment provided during the consultation is available as Appendix 2.

3.0 RESPONSE TO THE CONSULTATION

- 3.1 The Licensing Unit received one response to the consultation from the Senior Policy and Research Officer at Alcohol Concern Cymru, Cardiff. His response referred to three parts of the document, namely part 1. Introduction, part 10. Conditions and Appendix 3 – Alcohol and Health in Wales.
- 3.2 Part 1. Introduction – The respondent believes that this is an opportunity for the authority to specify that Public Health, which is not a licensing objective, is important to the authority. It suggests that the wording of the introduction be amended to encourage applicants to show in their Operating Schedules how they will contribute towards the Council's aim of promoting healthier lifestyles.
- 3.3 Part 10. Conditions – The respondent believes that the statement of policy should include an appendix listing the tough conditions that could be imposed on a premises to deter irresponsible promotions and displays of alcohol.
- 3.4 Appendix 3. Alcohol and Health in Wales – The respondent welcomes the inclusion of Appendix 3 in the document however believes it should include more statistics on the effects of alcohol on health.
- 3.5 The Central Licensing Committee considered the response during its meeting on 1 December 2015. The Committee decision was as follows
- To amend paragraph 2.14 of the policy to include a statement that the council "supports premises that promote healthier lifestyles and responsible alcohol consumption".
 - Not to include an appendix listing the tough condition that could be imposed on a premises because it felt that paragraphs 10.3.5 and 10.3.6 clearly explain how conditions will be imposed on a licence. Also, the Licensing Act 2003 specified that Licensing Authorities should not use standardised conditions.
 - Not to amend Appendix 3 because its contents was agreed amongst the other local authorities in North Wales.
- 3.6 A copy of the proposed Statement of Licensing Policy is available as Appendix 3.

4.0 COLLABORATION

- 4.1 This proposed Statement of Licensing Policy was created as a result of collaborating with the other North Wales local authorities.
- 4.2 As part of the North Wales Public Protection collaboration project, a Licensing Task Group was established to work together to create a 'common' statement of licensing policy across North Wales.
- 4.3 The Task Group agreed the 'Contents' structure of the policy document however, because of the different economic and social factors affecting each authority, each

statement of licensing policy is worded differently and remains relevant to its area specifically.

- 4.4 The existing statements of licensing policy adopted by the North Wales were already very similar. This continues to be the case with the new replacement policy.

5.1 REVISIONS TO THE STATEMENT OF LICENSING POLICY

- 5.1 The policy document has been re-written and the format and layout of the policy has been updated so that the reader is able to find information quicker and easier.

- 5.2 The 'Contents' of the policy has been revised to comply with the agreed policy structure. New sections and sub-sections have been created in order to provide additional information on matters and powers that have come into effect since the existing policy was adopted in 2010. For example, Early Morning Restriction Orders and the Late Night Levy.

- 5.3 The wording of the policy has been revised for ease of reading and to make reference to current legislation. For example, the definition of regulated entertainment has changed considerably following the Live Music Act 2012 and the Deregulation Act 2015.

- 5.4 Despite these changes, the spirit and vision of the proposed Statement of Licensing Policy remains unchanged.

6.0 RECOMMENDATION

- 6.1 That the Council adopts the new Statement of Licensing Policy.

**Gwynedd Council Licensing Policy
For the purposes of the Licensing Act 2003**

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1. Background

1.1 The Licensing Policy Statement is based upon the Licensing Act 2003. This document sets out the policies that the Council will apply when making decisions upon applications for:

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

1.2 Guidance on the procedures to be followed by applicants and objectors may be found attached as Appendix 'A' (to be formulated).

1.3 It is the duty of the Council to carry out its functions under the Act with a view to promoting with equal importance the licensing objectives which are:

- **Prevention of Crime and Disorder;**
- **Public Safety;**
- **Prevention of Public Nuisance and,**
- **Protection of children from harm.**

1.4 It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with its Local Communities, the police, local businesses and all other relevant stakeholders and partners.

1.5 In undertaking its licensing function, the licensing authority is also bound by other legislation:

- Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality.
- **The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances.**
- Health and Safety at Work etc Act 1974, Health Act 2006 and the Smoke Free Premises etc (Wales) Regulations 2007.
- Environmental Protection Act 1990;
- Disability Discrimination Act 1995;
- The Anti-social Behaviour Act 2003

- **Crime and Security Act 2010 and Schedule 7 Policing and Crime Act 2009**
- The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2001.
- Gambling Act 2005
- Clean Neighbourhood Act 2005
- Violent Crime Reduction Act 2006
- Crime and Security Act 2010 and Schedule 7 Policing & Crime Act 2009
- European Union Service Directive

Notes: - Where existing law already places statutory obligations on applicants the Council will not impose the same or similar duties by way of condition on the premises licence, holder or club.

- 1.6 The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these Strategies are set out below:
- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
 - Safer Clubbing;
 - Local Government Regulation/ Trading Standards Institute (TSI) Code of Best Practice on Test Purchasing
 - Local Authorities Coordinators of Regulatory Services (LACORS)/Trading Standards Institute (TSI) Code of Best Practice on Test Purchasing;
 - Crime and Disorder Reduction Strategy and,
 - Enforcement Concordat.
- 1.7 The Council would also draw attention to existing initiatives that are relevant to licensing, further details of these are at Appendix 'B' (to be confirmed):
- *Night-safe scheme*
 - *Proof of age scheme*
 - *CCTV coverage of town centre*
 - *Exclusion Orders from Town Centre*
 - *Safer Clubbing Guide*
- 1.8 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 1.9 The Council recognises that the entertainment industry in the County is a contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Council has a duty to protect. The Council, in seeking the four licensing objectives, will also ensure that any licensing conditions are reasonable, proportionate and strictly necessary. We are aware of the need to avoid measures as far as possible that deter live music, theatre and dancing.
- 1.10 The Council will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

- 1.11 The Council adopted this policy on 16 December, 2010, which sets out the general approach the Council will take when it considers applications for premises and personal licences. In adopting this policy, the Council recognises that each application will be considered on its merits.
- 1.12 The purpose of the Statement of Licensing Policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 1.13 The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every three years. Accordingly, this Policy must be reviewed no later than December 2013.

2. Introduction

- 2.1 The policies will normally apply to any licence application determined after the date that the Council resolved to make these policies operational, irrespective of the date on which the application was made.

This Policy applies to;

- Premises Licence
- Club Premises Certificate
- Temporary Event Notice
- Personal Licence

Planning

- 2.2 Any premises for which a licence is required would be expected to have an authorised use under the planning legislation.
- 2.3 Welsh Assembly planning policy is set out in Planning Policy Wales and Technical Advice Notes. The Council's Planning Policies are set out in the Gwynedd Structure Plan, Dwyfor Local Plan, Rural Arfon Local Plan, Menai Straits Local Plan, Dyffryn Ardudwy Local Plan and Porthmadog/Ffestiniog Local Plan. An Unitary Development Plan will eventually replace this.
- 2.4 The Snowdonia National Park is the Local Planning Authority for those parts of the County's area within the National Park. Their planning policies are currently set out in the Eryri Local Plan, adopted in 1999. An Unitary Development Plan will eventually replace this.
- 2.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 2.6. The applicant would be expected to have already gained planning consent in respect of the application. It would be advisable that any details would be included in the Operating Schedule

- 2.7. In any application, the Council will expect the activity to be authorised by the licence to be a lawful planning use and the hours sought would usually, be expected to comply with the conditions of any planning consent.
- 2.8. The Council will encourage licence holders to provide facilities enabling the admission of people with disabilities, having due regard to the Disability Discrimination Act. No conditions will be applied which could be used to justify exclusion on the grounds of public safety.

3. Prevention of Crime and Disorder

- 3.1 The Statement of Licensing Policy and the procedures and conditions that form part of the process should promote the Licensing Objectives (see Para 1.3).
- 3.2 To achieve these objectives the authority will use a full range of measures including its planning controls, transport controls, crime and disorder policies and powers. The Council will enter into partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 3.3 The Council will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.
- 3.4 One of the key priorities of the Council's Crime and Disorder Strategy is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the County's area, particularly when considering the location and impact and the operation and management of all proposed licence applications and variations of conditions.
- 3.5 The Council will have due regard to the representations of North Wales Police Service which is one of the Responsible Authorities that will be consulted regarding premises licence and Club Registration certificate applications.

Safer Clubbing

- 3.6 The Council wishes to promote the principles of "Safer Clubbing". It will recommend the current Home Office guidance on the subject to relevant Premises Licence and Club Premises Certificate holders. Necessary and appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the "Safer Clubbing" objectives. In addition to other conditions, we would expect all clubs to provide ready supplies of free drinking water.

Drugs

- 3.7 Applicants should consider that special conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs and to create a safer environment for those who may have taken them. Possible conditions to be imposed in such cases are set out in the Schedule although further conditions may be imposed from time to time. These conditions take into account the above-mentioned "Safer Clubbing" advice issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Drugs Action Teams and the Police.

Door Supervisors

- 3.8 The Council may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises.
- 3.9 In such cases, the Council may impose a condition, if relevant representatives are received, that licensed door supervisors (approved by the Security Industry Authority) must be employed at the premises either at all times or at such times as certain licensable activities are being carried out, and at a number and ratio to be determined by the Council.

4. Public Safety

- 4.1 The Council wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003 and the non smoking regulations laid down in the Health Act 2006.
- 4.2 The relevant Department of the Council which enforces health and safety requirements in relevant premises will be consulted as a Responsible Authority and its officers may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.
- 4.3 The Council recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence / certificate.
- 4.4 In the case of premises requiring a Premises Licence or Club Premises Certificate the Council may select appropriate and necessary conditions from the pool of conditions provided in Appendix 'C' (in the process of development), adopted by the Council. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and reflect the four licensing objectives set out at Para 1.3.
- 4.5 Where activities are organised by volunteers or a committee of a club or society the Council considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 4.6 Where any conditions have been applied to a Premises Licence or Club Premises Certificate an Authorised Officer of the Council may inspect at any reasonable time for the purpose of checking that the conditions are being complied with.
- 4.7 The Council would expect the organizers of any large scale events, where licensable activities are to take place, to prepare an event management plan incorporating appropriate risk assessments.**
- 4.8 Organisers of large scale events where licensable activities are to take place are advised to contact the Gwynedd Safety Advisory Group at the initial planning stage for the event.

Fire Safety

4.9 The Council will have due regard to the representations of North Wales Fire and Rescue Service and rescue which is one of the Responsible Authorities that will be consulted regarding licence / premises certificate applications.

4.10 The Council may select appropriate and necessary conditions from Appendix 'C' (pool of conditions) in relation to fire safety matters in consultation with North Wales Fire and Rescue Service, note:- all reference to Fire Service should be North Wales Fire and Rescue Service (NWFRS) following representations made by the Fire and Rescue Service or other relevant authority or interested party.

4.11 In any premises where a work activity takes place the Regulatory Reform (Fire Safety) Order 2005 will also apply. These regulations are enforced by North Wales Fire and Rescue Service and require duty holders to carry out fire risk assessments. The Risk Assessment document should address the occupancy figure for the licensed premises.

4.10. The Council will include in a Premises Licence / Club Premises Certificate an occupant capacity, where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service following representations from them.

The Risk Assessment document should address the occupancy figures for the licensed premises.

5 Prevention of Public Nuisance

5.1 The Council when making objective judgments about what constitutes a nuisance will focus on impacts of the licensable activities at the relevant premises on people living and working in the vicinity that are unreasonable. The issues will mainly concern;

- Noise from premises;
- Waste;
- Litter;
- Car Parking;
- Light pollution,
- Noxious odours,
- Behaviour/Disorder

5.2 In considering the potential impact of licensed premises on the surrounding locality the Council will initially take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.

5.3 The Public Protection Section of the Council enforce the provisions of the Environmental Protection Act 1990 which relate to noise nuisance and will be consulted in relation to existing premises if a nuisance is caused to residents or the business community. They will also be consulted with regard to the prevention of public nuisance.

5.4 The Council will use the pool of licence conditions at Appendix 'C' to control noise from existing premises and to advise developers on the required noise attenuation for new premises (*reference may be made to the 'Good Practice Guide on the Control of Noise from Pubs and Clubs'*). If relevant representations are received, stricter conditions with regard to noise control may be imposed in areas where the premises are adjacent to residential property.

5.5 The Council will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.

5.6 North Wales Police also have powers under the Licensing Act 2003 to control noise from premises; in the event that they have to invoke these powers they shall liaise, where practicable, with the Council in accordance with the protocol regarding shared enforcement attached as Appendix 'D' (to be agreed).

5.7 Noise and disturbance arising from the behaviour of patrons entering or leaving the premises are matters for personal responsibility and are subject to Police enforcement of the legislation concerning disorder and anti-social behaviour.

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

5.9 The Introduction of the non smoking regulations under the terms of the Health Act 2006 hold implications for potential public nuisance through noxious smells and noise disturbance from crowds gathering outside a licensed premises to smoke. Premises operators must be aware that there is a duty to abide by the four main licensing objectives.

6 Protection of Children From Harm

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include for example; theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted unless it is considered necessary to do so in order to protect them from harm in some way.

6.2 When considering applications for premises licences, the Council will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. For example where:

- There have been convictions for serving alcohol to minors or where there is evidence of underage drinking (to include any action undertaken by the Trading Standards Department of the Council regarding test purchases in relation to the supply of alcohol);
- There is a known association with drug taking or dealing;
- There is a strong element of gambling on the premises; or
- Entertainment of an adult or sexual nature is commonly provided.

6.3 Where the circumstances described in 6.2 exist then conditions may be attached to the licence to protect children from harm, if relevant representations are received. Such conditions may include:

- Limit the hours when children may be present;
- Restrict the age of persons on a premises (below 18);
- Limit or exclude when certain activities may take place; or
- Require an accompanying adult;

6.4 Where large numbers of children are likely to be present on any licensed premises, for example a children's show or pantomime, then the Council will require the presence of an appropriate number of responsible adults (who will have provided a satisfactory Criminal Records Bureau Disclosure) to ensure their safety and protection from harm.

6.5 Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications recommendations. *Only in exceptional cases will the authority consider variations of this general rule.*

6.6 No film shall be exhibited at licensed premises which is likely to:

- Lead to disorder;
- Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

6.7 The Council will not impose any condition, which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the individual licensee or club.

6.8 The Gambling Act 2005 allows a degree of equal chance gaming on licensed premises plus a limited number of gaming machines and the presence of children or vulnerable persons will have to be monitored by the Council and the Designated Premises Supervisor.

6.9 **Sexual Entertainment Venues** – With the introduction of Section 27 of the Policing and Crime Act 2009 and where a Council has adopted Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 any premises used for more than 12 occasions within a 12 month period for any relevant sexual entertainment, the premises must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

7 **Cumulative Impact**

7.1 The cumulative effect of a proliferation of late night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night. The consequences of this may lead to;

- An increase in crime;
- An increase in noise causing disturbance to residents;
- A significant increase in the level of pedestrian traffic;
- Traffic congestion and/or parking difficulties;
- Littering and fouling.

7.2 This may result in an unacceptable interference with the amenity of local residents, as it will not always be possible to attribute the cause to patrons of

particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems in a locality.

7.3 In such circumstances the Council may decide to establish a 'Saturation Policy' and refuse to accept new licences within that area because of the inherent problems associated with the operation of licensed premises. The Saturation Policy would not be absolute however, and any application would be considered on its own merits and would be given proper consideration.

7.4 In determining whether to adopt a "Saturation Policy" for a particular area the Council may, among other things-

- Gather evidence or identification of serious and chronic concern from a responsible authority or local residents about nuisance and disorder
- Identify the area from which problems are arising and the boundaries of that area
- Make an assessment of the causes
- Adopt a policy about future applications for premises within that area (but with the proviso in clause 7.3)

7.5 It should be noted that Licensing is only one means of addressing the problems identified above, and that before establishing a Saturation Policy the following mechanisms should be considered in an attempt to deal with the problem(s)

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

8 Applications for New Grants and Variation of existing Terms and Conditions.

8.1 In considering all new or variation applications, the Council will assess them in light of the licensing objectives and in particular will consider the following:

8.1.1 The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

8.1.2 The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises.

8.1.3 The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.

- 8.1.4 The steps the applicant has taken or proposes to ensure staff leave the premises quietly.
- 8.1.5 The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
- 8.1.6 Whether there is sufficient provision for public transport for patrons.
- 8.1.7 Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- 8.1.8 Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises.
- 8.1.9 Whether other measures to prevent nuisance have been considered, such as the use of CCTV or the employment of registered door supervisors.
- 8.1.10 The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- 8.1.11 The measures proposed to comply with the Disability Discrimination Act
- 8.1.12 The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- 8.1.13 If the applicant has previously held a licence within the Authority's area, the details of any enforcement action arising from that premises.
- 8.1.14 Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 8.1.15 Representations from responsible authorities*
- 8.1.16** Representations from interested parties**
- 8.1.17 *Including North Wales Police, North Wales Fire and Rescue Service, and the Public Protection Section**
- 8.1.18 **Including those who live or have a business interest in the vicinity of premises.**

In addition in the case of an application for variation:

8.2 The Council will take account of any non-compliance of other statutory requirements brought to its attention, particularly where these undermine the licensing objectives set out at paragraph 1.3. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed; or that the management of the premises is not adequate to protect the public from harm or nuisance.

8.3 Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

8.4. Minor Variations – A premises licence/club premises certificate holder may apply under the “minor variation” procedure for small variations that will not impact adversely on the licensing objectives. There is no right to a hearing, however if the application is rejected, a full variation may be made.

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

9 Hours of Operation

9.1 The Council recognises that fixed and artificially early closing times in certain areas can lead to disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.

9.2 Longer licensing hours for the sale of alcohol may therefore be a factor in reducing problems at late night food outlets, taxi ranks, private hire offices and other sources of transport, which lead to disorder and disturbance.

9.3 Shops, stores and supermarkets will be permitted to sell alcohol for consumption off premises at times when they are normally open in the course of their business. Hours may be restricted when representations are received from the Police or resident(s) in the case of individual shops, which are known to be a focus of disorder and disturbance.

9.4 When considering applications for premises licences, the Council will take into account applicants requests for terminal hours (the close of business) in the light of the:

- Environmental quality;
- Residential amenity;
- Character or function of a particular area and,
- Nature of the proposed activities to be provided at the premises.

9.5 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above. The Council may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area, should relevant representations be received.

9.6 Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.

10 Enforcement

10.1 Protocols on the implementation of a shared enforcement role between the Council and North Wales Police and the Fire and Rescue Service are attached as Appendix 'D'

10.2 In general terms, 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.

10.3 An amendment to the Licensing Act 2003 under the terms of the Violent Crime Reduction Act 2006 will enable the Licensing Authority, on the application of a Senior Police Officer, to attach interim conditions to licences pending a full review of the licence.

10.4 Crime and Security Act 2010 – amends the Licensing Act 2003 to allow local authorities to make early morning alcohol restriction orders effectively overriding any premises licence, club certificate or temporary event notices which authorizes the sale of alcohol between the hours of 0300 hours and 0600 hours.

11 The Licensing Process

Conditions of Licence

11.1 The Council will, as far as it is reasonably practicable, avoid imposing disproportionate and over burdensome conditions on premises unless it is considered necessary to do so, following relevant representations.

11.2 The Council will draw upon the model pool of conditions issued by the Department of Culture, Media and Sport (DCMS) and attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –

- Crime and disorder
- Public safety
- Cinemas and fire safety
- Public nuisance
- Protection of children from harm

11.3 When attaching conditions the Council will also be aware of the need to avoid measures, which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

11.4 When determining applications the Council will have regard to any Guidance issued by DCMS. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will be balanced against the wider benefits to the community.

11.5 **Mandatory Conditions – The Policing and Crime Act 2009 has introduced a set of additional mandatory licence conditions, affecting the**

way that all premises and clubs that sell/supply alcohol on the premises are allowed to operate. These conditions now form part of the Premises Licence.

Certain “irresponsible” drinks promotions are banned.

Tap Water must be made available free of charge to customers on request.

Alcohol may not be directly dispensed into another person’s mouth (unless that person is disabled)

An age verification policy to be placed to prevent underage sales.

Customers to have the opportunity to choose small measures of beers, ciders, spirits and wine.

There is no obligation for the Council to re-issue licences that include the additional conditions but where the opportunities arise the licences will be re-issued free of charge with the appropriate conditions attached.

Administration – Application Pathway

11.6 It is considered that many of the functions will be largely administrative. Where there are no areas of contention, the responsibility for processing any such application shall be delegated to Officers.

11.7 The Council will expect individual applicants to address the licensing objectives in their Operational 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.

11.8 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime prevention initiatives and to have taken these into account where appropriate when formulating their Operational Schedule.

11.9 The Council acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

11.10 The powers of the Council under the Act shall be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority.

11.11 The Council’s appointed Licensing Committee will deal with applications where there are relevant representations, or where there is an application for a review of a licence. Relevant Representations are only to be considered relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representation can be made by a third party or by a Ward Councillor who has been approached to represent the third party. The Council however will need to be satisfied as to the name and address of the interested party and that such a person has been given authority by the third party to act on their behalf.

Representations may be positive as well as negative but if only positive representations are received that it is highly unlikely that a hearing will be necessary.

Interested Parties – Section 33 of the Policing and Crime Act 2009 amends sections 13 and 69 of the Licensing Act 2003 to allow Elected Members of the Council to act as interested parties in their own right. This allows members of licensing authorities to make representations to object to licence applications or to call for a review, powers which under the Licensing Act 2003 were only exercisable by interested parties or responsible authorities.

Provisions of Services Regulation 2009 – transpose the European Services Directive into UK legislation allowing applications, notices and representations to be transmitted by electronic means through Points of Single Contact (www.eu-go.eu) . In the UK the point of contact is found under www.ukwelcomes.businesslink.gov.uk allowing licence applications and payments to be made online.

Integrating Strategies and the avoidance of Duplication

11.12 Any decision in relation to licensing applications will be entirely separate from any decision in relation to planning. Regular reports should, however, be furnished to the Planning Committee on the situation with regard to licensing for the area, including the general impact of alcohol related crime and disorder.

Local councillors may also make representations in writing or at a hearing on behalf of an interested party, if specifically requested, as well as make representations in their own right if the live, or are involved in a business, in the vicinity of the application.

11.13 The Licensing Committee should receive reports from Gwynedd Community Safety Partnership in relation to Crime and Disorder in the County's area.

11.14 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee should therefore receive reports on;

- Needs of the local tourist economy
- Cultural Strategy for the area
- Employment situation in the area and the need for new investment and employment where appropriate
- Planning considerations, which might affect licensed premises.

11.15 Where any protocols agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the Council will aim to inform those responsible for providing local transportation so that arrangements can be made, where practicable, to reduce the potential for problems to occur.

The Committee would consider receiving reports, where appropriate, on the needs of the local tourism economy for the area to ensure that these are reflected in their considerations.

Temporary Event Notices

11.16 The Council will produce clear and understandable local publicity about temporary permitted activities. Ten working days will be the minimum notice period, however in the interest of open consultation, the Council would encourage 20 working days notice to be provided 10 working days do not include the day the applications is submitted not the day of the event.

11.17 The Council will provide advice about, among other things, public safety and inform the Fire and Rescue Service of any applications received.

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

11.19 The Council will encourage organizers of temporary events to seek advice/information from their local Safety Advisory Groups.

12. Delegation of functions

Matter to be dealt with	Committee	Sub Committee	Officers
Application for personal Licence		If a representation made	If no representation Made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated personal licence holder	If a police representation		All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence	If a police representation		All other cases
Applications for Interim Authorities	If police representation		All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice	All cases		

13 Additional Information - Personal Licences

The Council will issue full and clear guidance regarding personal licences but each premises, which holds an appropriate Premises Licence must have a Designated Premises Supervisor on site. This person must hold a personal licence where alcohol is sold. The main purpose of this individual is to ensure that there is always one specific person among Personal Licence holders who can be readily identified at the premises. A personal Licence holder may authorise members of staff to make sales of alcohol, but need not necessarily be prompt at all times, and may be absent from the premises when a transaction takes place.

Before the Council will consider the grant of a licence to an applicant he must be in a position to confirm the following:

- *They are over 18*
- *They possess a relevant licensing qualification*
- *That no licence held by them has been forfeited in the period of 5 years prior to this application*
- *They have not been convicted of any relevant offence, which remains unspent.*

Notes: - Relevant offences as referred to above shall include offences such as

- *Serious violence*
- *Serious dishonesty (including involvement in the sale of smuggled tobacco and alcohol)*
- *The supply of drugs or any person convicted of using drugs*
- *Offences requiring an entry on the sex offences register*
- *Breach of alcohol licensing laws*

13.2 Personal licences are valid for a period of 10 years and once issued the licensing authority which issues the licence remains the relevant licensing authority for it and its holder even though the holder may move out of the area.

14 Additional Information

14.1 Street Trading

Attention is drawn that any trader being located on a street or highway needs to comply with the legislation (if relevant) and that any land needs to be licensed.

14.2 Street Furniture

Licence holders must be aware of the Council's street furniture policy and conform to any street furniture policy.

APPENDICES

With regard to the appendices, all references for conversation arrangements will be taken out or amended as appropriate. With regard to Appendix D regarding Enforcement, please see the Enforcement Ladder adopted by the Council and the Police, which we suggest, are included in the new Policy.

PROPOSAL

That the Committee approve the proposed changes for inclusion in a new Draft Policy, and that we consult with all interested parties.

Appendix A

Guidance on the Procedure for Applicants

Introduction

This document is intended to offer guidance to holders of licences or certificates or those who have given notice of temporary events. It provides the basic information for applicants to help make a successful application and general guidance to keep the operations of the business, club, organisation or event within the law.

Gwynedd Council has a duty to supply guidance for applicants. However, by reading the Statement of Licensing Policy, applicants should understand how Gwynedd Council will administer the licences and authorisations and what Gwynedd Council considers as important.

Personal Licences

A personal licence is a licence held by a particular individual to permit that person to authorise the sale of alcohol from a premises that is suitably licensed for the purposes of selling alcohol by retail.

If you are not currently a licensee you can still apply for a personal licence but you must show that you have sufficient knowledge of licensing law and the social consequences to the selling of alcohol. This is proved by successfully completing an appropriate training course. Lists of suitable courses are available from the DCMS (www.culture.gov.uk/alcohol). You should submit a basic Criminal Records Bureau check to prove that you have not been convicted of any relevant offences.

If you have no convictions, are suitably trained and are over 18 there is no reason why you should not qualify for a personal licence.

A personal licence lasts for ten years and you should re-apply to Gwynedd Council if we issued your first licence. However, during the transitional period please apply to the local authority for the area in which the licensed premises is located.

A personal licence holder may give consent to become a Designated Premises Supervisor (DPS) for a licensed premises where the activity of supply of alcohol is authorised. Every Premises Licence must have a DPS, who has a legal responsibility for authorising the sale of alcohol and control of the day to day management of that premises under the terms of the licence. Make sure that if the Designated Premises Supervisor is not physically on the premises, there is a clear management structure with which staff are familiar. If the DPS is not usually in attendance, it would be anticipated that other Personal Licence holders are involved in the day to day running. Personal licences are not required in qualifying club situations, permitted temporary events and for premises licences that do not retail alcohol.

Premises Licence/Club Premises Certificate

A Premises Licence permits licensable activities to take place on or from a defined area, a building, part of building, a vessel, vehicle or temporary structure. A premises licence can be made by an individual, several individuals, a company or organisation, or other prescribed persons such as individuals acting as representatives for a company or individual. The application for a premises licence is normally the responsibility of the owner of the business or the committee responsible for the building. If the premises are leased, the freeholder has a right to inform Gwynedd Council that they own, part own, or occupy the premises and they have a right to know of any applications, notices and request other information.

A club premises certificate permits licensable activities to take place at the premises of a “qualifying club”. A qualifying club applying for a Club Premises Certificate does not need a personal licence holder identified as a Designated Premises Supervisor as there is no supply of alcohol by retail taking place. Alcohol may be bought by the club for the members and the money being passed across the bar is to maintain equity between members. Please make sure that the club rule book makes clear the policy for guests. Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. As committee members in clubs change from time to time please ensure that the Gwynedd Council Licensing Sections is kept abreast of these changes. Please be aware that it is an offence not to inform the Council when the person who fills the role of Secretary changes.

You may not apply for a premises licence or a club premises certificate if you or any of your committee members are under 18 years of age. The applicant for a premises licence or club premises certificate does not need to be a personal licence holder.

DO BE REALISTIC IN WHAT YOU INTEND TO DO.

TAKE INTO CONSIDERATION:

- YOUR NEIGHBOURS BOTH RESIDENTIAL AND BUSINESS.
- YOUR TRACK RECORD WITH THE POLICE, GWYNEDD COUNCIL ENVIRONMENTAL HEALTH SERVICE AND OTHER ENFORCEMENT AGENCIES.

How to apply for a Simple Licence?

Send:

- A completed application form (premises licence or club premises certificate)
- The correct fee*

- A plan of 1:100 scale (unless otherwise arranged with Gwynedd Council Licensing Officers) of the premises should include the following details:
 - The location and extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised
 - The location of exits from the premises
 - If different from the location of exits, the location of escape routes from the premises
 - The locations on or from the premises is to be used for licensable activity and in the case of an application where the premises is to be used for more than one licensable activity the location for each activity
 - In a case where the application relates to the supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol
 - Fixed structures (including furniture) or similar object temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
 - In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
 - The location and type of any fire safety and other safety equipment including, if applicable, marine safety equipment
 - The location of a kitchen, if any on the premises

And:

- If the premises licence application is to include the retail of alcohol, the consent of the individual personal licence holder who wishes to be the premises supervisor is required
- If a club premises certificate application, a copy of the club rule book, and a declaration that the club is a “qualifying club”

The application to the Gwynedd Council Licensing Section. The police must be sent a copy of the application (a photocopy). For your own benefit you may wish to get a receipt for the delivery of the application or send the application by registered post and keep the tickets as evidence that the applications have been sent.

You must submit a copy of your application to all “Responsible Authorities”, contact details of the responsible authorities in Gwynedd can be found under contact details at the end of this section. For your own benefit you may wish to get a receipt for the delivery of the application or send the application by registered post and keep the tickets as evidence that the applications have been sent.

What happens next?

The applicant has a duty to advertise their application. This must be in the prescribed form, on pale blue paper, which must be displayed in a prominent position at or on the premises concerned which will detail the changes. In the case where the premise is away from the road etc. the advert must be placed on the perimeter of the premise, eg gatepost so that any passers by can easily read the notice. This notice must be displayed for not less than 28 days. The applicant must also advertise their application in a local newspaper circulating in the relevant part of Gwynedd district such as the Cambrian News, Caernarfon & Denbigh Herald, North Wales Chronicle or a daily paper such as the Daily Post or Western Mail, as long as it extensively circulated in that particular area.. The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to Gwynedd Council Licensing Section, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on at the premises
- The proposed changes of the application
- The name of the applicant
- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the register of Gwynedd Council is held and where it can be inspected (i.e. which local Council office)
- The dates between which an interested party and a responsible authority may make representations to Gwynedd Council Licensing Team (28 days after date of submission of completed application)
- A statement that all representations must be made in writing
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

If there are no representations within the 28 days, a complete application form has been submitted with the appropriate fees and other paperwork, and appropriate notices in the papers and on the premises, the licence will be granted.

However, if representation from any interested parties or responsible authorities has been received, the licensing section will decide whether the representation is relevant. If the licensing section find the representation relevant they will arrange a mediation meeting

between the relevant parties to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the licensing committee will ensue. All relevant parties will be notified. A decision will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

The applicant does have a right to appeal and this should be made to the magistrates appropriate to the location of the premises concerned. Professional advice should be sought where it is uncertain what the best course of action should be.

Need help?

Gwynedd Council is aware that there are concerns about making premises licence applications staff will be available in the 3 Area Offices to deal with your application between 10.00am-12.00pm and 2.00pm-4.00pm every weekday. Please phone to make an appointment so as to ensure that an officer is available. Alternatively you may feel that you wish to pass the job of making your application to a reputable licensing professional such as a solicitor or consultant.

Fees*

Fees for all licensing act 2003 permissions have been set by central government. The new fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands:

Band	A	B	C	D	E
Non-Domestic rateable value	£0 - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,000 - £125,000	£125,001 and over

Applications for premises licences, club premises certificates, variations (but not changes of name and address or changes of designated premises supervisor), the conversion of existing licences and conversion/variations should be as shown below:

A	B	C	D	E
£100	£190	£315	£450	£635

Those wishing to make an application which includes a variation involving the sale of alcohol will have to pay an additional fee as follows:

A	B	C	D	E
£20	£60	£80	£100	£120

An annual fee payable by those holding premises licences and club premises certificates as follows:

A	B	C	D	E
£70	£180	£295	£320	£350

In addition, a multiplier will be applied to town and city centre pubs (those in bands d and E) where they are exclusively or primarily in the business of selling alcohol.

	Band D(x2)	Band E(x3)
Application fee	£900	£1905
Annual fee	£640	£1050

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office's website, www.voa.gov.uk.

There are other occasions that fees and charges must be paid to Gwynedd Council:

Occasion on which a fee may be payable	Who should be sent copies of application other than Gwynedd Licensing Team	All fees are to be paid to Gwynedd Council
Simple Conversion of premises licence or club premises certificate	Police	Please see above as dependent of Non-domestic Rateable Value
Simultaneous Variation during transition period (premises licences, club premises certificates)	<ul style="list-style-type: none"> • Police • North Wales Fire and Rescue • Gwynedd Planning (or Snowdonia National Park if the premise is within the National Park) • Environmental Health Section • Gwynedd Health and Safety or Health and Safety Executive • Gwynedd Child Protection • Advertise in local paper 	Please see above as dependent of Non-domestic Rateable Value
New Premises Licence or Club Premises Certificate	<ul style="list-style-type: none"> • Police • North Wales Fire and Rescue • Gwynedd Planning (or Snowdonia National Park if the premise is within the National Park) • Gwynedd Environmental Health Section • Gwynedd Health and Safety or Health and Safety Executive • Gwynedd Child Protection • Advertise in local paper 	Please see above as dependent of Non-domestic Rateable Value
Personal Licence Application	Police	£37
Variation of premises licence or club premises certificate	<ul style="list-style-type: none"> • Police • North Wales Fire and Rescue • Gwynedd Planning (or Snowdonia National Park if 	Please see above as dependent of Non-domestic Rateable Value

	<p>the premise is within the National Park)</p> <ul style="list-style-type: none"> • Gwynedd Environmental Health Section • Gwynedd Health and Safety or Health and Safety Executive • Gwynedd Child Protection • Advertise in local paper 	
Supply of copies of information contained in register	N/A	Set by Gwynedd
Application for copy of licence or summary on theft, loss etc of premises licence or summary	N/A	£10.50 in all cases
Notification of change of name or address (holder of premises licence)	N/A	£10.50 in all cases
Application to vary to specify individual as premises supervisor	Police	£23.00
Interim Authority Notice	Police	£23.00
Application to transfer premises licence	Police	£23.00
Application for making a provisional statement	<ul style="list-style-type: none"> • Police • North Wales Fire and Rescue • Gwynedd Environmental Health Section • Gwynedd Health and Safety or Health and Safety Executive • Gwynedd Child Protection • Advertise in local paper 	£315
Application for copy of certificate or summary on theft, loss etc of certificate summary	N/A	£10.50 in all cases
Notification of change of name or alteration of club rules	N/A	£10.50 in all cases
Change of relevant registered address of club	N/A	£10.50 in all cases
Temporary Event Notices	Police	£21.00
Application for copy of notice on theft, loss	N/A	£10.50

etc of temporary event notice		
Application for copy of licence on theft, loss etc of personal licence	N/A	£10.50
Notification of change of name or address (personal licence)	N/A	£10.50
Notice of interest in any premises	N/A	£21.00

Exceptionally large events of a temporary nature that require premises licences are to be charged as follows:

Number of people	Additional Fees
6,000 – 9,999	£5,000
10,000 – 19,999	£7,500
20,000 – 29,999	£10,000
30,000 – 39,999	£15,000
40,000 – 49,999	£20,000
50,000 – 74,999	£30,000
75,000 and over	£50,000

In relation to exceptionally large events, where a permanent premises licence is obtained for a site rather than one that is time-limited for the event, the annual fee to be paid in relation to such a premises licence may also require an additional element to the fee due to the extra checking requirements. We consider, that such an additional element be charged at a rate of 50% of the additional fee listed above.

For premises under construction which have not been allocated a non-domestic rateable value but will be given such a value as soon as a completion certificate is given. In these cases it is proposed to allocate such premises to band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

Premises licences sought for community centres and some schools that permit regulated entertainment but do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee. For more information please contact the licensing section.

Operating Schedule

An operating schedule is a required document for all new applications for premises licences and club premises certificates. It is the documentation that outlines what activities are proposed to be permitted, when the activities will take place and how the activities will be managed and the overall opening hours when the public are permitted on the premises.

It is advisable to apply for the maximum amount of hours for any activity. Particular thought should be given to community centres as these premises often have many different users and they change on the fairly frequent basis. It may be prudent to apply for activities that currently do not take place as hirers may request those activities in the future. For example, if dance classes are held during the day, it is not inconceivable that dance classes may be held in the evening or at weekends. In these circumstances it is advised to apply for a general licence that would not limit the hall users in what they may offer.

One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section will become a condition of the licence, subject to representations.

General

Signage – Good signage can operate at many levels. At the door, clear signs can clarify the premises policy regarding any age restriction policies such as “over 18s only”, “over 21s only” or “no unaccompanied children”. Whether signs repeat the law or express the policy of the premises it can act as a deterrent and as a tool for staff enforcing the law or the premises policy in a non-confrontational manner. However, it is certainly not the wish of Gwynedd Council to turn all licensed premises into notice boards. Signs should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities. Some examples of signs that could be used may include:

“CCTV operates in this area and lawlessness will be reported to the police”

“This premises operates a zero tolerance drugs policy”

“Proof of age for purchase of certain goods may be required”

“Supervised children are welcome in the restaurant area before 8pm”

“No drinks allowed in this area/beyond this point”

Staff training – Well trained staff are a real asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises. The chain of command of a licensed premises is very important and Gwynedd Council would expect applicants, particularly on premises retailing alcohol which must have a designated premises supervisor who is not physically on the premises, an example of best practice would be that the duty manager signs in for duty in a logbook so that it is clear for who is in charge of the premises at any particular time. It would also be considered best practice for all duty managers to be personal licence holders so that the required knowledge level can be assured when the designated premises supervisor is not physically present. Other key areas that should be covered include:

- What to do if they think that a customer behaviour problem occurs or is likely to occur.
- What to do and any special responsibilities in case of fire or any other need to evacuate the premises.
- Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained as to what is acceptable proof of age identification and what is not.
- Where applicable, staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence.
- What is the premises drug policy and what to do if drugs are found on the premises.
- What to do if they feel threatened into making an illegal sale and how best to avoid such situations.

Moreover, if staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The best way to arrange this is to have a document which details what the staff training consists of and documentation to show that each member of staff is familiar with the material. This document may be referred to in the operating schedule. Where agency staff are used, be sure that they have received a thorough briefing of what their role is and where possible try and re-use the same staff so that they get to know the premises and clientele.

Drinks promotions should never encourage binge drinking. Consideration of the implications on the community should be considered whenever an alcoholic drinks promotion occurs. A statement to clarify the drinks promotion policy of the premises is advisable where relevant.

Special consideration should be made regarding the licensing objectives when special events such as football events or other local or national events and how these events will impact the local community and what can be done to minimise the negative impact.

The Prevention of Crime and Disorder

Details of any off-premises and/or on-premises CCTV and suitable signs associated with the CCTV. If installing a new CCTV system advice from the appropriate department of North Wales Police should be sought in case the material is needed for evidence.

Membership and regular attendance at meeting of a crime reduction group such as Pubwatch can help stop known troublemakers entering your premises. As Pubwatch and the Police can share information between each other, incidents can hopefully be reduced. Pubwatch bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. As such, up to date Pubwatch signage can act as a deterrent. Pubwatch membership would be considered best practice for many premises located in town centres where the supply of alcohol is an authorised activity.

Licensed premises with a restricted entry policy and/or experience shows that queuing for entry which is a feature at certain times should as a minimum identify supervisory arrangements. Any door supervisors must be licensed under the Security Industry Act (SIA). This could be extended for premises such as those licensed for late night food. To get more information about the SIA please visit www.the-sia.org.uk or call their helpline 08702430100.

Where appropriate, the operating schedule should specify details of when use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when national sporting events are televised.

Where the entrance of the premises faces onto a street affected by a bye-law restricting the public consumption of alcohol, open containers may not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

Records kept of any crime or disorder incidents and where sales of alcohol have been refused will help police and local authority co-operation.

Ensuring adequate staffing at busy times so that staff are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar.

The development of good relations with local police officers is also beneficial to preventing incidents occurring on your premises. If customers become accustomed to policemen being frequent visitors, problem behaviour can be discouraged.

Public Safety

Risk assessment – this is a requirement under the Health and Safety at Work Act 1974 where there are more than 5 employees. It is also a requirement of the Regulatory Reform (Fire Safety) Order 2005, under which a specific Fire Safety Risk Assessment is required.

In order to assess the promotion of the Public safety objective and to comply with the current Fire Safety legislation the North Wales Fire and Rescue Service (NWF & RS) will require a copy of the Fire Safety Risk Assessment for all premises submitting a New Application or Variation to a licence (as a requirement of Regulatory Reform (Fire Safety) Order 2005.

Applicants should consider, as a basic requirement, areas such as electrical safety, building integrity, and heating installations as a matter of course and reassess these following any major refurbishments, repairs, and general maintenance.

Indication of capacity – this can be based on a recent assessment completed by a fire officer which was a requirement for a Public Entertainment Licence, however it is the responsibility of the manager to do a risk assessment of the business. North Wales Fire and Rescue Service would assist with guidance in this work. Ease of exit in case of emergency may affect these numbers as does any fixed furniture and or fittings. Please specify if your premises has a capacity of less than 200 people as there is an exemption. Under section 177 of the Licensing Act 2003 where:

- A premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provisions of “music entertainment” (live music or dancing or facilities enabling people to take part in those activities between 8.00 am and midnight).
- The relevant premises are used primarily for the supply of alcohol for consumption on the premises, and
- The premises have a permitted capacity limit of not more than 200 persons (including staff and performers); any conditions relating to the provision of music entertainment imposed on the premises licence or club premises certificate by Gwynedd Council, other than those set out by the licence or certificate being consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

The prevention of public nuisance

Businesses are expected to sweep the areas outside their premises at closing time after each day’s business, if necessary. Do state any policy regarding this issue.

Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the licensing authority. Noise can also be contained by keeping windows and doors shut, by installing double-glazing where appropriate and keeping ventilation equipment in good order. Using performers of regulated entertainment to remind customers to respect the premises’ neighbours and leave quietly has proved successful.

Protection of children from harm

Do make a statement regarding the child admission policy of the premises detailing any restrictions.

Signage can be very important in the protection of children from harm – it can be helpful to remind parents and guardians that it is illegal to be intoxicated and in charge of children under the age of 7 years of age, particularly where the sale of alcohol is for consumption on the premises. It is also important to have children supervised at all times in these types of premises. It is expected in your operating schedule if children are permitted on the premises to demarcate any areas where children are not allowed, these may be bar areas, in areas with amusements with prizes or a strong element of gambling. Suitable refreshments should also be available at all times when children are permitted. Do make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

Need help?

If you are very confused by this section you may wish to simply state the conditions that currently apply to the licence/licences under the appropriate heading, adjusting for any changes for which you are applying. For example, if you have a restriction for the last time of entry under your PEL, you may wish to apply to change this in accordance with your proposed later opening hours under your new application.

Offences

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance to with the authorisation provided by a premises licence, a club premises certificate or temporary event notice meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- It is an offence to expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale or supply would be an unauthorised licensable activity.

Offences concerning children are as follows:

- Unaccompanied children are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption and all relevant premises used for the supply of alcohol for consumption between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- It is an offence to allow the supply of alcohol to children from your premises.
- It is an offence for an individual aged under the age of 18 to buy or attempt to buy alcohol.
- It is an offence to buy or attempt to buy alcohol on behalf of an individual who is under 18.
- However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.
- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premise, or alcohol supplied on the premises by or on behalf of a club or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- Sending a child to obtain alcohol sold.

Contact Details

Applicants should consult with those noted below (taking account of where the premises is located) when submitting their application. During the transition period Gwynedd Council licensing staff will offer time to assist applicants as noted previously.

The Licensing Section

- Arfon Area - Council Offices, Shirehall St., Caernarfon, LL55 1SH
- 01286 679923/679925/679928
- Dwyfor Area - Council Offices, Embankment Rd., Pwllheli, LL53 5AA
- 01758 704000/704166
- Meirionnydd Area - Council Offices, Cae Penarlag, Dolgellau, LL40 2YB
- 01341 424326/424346

Planning

If within the National Park Area – Development Control Manager,
Snowdonia National Park,
Penrhyndeudraeth, Gwynedd. LL48 6LF
01766 772505 / 772209

If **not** within the National Park Area –

- Arfon Area - Council Offices, Penrallt, Caernarfon LL55 1BN
- 01286 682765
- Dwyfor Area - Council Offices, Embankment Rd., Pwllheli LL53 5AA
- 01758 704118
- Meirionnydd Area - Council Offices, Cae Penarlag, Dolgellau LL40 2YB
- 01341 424414

Environmental Health/Health and Safety

Environment Health Officer (Environment)

- Arfon Area - Council Offices, Penrallt, Caernarfon LL55 1BN
- 01766 771000
- Dwyfor Area - Council Offices, Embankment Rd., Pwllheli LL53 5AA
- 01766 771000
- Meirionnydd Area - Council Offices, Cae Penarlag, Dolgellau, LL40 2YB
- 01766 771000

Health & Safety Officer (Food and Health and Safety Section)

- Arfon Area - Council Offices, Penrallt, Caernarfon LL55 1BN
- 01286 682732
- Dwyfor Area - Council Offices, Embankment Rd., Pwllheli LL53 5AA
- 01758 704136
- Meirionnydd Area - Council Offices, Cae Penarlag, Dolgellau, LL40 2YB
- 01341 424370

Representations will only be considered if they are made on the grounds of the 4 licensing objectives specified in the act. Any which refer to other reasons or which do not give reasons for the objection will be ignored.

All representations would have to be made, in writing, to Gwynedd Council within 28 days of the application submitted, and if considered valid dependent on the circumstances, would be considered either by the Licensing Committee or a Sub-committee of the Licensing Committee.

Appendix B

LICENSING STRATEGIES

Noted below those Council strategies which should be considered in making an application :-

- Substance Misuse Action Plan
- Gwynedd Community Safety Strategy
- Health, Social Care and Welfare Strategy
- Gwynedd Children and Young People Framework Strategy
- Gwynedd Leisure Strategy
- Economic Development Strategy
- Gwynedd Tourism Strategy

Appendix C1

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- **knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk**
- **knowingly to allow disorderly conduct on licensed premises**
- **or the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported**
- **to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol**

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions/directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety. (See Appendix C 2)

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of

these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Appendix C 2

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix C 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Appendix, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm •
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily openable without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

Legislation exists, (Regulatory Reform (Fire Safety) Order 2005) which should ensure the safety of the occupants of premises from fire. It is important that overcrowding does not occur and to this end it must be ensured that:-

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

Legislation exists, (Regulatory Reform (Fire Safety) Order 2005) which should ensure the Safety of the occupants of premises from fire. It is important that overcrowding does not occur and to this end it must be ensured that:-

- arrangements are made to ensure that any capacity limit recommended under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.
- The maximum occupancy limit should be taken into consideration in the Fire Safety Risk Assessment.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the Fire and Rescue Service must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Appendix C 3

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Appendix C2, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences**Attendants**

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of member of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to-

- (i) sit in any gangway;
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Appendix C 4

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Appendix C 5

Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;

- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or –
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U – Universal. Suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance. •

- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children. •
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children. •
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Appendix C 6

Statutory qualifying conditions for clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

62 The general conditions

(1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.

(2) Condition 1 is that under the rules of the club persons may not —

- (a) be admitted to membership, or
- (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.

(3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

(4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).

(5) Condition 4 is that the club has at least 25 members.

(6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

(1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).

(2) Those matters are —

- (a) any arrangements restricting the club's freedom of purchase of alcohol;
- (b) any provision in the rules, or arrangements, under which —
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- (c) the arrangements for giving members information about the finances of the club;

- (d) the books of account and other records kept to ensure the accuracy of that information;
- (e) the nature of the premises occupied by the club.

(3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection

(4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

(1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.

(2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members —

- (a) are members of the club;
- (b) have attained the age of 18 years; and
- (c) are elected by the members of the club. This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

(3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.

(4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from —

- (a) any benefit accruing to the club as a whole, or
- (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

65 Industrial and provident societies, friendly societies etc.

(1) Subsection (2) applies in relation to any club which is —

- (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12) (see section 74(1) of that Act),
- (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
- (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).

(2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that —

- (a) the purchase of alcohol for the club, and
- (b) the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.

(3) References in this Act, other than this section, to —

- (a) subsection (2) of section 64, or

(b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.

(4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly —

- (a) the premises of the society are to be treated as the premises of a club,
- (b) the members of the society are to be treated as the members of the club, and
- (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.

(5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —

- (a) condition 3 in subsection (4) of section 62,
- (b) condition 5 in subsection (6) of that section,
- (c) the additional conditions in section 64.

(6) In this section “incorporated friendly society” has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

66 Miners’ welfare institutes

(1) Subject to subsection (2), this Act applies to a relevant miners’ welfare institute as it applies to a club, and accordingly —

- (a) the premises of the institute are to be treated as the premises of a club,
- (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
- (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.

(2) In determining for the purposes of section 61 whether a relevant miners’ welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions —

- (a) condition 3 in subsection (4) of section 62,
- (b) condition 4 in subsection (5) of that section,
- (c) condition 5 in subsection (6) of that section,
- (d) the additional conditions in section 64.

(3) For the purposes of this section —

- (a) “miners’ welfare institute” means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
- (b) a miners’ welfare institute is “relevant” if it satisfies one of the following conditions.

(4) The first condition is that —

- (a) the institute is managed by a committee or board, and
- (b) at least two thirds of the committee or board consists —
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and
 - (ii) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.

(5) The second condition is that —

- (a) the institute is managed by a committee or board, but
- (b) the making of —
 - (i) an appointment or nomination falling within subsection (4) (b) (i), or
 - (ii) an appointment or nomination falling within subsection (4) (b) (ii), is not practicable or would not be appropriate, and
- (c) at least two thirds of the committee or board consists —
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and
 - (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).

(6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

Appendix D

The principles of licensing enforcement

The Licensing authority will take full account of the view of the enforcement agencies in reaching any decision. The principal enforcement agencies are North Wales Police, Environmental Health and Trading Standards Section of the Council and the North Wales Fire and Rescue Authority.

Through its decision-making process the licensing authority will seek to deliver the four licensing objectives. In doing so it recognises that the majority of premises and personal licence-holders are responsible and comply fully with the conditions of their licence and obligations placed upon them. The licensing authority may make a site visit to the premises in order to determine the suitability of the premises for licensing.

The licensing authority intends to apply a focused approach in enforcing its policy, concentrating its attention on premises that create cause for concern, – particularly those that show an irresponsible approach to drunkenness, binge drinking, and underage consumption of alcohol by using intelligence supplied by partners such as the police. Where a responsible authority finds premises selling alcohol without a premises licence the presumption will be that the licensing authority will prosecute. In cases where a premises has a licence but activities other than those in the agreed schedule are taking place, such as a pub undertaking karaoke, then the licensing authority will consider whether any harm has been caused by the offence before deciding whether to take a prosecution or issue a formal warning.

If the applicant for a licence cannot demonstrate that they meet the four licensing objectives, their application may be subject to conditions or may be refused. Through this control the licensing authority will seek to achieve the licensing objectives. Where the licensing objectives are not met, the licensing authority may consider evidence of enforcement agencies and decide whether sanctions or even revocation is necessary in order to ensure that the four objectives are upheld. The licensing authority has a number of sanctions available which include:

- Restricting the hours of opening
- Temporary suspension of the licence
- Requirements to change the designated premises supervisor

In terms of the implementation of the policy the existing enforcement agencies are key. They have a wealth of powers already available to them and the Licensing Act, 2003 gives them even greater powers to rapidly take action where premises are causing problems. When the licensing regime is in place from the Second Appointed Day (anticipated to be November,

2005), the Police and Environmental Health Officers will have the power to close premises immediately for up to 24 hours. When this occurs the licensing authority will consider evidence about premises as a matter of urgency.

When considering evidence about serious crime on premises such as drug dealing, the licensing authority will determine whether these offences relate to the way in which the premises are managed. If this is the case, the licensing authority will take a precautionary approach and will take any action it deems necessary and will not await the decision of the court before reaching a decision. Each case will be considered on its own merits.

A licence review may also be necessary if a person holding a personal licence commits a relevant offence, such as serving underage customers or allowing drunkenness. The licensing authority will seek to ensure that those persons with a personal licence are capable of upholding the four licensing objectives.

Enforcement also includes advice, education and training, information, promotion of good practice and behaviour

The licensing authority will establish protocols with North Wales Police on enforcement. This will provide a more efficient deployment of licensing authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises.

The principles of enforcement for the licensing authority focus on:

- Taking firm action against those who flout the law or act irresponsibly
- Assist businesses and other in meeting their legal obligations
- Promptly acting on issues of concern to local communities

The whole approach can be summarised as a sharp focus on premises where enforcement agencies believe there are either crime and disorder problems, the premises are causing a nuisance, children are at risk, or the public could be harmed.

Enforcement will not be necessary where premises are run responsibly.

However, the Council intends to take firm action where the licensing objectives are found to be undermined.

Failure to comply with any conditions attached to a licence or club certificate is a criminal offence which, on conviction, would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

Ymgynghoriad Datganiad o Bolisi Trwyddedu

Cychwyn Ymgynghoriad – Dydd Mercher, 4 Tachwedd 2015
Terfyn Ymgynghoriad – Dydd Mawrth, 24 Tachwedd 2015

Crynodeb

Mae'r Ddeddf Trwyddedu 2003 yn gofyn i bob Awdurdod Trwyddedu bennu a chyhoeddi ei Datganiad o Bolisi Trwyddedu pob 5 mlynedd.

Mabwysiadwyd y Datganiad o Bolisi Trwyddedu cyfredol yn Rhagfyr 2010.

Mae'r Datganiad o Bolisi Trwyddedu wedi ei diweddarau ac yn destun ymgynghoriad ffurfiol gyda

- Heddlu Gogledd Cymru
- Gwasanaeth Tân ac Achub Gogledd Cymru
- Bwrdd Iechyd Prifysgol Betsi Cadwaladr
- Pobl/cyrff sy'n cynrychioli busnesau a phreswylwyr yn y sir
- Pobl/cyrff sy'n cynrychioli deiliaid trwydded/tystysgrifau presennol

Mae'r polisi diweddaraf yn darparu gwybodaeth parthed:

- Cyflwyno mentrau newydd gan gynnwys y Dreth Hwyr yn y Nos a Gorchmynion Cyfyngu Gwerthu Alcohol yn fuan yn y bore.
- Y pŵer i atal trwydded am beidio talu ffi flynyddol
- Gall Iechyd Amgylchedd yn awr gwrthwynebu Hysbysiadau Digwyddiadau Dros Dro.
- Dadreoleiddio rhywfaint o adloniant rheoledig a Lluniaeth Hwyr y Nos

Sut i gymryd rhan

Gall unrhyw un sy'n dymuno gwneud sylwadau wneud hynny drwy e-bost i:
Trwyddedu@Gwynedd.gov.uk

neu yn ysgrifenedig i:

Ymgynghoriad Polisi Trwyddedu
Gwasanaeth Gwarchod y Cyhoedd
Cyngor Gwynedd
Swyddfa'r Cyngor
Stryd y Jêl
Caernarfon
LL55 1SH

Sut bydd y canlyniadau'n cael eu defnyddio

Rhaid i'r holl sylwadau cael eu derbyn erbyn 24 Tachwedd 2015. Byddant yn cael eu hystyried, a lle bo'n briodol, bydd yn cael effaith ar y ddogfen derfynol cyn iddo gael ei fabwysiadu ar 10 Rhagfyr 2015.

Mwy o Wybodaeth

Mae asesiad cydraddoldeb cychwynnol wedi'i gynnal ar gyfer y cynigion.

Statement of Licensing Policy Consultation

Consultation starts – Wednesday, 4 November 2015

Consultation ends – Tuesday, 24 November 2015

Summary

The Licensing Act 2003 requires every Licensing Authority to determine and publish a Statement of Licensing Policy every 5 years.

The current Statement of Licensing Policy was adopted in December 2010.

An updated Statement of Licensing Policy has been prepared and is subject to formal consultation with

- North Wales Police
- North Wales Fire & Rescue Service
- Betsi Cadwaladr University Health Board
- Persons/bodies representative of businesses and residents in the county
- Persons/bodies representative of current licence/certificate holders

The updated policy provides information regarding:

- The introduction of new initiatives including Late Night Levy and Early Morning Restriction Orders (not adopted by this authority)
- The power to suspend licenses for non-payment of annual fees
- Environmental Health can now object to Temporary Event notices
- The deregulation of some regulated entertainment and Late Night Refreshment

How to take part

Anyone wishing to make comment may do so by e-mail to:
Licensing@Gwynedd.gov.uk

or in writing to:

Licensing Policy Consultation
Public Protection Service
Gwynedd Council
Council Offices
Shirehall Street
Caernarfon
LL55 1SH

How the results will be used

All comments must be received by 24 November 2015. They will be considered, and where appropriate, will inform the final document prior to its adoption on 10 December 2015.

More information

An initial equality impact assessment has been carried for the proposals.

ASESIAD EFAITH CYDRADDOLDEB CYCHWYNNOL

INITIAL EQUALITY IMPACT ASSESSMENT

1) TEITL Y POLISI / CYNLLUN / ARFER POLICY / PLAN / PRACTICE TITLE

DATGANIAD O BOLISI TRWYDDEDU – Rhagfyr 2015

Mae'r Ddeddf Trwyddedu 2003 yn gofyn i bob awdurdod trwyddedu bennu a chyhoeddi datganiad polisi trwyddedu leiaf bob pum mlynedd. Pwrpas y datganiad polisi trwyddedu yw amlinellu'r polisiau fydd yn cael eu gweithredu gan yr awdurdod trwyddedu wrth ymgymryd â'i swyddogaethau trwyddedu, h.y. wrth reoleiddio gweithgareddau trwyddedig mewn eiddo trwyddedig gan glybiau cymwys ac mewn digwyddiadau dros dro o fewn telerau'r Ddeddf Trwyddedu 2003.

Page 82
ôl gofynion y Ddeddf, fydd y Polisi Trwyddedu drafft yn amodol ar ymgynghoriad parhau gyda

- Heddlu Gogledd Cymru
- Gwasanaeth Tân ac Achub Gogledd Cymru
- Bwrdd Iechyd Prifysgol Betsi Cadwaladr
- Pobl/cyrff sy'n cynrychioli busnesau a phreswylwyr yn y sir
- Pobl/cyrff sy'n cynrychioli deiliaid trwydded/tystysgrifau presennol

Wrth ymgymryd â'i swyddogaethau dan y Ddeddf, rhaid i'r awdurdod trwyddedu geisio hyrwyddo'r pedwar amcan trwyddedu a gynhwysir yn y Ddeddf a'r ffaith eu bod yr un mor bwysig â'i gilydd. Dyma'r pedwar amcan:

- Atal trosedd ac anhrefn
- Diogelwch y cyhoedd
- Atal niwsans cyhoeddus
- Amddiffyn plant rhag niwed

Bydd yr awdurdod trwyddedu yn ymgymryd â'i swyddogaethau trwyddedu mewn modd sydd yn sicrhau diogelwch cyhoeddus, yn cefnogi eiddo sydd yn cael eu rheoli'n dda ble mae deiliaid trwydded yn dangos sensitifrwydd tuag at effaith bosib gweithgareddau trwyddedig ar breswylwyr lleol a busnesau eraill, ac yn gwarchod preswylwyr rhag effeithiau andwyol.

STATEMENT OF LICENSING POLICY – December 2015

The Licensing Act 2003 requires every licensing authority to determine and publish a statement of licensing policy at least every five years. The purpose of the statement of licensing policy is to set out the policies the licensing authority will apply when carrying out its licensing function, i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003.

As required by the Act, the draft Licensing Policy is subject to formal consultation with

- North Wales Police
- North Wales Fire & Rescue Service
- Betsi Cadwaladr University Health Board
- Persons/bodies representative of businesses and residents in the county
- Persons/bodies representative of current licence/certificate holders.

When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four licensing objectives contained in the Act. The four objectives are:

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

The licensing authority will carry out its licensing functions in a way that ensures public safety, supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses, and protects residents from detrimental effects.

2) PERTHASEDD AC EFAITH RELEVANCE AND IMPACT

a. Nodweddion Gwarchoddedig/Protected Characteristics

O'r dystiolaeth sydd gennych chi, ydi hi'n debygol y bydd y polisi / cynllun / arfer yn cael effaith ar unrhyw un o'r nodweddion cydraddoldeb yma?

From the evidence you have, is it likely that the policy / plan / practice will have an impact on any of the protected equality characteristics?

Nodwedd Characteristic	Effaith Impact	Manylion Details
Oedran Age	Ɔes / Nac oes Yes / No	Mae gwarchod plant rhag niwed yn un o'r pedwar amcan trwyddedu o'r Ddeddf Trwyddedu 2003. Mae amodau statudol yn bodoli parthed oedran gwerthu alcohol ac arddangos ffilm. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail oedran. <i>The protection of children from harm is one of the four licensing objectives of the Licensing Act 2003. Mandatory age conditions exist regarding the sale of alcohol and the exhibition of films. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of age.</i>
Rhyw Pender Page 83	Ɔes / Nac oes Yes / No	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail rhyw. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of gender.</i>
Ailbennu Rhywedd Gender Reassignment	Ɔes / Nac oes Yes / No	Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail ailbennu rhywedd. <i>It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of gender reassignment.</i>
Hil Race	Ɔes / Nac oes Yes / No	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r Datganiad o Bolisi yn cael effaith ar sail hil. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of race.</i>
Yr iaith Gymraeg Welsh Language	Ɔes / Nac oes Yes / No	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail iaith Gymraeg. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of the Welsh language.</i>

Nodwedd Characteristic	Effaith Impact	Manylion Details
Anabledd <i>Disability</i>	Ɔes / Nac oes <i>Yes / No</i>	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail anabledd. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of disability.</i>
Cyfeiriadedd Rhywiol <i>Sexual Orientation</i>	Ɔes / Nac oes <i>Yes / No</i>	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail cyfeiriadedd rhywiol. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of sexual orientation.</i>
Crefydd neu gred <i>Religion or Belief</i>	Ɔes / Nac oes <i>Yes / No</i>	Cyfeirir at y nodwedd cydraddoldeb hon yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail crefydd neu gred. <i>Reference is made to this equality characteristic in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of religion or belief.</i>
Beichiogrwydd a Mamolaeth <i>Pregnancy and maternity</i>	Ɔes / Nac oes <i>Yes / No</i>	Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail beichiogrwydd neu mamolaeth. <i>It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of pregnancy or maternity.</i>
Priodas a Phartneriaith Sifil <i>Marriage and Civil partnership</i>	Ɔes / Nac oes <i>Yes / No</i>	Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar sail priodas neu phartneriaith sifil. <i>It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the grounds of marriage or Civil partnership.</i>

b. Dyletswyddau Cyffredinol y Ddeddf Cydraddoldeb/General Duties of the Equality Act

O'r dystiolaeth sydd gennych chi, ydi hi'n debygol y bydd y polisi / cynllun / arfer yn cael effaith ar unrhyw un o'r dyletswyddau cyffredinol?

From the evidence you have, is it likely that the policy / plan / practice will have an impact on the general duties?

Nodwedd	Effaith	Manylion
Cael gwared a chamwahaniaethu anghyfreithlon, aflonyddu ac erledigaeth <i>Removal of illegal discrimination, harassment and victimisation</i>	⊖ Oes / Nac oes Yes / No	Cyfeirir at y dyletswyddau cyffredinol hyn yn y Datganiad o Bolisi Trwyddedu. Ni ragwelir y bydd y diwygiadau arfaethedig i'r datganiad o bolisi yn cael effaith ar y dyletswyddau cyffredinol. <i>Reference is made to these general duties in the Statement of Licensing Policy. It is not anticipated that the proposed amendments to the Statement of Licensing policy will have an effect on the general duties.</i>
Hyrwyddo cyfleoedd cyfartal <i>Promote equal opportunities</i>	⊖ Oes / Nac oes Yes / No	
Meithrin perthnasau da <i>Foster good relationships</i>	⊖ Oes / Nac oes Yes / No	

3) OES ANGEN ASESIAD EFFAITH CYDRADDOLDEB LLAWN? IS A FULL EQUALITY IMPACT ASSESSMENT NEEDED? Os ydych chi wedi ateb "Oes" i unrhyw un o'r uchod yna bydd angen asesiad pellach
If you have answered "Yes" to any of the above then you need a further assessment

Oes / Yes	
Nag oes / No	✓

4) ARDYSTIO/CERTIFICATION

Arwyddwyd

Signed

Swydd

Title

Dyddiad

Date

.....

.....

.....

Arwyddwyd

Signed

Swydd

Title

Dyddiad

Date

.....

.....

.....

Statement of Licensing Policy

LICENSING ACT 2003

December 2015 – December 2020



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1. INTRODUCTION

1.1 BACKGROUND

- 1.1.1 Under the provisions of the Licensing Act 2003, Gwynedd Council is the **Licensing Authority** (and is referred to in this document as “the licensing authority”) responsible for granting Premises Licences, Club Premises Certificates, and Personal Licences in the county of Gwynedd.
- 1.1.2 The Licensing Act 2003 (“the Act”) requires a licensing authority to determine and publish a statement of licensing policy (“the policy”) at least every five years. This policy is made under Section 5 of the Act and in accordance with the guidance issued by the Secretary of State, under Section 182 of the Act (“the Guidance”), to licensing authorities on the discharge of their functions under the Act.
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must ‘have regard to’ the Guidance issued by the Secretary of State. If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 As required by the Act, the draft Licensing Policy was subject to formal consultation with North Wales Police, North Wales Fire & Rescue Service, Betsi Cadwaladr University Health Board, Persons/bodies representative of businesses and residents in the county and Persons/bodies representative of current licence/certificate holders.
- 1.1.5 In adopting this policy, the licensing authority recognises both the needs of residents for a safe, healthy and sustainable environment in which to live and work and the importance of well-run entertainment and leisure premises to the economy and tourism industry in Gwynedd.
- 1.1.6 The policy was adopted by Gwynedd Council on **10 December 2015** having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.7 The policy will normally apply to any licence application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.
- 1.1.8 Key policy statements are presented in shaded boxes.

1.2 AUTHORITY PROFILE

- 1.2.1 The county of Gwynedd is located in North West Wales and has a population of over 122,000 residents.
- 1.2.2 Gwynedd has over 1000 premises licensed under the Licensing Act 2003. Over 75% of these premises supply alcohol for consumption on and/or off the premises, many providing entertainment too. There are over 350 premises authorised for the provision of late night refreshment. On average, the authority receives 330 temporary event notices each year to hold temporary events for regulated entertainment and/or sale of alcohol.
- 1.2.3 The licensing authority has also issued over 2000 personal licences since 2005 and currently receives an average of 100 personal licence applications per year.

2. SCOPE AND EXTENT

- 2.1 The purpose of this statement of licensing policy is to set out the policies the licensing authority will apply when carrying out its licensing function, i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law. A glossary of the terms used in the Act and in this policy can be found in [Appendix 1](#).
- 2.2 The Act defines **licensable activities** as:-
- 2.3 **Sale by retail of alcohol** - The “sale by retail” of alcohol is defined in Section 192 of the Act. Alcohol means spirits, wine, beer, cider or any fermented, distilled spirituous liquor. A sale by retail is any sale of alcohol except those made to a business or club to be sold on to customers, i.e. wholesale of alcohol.
- 2.4 **The supply of alcohol by or on behalf of a club, or to the order of, a member of the club** - A club’s supply of alcohol is the property of all of the members and a supply to a member is therefore a separate licensable activity.
- 2.5 **The provision of regulated entertainment** - Schedule 1 of the Act sets out what activities are to be regarded as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime.
- 2.6 The descriptions of entertainment activities licensable under the 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 a performance of dance.
- 2.7 To be licensable, one 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 either
- take place in the presence of a public audience, or
 - where the activity takes place in private, be the subject of a charge made with a view to profit.

2.8 The Deregulation Act 2015 made considerable changes to the definition of regulated entertainment. Further information regarding these changes along with the changes made following the Live Music Act 2012 can be found in [Appendix 2](#).

2.9 **The provision of late night refreshment** - Schedule 2 of the Act sets out what activities are to be treated as the provision of late night refreshment and those that are not. The Deregulation Act 2015 provides a licensing authority may exempt the supply of hot food or hot drink if it takes place in a designated area, on or from designated premises and during designated times.

2.10 The licensing authority has NOT designated an area within the county of Gwynedd for the exempt supply of late night refreshment.

2.11 It is a criminal offence under Section 136 of the Act to carry on any of the above licensable activities other than in accordance with a licence or other authorisation under the Act.

2.12 The **types of authorisation or permission** the Act requires the licensing authority to regulate are:-

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.

2.13 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:

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

2.14 The licensing authority will carry out its licensing functions in a way that

- ensures public safety,
- supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses,
- supports premises that promote healthier lifestyles and responsible alcohol consumption, and
- protects residents from detrimental effects.

- 2.15 The licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, focus on:-
- Matters within the control of individual licensees and others who are granted any relevant authorisations.
 - The premises and places being used for licensable activities and their vicinity.
 - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.16 Every application considered by the licensing authority under this policy will be considered on its individual merits. Nothing in the policy will undermine the rights of any individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.
- 2.17 Nothing in this policy shall override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. However, this will not include applications or representations which are considered to be frivolous, vexatious or repetitious.
- 2.18 If it considers it appropriate, the licensing authority may depart from its statement of licensing policy if the individual circumstances of the case merit such a decision in the interests of the promotion of the licensing objectives.

3. LICENSING OBJECTIVES

- 3.0.1 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.0.2 The licensing objectives are paramount considerations to be taken into account by the licensing authority in determining an application made under the Act, and any conditions attached will be ones appropriate and proportionate to achieve the licensing objectives.
- 3.0.3 **Each objective is of equal importance.** They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the carrying on of that business has on the vicinity.
- 3.0.4 In undertaking its licensing functions, the licensing authority will use a full range of measures including its planning controls, transport control and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-
- Anti-Social Behaviour, Crime and Policing Act 2014
 - Equality Act 2010
 - Crime and Security Act 2010
 - Policing and Crime Act 2009
 - Health Act 2006
 - Violent Crime Reduction Act 2006
 - Gambling Act 2005
 - The Environmental Protection Act 1990
 - The Noise Act 1996
 - The Health and Safety at Work etc Act 1874
 - European Union Services Directive
 - The Regulators' Compliance code
 - Gwynedd Council's Public Protection Service Enforcement Policy
 - Gwynedd Council's Strategic Equality Scheme
- Note:** - Where existing law already places statutory obligations on applicants the Council will not impose the same or similar duties by way of condition on the premises licence, holder or club.
- 3.0.5 The licensing authority will continue to work in partnership with the police and fire authorities, local businesses, pub watch schemes, community representatives and local people, in meeting these objectives.

- 3.0.6 The licensing authority recognises that the entertainment industry in Gwynedd is a contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the licensing authority has a duty to protect.
- 3.0.7 The Council will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the county's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

3.1 THE PREVENTION OF CRIME AND DISORDER

3.1.1 The prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of Gwynedd Council under the Crime and Disorder Act 1998.

3.1.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. It is therefore important that an applicant for a premises licence or club premises certificate is able to demonstrate to the licensing authority the practical steps which will be taken to promote this objective.

3.1.3 The licensing authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.

3.1.4 The licensing authority will consider the representations of North Wales Police Service as the main source of advice on crime and disorder.

3.1.5 This Licensing Authority expects all premises to adopt an age verification policy such as Challenge 21 or Challenge 25.

DRUGS

3.1.6 Applicants should consider that special conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs.

3.1.7 Drugs alter the way people behave, so their distribution and possession is controlled by the law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

3.1.8 The licensing authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug users and suppliers.

3.1.9 The licensing authority will expect licensees to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent the misuse of drugs within the premises and to take practical measures to prevent tragedies as a result of drug misuse.

3.1.10 The licensing authority will require the applicant to identify any particular issues (having regard to the particular type of premises and/or activities) relating to the entry of and use of drugs on their premises, and set out in their operating schedule how such issues will be dealt with.

DOOR SUPERVISORS (LICENSED SECURITY PERSONEL)

3.1.11 The licensing authority considers that certain premises may require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises.

3.1.12 The licensing authority may impose a condition, if relevant representations are received, that door supervisors (approved by the Security Industry Authority) be employed at the premises either at all times or at such times as certain licensable activities are being carried out, and at a number and ratio to be determined by the licensing authority.

DESIGNATED PUBLIC PLACES ORDERS

3.1.13 The authority supports the use of Designated Public Places Orders (DPPOs) and the new power to make a public space protection order (PSPO) as a tool to prevent alcohol related crime and disorder in the streets.

3.1.14 The authority expects premises that operate in areas where DPPO's/PSPO's have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

PERSONAL LICENCES

3.1.15 The licensing authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification approved by Department for Culture Media and Sport (DCMS) and does not have certain serious criminal convictions; the application has to be granted.

3.1.16 If an applicant has a relevant conviction, North Wales Police can oppose the application. If the police lodge an objection, a hearing the licensing authority's Central Licensing Sub-committee will be held.

3.1.17 At any hearing, members will consider carefully whether the grant of the licence will be in the interests of the crime and disorder objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The sub-committee will only grant the application if it is satisfied that doing so will promote this objective.

3.2 PUBLIC SAFETY

3.2.1 The public safety licensing objective is concerned with the physical safety of the people using the relevant premises. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption. For further information regarding effects of alcohol on health in Wales, see [Appendix 3](#).

3.2.2 Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the Act. These include but are not restricted to fire safety, access for emergency services, appropriate and frequent waste disposal, use of CCTV etc.

3.2.3 The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

3.2.4 The licensing authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.

3.2.5 The licensing authority will have particular regard to representations from North Wales Fire and Rescue Service, North Wales Police and Gwynedd Council's Environmental Health Unit, to determine whether measures proposed are suitable to ensure the safety of the public.

3.2.6 Where the licensing authority considers that general health and safety duties do not adequately cover licensable activities, it may attach conditions to promote public safety if it is appropriate to do so following representations.

3.2.7 Where activities are organised by volunteers or by a committee of a club or society the licensing authority considers it good practice that the same level of health and safety protection is provided as if an employer/employee relationship existed.

3.2.8 The licensing authority expects the organisers of any large scale event, where licensable activities are to take place, to prepare an event management plan incorporating appropriate risk assessments. Organisers of large scale events where licensable activities are to take place are advised to contact the Gwynedd Safety Advisory Group at the initial planning stage for the event.

3.2.9 The licensing authority will include in a Premises Licence/Club Premises Certificate an occupant capacity, where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service following representations from them.

3.3 THE PREVENTION OF PUBLIC NUISANCE

3.3.1 Public nuisance is given a statutory meaning in many pieces of legislation however it is narrowly defined in the Act and retains its broad common law meaning.

3.3.2 Public nuisance may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

3.3.3 Public nuisance concerns include:

- Noise from premises
- Litter
- Car Parking
- Light pollution
- Noxious odours
- Behaviour/Disorder

3.3.4 The licensing authority is committed to ensuring that the living and working amenity and environment of other persons living and working in the area of the licensed premises is not compromised.

3.3.5 When considering the potential impact of licensed premises on the surrounding locality, the licensing authority will consider

- the licensable activities applied for
- the hours of operation applied for
- the capacity of the premises
- the character of the area, and
- proximity to local residents.

3.3.6 The licensing authority will not impose conditions on licensed premises that the licence holder cannot directly control, or on matters not related to the immediate vicinity of the premises.

3.3.7 North Wales Police have powers under the Act to control noise from premises. In the event that they have to invoke these powers they shall liaise, where practicable, with the licensing authority in accordance with the protocol regarding shared enforcement attached as [Appendix 4](#).

3.3.8 Noise and disturbance arising from the behaviour of patrons entering or leaving the premises are matters for personal responsibility and are subject to Police enforcement of the legislation concerning disorder and anti-social behaviour.

3.3.9 The licensing authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

3.4 THE PROTECTION OF CHILDREN FROM HARM

3.4.1 The protection of children from harm objective is concerned with the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also protecting children from sexual exploitation and wider harms such as exposure to strong language and exposure to adult entertainment.

3.4.2 The licensing authority recognises that the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence.

3.4.3 Access by children to all types of premises will not be restricted unless it is considered necessary to do so in order to protect them from harm.

3.4.4 The licensing authority will not wish to impose conditions positively requiring the admission of children to licensed premises, which should remain a matter of discretion for the licensee of those premises, subject to there being no conflict with the licensing objective of protecting children from harm.

3.4.5 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises, and the nature of activities proposed to be provided, for example:-

- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
- Where premises have a known association with drug dealing or taking;
- Where there is a strong element of gambling on the premises; (this does not include premises which only contain a small number of cash prize gaming machines);
- Where entertainment of an adult or sexual nature is provided.

3.4.6 In such instances, the licensing authority may attach conditions to any licence to:-

- Limit the hours when children may be present
- Restrict the age of persons allowed on the premises
- Require an accompanying adult
- Limiting or prohibiting access when certain activities are taking place

3.4.7 Where equal chance gaming or gaming machines are present at a licensed premises the presence of children will have to be monitored by the licensing authority and the Designated Premises Supervisor (DPS).

3.4.8 Where large numbers of children are likely to be present on any licensed premises or where child performers are present in licensed premises, the licensing authority may require the presence of an appropriate number of responsible adults (who will have provided a satisfactory Disclosure and Barring Service certificate) to ensure their safety and protection from harm.

- 3.4.9 Where the exhibition of films is permitted, the licence or certificate must include a condition which will restrict access only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases.
- 3.4.10 No film shall be exhibited in licensed premises which is likely to:
- Lead to disorder;
 - Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.
- 3.4.11 Applicants seeking a licence to supply alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over 18;
 - That alcohol is only delivered to a person over 18; and
 - That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer.

ADULT ENTERTAINMENT

- 3.4.12 Where the activities proposed under the licence include those of a sex related nature (e.g. striptease, topless waitresses, and table dancing) the licensing authority will take into account the potential for an increased risk to the licensing objectives.
- 3.4.13 The licensing authority will not normally grant licences which involve a sex related element near schools, nurseries, places of worship, hospitals, youth clubs or other sensitive premises where significant numbers of children are likely to attend.
- 3.4.14 Where such licences are granted, conditions will be imposed if necessary which are designed to ensure that children are not admitted to and cannot witness either these activities or advertisements for them, as well as those conditions necessary to prevent crime and disorder problems.
- 3.4.15 If a premises licence or club certificate application does not specifically refer to adult entertainment of any kind, the licence or certificate will specify that adult entertainment is not authorised.
- 3.4.16 Any premises used for more than 12 occasions within a 12 month period for any relevant sexual entertainment, must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

4. CUMULATIVE IMPACT, EARLY MORNING ALCOHOL RESTRICTION ORDERS AND LATE NIGHT LEVY

4.1 CUMULATIVE IMPACT

4.1.1 The concentration of licensed premises by number, type or density in a particular area and the cumulative impact it has on the promotion of the licensing objectives is a matter that the licensing authority will consider when carrying out its licensing function.

4.1.2 Where there is evidence that a particular area of the county is already suffering adverse effects arising from the concentration of late night premises, or those residential areas are under stress, consideration will be given to adopting a 'Saturation Policy'.

4.1.3 The effect of such a policy is that the licensing authority could refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it received relevant representation, unless an applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact already being experienced.

4.1.4 The 'Saturation Policy' would not be absolute however, and any application would be considered on its own merits and would be given proper consideration. In addition, the policy will not seek to limit the number of licensed premises which will be permitted, simply because the licensing authority considers that there are already enough licensed premises to satisfy the demand.

4.1.5 In determining whether to adopt a 'Saturation Policy' for a particular area the licensing authority may, among other things-

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

4.1.6 If a 'Saturation Policy' is adopted, it will be reviewed regularly to assess if it is necessary and proportionate.

4.1.7 Before establishing a 'Saturation Policy' the licensing authority will consider the number of existing measures available relevant to tackling unlawful and antisocial behaviour associated with licensed premises.

Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas.	Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise.	Powers of the police, responsible authorities, local residents or businesses, or councillors to seek a review of a premises licence or club certificate.
Prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk.	Police enforcement of the general law concerning disorder and antisocial behaviour.	Participation in local trade liaison schemes e.g. Pub watch.
Planning controls.	Provision of CCTV.	Use of trained security and other staff.
Drug control policies.		

4.2 EARLY MORNING ALCOHOL RESTRICTION ORDER

- 4.2.1 The licensing authority has the power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.
- 4.2.2 Early Morning Alcohol Restriction Orders (EMROs) are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 4.2.3 An EMRO must specify:
- the days on which it is to apply and the time period of those days,
 - the area in relation to which it is to apply,
 - if it is to apply for a limited or unlimited period, and
 - the date from which it is to apply
- 4.2.4 The effect of an EMRO is that Premises Licences or Club Premises Certificate granted by the licensing authority, and Temporary Event Notices given to the licensing authority do not have effect in the area specified and during the period specified in the order.

4.2.5 Where there is evidence that there are recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises, consideration will be given to making an EMRO.

4.2.6 Before making an EMRO the licensing authority will consider the number of existing measures available to tackling public nuisance and anti-social behaviour which is not directly attributable to specific premises.

Introducing or widening a Cumulative Impact Policy	Reviewing the licenses of specific problem premises	Police enforcement of the law concerning disorder and anti-social behaviour
Power to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)	Planning controls	Positive measures to create safe and clean town centres by working in partnership with others

4.2.7 If the licensing authority proposes to make an EMRO it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

4.3 LATE NIGHT LEVY

- 4.3.1 The licensing authority has the power under section 125 of the **Police Reform and Social Responsibility Act 2011** to introduce a levy payable by the holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am, in order to cover the additional costs associated with late night alcohol trading.
- 4.3.2 The holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am benefit from the existence of a late night economy. However, alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies.
- 4.3.3 Where the licensing authority decides under section 125 that the late night levy requirement is to apply in its area, it must also decide—
- a. the date on which the late night levy requirement is first to apply, and
 - b. for the first levy year and each subsequent levy year—
 - i. the late night supply period;
 - ii. the permitted exemption categories (if any) that are to apply in its area;
 - iii. the permitted reduction categories (if any) that are to apply in its area;
 - iv. the proportion of the net amount of levy payments that is to be paid to the North Wales Police
- 4.3.4 Any income raised by the levy must be split between the licensing authority and North Wales Police. The police will receive at least 70% of the net levy revenue and the licensing authority will receive up to 30% of the net levy revenue.

4.3.5 Where there is evidence that alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies; the licensing authority will consider whether the late night levy requirement is a desirable means of raising revenue in relation to these costs.

4.3.6 If the licensing authority proposes to introduce a late night levy it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

5. PLANNING AND BUILDING CONTROL

- 5.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.
- 5.2 There are two Local Planning Authorities with statutory planning responsibilities within the county of Gwynedd, namely:
- Gwynedd Council** – which operates within the areas of Arfon, Dwyfor and Meirionnydd that fall outside the Snowdonia National Park.
 - Snowdonia National Park** - which is an independent Planning Authority and responsible for the whole area falling within its boundaries.
- 5.3 Gwynedd Council's planning policies are set out in the 'Gwynedd Unitary Development Plan' and 'Supplementary Planning Guidance'. The Snowdonia National Park planning policies are set out in the 'Eryri Local Development Plan' and 'Supplementary Planning Guidance'.
- 5.4 The two Planning Authorities work together during the preparation of their respective plans to:
- develop complementary and compatible policies,
 - ensure effective and sustainable long term planning, and
 - optimise economic, social and environmental benefits.
- 5.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 5.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted.
- 5.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.
- 5.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.

- 5.9 It is recognised that in certain circumstances, a provisional statement may be sought alongside planning permission.
- 5.10 The licensing authority will encourage licence holders to provide facilities enabling the admission of people with disabilities, having due regard to the Equality Act 2010. No conditions will be applied which could be used to justify exclusion on the grounds of public safety.

6. APPLICATIONS

- 6.0.1 The Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.
- 6.0.2 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 6.0.3 All applications must be made on the prescribed form and be accompanied by the prescribed fee.
- 6.0.4 Applicants may submit applications electronically to the licensing authority via email to Licensing@gwynedd.gov.uk or by hardcopy. All application forms, in both the Welsh and English language, are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01766 766000.
- 6.0.5 The licensing authority will issue bilingual premises licences, club premises certificates and personal licences.

6.1 PREMISES LICENCE

- 6.1.1 The prescribed application form for a premises licence contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the premises, the times when the activities will take place, the time period the licence is required for, whether any alcohol that is to be sold is for consumption on or of the premises or both and critically, the steps they propose to take to promote the four licensing objectives.
- 6.1.2 A plan of the premises and a form of consent from the designated premises supervisor (for applications where the sale of alcohol will be a licensable activity) must be provided with the application.
- 6.1.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a premises licence may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.

- 6.1.4 Once a premises licence is granted further applications may be made in its respect, these include:-
- Application to vary a premises licence
 - Application for a minor variation to a premises licence
 - Application to vary a premises licence to specify an individual as a designated premises supervisor
 - Application to transfer a premises licence
 - Interim authority notice
 - Application for the review of a premises licence

PROVISIONAL STATEMENTS

- 6.1.5 The licensing authority recognises that in certain situations, businesses and developers need to have security that a premises licence is likely to be granted following construction of new premises or alteration of existing unlicensed premises. The licensing authority will issue provisional statements in accordance with the Act and Guidance.

DESIGNATED PREMISES SUPERVISORS

- 6.1.6 All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.
- 6.1.7 Responsible Authorities will typically consider developing constructive working relationships with Designated Premises Supervisors, and the licensing authority expects this to be reciprocated to promote effective partnership working relations with the trade.
- 6.1.8 In exceptional circumstances, North Wales Police may object to the appointment of an individual as a Designated Premises Supervisor.
- 6.1.9 Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the prevention of crime and disorder licensing objective; the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

TRANSFER OF PREMISES LICENCE

- 6.1.10 The Act provides for any person who may apply for a premises licence, to apply for a premises licence to be transferred to them. An application to transfer a premises licence changes the identity of the holder of the licence and does not alter the licence in any other way.
- 6.1.11 North Wales Police must receive notice of the application in accordance with the requirements of the Act. If they believe the transfer may undermine the prevention of crime and disorder licensing objective, they may object to the transfer by giving notice to the licensing authority within 14 days.
- 6.1.12 Where the consent of the holder of the licence to transfer the premises licence is required but has **not** been obtained, the applicant must provide evidence to satisfy the licensing authority that **ALL** reasonable steps have been taken to obtain the consent. Reasonable steps includes allowing a reasonable amount of time for the holder of the licence to respond/give consent.

6.2 CLUB PREMISES CERTIFICATE

- 6.2.1 The prescribed application form for a club premises certificate contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the club premises, the times when the activities will take place, the time period the licence is required for, whether alcohol will be supplied to members and most critically, the steps they proposed to take to promote the four licensing objectives.
- 6.2.2 A plan of the premises and a declaration for a club premises certificate must be provided with the application.
- 6.2.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a club premises certificate may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.
- 6.2.4 Once a club premises certificate is granted further applications may be made in its respect, these include:-
- Application to vary a club premises certificate
 - Application for a minor variation to club premises certificate
 - Application for the review of a club premises certificate

REQUIREMENT TO ADVERTISE AND DISPLAY APPLICATIONS

- 6.2.5 When an applicant is required to publish a notice of their application in a local newspaper the licensing authority will require the applicants to provide a copy of that notice to the licensing authority as soon as is reasonably practicable after the notice is published.
- 6.2.6 When an applicant is required to display a notice in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises; where practicable, the licensing authority will visit the premises during the consultation period to check that a notice is displayed prominently at or on the premises.
- 6.2.7 The licensing authority encourages all applicants to publish a bilingual notice of their application in the Welsh and English language.

6.3 TEMPORARY EVENT NOTICES

- 6.3.1 A Temporary Event Notice, commonly referred to as TENs, is intended as a light touch process for the carrying on of temporary licensable activities. Unlike applications for Premises Licences and Club Premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead, the premises user notifies the licensing authority of their intention to hold an event.
- 6.3.2 There are two types of TEN; a standard TEN and late TEN. A standard TEN is given no later than 10 working days before the event and a late TEN is given between 5 – 9 working days before the event. **A late TEN given less than 5 working days before the event will be returned as void and the activities to which the notice relates will not be authorised.**
- 6.3.3 There are a number of limitations imposed on the use of TENs including the number of times a premises user may give a TEN, the number of times a TEN is given for a particular premises, the maximum duration of an event, the maximum number of people that may attend the event at any one time.
- 6.3.4 The role of the licensing authority is to check that the limitations specified in the Act are being observed. When a TEN is not within the defined limits the licensing authority will issue a counter notice to the premises user. Otherwise, the licensing authority will just acknowledge the Notice, which may be done electronically.
- 6.3.5 North Wales Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is made to a late TEN, a counter notice will be issued and the TEN will not be valid. Where an objection is made to a standard TEN the objection notice will be considered at a hearing.
- 6.3.6 Modifications may be made to a standard TEN following consultation and agreement with North Wales Police **AND** Gwynedd Council's Environmental Health Unit; however **there is no scope under the Act to modify a late TEN.**
- 6.3.7 Although temporary events are not subject to the same degree of control as premises which are the subjects of premises licences, premises users are encouraged to organise the event in such a way that supports all the licensing objectives.
- 6.3.8 A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required.
- 6.3.9 Ten working days is the minimum notice period for a standard TEN, however in the interest of open consultation, **the licensing authority encourage 20 working days notice to be provided.**

6.3.10 A copy of a modified standard TEN should be given to the licensing authority by North Wales Police **or** Environmental Health as proof of the agreement with the premises user, North Wales Police and Environmental Health.

6.4 PERSONAL LICENCE

6.4.1 A Personal licence allows the holder to sell alcohol on behalf of any business that has a premises licence or a club premises certificate. The personal licence is designed to ensure that anybody running or managing a business that sells or supplies alcohol will do so in a professional manner.

6.4.2 A personal licence holder can act as the designated premises supervisor (DPS) for any business that sells or supplies alcohol.

6.4.3 Applications must be sent to the licensing authority for the area where the applicant lives, and not to the authority in which the licensed premise is located.

6.4.4 Where an applicant has an unspent conviction for a relevant or foreign offence, the licensing authority will give a notice to North Wales Police. If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the licensing authority. If the police do not issue an objection notice and the application otherwise meets the requirements of the Act, the licensing authority must grant it.

6.4.5 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.

6.4.6 The holder of a premises licence is required by the Act to notify the licensing authority of any changes to their name or address, any convictions for relevant offences and any convictions for a foreign offence.

6.4.7 The requirement to renew a personal licence was removed from the Act by the Deregulation Act 2015. While personal licences issued before the Deregulation Act 2015 have expiry dates, these licences will remain valid and such dates no longer have an effect.

7. OPERATING SCHEDULE

- 7.1 The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.
- 7.2 When considering how to develop their operating schedules applicants are advised to contact the responsible authorities for guidance.
- 7.3 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.
- 7.4 The licensing authority will expect all applicants to specify the methods by which they will promote the four licensing objectives in their operating schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.
- 7.5 The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
- 7.6 The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

8. HOURS OF OPERATION

8.1 The licensing authority recognises that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder, when large numbers of people come onto the streets at the same time, potentially causing friction at late night food outlets, taxi ranks and other late night services. Therefore, the licensing authority recognises that flexible licensing hours may be an important factor in reducing such problems.

8.2 Each application will be determined on its own merits, but the hours requested by the applicant will normally be approved where the applicant can show to the satisfaction of the licensing authority, that the proposals would not adversely affect the environmental quality, residential amenity and character of any particular area.

8.3 When considering applications, the licensing authority will take into account applicants requests for terminal hours (the close of business) in light of the

- Environmental quality
- Residential amenity
- Character or function of a particular area and
- The nature of the proposed activities to be provided.

The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above.

8.4 Where alcohol is sold, applications should include both the times at which sales of alcohol will cease and the time when the premises will close.

8.5 Shops and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open, but individual premises, which are a focus for disorder and disturbance may, subject to representations, be subject to limitations.

8.6 Where late hours are requested, particularly involving entertainment, earlier terminal hours may be set and the imposition of conditions may be appropriate to achieve the licensing objectives, should relevant representation be received.

8.7 No general limitation on hours, in any area, is imposed by this policy.

9. ENFORCEMENT, REVIEWS AND POWERS

9.1 ENFORCEMENT

- 9.1.1 The licensing authority has established a joint-enforcement protocol with North Wales Police to ensure efficient and targeted enforcement. Meetings are held to monitor compliance with licensing requirements and to ensure appropriate and proportionate action is taken. See [Appendix 4](#).
- 9.1.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Service Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 9.1.3 An amendment to the Licensing Act 2003 under the terms of the Violent Crime Reduction Act 2006 enables the Licensing Authority, on the application of a Senior Police Officer, to attach interim conditions to licences pending a full review of the licence.
- 9.1.4 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 9.1.5 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement is deems necessary to support and promote the licensing objectives.
- 9.1.6 Where conditions have been imposed on a licence, an authorised person of the licensing authority may inspect the premises at any reasonable time for the purpose of checking that those conditions are being complied with.
- 9.1.7 The licensing authority will consider issuing a written informal warning to a licence holders specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

9.2 REVIEWS

- 9.2.1 At any time following the grant of a premises licence or a club premises certificate, a **responsible authority** or any **other person** may ask the licensing authority to review the premises licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 9.2.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises or club.
- 9.2.3 The licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police or if the police have made an application for summary review on the basis that the premises are associated with serious crime and/or disorder.
- 9.2.4 In every case, an application for a review must relate to a particular premises or club and must be relevant to the promotion of one or more of the licensing objectives.
- 9.2.5 The licensing authority will reject an application for a review if the applicant fails to provide evidence that one or more of the licensing objectives are not being met or if the reason for the review does not relate to the licensing objectives.
- 9.2.6 The licensing authority will also reject an application for a review if it is considered frivolous, vexatious or repetitious.
- 9.2.7 The licensing authority considers it good practice for all authorised persons that have concerns about problems identified at premises to give licence holders early warning of their concern and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns.

9.3 POWERS

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

SUSPENSION FOR NON-PAYMENT OF ANNUAL FEES FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

- 9.3.2 Holders of a premises licence or club premises certificate must pay the licensing authority an annual fee, the amount of which is determined by the non-domestic rateable value of the premises. The annual fee becomes due and payable each year on the anniversary of the date of the grant of the licence/certificate.
- 9.3.3 The fee is payable irrespective of whether the holder of the current licence intends to close the business at some point during the coming year or has taken over mid-year.

- 9.3.4 The licensing authority is required to suspend the Premises Licence or Club Premises Certificate if the annual fee has not been paid.
- 9.3.5 If there is a dispute relating to the amount of the fee and/or a genuine administrative error (made by the holder, the licensing authority or anyone else) before or at the time the fee becomes due, a Statutory Grace Period of 21 days will be given for the dispute to be determined.
- 9.3.6 If the dispute or error is not resolved during the 21 day period then the licensing authority MUST suspend the licence and no licensable activities will be able to take place.
- 9.3.7 The licensing authority will notify the holder of the suspension in writing and specify the date on which the suspension will take effect. The effective date of the suspension will be at least 2 working days after the day the notice of suspension is given.
- 9.3.8 Once payment is received the suspension can be lifted. The suspension ceases to have effect on the day the licensing authority receives payment of the outstanding fee.

10. LICENSING PROCESS

- 10.0.1 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 10.0.2 All applications must be made on the prescribed form and be accompanied by the prescribed fee.
- 10.0.3 Applicants may submit applications electronically to the licensing authority via email to Licensing@gwynedd.gov.uk or by hardcopy. All application forms, in both the Welsh and English language, are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01766 766000.

10.1 APPLICATION PATHWAY

- 10.1.1 It is considered that the majority of the licensing function will be administrative in nature, i.e. applications and notices will have few areas of contention. In the interests of speed, efficiency and cost effectiveness, these authorisations will, for the most part, be carried out by officers.
- 10.1.2 For representations to be relevant they must
- relate to the promotion of one of the four licensing objectives;
 - be made by a responsible authority or other person within the prescribed period;
 - not been withdrawn; and
 - in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 10.1.3 Where there are no **relevant representations** to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act.
- 10.1.4 Where relevant representations on an application is made and the application has been made in accordance with the requirements of the Act, the application will be determined in accordance with the requirements of the Act.
- 10.1.5 Representations may be positive as well as negative but if only positive representations are received it is highly unlikely that a hearing will be necessary.

10.2 MEDIATION

10.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authorities or other person, the licensing section will decide whether the representation is relevant.

10.2.2 Where the licensing authority find the representation to be relevant a **mediation meeting** between the relevant parties will be arranged to try and find a reasonable compromise.

10.2.3 If this informal process is unsuccessful a hearing before the licensing committee will follow. All relevant parties will be notified.

10.2.4 The determination of the application will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

10.3 CONDITIONS

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

10.3.2 There are three types of condition that may be attached to a licence or certificate; proposed, imposed and mandatory. See **Appendix 5** for current Mandatory Conditions to be included in every licence and/or club premises certificate in the circumstances specified.

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

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

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

10.3.6 When imposing conditions the licensing authority will use wording such as “must”, “shall” and “will” and will have regard to the following licence conditions principles.

Licence conditions principles:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and 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 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.

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

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

10.3.9 The licensing authority acknowledges the Guidance in that the views of local minorities must be balanced with the general interests and wider cultural benefits of the community.

10.3.10 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority’s consideration will be balanced against the wider benefits to the community.

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

11. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

- 11.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee (except those relating to the making of a statement of licensing policy). At Gwynedd Council this committee is referred to as the **Central Licensing Committee** and contains 15 members.
- 11.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.
- 11.3 The Central Licensing Committee of Gwynedd Council have appointed a **Central Licensing Sub-Committee** to deal with
- Applications where there are relevant representations
 - Applications for a personal licence with unspent convictions
 - Applications to review premises licence/club certificate
 - Decision to object when the licensing authority is a consultee and not the relevant authority considering the application
 - Determination of an objection to a temporary event notice.
- 11.4 The majority of decisions and functions will be largely administrative in nature with no perceived areas of contention. In the interests of speed, efficiency and cost effectiveness, these will, for the most part, be carried out by officers.
- 11.5 The licensing authority will delegate licensing matters to be dealt with by the Central Licensing Sub-Committee and to Officers in accordance with the latest recommended Delegation of Functions specified in guidance issued by the Secretary of State, under Section 182 of the Act.

12. LICENSING REGISTER

- 12.1 Under the Act, every licensing authority is required to keep a **licensing register** containing
- a record of each premises licence, club premises certificate and personal licence issued by it,
 - a record of each temporary event notice received by it,
 - a record of every other applications made to it, notices given to it and any counter notice given by it, and
 - such other information as may be prescribed by regulations.
- 12.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 12.3 A summary of the information contained in the licensing register is available to view online at www.gwynedd.gov.uk.

12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email Licensing@gwynedd.gov.uk or via telephone 01766 766000 to arrange an appointment.

12.5 To ensure that the information contained in the register is presented in an appropriate format, any person wishing to view the register in person will be requested to clarify which part of the register they wish to have available during the appointment.

APPENDIX 1: GLOSSARY OF TERMS

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

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

Conditions – there are three types of conditions

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

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

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

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

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

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

multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant representations – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

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

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,

- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,
- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

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

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

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

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

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

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

APPENDIX 2: LEGISLATIVE UPDATES

THE DEREGULATION ACT 2015

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

The measures affecting the Licensing Act 2003 are:

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

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

From 1 April 2015

- S69 – Personal licence: no requirement to renew

From 6 April 2015

- S76 – Exhibition of films in community premises

From 26 May 2015

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

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

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

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

From 1 October 2015

- S71 – Late night refreshment

The following section are yet to come into force.

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

THE LIVE MUSIC ACT 2012

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

It:

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

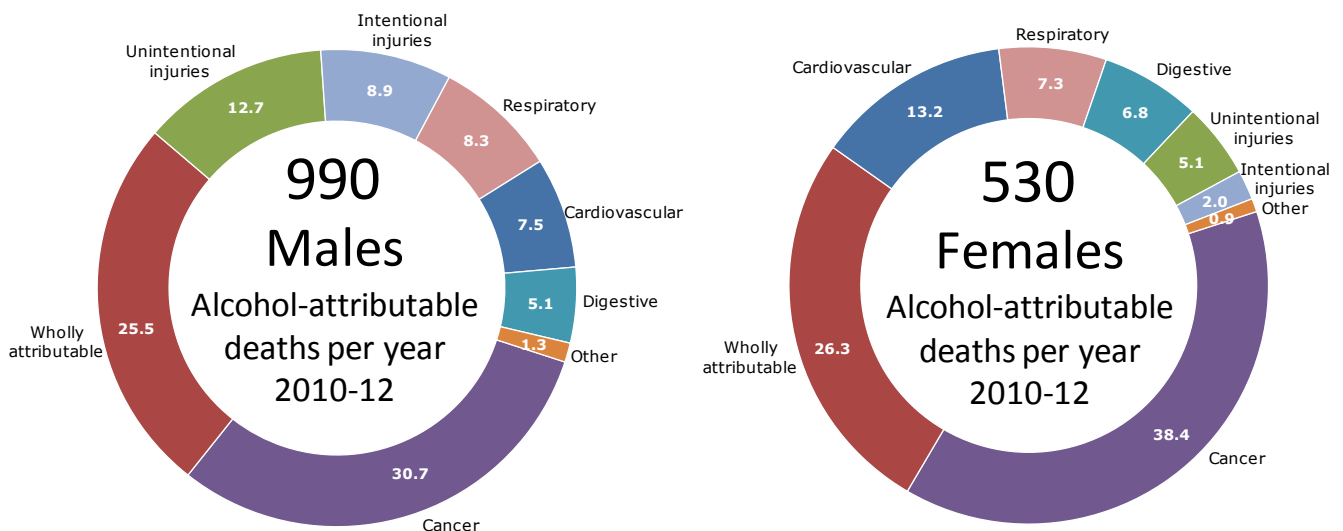
APPENDIX 3: ALCOHOL AND HEALTH IN WALES

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

Alcohol is implicated heavily in crime and anti-social behaviour and issues such as domestic violence and hate crime. Alcohol abuse is a significant drain on the NHS in terms of both immediate accident and emergency care and the long term treatment of alcohol related illness and addiction.

The Public Health Wales Observatory has published [Alcohol and Health in Wales 2014](#). These are some of the key messages:

- Alcohol is a major cause of death and illness in Wales with around 1,500 deaths attributable to alcohol each year (1 in 20 of all deaths).
- Drinking in children and young people remains a particular concern with 1 in 6 boys and 1 in 7 girls aged 11-16 drinking alcohol at least once a week. Around 400 young people under 18 are admitted for alcohol-specific conditions per year, although the rate has been decreasing for several years.
- Generally, consumption of alcohol has slightly decreased and adults under 45 now drink less. Whilst this decrease is good news, it masks persistent or increased drinking in over 45 year olds.
- Mortality and hospital admission due to alcohol are strongly related to deprivation with rates in the most deprived areas much higher than in the least deprived. There is no sign of improvement in the inequality gap in mortality over time.



APPENDIX 4: JOINT ENFORCEMENT PROTOCOL WITH NORTH WALES POLICE

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

The purpose of the joint enforcement protocol is to

- ensure efficient and targeted enforcement,
- facilitate co-operation between enforcement agencies, and
- underpin the mutual operational support required to tackle problem licensed premises.

This joint enforcement protocol describes how North Wales Police and the licensing authority will deal with problems arising at premises or club in relation to any of the four licensing objectives. It also describes when commencement of the review process may be deemed necessary.

ENFORCEMENT LADDER

STAGE ONE

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

More serious offences can trigger stage two or three automatically.

If problems continue on from Stage One

STAGE TWO

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

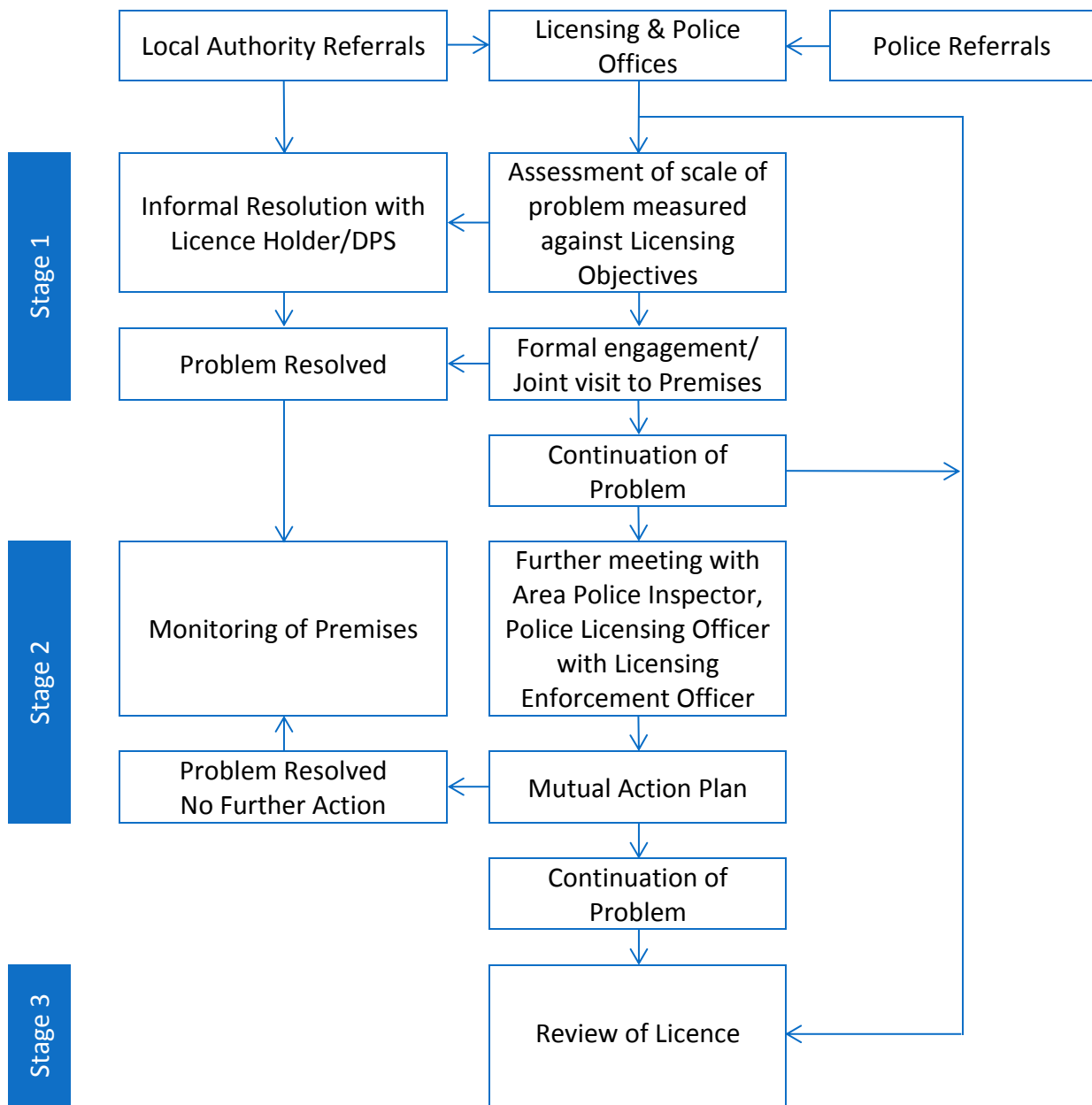
Mutual Action Plan agreed with time span of **three months**. If no further incidents occur then exit from enforcement ladder

If problems continue on from Stage Two

STAGE THREE

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

LICENSED PREMISES REVIEW PROCEDURE INCORPORATING JOINT PROBLEM SOLVING



Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of problem premises.

Depending on the merits of the case, it can be decided to apply for a review of a premises licence at any time.

APPENDIX 5: MANDATORY CONDITIONS

SUPPLY OF ALCOHOL

SECTION 19 (2), LICENSING ACT 2003

No supply of alcohol may be made under this licence

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

SECTION 19 (3), LICENSING ACT 2003

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

SECTION 19 (4), LICENSING ACT 2003 –

Other conditions

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

1

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

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

2

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

3

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

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1

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

2

For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3

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

4

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

EXHIBITION OF FILMS

SECTION 20, LICENSING ACT 2003

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

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

(b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b), (Section 74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

DOOR SUPERVISION

SECTION 21, LICENSING ACT 2003

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

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

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

For the purposes of this condition —

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

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

ALTERNATIVE LICENCE CONDITION

SECTION 25A (2), LICENSING ACT 2003

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

Agenda Item 12

MEETING OF	THE COUNCIL
DATE	10th December 2015
TITLE OF THE REPORT	THE COUNCIL'S POLITICAL BALANCE
PURPOSE	To review the Council's Political Balance
RECOMMENDATION	Allocation of seats on the Council's Committees
AUTHOR	Geraint Owen Head of Democratic Services

1. INTRODUCTION

- 1.1 As a result of changes in memberships of political groups, the political constitution of the Council is as follows:-

Plaid Cymru	39
Independent	19
Llais Gwynedd	8
Labour	5
Liberal Democrats	2
Individual Member	2
Total	75

2. ALLOCATION OF SEATS ON COMMITTEES

- 2.1 To remind members, the four main rules included in the Local Government and Housing Act 1989 in relation to the allocation of seats are noted here:-

- 2.2 (a) Every seat on a committee cannot be allocated to the same political group;

(b) The majority of seats on a committee must be allocated to a political group if the number of persons who are members of that group constitute a majority of the Council's members;

(c) Subject to paragraphs (a) and (b) above, the number of seats on ordinary committees allocated to each political group will be the same as the number of all seats that members of that group has on the Council;

(ch) Subject to paragraphs (a), (b) and (c) above, the number of seats on a committee allocated to each political group will be the same proportion of seats on the committee as the number of seats that members of that group has on the Council.

The Council is expected to adhere to the rules as far as practically possible.

- 2.3 In order to ensure that these rules are adhered to, the Council has been dealing with committees in different blocks in the past. Also, this makes it easier to ensure that rule (c) in paragraph 2.2 above is adhered to. The allocation of seats has been discussed by the Leaders of the Political Groups who have asked us to adhere to the rules within the context of their aim to ensure strong attendance across all political parties where practically possible.

3. CHANGES TO THE ALLOCATION OF SEATS ON COMMITTEES

- 3.1 The change to the political balance means that the Plaid Cymru Group gains a seat on the Communities and Services Scrutiny Committees and the Audit Committee at the expense of the Llais Gwynedd Group which loses one seat on each of the Communities and Services Scrutiny Committees, and the Labour Group loses one seat on the Audit Committee. The Independent Group will also gain a seat on the Corporate Scrutiny Committee at the expense of the Labour Group.
- 3.2 It also means that the Independent Group gains a seat on the Planning Committee at the expense of the Llais Gwynedd Group. It also means that the Plaid Cymru Group gains a seat on the Appointment of Principal Officers Committee at the expense of the Llais Gwynedd Group.
- 3.3 It also means that the Plaid Cymru Group gains a seat on the Pensions Committee at the expense of the Labour Group. It also means that the Labour Group gains a seat on the Local Consultative Joint Committee at the expense of the Llais Gwynedd Group.
(See **Appendix A**)
- 3.4 As the recommendation does not fully reflect the political balance as it currently stands, members must vote for the proposal unopposed.
- .

4. RECOMMENDATION

The Council is asked to discuss and agree to the change in the allocation of seats on the committees as noted in 3.1 – 3.3 above.

SCRUTINY COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Corporate	9	5	2	1	1	
Communities	10	4	1	1	1	1
Services	10	4	2	1		1
Audit	10	5	2	1		

OTHER COMMITTEES

	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Democratic Services	8	4	2	1		
Language	8	4	2	1		
Planning	8	4	1	1	1	
Central Licensing	8	4	2			1
Employment Appeals	3	1	1	1		1
Appointment of Principal Officers	8	4	1	1	1	

Number of seats	82	39	16	9	4	4	154
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	Plaid Cymru	Independent	Llais Gwynedd	Labour	Liberal Democrats	Individual Member
Pensions	4	2	0	0	1	
Local Consultative Joint Committee	6	2	1	2		
Special Educational Needs Joint Committee	3	2	1			1
Joint Planning Policy Committee	4 (3 seats and one substitute)	2	1	1		
SACRE	4	2	1			

Total seats	103	49	20	12	5	5	194
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Agenda Item 13

MEETING	THE COUNCIL
DATE	10th December 2015
SUBJECT	NON-ATTENDANCE OF A MEMBER OF THE COUNCIL
PURPOSE OF THE REPORT	REQUEST TO APPROVE THE NON-ATTENDANCE OF A MEMBER OF THE COUNCIL
AUTHOR	GERAINT OWEN, HEAD OF DEMOCRATIC SERVICES

1. BACKGROUND

- 1.1 Section 85 of the Local Government Act 1972 states that if a member of a local authority fails to attend any meeting of the authority for a period of six consecutive months from the date of their last attendance, they shall cease to be a member of the authority.
- 1.2 The only exception to this is if their non-attendance has been approved by the authority.

2. THE ISSUE FOR GWYNEDD COUNCIL

- 2.1 Councillor Peter Read has not been well and is currently receiving treatment which has affected and is likely to continue to affect the Councillor's ability to attend any formal meetings of the authority, although how long that is likely to be a problem is not clear at this stage.
- 2.2 The Full Council is required to approve Councillor Peter Read's absence from meetings of the authority to enable him to continue to be a member.
- 2.3 If approval for non-attendance is not given, then Councillor Peter Read would cease to be a member of the Council after a period of six months following his last attendance at a Council meeting.
- 2.4 It is suggested, under these circumstances, that Councillor Peter Read's non-attendance be approved.

3. RECOMMENDATION

- 3.1 That the Full Council approves Councillor Peter Read's non-attendance at meetings due to personal circumstances, in accordance with Section 85 of the Local Government Act 1972, allowing him to continue to be a member of Gwynedd Council.