



# **Ceredigion County Council Statement of Licensing Policy 2021-2026**



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**This policy is available in Welsh and in large print on request to the Licensing Authority**

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# 1. Introduction

## The County of Ceredigion

- 1.1 Ceredigion County Council is a mixed urban and rural district in Ceredigion covering an area of approximately 1795 sq km with a population of approximately 72,695 (2018 ONS), of which 43,379 are estimated to be between the ages of 16 and 64.
- 1.2 The population of Ceredigion increases greatly during the summer months due to the number of visitors to the area. The County has six main towns, namely, Aberaeron, Aberystwyth, Cardigan, Lampeter, Llandysul and Tregaron. Three of these are market towns and two, namely Aberystwyth and Lampeter are University towns. There are 7 Secondary schools located in the County (Aberystwyth 2, Tregaron, Lampeter, Aberaeron, Llandysul and Cardigan). The topography of the County is such that it includes seaside resorts, mountainous areas and boggy areas of special scientific interest as well as lush, fertile valleys.
- 1.3 It is estimated that there are currently approximately 600 premises and club licences held within the County and these include Traditional Pubs, Bars and night clubs, Late night refreshment establishments, cinemas, members clubs, hotels and guest houses, shops, supermarkets and off-licences, Theatres and event venues.
- 1.4 Ceredigion is also due to be the hosting County for the National Eisteddfod, which is scheduled to be held in Tregaron in July/August 2021 (after the cancellation of the event in 2020 due to the Coronavirus pandemic).
- 1.5 Ceredigion also hosts a number of smaller events which consist of Music events, annual agricultural shows, local shows and Community events, many of which include licensable activities authorised by the way of Premises licences or Temporary Event Notices. The Local Authority processed a total of approximately 350 temporary events in 2019.
- 1.6 The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to determine and publish a statement of Policy (“Licensing Policy”) with respect to the exercise of its licensing function that the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is that Statement of Policy, prepared in accordance with the provisions of the 2003 Act, and the latest version of Home Office Guidance issued under section 182 of the Act:  
[Revised Guidance issued under S.182 of the Licensing Act 2003.pdf](#)
- 1.7 Ceredigion County Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, and Personal Licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority (“the Authority”), where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.8 This Licensing Policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority

- 1.9 In developing this Statement Policy, the advice of bodies such as Local Government Association (LGA) and various trade associations has been taken into account wherever possible. Other corporate policies adopted by the Authority have also been taken into account, and these will be referred to throughout this document as appropriate.
- 1.10 Each application will be considered on its individual merits, in light of this policy, the 2003 Act, and the Home Office Guidance issued by the Secretary of State under this Act.
- 1.11 The Licensing Authority acknowledges that it may need to depart from this policy in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives.
- 1.12 The Statement of Policy will not seek to regulate matters which are provided for in any other legislation; rather it will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.
- 1.13 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Ceredigion throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.
- 1.14 This Authority will update and publish a new Licensing Policy whenever necessary but in any case within **five years** of the date of this policy. The Licensing Authority will consult with Responsible Authorities', partners, licence holders; trade associations, business and resident groups as appropriate, and any representations received will be considered at that time.

This Licensing Policy comes into effect on 21<sup>st</sup> January 2021.

- 1.15 The Authority reserves the right to review and revise this Policy as appropriate without consultation where it is necessary to ensure the policy reflects national legislation, statutory or other guidance, or for other reasons. Any revisions made will be published.
- 1.16 This policy revision has taken into account the following matters:
- Licensing Act 2003 as amended by –
    - The Police Reform and Social Responsibility Act 2011
    - The Live Music Act 2012
    - Statutory Instruments laid under the above legislation
    - Revised Guidance issued under Section 182 of the Licensing Act 2003 and other associated regulations
    - The Deregulation Act 2015
    - Immigration Act 2016

## **2. Licensing Objectives**

- 2.1 The Licensing Authority will, under the 2003 Act, carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 2.2 It is recognised that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals as once they are away from licensed premises they are beyond the direct control of the individual, club or business holding the licence. The Council recognises that this is a key aspect as such control, together with licensing legislation will always be part of a holistic approach to the management of the evening and night time economy in town and city centres.
- 2.3 The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, local businesses, licensees and local people towards the promotion of the objectives.

## **3. Licensing Committee and Sub-Committee**

- 3.1 The Authority's Licensing Officers will use delegated powers to determine all licence applications where either no relevant representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 3.2 Matters in respect of the Licensing Act 2003 are to be dealt with as specified in the Authority's scheme of delegation under its constitution (Appendix A).
- 3.3 A periodic report will be made to the Licensing Committee on the exercise of delegated powers.
- 3.4 The Council will ensure that Members and relevant officers are appropriately trained to carry out their duties under the Act.

## **4. Fundamental Principles**

- 4.1 This policy will not override the right of any person to make representations on an application, or seek a review where provision has been made for them to do so under the 2003 Act.
- 4.2 Licensing is concerned with the control and regulation of licensed activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

- 4.3 Conditions on a Premises Licence or Club Premises Certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged.
- 4.4 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including but not exhaustively:
- planning control;
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Directorates of the local authority;
  - the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
  - the confiscation of alcohol from adults and children in designated areas;
  - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
  - prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
  - police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN (Temporary Event Notice) has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
  - The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
  - Raising a contribution to policing the late night economy through the Late Night Levy.
  - Public Space Protection Orders
  - Early Morning Alcohol Restriction Orders.
- 4.6 The Authority and its partners will continue to address issues of this type through the strategic and partnership activities of the Ceredigion Community Safety Partnership.
- 4.7 This policy shall apply equally in respect of new consents, renewals, transfers and variations to all licensed premises (unless otherwise stated) including the following:
- Premises Licences
  - Club Premises Certificates
  - Personal Licences
  - Temporary Event Notices

## **5. Zoning and Licensing Hours**

- 5.1 The Licensing Authority, through the exercise of its licensing functions, shall not seek to restrict the trading hours of any particular premises unless it is considered

appropriate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.

- 5.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets' ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered would be following Police representations that a shop was known to be a focal point for crime and disorder.
- 5.3 The Licensing Authority recognises that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously is avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 5.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 5.5 The Licensing Authority will however, where its discretion is engaged, always carefully balance the considerations in 5.3 and 5.4 above against its duty to promote the licensing objectives and protect the rights of residents and businesses. However, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.
- 5.6 The Licensing Authority recognises that there is no general presumption in favour of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times.
- 5.7 Even though the traditional period commonly known as "drinking up time" was not carried over into the Act, the Licensing Authority recommends that applicants of premises licensed for alcohol on-sales should consider applying for a drinking up/cooling down period. This period will allow for a gradual dispersal of customers, allow customers to consume any alcohol purchased during the licensed hours.

## **6. Commercial Demand**

- 6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) is not a matter for the Licensing Authority, such matters being a specific consideration for the local planning authority taking into account the demands of the licensed trade and market demands.

## **7. Alcohol Harm**

- 7.1 Mandatory conditions are imposed on all Premises Licenses and Club Premises Certificates and authorisations. These are designed to reduce the instances of

unacceptable drinking promotions and other activities that have been classed as irresponsible. The Licensing Authority will closely monitor premises to ensure these conditions are followed by licence holders.

- 7.2 The Council recognises that alcohol is a major preventable cause of death and illness in Ceredigion and acknowledges the impact of alcohol misuse on the population of the county of Ceredigion and local services. As a consequence the Licensing Authority will be mindful of the impact of its decisions on the prevention of alcohol misuse in the area.
- 7.3 The evidence base for the impact of alcohol use in health and well-being is strong. Alcohol use contributes to over 60 different health conditions including liver disease, foetal alcohol syndrome and several cancers.
- 7.4 Research has repeatedly shown that the economic, geographical and temporal availability of alcohol has a significant effect on the level of alcohol related harms, including health harms. Research and real-life experiments have shown that the range of times and days alcohol is available for sale has a significant impact on the harms caused by alcohol. The geographical ease of access also has an impact, as shown by a large body of research into outlet density. Research conducted in 2017 demonstrated that actively enforced Licensing policies lead to a reduction in alcohol-related hospital admissions. These are all factors that are influenced by local licensing frameworks and operational and enforcement approaches to licensing.
- 7.5 The World Health Organisation and Public Health Wales have identified that reducing the availability of and access to alcohol is key to reducing alcohol related health harms. The introduction of the Minimum unit pricing of alcohol in Wales in March 2020 (50p per unit) should assist in tackling harms from alcohol.
- 7.6 The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 forms part of the Welsh Government's wider and continuing approach to reducing hazardous and harmful drinking in Wales. The Act aims to address some of the longstanding and specific health concerns around the effect of excess alcohol consumption in Wales. It signifies a firm commitment to further improving and protecting the health of the population of Wales – and is specifically targeted at protecting the health of hazardous and harmful drinkers who tend to consume greater amounts of low-cost and high-alcohol content products.
- 7.7 Cyngor Sir Ceredigion County Council recognises the significant negative impact on the health of our residents and visitors caused by alcohol related illnesses (see below). The alcohol data shared by Public Health Wales 2019 indicates that the Ceredigion local authority area -
- Has a rate of 18.4% persons aged 16+ self-reporting drinking above the guidelines compared to all Welsh local authorities, with the national average being 19%;
  - Percentage weekly consumption by drinking level and local authority, Wales, 2016/17 – 2017/18 Ceredigion Residents - 20.2% Non-drinkers, 61.8% Moderate drinkers, 16.8% Hazardous level and 1.2% harmful;
  - In comparison it was reported that 18.8% reported Heavy (binge) drinking and 11.1% reported Very heavy (binge) drinking, which is higher than our neighbouring authority Powys with recorded figures of 15.3% and 7.1% accordingly;



- Ceredigion has the lowest rate of Alcohol related hospital admissions by local authority area of residence in Wales at 275 per 100,000 population, which is 1.9 times lower than Blaenau Gwent with a figure of 515 per 100,000 population;
- European age standardised rate per 100,000 population for individual residents in Wales admitted to hospital for an **alcohol specific condition** for Ceredigion is 275.2, which although the lowest in Wales, does show an increase of 10.5% since 2017/18. The Welsh local authority averages are 338 and 4.3%;
- European age standardised rate per 100,000 population for **alcohol – attributable** hospital admissions for Ceredigion is 1043.9;
- Ceredigion has an alcohol-specific mortality rate of 13.1 per 100,000 persons, which is above the Wales average of 12.5. The mortality rate for males in Ceredigion is 20.8, compared to the Wales average of 16.5, which is the 2<sup>nd</sup> highest rate in Wales, and for females is 5.4 compared to the Wales average of 8.6, which is the lowest in Wales. (2017 Public Health Figures).

7.8 Within the context of the 4 licensing objectives, the Licensing Authority expects applicants to propose licensing objectives to mitigate the impact their premises will have on the health and well-being of customers, the neighbourhood and wider community.

7.9 In addition, the Licensing Authority will expect applicants to consider the impact that their premises may have on vulnerable and young persons to alcohol abuse. They should particularly consider the close proximity of their premises to any alcohol treatment centres, schools or other areas young persons may congregate, such as youth clubs and parks.

## 8. Drugs

8.1 The Licensing Authority is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.

8.2 The harms associated with drug misuse is widespread and not restricted to harm to a person's health. The misuse of both controlled and prescribed drugs is prevalent in all areas of society. The Welsh drugs death levels in the Hywel Dda area in 2018 amounted to 7.5 drug misuse deaths per 100,000 population, above the Welsh national average (Source: Harm Reduction Database Wales: Drug related mortality Annual Report 2018-19).

8.3 The rolling average of the rates of deaths in each of the local authorities in the Hywel Dda Health Board area have increased in each of the last 5 years. Rates in Ceredigion is among the top 5 highest in Wales.

8.4 The Licensing Authority within the context of promoting the prevention of crime and disorder objective, expects applicants and licensees to:

- Take all reasonable steps to prevent and detect the entry of illegal substances into their premises;
- Take all reasonable steps to prevent the unlawful dealing of controlled drugs in their premises;
- Ensure that their staff are trained in recognising and identifying drugs issues associated with the premises;
- Where drugs misuse is identified as a problem, to liaise and work with the local Police force and Licensing Authority with the aim of tackling the issues raised;
- Where issues relating to drugs matters are identified, to operate a Drugs policy which concentrates on prevention and detection. In order to achieve this the premises would be required to carry out target hardening methods (such as removing flat surfaces from the toilets) and to seize, retain and document any drugs found and arrange for them to be handed into the custody of the Police;
- Report any drugs misuse issues or concerns to the local Police force;
- In the interest of the prevention of Crime and Disorder to engage with the Police during any pro-active initiatives aimed at tackling drug misuse, such as the use of passive line dogs, use of ioniser drugs detection device or other similar initiatives.

## **9. Prevention of Crime and Disorder**

- 9.1 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in the County of Ceredigion. The Licensing Authority will continue to work in partnership with its neighbouring local authorities (4 Counties licensing group), the Police, Local Health Board, Ceredigion Public safety groups, local businesses, licensees (BOBB meetings) and members of the public.
- 9.2 Licence premises, especially those offering late night/ early morning entertainment, alcohol and late night refreshments, can be locations which experience increased instances of crime and disorder.
- 9.3 The Licensing Authority will expect applicants for these type of premises to ensure that their operating schedules will address these potential issues. Applicants are encouraged to liaise with Local Authority officers and Police to discuss these matters and also take account of local planning policies and crime prevention strategies, when preparing operating schedules.
- 9.4 Applicants for premises licences should also review their premises business plan, proposed activities and hours to assist them in drafting an appropriate operational schedule, which will subsequently become the basis of the conditions on their licence.
- 9.5 Where CCTV is either being considered by the applicant or requested following representations by a responsible authority then applicants should ensure that they refer to the Dyfed-Powys Police guidelines which can be accessed through the following link:

- 9.6 Other matters the applicant should consider include:
- Whether SIA licensed door staff are required. The opening hours/type of entertainment available and the late night refreshments offered for sale should be considered;
  - Proof of age schemes and ID requirements, such as the Challenge 21/25 policy;
  - Maintaining a detailed refusal and occurrence book – to be made available to Police and Local Authority Licensing Officers for review;
  - What training and refresher training is offered to staff and the maintenance of accurate and available training records;
  - Whether the use of plastic/hardened (Polypropylene) glasses on the premises has been considered;
  - Drugs Policies/Weapon searching and detection policy.
- 9.7 The Local Authority, together with the Police and other agencies will continue working together and to share information to identify and prevent instances of modern slavery, human trafficking, sexual exploitation, terrorism and the supply of drugs (such as through County lines operation), licence premises holders and staff working in the industry and the night-time economy.
- 9.8 Staff working in the hospitality and night time economy sector should receive training on what signs to look out for and be aware on how to report safeguarding matters and concerns.

## **10. Prevention of Public Nuisance**

- 10.1 Licensed premises can have significant potential to impact adversely on persons living and working in the vicinity and further afield through public nuisances that arise from their operation.
- 10.2 Subject to case law, the Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity and affected by the operation of a licensed premises.
- 10.3 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. The licensing regime is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 10.4 Matters which give rise to the cause of 'public nuisance' include noise matters, dirt, pollution, odour and litter (including cigarette ends) or other matter which may contribute to having an adverse effect on those living and working in the vicinity of licensed premises.

- 10.5 Applicants for new premises licences are expected to carry out research of the area they propose to operate in and there is also an expectation that their operating schedule takes into account the type of area the business is located in. The applicants will also need to consider the impact the business will have on the area and to include in their operating schedule positive measures to manage any potential sources of nuisance. The risk assessment and operating schedule should also include measures to control nuisances outside their building, such as queue management, smoking areas and litter.
- 10.6 The Licensing Authority recommends that any applicants ensure that they apply a high standard of control to minimise the potential for any public nuisance which may arise from the operation of their business, particularly where:
- a) The premises is located in residential or noise sensitive areas,
  - b) Where an application is made for extending opening hours.
- 10.7 **The Well-being of Future Generations (Wales) Act 2015**
- 10.7.1 The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.
- 10.7.2 The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications:  
[WelshGovernment-Noise-and-Soundscape-Action-Plan.pdf](#)

## **11. Public Safety**

- 11.1 Licence holders have a responsibility to ensure the safety of those using their premises as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.
- 11.2 The Licensing Authority expects applicants for Premises Licences to carry out safety risk assessments of their premises and to include in their operating schedule measures which will ensure the safety of both their customers and staff. It will also expect applicants to have risk assessments outlining how it will operate during outbreaks of communicable diseases / infectious diseases such as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) i.e. Covid-19.
- 11.3 Applicants should consider the nature of their premises, intended client base, hours of operation and local information in considering whether they should include in their operating schedule measures to mitigate public safety concerns (not exhaustive) -

- Installation of CCTV
- Queue management
- Suitable number of qualified SIA staff
- Removal of trip Hazards
- Use of Polycarbonate glasses/no bottles policy.

## **12. Protection of Children from Harm**

- 12.1 Nothing in this statement of policy shall limit or require access of children to premises unless it is appropriate for the prevention of physical, moral or psychological harm to them. Areas that will give rise to particular concern are highlighted elsewhere in this policy. The individual merits of each application should be considered in each case.
- 12.2 The Licensing Authority recognises that limitations may have to be considered where it appears necessary and appropriate to protect children from harm.
- 12.3 When deciding whether to limit access to children or not, the Authority will judge each application on its own merits. Examples of situations which may give rise to particular concern in respect of children would include premises:
- Where there have been convictions for serving alcohol to those under 18 years of age,
  - With a reputation for underage drinking,
  - With a known association with drug taking or dealing,
  - Where entertainment of an adult or sexual nature is provided,
  - Where there is a strong element of gambling on the premises,
  - Where the supply of alcohol on the premises is the exclusive or primary purpose of the services provided.
- 12.4 Where it is deemed necessary and / or appropriate for the prevention of physical, moral or psychological harm, various options will be considered for limiting the access of children to licensed premises, including the following:
- Limitations on the hours when children (under 16) may be present;
  - Age limitations (below 18);
  - Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
  - Limitations on the parts of premises to which children might be allowed access;
  - Requirements for the accompanying adult;
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 12.5 In the case of premises giving film exhibitions, the Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) or the local authority.
- 12.6 Venue operators seeking Premises Licences and Club Premises Certificates should consider including such prohibitions and restrictions in their operating schedules

particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.

- 12.7 In addition to the recommendations contained in this policy paragraph 9.7 and 9.8 in relation to safeguarding, the authority does not support contactless check-in systems (Virtual reception) where no members of staff are present to have human interaction with customers during booking in at hotels and motels.
- 12.8 The Licensing Authority considers that Ceredigion County Council's Social Services to be the competent body to act as the Responsible Authority in relation to the protection of children from harm. A list of all responsible Authorities can be found at Appendix B.

### **13. Operating Schedule**

- 13.1 The Licensing Authority will expect applicants to give consideration to promoting the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.

### **14. Integrating Strategies and Statutory Controls**

- 14.1 There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. When carrying out its functions the Council has duties, responsibilities and considerations under other legislation and strategies, for example:
- a) Crime and Disorder Act 1998 (in particular obligations under section 17 relating to the prevention of crime and disorder);
  - b) The European Convention on Human Rights, given effect by the Human Rights Act 1998;
  - c) Criminal Justice and Police Act 2001 (as amended)
  - d) Race Relations Act 1976 (as amended) by the Race Relations (Amendment) Act 2000);
  - e) Anti-Social Behaviour Act 2003,
  - f) The Anti-Social Behaviour, Crime and Policing Act 2014;
  - g) Violent Crime Reduction Act 2006;
  - h) Environmental Protection Act 1990 (as amended);
  - i) Noise Act 1996;
  - j) Health Act 2006;
  - k) Health and Safety at Work Act 1974;
  - l) Clean Neighbourhoods and Environment Act 2005 (as amended)
  - m) Policing and Crime Act 2009;
  - n) Police Reform and Social Responsibility Act 2011
  - o) Sunday Trading Act 1994
  - p) Christmas Day (Trading) Act 2004
  - q) Safety at Sports Grounds Act 1975
  - r) Public Health Act 2006

- s) Equality Act 2010
- t) European Union Services Directive
- u) Any National Alcohol Strategy.
- v) Immigration Act 2016
- w) Wellbeing of Future Generations Act 2015

- 14.2 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its duties under the Licensing Act. This list is not limited to:
- a) Environmental Protection act 1990 – noise and nuisance.
  - b) Regulatory Reform Order 2005 – Fire Safety.
  - c) Highways Act 1980 which deals with pavement café licences.
- 14.3 The Authority recognises the integration and co-ordination of policies, strategies and initiatives involving local crime prevention, planning, tourism, equality schemes, cultural strategies and town centres and night time economy arrangements. Premises operators are normally responsible for compliance with any other statutory requirements which may apply, for example, the Regulatory Reform (Fire Safety) Order 2005.
- 14.4 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on the operator of premises or management committee of a club, duplication should be resisted to impose similar duties via the Premises Licence or Club Certificate.
- 14.5 The Council may, in appropriate circumstances, consider seeking from the Licensing Authority Premises Licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.
- 14.6 In respect of cultural strategies, the Licensing Authority will, for example through periodic consultation with the Council's Leisure Services and Tourism Officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements.
- 14.7 Where it considers it appropriate to do so, and in order to seek proper integration of the licensing function and its policy, the Licensing Authority may directly or indirectly provide periodic reports to the Planning Authority and Community Safety Partnership on the general situation regarding licensed premises in the area, which may include reference to the impact of alcohol related crime and disorder.
- 14.8 **Relationship with Planning Process**
- 14.8.1 Applications for Premises Licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 14.8.2 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises, to avoid any breach of planning legislation.

- 14.8.3 The Licensing Authority wishes to emphasise that the granting by the Licensing Committee of any licence or authorisation would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
- 14.8.4 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different, albeit related, matters.
- 14.8.5 The Licensing Authority is not bound by decisions made by the Development Control Committee and vice versa.
- 14.8.6 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is earlier than licensing hours, the licensee will be expected to observe this earlier closing time.
- 14.8.7 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **15. Regulated Entertainment**

- 15.1 It is not the purpose or intention of this policy to advise or duplicate the legislation relating to regulated entertainment. In general terms, the types of regulated entertainment that are required to be licenced under the 2003 Act are listed below:
- a) film exhibitions
  - b) performance of a play
  - c) indoor sporting events
  - d) a boxing or wrestling entertainment
  - e) live music performances
  - f) playing of recorded music
  - g) dance performances
  - h) entertainment of similar description to a performance of live music, playing of recorded music or performance of a dance
- 15.2 In order for a performance to be licensable, the activity needs to take place either:
- 1) in the presence of a public audience, or
  - 2) where the activity takes place in private, be the subject of a charge made with a view of making a profit.
- 15.3 The circumstances of each depend greatly on the type of premises, location, provider and the times of the entertainment. Details on this can be found in the Licensing Act 2003, the Secretary of State's Guidance made under Section 182 of the Licensing Act 2003 and relevant regulations made under the Act.



## **16) Administration**

- 16.1 The Authority's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The Authority's website has information on the services it offers for licensees, applicants, complainants and all other enquiries.

## **17) Operating Schedule**

- 17.1 The Licensing Authority may provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.
- 17.2 Operating schedules are required to be submitted with applications for all new and variations. The operating schedule should include details on how the applicant will promote the four licensing objectives. The proposals contained in the operating schedule will form the main body of the conditions applied to the premises, together with any applicable mandatory conditions, any conditions agreed with any of the responsible authorities during the application process and any conditions imposed by a licensing sub-committee where valid representations were made.
- 17.3 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

## **18) Conditions**

- 18.1 Applicants may offer conditions in the operating schedule as part of their application; the Authority may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.
- 18.2 The Licensing Authority should not impose standardised conditions so that conditions are added to premises only where appropriate on the merits to promote the licensing objectives.
- 18.3 The Authority will avoid adding conditions that duplicate other regulatory regimes as far as possible.
- 18.4 Conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned and must be appropriate for the promotion of the licensing objectives.

- 18.5 The Licensing Authority recognises that they can only impose conditions where relevant representations are received and it is considered appropriate for the promotion of the licensing objectives. Where a responsible authority gives evidence that it is appropriate to impose specific conditions the request will be considered by the Local Authority who may suggest suitable wording to ensure that any condition imposed is clear, relevant and enforceable.

## **19) Exercise and Delegation of Functions**

- 19.1 The 2003 Act provides that the functions of the Licensing Authority (including its determinations) are to be taken or carried out by its Licensing Committee. The Licensing Committee may delegate these functions to Sub-Committees.
- 19.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of speed, efficiency and cost effectiveness, these will, for the most part, be carried out by officers.
- 19.3 The Schedule at Appendix A sets out scheme of delegation of functions. Notwithstanding this presumption of delegation, the Authority reserves the right to refer any matter to the Licensing Committee, or Sub-Committee.

## **20) Cumulative Impact Policy**

- 20.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement. The Licensing Authority may receive representations from either a Responsible Authority or other person, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. It may take the above into account as well as its own evidence of the impact on the licensing objectives.
- 20.2 The Licensing Authority will not operate a quota of any kind, which would predetermine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels and theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the local community.
- 20.3 The Licensing Authority will not use such policies solely -
- as the grounds for revoking a licence or certificate when representations are received about problems with existing licensed premises, or

- to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limit.

## **21) Enforcement**

- 21.1 The Licensing Authority has established joint enforcement Memorandum of Understanding and an Information Sharing Protocol with Heddlu Dyfed-Powys Police. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 21.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints as circumstances dictate.
- 21.3 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. Arrangements will be made to monitor the performance of premises in adhering to their operating conditions and the Authority will initiate appropriate enforcement action, as circumstances dictate.
- 21.4 The Council will work closely with Heddlu Dyfed-Powys Police and other enforcing authorities to establish protocols to ensure an efficient deployment of officers in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 21.5 The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

## APPENDIX A

### Schedule of delegation of licensing functions and decisions

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing panels</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application for provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary designated premises supervisor		If a police objection	All other cases
Application for a minor variation			All cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	

Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases*
Determination of a police or environmental health objection to a temporary event notice		In all cases if not withdrawn.	
Suspension of licences following non-payment of annual fees			All Cases
Decision whether to revoke or suspend personal licences		All Cases	

## APPENDIX B

### Responsible Authorities/ List of Consultees - Ceredigion County Council

<p>The Licensing Team Policy, Performance and Public Protection Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:licensing@ceredigion.gov.uk">licensing@ceredigion.gov.uk</a> Tel 01545 572179 <a href="http://www.ceredigion.gov.uk">www.ceredigion.gov.uk</a></p>	<p>The Development Control Team Economy and Regeneration, Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:planning@ceredigion.gov.uk">planning@ceredigion.gov.uk</a></p>
<p>The Environmental Control Team Policy, Performance and Public Protection Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:envhealth@ceredigion.gov.uk">envhealth@ceredigion.gov.uk</a></p>	<p>The Health &amp; Safety Team Policy, Performance and Public Protection, Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:envhealth@ceredigion.gov.uk">envhealth@ceredigion.gov.uk</a></p>
<p>The Trading Standard Teams Policy, Performance and Public Protection Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:tradingstandards@ceredigion.gov.uk">tradingstandards@ceredigion.gov.uk</a></p>	<p>Police Licensing Officer Heddlu Dyfed Powys Police Police Station Parc Teifi Cardigan Ceredigion SA43 1EW <a href="mailto:Louise.Bradshaw@dyfed-powys.pnn.police.uk">Louise.Bradshaw@dyfed-powys.pnn.police.uk</a></p>
<p>Social Services Cyngor Sir Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA <a href="mailto:contact-socservs@ceredigion.gov.uk">contact-socservs@ceredigion.gov.uk</a></p>	<p>Mid and West Wales Fire Authority Trefechan Aberystwyth Ceredigion SY23 1BE <a href="mailto:ceredigionfirecommand@mawwfire.gov.uk">ceredigionfirecommand@mawwfire.gov.uk</a></p>
<p>Mr Steve Moore Chief Executive Hywel Dda Health Board Merlins Court Winch Lane Haverfordwest SA61 1SB <a href="mailto:Alison.gittins@wales.nhs.uk">Alison.gittins@wales.nhs.uk</a></p>	<p>For HSE enforced and Council owned premises only: Health &amp; Safety Director of Wales Government Buildings Phase 1, Ty Glas Llanishen Cardiff CF14 5SH</p>