



DRAFT FOR CONSULTATION
VALE OF GLAMORGAN COUNCIL
STATEMENT OF LICENSING POLICY
JANUARY 2008 – JANUARY 2011
LICENSING ACT 2003
(To have effect from 7 January 2008)

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Foreword

This will be completed and incorporated into the final document and will be drafted by Councillor John W Thomas, Chair of the Licensing Committee of the Vale of Glamorgan Council.

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INTRODUCTION

In 2005, the new Licensing Act came into effect and we took over responsibility for issuing licences for the sale of alcohol from the Magistrates Courts. After asking residents, businesses and members of the trade what they thought about what we planned to do, a Statement of Licensing Policy was published that came into effect in January 2005. That policy can be found on the Licensing section of the Vale of Glamorgan Council's website.

We believe that the Policy has worked really well so far, however in accordance with Section 5 of the Licensing Act 2003 this policy must be reviewed and updated by January 2008.

This Statement will not seek to regulate matters that are provided for in any other legislation. It has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act.

This is a "living document" which will be modified and developed over time to reflect changing circumstances. The Licensing Authority will help and support those applying for licences whilst protecting the rights of those affected by the issue of such licences. The Statement of Licensing Policy sets out the rights given to those affected by poorly managed licensed premises and the powers of the Licensing Committee to deal with them.

We want to hear your view on the proposals, and on any other aspect of the policy. If you support or object to what we are proposing then it couldn't be easier to let us know.

Your comments will need to be in writing and will be taken into account prior to adopting the policy. Any comments should be sent to: -

Licensing Section
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

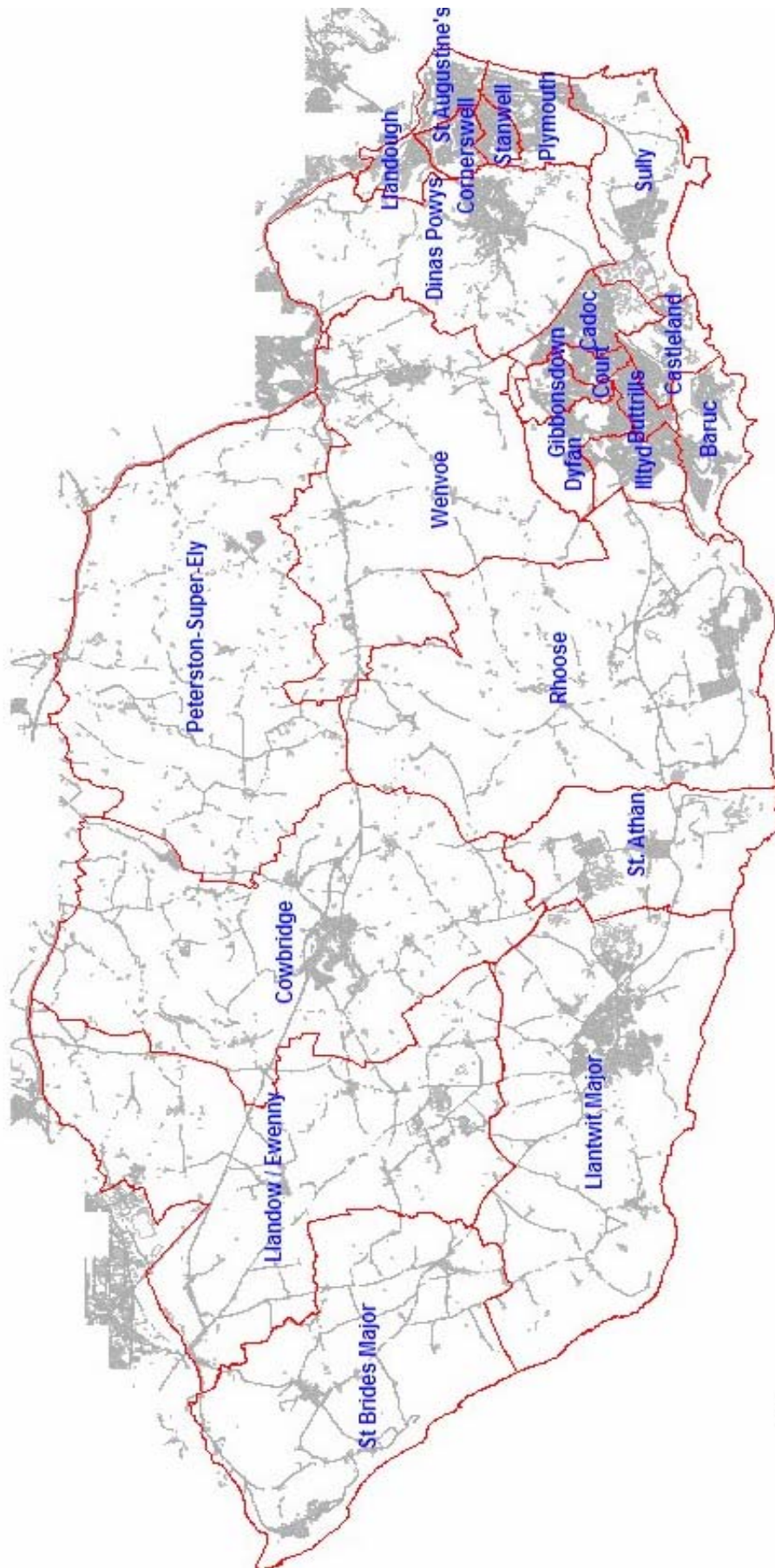
Or emailed to licensing@valeofglamorgan.gov.uk

You can download a copy of this online at www.valeofglamorgan.gov.uk or ask for further paper copies by phoning 01446 709105.

This consultation will last until the 4th November 2007 and the results will be reported to the Council Meeting of the 5th December 2007, who will also decide on the publication of the Statement.

Annexes

- A. Recommended Delegation of Functions
- B. Policy Life Expectancy and Review



VALE OF GLAMORGAN COUNCIL
DRAFT STATEMENT OF LICENSING POLICY

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1. Licensing

- 1.1 The Vale of Glamorgan Council is Wales' most southern Unitary Authority. There are 4 Town Councils and 22 Community Councils in the area. It covers 33,097 hectares (331 square miles) with 53 kilometres of coastline. The Council area has a population of 119,292. The main settlements are Barry, Penarth, Llantwit Major, Dinas Powys and Cowbridge. Barry, the largest town with a population of 48,000, is the Vale's administrative centre, a seaside resort and port. Cardiff International Airport is located 3 miles West of Barry. These areas are shown in the map at the front of this Statement.
- 1.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. This document sets out the policies The Vale of Glamorgan Council will apply when making decisions upon applications for: -
- Premises Licences
 - Club Premises Certificates
 - Personal Licences
 - Temporary Event Notices.
- 1.3 This document does not set out an overview of all shades of opinion. It is a coherent statement of Council Policy, which has been produced after careful consideration of many different and sometimes sharply opposing views. It adopts a single, clear position, having taken into account all of the suggestions put forward by interested parties. It is written for the Vale of Glamorgan, so it is not identical to the policy of any other Local Authority, even though there are many areas of common ground.
- 1.4 It is neither lawful nor desirable that the licensing policies of neighbouring authorities in Wales should be identical. However, it is recognised that there are some straightforward matters, which offer no scope for a local "flavour" or for modification in the light of representations, and in respect of which it would be sensible to seek a common approach. In some instances, the policies of the various authorities have used some common wording. The desirability of having these common features has at all times been subsidiary to the creation of a policy, which is particular to the Vale of Glamorgan.
- 1.5 By consulting widely prior to this Statement of Licensing Policy being published the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

2. Relevant Licensing Authority

- 2.1 The relevant Licensing Authority is the authority in whose area the premises are situated. In respect of Personal Licences it is the Licensing Authority that granted the licence.

3. Duties of the Licensing Authority

- 3.1 A Licensing Authority must carry out its function with a view to promoting the 4 licensing objectives. They are: -

- **Prevention of Crime and Disorder**

The Licensing Authority is committed to reducing Crime and Disorder across the county. Reducing crime and the fear of crime is important to the Community, especially vulnerable members of the Community such as the very young and elderly.

- **Public Safety**

The carrying on of licensable activities may involve potential risks to the safety of the public and to persons working at the premises. Additionally, Crime and Disorder both inside and outside the premises may also compromise Public Safety.

- **Prevention of Public Nuisance**

The Licensing Authority is committed to ensuring that the operation of licensed premises does not unacceptably interfere with the personal comfort or amenity of immediate neighbours or the nearby community.

- **Protection of Children from Harm**

Activities associated with premises that sell alcohol or provide regulated entertainment may, in certain circumstances, give rise to concerns for the health and welfare of children (in accordance with the 2003 Act a child is any person under the age of 16).

- 3.2 The Vale of Glamorgan's Statement of Licensing Policy, so far as possible, is not intended to duplicate existing legislative and regulatory regimes that already place obligations on employers and operators e.g. The Health and Safety at Work Act 1974, The Environmental Protection Act 1990, Disability Discrimination Legislation, and The Regulatory Reform (Fire Safety) Order 2005.

- 3.3 The Licensing Objectives are not served by tolerating non-compliance on the part of businesses that are struggling financially.

4. Activities requiring Licensing

4.1 Licensable activities are: -

- Sale of alcohol by retail
- Supply of alcohol by or on behalf of a club to a member of the club
- Provision of regulated entertainment
- Provision of late night refreshment

4.2 Regulated entertainment includes both entertainment and entertainment facilities. Subject to the qualifying conditions, definitions & exemptions, regulated entertainment is: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- Boxing or wrestling entertainment (in & outdoors)
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, playing of recorded music and the performance of dance

4.3 Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11pm and 5am of hot food or drink for consumption on or off the premises.

4.4 Hypnotism is not a licensable activity under the Licensing Act 2003 and therefore conditions will not be attached to premises licences in respect of this. However, any person wishing to put on a hypnotism show or display will need to apply for a licence under the Hypnotism Act 1952. Further information is available from the Licensing Authority and the Vale of Glamorgan Council's website.

4.5 The Licensing Authority advises that applicants proposing to hold large-scale events consider contacting the Licensing Authority 12 months prior to the event in order to obtain advice and guidance. The Licensing Authority actively encourages a multi-agency approach when advising on large events including statutory bodies that are not Responsible Authorities. Each application for a large-scale event will be considered entirely on its own merits.

4.6 Petrol Service Stations (Garages with shops) are deemed Excluded Premises under Section 176 of the Licensing Act 2003. Prior to a licence being granted for such premises, and in accordance with the Secretary of States Guidance, Licensing Authorities **MUST** be satisfied that the primary use of the premises is not that for the sale of petrol/derv or for the sale and servicing of motor vehicles. Evidence to show the level of sales and type of sales may be requested by the Licensing Authority in such circumstances.

4.7 Any licensed Street Trader who wishes to sell/supply alcohol or provide Late Night Refreshment should be aware that they would be required to apply for a Premises Licence or Temporary Event Notice if appropriate. It will be necessary for traders to ensure that both types of licence are acquired prior to conducting such activities. For further advice please contact the Licensing Authority.

5. *Activities Exempt from Licensing*

5.1 The following provisions of Regulated Entertainment are exempt from licensing under the Licensing Act 2003:

- Film exhibitions for the purpose of advertisement, information, education etc
- Film exhibitions: museums & galleries
- Music incidental to certain other activities
- Use of TV and Radio receivers
- Religious Services, Places of Worship etc
- Garden Fetes etc
- Morris Dancing etc
- Vehicles in motion

6. *Register*

6.1 The Licensing Authority (Vale of Glamorgan Council) must keep a 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
- Matters mentioned in Schedule 3 of the Act
- Any other information as may be prescribed

6.2 Each Licensing Authority must provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. If requested, the Licensing Authority must supply a copy of the information contained in any entry in its register in legible form. A fee may be charged for any such copy. The Vale of Glamorgan will charge a standard fee of £25 per copy requested.

7. *Types of Licence*

7.1 There are 4 types of licence:

- Premises Licence – a licence granted in respect of any premises that authorises them to be used for one or more licensable activities.
- Personal Licence – a licence granted by the Local Authority to an individual and authorises them to supply alcohol (or authorise the supply of alcohol) in accordance with a Premises Licence.
- Club Premises Certificate – a certificate granted in respect of premises occupied and used for the purposes of a club.
- Temporary Event Notice – where it is proposed to use a premises or a place for one or more licensable activities during a period not exceeding 96 hours.

8. *Personal Licences*

8.1 Persons who wish to supply alcohol, or authorise the sale of alcohol, in accordance with a Premises Licence must apply for a Personal Licence. Applications should be made to the Licensing Authority for the area in which the applicant is ordinarily resident or, in any other case, may be made to any Licensing Authority. Personal Licences are granted for a period of 10 years.

8.2 Applications for a Personal Licence must be made using the prescribed form. Further details regarding the qualifying conditions, the application procedure and fee payable can be found on the Vale of Glamorgan Council's website.

8.3 Holders of personal licences are reminded of the duty to notify the Licensing Authority who granted the personal licence of: -

- Any change in his/her name and/or address,
- Any conviction of a relevant offence or foreign offence.

8.4 The Licensing Authority may refuse an application following Police representations unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention objective.

9. Application Procedure

9.1 All Application Forms listed within the Regulations issued by the Secretary of State are available from the Licensing Authority and can also be found on the Vale of Glamorgan Council's website.

9.2 Each application shall be considered on its own merits. In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case and may consider any of the following: -

- Steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises
- Steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving at or leaving the premises such as signage in or around the premises
- Steps the applicant has taken or proposes to take to ensure that patrons leave the premises in an orderly way such as playing of soothing, quieter music towards the end of the night
- Steps the applicant has taken or proposes to take to prevent queuing or diverting queues away from neighbouring premises
- Steps the applicant has taken or proposes to take to ensure staff leave the premises quietly.
- Suitable parking arrangements and the effect on local residents
- Provision for public transport for patrons
- Whether taxis and private hire vehicles would disturb local residents
- Routes to and from the premises passing residential premises (by foot and road)
- Other measures taken to prevent nuisance/public disorder by using CCTV and door supervisors
- Measures proposed to prevent consumption and supply of illegal substances including any search procedure
- The possibility of any violence, public disorder or a policing problem should a licence be granted
- History of any licensing enforcement action against the applicant
- Increased refuse storage and disposal problems and additional street litter in the vicinity of the premises

9.3 The night time leisure economy in the Vale of Glamorgan is not entirely free of disorder problems but it is not among the small number of areas where the situation is seriously out of control and where exceptional sanctions are needed and permissible.

9.4 The Licensing Authority accepts that annoyance caused by people in the street other than in the vicinity of licensed premises, falls outside the scope of the Licensing Act 2003.

- 9.5 The policy will not seek to limit the numbers of licensed premises that will be permitted. The Licensing Authority maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act and any terms and conditions attached to licences will focus on matters which are within the control of individual Premises Licence holders, Personal Licence holders and others granted relevant permissions.
- 9.6 The Licensing Authority is concerned to protect the amenity of residents in the vicinity of licensed premises and for these purposes “vicinity” will be determined on a case-by-case basis, taking into account the nature of the licensable activities occurring there.
- 9.7 At the same time, the Licensing Authority is aware of the importance of the licensed trade to the local economy, its culture and leisure aspirations. Accordingly, it will try and work together with interested parties, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 9.8 There is nothing within this Licensing Policy that will prevent every licence application from being considered on its own merits. Furthermore, nothing within this Policy is intended to undermine any person from applying for a variety of permissions under the Licensing Act 2003.
- 9.9 Should representations or objections be made against the issuing of a licence, equal weight should be accorded to those representations and objections. This will not include those that are frivolous, vexatious or repetitious. Officers of the Licensing Authority will make the decision as to whether a representation or objection is frivolous, vexatious or repetitious.
- 9.10 A full and detailed list of prescribed fees is available from the Licensing Authority. These details are also available on the Vale of Glamorgan Council’s website at www.valeofglamorgan.gov.uk.
- 9.11 All fees paid to the Licensing Authority shall be retained by it. It is the policy of this Authority not to refund any or part of any application fee. This Authority does not believe it to be fair and equitable for the Council Tax payers of the Authority to subsidise the Licensing Act functions of the Authority.

10. Operating Schedule

- 10.1 The following types of applications have Operating Schedules set out within the application form: -
- Applications for new Premises Licences and new Club Premises Certificates;
 - Variations of Premises Licences and Club Premises Certificates, and
 - Provisional Statements.

- 10.2 It is anticipated that all applicants for Premises Licences or Club Premises Certificates will have carried out risk assessments prior to completion of their Operating Schedules.
- 10.3 When addressing the issues of Crime and Disorder, Prevention of Public Nuisance, and the Protection of Children from Harm within the Operating Schedule the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of these objectives. Such steps as are required to deal with these identified concerns should be included within the applicants Operating Schedule.

11. *Variation of Premises Licences/Club Premises Certificates*

- 11.1 Applications to vary a Premises Licence/Club Premises Certificate will be dealt with in a similar way to initial applications. If the Licensing Authority does not receive representations/ objections the application for variation will be granted in accordance with the Applicant's Operating Schedule.

12. *Licensing Committee*

- 12.1 The Vale of Glamorgan Council has established a Licensing Committee of 15 Members. Sub-Committees consisting of 3 members from the original committee have been further established. The Licensing Committee have delegated functions to an Officer where no objection or representation has been received. Where objections or representations have been made the Committee will consider the matter.
- 12.2 A Licensing Sub-Committee of 3 Councillors will sit to hear applications where representations have been received from Responsible Authorities and/or Interested Parties. Ward Councillors will not sit on a Sub-Committee hearing involving an application within their Ward.
- 12.3 An Interested Party may request a third party, such as a friend or a local Ward Councillor, on their behalf to make a written representation, and attend to amplify their concerns at a Sub-Committee hearing. However, the Licensing Authority will need to be satisfied as to the name and address of the Interested Party and that such person has given authority for the third party to act on their behalf.
- 12.4 Where a Councillor who is a Member of the Licensing Committee is making or has made a representation regarding a licence on behalf of an Interested Party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

- 12.5 Although the presumption is that the majority of contested applications will be dealt with by the Sub-Committee this will not preclude significant applications and matters that are considered to be sufficiently serious from being referred to the full Licensing Committee for determination or where future guidance recommends this course of action.
- 12.6 Every determination of a Licensing decision by the Licensing Committee shall be accompanied with clear cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who made relevant representations as soon as practicable.
- 12.7 Licensing Officers will make decisions as to whether representations are irrelevant, frivolous or vexatious. Where representations are rejected, the person making that representation will be giving a written reason as to why that is the case.
- 12.8 Any conditions attached to Premises Licences or Club Premises Certificates will relate to matters within the control of the licensee. Conditions will centre on the premises and the immediate vicinity of those premises. As such, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public who live, work or are engaged in normal activity in the area concerned.

13. Appeals

- 13.1 An appeal against the decision of the Licensing Committee MUST be made within 21 days of notification of the Licensing Authorities initial decision. The Appeal MUST be made directly to the Magistrates Court.
- 13.2 The Licensing Authority will be the Respondent in all cases that are appealed to the Magistrates Court.
- 13.3 There are three options open to the Magistrates Court in dealing with any Appeal. They are: -
- Dismiss the Appeal
 - Substitute the decision appealed with any other decision which could have been made by the Licensing Authority
 - Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court

14. Temporary Event Notices

- 14.1 Temporary Event Notices may only be signed by the Premises User and not by other persons, for example solicitors or other agents, on their behalf. Premises users are also encouraged to serve Temporary Events Notices on the Police at the same time as they serve them on the Licensing Authority.

15. *Tourism & Culture*

- 15.1 The Council may also seek Premises Licences for public spaces in the Community in its own name. This could include, for example, open spaces, community premises and similar public spaces. With regards to those places, performers and entertainers will not need to obtain a licence or submit a Temporary Event Notice in order to perform. Instead, they would require permission from the Council as the Premises Licence Holder. Should you require any further details of the public spaces already licensed please contact the Vale of Glamorgan Council's Leisure & Tourism Section.
- 15.2 The Licensing Authority will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing and theatre for the wider cultural benefit of communities generally. Where there is an indication that licensing requirements are deterring such events, the Licensing Policy will be revisited with a view to investigating how the situation might be reversed. Only necessary, proportionate and reasonable licensing conditions will be imposed as restrictions on any such events.
- 15.3 It is the Vale of Glamorgan Council's intention that planning and licensing regimes will remain separate to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application.

16. *Entertainments of a Sexual Nature*

- 16.1 Where the activities proposed under the licence include those of a sexual nature (e.g. topless waitresses; striptease; table/lap/pole dancing etc) the Licensing Authority will take into account the increased impact on the licensing objectives. Any reference to entertainments of a sexual nature in this part of the Statement of Licensing Policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.
- 16.2 Where "striptease" or "lap dancing" or other such activities are to be provided, this should be clearly stated in the Operating Schedule.
- 16.3 The Licensing Authority, following the receipt of relevant representations, may also attach such conditions deemed necessary to protect performers from harm and to deter the risk of sexually related crimes.
- 16.4 Where Premises Licence applications include striptease or any other kind of nudity, the Licensing Authority will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.

16.5 All applications involving striptease or nudity of any other kind will be considered on their own merits, but particular regard will be given to this section of the Policy.

17. *Illegal Drugs*

17.1 Much attention has been given to the use of drugs on licensed premises and the consequences for personal safety. The Safer Clubbing Guide concentrates on this issue and directs its attention particularly to the use of Ecstasy tablets by those attending nightclubs. The fashion for the use of this drug was closely related to a particular dance culture which now has a considerably reduced following. Whilst some of the content of that guide is dated, it nevertheless contains useful suggestions, which the Licensing Authority will use when addressing drug related issues in the licensed sector.

17.2 Leisure venues often have a significant role in the distribution and consumption of unlawful drugs although the distribution and consumption of drugs is not an issue, limited exclusively to the 'night club' sector or even to the night time economy as a whole.

17.3 The unlawful sale and supply of illegal drugs can take place at any time, and venues such as public houses can become a focus for this activity. Such venues are also attractive to those trading in goods stolen from retail premises, radios stolen from cars, proceeds from domestic burglaries. These illegal activities are often passed off as harmless socialising.

17.4 The Licensing Authority will work with its partners in addressing these issues irrespective of the type of licensed premises involved and the time of day.

18. *Cumulative Effect of Licensing on the amenity of particular areas*

18.1 The Licensing Authority recognises that the cumulative effect of a proliferation of late night entertainment premises may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of considerable consequences as set out below: -

- Increase in crime against property and persons
- Increase in noise causing disturbance to residents
- Traffic congestion and/or parking difficulties
- Littering and fouling

18.2 This may result in the amenity of local residents being placed under severe pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. Whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all

problems. Licensing is only one means of addressing problems identified above. Other mechanisms include:

- Planning controls
- Police powers to close down premises or temporary events for up to 24 hours on grounds of disorder, or the likelihood of disorder and excessive noise.
- Prosecution of Personal Licence holders who sell alcohol to people who are already intoxicated
- Powers of the Police, responsible authorities or a local resident or business to seek a review of a licence or premises certificate
- The serving of Anti-Social Behaviour Orders (ASBO's) in order to prevent public nuisance and crime and disorder
- Obtaining Designated Public Place Order's, to allow the Police powers to confiscate alcohol from members of the public.

18.3 Where there is evidence that a particular area is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified, following the requirements of the Licensing Act 2003.

18.4 The Licensing Authority will not impose blanket standard conditions.

18.5 The Licensing Authority recognises that conditions can only be attached to a licence following a relevant representation being received and a subsequent Sub-Committee hearing taking place. Otherwise, the licence must be granted with no additional conditions save the mandatory ones.

19. Children

19.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm in any way. Access is at the discretion of the Premises Licence holder and is neither encouraged nor discouraged by the policy except where:-

- There have been convictions for underage drinking or the premises have a reputation for underage drinking.
- The premises have a known association with drug taking or drug dealing
- Gambling takes place on the premises
- Entertainment of an "adult" or "sexual" nature takes place

- 19.2 Following the receipt of relevant representations the Licensing Authority reserves the right to take all necessary steps to prevent harm to children by: -
- Limiting the hours when children will be permitted in the premises
 - Stating a minimum age (below 18)
 - Limiting or prohibiting access where certain activities are taking place
 - Permitting access only when accompanied by an adult
 - Such other conditions or restrictions as may be necessary to achieve the licensing objectives.
- 19.3 A complete ban on children entering licensed premises is rarely likely to be necessary. Nothing within this policy makes it a requirement that children must be admitted to any premises. This is a matter left to the discretion of the management of the premises.
- 19.4 The Licensing Authority recognises the Vale of Glamorgan Council Children & Family Services as being competent to advise the Authority on matters relating to the protection of children from harm in relation to this Policy.
- 19.5 Should a premise be giving film exhibitions the applicant may wish to address in their Operating Schedule arrangements for restricting children from viewing age restricted films. It should also be noted that in relation to such premises a mandatory condition will be applied requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the local authority.

20. Opening Hours

- 20.1 The Licensing Authority recognises that longer licensing hours relating to the sale of alcohol are important to ensure high concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 20.2 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure disturbance to local residents is minimised. The policy will not set fixed trading hours within any designated area; furthermore, the policy will not attempt to artificially introduce “staggered” closing times.
- 20.3 As far as the Licensing Authority’s overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. However, it will be reasonable to assume that stricter conditions with regard to noise control will be expected in areas that have denser residential accommodation.

21. Binge Drinking

- 21.1 So far as it is within the Licensing Authority's powers to do so, it will oppose any practices which encourage binge drinking, whether from time limited promotions or otherwise. This is appropriate whilst the Alcohol Harm Reduction Strategy is applicable in England only.
- 21.2 The Local Authority's Policy is to resist, so far as it is within its powers to do so, the operation of "Happy Hours" schemes, "all you can drink" promotions and any large discounting of a kind likely to encourage customers to consume excessive quantities of alcohol in a short space of time. Such practices encourage damaging drinking habits and often result in disorderly behaviour from the participants.
- 21.3 It is nevertheless not appropriate that the Local Authority should intervene where discounting reflects normal competition, as with a discount, which is applied uniformly throughout the trading session.

22. Public Safety

- 22.1 The Licensing Authority may inspect any premise to secure compliance with the licensing objectives.
- 22.2 Glass drinking vessels can be used in incidents of violence and or disorder often resulting in serious injury. The Licensing Authority will actively encourage licensees to give consideration to the use of plastic drinking vessels where appropriate in the interests of public safety. This is necessary to aid the efforts of agencies to curtail the effects and consequences of disorder to the public in the Vale of Glamorgan. Any measures used should not compromise Trading Standards.
- 22.3 The Licensing Authority actively encourages applicants to consult the relevant legislation to enable them to promote the four licensing objectives. For example: Health and Safety at Work Act 1974 and The Regulatory Reform (Fire Safety) Order 2005 (This list is not exhaustive).

23. Human Rights Act 1998

- 23.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law

- Article 8 that everyone has the right to respect for his home and private life
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

24. Racial Equality

24.1 The Licensing Authority through this Policy and the Vale of Glamorgan Council's Racial Equality Policy Statement, recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on the Licensing Authority to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of differing racial groups.

25. Smoking

25.1 The Health Act 2006 introduced the prohibition of smoking in enclosed public places and places of work. The Licensing Authority appreciates the need for patrons to use outside areas of premises throughout the time the premises are open may arise and this can pose difficulties for licensees. The Licensing Authority will give consideration and advice to licensees in such situations where variations may be required, and each case will be considered on its own merits.

26. Violent Crime Reduction Act 2006

26.1 The Violent Crime Reduction Act 2006 has brought in some changes to the Licensing Act 2003. The Licensing Authority now has the power to consider an interim review in respect of premises if a Senior Police Officer (Superintendent or above) considers a particular licensed premise to be associated with serious crime and/or disorder. Interim measures that may be taken include the modification of existing conditions and/or temporary conditions may be attached to a premises licence pending a full review hearing; which must happen within 28 days of the interim review.

26.2 The Act introduced a new offence of persistently selling alcohol to children. If a person is found selling to children on 3 separate occasions in a 3-month period it is possible to suspend the premises licence in certain circumstances.

26.3 The Act also introduced Alcohol Disorder Zones. These are areas where the Licensing Authority has the power to impose charges on licence holders in a designated area where consumption or supply of alcohol in such premises is related to annoyance, nuisance or disorder. Sums raised would then be used to deal with the consequences of the disorder in that area.

27. *Crime & Disorder Act 1998*

27.1 Under Section 17 of the Crime and Disorder Act 1998 Local Authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.

27.2 Therefore, the Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the Council's area particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

28. *Drinking on the Streets/Criminal Justice and Police Act 2001*

28.1 The Criminal Justice and Police Act 2001 gave local authorities the power to make orders in certain circumstances for areas to become Designated Public Places (DPP). The DPPs are public places in the area of the local authority and identified in an Order made by that authority in which the police have powers to confiscate alcohol from members of the public. The DPP orders can be made if an area can be identified as having a problem with disorder and/or nuisance and alcohol misuse. The Vale of Glamorgan Council has, following consultation, made Orders for a number of DPPs in Barry, Penarth, Llantwit Major and Cowbridge.

29. *Enforcement Statement*

29.1 All decisions and enforcement action taken by this authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance and to the principles of the Enforcement Concordat.

29.2 It is the intention of the Authority to establish and maintain enforcement protocols with the local police and other relevant enforcement agencies. Such protocols will provide for the proportionate targeting of enforcement action on respect of licensed activities that require greater attention due to problems such as bad management and the operation of high risk activities, and a corresponding lighter touch for well run, lower risk activities.

29.3 The Vale of Glamorgan Council has a long established enforcement policy, based around the principles of consistency, transparency and proportionality. The Policy proposes that a graduated response is taken where offences are found and where licence conditions have been contravened, although in some instances a graduated response may not be appropriate due to the nature of the offence.

29.4 The Licensing Authority will work actively with the Police in enforcing licensing legislation.

29.5 The Licensing Authority will continue to employ enforcement officers to investigate allegations of unlicensed activities. Offences can be committed by: -

- Any person
- Premises Licence Holders
- Personal Licence Holders.

30. *Complaints against Licensed Premises*

30.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the four licensing objectives. In the first instance, complainants are encouraged to raise their concerns directly with the licensee or business concerned to seek a local resolution.

31. *Anti-Social Behaviour Act 2003*

31.1 This legislation will permit an authorised Environmental Health Officer acting on behalf of the Vale of Glamorgan Council's Chief Executive to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within the curtilage is causing a public noise nuisance. The 'test' is a lesser one than that required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

31.2 It should be noted that the Licensing Act 2003 also empowers a Senior Police Officer to close licensed premises in a number of circumstances e.g. when disorder is taking place, or is likely to take place immediately or a nuisance is being caused by noise emanating from the premises.

31.3 Good house management is considered by the Licensing Authority to be a critical factor in minimising the impact of a licensed premises on a locality and one that should be given due weight by all applicants.

32. *Trading Standards*

32.1 The Trading Standards service of the Vale of Glamorgan Council will ensure Premises Licence and Personal Licence Holders comply with the law, particularly from a fair trading perspective regarding the declared measurement of both alcoholic and non-alcoholic drinks. Alcohol particularly, can be easily adulterated through dishonest trading practices.

32.2 Test purchasing programmes are undertaken by Trading Standards along with formal samples being purchased. The team will liaise closely with the Licensing Team and the Police when formal action has been taken.

32.3 The Licensing Act 2003 permits the use of children less than 18 years of age to undertake test purchases. This is welcomed, and any action in this area will comply with the LACORS (Local Authorities Co-ordinators of Regulatory Services) and the Trading Standards Institute Code of Practice on Test Purchasing.

33. Review of Licence

33.1 Reviews of licences represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring. A responsible authority or an interested party can request a review of a licence. A review must be made in relation to one of the four licensing objectives. Once a review application has been received, and the Licensing Authority has deemed it as a relevant request, the Licensing Committee will hold a hearing to determine the matter.

33.2 A review of the licence will normally follow any action by the Police to close down premises for up to 24 hours on grounds of disorder or public nuisance. The Licensing Authority views seriously applications for the review of any Premises Licence where it involves: -

- Using the premises for sale and distribution of all controlled drugs and laundering of the proceeds of drugs crimes
- Using the premises for the sale and distribution of illegal firearms
- Evasion of copyright in respect of pirated films and music
- Underage purchase and consumption of alcohol
- Use of premises for prostitution or the sale of unlawful pornography
- Use of the premises for unlawful gaming
- Use of the premises as a base for organised criminal activity
- Use of the premises for organisation of racist, homophobic or sexual abuse or attack
- Use of the premises for the sale of smuggled tobacco or goods
- Use of the premises for the sale of stolen goods
- Where Police are frequently called to attend incidents of disorder.

33.3 The options open to the Committee considering an application for a Review of a Premises Licence or Club Premises Certificate is: -

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence, or
- To take no further action.

33.4 The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder may be a consideration for the Licensing Authority, the promotion of the Licensing Objectives will be the Authority's primary concern. In some circumstances, for example, the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

34. *Community Engagement*

34.1 When an application for a Grant or Variation of a Premises Licence or Club Premises Certificate is made, this fact must be advertised by the applicant in the local press and also by displaying a blue A4 notice on the premises concerned for 28 consecutive days.

34.2 The Licensing Authority will encourage Temporary Event Notices to be submitted at least 6 weeks prior to the event-taking place but not more than 3 months to ensure that the Licensing Authority and South Wales Police have adequate time to consider the impact on the licensing objectives.

35. *Consultation*

35.1 In developing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. These include: -

- The Police
- The Fire Authority
- Representatives of Premises Licence Holders
- Representatives of Club Premises Certificate Holders
- Representatives of Personal Licence Holders
- Representatives of businesses and residents in the area

**ANNEX A TO THE
VALE OF GLAMORGAN
COUNCIL STATEMENT OF
LICENSING POLICY
dated 2007**

Recommended Delegation of Functions

Recommended delegations of functions are: -

Matter	Committee	Sub Cttee	Officer
Application for Personal Licence		If an objection made	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for Premises Licence/Club Premises Certificate		If a representation made	If no representations made
Application for Provisional Statement		If a representation made	If no representations made
Application to vary Premises Licence/Club Premises Certificate		If a representation made	If no representations made
Application to vary Designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for Interim Authorities		If a Police objection is made	All other cases
Application to Review Premises/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 relevant authority considering the application		All cases	
Determination of a Police objection to a Temporary Event Notice		All cases	

ANNEX B TO THE
VALE OF GLAMORGAN
COUNCIL STATEMENT OF
LICENSING POLICY
dated 2007

Policy Life Expectancy and Review

The Second Issue of the Vale of Glamorgan Council's Statement of Licensing Policy will have effect for 3 years. It will come into effect on 7th January 2008, and every 3 years it will be reviewed and the full consultation procedure will commence again.

Any amendments to the Authority's Licensing Policy may be carried out at any time during the 3 years. To authorise the amendment full consultation would have to take place.

In practice, the Licensing Policy will be under constant review as it is a living document, and input from any available source would be of benefit to all under the Policy.

Should any person or representative body have any points or suggestions in relation to the Policy they should contact the Licensing Office of the Vale of Glamorgan Council in the first instance. Discussion will then take place on the feasibility of the requested amendment prior to the consultation process.

Once the Council has ratified any amendment, the amended Policy will be published accordingly. This will not affect the 3-yearly Review of the Policy.

The next review of the Vale of Glamorgan Council's Statement of Licensing Policy must take place and be published by the 7th January 2011.