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**TO: Councillor: Bernie Attridge
(Chairman)**

Councillors: Alex Aldridge OBE, Robin Baker, Emlyn
Cooke, Alan Diskin, Brian Dunn, Jim Falshaw, Grenville
James, Eng. Klaus Armstrong-Braun, Eric Owen, Mike
Reece, Tony Sharps

Your Ref /
Eich Cyf

Our Ref / *Ein Cyf* LC/CO

Date / *Dyddiad* 01/11/2010

Ask for / *Gofynner am* Ceri Owen

Direct Dial / *Rhif Union* 01352 702350

Fax / *Ffacs*

Dear Sir / Madam,

A meeting of the **LICENSING COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **WEDNESDAY, 10 NOVEMBER 2010** at **10:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST(INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on the 15th June, 2010 (copy enclosed).
4. **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**
Report of Director of Environment enclosed

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

LICENSING COMMITTEE
15TH JUNE, 2010

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Tuesday 15th June, 2010.

PRESENT: Councillor J.B. Attridge (Chairman)

Councillors L.A. Aldridge, S.R. Baker, E.G Cooke, A.G. Diskin, B. Dunn, J.E. Falshaw, E.W Owen, m. Reece and L.A. Sharps.

ALSO PRESENT:

Councillors: V. Gay, H.D. Hutchinson and R.B. Jones

APOLOGIES

Councillor H.G. Roberts

IN ATTENDANCE

Community Protection Manager and Committee Officer

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting of the Committee held on 16th November, 2009 were submitted.

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

3. LICENSING ACT 2003 – ROLE OF ELECTED MEMBERS AS ‘INTERESTED PARTIES’

The Committee considered the report of the Director of Environment, the purpose of which was to request that Members consider their role as Interested Parties under the Licensing Act 2003 and determine how they would be informed of applications received and to what extent Town and Community Councils should be involved in the process.

The report was presented by the Community Protection Manager who reported that the Licensing Act 2003 defined various groups that had important roles in the context of applications, inspections, enforcement and reviews of premises licences. The law changed at the end of January, 2010 to include as interested parties ‘a member of the relevant licensing authority, i.e. Elected Councillors of the licensing authority for the area in which a premises is situated’. There remained no statutory provision for Town &

Community Councils to engage with the process other than acting as a body that may represent persons living in the vicinity of the premises in question.

The Community Protection Manager explained that one of the significant effects of the change in the law was that local councillors could, as Elected Members of the licensing authority, make representations in their own right if they had concerns about any premises, regardless of whether they lived or ran a business in the vicinity of those premises. He highlighted the suggested options available for Members to find out about applications that had been received, as outlined within the report and asked the Committee to consider and determine how Members should receive notification of applications.

Councillor S.R. Baker welcomed the content and recommendations of the report and suggested that Clerk's of Town and Community Councils also receive an e-mail notifying them of applications in their areas. The Community Protection Manager explained that not all Clerks of Town and Community Council could be contacted via e-mail. The Chairman suggested that Clerk's who did not have access to an e-mail address should be contacted by telephone.

Councillor B. Dunn outlined his concern regarding Members not being notified of licensing application but welcomed the report which she felt would address this issue.

RESOLVED

- (a) That Elected Members be notified by e-mail or telephone of applications where the premises in question is located in the ward or area that they represent.
- (b) That Clerks of Town and Community Councils be notified by e-mail or telephone of applications where the premise in question is located in their area.

4. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY 2011 - 2013

The Committee considered the report of the Director of Environment, the purpose of which was to inform Members of the preparations for the next Licensing Policy.

The Community Protection Manager reported that the Licensing Authority proposed to consult primarily via Flintshire's website. The existing policy was already on the site and details of the proposals revisions would be added. An explanatory leaflet would be produced which would be distributed to libraries and other County Council public buildings.

RESOLVED

That Members noted the proposals outlined in respect of the next 3 year Statement of Licensing Policy (2011 – 2013) and approved the proposed methods of consultation.

5. ADOPTION OF CONTROLS OVER SEXUAL ENTERTAINMENT VENUES

The Committee considered the report of the Director of Environment, the purpose of which was to request that Members approve the adoption of new powers to regulate sexual entertainment venues, confirm that the number of sex establishments or sexual entertainment venues in the relevant locality be nil, confirm the fees that would be payable for licences, approve proposed standard conditions and approve policy guidelines relating to applications.

The Community Protection Manager reported that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 permitted local authorities to determine the number of sex establishments, or sexual establishments of a particular kind, that it considered appropriate in the relevant locality. It was proposed that nil be the appropriate number but if an application was received this would need to be considered by the Licensing Sub-Committee in order for there to be an open and transparent process.

Councillor L.A. Aldridge understood that applicants wanting to establish a sexual entertainment venue could obtain a licence via Flintshire County Council. He asked if an applicant was refused a licence could he/she challenge the local authority through a European Court of Law and if so how would this affect the local authority following adoption of the new controls over sexual entertainment venues.

The Chairman suggested that the Community Protection Manager respond directly to Councillor Aldridge following the meeting.

RESOLVED

- (a) That the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply in the area of Flintshire County Council and shall come into force on 13th August, 2010.
- (b) That the number of sex establishments in the relevant locality be nil.
- (c) That the following fees be applicable to sex establishment (including sexual entertainment venue) licences:-
 - Application for the grant of a sex establishment licence - £800
 - Application to vary a sex establishment licence - £800
 - Application to transfer a sex establishment licence - £200

- (d) That the standard conditions prescribed by regulations made by Flintshire County Council under paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to sex establishment (including sexual entertainment venue) licences, as shown in Appendix 1 of the report.
- (e) That the Policy Guidelines relating to any applications made as shown in Appendix 2 of the report be approved.

6. DURATION OF MEETING

The meeting commenced at 11.00 a.m. and ended at 11.30 a.m.

7. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press present.

.....
Chairman

**SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT**

LICENSING COMMITTEE	DATE: 15 JUNE, 2010
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **LICENSING COMMITTEE**
DATE : **10 NOVEMBER 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

1.00 PURPOSE OF REPORT

1.01 To request that Members consider and approve the next Flintshire County Council Statement of Licensing Policy

2.00 BACKGROUND

2.01 Section 5 of the Act requires the Licensing Authority, every three years, to determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

2.02 The next period will begin at the start of January 2011

2.03 The Licensing Authority undertook a public consultation process between August and October 2010 to invite observations or comments about the policy.

2.04 The Licensing Authority stated that their intention was to keep the existing policy but to update it where necessary and add/amend details on a variety of subject areas such as the Planning/Licensing interface; the Public Protection Enforcement Policy; new partnership arrangements with Community Safety; the new role of County Councillors as 'Interested Parties'; newly adopted controls over sexual entertainment venues; details on the EU Services Directive and reference to online registers.

2.05 Those consulted included Responsible Authorities (eg. Police; Fire; Planning; Social Services for Children; Pollution Control; Trading Standards etc); County Councillors; Town and Community Councils; licensees; pub companies and licensing solicitors. Details of the consultation were also placed on the Council's website and a leaflet aimed at the public widely distributed. A Member's workshop was held.

3.00 CONSIDERATIONS

3.01 Six responses were received during the consultation period. A table listing

Date: 01/11/2010

the respondents and summarising their comments is shown at Appendix 1. The table also gives the Authority's appraisal and response to the comments.

- 3.02 Appendix 2 is the draft Statement of Licensing Policy for the three years of 2011-2013. It incorporates the topics referred to in paragraph 2.04 above together with the observations of the respondents as detailed in the table in Appendix 1.

4.00 RECOMMENDATIONS

- 4.01 That Members consider and adopt the Licensing Act 2003 Statement of Licensing Policy that will have effect from 1st January 2011 for a three year period.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None in respect of this report

6.00 ANTI POVERTY IMPACT

- 6.01 Not applicable

7.00 ENVIRONMENTAL IMPACT

- 7.01 The prevention of public nuisance is one of the licensing objectives

8.00 EQUALITIES IMPACT

- 8.01 None in respect of this report

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 Yes

11.00 CONSULTATION UNDERTAKEN

- 11.01 As detailed in the body of this report

12.00 APPENDICES

- 12.01 Responses Table
12.02 Draft Statement of Licensing Policy - December 2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Licensing Act 2003 and associated regulations.
Dept of Culture Media and Sport Guidance to Local Authorities
FCC Statement of Licensing Policy 2008-2010
Draft FCC Statement of Licensing Policy 2011-2013

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Telephone: 01352 703393
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Statement of Licensing Policy - Table of Consultation Responses Received

Ref No	Source of Response	Summary of Respondent's Comments	Authority's Appraisal	Authority's Response
01	Children's Safeguarding Manager - FCC	Nothing to add to document but details need updating	Agree	Updated information included
02	Head of Development Control - FCC	Various changes needed to details about the interface between Planning and Licensing	Agree	Revised paragraphs agreed and inserted
03	Resident of Sychdyn	Keen to ensure that controls on noise and disturbance are not being diluted in any way	Reassurance provided that nothing is being changed in this respect and controls may be enhanced following the Home Office consultation on Rebalancing the Licensing Act	Revise policy again once detail is known on 'Rebalancing' (believed to be in Spring 2011)
04	Workshop with Elected Members of FCC	Concerns over private sector Building Control approvals	Building Control are not classed as Responsible Authorities so cannot be formally involved.	Include recommendation in Policy that only bona fide, approved Building Control firms should be used if not utilising Local Authority Building Control.
		Tea and coffee should be available in all pubs	No statutory basis for this. Would be regarded as an imposition on business.	Do not include in Policy (provision of free tap water is already a Mandatory Condition)

		Protocols with North Wales Police and North Wales Fire & Rescue Service should be within the Policy	The protocols are about operational enforcement responsibilities and all North Wales Local Authorities are signatories. Would need consent/agreement of all concerned for one Authority to take a different stance.	Refer to the protocols in the policy but do not include them.
		Concerns over 24 hour opening by supermarkets and sale in the early hours to those already drunk	Need evidence via the Police when this is occurring. Monitoring can then take place and action taken against individual stores.	Legislation already in place regarding this. No further action in respect of the Policy.
		Concerns over Police reluctance to respond to issues relating to disorder	No comment in the context of this consultation	Inform Head of Public Protection for consideration at Community Safety Partnership Board level.
		Concerns over Police reluctance to use closure powers	No comment in the context of this consultation	Inform Head of Public Protection for consideration at Community Safety Partnership Board level.
		Variability of approach to Licensing between the Police territorial areas	No comment in the context of this consultation	Inform Head of Public Protection for consideration at Community Safety Partnership Board level.
		Approach to irresponsible promotions	Need to strike the right balance between promotions that have taken place for many years without causing any issues and those that contribute to problems such as antisocial behaviour, violence, etc.	Include in the Policy that promotions will be examined on an individual basis and decisions taken in conjunction with the Police on whether they are considered irresponsible.

		Role of Elected Members as Interested Parties – Members should restrict themselves to commenting upon premises within their Ward or the adjoining Ward if the premises is located near the border.	This is an appropriate approach though the legislation does permit representations by any Elected Member on any application.	Include the previously agreed notification of applications received process in the Policy - which reflects the point that Members need only concern themselves with their own or the adjoining Ward
		'Stripograms' should be classed as Sexual Entertainment	Specific advice has been obtained from the Home Office. This activity does not fall within the definition of Sexual Entertainment unless the licensee is arranging it. The dispensation for occasional provision can be utilised	Will include an explanation in the policy. See also comment below.
		Licensees should notify each time they hold sexual entertainment that does not fall within the requirement to be specifically licensed.	There is no requirement for such notification in the legislation. We would normally rely upon local intelligence or complaints to identify if an issue was developing.	Will include in the Policy and will write to all licensees to inform them of the newly adopted provisions and request that they record and notify any such activities.
		Licensed premises should only supply alcohol in unbreakable containers	We have discussed this aspect with the Police in the past and the evidence is that in Flintshire occurrences of violence using glass containers as a weapon are very infrequent	Include in policy but only as a requirement for temporary events and when justified for public safety reasons following a risk assessment.
05	Holywell Town Council	Broad principles are well reflected in the current policy. In agreement with the updating proposed. The	Agree	Update policy as intended. Operationally there are

		Town Council considers enforcement as an important element and there should be adequate resources to support policy implementation.		proposals currently under consideration to increase capacity in the enforcement team and it is hoped that these will be accepted in due course.
06	Flintshire Licensee	<p>1. Low alcohol prices in some establishments are mainly to blame for binge and underage drinking. Flintshire should set a minimum price per unit.</p> <p>2. Alcohol should be sold directly from a designated area (as is the case in a pub) as opposed to being openly accessible anywhere in a supermarket.</p>	<p>1. Agree that minimum pricing should seriously be considered but feel that this is a matter for action at national level. The topic was included in the recent Home Office consultation on 'rebalancing' the Licensing Act.</p> <p>2. The Act regulates the sale of alcohol and the sale takes place at the till in a supermarket situation. Would be difficult to go back to a designated area layout without direct evidence that it would promote the licensing objectives in an individual premises.</p>	<p>1. Await the outcome of the Home Office consultation (believed to be due in Spring 2011) and review at that time.</p> <p>2. Do not include in policy but keep under review.</p>

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Licensing Act 2003

Statement of Licensing Policy

December 2010

Licensing Act 2003 Statement of Licensing Policy

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Foreword
by the
Chair of Flintshire County Council's Licensing Committee

This is the third of Flintshire's three-yearly Statements of Licensing Policy.

The advent of the Licensing Act 2003 provided an opportunity for a streamlined and efficient system of alcohol and entertainment licensing.

The experience built up over the last five years of operation has contributed to ensuring that customers have a wide choice of premises to visit, that licensees have been supported through difficult economic times and that residents living near licensed premises have remedies if they suffer disturbance of any kind.

Licensing in Flintshire is now located within the Community Protection Section of the Public Protection Division along with Trading Standards and the Community Safety function.

This means that many of the issues surrounding alcohol, for example under age sales, anti-social behaviour and breach of licence conditions can be dealt with by the same Section thus providing a more effective and consistent approach.

The remit of the Licensing Committee itself has been extended and now covers Private Hire and Hackney Carriage (Taxi) Licensing and the Gambling Act in addition to alcohol and entertainment licensing. These areas again have a natural synergy which provides for a well co-ordinated approach.



Councillor Bernie Attridge
Chair of the Licensing Committee

Flintshire County Council
Licensing Act 2003
Statement of Licensing Policy

1. Background

1.1 This Licensing Policy Statement is issued as required by the Licensing Act 2003 ('the Act') and is in line with the Home Office and Department of Culture, Media, and Sport (DCMS) guidance to local authorities. This document sets out the policies that the Council as Licensing Authority will follow when making decisions upon applications for:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
- The provision of regulated entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
 - a) a performance of a play;
 - b) an exhibition of a film;
 - c) an indoor sporting event;
 - d) a boxing or wrestling entertainment;
 - e) a performance of live music;
 - f) any playing of recorded music;
 - g) a performance of dance;
 - h) entertainment of a similar description to that falling within paragraph e, f or g.

The entertainment falls within the requirements when it takes place in the presence of an audience and is provided for the purpose or includes the purpose of entertaining that audience.

1.2 Incidental live and incidental recorded music will not be regarded as regulated entertainment. The Licensing Authority will give the word "incidental" its ordinary and natural meaning when making judgements about whether activities are licensable.

- 1.3 Spontaneous music, singing and dancing is not included in the definition of regulated entertainment and any occurrences of it will be assessed in accordance with the Act.
- 1.4 Guidance on the procedures to be followed by applicants and objectors is included in Section 12 of this document.
- 1.5 It is the duty of the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives which are:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm**

The Licensing Authority acknowledges that each objective is of equal importance and that there are no others.

It is recognised that the licensing function cannot operate in isolation in the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with its local communities, the police, local businesses, the Community Safety Partnership and all other relevant stakeholders. The Licensing Authority acknowledges that the private sector and local residents and community groups have as equally a vital role as public bodies.

- 1.6 In undertaking its licensing function, any licensing authority is also bound by other legislation, examples of which are set out below:
- Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Health and Safety at Work Act 1974
 - Environmental Protection Act 1990
 - Disability Discrimination Act 1995
 - The Anti-social Behaviour Act 2003
 - The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2007
 - The Health Act 2006 and the Smoke-free Premises etc. (Wales) Regulations 2007
 - The Violent Crime Reduction Act 2006
 - The Equalities Act 2010

Where existing law already places statutory obligations on applicants, the Council will not impose the same or similar duties by way of licence conditions.

- 1.7 The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:
- Action Plan for Tackling Alcohol-related Crime, Disorder and Nuisance
 - Safer Clubbing
 - LGR / TSI Code of Best Practice on Test Purchasing
 - Crime and Disorder Reduction Strategy
 - Together Tackling Anti-social Behaviour
 - Enforcement Policy
 - Unitary Development Plan
 - Transport Plan
- 1.8 The Licensing Authority would also draw attention to, and is supportive of, existing initiatives that are relevant to licensing, for example:
- Night-safe schemes
 - Proof of age schemes
 - CCTV coverage of town centres
 - Exclusion Orders from town centres
 - Safer Clubbing Guide (www.drugs.gov.uk)
 - Pubwatch schemes
 - Off-watch Schemes
- 1.9 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 1.10 The Licensing Authority recognises that the entertainment industry in Flintshire is a significant contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Licensing Authority has a duty to protect.
- 1.11 The Licensing Authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

- 1.12 The Licensing Authority has adopted this policy, which sets out the general approach it will take when it acts as Licensing Authority in considering applications for premises licences. In adopting this policy, the Licensing Authority recognises that each application will be considered on its merits.
- 1.13 The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities, and in particular, children. In determining conditions to be attached to licences and certificates the Licensing Authority will avoid measures which deter opportunities for cultural activities by imposing indirect costs.
- 1.14 The Council may seek premises licences in its own name for public spaces such as market squares, pedestrianised streets, etc. in order that community activities can take place easily.
In such defined places, performers and entertainers would not need to obtain a licence themselves or issue any temporary event notices. They would simply seek permission from the Council as the premises licence holder.
(The Council would not be seeking authority to permit the sale or supply of alcohol for these areas).
- 1.15 The purpose of the Statement of Licensing Policy is to assist Officers and Members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 1.16 The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every three years. Accordingly, this Policy will be reviewed no later than December 2013. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 1.17 The Council will also monitor the impact of licensing on regulated entertainment to ensure that cultural events are not being deterred by unnecessary, disproportionate or unreasonable licensing conditions. The Council's Arts Development Officers will be included in consultation on this.
- 1.18 The policy will normally apply to any licence application determined after the date that the Council resolves to make the policy operational, irrespective of the date on which the application was made. The Licensing Authority will only depart from the policy, if individual circumstances of the case merit it, in the interest of the licensing objectives. Full reasons for such a departure will be given.

This policy applies to the following categories:

- Premises Licences
- Club Premises Certificates
- Personal Licences
- Permitted Temporary Activities (Temporary Event Notices)

1.19 In the case of premises requiring a Premises Licence or Club Premises Certificate the Licensing Authority may select appropriate and necessary conditions from the DCMS pool of conditions. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and reflect the four licensing objectives set out at paragraph 1.5 above.

2. Planning and Building Control

2.1 The Planning, Building Control and Licensing regimes in Flintshire will be properly separated to avoid duplication and inefficiency.

2.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property in question. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

2.3 The Council's most up to date planning policies are currently set out in its Unitary Development Plan, which will constitute the Development Plan following its adoption. Guidance from Planning Policy Wales and the series of Technical Advice Notes will also be relevant.

2.4 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers wider amenity issues. As such licence applications should not be a re-run of the planning application and should not necessarily be influenced by decisions taken by the local authority planning committee or by the Planning Inspectorate on appeal, and vice versa.

2.5 The granting by the licensing authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission (Listed Building Consent where applicable), or Building Control approval.

2.6 There are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.

- 2.7 The Planning Authority is a responsible authority under the Licensing Act and as such may make representations on licence applications as long as they relate to the licensing objectives.
- 2.8 The Licensing Authority advises that applicants requiring building control approval ensure that the company that they use is suitably accredited, if they are choosing not to use Local Authority Building Control services.

3. Prevention of Crime and Disorder

- 3.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent / reduce crime and disorder in the area. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, e.g. the provision of CCTV cameras in certain premises.
- 3.2 One of the key priorities of the Flintshire Crime and Disorder Reduction Partnership is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the Council's area, particularly when considering the location and impact and the operation and management of all proposed licence applications, renewals and variations of conditions.
- 3.3 The Licensing Authority will have due regard to the representations of North Wales Police which is one of the Responsible Authorities that will be consulted regarding premises licence and club premises certificate applications.

Safer Clubbing

- 3.4 The Licensing Authority wishes to promote the principles of "Safer Clubbing". It will recommend the current Home Office guidance on the subject to relevant premises licence and club premises certificate holders. Necessary and appropriate licence conditions may be imposed to control the environment at relevant premises in support of the "Safer Clubbing" objectives.

Drugs

- 3.5 Special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions take into account the above-mentioned "Safer Clubbing" advice issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Substance Misuse Action Team.

Door Supervisors

- 3.6 The Licensing Authority, upon receipt of relevant representations, may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally contribute to safe operation of the premises. In such cases, the Licensing Authority may impose a condition that licensed door supervisors (Security Industry Authority) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, and at a number and ratio to be determined by the Licensing Authority.
- 3.7 Stewards and other persons whose role is to provide advice about and ensure the safety of those visiting the premises are not deemed to be carrying out a security activity and need not be registered with the Security Industry Authority.

Late Night Refreshment

- 3.8 Premises selling hot food or drink between 11.00 pm and 5.00 am will need to be licensed. The key licensing objectives in connection with this activity are the prevention of crime and disorder and public nuisance. Where provision of hot food and drink is a secondary activity in licensed premises open for other activities, then the primary licence conditions will adequately cover the activity. The requirements will not normally be applied to convenience stores / garage shops and similar premises unless crime and disorder or public nuisance becomes an issue.

PubWatch and Off-watch

- 3.9 The Licensing Authority would encourage active participation in such schemes as contributing to the prevention of crime and disorder licensing objective.

Alcohol in Public Places

- 3.10 Flintshire is a 'designated public place' under the relevant legislation. This means that if a police officer reasonably believes that a person is or has been consuming, or intends to consume, alcohol in a designated public place he/she has the power to require that person not to drink alcohol in that place and to surrender any alcohol or alcohol containers (including sealed containers) in his/her possession.
- 3.11 It is not an offence to drink alcohol in a designated public place but failure to comply with an officer's requirements without reasonable excuse is an arrestable offence.

Irresponsible Promotions

- 3.12 Banning the irresponsible promotion of alcohol in on-licensed premises was one of five measures brought in by Government in 2010. The others were banning the dispensing of alcohol directly into the mouths of customers; making free tap water

available; ensuring age verification policies are in place and offering smaller servings of beer, wine and spirits.

- 3.13 In Flintshire the decision on what is and is not an irresponsible promotion will be made on a case by case basis taking all the circumstances into account and with reference to other Responsible Authorities when necessary.

4. Public Safety

- 4.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.
- 4.2 The Department of the Council which enforces health and safety in relevant premises may be consulted as a Responsible Authority and may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.
- 4.3 The Licensing Authority recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence/certificate.
- 4.4 Where activities are organised by volunteers or a committee of a club or society, the Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 4.5 The Licensing Authority will encourage licence holders to provide facilities enabling the admission of people with disabilities. No conditions will be applied which could be used to justify exclusion on the grounds of public safety. Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.

Fire Safety

- 4.6 The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be consulted regarding premises licence/ club premises certificate applications, renewals and variations.
- 4.7 North Wales Fire & Rescue Service may select appropriate and necessary conditions from the DCMS pool of conditions in relation to fire safety matters.
- 4.8 The Licensing Authority, upon receipt of relevant representations will include in a premises licence / club premises certificate an occupant capacity where necessary

for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service.

- 4.9 Where applicants wish to avail themselves of the special provisions in Section 177 of the Act (dancing, amplified and un-amplified music in premises with a permitted capacity of not more than 200) North Wales Fire and Rescue Service may be asked to make a confirmation of the capacity of the premises.
- 4.10 Flintshire County Council is a signatory to the protocol between North Wales Fire & Rescue Service and the six North Wales local authorities.

5. Prevention of Public Nuisance

5.1 When considering public nuisance the Licensing Authority will take account of:-

- Noise from premises - including that caused by patrons smoking outside
- Waste
- Litter - including smoking related litter
- Car Parking
- Light pollution
- Noxious smells

The Licensing Authority will take the broad common law meaning of public nuisance when making its judgements on applications and reviews of premises licences / certificates.

- 5.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 5.3 The Licensing Authority will use the DCMS pool of licence conditions to control noise from existing premises and to advise developers on the required noise attenuation for new premises. Stricter conditions with regard to noise control may be imposed in areas where the premises are near residential property.
- 5.4 The Pollution Control Section of the Council's Public Protection Division will act as a Responsible Authority and will be consulted with regard to the prevention of public nuisance and reference may be made to the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (current edition). Reference may also be made to the Department of Environment, Food and Rural Affairs (DEFRA) report entitled "Implications for Noise Disturbance Arising from the Liberalisation of Licensing Laws".
- 5.5 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

- 5.6 The Licensing Authority acknowledges the powers that the Police hold to issue a Closure Order on individual licensed premises that are causing a nuisance as a result of noise emitted and would encourage the Police to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 5.7 The above powers are also available to Pollution Control Officers by the Anti-Social Behaviour Act 2003. Such powers will be used when deemed necessary and in accordance with the legislation.
- 5.8 The Licensing Authority will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.
- 5.9 When considering applications for licences or reviews of licences, the Licensing Authority will take a common sense view on whether the individual or business making representations is located “in the vicinity” of the premises concerned and therefore likely to be directly affected by disorder and disturbance.
- 5.10 Noise and disturbance arising from the behaviour of patrons that have left the premises are matters for personal responsibility and are subject to Police enforcement of the normal law concerning disorder and anti-social behaviour.
- 5.11 Notwithstanding the previous paragraph, it is the view of the Licensing Authority that the Designated Premises Supervisor holds the responsibility for ensuring that patrons who may be outside their premises for smoking related purposes do not create public nuisance.

6. Protection of Children from Harm

- 6.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include, for example, theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way apart from as specified in the Licensing Act 2003, unless it is considered necessary to do so in order to protect them from harm in some way (i.e, physical, moral or psychological harm).
- 6.2 When considering applications for premises licences or club premises certificates, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children, for example:
- Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing

- Where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
- Where entertainment or services of an adult or sexual nature are commonly provided, e.g. topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, strong and offensive language or imagery. (see also paragraph 20)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

The Licensing Act 2003 makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

The Licensing Authority will give the term “exclusively or primarily” its ordinary and natural meaning in the context of the particular circumstances. The Licensing Authority will consider the individual merits of each application.

6.3 Where the circumstances described in 6.2 exist then conditions may be attached to the licence to protect children from harm. Such conditions may include:

- Requirements for the production of proof of age cards
- Limitation on the hours when children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities take place
- Restrictions or exclusions in respect of parts of premises
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- Requirements for adult supervision

As a general principle the Licensing Authority will not attach conditions to premises licences or certificates requiring the admission of children. This will be left to the discretion of the venue operator.

6.4 Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification recommendations. This is a mandatory condition in the Licensing Act 2003 for premises admitting children to the exhibition of any film.

6.5 The Licensing Authority recognises the requirement in the Act for children under the age of 16 to be accompanied by an adult. In circumstances where large numbers of unaccompanied children are likely to be present on certain licensed premises, for example at a children’s show or pantomime, then to ensure public safety and the protection of children from harm, the ratio of adults required to supervise children will be in accordance with Annex H, Section 182 Guidance to the Licensing Act 2003 or such other ratio that a responsible authority may recommend.

- 6.6 No films shall be exhibited at licensed premises which are likely to:
- Lead to disorder
 - Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, language, disability, religious beliefs, sexual orientation or gender.
- 6.7 With general reference to the protection of children from harm, the Licensing Authority will regard the Social Services for Children Department of the Community Services Directorate as the Responsible Authority competent to respond on matters relating to children and harm.
- 6.8 It is expected by the Licensing Authority that operating schedules submitted as part of applications shall contain enough detailed information so that a proper view as to what measures may be necessary to protect children from harm can be determined.
- 6.9 Please see paragraph 20 below for more detailed information on control of Sexual Entertainment Venues

7. Cumulative Impact

- 7.1 This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 7.2 The Licensing Authority does not consider that at the time of publication of this Statement of Licensing Policy there are areas in Flintshire where cumulative impact poses a significant problem.
- 7.3 However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.
- 7.4 Through liaison with local residents and Responsible Authorities the Licensing Authority may therefore conclude in the future, that a particular part of its area is considered to be causing a cumulative impact on one or more of the licensing objectives.
- 7.5 A special policy of refusing new licences will therefore be adopted when there is an evidential basis for it from Responsible Authorities, interested parties or other bodies such as Crime and Disorder Reduction Partnerships.
- 7.6 The Licensing Authority will follow the steps detailed in paragraph 3.18 of the DCMS Guidance when adopting a special policy.
- 7.7 This will create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused,

unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

- 7.8 The special policy will not, however, be absolute. Each application will be considered on its merits and licences or certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. The different styles and characteristics of premises will be taken into account.
- 7.9 Special policies will not be used as a ground for revoking an existing licence or certificate, nor for rejecting applications to vary an existing licence except where those modifications are directly relevant to the policy and strictly necessary for the promotion of the licensing objectives.
- 7.10 A special policy will not be used to impose fixed closing times in a particular area, or to impose quotas – based on either the number of premises or the capacity of those premises.
- 7.11 Other mechanisms will also be used for controlling cumulative effect, for example:
- Nightsafe initiatives
 - provision of CCTV
 - prohibitions on consuming alcohol in designated public areas
 - police enforcement of the general law concerning disorder and anti social behaviour
 - enforcement of legislation on selling alcohol to people who are drunk
 - confiscation of alcohol from adults and children in designated areas
 - use of the police temporary closure powers
 - ability for the Police, Responsible Authorities, residents and businesses to seek review of premises licences or club premises certificates.

8. Application for First-time Grant of Licence / Certificate and Variation of existing Terms and Conditions

- 8.1 In considering all new or variation of condition applications, the Licensing Authority will assess them in light of the licensing objectives, the operating schedule and in particular will consider the following, to the extent that they are under the control of the applicant :
- 8.1.1 The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- 8.1.2 The steps the applicant has taken or proposes to taken to prevent disturbance by patrons arriving at or leaving the premises.

- 8.1.3 The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
- 8.1.4 The steps the applicant has taken or proposes to take to ensure patrons leave the premises quietly.
- 8.1.5 The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
- 8.1.6 Whether there is sufficient provision for public transport for patrons.
- 8.1.7 Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- 8.1.8 Whether routes to and from the premises on foot or by car or service / delivery vehicles pass residential premises.
- 8.1.9 Whether other measures to reduce nuisance have been considered, such as the use of CCTV or the employment of Licensed Door Supervisors.
- 8.1.10 The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- 8.1.11 The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- 8.1.12 If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.
- 8.1.13 Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 8.1.14 Representations from Responsible Authorities.
- 8.1.15 Representations from interested parties.
- 8.1.16 In respect of applications for variation of a premises licence or club premises certificate the Licensing Authority will take into account the previous history of the premises and its management. The views of all Responsible Authorities may be taken into account.

9. Operating Schedules

- 9.1 The Licensing Authority believes that all parties – licensing authorities, licence / certificate holders, authorised persons, the police and responsible authorities – should be working together in partnership to ensure collectively that the licensing objectives are promoted.
- 9.2 In order to minimise disputes and the necessity for hearings, the Licensing Authority believes it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.
- 9.3 Operating Schedules are expected to contain sufficient information to allow any Responsible Authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 9.4 Descriptions of activities proposed at the premises should include those that also fall outside the definition of regulated entertainment.
- 9.5 The type of dancing should be described, as should the type of music provided. This type of information is essential so that Responsible Authorities and interested parties can form a proper view as to what measures may be necessary to ensure that the licensing objectives are being met.
- 9.6 The measures put forward in Operating Schedules to promote the licensing objectives will become licence conditions attached to the premises licence or club premises certificate.

10. Hours of Operation

- 10.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.
- 10.2 The Licensing Authority will aim, through the provisions of the licensing objectives, to achieve a slower dispersal of people from licensed premises through longer opening times. The Council will not fix pre-determined closing times for particular areas, nor seek to engineer 'staggered closing times'.
- 10.3 Shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises at the times when they are normally open in the course of their business. Hours may be restricted when representations are received from the Police in relation to individual shops which are known to be a focus of disorder and disturbance.
- 10.4 When considering applications for premises licences / certificates, the Licensing Authority will take into account applicants' requests for terminal hours in the light of:

- The potential impact on the amenity of the area
 - The character or function of a particular area
 - The nature of the proposed activities to be provided at the premises
- 10.5 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate.
- 10.6 Where premises are situated adjacent to residential areas then stricter conditions with regard to noise control may apply, but this should not limit opening hours provided the required conditions are complied with.
- 10.7 The times when a premises are open to the public are not necessarily identical to the hours during which licensable activities may take place. It will be possible for premises to allow the consumption of previously purchased alcohol outside the hours authorised for the sale or supply of alcohol.
- 10.8 The Licensing Authority will not oblige the holder of a premises or club premises certificate to remain open for the entire period permitted by his / her licence or certificate.

11. Enforcement and Reviews

- 11.1 A protocol on the implementation of a shared enforcement role between the Licensing Authority and North Wales Police has been established.
- 11.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Division Enforcement Policy which is dated July 2009 and available at www.flintshire.gov.uk
- 11.3 The ability to require reviews of premises licences or club premises certificates allows licensing authorities to apply a 'light touch' bureaucracy to the grant and variation of premises licences / club premises certificates.
- 11.4 A review may be initiated by the Responsible Authorities, e.g. North Wales Police, North Wales Fire and Rescue Service, Flintshire County Council's Environmental Health Department or by a resident or business in the vicinity of premises.
- 11.5 In every case sufficient evidence to support the allegations made will need to be presented to the Licensing Authority.
- 11.6 Authorised Persons and Responsible Authorities will be expected to give licence / certificate holders early warning of their concerns about problems identified at the premises concerned and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.

- 11.7 The Licensing Authority will refer to DCMOS guidance when considering whether complaints from interested parties are irrelevant, vexatious, frivolous or repetitious.

12. The Licensing Process

Conditions of Licence

- 12.1 The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 12.2 The Licensing Authority will draw upon the model pool of conditions issued by the DCMS and attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –
- Crime and disorder
 - Public safety
 - Public nuisance
 - Protection of children from harm

The Licensing Authority will also consider reference documents listed in the Annexes to the DCMS Guidance, though they will not be used as standard conditions.

- 12.3 When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.
- 12.4 When determining applications the Licensing Authority will have regard to guidance issued by the DCMS. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

Administration – Application Process

- 12.5 The Licensing Authority accepts that it must not interfere in the decision of who is the most appropriate person to apply for or hold a premises licence / club premises certificate. It will, however, only accept applications made in the prescribed form.
- 12.6 The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

- 12.7 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime prevention initiatives and to have taken these into account where appropriate when formulating their operating schedule.
- 12.8 The Licensing Authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 12.9 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority. Delegation of functions will be in line with DCMS recommendations (paragraph 13).
- 12.10 In the context of applications, inspection, enforcement and reviews of premises licences / certificates the following groups are identified in Flintshire

Authorised Persons and Officers (inspection and enforcement roles) :

North Wales Police

North Wales Fire and Rescue Service

Flintshire County Council

- Health and Safety
- Pollution Control
- Food Safety
- Environmental Control
- Licensing

Health & Safety Executive

- in accordance with Health & Safety (Enforcing Authority) Regulations 1998

Interested Parties :

A person living in the vicinity of the premises in question.

A body representing such persons, e.g. a residents association.

A person involved in business in the vicinity.

A body representing business, e.g. a trade association

All Elected Members of Flintshire County Council

Such parties may nominate a representative, e.g. a solicitor, a friend, a Member of Parliament, a Member of the Welsh Assembly Government, a Member of the European Parliament or a local Ward Councillor to act on their behalf.

Any Ward Councillor who is also a member of the Licensing Committee and who is making representations on behalf of interested parties would disqualify him or herself from any involvement in decision making processes affecting the premises licence / club premises certificate in question.

Though any Elected Member of Flintshire County Council may make representations about any application, the normal practice will be that he/she will confine their representations to premises within their own Ward or in the adjacent Ward when the premises in question is near to the Ward boundary.

Responsible Authorities (to be notified of applications and entitled to make representations):-

North Wales Police
 North Wales Fire and Rescue Service
 Flintshire County Council – Public Protection Division
 Health and Safety Executive (where applicable)
 Flintshire County Council - Planning Division
 Flintshire County Council – Social Services for Children
 Any Licensing Authority, other than the relevant Licensing Authority, in whose area part of the premises is situated.

- 12.11 Where premises are being constructed or extended or substantially changed structurally, an application for a Premises Licence or Club Premises Certificate will be accepted provided clear plans exist, an operating schedule is submitted together with the name of the designated premises supervisor. If information of sufficient detail is not available then application should be made for a “Provisional Statement” instead.
- 12.12 Flintshire is linked to the Government’s Electronic Licence Management System (ELMS) which means that we are able to receive applications (including payment) electronically.

13. The Licensing Committee

Recommended Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
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	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises		If a relevant representation	If no relevant representation

certificate		made	made
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications 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
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	

Appeals against decisions of the Licensing Authority must be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

14. Temporary Events

- 14.1 The Licensing Authority will produce clear and understandable local publicity about its approach to temporary permitted activities. In brief, these are events that last for less than 96 hours and have less than 500 people attending.
- 14.2 The Licensing Authority will provide advice about, among other things, public safety and will refer to documents such as :
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
 - Managing Crowds Safety (HSE 2000) ISBN 0 7176 1834 X.
 - 5 Steps to Risk Assessment : Case Studies (HSE 1998) ISBN 0 7176 15804.
 - The Guide to Safety at Sports Grounds (The Stationary Office, 1977) (“The green Guide”) ISBN 0 11 300095 2.
 - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.

- 14.3 Many local events will be organised by volunteers or a committee of a club or society. The Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 14.4 The Licensing Authority will encourage organisers of temporary events to seek advice / information from their local Safety Advisory Groups.
- 14.5 A minimum of ten working days notice must be given to the Licensing Authority of temporary events, however the earliest possible notice would be preferred. "Ten working days notice" means ten working days exclusive of the day the event starts. "Working day" excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays.
- 14.6 Though the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events it expects organisers to have proper respect for local residents and those attending events, for example, in the areas of:
- health and safety
 - noise pollution
 - use of temporary structures
 - road closures
 - use of pyrotechnics / fireworks
 - controlling anti-social behaviour
 - sale of alcohol

15. Licensing Register

- 15.1 The Licensing Authority maintains an on-line licensing register which can be viewed at www.flintshire.gov.uk.
- 15.2 Charges made for copies of applications will not exceed the cost of preparing such copies.

16. Gaming

- 16.1 The Licensing Authority now holds responsibility for all aspects of gaming in relevant premises as detailed in the Gambling Act 2005 and associated regulations and orders.

17. Designated Sports Grounds

- 17.1 The Licensing Authority will not duplicate any conditions imposed by safety of sports grounds legislation.

- 17.2 The Licensing Authority will give appropriate weight to the views of the Police when representations are made concerning licensable activities, such as the sale of alcohol, taking place at such premises.
- 17.3 Partnership arrangements already exist with regard to Chester City Football Club whose ground straddles the Wales / England border. Cheshire Constabulary, Cheshire Fire Service and Cheshire West and Chester Council may be consulted on any licensing issues.

18. Personal Licences

- 18.1 The Licensing Authority will closely follow the DCMS guidance in respect of applications for and granting of Personal Licences.
- 18.2 Applicants will be required to produce a recent basic criminal record disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 18.3 The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 18.4 The Licensing Authority will append details of the relevant offences to the application forms for the information of applicants.

19. Designated Premises Supervisors

- 19.1 The sale of alcohol carries great responsibility because of its potential impact on individuals, the wider community and on crime and anti-social behaviour.
- 19.2 This is why personal licence holders, with their experience, training and background, have a vital role in promoting the licensing objectives.
- 19.3 The Licensing Authority regards the role of Designated Premises Supervisor as extremely important.
- 19.4 It is essential that Police Officers, Fire Officers, or Officers of the Licensing Authority can identify immediately the Designated Premises Supervisor as a person in a position of authority at any premises selling alcohol.
- 19.5 The person will normally have been given day to day responsibility for running the premises by the premises licence holder.

- 19.6 The premises licence itself will bear the name of the Designated Premises Supervisor.
- 19.7 The Licensing Authority believes that a Designated Premises Supervisor (DPS) should be responsible for only one licensed premises at a time. It is felt that effective supervision is compromised if a DPS holds this position in a number of premises at the same time. Trading circumstances sometimes make this situation unavoidable but in such cases a maximum time period of 2 months as the DPS of more than one premise is the policy of the Licensing Authority. Beyond 2 months will require the formal approval of the Licensing Authority following discussion with North Wales Police.
If a person is a DPS in more than one premise, the person holding supervisory responsibility in the other premises must be the holder of a Personal Licence.

20. Sexual Entertainment Venues

- 20.1 Flintshire County Council has formally adopted controls on Sexual Entertainment Venues.
- 20.2 The effect of this resolution is that sexual entertainment venues will be included in the existing licensing regime which controls other sex establishments, namely sex shops and sex cinemas.
- 20.3 It will be an offence to operate such premises without the necessary Sex Establishment Licence being in force, or to fail to operate in accordance with the terms and conditions subject to which such a licence has been issued.
- 20.4 A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer' and includes such activities as lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows.
- 20.5 If a Licensing Act 2003 Premises Licence is in force that permits regulated entertainment in the form of music or dancing or entertainment of a like kind it will be possible for entertainment of the type outlined in the above paragraph to be held on no more than 11 occasions within a 12 month period. There must be at least a month between each occasion and no such occasion can last more than 24 hours.
- 20.6 The Licensing Authority takes the view that 'stripograms' and similar activities fall within the definition of sexual entertainment if the licensee organises or provides them and in these circumstances therefore they should not take place unless a Sex Establishment Licence is in force. Premises may however avail themselves of the occasional use provision detailed in the above paragraph.
- 20.7 Licensees are requested to provide notification to the Licensing Authority when they

provide or allow sexual entertainment under the occasional use provision detailed in paragraph 20.5 above, or when 'stripograms' have performed in their premises. Please make contact via licensing@flintshire.gov.uk or on 01352 703030

21. Rebalancing the Licensing Act

- 21.1 In the late summer of 2010 the Home Office issued a consultation document entitled 'Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing'
- 21.2 Under the provisions of the Licensing Act 2003 there is a fundamental presumption in favour of granting an application for a licence to sell alcohol, which makes it difficult for local authorities to turn down applications.
- 21.3 The Government wants to overhaul the licensing system to empower local councils and the police to clamp down on binge drinking hotspots and irresponsible retailers. It also believes that the power to make licensing decisions needs to be rebalanced in favour of local communities.
- 21.4 Flintshire County Council has responded formally to the consultation and will now await its outcome. As legislative changes are needed the Government has indicated that any new proposals are unlikely to be in place before mid 2011. Flintshire will have due regard to the new arrangements and may review and update this policy in the light of them.

Contact

Contact with Flintshire County Council regarding the Licensing Act 2003 and associated matters can be made via:

Telephone: 01352 703030
Fax: 01352 703341
E-mail: licensing@flintshire.gov.uk
Website: www.flintshire.gov.uk