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Foreword by the Cabinet Member for Regulation and Governance Conwy County Borough
Council

1.0 | Introduction/Background

- 1.1 Conwy is an attractive County in which to live and work. Conwy benefits from excellent transport links by road and rail. Our local economy relies upon tourism in which many premises licensed for the sale of alcohol and entertainment play a prominent and increasingly important part.
- 1.2 The aim of this policy is to secure the safety and amenity of residential properties whilst facilitating a sustainable entertainment industry. Conwy County borough Council recognises the needs of all residents for a safe and desirable environment to work and live in, and the importance of well-run licensed premises in a vibrant and diverse local economy.
- 1.3 Conwy County Borough Council will develop and promote an Evening and Late Night Economy Strategy' which will ensure residents and visitors are safe from the beginning of their night out through to their journey home
- 1.4 To achieve this, the Council is committed to working in partnership with all Responsible Authorities, local businesses, residents, and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act.
- 1.5 The Policy provides information and guidance to applicants and any interested party in the manner in which Conwy will approach matters relating to licensing. Although each application will be considered on its own merits, the Council in adopting this Policy is indicating the wider considerations that it will take into account when determining any licence application.
- 1.6 The Council recognises that licensed premises are a major contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
 - The general impact in attracting visitors to the area
 - Any enhancement the proposal might have on the attractiveness of the wider area
 - Employment opportunities
- 1.7 In accordance with the Guidance issued by the Secretary of State, and the Live Music Act 2012 the Council recognise the need to encourage and promote live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities.

- 1.8** The Council has obtained premises licenses for public spaces, such as promenades, in order to encourage community activities to take place.
- 1.9** The Licensing Authority has a duty to protect the amenity of the residents living in the County Borough. This extends to the business community, who can expect the Council to help ensure that the environment is attractive and sustainable for the conduct of their business. In considering any application for a premises licence, the Council will take certain factors into consideration, these will of course focus on the four statutory Licensing Objectives.
- 1.10** This Policy 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 Conwy with some measure of certainty

The content of this Policy should not be interpreted as an indication that any requirement of the Licensing Act 2003 or other law may be disregarded or overridden.

Where any conditions have been applied to a Premises Licence or Club Premises Certificate an Authorised Officer of the Council's may inspect at any reasonable time for the purpose of checking that the conditions are being complied with.

The Licensing Act 2003 makes provision for this Policy to be consulted on and reviewed at least every Five years. Accordingly, this Policy must be reviewed no later than February 2021.

2.0 | Scope and Extent of the Licensing Act 2003

- 2.1** The Statement of Licensing Policy has been reviewed in accordance with the Guidance issued by the Secretary of State, and shall be applied by The Licensing Authority when dealing with any application that relates to those licensable activities identified by the Licensing Act 2003, which are:
- 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 (Regulated entertainment is defined as any of the following which take place in the presence of an audience for the entertainment of that audience and are provided by members of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit, this includes raising money for charity):
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - any playing of recorded music - any performance of live music
 - a performance of dance
 - entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- 2.2** There are certain exemptions from this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, these are brought about set out in full in the both the Licensing Act 2003 The Live Music Act 2012 (appendix 2), the Deregulation Act 2015 and The Legislative Reform (entertainment) Order 2014.
- 2.3** Conwy County Borough Council as The Licensing Authority has not designated any area within the County Borough as exempt (under

schedule 2 of the deregulation act 2015) from the requirement for licensing of the provision for late night refreshment.

- 2.4** 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.
- 2.5** 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.
- 2.6** The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every five years. Accordingly, this Policy will be reviewed no later than February 2021. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 2.7** 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.
- 2.8** This policy applies to the following categories:
- Premises Licenses
 - Club Premises Certificates
 - Personal Licences
 - Permitted Temporary Activities (Temporary Event Notices)

3.0 | Licensing Objectives

- 3.1** It is the duty of Conwy County Borough Council carry out the functions under the Act with a view to promoting with **equal** importance the Licensing Objectives as set out in the Act, which are:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of children from Harm

- 3.2** It is recognised that the licensing function is only one means of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with local communities, responsible authorities, local business and all relevant stakeholders and partners.

- 3.3** If its discretion is engaged, when considering the type of activities for which licenses may be sought, the Licensing Authority will have proper regard to amongst other issues:

- Location of and environmental impact of the proposed activity
- Suitability of the applicant
- Suitability of the premises to the application
- Operation and management of the premises
- Monitoring, review and enforcement

- 3.4** Whilst these factors will be given due consideration as part of any application, it should be noted that the following principles will apply in all cases:

- The right of any individual or body to apply for a variety of permissions is not undermined and that each application shall be determined on its own merits.
- The statutory right of Responsible Authorities or Interested Parties to make relevant representations or to seek a review of any licence or certificate.

3.5 The licensing regime is primarily concerned with the regulation of persons, premises and temporary events and consequently any conditions will focus on:

- Matters within the control of individual licensees and others who are granted relevant permissions.
- The premises and places being used for licensable activities and the immediate vicinity.
- The direct impact of the activities taking place at licensed premises, on members of the public, living or engaged in normal day-to-day activity in the vicinity of the licensed premises.

3.6 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 and the requirement that a local authority 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 Regulations 1999
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Regulatory Reform (Fire Safety) Order 2005
- The Anti-social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act (Wales) 2006
- Gambling Act 2005
- The Clean Neighbourhoods and Environmental Act 2005
- Police Reform and Social Responsibility Act 2011

- The Live Music Act 2012
- Equality Act 2010

Where existing law already places statutory obligations on applicants the Licensing Authority will not impose the same or similar duties by way of condition.

3.7 The Licensing Authority will 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 Plans for Tackling Alcohol Related Crime, Disorder and Nuisance.
- Local Authorities Coordinators of Regulatory Services and Chartered Trading Standards Institute Code of Best Practice on Test Purchasing.
- National and local Alcohol Harm Reduction Strategies
- National and local Crime and Disorder Reduction Strategies
- Conwy County Borough Council Enforcement Policy/Concordat
- Conwy County Borough Council, Local Transport Plan

3.8 The Licensing Authority would also draw attention to initiatives that are relevant to licensing, for example:

- Proof of Age Schemes
- CCTV coverage of town centres. The Licensing Authority supports and encourages the use of public realm CCTV in assisting with the management of licensable activities across the County Borough.
- Exclusion Orders and Public Space Protection Orders.
- Pub Watch / Off Watch -The Licensing Authority recognise that in order for such schemes to achieve maximum impact and success that they provide appropriate and relevant support and guidance at all times.
- Think Safe / Drink Safe (Coordinated by the Licensing Authority in consultation with the Police and other relevant stakeholders)
- Best Bar None – The Licensing Authority is committed to facilitating this scheme with a view to providing an incentive for licence holders to raise and improve standards.
- Purple Flag – The Licensing Authority recognises that this scheme provides an excellent incentive for improving the late night economy.

- 3.9** The objective of the licensing process is to allow the retail sale and the supply of alcohol and the provision of licensable activities in a manner that ensures the public's safety and is which neither to the detriment of residents, nor gives rise to loss of amenity. It is the licensing Authority wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of their premises on local residents
- 3.10** In accordance with Guidance, the Licensing Authority does not regard this Policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the club, business or licensed premises holding the relevant licence, certificate or permission.
- 3.11** Following Relevant Representations the Licensing Authority will only depart from this Policy, if the applicant provides satisfactory evidence / information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall as part their decision making process provide reasons for the departure.
- 3.12** The Licensing Authority may select appropriate conditions from the Department of Culture, Media and Sport pool of Conditions, where it is deemed necessary when considering the content of the Operating Schedule in ensuring that it reflects the four Licensing Objectives.

Prevention of Crime and disorder

- 3.13** 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. Therefore, this Policy will have regard to the likely impact of the licensing regime on related crime and disorder. Particularly when considering the location, impact and the operation and management of all proposed licence applications and variations.
- 3.14** The promotion of the licensing objectives to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective.
- 3.15** Any Conditions attached to Premises Licence, Club Premises Certificate or Temporary Events Notice will reflect any local crime prevention strategy or initiative.
- 3.16** The Licensing Authority will give due regard and apply appropriate weight to:
- Relevant Representations

- Guidance issued under Section 182 of the Licensing Act 2003
- Statement of Licensing Policy
- The steps necessary to promote the Licensing Objectives

Drugs

- 3.17** Following Relevant Representations, conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs and to create a safer environment for those who may have taken them. In all cases where conditions are to be imposed, advice will be sought from the local Substance Misuse Action Team and North Wales Police.
- 3.18** The Licensing Authority will support with guidance from Safer Conwy, drugs (including Novel Psychoactive Substances) awareness and prevention schemes.

Licensed Security Personnel

- 3.19** The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that security personnel are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority, and / or North Wales Police will be conducted without notice
- 3.20** If its discretion is engaged, the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards / glass collectors who are not involved in the security of the premises and do not therefore require to be registered with the SIA).
- 3.21** The Licensing Authority will encourage all premises to utilise security companies approved under the SIA Approved Contractor scheme, with a commitment to using only SIA approved contractors for events organised or held by Conwy County Borough Council.

CCTV

- 3.22** Licence Holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. If its discretion is engaged, the Licensing Authority may for the purpose of promoting of any of the Licensing Objectives, impose as a condition of licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

Late Night Refreshment

- 3.23** 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.

Pub-watch and Off-watch

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

Designated Public Place Orders/Public space Protection Orders.

- 3.25** Conwy County Borough supports the use of 'designated public place orders' under the relevant legislation and will utilise the power to make a public space protection orders as a tool to prevent alcohol related crime and disorder .

Irresponsible Promotions

- 3.26** Conwy County Borough Councils 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.

Public Safety

- 3.27** 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.
- 3.28** The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health – this is dealt with by other legislation.
- 3.29** 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.
- 3.30** 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.
- 3.31** 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.
- 3.32** Where appropriate organisers of large scale events, where licensable activities are to take place, The Licensing Authority would expect that an event management plan would be produced and presented to The Conwy Safety Advisory Group (SAG).
- 3.33** Wherever practicable 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

- 3.34** The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service.
- 3.35** North Wales Fire & Rescue Service may select appropriate and necessary conditions in relation to fire safety matters in consultation with North Wales Fire and Rescue Service.

- 3.36** 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.
- 3.37** 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.

Public Health

- 3.38** Public health is not yet a licensing objective but the Licensing Authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Prevention of Public Nuisance

- 3.39** If its discretion is engaged the Licensing Authority, when making objective judgments about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
 - Waste
 - Litter
 - Car Parking
 - Light pollution
 - Noxious odours
- 3.40** 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.

- 3.41** In order to enforce the provisions of the Environmental Protection Act 1990, which relate to noise nuisance, joint working procedures and protocols between the Police, Environmental Health Officers and Licensing Officers will ensure that adequate control measures are properly used to protect the local environment
- 3.42** The Licensing Authority will use the recognised pool at appendix 3 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.
- 3.43** The Public Protection, Pollution Control team 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".
- 3.44** The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 3.45** The Licensing Authority acknowledges the powers that the Council and 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 relevant Responsible Authorities to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 3.46** 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.
- 3.47** 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.
- 3.48** 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.
- 3.49** 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.

- 3.50** Following the introduction of the Health Act 2006 licence holders should be aware of the potential of public nuisance, noxious smells and noise disturbance from patrons gathering outside of premises to smoke and have due regard for the Licensing Objectives when planning, maintaining and managing such areas.

Protection of Children from Harm

- 3.51** Protection of Children from Harm includes the protection of children from moral, psychological and physical harm. The key element is to protect children from sexual exploitation, premature exposure to alcohol, strong language and sexual expletives.
- 3.52** The Licensing Authority recognises the great variety of premises for which licenses may be sought. These include; theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-always, community halls and schools.
- 3.53** The Licensing Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions restricting the access of children to premises, where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:
- 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.
 - 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.

3.54 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. 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

3.55 The Licensing Authority will not impose conditions that specifically require that children have access to premises, and where no conditions or restrictions apply, the access of children to any premises still remains a matter of the discretion of the individual premises

3.56 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. Premises admitting children to the exhibition of any film, only in exceptional cases will the authority consider variations of this general rule (refer to CCBC film classification policy).

3.57 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.

3.58 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.
- 3.59** 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.
- 3.60** 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.

Adult Entertainment

- 3.61** Were any activity proposed under the licence or temporary event include those of a sexual nature (striptease, burlesque, topless service, table/lap dancing, peep or live sex shows) the Licensing Authority will take into account the potential increased risk to the licensing objectives.
- 3.62** The licensing authority will take into consideration the vicinity of places of religious worship, children's education establishments and or any premises offering services or support to children when considering any application involving sexual entertainment.
- 3.63** Any premises used for more than twelve occasions with in a twelve month period for any relevant sexual entertainment, must also apply and be licensed as a sexual entertainment venue.

4.0 | Cumulative Impact, Early Morning Restriction Orders (EMRO) & Late Night Levy (LNL).

Cumulative Impact

- 4.1** This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 4.2** The Licensing Authority does not consider that at the time of publication of this Statement of Licensing Policy there are areas in Conwy where cumulative impact poses a significant problem. However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.
- 4.3** Where a particular area becomes saturated with licensed premises making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further Premises Licenses or Club Premises Certificates may undermine the Licensing Objectives.
- 4.4** Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more of the Licensing Objectives, the following shall apply:
- 4.5** In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
- Identify the boundaries of the area from which it is alleged problems are arising.
 - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area.
 - Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
 - The occupancy figure for the proposed premises
 - The nature of the licensed activities to be carried out on or at the premises.

- 4.6** Where as a result of an objection under paragraph 4.5 above and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared as a 'Stress Area'. In doing so the Licensing Authority shall:
- Follow the statutory procedures outlined within Guidance issued under Section 182 of the Licensing Act 2003.
 - Identify the boundaries of the area
 - Identify the licensable activities causing the nuisance and/or disorder
 - Monitor and review the 'Stress Area'
- 4.7** New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:
- No objections are received to the application, or
 - The grant of the licence will not undermine the Licensing Objectives.
- 4.8** In considering such applications the Licensing Authority will have particular regard to:
- The occupancy figure for the proposed premises.
 - The proximity of the premises to others in the area licensed for similar activities and the occupancy figures for those other premises.
 - Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence.
 - The proposed methods of management outlined in the applicants' operational plan.
 - The proposed hours of operation.
 - Transport provision for the area.
- 4.9** The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

- 4.10** Applications for variations to existing Premises Licenses in Stress Areas will not be granted unless those modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives (An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend the premises and significantly increase the occupancy level of the premises).

Early Morning Restriction Orders (EMRO)

- 4.11** Amendments to the Police Reform and Social Responsibility Act 2011, give the Licensing Authority discretionary powers to restrict sales of alcohol at a specified time between the hours of midnight and 6am by the introduction of Early Morning Restriction Orders
- 4.12** Early Morning Restriction Orders are intended to tackle high levels of alcohol-related crime and disorder, anti-social behaviour and nuisance in a specified area. Unlike the Late Night Levy, there are no exceptions and therefore, the decision to implement one must be evidence-based. Before implementing such an order, the Licensing Authority must be satisfied that it would be appropriate to the promotion of the Licensing Objectives and should also consider the potential impact on premises licence/club certificate holders.
- 4.13** Before considering EMRO the Licensing Authority will consider whether any other measures would be effective in addressing any prevailing issues.
- A cumulative Impact Policy
 - Review of premises/club premises
 - A Multi agency problem solving approach
 - Provision of on street, mobile or personal (body cams) CCTV
 - Targeted enforcement of relevant primary legislation
 - Introduction of Late Night Levy
 - Street management (taxi marshals, road closures etc.).
 - Planning control

- 4.14** An Early Morning Restriction Order may apply to a specific area or street, can be applied on specific times or days of the week and can be effective for certain times of the year, or can be applied continually.
- 4.15** The decision to implement an Early Morning Restriction Order must be taken by a Meeting of the Council and must be periodically reviewed to ensure it remains appropriate to the Licensing Objectives. An order can also be varied or revoked, using the same process as adoption
- 4.16** EMROs do not affect the authorised hours for regulated entertainment, late night refreshment, premises offering overnight accommodation (room service & minibars) and cannot be applied on New Year's Eve or New Year's Day.
- 4.17** The Late Night Levy, introduced by provision of the Police Reform and Social Responsibility Act 2011, is an option that enables licensing authorities to raise a contribution towards the cost of policing the late-night economy by charging a levy to licensed premises authorised to sell alcohol late at night.
- 4.18** On introducing a Late Night Levy, a licensing authority cannot choose which areas would be subject to the levy; if introduced, it would be applicable across the entire area and to all licensed premises, including off-licences (temporary events would not be affected). The authority can, however, determine the period during which the levy would apply each night between the hours of midnight and 6am.
- 4.19** The Authority also has discretion to decide which premises qualify for an exemption from the levy from the following categories:
- Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo Halls
 - Community premises and amateur sports clubs
 - County village pubs
 - Business Improvement Districts (BIDS)
- 4.20** Premises licence holders affected by a levy would have the right to submit an application to vary their hours free of charge if they wished to avoid being affected

- 4.21** The amount payable within a late night levy is set at a national rate and, like the annual licence fee, would be calculated according to rateable value, with the levy fee being collected alongside the annual licence fee.
- 4.22** The Licensing authority are able to offer a reduction of up to 30% of the Levy for any premises demonstrating good practice or playing an active part in a Best Bar None Scheme or Pub watch Scheme.
- 4.23** A levy, when introduced, covers all areas and not just those premises that may be associated with problems, or those premises within any possible cumulative impact stress area. Therefore, the introduction of a levy is subject to public consultation and, if introduced, must be adopted at a Council Meeting.

5.0 | Planning and Building Control

- 5.1** Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property in question. However, applications or provisional statement for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 5.2** Conwy County Borough Council planning policies are set out in the Conwy Local Development Plan.
- 5.3** There are two local planning authorities with statutory planning responsibilities within the County Borough:
- Conwy County Borough Council - All areas of Conwy county that fall outside of the Snowdonia National Park
 - Snowdonia National Park – all areas within the boundaries of the National Park
- 5.4** The planning and licensing regimes involve consideration of different (albeit related) matters. 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.
- 5.5** 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.
- 5.6** 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.
- 5.7** 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.
- 5.8** Building control regulations cover a variety of issues which may contribute directly to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. Building Control Regulation or Approval and Completion Certificates may be considered prior to the use of the premises for licensable activities.

- 5.9** Wherever practical the Licensing Authority will encourage licence/certificate and notice holders to provide appropriate facilities for entrance and egress of people with disabilities, the licensing authority will have due regard to the Equality Act 2010. Conditions may not be applied to any licence, certificate or notice that excluded any persons on the grounds of public safety.

6.0 | Application for the Grant / Variation of Licence

- 6.1** In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule, and any Mandatory Conditions prescribed in the Licensing Act 2003. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 6.2** The Licensing Authority will take into account any non-compliance of other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance
- 6.3** In considering all new applications or variation of licences, if not volunteered by the applicant in their Operating Schedule and following Relevant Representations, the Licensing Authority will assess them in light of the Licensing Objectives and may consider any of the following:
- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises.
 - 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.
 - The steps the applicant has taken or proposes to ensure staff or agents leave the premises quietly.
 - The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
 - Whether there is sufficient provision for public transport for patrons.
 - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.

- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises.
- Whether other measures to prevent nuisance have been considered, such as the use of CCTV or the employment of SIA licensed security personal.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- The measures proposed to prevent the use and or sale of illicit, counterfeit or stolen goods
- If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.
- Any formal warnings, suspensions and revocations issued by the Licensing Authority.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- Representations from Responsible Authorities.
- Representations from interested parties.

Minor Variations

- 6.4** A premises licence / club premises certificate holder may apply under the ‘minor variation’ procedure for small variations which may not impact adversely on the licensing objectives. There is no right to a hearing, however if the application is rejected, a full application can be made.
- 6.5** The Licensing Authority must consider the impact of the minor variation, and decide whether to consult with any of the Responsible Authorities.

Annual Fee

- 6.6** Although premises licenses and club premises certificates are granted indefinitely, licence holders are required to pay an annual fee to the Licensing Authority. During 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on the Licensing Authorities to suspend premises licenses where the annual fees are not paid

7.0 | Temporary Events (TEN)

- 7.1** 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 168 hours and have less than 500 people attending.
- 7.2** Both the Police and Environmental Health can object to a Temporary Event Notice within a three day window of submission
- 7.3** 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.
- 7.4** The Licensing Authority will encourage organisers of temporary events to seek advice / information from Conwy Safety Advisory Group (SAG).
- 7.5** Although the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events, it fully expects organisers to give due consideration to local residents and those attending events, in areas such as :
- Health and Safety
 - Noise Pollution
 - Use of Temporary Structures
 - Road Closures
 - Use of Pyrotechnics or Fireworks
 - Controlling Anti-Social Behaviour

Standard TENs

- 7.6** 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 date the notification is received, and the day the event starts. "Working day" excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays. (The Licensing Authority has no discretion with regard to the statutory timescales).

- 7.7** Where the Police or Environmental Health object to the TEN, the applicant can agree to modify the TEN. If no agreement is reached, a hearing of the Licensing Sub Committee will be arranged. The panel may decide to impose conditions or issue a Counter Notice to prevent the event from going ahead.

Late TENs

- 7.8** A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 7.9** Where the Police or Environmental Health apply for a Late TEN, there is no provision for a hearing and the Authority must serve a Counter Notice to prevent the event from going ahead.

8.0 | Personal Licenses

- 8.1** Applicants will be required to produce a recent (one month) basic criminal record disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside of the United Kingdom of a relevant offence or an equivalent offence.
- 8.2** 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.
- 8.3** If North Wales Police do not object to an application, The Licensing Authority must issue the licence
- 8.4** Personal licences do not expire and will remain valid unless surrendered, suspended, revoked.

9.0 | Club Premises Certificates

- 9.1** Section 62 of the Licensing Act sets out the general conditions which an organisation with at least 25 members who have joined together for particular social, sporting or political purposes must meet to be a qualifying club. Only qualifying clubs may apply for a Club Premises Certificate.
- 9.2** A Club Premises Certificate provides authorisation for the supply of alcohol and provision of regulated entertainment for the benefit of members and their bona-fide guests only. If a premises wishes to provide licensable activities for non-members or the public in general, they will need to do so by means of a Temporary Event Notice or a Premise Licence. 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.
- 9.3** The grant of a Club Premises Certificate affords the qualifying club certain benefits:
- Supply of alcohol to members without the requirement for a Designated Premises Supervisor
 - Provision of Late Night Refreshment to members without the need for additional authorisation
 - Limited rights of entry to the police and authorised persons as the premises will generally be considered to be private and not open to the general public
 - Exemption from certain police powers of instant closure on grounds of disorder and noise because they operate under their codes of discipline and rules
 - Exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected

10.0 | Operating Schedule

- 10.1** The Licensing Authority is committed to working in partnership with licence/certificate holders, and all responsible authorities and interested parties to ensure collectively that the licensing objectives are promoted.
- 10.2** As operating schedules must contain sufficient information so that a proper assessment of the application can be made, the licensing authority recommends that applicants seek appropriate advice before submitting an application. There by reducing the possibility of relevant representations and or the need for a hearing.
- 10.3** The licensing authority will expect applicants to address the four licensing objectives in their operating schedule and have due regard to the type of premise, the licensable activities to be provided, the location and the needs of the local community.
- 10.4** Clear 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, for example description the type of dance, music.
- 10.5** The measures/steps identified within the Operating Schedule to promote the licensing objectives will become licence conditions attached to the premises licence or club premises certificate or notice.
- 10.6** The licencing authority may at its discretion and having informed the applicant, responsible authorities and interested parties, alter proposed measures/steps in order for conditions to be clearly understood, enforceable and relevant to the licensable activities applied for.

11.0 | Hours of Operation

- 11.1** 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.
- 11.2** The Licensing Authority in accordance with Guidance will aim, by means of longer licensing hours, to achieve a gradual dispersal of people leaving licensed premises. Fixed pre-determined or staggered closing times for particular areas will not form part of the Policy and restriction on trading hours will only be considered on receipt of Relevant Representations.
- 11.3** 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 Relevant Representations are received from responsible authorities in relation to individual shops which are known to be a focus of disorder and disturbance.
- 11.4** 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
 - Transport links for the dispersal of patrons
- 11.5** The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate.
- 11.6** 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. In considering this the licensing authority may take into account that the times the premises are open may not necessarily be the times when licensable activity might take place.
- 11.7** The Licensing Authority will not oblige the holder of a premises or club premises certificate to remain open for the entire period permitted the licence or certificate authorises licensable activities, where practicable premises should advertise the core hours of operation.

12.0 | Enforcement, Reviews and Powers

- 12.1** It is the intention of the Licensing Authority to establish and maintain both proactive and reactive enforcement protocols with the North Wales Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area will be applied. Therefore a protocol on the shared enforcement role between the licensing authority and North Wales Police has been established.
- 12.2** The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are not being met in full. It is the existence of the Review system which should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate when problems relating to the Licensing Objectives arise later in respect of any premises
- 12.3** A review may be initiated by a Responsible Authority or Interested Party. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations from Interested Parties are irrelevant, vexatious, frivolous or repetitious.
- 12.4** Authorised Persons and Responsible Authorities will be expected to give licence / certificate holder's 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
- 12.5** In every case sufficient evidence to support the allegations made will need to be presented to the Licensing Authority.
- 12.6** Although the 2003 Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place if judged necessary. Premises recognised as 'high risk' will be subject to regular inspection. This will ensure that the Licensing Authority manages resources efficiently and 'effective enforcement' is directed at 'problem premises'.
- 12.7** Were necessary, enforcement action will be taken in accordance with the Regulatory Services Enforcement Policy and any Memorandum of Understanding. The Licensing Authority has also established protocols with the North Wales Police and other Responsible Authorities on enforcement issues to provide for an efficient deployment of local authority staff and Police Officers who are commonly engaged in the enforcement of Licensing law and the inspection of licensed premises.

- 12.8** A flowchart (attached at Appendix 1) have been developed by the Licensing Authority and Responsible Authorities which will be followed in the event of a complaint being made or a problem premises being identified. This will be followed in all circumstances to ensure continuity and fairness to all Licence holders
- 12.9** Where necessary the Licensing Authority may consider the use of premises closure notices/orders under the Anti-Social Behaviour Crime and Policing Act 2014.
- 12.10** Amendments to the Licensing Act by the Police Reform and Social Responsibility Act 2010 afford Councils the power to suspend premises licences and club premises certificates where the required annual fee has not been paid.
- 12.11** When an annual fee has not been paid by the due date, The Licensing Authority will notify the licence or certificate holder in writing that:
- The licence or certificate will be suspended in 7 days from the date of the notice
 - The suspension will not become effective should the fee be paid prior to the suspension date

13.0 | The Licensing Process

Conditions of License

- 13.1** The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 13.2** The Licensing Authority will have regard to model pools of conditions and will attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with the four principles of The Licensing Act 2003 –
- Crime and disorder
 - Public safety
 - Public nuisance
 - Protection of children from harm
- 13.3** The Licensing Authority will also consider reference documents listed in the Annexes to the Home Office Guidance, though they will not be used as standard conditions.
- 13.4** 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.
- 13.5** When determining applications the Licensing Authority will have regard to guidance issued by the Home Office. 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

- 13.6** 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.
- 13.7** Any person may make representations (objecting or supporting) to The Licensing Authority Council with regard to the application, variation of a premises licence or club certificate.
- 13.8** 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.

- 13.9** 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.
- 13.10** The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

Mediation

- 13.11** Mediation can be a key factor in trying to find a reasonable compromise prior to or after an application has been made.
- 13.12** When requested prior to an application or when upon application The Licensing Authority finds a representation to be relevant a mediation meeting between the relevant parties will be suggested and chaired impartially by an Authorised Officer of The Licensing Authority
- 13.13** In all circumstances after an application has been accepted the outcome of mediation will be determined by a Licencing Sub-committee.

14.0 | The Licensing Committee

- 14.1** One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service
- 14.2** Conwy as The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State
- 14.3** The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an Officer that Officer will be responsible for liaising between the applicants, Interested Parties and the Responsible Authorities to ensure that any licence granted is subject any agreed or mandatory conditions.
- 14.4** Where objections are made then an Officer of the Licensing Authority may liaise/mediate with the applicant, Interested Parties and the Responsible Authorities to see if a 'settlement' is possible to overcome any objections, (refer to 13.13).
- 14.5** Whilst contested Licensing Applications and Review Hearings may be quasi-judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. Some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, Interested Parties, and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement, or a necessity.
- 14.6** Whilst the (Sub) Committee usually meets in public, it does have power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the (sub) committees determination will normally made at the end of the Hearing together with an outline for of the reasons for that decision.
- 14.7** 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.

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 representation relates to cumulative impact	If a relevant representation made	If no relevant representation made
Application for provisional statement	If representation relates to cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If representation relates to cumulative impact	If a relevant representation made	If no relevant representation 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	

Matter to be dealt with	Full Committee	Sub Committee	Officers
Determination of a Police objection to a temporary event notice		All cases	

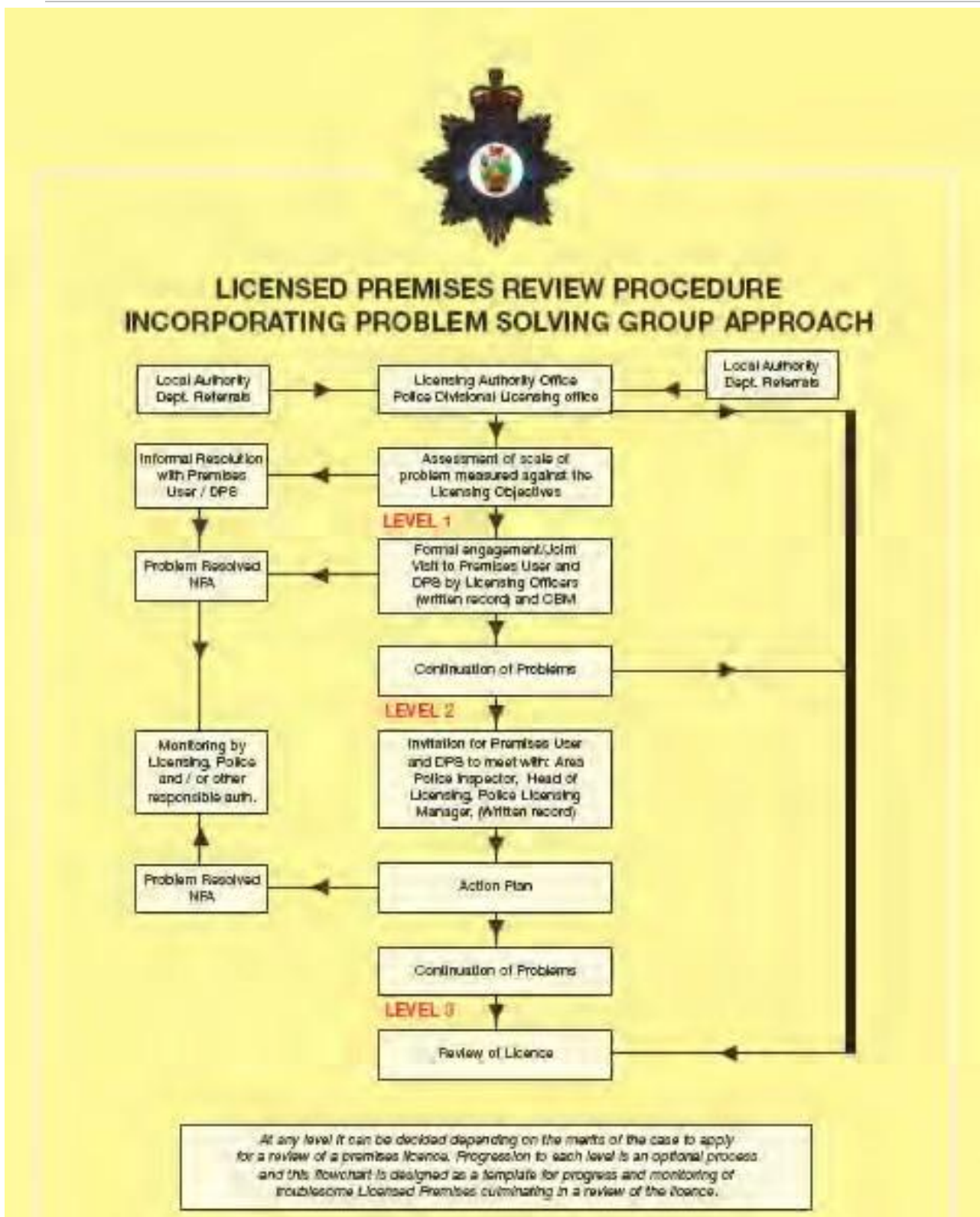
15.0 | Special Considerations

- 15.1 In formulating this statement of licensing policy The Licensing Authority recognises the need to treat each applicant and application on their or its own individual merits, the licensing authority makes specific exclusions:
- 15.2 The commercial demand for additional premises (distinct from cumulative impact) will not be a matter for the Licensing Authority.
- 15.3 Fixed or predetermined end to licensable activities or premises closing times for a particular area will not form part of This policy and any restriction on the times a premises may operate will only be considered where the licensing authority consider it necessary to promote the licensing objectives.

16.0 | The Licensing Register

- 16.1 The Licensing Authority maintains an on-line licensing register which can be viewed at www.conwy.gov.uk.
- 16.2 Applications may be viewed by appointment at Civic Offices, Abergele Road, Colwyn Bay, LL29 8AR, 01492 575226, licensing@conwy.gov.uk.

Appendix 1



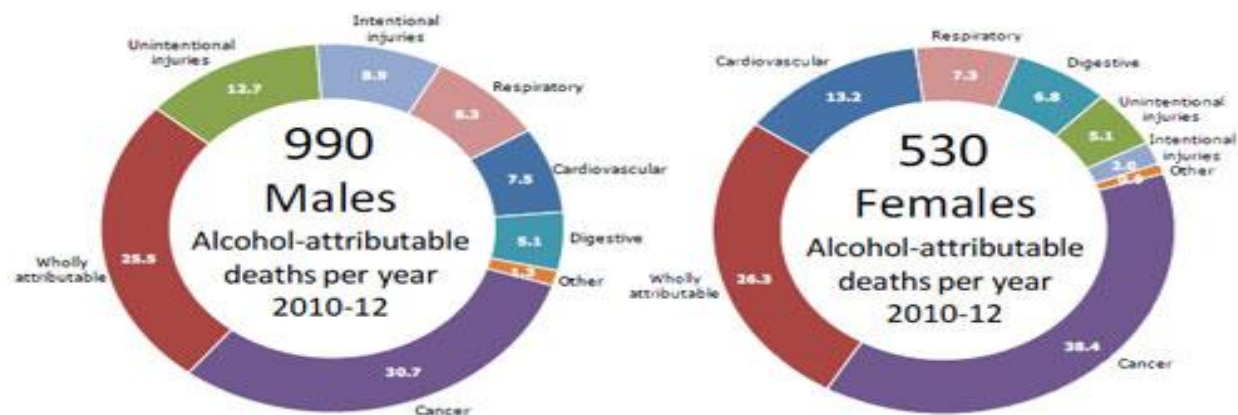
Appendix 2

ALCOHOL AND HEALTH IN WALES

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

The Public Health Wales Observatory has published [*Alcohol and health in Wales 2014*](#), updating and extending the previous report released 5 years ago. These are some of the key messages:

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



Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

DRINKING LEVELS AND PATTERNS

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. Please visit www.drinkwisewales.org.uk.

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'.

Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective.

In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol will have implications for both the crime and disorder and protecting children from harm objectives. Health teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body.

In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area. Wrexham Council and its partners, Wrexham Maelor Hospital, North Wales Police, Welsh Ambulance Service and Betsi Cadwaladr University Health Board are currently working on a pilot project to improve data collection and sharing. It is intended to implement this across the whole of North Wales. The data collected should assist greatly in targeting enforcement where it is needed, informing licensing policy and contributing to the licensing decision making process.

Appendix 3

Mandatory Conditions

1. Door supervisors (licensed security)

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against:

- a) Unauthorised access or occupation (eg. through door supervision)
- b) Outbreaks of disorder
- c) Damage

2. Community premises alternative mandatory condition

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

3. Exhibition of films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the licensing authority where no classification certificate has been granted by the BBFC, or
- c) Where the licensing authority has notified the club which holds the certificate that section 20(3) (b) (74(3) (b) for clubs) of the Licensing Act 2003 applies to the film.

4. Supply of alcohol

4.1 No supply of alcohol may be made under this Premises Licence:

- At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

4.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

4.3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the

premises in a manner that carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to:
- Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
- Drink as much alcohol as possible (whether within a time limit or otherwise)
- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the act)
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
- Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - The outcome of a race, competition or other event or process; or
 - The likelihood of anything occurring or not occurring
- Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

4.4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4.5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.6 (1) The Premises Licence holder or Club Premises Certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

4.7 The responsible person shall ensure that:

- Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: ½ pint

- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml;
- customers are made aware of the availability of these measures

Appendix 4

Recent Legislative Changes

Live Music Act

The Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 removes the requirement for the following:

- Film exhibitions for the purposes of advertisement, information, education etc.
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery
- Music whether live or recorded, which is incidental to other activities that do not require a licence
- Live music as follows:
 - Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
 - Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
 - Unamplified music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme
- Any entertainment or entertainment facilities at a place of public religious worship
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or dancing of a similar nature or a performance of unamplified live music as part of such a performance
- Entertainment on road vehicles in motion
- Performance or play in front of an audience of 500 persons or less between 8am and 11pm
- Performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2a Local Government (Miscellaneous Provisions) Act 1982 i.e. certain forms of sexual entertainment) between 8am and 11pm
- Indoor sporting events in front of an audience of 1000 persons or less between 8am and 11pm.

Immigration Bill

The Immigration Bill, currently going through Parliament, places additional responsibilities on licensing authorities to take action where licence holders are found to not be entitled to work in the United Kingdom. The Bill will also place implications on applicants and the following notes are general guidance at this stage.

Premises Licenses

- A new section 13(4)(ha) designating the Secretary of State as a responsible authority where the premises (not being a vessel) are being, or are proposed to be, used for a licensable activity.
- A new section 16(2A) disqualifying residents of the UK from applying for a premises licence where the resident is not entitled to work in the UK.
- A new section 27(1A) which will cause a premises licence to lapse if the holder of the licence ceases to be entitled to work in the United Kingdom at a time when the holder of the licence is resident in the United Kingdom (or becomes so resident without being entitled to work in the United Kingdom). A new section 42(5ZA) requiring an applicant to give notice of a transfer request to the Secretary of State.
- A new section 42(8) & (9) stating “Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied. (9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA).”
- A new section 44(5)(b)(ii) requiring a licensing authority, when considering an application for a transfer of a premises licence and where the notice is given under section 42(8) (i.e. by the Secretary of State), to reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.
- A new section 45(2A) requiring local authorities to give notice of a decision to transfer a licence to the Secretary of State if the Secretary of State gave notice of objection under the new section 42(8) & (9).
- A new section 47(3A) disqualifying any person not entitled to work in the UK from applying for an interim authority notice.
- A new section 48(2A) requiring licensing authorities to give notice to the Secretary of State of all applications submitted for an interim authority notice. Where the Secretary of State is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State will give notice to the licensing authority setting out reasons.

Personal Licenses

- A new section 113(2A) inserting new “immigration offence”.
- New subsections 5-8 for section 113 introducing new “immigration penalties”.
- A new section 115(2A) which will cause a personal licence to cease to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.
- A new section 120(5A) placing a new requirement on the licensing authority to notify the Secretary of State where an applicant for a personal licence has complied with the statutory requirements (i.e. subsection 2(a) to (c)) but not subsection 2(d) (i.e. has relevant immigration related offences/convicted of a foreign offence etc.).

Where the Secretary of State is satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (5A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).

- A new section 124(3A) & (3B) placing a new requirement on the licensing authority to notify the Secretary of State where a personal licence holder has been convicted of an immigration related offence subsequent to the grant of the licence.
- Where the Secretary of State is satisfied that continuation of the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (3A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).

Read the full Bill here: <http://www.publications.parliament...74/15074.pdf>

Deregulation Act

Late Night Refreshment Exemptions

Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.

Community and Ancillary Sellers Notice

Draft and/or secondary legislation has not yet been finalised for CAN's (Community and Ancillary Sellers Notice) but it is envisaged that there will be an ability for community groups and small business accommodation providers to provide/sell limited amounts of alcohol to apply for a CAN. The CAN would last for a three year term with the possibility that Environmental Protection service and the Police could object from the outset.

Options possibly contained in the legislation may include the following:

- Alcohol may be sold between 7am and 11pm
- Notice will be given to the licensing authority
- The prescribed fee will be paid
- Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.

- Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.
- No right to a hearing or appeal if a CAN is revoked
- Sale of alcohol must be ancillary to provision of goods or services by the business.
- Sale of alcohol from single named premises.
- Alcohol for consumption on the named premises
- Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.
- Sale of alcohol must be ancillary to an organised community event.
- Sales of alcohol may be made from up to three named premises.
- Sales of alcohol for consumption at organised events of up to 300 people

Appendix 5

Glossary of Terms

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

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

Conditions – there are three types of conditions

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

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

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

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

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

Fee bands – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or

certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D premises licence with multiplier (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,
- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

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

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

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

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

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

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