



## **LICENSING ACT 2003**

# **STATEMENT OF LICENSING POLICY**

January 2016

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## 1. INTRODUCTION

Powys County Council is designated as a Licensing Authority for the purposes of the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the County for the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment. The authority has delegated its licensing functions to the Licensing Act Committee. Members of this committee will be responsible for administration of the Council's function assisted by officers. The decision making arrangements between Licensing Sub Committees and officers is set out in this policy statement.

Section 5 of the Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every 5 years. The authority must ensure the policy is published before it can carry out any function in respect of individual applications and notices made under the terms of the Act. During the five year period the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. If the licensing authority determines and publishes its policy in this way, a new five year period commences on the day it is published.

The policy has been prepared in accordance with the requirements of the Act and having regard to guidance issued under section 182 of the Act.

The policy sets out a general approach to the making of licensing decisions by the Licensing Authority but does not undermine the right of any individual to apply for a variety of permissions and to have any such applications considered on its individual merits.

## 2. PROFILE OF POWYS

Powys is a very large rural authority with the lowest population density of all the Welsh authorities, a high proportion of residents are over retirement age. The main towns in Powys are: Newtown, Ystradgynlais, Welshpool, Machynlleth, Llanidloes, Rhayader, Llandrindod Wells, Knighton, Presteigne, Brecon, Crickhowell, Hay on Wye and Builth Wells. In addition there are a number of smaller towns, villages and rural settlements.

Powys has over 1000 licensed premises including:

- Pubs, bars and nightclubs
- Cinemas
- Theatres
- Schools and Community Premises
- Restaurants
- Hotels & Guest Houses
- Members Clubs
- Shops and Supermarkets
- Late Night Food Venues

In the region of 2000 personal licences have been issued by the Authority also.

Powys is host to a number of nationally recognised events including the Royal Welsh Agricultural Show, Hay Literary Festival, The Greenman Festival, Brecon Jazz and a multitude of smaller events, festivals, music events and local shows that take place annually, many of these involve licensable activities authorised by way of a Premises Licence or Temporary Event Notice. The authority processes in the region of 700 Temporary Event Notices every calendar year.

In Brecon a successful Community Alcohol Partnership (CAP) exists to tackle underage drinking in the local community through co-operation between alcohol retailers/licensees and local stakeholders. By providing advice, guidance and resources CAP supports the community in Brecon in to deliver a coordinated, localised response to underage alcohol misuse.

### 3 PURPOSE/OBJECTIVES

The purpose of this policy is to describe how the Council will carry out its functions as a Licensing Authority to promote the four licensing objectives specified in the Act, that are

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

### 4 CONSULTATION

In reviewing the policy in accordance with the Act, the licensing authority will consult with:

- The Relevant Responsible Authorities ( see Annex A)
- Persons/bodies representative of local premises holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in Powys.

The views of all persons will be taken into consideration when determining the policy and any other relevant changes.

### 5 CUMULATIVE IMPACT POLICY, LATE NIGHT LEVY & EARLY MORNING RESTRICTION ORDER

The Licensing Authority currently has no plans to introduce any of the above. However, should it choose to do so during the life of this policy, full consultation will be undertaken and the details will be published on the licensing pages of the Council's website. The absence of a special policy will not prevent a responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

### 6 ADMINISTRATION

The Council's licensing team administers all aspects of the Licensing Act 2003 including applications, representations, processing annual fees, and requests for assistance and advice. The licensing team can be contacted as follows:

For enquiries in the North of Powys:

Licensing Team  
Council Offices  
Neuadd Maldwyn  
Severn Road  
Welshpool  
Powys  
SY21 7AS

[licensingmont@powys.gov.uk](mailto:licensingmont@powys.gov.uk)

For enquiries in the South of Powys:

Licensing Team  
Council Offices  
Y Gwalia  
Ithon Road  
Llandrindod Wells  
Powys  
LD1 6AA

[licensingbandr@powys.gov.uk](mailto:licensingbandr@powys.gov.uk)

Tel: 0845 6027037

All application requirements are specified in the regulations made under the Act in addition guidance notes for applicants have been prepared and are available on the Council's web site. The licensing team can also be contacted for advice and guidance with an application. Only

complete applications that contain all of the information required by the Act will be accepted. Electronically submitted applications are encouraged and can be made through the gov.uk website

## 7 APPLICATIONS ADMINISTERED & DELEGATION ARRANGEMENTS

The authority processes the following types of applications under The Licensing Act 2003:

<b>Matter to be dealt with</b>	<b>Licensing Sub Committee</b>	<b>Officer</b>
Application for personal licence	If a representation made	If no representation made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary designated personal licence holder	If Police representation	All other cases,
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If Police representation	All other cases
Applications for Interim Authorities	If Police representation	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Determination of a Police or Environmental Health representation to a temporary event notice	All cases	
Determination of applications to disapply the mandatory condition for a DPS for community premises licensed for sale of alcohol		All cases
Determination of applications for minor variations to premises licence/club premises certificate		All cases

## 8 LICENSING ACTIVITIES

Licensable activities that require an authorisation by way of a Premises Licence, Club Premises Certificate or Temporary Event Notice are:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club;
- the provision of regulated entertainment i.e.
  - the performance of a play,
  - exhibition of film,
  - indoor sporting event,
  - boxing or wrestling entertainment [indoor and outdoor],
  - performance of live music,
  - playing of recorded music,
  - a performance of dance,
  - entertainment of a similar description to performance of live music, playing of recorded music and dance).

NB - Only where the entertainment takes place in the presence of a public audience for the purpose of entertaining that audience. Private entertainment is not considered regulated unless it is subject to a charge made with a view to profit.

- the provision of late night refreshment (hot food and drink between 11pm and 5am)

Certain activities in relation to the provision of entertainment and the provision of hot food and hot drink are exempt from licensing requirements. Details of these exemptions can be found in the Licensing Act 2003. In addition significant changes to the scope of regulated entertainment have been made by The Live Music Act 2012 the Description of Entertainment (Amendment) Order 2013 and the Deregulation Act 2015; for the most up to date position on whether or not entertainment is considered regulated under the Act please contact the Licensing Team.

## 9 BARE KNUCKLE BOXING

Bare knuckle boxing can be considered as 'boxing or wrestling entertainment' under the Licensing Act 2003. Professional boxing in the UK is licensed by the British Boxing Board of Control (BBBC). The BBBC does not condone or support bare knuckle boxing. In addition the degree of violence and the likelihood of serious injury to the boxers are factors for a licensing authority to consider in assessing an application to carry out bare knuckle boxing. Also relevant are the licensing objectives in relation to preventing disorder and public nuisance. The crowds at boxing events have generally been considered more of a threat to these objectives than performances of other martial arts (such as judo), which is why indoors and outdoors boxing has historically been licensed. For these reasons a policy decision has been made in order to promote the four licensing objectives under the licensable activity of boxing:

- No bare knuckle boxing event will be permitted.
- No bare knuckle combined fighting sport will be permitted.
- No event advertised or promoted as bare knuckle boxing or bare knuckle fighting will be permitted.

## 10 SEXUAL ENTERTAINMENT

There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Should premises choose to use this exemption and there be related concerns, this may lead to a review of the premises licence and the imposition of conditions

## 11 PLANNING

The licensing authority usually expects applicants to ensure that they have planning consent for the intended use and hours of application, or otherwise have lawful status, before making an application for a premises licence, to avoid any conflict between planning and licensing. Where the terminal hour has been set as a condition of planning and these are different to the licensing hours, the applicant must observe the earlier closing time

## 12 LICENSING HOURS

When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections to those hours raised by responsible authorities or other persons on the basis of the licensing objectives. However as a guide to applicants the Responsible Authorities are less likely to object to applications with the following closing times:

- Pubs & Bars 11pm Sunday to Thursday / Midnight Friday & Saturday
- Nightclubs 1am Sunday to Thursday / 2am Friday & Saturday
- Restaurants and Cafes 11pm Sunday to Thursday / Midnight Friday & Saturday
- Off Licences 11pm Monday to Sunday
- Takeaway Food – Midnight Sunday to Thursday / 1am Friday and Saturday
- Hotels / Guest Houses – 24 hour for residents only

These hours are not pre-determined and each application will be considered on its own merits. For applications within the above hours there is no presumption that the application will be automatically granted in cases where relevant representations have been made

The licensing authority will closely examine the hours of business for premises that are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary. Limitations will only be imposed restricting the times alcohol can be sold for consumption off the premises for premises such as supermarkets and stores if representations are received and there is evidence that the extended hours cause the premises to be a focus of disorder and disturbance.

The above hours should **not** be used as a guide for applications relating to the provision of licensable activities in an area which is either wholly or partly outside or within a temporary structure such as a tent or marquee that has the potential to disturb local residents.

## 13 LARGE EVENTS & FESTIVALS

Organisers of larger occasional events involving 500 or more people will be required to submit an application for premises licences. The Licensing Authority strongly recommends that event organisers contact licensing officers early in the planning stages of the event. Applicants of particularly large events (more than 2000 people) are encouraged to contact The Powys Safety Advisory Group ([emergency.planning@powys.gov.uk](mailto:emergency.planning@powys.gov.uk)) to establish a multi-agency meeting consisting of the emergency services and other council services such as Highways and Public Health, preferably in advance of an application being submitted. The group can offer advice to the applicant on the expectation of the content of the application and operating schedule and also provides an opportunity for the applicant to give in person an overview of the event and the way it will be managed, that is not so easily captured in an application form.

The Following table is included as a suggested minimum period of time prior

to an event for submitting a complete application, following consultations with the responsible authorities.

<b>Maximum number of attendees at any time</b>	<b>Minimum notice period</b>
500 - 999	Not less than 2 months
1000 – 2999	Not less than 3 months
3000 - 4999	Not less than 4 months
5000 - 19999	Not less than 5 months
20000 – 49999	Not less than 6 months
50000 -	Not less than 7 months

Organisers of large events are encouraged HSE guidance document 'The Event Safety Guide'

## **14 TEMPORARY EVENT NOTICES (TENs)**

The temporary event notice system is a relatively light touch approach to authorise licensable activities for one-off events where the number of persons attending does not exceed 499. The duration of a TEN must not exceed 168 hours (1 week). Only the police and Environmental Health are invited to comment on a TEN.

A TEN is simply a notification given by an individual to the Licensing Authority giving notice of an event involving licensable activities that are due to take place. Examples of where a TEN can be used include:

- To authorise a licensable activity at a premises not currently licensed
- To temporarily extend the hours for providing a licensed activity at an existing licensed premises
- To temporarily provide licensable activities not authorised by the premises licence

Applicants for TENs must bear in mind the statutory timescales that require them to be served on the authority at least 10 clear working days before they have effect, this does not include the date the notice is received by the authority or the date of the event. The Act allows for the serving of a late TEN with 5 clear working days between the receiving of the notice and the event, but it should be noted that if such a TEN is objected to under the licensing objectives by either the Police or Environmental Health then there is no appeal against this decision.

TENs served less than 5 clear working days before the event are returned to the applicant unprocessed; there are **no** circumstances that enable the authority to authorise a TEN served outside the statutory timescales. Applicants must therefore be mindful of bank holidays and postage delays. The quickest and easiest method for an applicant to serve a TEN is electronically through the gov.uk website or by contacting a Licensing Officer who can e-mail a blank notice for completion and e-mailing back, the applicant need not serve copies on the Police and Environmental Health in this instance as electronic copies will be forwarded to them by the licensing officer

Where the Police or Environmental Health object to a TEN under one of the licensing objectives the TEN is referred to a hearing for decision, with the exception of late TENs where there is no recourse when relevant objections are made. Guidance notes giving applicants further details and advice on the use of TENs are available on the council's web site.

## **15 OPERATING SCHEDULE & LICENCE CONDITIONS**

The operating schedule will form the basis of conditions attached to any licence granted. Conditions volunteered in Operating Schedules should be:

- Clear
- Enforceable
- Proportionate
- Relevant
- Expressed in plain language capable of being understood by those expected to comply with them



The licensing authority shall either reword or ignore meaningless, unenforceable conditions/statements made in operating schedules, where necessary and on consultation with the applicant. If they are covered adequately by other legislation they will not be included on the licence. Applicants should be aware that breaching the conditions of a Premises Licence or Club Premises Certificate is a criminal offence. Therefore, applicants should only volunteer conditions in their operating schedule that they are willing and able to comply with.

During the consultation procedure responsible authorities may make relevant representations requesting that the applicant consider agreeing to further conditions, if all concerned agree these conditions will be added to the licence, once granted, and the need for a hearing can be dispensed with. The Licensing Authority also has the power to attach conditions to a licence at a hearing if it is considered appropriate for the promotion of the Licensing Objectives.

When considering the wording of licence conditions to attach to a licence the authority will have regard to the Institute of Licensing document – Guidance on Premises Licence Conditions (once finalised and published)

## 16 REPRESENTATIONS

When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons.

Representations must be made to the Licensing Authority within the statutory period of 28 days beginning on the day after the relevant application is received by the Licensing Authority.

Representation can be made either in support of an application or to express representations to an application being granted. The Authority can only accept relevant representations. A representation is 'relevant' if it related to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Relevant representations can be made by any person, regardless of their geographical location in relation to the premises. However the Licensing Authority will usually give greater weight to representations that are made by persons who can demonstrate that they would be directly affected by the carrying out of licensable activities at the premises concerned.

**Petitions** – Petitions may be submitted but are not as informative as individual correspondence and as such may be given less weight when considered by a licensing sub-committee. A petition will only be accepted if it identifies:

- the name and address of the application,
- the licensable activities and hours,
- reasons for the representation
- which of the licensing objectives are relevant

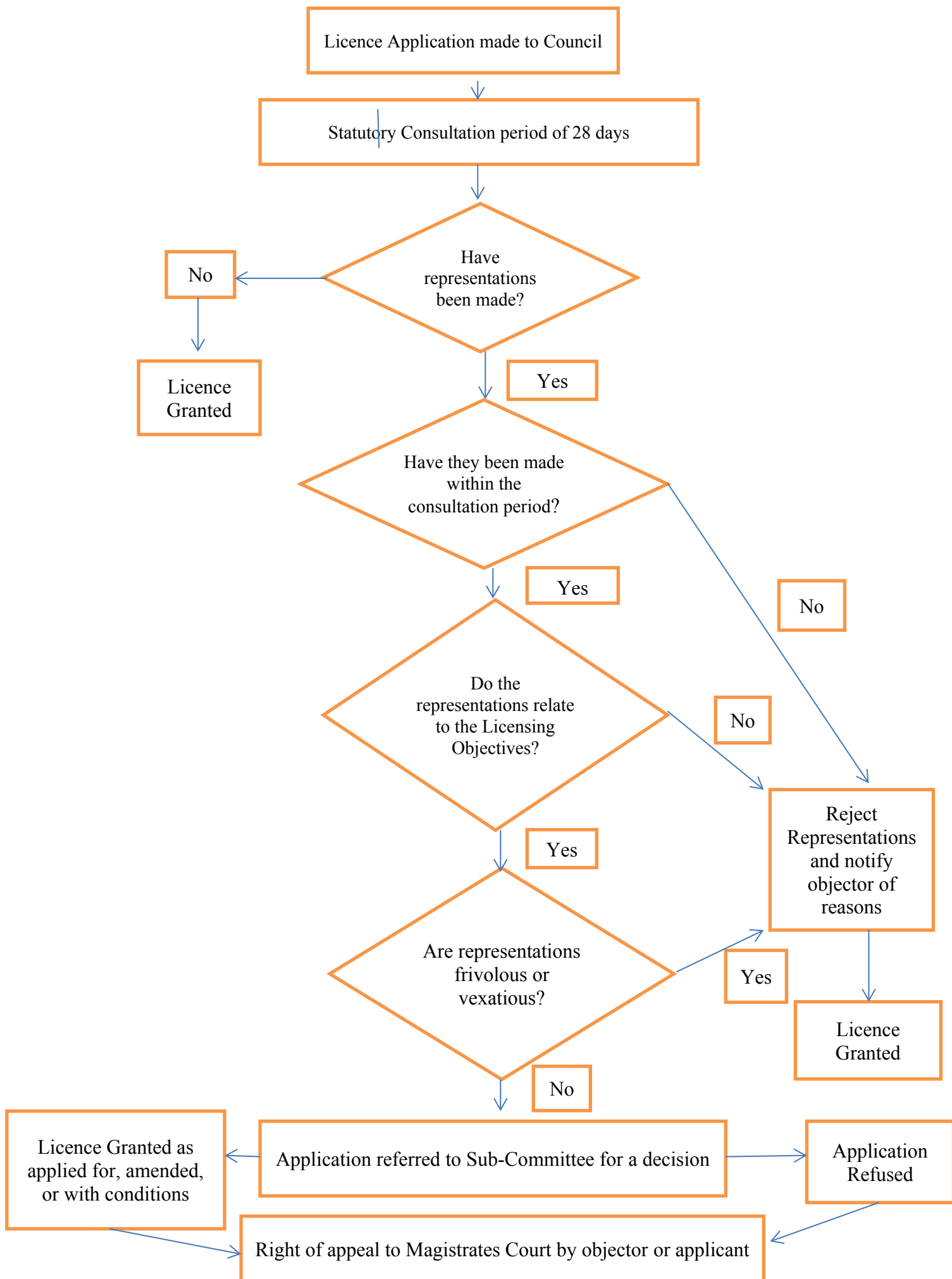
Each petitioner must give their name, full address including postcode.

The Licensing Authority will reject as invalid any representations deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance. Frivolous representations are essentially categorised by a lack of seriousness. Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases the benefit of the doubt about any aspect of a representation will be given to the person making and a subsequent hearing would then provide for the person making the representation to amplify and clarify it.

The licensing authority will inform persons who have made irrelevant, frivolous or vexatious representations that their representation will not be considered.

Where relevant representation have been received regarding an application then the application is referred to a Licensing Sub-Committee for a hearing for determination

Where a notice of a hearing is given to an applicant the licensing authority is required to provide the applicant with copies of the relevant representations that have been made.



## **17 PREVENTION OF CRIME AND DISORDER**

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder problems. The Licensing Authority will expect operating schedules to satisfactorily address these issues, applicants are recommended to seek advice from the Licensing Authority and the Police. Where an applicant is considering installing CCTV as part of the operating schedule then advice should be sought from the Police Licensing Officer. Dyfed Powys Police have available an Operational Requirement Guidance document for premises that use CCTV, for further details contact the Police Licensing Officer

There is a County-wide pub watch network in place run by licensees, they promote good practice, sharing information, disseminating best practice and provide a forum for the responsible authorities to engage with licensees when necessary. The Licensing Authority encourages all licensees to actively participate in their local pub watch scheme

## **18 PUBLIC SAFETY**

The Licensing Authority will expect operating schedules to satisfactorily address issues concerning public safety, and are advised to seek advice from the relevant bodies e.g. Health and Safety Enforcement Officers and Mid and West Wales Fire Authority.

The Licensing Authority expects that applicants meet the requirement for both a Health & Safety Risk Assessment and Fire Risk Assessment under the relevant provisions, where necessary.

## **19 THE PREVENTION OF PUBLIC NUISANCE**

Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation. Applicants must demonstrate in their operating schedule suitable and effective measures to prevent nuisance failure to address this objective is likely to lead to an objection

Particular regard should be had to minimise the potential for public nuisance that may arise from premises where:

- They are situated in residential or noise sensitive areas and/or
- Extended opening hours are proposed

Where an application has been made for either a one-off event or for a premises that is either wholly or partly outside or within a temporary structure such as a tent or marquee consideration needs to be given to the needs of local residents and the applicant will be required to offer controls so that local residents will not suffer noise nuisance; these should be proportionate to the nature/scale and duration of the event and also to the proximity to local residents. In some circumstances it will be appropriate to submit a noise management plan. Applicants should seek advice at an early stage from Environmental Protection Officers in relation to whether a Noise Management Plan in accordance with The Noise Council Code of Practice is required.

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Smoking & External areas - Legislation preventing smoking indoors at public premises has resulted in many customers of licensed premises and clubs using external areas. Premises licence holders, designated premises supervisors and applicants must have regard to how this has an impact on the four licensing objectives.

## 20 THE PROTECTION OF CHILDREN FROM HARM

Nothing in this policy shall limit or restrict access of children to *premises unless there is an overriding requirement of necessity* to prevent harm to children. However, the 2003 Act details a number of offences restricting access to licensed premises including not allowing un-accompanied children under 16 to premises licensed for the supply of alcohol between midnight and 5am. An applicant may choose to impose further restrictions deemed appropriate for the individual premises. In cases where conditions are agreed or offered in relation to children in licensed premises, the wording of the condition needs to clarify the age of the restriction e.g. either children under 16 or under 18 years of age.

## 21 ENFORCEMENT

The Licensing Authority has established joint enforcement protocols with Dyfed Powys Police and the Mid and West Wales Fire Authority and other responsible authorities where appropriate on joint enforcement issues.

The Licensing Authority will carry out audits of licensing premises conditions, usually in the form of routine licensing inspections in accordance with a risk assessment in order to ensure that the High risk premises receive the greatest priority.

The authority will investigate complaints alleging breaches of the Act or licence conditions with a view to establishing if offences have been committed

The authority has an Enforcement Policy that encourages a graduated approach where there is evidence of an offence, the range of enforcement options include:

- Offering advice/guidance (verbal or written)
- Informal written warnings
- Cautions
- Prosecutions
- Review of Licence

## 22 ANNUAL FEES

Amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2010 give councils the power to suspend premises licences and club premises certificates where the annual fee required by regulations is not paid.

The council will suspend any licence or certificate where the required fee is not paid by the 'due date', which is annually on the anniversary of the date that the licence was first granted. The council will follow the below procedure:-

Upon notification/discovery that an annual fee is not paid, the council will give notice to the licence/certificate holder, in writing,

**• that the licence/certificate will be suspended 14 days from the date of the notice.**

• It will also state that the suspension will not become effective if the fee is paid prior to the suspension date.

• If an administration error is claimed, the suspension date may be 21 days from the due date; or the date of suspension on the 14 day notice, whichever is later.

**• A copy of the notice will also be served on the designated premise supervisor/premises manager if they are not the premises licence holder.**

When the full payment is made the council will immediately lift the suspension, and confirm this in writing.

Where a licence/certificate is suspended and licensable activities are provided the council will consider prosecuting the provider for offences under section 136 of the Licensing Act 2003

## **ANNEXES**

Annex A – List of Responsible Authorities and contact details

Annex B - Mandatory conditions under the Act

Annex A

**POWYS COUNTY COUNCIL AREA****RESPONSIBLE AUTHORITIES****CONTACT DETAILS****Notice to responsible authority**

In the case of an application for a premises licence under section 17, a provisional statement under section 29, a variation of a premises licence under section 34, a review under section 51, a club premises certificate under section 71, a review under section 87 or a variation of a club premises certificate under section 84, the person making the application shall give notice of his application to each responsible authority by giving to each authority a copy of the application together with its accompanying documents, if any, on the same day as the day on which the application is given to the relevant licensing authority.

**The Police**

The Licensing Officer,  
Dyfed Powys Police  
Llanidloes Police Station  
9 Lôn Glandwr,  
Llanidloes,  
Powys  
SY18 6DD

Tel: 07968 220 697  
nicola.davies@dyfed-powys.pnn.police.uk

**The Fire Service**

The Licensing Officer,  
Mid & West Wales Fire & Rescue Service,  
Powys Command HQ, Parc Noyadd Park,  
Llandrindod Wells, Powys, LD1 5DF.

Tel: 0370 6060699  
powys@mawwfire.co.uk

**Health Authority**

Senior Administration Officer,  
Powys Local Public Health Team,  
Public Health Wales,  
The Courtyard,  
Bronllys, Brecon,  
Powys, LD3 0LU.

Tel: 01874 712738  
FAX: 01874 712739  
jayne.ingram-jones@wales.nhs.uk

**Child Protection**

Safeguarding Manager,  
1 High Street,  
Llandrindod Wells,  
Powys, LD1 3AG.

Tel: (01597) 827325  
safeguarding.unit@powys.gov.uk

**Planning****Brecknockshire & Radnorshire**

Planning Services  
The Gwalia  
Ithon Road, Llandrindod Wells,  
Powys, LD1 6AA.

Tel: (01597) 827169  
planning.services@powys.gov.uk

OR

Brecon Beacons National Park Authority  
Plas y Ffynon  
Cambrian Way, Brecon,  
Powys, LD3 7HR.

Tel: (01874) 624437

If you are unsure which of the above should receive a copy of your application, please telephone one of the above offices for advice.

**Montgomeryshire**

Planning Services  
Economic and Community Regeneration Directorate  
Neuadd Maldwyn  
Severn Road, Welshpool,  
Powys, SY21 7AS.

Tel: (01938) 551259  
planning.services@powys.gov.uk

**Trading Standards****Brecknockshire & Radnorshire**

Trading Standards Officer  
Brecon Office  
Neuadd Brycheiniog  
Cambrian Way, Brecon,  
Powys, LD3 7HR,

Tel: 0845 6027030  
trading.standards@powys.gov.uk

**Montgomeryshire**

Trading Standards Officer  
Newtown Office  
The Park, Newtown,  
Powys, SY16 2NZ.

Tel: 0845 6027030  
trading.standards@powys.gov.uk

## Environmental Protection

### Brecknockshire

Environmental Protection Officer  
Environmental Health Offices  
Neuadd Brycheiniog  
Cambrian Way, Brecon,  
Powys, LD3 7HR.

Tel: 01597 827467  
environmental.health@powys.gov.uk

### Radnorshire

Environmental Protection Officer  
Environmental Health Offices  
The Gwalia  
Ithon Road, Llandrindod Wells,  
Powys, LD1 6AA.

Tel: 01597 827467  
environmental.health@powys.gov.uk

### Montgomeryshire

Environmental Protection Officer  
Environmental Health Offices  
Neuadd Maldwyn  
Severn Road, Welshpool,  
Powys, SY21 7AS.

Tel: 011597 827467  
environmental.health@powys.gov.uk

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## Health & Safety

### Brecknockshire & Radnorshire

Health and Safety Officer  
Environmental Health Offices  
Neuadd Brycheiniog  
Cambrian Way, Brecon,  
Powys, LD3 7HR.

Tel: 01597 827467  
environmental.health@powys.gov.uk

### Montgomeryshire

Health and Safety Officer  
Environmental Health Offices  
Neuadd Maldwyn  
Severn Road, Welshpool,  
Powys, SY21 7AS.

Tel: 01597 827467  
environmental.health@powys.gov.uk



Enforcement of the Health & Safety at Work Act 1974 etc. is undertaken by the Health & Safety Executive or inspectors of the local authority Environmental Health Section. The allocation of responsibility is described in The Health and Safety at Work (Enforcement Authority) Regulations.

The majority of premises in the Service Industry sector are the responsibility of the inspectors employed by the Local Council. To simplify the application process the Local Council Health & Safety Officers will identify the limited number of applications, which are for premises inspected by the Health & Safety Executive and will forward those applications on your behalf. The Local Council Health & Safety Officers will inform applicants when applications have been forwarded to the Health and Safety Executive.

#### **Additional Responsible Authorities**

1. Any Licensing Authority (other than the relevant licensing authority) in whose area part of the premises is situated.
2. In relation to a Vessel: -
  - a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) 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 Environment Agency,
  - the British Waterways Board, or
  - the Secretary of State

## Annex B

**Mandatory conditions****Alcohol**

No supply of alcohol may be made under the premises licence-

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Films**

The admission of children to the exhibition of any film must be restricted in accordance with the film classification.

**Door Supervisors**

Door supervisors will be correctly registered with the SIA.

**Mandatory Conditions for Club Premises Certificates**

The supply of alcohol for consumption off the premises can only be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

Any alcohol supplied for consumption off the premises must be in a sealed container.

Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

**Mandatory Conditions from 6<sup>th</sup> April 2010**

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 which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (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);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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).

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

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. 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.

The responsible person shall ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;

and
- (b) customers are made aware of the availability of these measures.

## Mandatory Licensing Condition from 28<sup>th</sup> May 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) “permitted price” is the price found by applying the formula —  $P = D + (D \times V)$  where —
  - (i) P is the permitted price
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence —
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day. is present and able to prevent a supply of alcohol (in relation to premises in respect of which there is a club premises certificate). Paragraph 3 provides that the permitted price is rounded up to the nearest penny. Paragraph 4 provides that a change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.