Statement of Licensing Policy Pembrokeshire County Council

June 2026

Licensing Act 2003

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This policy can also be made available in Welsh or large print on request to the Licensing Team.

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1. Introduction

1.1 The Licensing Act 2003 (the Act) requires the Council, in fulfilling its role as the Licensing Authority, to publish a "Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is that Statement of Policy prepared in accordance with the provisions of the Act and the latest version of Home Office Guidance issued under section 182 of the Act.

1.2 Pembrokeshire County Council ("the Council") is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.

1.3 This Policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority.

1.4 In developing this Licensing Policy, the advice of bodies such as the Local Government Association (LGA), the Welsh Local Government Association (WLGA) and various trade associations have been taken into account wherever possible. Officers also worked in collaboration with the Four Counties of Dyfed Powys authorities, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area. Other Corporate policies adopted by the Council have also been taken into account, and these will be referred to throughout this document as appropriate.

1.5 The Equality Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice.

1.6 The Council has a legal obligation to comply with all legislation that promotes equality. Licensing of persons and premises under the Act will actively promote equality of service and enforcement to all members of the community.

1.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

1.8 Each application will be considered on its individual merits having regard to this Policy, the Act and the Home Office Guidance issued by the Secretary of State under this Act.

1.9 The Licensing Authority acknowledges that it may need to depart from this Policy and the guidance issued under the Act in individual and exceptional circumstances, where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisers for the Licensing Authority and the reasons for any such departure will be fully recorded.

1.10 The Licensing Policy will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.

1.11 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Pembrokeshire throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community.

1.12 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within **five years** of the date of this Policy and will fully consult with Responsible Authorities, partners, licence holders, trade associations, business and residents groups as appropriate at that time. Any representations received will be considered at that time. However, where updates are due to changes in national legislation, statutory guidance or contact details, the Council reserves the right to amend this Policy without consultation to ensure the Policy reflects national legislation or statutory guidance. Any revisions made will be published.

2. Profile of the County

2.1 **The County of Pembrokeshire**

The County of Pembrokeshire has a population of approximately 125,000 and is predominantly rural in character. The six main towns of Fishguard, Haverfordwest, Milford Haven, Tenby, Pembroke and Pembroke Dock are surrounded by numerous villages, each with their own individual character.

2.2 There are approximately 950 identified premises in the County holding a variety of licences and certificates providing regulated entertainment and/or the retail sale of alcohol under the Licensing Act 2003. There are several private clubs, a few cinemas and a number of premises which have late night hours. Other local venues such as village, community and school halls also provide cultural activities for many of the areas

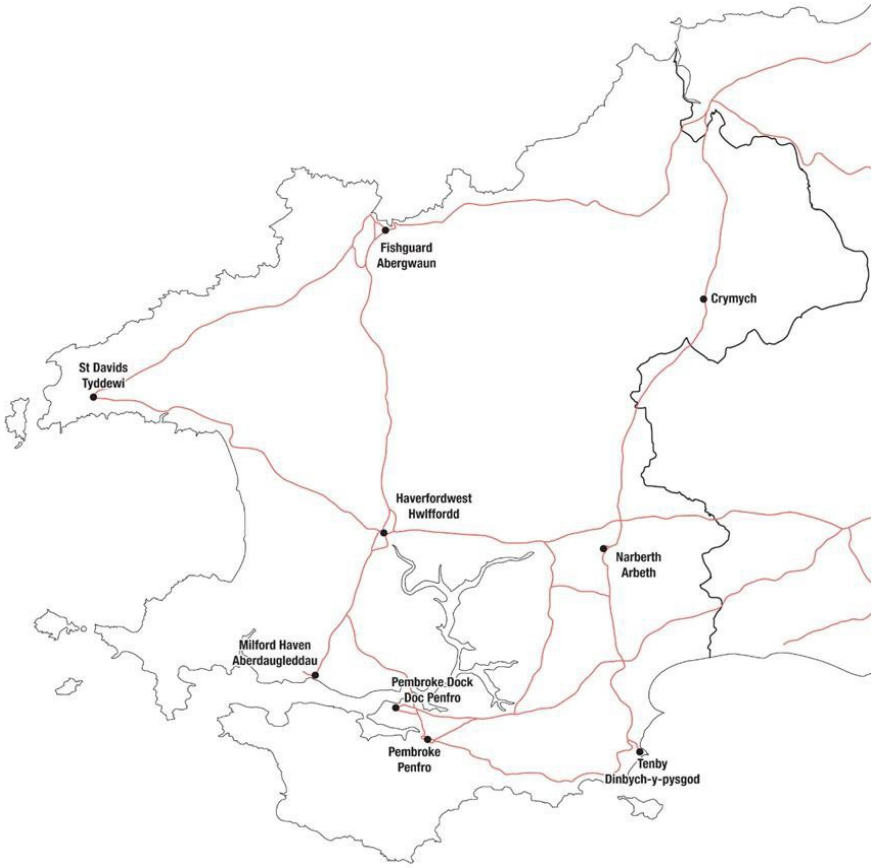
2.3 The events portfolio in the County continues to develop over , with several open air festivals and high profile outdoor sporting events. The Council seeks to attract local, regional, national and international events to the County, recognising the cultural, community and economic benefits that these events offer.

2.4 There are many public houses in the County outside of the main towns, many of these are in the small rural villages which provide the focal point for community life. In other cases, small stores and shops that sell alcohol may provide this focal point. The late-night refreshment premises are predominately located in the main towns.

2.5 Due to the rural nature of the County, premises and events licensed under the Act provide an essential contribution to the local economy, through tourism and cultural development. Employment in Pembrokeshire stood at 55,600 between January 2024 and December 2024 that equates to 72.9%. This compares to 73% in Wales and 75.5% in Great Britain (Nomis http://www.nomisweb.co.uk/reports/lmp/la/1946157391/report.aspx#tabempu nemp) Pembrokeshire has significant concentrations of employment in: accommodation and food service; arts, entertainment and recreation; construction; and extractive industries.

2.6 The tourist industry has a significant effect on the population at certain times of the year. According to Pembrokeshire Tourism's website Visit Pembrokeshire Tourism is one of the three key economic pillars of Pembrokeshire, alongside energy and agriculture. It contributes a remarkable £604 million to the local economy each year, more than 6.3 million visitors, and supports 23% of all local employment.. Significant numbers work in holiday accommodation and campsites, tourist attractions, restaurants and cafes, clubs, pubs and bars.

Figure 1: Pembrokeshire County Council area



3. Licensing Committee

3.1 The Council will appoint a Licensing Committee in accordance with its Constitution.

3.2 The Licensing Committee has established Sub-Committees (panels), consisting of three Members of the Committee, to consider applications where representations have been received from Responsible Authorities and/or any other persons.

3.3 The Licensing Committee and Sub-Committees will also sit to determine applications not associated with the Act, such as taxi and private hire vehicle licensing.

3.4 In the interests of good governance, where a Councillor who is a Member of the Licensing Committee or a Licensing Sub-Committee has a direct or indirect pecuniary or personal interest in any matter before them, he or she will be disqualified from any involvement in the decision-making process affecting the premises. A Councillor will not sit on a Sub-Committee to consider an application within his or her 'Ward'.

3.5 The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because less than three members are able to consider the matter before the Sub-Committee.

3.6 The Licensing Committee shall refer to the 'Licensing Authority' [the Council] any matter it is unable to deal with because less than the quorum of Members is able to consider the matter before the Committee.

3.7 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with reasons for the decision. A summary of the decision is notified to the parties to the hearing, within a target time of fifteen working days, but this will endeavour to been done as soon as practicable after the hearing date,

3.8 The Council's Licensing Officers will deal with all licence applications where either no relevant representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

3.9 A periodic report will be made to Licensing Committee on the exercise of delegated powers.

3.10 The Council will ensure that Members and relevant officers are appropriately trained to carry out their duties under the Act.

3.11 Matters in respect of the Act are to be dealt with as specified in the Council's scheme of delegation under its Constitution (See Section 31).

4. Fundamental principles

4.1 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

4.2 When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.3 In this respect, the Licensing Authority recognises that apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:

- planning control;
- on-going positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Directorates of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Regular liaison with police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises;

and

- the power of the Police, other responsible authorities or other persons to seek a review of a licence or certificate.

5. Licensing Hours

5.1 The Licensing Authority, through the exercise of its licensing functions, shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate to promote one or more of the licensing objectives.

Paragraph 10.13 of the Government's current Section 182 Guidance states that:

"*The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application"*

5.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets' ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered, would be following Police representations that a shop was known to be a focal point for crime and disorder.

5.3 The Licensing Authority recognises that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol, late night refreshment and regulated entertainment can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.

5.4 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.

5.5 The Licensing Authority will, however, where its discretion is engaged, always carefully balance the considerations in 5.3 and 5.4 above against its duty to promote the licensing objectives and protect the rights of residents and businesses.

5.6 The Licensing Authority also notes the Government's guidance that there is no general presumption in favour of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times. Where there are relevant representations against an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

5.7 Irrespective of the hours of operation granted for a premises under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation in force - for example Planning law, Sunday Trading Act 1994 or Christmas Day (Trading) Act 2004.

5.8 The Licensing Authority notes that the Government's Section 182 Guidance states that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours".

5.9 However, due to problems experienced in some local communities, predominantly arising from the availability of alcohol for sale for consumption off the premises, this Licensing Authority has decided that it will not adopt this general position but instead, will expect applicants and licence holders to apply for and sell alcohol at hours that are appropriate to their particular local environment. Therefore, applicants should carefully consider the hours they seek when devising their operating schedule. It is recommended to discuss such an application with the appropriate Responsible Authorities.

5.10 In the event that an applicant for a premises licence has not demonstrated the proper consideration of the appropriate alcohol trading hours, it is likely that representations will be made by the relevant responsible authorities and/or 'other persons'. This inevitably will delay the determination of the application and result in the application being referred to a Licensing Sub- Committee for determination.

5.11 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours, a limitation on licensing hours may be appropriate

Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.

5.12 For example, in local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

5.13 Applicants are encouraged to include in their operating schedules not only the standard hours during which they wish to carry on licensable activities, but also special occasions such as bank holidays when they may wish to trade for an additional hour or two. Catering for these types of occasion will reduce the need to apply for a Temporary Event Notice or make an application to vary their licence.

5.14 There is no automatic special provision for New Year's Eve. If applicants wish to take advantage of longer trading hours over this period, this should be included in the operating schedule.

5.15 **External Areas / Beer Gardens**

The licensing authority expects hours for external areas of licensed premises normally be restricted to 08.00 – 22.00hrs unless the applicant can demonstrate the comprehensive control measures have been implemented that ensure the promotion of the licensable objectives, in particular the public nuisance objective

5.16 **Drinking up time / cooling down time**

The traditional drinking up time was not carried over into the Act and the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

6. Commercial demand

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

7. Alcohol Harm

7.1 The evidence base for the impact of alcohol use on health and well-being is strong. Alcohol use contributes to over 60 different health conditions including liver disease, foetal alcohol syndrome and several cancers. Research shows that as well as being a contributor to a wide range of diseases and conditions, alcohol use can result in injuries and can contribute to, trigger and/or exacerbate mental health conditions. In addition, alcohol is a major cause of death and illness in Wales with around 1,500 deaths attribute to alcohol each year, (1 in 20 of all deaths).

7.2 Research has repeatedly shown that the economic, geographical and temporal availability of alcohol has a significant effect on the level of alcohol related harms, including health harms. Research and real-life experiments have shown that the range of times and days alcohol is available for sale has a significant impact on the harms caused by alcohol. The geographical ease of access also has an impact, as shown by a large body of research into outlet density. Research conducted in 2017 demonstrated that actively enforced Licensing policies lead to a reduction in alcohol-related hospital admissions. These are all factors that are influenced by local licensing frameworks and operational and enforcement approaches to licensing.

7.3 Research has demonstrated that the most effective and cost-effective approach to tackle the harms from alcohol misuse is to reduce the affordability, availability of and access to alcohol. The World Health Organisation and Public Health Wales have identified reducing the availability of and access to alcohol as key to reducing alcohol related health harms.

Three of the indicators of population health and used to monitor alcohol misuse trends are;

- Percentage of individuals ‘drinking’ over recommended levels on the heaviest

drinking day in the past week

- Percentage of individuals 'heavy drinking' (binge – males over 8 units, females over 6 units) on the heaviest drinking day in the past week
- Percentage of individuals 'very heavy drinking' (heavy binge – males over 12 units, females over 9 units) on the heaviest drinking day in the past week.

7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.

7.5 Pembrokeshire County Council recognises the significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses (see below). Alcohol data shared by Public Health Wales indicates that Pembrokeshire local authority area has:

A rate of 18% persons aged 16+ self- reporting drinking above the guidelines of 14 units per week, compared to all Wales national average of 16%. Local authority areas with higher rates included, the Vale of Glamorgan (22 and Wrexham (19%). Carmarthenshire local authority area was 18%, with Ceredigion at 16% and Powys at 17%.

- **2% of adults self-reporting harmful drinking** in Pembrokeshire of over 50 units per week which equals the national average. When compared to other local authority areas in Wales the highest is Carmarthenshire, Neath Port Talbot and the Vale of Glamorgan local authority areas with 4%, as compared to the Isle of Anglesey, Denbighshire, Blaenau Gwent and Monmouthshire at 1%. Ceredigion and Powys local authority areas were both 2%.

- **One of the lower rates of adults self-reporting to be non-drinkers** (17%) compared to all local authority areas in Wales, with a national average of 21%. Carmarthenshire local authority area was 19%, with Ceredigion at 14% and Powys at 20%. slightly below average rates of alcohol-specific hospital admissions for females compared to the Welsh average of 322 per 100,000 population. Pembrokeshire has traditionally been above the national average for alcohol-specific hospital admissions but is now slightly below. For 2017-18 Pembrokeshire had 311 alcohol-specific admissions per 100,000 population.

- Slightly above average rates of alcohol-specific hospital admissions for males compared to the national average of 642 per 100,000 population. For 2017-18 Pembrokeshire had 675 alcohol-specific admissions per 100,000 population and has traditionally been above the national average. NB: A higher number of male adults are admitted to hospital for alcohol-specific conditions than females in Pembrokeshire. All hospital admissions for alcohol are preventable.

- Pembrokeshire had a below average level of alcohol-specific hospital admissions for under 18s for females compared to the Welsh average (Pembrokeshire 39 females per 100,000; national average 54 females per 100,000). Although above the national average for males (Pembrokeshire 56 males per 100,000; national average 32 males per 100,000). However, more young males were admitted to hospital for alcohol-specific conditions than males in Pembrokeshire in 2015-18.

- Above the national average rates for alcohol-specific mortality (deaths) for females (Pembrokeshire 8.4 females per 100,000; national average 8.6 females per 100,000). Below the national average rates for alcohol- specific mortality (deaths) for males (Pembrokeshire 17.5 males per 100,000; national average 16.5 males per 100,000).

Reference Public Health Wales Observatory
https://publichealthwales.shinyapps.io/AlcoholinWales/#section-Top and StatsWales

https://statswales.gov.wales/Catalogue/National-Survey-for- Wales/Population-Health/Adult-Lifestyles/adultlifestyles-by-localauthority- healthboard

7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community.

7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services and areas where children and young people may congregate, such as schools, youth clubs and parks.

7.8 In 2020, the Wales minimum pricing per unit of alcohol law came into force to tackle harmful and damaging drinking of cheap strong alcohol. Welsh Government hope to see a reduction in the significant and widespread harm caused by the excessive consumption of alcohol as a result of this new law.

A recent published about the effectiveness of the introduction for Minimum Pricing for Alcohol in Wales

An extract from this report:

The introduction of the policy, the legislation, the implementation of the established minimum 50ppu, and the adoption and compliance by retailers within Wales has been successful. It is clearly a viable tool within the alcohol policy stock. 8.8 Taken in the round, all the Welsh evaluations show a broad degree of support for the policy. This is to be welcomed given the potential impact on future generations, overall consumption/health harms, and the removal of certain very cheap alcohol products. 8.9 The policy can be seen to have clear observable impacts. Notably these are: (i) the removal of certain very cheap products (notably large volumes of cheap ciders and lagers); (ii) a clear compliance with alcohol being sold by retailers within Wales at or above the minimum price; (iii) observable differences between English and Welsh retail behaviour; (iv) some adaptive change by producers and retailers in the nature of offers and products made available within Wales; and (v) some switching in purchasing (and assumed consumption) from cheap strong ciders and lagers to other beers, wine and

spirits

The report recommended that The Welsh government should renew rather than lose the option of MPA as an alcohol policy measure in Wales

https://www.gov.wales/sites/default/files/statistics-and-research/2025-01/final-report-review-of-the-introduction-of-minimum-pricing-for-alcohol-in-wales_0.pdf

A consultation exercise on retaining the MUP an increasing the minimum price is being undertaken in 2025

8. Drugs

8.1 The harms from drug misuse are numerous, and not restricted to health harms. Welsh drug death levels were at their highest ever level in 2018-19 with deaths from drug poisoning having increased by 78% over the last 10 years. Drug deaths appear to be increasingly occurring in people using drugs on a recreational basis.

8.2 The UK's drug market is rapidly evolving, with common street drugs continuing to increase in strength and purity, and an ever-widening array of substances in circulation. Licensing has a role in reducing the harms from drug misuse in the Night Time Economy and our licensed premises.

8.3 Where there are issues of concern the Licensing Authority will expect to see evidence that the drug policy has been implemented and reviewed.

8.4 Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:

- Take all reasonable steps to prevent the entry of drugs into licensed premises
- Take all reasonable steps to prevent drugs changing hands within the premises
- Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
- Have appropriately trained staff to deal with drug related incidents
- Display appropriate drug safety awareness information to customers
- Provide a first aid room and first aid equipment, including a defibrillator in larger venues
- Deploy staff trained to assist with medical incidents
- Implement an appropriate banning policy

8.5 At the request of Dyfed Powys Police, licensed premises would be required to seize, retain and document any drugs found, with a clear audit trail and a process for surrender in compliance with Dyfed Powys Police policy.

Furthermore, in the interest of Crime and Disorder, Dyfed Powys Police would also require licensed premises to allow the use of the ION Track machine on their premises to assist with identifying the areas where illegal drugs may be used at the venue.

8.6 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises, however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The Licensing Authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.

8.7 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.

8.8 In premises where drug misuse is problematic and where any Responsible Authority or other person applies for a review of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available, including suspension and revocation of the licence in accordance with the statutory guidance issued by the Secretary of State. The Licensing Authority recognises that each case is individual and will be decided on its own facts and specific merits.

8.9 **Promoting Personal Safety**

The Licensing authority is committed to ensuring Pembrokeshire is a safe and welcoming County for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background. Unfortunately, this is not always the case. The increase in reports of drink spiking nationally and the demand for welfare and police service indicates that there is still significant partnership work to further develop Pembrokeshire's nighttime economy to improve actual and perceived safety to all visitors, residents and those who work in the County at night.

This policy aims to ensure that vulnerability and personal safety is an important consideration in decision-making in the night-time and late-night economy throughout the County. The licensing authority will keep the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence under review.

Operators are strongly encouraged to develop harm-reduction policy for their business and ensure sufficient measures to protect and provide support to customers in spiking and vulnerability incidents.

We aim to promote best practices, including the Night Time Industry Association (NTIA) standards of good practice for dealing with spiking and having a duty of care for customers (see steps to promote the Licensing Objectives) as well as integrate with other

safety-related initiatives in the County.

The Licensing Authority will actively promote campaigns which help to remove risks to vulnerable people who visit or work in licensed premises. Examples of this would be spiking awareness and the 'ask for Angela' schemes. Licensing Officers seek to work closely with licence holders to encourage positive engagement with such campaigns and to help promote and explain the importance of keeping the public safe

9. Licensing Objectives

9.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

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

9.2 It is recognised that the licensing function is not the primary method of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Health Board, Immigration, local businesses, licensees, and local people, towards the promotion of the objectives.

9.3 A pool of conditions document is available for applicants. This is a document prepared by the Four Counties Licensing Forum to assist applicants in preparing their operating schedules, it provides robust, clear, enforceable wording around conditions and examples of control measures . The Model Pool of Conditions is not exhaustive and is not to be regarded in any way as standard conditions or mandatory requirements.

10. Prevention of crime and disorder

10.1 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.

10.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to- day operation of the business.

10.3 Applicants are recommended to seek advice from the Licensing Authority's Licensing Officers and the Police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies when preparing their plans and operating schedules

The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants are advised to consider the pool of conditions when drafting their application.

10.5 The Licensing Authority recognise that although Dyfed Powys Police and other criminal justice services suffer the greatest resource burden from preventable alcohol related crime and disorder, the health system is also impacted. Preventable alcohol-related attendances and admissions have a negative impact on limited NHS resources, staff and other patients. Physical injury and the psychological impacts from violent incidents directly affect the health and wellbeing of individuals, their family, friends and work colleagues, our public service staff and licensed premises staff who deal with these incidents and the local community. Responsible Authorities will work together, sharing all available local data and will use NHS sources of data to promote this licensing objective.

10.6 The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

10.7 Pembrokeshire County Council, through agencies working together and sharing information, aim to identify and prevent sexual exploitation, modern slavery and human trafficking. Licence holders can help as they may become aware or come into contact with such victims. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

10.8 Modern slavery and human trafficking is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude and compulsory labour. The licence holder and staff who work in licensed premises should look for and ask themselves the following;

- Has the person got any physical signs of abuse or neglect?
- Deprived of food, water, sleep, medical care or other life necessities?
- You see worrying behaviour towards someone.
- Is the victim in possession of a passport, identification or travel documents?
- Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else?
- Do they allow others to speak when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job?
- Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?

- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Can they freely contact friends and family? Do they have limited social interaction?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim bonded by debt, or in a situation of dependence?

10.9 If there are concerns, the licence holder is to report the matter to Modern Day Slavery helpline on 08000 121 700 or visit the website https://www.modernslaveryhelpline.org/report or can report to Licensing on 01437 764551 or e-mail licensing@pembrokeshire.gov.uk. If someone is in immediate danger, call the Police on 999. In addition, all employers are required by law to check their employees have the right to work in the UK. Employing someone who does not have the right to undertake the work, can lead to robust sanctions against the licence holder

11. Prevention of public nuisance

11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the vicinity of the premises and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the activities at the specific premises on these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licensed premises.

Clearly licensed premises have a responsibility under the Public Nuisance objective to clear up litter/rubbish caused by customers in the near vicinity of the licensed premises. Premises are advised to undertake regular litter picks and provide adequate bins for their customers. Applicants will be encouraged to demonstrate in their Operating Schedule what suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance including litter.

Licensed premises of all types can potentially cause public nuisance from litter and Waste. In Wales the law has changed, relating to proper waste collection and disposal for recycling. There is a 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate this law, but licence holders will need to apply good waste management practice in order to prevent public nuisance. Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, it may cause people to slip, trip and injure themselves, and it may harm

the reputation of the licence holder's business. Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

Steps should be taken to prevent fly posting and litter problems arising from the distribution of flyers advertising the premises or events at the premises. The applicant should endeavour to reduce the use of promotional leaflets and only hand flyers directly to the public. Flyers should not be left on vehicle windscreens. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards. The applicant should also remove any graffiti and fly posting from their surfaces as soon as it appears.

In addition The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 ("the Act") makes it a criminal offence to supply or offer to supply (including for free) certain single-use plastic products to consumers in Wales, unless an exemption applies. This will affect some licensed venues particular those with late night refreshment offering take away food. It is one of a range of actions Welsh Government is taking to encourage the shift away from single-use plastic products and to encourage people to take greater responsibility for their disposal

11.3 The Licensing Authority recognise that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being.

11.4 The Licensing Authority recognise the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases.

Applicants should consider the potential impact their premise may have on public nuisance, particularly from noise and apply mitigating measures.

11.5 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule, with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of a licensed activity are not contained within a building. Inevitably, there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation put into effect at an early stage.

11.6 Applicants will be encouraged to demonstrate in their operating schedules that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.7 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.
- Where there are external licensed and/or consumption areas

11.8 **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. Control measures may include restricting access to external drinking areas at certain times, or preventing customers from taking drinks into external smoking areas in order to discourage customers from lingering outside and potentialy causing a disturbance to residents

Licensable activities taking place in external areas of licensed premises will normally be restricted to 08.00 – 22.00hrs unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensable objectives, in particular the public nuisance objective

11.9 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. However, applicants are encouraged to consider the actions they may take as a responsible licence holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

11.10 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application. These Authorities will be able to provide advice in respect of the appropriate control measures that may be put in place and included in the operating schedule to mitigate the potential risks of public nuisance occurring. In addition, applicants can refer to the pool of conditions for examples.

11.11 **The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management**.

The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.

The Statutory Licensing Guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below).

12 Public Safety

12.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Pembrokeshire Council's Health and Safety Enforcement Officers, Mid and West Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

12.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks to which persons may be exposed, for the purpose of identifying the general fire precautions which need to be taken. Therefore, no conditions may be imposed on a licence where it directly relates to fire safety. It is expected therefore that licence holders will conduct a thorough risk assessment, which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request, by any authorised officer of the Council.

12.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety

12.4 Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels, (factors may

include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);

- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;

- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;

- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;

- Customer profile (e.g. age, disability etc.);

- he use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

- lectrics and heating as part of the risk assessment

In addition, applicants can refer to the pool of conditions for examples.

12.5 The authority recommends that specialists, e.g. a qualified safety officer, should be consulted to assist with an assessment of public safety issues, (excluding fire safety as such a risk assessment is a mandatory requirement).

12.6 Dyfed Powys Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The Council supports this initiative and would advise any applicant or authorisation holder that toughened glass often lose their tempering through repeated use and should consider the introduction of solely polycarbonate or comparable reusable drinking vessels. Where premises are associated with crime and disorder, the Council may also advocate that open glass bottles for consumption on the premises will not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

12.7 The Licensing Authority recognise that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions.

12.8 Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.

12.9 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Assent on Thursday 3 April 2025. The SIA (Security Industry Authority will be the regulator. Once in force, the Act will require certain premises and events to ensure steps have been taken to prepare for potential terrorist attacks, get ready to help keep people safe in the event of an attack and take steps to reduce their vulnerability to acts of terrorism

There are free ACT (Action Counters Terrorism) awareness counter terrorism training courses for licensed premises for venue operators. Designated Premises Supervisors, and those in managerial positions are strongly encouraged to undertake this training

Further details regarding Martyns Law can be found within the Home Office and Security Authority websites. https://www.gov.uk/government/news/martyns-law-to-ensure-stronger-protections-against-terrorism-in-public-places

13. Protection of children from harm

13.1 Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy. The individual merits of each application should be considered in each case.

13.2 With the exception of the restrictions specified in Section 145, the Act does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

13.3 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises or club.

13.4 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

13.5 Officers from Child Protection will be consulted on issues relating to protecting children from harm. The Licensing department participates with the Pembrokeshire MACE (Multi Agency Child Exploitation Group) to raise any issues of child protection at licensed venues and to promote safeguarding and Child Exploitation Awareness with licensed premises

13.6 Safeguarding children is everyone's responsibility. Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation involves perpetrators grooming youngsters and using their powers and it can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older partner, having sex in return for attention, gifts, money, alcohol and cigarettes. Violence, coercion and intimidation are common forms of exploitation, with some vulnerable children being given drugs or made to sell drugs and/or are forced to be part of county lines network.

13.7 Hotels, bars and restaurants, late night takeaways, off licences or other licensed premises may come into contact with such children. This Authority encourages those premises to look out for signs of possible exploitation. Licence holders and staff should look for and ask themselves the following -

- Does a child appear to be in a relationship with an older person?
- Does the child appear to be under the influence of alcohol or drugs?
- Is the hotel booking done by an adult who is trying to conceal they are with a young person?
- Numerous adults and young people coming to a hotel who do not appear to have a reason for being there, or high levels of visitors to a guest room, with guests moving in and out of the premises at unusual times.
- Guests arriving and asking for specific rooms number without knowing the name of the person the room is booked under

13.8 For the purposes of safeguarding children, the Council does not support contactless check in systems (virtual reception) whereby no members of staff will have interaction with the customers at a hotel.

If there are concerns the licence holder and staff are to report the matter to either Pembrokeshire Adult Safeguarding on 01437 776056, Children Safeguarding on 01437 776444 or Police 101.

https://www.pembrokeshire.gov.uk/safeguarding-adults-and-children

If someone is in immediate danger to call the Police on 999.

13.9 The Licensing Authority recognise that compared to adults, children and young people are at higher risk of harm in relation to alcohol use and consumption, and the health impacts can be higher where they happen. Children and young people are also more vulnerable to certain harms in licensed settings. Furthermore, regularly drinking alcohol at too early an age increases lifetime risks of alcohol-related harm.

13.10 Children and young people have multiple vulnerabilities related to the impact that alcohol can have on their health and development. They have higher levels of vulnerability and risk associated with being on licensed premises that need to be considered and appropriately addressed in licensing policies, practices and processes. A significant impact from a child or young person suffering illness, injury or dependence as a result of access to alcohol and licensed premises is likely to fall to the Health Board.

The Licensing Authority also recognises the serious impact of parental alcohol misuse and the long-term consequences for children (i.e. adverse childhood experiences). There is potential for lower levels of harmful parental alcohol consumption having a beneficial impact on reducing childhood adversity in the home environment (e.g. reductions in violence, in particular domestic abuse).

13.11 Evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol due to a range of physical and psycho-social factors. As such initiatives to prevent the sale and supply of alcohol to young people are supported

13.12 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met.

Applicants can refer to the pool of conditions for examples of controls
Issues that may need additional consideration include:

Proxy Sales:

- Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

Alcohol Delivery

- Delivery of alcohol / delivery drivers. Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons' underage age.

Employment of Children:

- A child is not permitted to sell alcohol or in the case of a club supply alcohol unless it has been authorised by a responsible person, as such a child should never be left alone to serve alcohol. Authorisation is not required if a child is waiting on a table where alcohol is part of a table meal. A child employment permit may also be required see: https://www.pembrokeshire.gov.uk/school-attendance-and-pupil-welfare/child-employment

14. Rights of representations

14.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedules 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. This will ensure that those with a right to make a representation or an objection are able to fully assess the factors that may affect them.

14.2 Relevant representations may be made by a Responsible Authority, 'Other Persons' or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.

14.3 Amendments to the Act have inserted the term 'other person' to replace 'interested party' as someone who can make representations. It also removed the vicinity test for residents and the specific term "councillor". This opens up the range of persons who may make representations and includes for example the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local councillors
- Businesses with an interest in the premises or locality
- Organisations with an interest in the locality, premises or licensable activities

The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and/or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Act, and any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on one or more of licensing objectives of:

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

An online representation form is available

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example, as an objection to a planning application, may also be disregarded, where consideration of such representations would be duplication.

14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to Section 28.24 for further guidance.

15. Responsible authorities

15.1 The Act as amended specifies which are the responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, and they are:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Regional Safeguarding Children and Adults Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The Local Health Board (Hywel Dda University Health Board)
- The Licensing Authority (The Council)
- Immigration (Home Office Immigration Enforcement)

Full contact details at section 25.

16. Other persons

16.1 Any person is able to make representations in relation to certain types of applications as an “other person”. However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17. Integrating strategies

17.1 The Secretary of State’s Guidance to the Licensing Act 2003 states that the Licensing Authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centers and night-time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieving the Council’s aims for a safe and vibrant night-time economy. Other pieces of legislation may impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives.

17.2 **Crime and Disorder Act 1998**

This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

17.3 **The Anti-Social Behaviour, Crime and Policing Act 2014**

This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders, which allows the Local Authority to designate areas where anti-social behaviour such as street drinking will be prohibited. The Act also gives powers to the Local Authority and Police to close licensed premises where nuisance and anti- social behaviour is taking place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

17.4 **Immigration Act 2016**

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises, with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the Licensing Authority will work with colleagues in the Immigration service and Dyfed Powys Police to enforce this.

https://www.gov.uk/prove-right-to-work

17.5 **Human Rights Act 1998**

The Council has a duty under the European Convention on Human Rights to protect both the rights of resident to privacy and family life (Article 8), and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

17.6 **Equality Act 2010**

The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination; to advance equality of opportunity and to foster good relations between persons who shared a protected characteristic and those that do not; Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the Licensing Authority will have regard to this, with the aim of ensuring that the night time economy is safe and accessible to all.

Other legislation that the Licensing Authority will consider -

17.7 **Well-being of Future Generations (Wales) Act 2015**

This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance objectives. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment, the right sound, at the right time and in the right place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely,

i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs,

ii) Integration,

iii) Involvement,

iv) Collaboration

v) Prevention.

Welsh Government has produced a 'Noise and Soundscape Action Plan for 2018-2023' https://gov.wales/sites/default/files/publications/2019-04/noise- and-soundscape-action-plan.pdf

17.8 **Conservation of Habitats & Species Regulations (2017) and Site of Special Scientific Interest (SSSI) notified under The Wildlife and Countryside Act 1981 (as amended)**

Owners and occupiers of land on which an event takes place where the land in question is included within a Site of Special Scientific Interest (SSSI) notified under The Wildlife and Countryside Act 1981 (as amended) are advised to seek advice from Natural Resources Wales (NRW) prior to commencement of the event. Prior written consent from NRW will be required for operations or activities deemed potentially damaging to the designated features of the Site unless otherwise part of a management agreement prepared in accordance with relevant legislation. Failure to obtain any necessary consent and to abide by its conditions without reasonable excuse may be an offence.

A person organising, facilitating or attending an event who without reasonable excuse intentionally or recklessly destroys or damages the designated feature(s) of a SSSI or

intentionally or recklessly disturbs the designated fauna of a SSSI may be committing an offence. This offence may apply to damage or disturbance that occurs on land outside of the event boundary. Event organisers are advised to contact NRW for advice prior to commencement of the event.

Natural Resources Wales / Sites of special scientific interest (SSSI): responsibilities of owners and occupiers

NRW can be contacted on 0300 065 3000**.**

17.9 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety,
- Highways Act 1980 which deals with pavement café licences

17.10 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the Licensing Function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.

17.11 Other Local Authority and Government policies, strategies, responsibilities and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.

17.12 For example, the Licensing Authority will liaise closely with the local Neighbourhood Policing Teams and evaluate data provided by the Local Health Board to identify trends to ensure that the Local Authority can develop effective strategies that take full account of local crime and disorder issues.

17.13 It is the Local Authority's intention that it will, through its Licensing Committee, monitor how these matters, as set out above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its Licensing Function with other relevant strategies.

17.14 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community.

17.14 In respect of cultural strategies the Licensing Authority will, for example, through consultation with local Leisure and Cultural Services officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed and if necessary in the light of such investigations, consider a revision to the Statement of Licensing Policy.

Relationship with Planning Process

17.15 Premises licence applications for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

17.16 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.

https://www.pembrokeshire.gov.uk/planning-and-building-control

Planning - Pembrokeshire Coast National Park

17.17 The Licensing Authority wishes to emphasise that the granting by the Licensing Committee 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 or building control consent where appropriate.

17.18 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The licensing and planning regimes involve consideration of different, albeit related matters. However The Licensing Authority will liaise with the relevant planning authority regarding premises licenses, premises applications or planning applications to avoid any conflict between the two regimes wherever possible

17.19 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally:

- Cut across decisions taken by the Local Planning Authority or following appeal decisions taken by that Authority; or
- impose licensing conditions where the same or similar conditions have been imposed on a planning consent.

17.20 The Licensing Authority is not bound by decisions made by the Local Planning

Authority and vice versa.

17.21 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 prosecution under planning law and vice versa where the licensing hours finish earlier than the hours granted by a planning permission.

18. Personal licence

18.1 The Council recognises it has very little discretion in the granting of a personal licence. In general, provided an applicant is aged 18 or over, is entitled to work in the UK, has an approved qualification, has not had a personal licence forfeited within 5 years of this application and does not have relevant criminal convictions or civil penalty received after 6 April 2017 for immigration matters, the application must be granted.

18.2 Individuals applying for a personal licence must be entitled to work in the UK. Licences must not be issued to people who are illegally present in the UK who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

18.3 Where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission, any personal licence issued in respect of an application made on or after 6 April 2017 will automatically lapse.

18.4 If an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence, the Licensing Authority is required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement).

18.5 If an applicant has a relevant conviction, the Police can object to the application. If an applicant has been issued with an immigration penalty or convicted of a relevant immigration offence on or after 6 April 2017, the Home Office may object to the application. When an objection is lodged, a hearing must be held.

18.6 Applicants with unspent criminal convictions for relevant offences as set out in the Regulations made under the Act are encouraged to first discuss their application with the Council's Licensing Officer and/or the Police.

18.7 At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Council will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The Council will only grant the application if it is satisfied that doing so will promote this objective.

18.8 Prevention of crime is both an objective of the Act and a responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a person with a relevant criminal record could undermine rather than promote the crime prevention objective.

18.9 From 6 April 2017 the Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences. This is a discretionary power and may be undertaken when a licensing authority becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty on or after 6 April 2017. The authority will liaise with the Police Licensing officer in the first instance and only if they are supportive of action to suspend or revoke will the matter be referred to a Licensing sub- committee for decision. The Licensing sub-committee may revoke the licence or suspend it for a period up to 6 months.

18.10 **Designated Premises Supervisor**

Any Premises Licence that authorises the sale of alcohol must specify a personal licence holder as the Designated Premises Supervisor (referred to as “DPS”). There is an exception for community premises, who have successfully applied to remove the requirement for a DPS.

18.11 The Statutory Guidance states that the DPS will normally be the person who has been given day-to-day responsibility for running the premises by the premises licence holder. Where a Designated Premises Supervisor is predominantly absent from the premise and is not able to satisfactorily demonstrate that they are responsible for day to day management of the premises and responsibility for the authorisation of alcohol sales, we will prompt and expect the Premises Licence Holder to appoint an appropriate alternative person to be the Designated Premises Supervisor.

No supply of alcohol is permitted under a premises licence if there is no DPS in respect of the licence. The same applies if the DPS specified on the licence does not have a Personal Licence or it has been suspended.

18.12 The Police may object to the designation of a new DPS, where in exceptional circumstances they believe that the appointment will undermine the crime prevention objective. Where an objection is received from the Police, a hearing will be held by the Council’s Licensing Sub-Committee in accordance with its Code of Conduct for hearing applications. A DPS can be removed from a Premises Licence following a hearing of a Review Application, where appropriate for the promotion of the licensing objectives.

18.13 **Community Premises**

Community premises, such as a church or village hall, that wish to sell alcohol may apply to have an alternative mandatory licence condition instead of designating a DPS on the licence. The application may only be made if the operator is or is to be, a committee or board of individuals

with responsibility for management of the premises, referred to as the "Management Committee".

18.14 The Management Committee will be required to provide details which include how the premises is managed, its committee structure and how the sale of alcohol is supervised in different situations (when the hall is hired to private parties, for example).

18.15 If the alternative licence condition is granted, the effect is that the Management Committee will be responsible for the supervision and authorisation of all alcohol sales. There will be no requirement for a DPS or for alcohol sales to be authorised by a Personal Licence Holder.

18.16 It should be noted the police, in exceptional circumstances, may object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder.

18.17 Where an objection is received from the police, a hearing will be held by the Council's Licensing Act Sub-Committee in accordance with its Code of Conduct for hearing applications.

18.18 The mandatory licence condition requiring a DPS can be reinstated following a hearing of a Review Application, where appropriate for the promotion of the licensing objectives.

19. Premises licence

19.1 A premises licence is granted in respect of any premises, other than a private members' club or similar type premises, authorised for one or more licensable activities, such as the supply of alcohol, late night refreshment or regulated entertainment.

19.2 There are some exemptions for the requirement of a licence and they include the exhibition of films for educational or promotional reasons, films shown as part of an exhibition, and amplified live and recorded music to audiences of less than 500 people between the hours of 8.00 am and 11.00 pm. Applicants are advised to contact the Licensing Authority for further guidance on other exemptions.

19.3 Where alcohol is supplied, a Designated Premises Supervisor, who must be the holder of a personal licence, must be nominated to authorise the sale of alcohol at the premises.

19.4 Premises licences are issued to individuals over the age of 18 years who carry on, or propose to carry on, a business which involves the use of the premises for licensable activities. In addition, charities, health service bodies, educational institutions and persons of other prescribed descriptions may apply for a premises licence.

19.5 A licence may be issued subject to conditions which must be complied with at all times whilst the premises are being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence may result in a fine, which is unlimited, or a term of imprisonment of up to 6 months, or both.

19.6 Fees for licences are based on the rateable value of a premises and although licences are usually issued for an indefinite period, an annual fee is payable.

19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

19.8 **"Shadow Licences"**
Nothing within the 2003 Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person. (Section 2, Licensing Act 2003). The Section 182 Guidance further provides at paragraph 8.19 "There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence already held." Shadow licences may occur where for example a landlord seeks to protect the Premises Licence by creating a "shadow licence" where the licence is operated by a tenant. Shadow licences are usually created on the same terms as the existing premises licence. When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence.

Responsible authorities are also able to review the shadow licence whenever the original licence is under review. It must always be clear to the responsible authorities as to which licence is in operation to avoid two individuals trading within the same licensed area at the same time under different premises licences.

20. Club premises certificate

20.1 A qualifying club, industrial and provident society, friendly society or miners' welfare institute that satisfies the criteria specified in part 4 of the Act may provide licensable activities for its members and guests of a member that are authorisation by a club premises certificate (CPC).

20.2 A CPC only authorises the use of a premises for the benefit of its members and their guests and cannot be used to provide licensable activities to non- members. If the premises are to be used to provide licensable activities for non-members an additional authorisation will be required. This may be a Premises Licence or a Temporary Event Notice (TEN).

20.3 A premises operating under the authorisation of a CPC enjoy special privileges. If a club premises, operate under the authorisation of a Premises Licence or TEN the privileges do not apply. The privileges include restricted rights of entry and no requirement for a qualified person to authorise supply of alcohol. Other considerations would be different taxation rules, about which advice should be sought from HMRC.

20.4 It is an expectation that the CPC holder will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

21. Temporary event notices

21.1 Temporary Event Notices (TENs) can be used to allow licensable activities to be carried out on a one-off or occasional basis. They are the most appropriate type of authorisation for small-scale, one-off events, such as community, school and charity fundraising events, at which it is intended to:

- sell or supply alcohol;
- provide regulated entertainment; or
- sell hot food/drink between 11 pm and 5 am.

Pembrokeshire County Council considers that it is more appropriate and cheaper for commercial businesses to rely on a Premises Licence with attached licence conditions to authorise their day-to-day operation rather than relying on the use of TENs . The authority does acknowledge that the TENs system is a useful mechanism for businesses to ‘test’ the viability of new operations or a change to operations in advance of an application for the grant or variation of a Premises Licence.

However, where the repeated use of TENs leads to incidents of crime and disorder, noise or ASB any TENs submitted are likely to attract objections from the Police or Environmental Health

TENs are generally considered a light tough approach used to authorise occasional small events. The authority receives in the region of 500 TEN’s notices in a year the majority of which proceed without issue.

21.2 On occasion and where considered proportionate and appropriate the authority may require the organiser of an event for which a TEN has been submitted to engage with the Pembrokeshire Event Safety Group (ESAG). There is an expectation that the event organiser will cooperate and provide further operational details that may include an event

management plan on request and also participate in an ESAG meeting where considered necessary. For further information regarding events see section 23

21.3 The Police or Councils' Pollution officers may intervene to restrict the event or prevent the event taking place. They may agree a modification of the TEN directly with the TEN user. Alternatively have a period of three working days from when they are given the notice to object to it on the basis on any of the four licensing objectives. When giving a TEN, the premises user should consider the promotion of the four licensing objectives.

21.4 There are two types of TEN, a standard TEN and a late TEN. A standard notice is given no later than ten working days before the event to which it relates and a late notice is given not before nine and not later than five working days before the event. The period excludes the day the notice is received and the first day of the event. Bank holidays are not counted as working days

21.6 If an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary.

21.7 If an objection notice is received in relation to a late TEN, the notice will not be valid and the event will not be permitted to go ahead as there is no scope for a hearing or for any existing licence conditions to be applied to the notice.

21.8 A number of limitations are imposed on the use of TENs by the Licensing Act 2003. Notice givers are advised to refer to https://www.gov.uk/find-licences/temporary-events-notice for the current limits

22. Licensable Activities

22.1 **Sale and supply of alcohol**

Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:

- The sale to persons under the age of 18 years
- The sale to persons who are delivering to persons under the age of 18 years
- The sale to persons who are drunk

22.2 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.

22.3 The Council recommends that any licensed premises authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons

22.4 The Licensing Authority shall have due regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales. The Authority acknowledges that while delivery services for the sale of alcohol are part of some applicants / licence holder's business models, it also recognises that this activity can cause rise to young people accessing alcohol and questions in terms of whether it adequately protects children and young people from alcohol-related harm.

22.5 Responsible licence holders and applicants would suggest robust operating schedules to show promotion of the licensing objectives. It is recommended that new applicants and those with existing premises who are looking to expand into this area seek advice from the Licensing Authority or the police as it might be appropriate for provisions in the operating schedule for age verification and restriction of delivery times and quantities.

22.6 **Late Night Refreshment**

The supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premise

- The supply of hot drink by a vending machine is **not** a licensable activity and is exempt under the 2003 Act
- Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are **not** licensable

22.7 **Regulated entertainment**

Schedule 1 to the 2003 act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities, which are not and therefore exempt from the regulated entertainment regime. (Applicants are strongly advised to review Home Office Section 182 Guidance of the Licensing Act 2003 regarding Regulated Entertainment)

The descriptions of entertainment activities licensable under the 2003 Act are

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;

- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit.

There are circumstances where the above activities are exempt from licensing requirements, it will depend on:

- the hours the entertainment is provided
- the size of audience and
- type of premises where they take place .

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 check the government website: https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act

Licence Conditions & Exempt Entertainment

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate that relate to regulated entertainment are suspended during the period the entertainment is deregulated.

Where regulated entertainment on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so

> On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

22.8 **Sexual Entertainment**

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are "relevant entertainment" within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") are not deregulated, regardless of the size of the audience or the time of day. "Relevant entertainment" is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- The premises are not licensed as a sex entertainment venue under the 1982 Act, and
- Relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions
- lasting longer than 24 hours or taking place within a month of any such occasion

22.9 **Incidental music**

The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

see relevant paragraph in government guidance for further detail

23. Events and Festivals

23.1 Pembrokeshire hosts an extensive variety of events and festivals throughout the year. Food festivals, music festivals and sporting events, many of which will involve licensable activities. The Visit Pembrokeshire website hosts an events calendar

23.2 Organisers of larger events that provide licensable activities where 500 or more people will be in attendance may be required to apply for a premises licenses. The Licensing Authority strongly recommends that event organisers contact the licensing department early in the planning stages of the event and also refer to the authority's event toolkit

Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable.
It is the responsibility of the event organiser / applicant to provide the licensing authority and all other statutory consultees of major events early notice of such events to enable

discussion about operating schedules prior to a formal application being submitted. It is expected that the applicant will consider how their event will take place safely and how it will impact on the surrounding area.

23.3 For large events Pembrokeshire Event Safety Advisory Group will expect an event management plan to be submitted in addition to an application for a premises licence (where needed) The event management plan should be a working document to include information which outlines how the premises will be run during the event

23.4 The Pembrokeshire ESAG is a multi-agency forum and includes internal and external agencies who aim to meet regularly throughout the year to overview the safety measures in place for events throughout the county. The group will consider the adequacy of the event management plan, offer advice to the applicant on the expectation of the content of the operating schedule it also provides an opportunity for the applicant to give in person an overview of the event and the way it will be managed. Further information about the ESAG process can be found on the council's website https://www.pembrokeshire.gov.uk/esag/esag-process

23.5 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.

Maximum number of attendees at any time	**Minimum notice period**
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 to refer to HSE guidance document 'The Event Safety Guide' otherwise known as 'the purple guide'. In addition premises licence holders should have regard to the Code of Practice for licensed premises produced by Dyfed Powys Police

24. Administration

The Council's Licensing Team administers all aspects of the Act, including applications, representations and requests for assistance and advice. The Council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. Application information and forms can be downloaded from our website. The Licensing Team can be contacted by any of the following means:-

Licensing Team Pembrokeshire County
Council
Public Protection
County Hall Haverfordwest Pembrokeshire
SA61 1TP
Tel: 01437 764551
Email: licensing@pembrokeshire.gov.uk Website:

25. Application procedures

25.1 Prospective applicants are strongly recommended to seek pre-application advice. Advice on the application process will be given, but at no stage will the Licensing Authority complete the application form on behalf of an applicant. The council's website has information on the services it offers for licensees, applicants, complainants and all other licensing enquiries at www.pembrokeshire.gov.uk/licensing

25.2 Applications made in electronic form are preferred and are currently facilitated by email. Application forms can be emailed to licensing@pembrokeshire.gov.uk. Applications received by email will be sent to the responsible authorities by the licensing authority. If the applicant submits their application in writing, the applicant will remain responsible for copying it to the responsible authorities.

In all cases, the applicant is responsible for advertising, where applicable, their application in the prescribed way.

25.3 Details of applications are available via the Pembrokeshire County Council website at www.pembrokeshire.gov.uk/licensing

25.4 Applications for all licences and authorisations available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee(s) and all other required information, by the Licensing Authority and the relevant responsible authorities.

25.5 Where electronic applications are made, the application will be taken to be 'given' when the applicant has submitted a complete application form and submitted the fee.

25.6 The Responsible Authorities are:

Licensing Authority	The Licensing Team Pembrokeshire County Council County Hall Haverfordwest Pembrokeshire SA61 1TP Tel: 01437 764551 licensing@pembrokeshire.gov.uk

Environmental Health Authority	Pollution Control Team Public Protection Division Pembrokeshire County Council County Hall Haverfordwest Pembrokeshire SA61 1TP pollution.control@pembrokeshire.gov.uk
Health and Safety	The relevant Health and Safety Authority; either: Health and Safety Team Public Protection Division Pembrokeshire County Council County Hall Haverfordwest Pembrokeshire SA61 1TP healthsa@pembrokeshire.gov.uk or for HSE enforced and council owned premises only: Health & Safety Director of Wales Government Buildings Phase 1, Ty Glas Llanishen Cardiff CF14 5SH https://www.hse.gov.uk/contact/
Trading Standards	Trading Standards Team Public Protection Division Pembrokeshire County Council County Hall Haverfordwest Pembrokeshire SA61 1TP tradingstandards@pembrokeshire.gov.uk
Child Protection Authority	The Child Protection Co-ordinator Social Care and Housing Directorate Pembrokeshire County Council County Hall Haverfordwest Pembrokeshire SA61 1TP enquires@pembrokeshire.gov.uk
Planning Authority	The relevant Planning Authority; either Planning Team Pembrokeshire County Council County Hall Haverfordwest

	Pembrokeshire SA61 1TP planning.support.team@pembrokeshire.gov.uk Or Development Management Officer Pembrokeshire Coast National Park Authority Llanion Park Pembroke Dock Pembrokeshire SA72 6DY dc@pembrokeshirecoast.org.uk
Heddlu Dyfed Powys Police	The Chief Officer of Police Dyfed Powys Police Divisional Police Headquarters Merlins Hill Haverfordwest Pembrokeshire SA61 1PT PembsLicensing@dyfed-powys.pnn.police.uk
Mid and West Wales Fire & Rescue Service	The County Commander Mid and West Wales Fire and Rescue Service Divisional Headquarters Merlins Hill Haverfordwest Pembrokeshire SA61 1PG bfspembroke@mawwfire.gov.uk
Public Health	Director of Public Health Hywel Dda University Health Board Corporate Offices Ystwyth Building St David's Park Carmarthen SA31 3BB
Home Office (Immigration Enforcement)	Home Office Immigration Enforcement Licensing Compliance Team (LCT) 2 Ruskin Square Dingwall Road Croydon CR0 2WF IE.licensing.applications@homeoffice.gov.uk
Vessels only	Applicants wishing to use boats for licensable activities must also send copies of the application to; Maritime and Coastguard Agency Gorsewood Drive Hakin Milford Haven Pembrokeshire SA73 3HB

25.7 The steps for consideration of licensing application, a licensing variation and a club premises certificate are:

a) If no relevant representations are made to an application, the Licensing Authority must grant the licence subject only to conditions as are consistent with the operating schedule attached to the application along with the applicable mandatory conditions.

b) If relevant representations are made, the Licensing Authority must hold a hearing of the Licensing Sub-Committee to consider them, unless the applicant and any person who has made representations have agreed that the hearing is not necessary.

c) The hearing of the Authority's Licensing Sub-committee must be arranged within twenty working days of the final representation date.

d) The Licensing Sub-Committee will consider and determine the premises licence application taking steps it considers appropriate to promote the four licensing objectives which can be as follows

- Grant the premises licence subject only to the conditions that are consistent with the operating schedule accompanying the application;
- Grant the premises licence subject to the different conditions in respect of different parts of the premises or different licensable activities
- Exclude from the scope of the licence any of the licensable activities to which the application relates;
- Refuse to specify a person in the licence as the premises supervisor; or
- Reject the application

25.8 Conditions on a licence:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- Should be written in a prescriptive format.

25.9 Individuals applying for a premises or personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

25.10 A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

26. Operating schedule

26.1 All new and variation applications should incorporate an ‘operating schedule’ which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of the business on the local community, depending on the type of premises, the location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a Licensing Sub-Committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this Statement of Licensing Policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other responsible authorities prior to submitting them. Applicants can refer to the pool of conditions for examples for examples of control measures when preparing operating schedules and in the on-going running of a licensed premises. The Pool of Conditions is not exhaustive and is not to be regarded in any way as standard conditions or mandatory requirements.

26.4 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

26.5 The operating schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the Licensing Objectives.

26.6 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be:

- precise and enforceable
- unambiguous
- not a duplication other statutory provisions
- clear in what they intend to achieve, and
- appropriate, proportionate and justifiable.

27. Conditions

27.1 The Act, as amended, imposes a number of mandatory conditions on licences. The Council has the power to impose additional conditions if it is considered that they are appropriate for the promotion of the licensing objectives.

27.2 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises, activities and/or events provided at the premises. The Policy does not provide for any standard, general or blanket conditions, and will not impose disproportionate and burdensome requirements.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the Council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

27.4 The Council recognises that it can only impose conditions where relevant representations are received and it is considered appropriate for. The promotion of the licensing objectives. Where a responsible authority gives evidence that it is appropriate to impose specific conditions the request will be considered by the Council which may suggest the wording of the condition to ensure that it is clear, relevant and enforceable

27.5 When attaching conditions, the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing conditions of a substantial nature not in proportion to the risks.

28. Applications where representations are received

28.1 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. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.2 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. Representations must be made in writing.

28.3 Representations can be made either in support of an application or to express objections to an application being granted. However, the Licensing Authority can only accept relevant representations. A representation is relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

28.4 An example of a representation that would not be relevant would be a representation from a local business person about the commercial damage that competition from a new licensed premises would do to their own business. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and that the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.

28.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives.

28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

28.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the Licensing Authority's website and in Section 43.

28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

28.10 The Licensing Authority recognises that every responsible authority can make representations relating to any of the four licensing objectives. However the Licensing Authority would normally expect representations about the promotion of individual licensing objectives to come from the most relevant responsible authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and disorder to come primarily from the Police, and representations about the prevention of public nuisance to come primarily from environmental health.

28.11 The Licensing Authority recognises that the Police should be its main source of advice on matters relating to the promotion of the prevention of crime and disorder licensing

objective, but also may be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless it has evidence that do so would not be appropriate for the promotion of the licensing objectives. However the Licensing Authority will still expect any Police representations to be evidence based and able to withstand scrutiny at a hearing.

28.13 The Licensing Authority recognises Pembrokeshire County Council Child Protection Services as being the body that is competent to advise it on the licensing objective of the protection of children from harm.

28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.

28.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the Police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.

28.16 As a result of the Police Reform and Social Responsibility Act 2011, the Licensing Authority is also now a responsible authority and can therefore make representations if it deems it appropriate to do so.

28.17 However the Licensing Authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the Authority may decide to do so.

28.18 Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority expects them to make representations themselves where they are reasonably able to do so.

28.19 The Licensing Authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. Each responsible authority has equal standing under the Act and may act independently without waiting for representations from any other responsible authority.

28.20 In cases where the Licensing Authority is also acting as responsible authority in relation to the same process, the Licensing Authority will ensure a separation of responsibilities within the Authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the Local Authority to ensure a proper separation of responsibilities.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However, the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.22 The Licensing Authority will also reject as invalid any representations from other persons that are deemed to be frivolous or vexatious or if none of the licensing objectives are addressed. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

28.23 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 that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition.

- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.

- Full names and addresses must be supplied

- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We may not write to each signatory separately, but may instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

28.25 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the Authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.

28.26 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.

28.27 The Licensing Authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the Licensing Authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.

28.28 In such circumstances the Licensing Authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.

28.29 Alternatively persons may wish to contact the relevant responsible authority or their local councillor with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations on their behalf if appropriate and justified.

28.30 Further guidance on making representations is provided on the Licensing Authority's website.

29 Exercise and delegation of functions

29.1 The Licensing Act 2003 requires local authorities to act as the Licensing Authority and to set up a Licensing Committee to be responsible for all matters relating to the Licensing Act 2003. The Licensing Committee further delegate to Licensing Sub-Committees (Panels), or by one or more officers acting under delegated authority

29.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers. The Licensing Authority, when acting as a Responsible Authority commenting on Licence applications, will have separate roles for officers. One member of staff will be required to administer the application and another member of staff will act as the Responsible Authority making comments on the application.

29.3 The Schedule below sets out the presumed delegation of functions and decisions. Notwithstanding this presumption of delegation, the Council reserves the right to refer any matter to the Licensing Committee or Sub- Committee

Schedule of delegation of licensing functions and decisions

Matter to be dealt with	**Licensing Committee**	**Licensing Sub-Committee (panels)**	**Officers**
Application for Personal Licence		If police make an objection	If no objection made
Application for a Personal Licence with unspent convictions		All cases	
Consider revoking a personal licence following a relevant conviction		If police make a representation	If police do not have any representations to make
Application for Premises Licence/Club Premises Certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation

			withdrawn
Application for Provisional Statement		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary Designated Premises Supervisor		If a police objection	All other cases
Application for a minor variation			All cases
Application to vary a licence on a community premises to include alternative licence condition		If 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
Application for interim authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	

Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Determination of a police or environmental health objection to a Temporary Event Notice		In all cases if not withdrawn.	
Suspension of licences following non-payment of annual fees			All Cases
Application for film classification	Requests for approval of films already classified by the BBFC		Films which have not been classified by the BBFC or the County Council

30. Reviews of licences

30.1 The Council can only review a licence where it is alleged by a responsible authority or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. The licensing authority and other responsible authorities use the review process as a last resort when other interventions with the premises licence holder to resolve any persistent issues or non-compliance at a premise have failed. It is common practice to engage the premises licence holders in drafting an action plan where this is the case. See section 36 for further information on Enforcement and Action Plans

Only responsible authorities or other persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence; and determine its outcome at a hearing where an evidential basis for allegations made will be submitted. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the Police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- serious risk to children.

30.2 The Licensing Sub-Committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making its decision.

30.3 The Licensing Sub-Committee will consider all of the sanctions available to it provided for in the Act and guidance, including taking no action if appropriate.

30.4 In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be seriously considered where appropriate to ensure the licensing objectives are promoted.

31. Cumulative impact policy

31.1 Under the Licensing Act 2003, Licensing Authorities have the power to introduce a cumulative impact policy where there is evidence showing that a significant number of licensed premises concentrated in one area has led to an increase in; Crime and disorder, Public nuisance or to both. Where adopted, a Cumulative Impact Policy creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, that are likely to add to the existing cumulative impact will normally be refused.

31.2 The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Policy these include -

a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm

b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.

c) If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.

d) Identify the boundaries of the area where problems are occurring

e) Consult with those specified by Section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement.

31.3 In April 2018, Section 141 of the Policing and Crime Act 2018 introduced a new Section 5A to the Licensing Act 2003 relating to Cumulative Impact Assessments (CIA). Before an Impact assessment area can be introduced the Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers the CIA applies to all licences or those of a particular kind. As such, the Authority must conduct a thorough assessment and if a CIA is introduced it must be reviewed at least every 3 years.

31.5 There is no current CIA in place in Pembrokeshire.

Further information about CIAs can be found in the stutory guidance

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK

31. Early morning restriction orders

32.1 On 31st October 2012 amendments to the Police Reform and Social Responsibility Act 2011 were implemented, which allows licensing authorities to adopt new measures for the management of their night-time economies.

32.2 One of these measures is an Early Morning Restriction Order (EMRO), which allows local authorities to look at restricting the sale of alcohol at a specified time between the hours of midnight and 6:00am.

32.3 EMROs are intended to deal with alcohol-related crime & disorder, anti-social behaviour, and serious public nuisance, which is not directly attributable to licensed premises. Authorities are encouraged to look at the relationship between any existing cumulative impact area, if one is in place, and a proposed EMRO area.

32.4 An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 0000-0600 and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save for those premises which authorise supply of alcohol to residents with overnight accommodation via minibars and room service.

32.5 An EMRO can apply to a specific area or even a single street – it does not need to be County-wide. It can apply to specific days of the week, can specify different times for different days of the week, and can apply to limited periods of the year or for an unlimited period. It cannot apply on New Year's Eve/New Year's Day.

32.6 EMROs do not affect authorised hours for regulated entertainment or late night refreshment.

32.7 The adoption of an EMRO is subject to a process involving the collection and analysis of relevant evidence and a consultation exercise with the public and holders of licences and/or club premises certificates. The decision to make an EMRO for an area has to be by a resolution of the Council.

32.8 EMROS must be periodically reviewed to ensure they remain appropriate to promote the licensing objectives and can be varied or revoked via the same process as adoption.

32.9 Alcohol supply during the time when an EMRO is in force is treated as a Section 136 offence under the Act (unauthorised licensable activity).

32.10 The Council currently does not have an EMRO, although if considered necessary there will be a full consultation before the provision is adopted.

32. Hearings

33.1 Applications for licences and certificates will be determined following consultation with relevant responsible authorities. Where no representations are received, they will be issued administratively by the Licensing Team. However, contentious applications must be referred to the Council's Licensing Sub-Committee for determination, unless it is agreed by all parties

that a hearing is not necessary.

33.2 The period of notice of a hearing that must be given to all relevant parties, and the information which may be disclosed, varies depending on the type of application, subject to regulations. A Licensing Sub-Committee of three Elected Members will determine a contentious application and will either grant a licence, grant a licence with amendments or refuse an application. Any party can appeal against the Council's decision to a Magistrates' Court.

33.3 At any time during the period of a licence, any responsible authority or other person can ask for the review of a licence or certificate. All review applications will be determined by the Licensing Sub-Committee.

33. Appeals

34.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the Act. Other than in the case of personal licences, an appeal has to be made to the local Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the Licensing Authority which has considered the application (or any part of it) is situated.

34.2 An appeal has to be instigated by giving notice of the appeal by the appellant to:

The Clerk to the Justices Haverfordwest
Magistrates' Court Hawthorn Rise
Haverfordwest
Pembrokeshire SA61 2AZ

within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against.

34.3 On determining an appeal, the Court may:

- dismiss the appeal
- substitute any other decision which could have been made by the Council or
- remit the case to the Council to dispose of it in accordance with the direction of the Court.
- The Court may make such order as to costs as it thinks fit.

34.4 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

35 Implementing the determination of the Magistrates' Court

35.1 As soon as the determination of the Magistrates' Court is made known, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action [for example, as a result of an on-going Judicial Review]. The Act provides for no further appeal against the determination of the Magistrates' Court.

36. Enforcement

36.1 The Licensing Authority has established a joint enforcement Memorandum of Understanding with Dyfed Powys Police. This will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to low-risk premises, which are shown to be well run.

36.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.

36.3 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained. The authority has a range of enforcement options including:

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

36.4 **Action Planning**

Where a premises is the subject of persistent complaints owing to either non-compliance with licence conditions or not upholding the licensing objectives then in the first instance the relevant authority in partnership with the licensing authority will seek an intervention with the premises licence holder and/or designated premises supervisor in order resolve the issue using an approach to avoid prosecution or review of the licence. This can only work where all parties cooperate and agree a documented action plan. It will be for the person responsible for the premises to offer up steps that can be adopted in order to seek to resolve the issue. The action plan is reviewed over a set time for effectiveness and adapted if necessary. Where a premise engages with the authority positively and can address the issues effectively through a documented action plan then the need for any formal action is avoided. However where premises do not engage or cooperate with authorities where there are persistent breaches or the licensing objectives are not being upheld then they run the risk of either having their licence reviewed, ending up being prosecuted for the offences or both

37. Fees

37.1 All fees are currently set by statute and the Council is obliged to charge the fees as detailed in the Fees Regulations.

37.1 The Act and Regulations made under the Act set out requirements for annual fees and require that the fee is paid on the due date which is every year on the anniversary of the original grant of the licence. The fee is currently set by Regulations, however amendments made by the Police Reform and Social Responsibility Act 2011 will when commenced give the Council the ability to set fees locally to recover costs associated with the administration and compliance of the Act. The Licensing Authority will send an invoice when the annual fee is due.

37.2 Amendments made to the Act by the Police Reform and Social Responsibility Act 2011 give Councils the power to suspend premises licences and club premises certificates where the annual fee required by regulations is not paid.

37.3 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 procedure set out below.

37.4 Upon notification/discovery that an annual fee is not paid, the Council will give notice to the licence/certificate holder, in writing, of the following;

- that the licence/certificate will be suspended 14 days from the date of the notice;
- 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.

37.5 If the fee is not paid by the date specified on the notice the licence/certificate will be deemed suspended. The licence/certificate holder and DPS/Manager will be immediately notified of the suspension becoming effective and informed that the premises may no longer offer any licensable activities until such time as the fee is paid and the suspension lifted. When the full payment is made the Council will immediately lift the suspension and confirm this in writing.

37.6 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 Act.

38 Late night levies

38.1 A Late-Night Levy (LNL) is an optional power, introduced by the Police Reform and Social Responsibility Act which allows Licensing Authorities (LAs) to raise a contribution towards the costs of policing the night time economy (NTE) by charging a levy to holders of premises licences and club premises certificates authorised to sell alcohol. A LNL must apply across the whole authority and also applies to all on- and off-licences. TENs are not included.

The Council has not currently adopted a levy, few, have used this optional power. Government Guidance was updated in 2023 and can be found here

Amended guidance on the late night levy - GOV.UK

39. Further information

Further information about the Act and the Council's Licensing Policy can be obtained from:

The Licensing Team Pembrokeshire County Council County Hall
Haverfordwest Pembrokeshire
SA61 1TP
Tel: 01437 764551
E-mail : licensing@pembrokeshire.gov.uk
Website: www.pembrokeshire.gov.uk