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UK POLICE REQUIREMENTS FOR DIGITAL CCTV SYSTEMS

This document offers guidance to potential users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. For digital CCTV there are four main areas that must be considered:

QUALITY - are the pictures good enough?

STORAGE - are the pictures stored appropriately?

EXPORT - can the pictures be easily exported from the system?

PLAYBACK - can the pictures be easily viewed by authorised third parties?

By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by the police to access and process them greatly reduced. Supporting notes are provided on the reverse of this sheet to clarify the requirements.

QUALITY WHAT RESOLUTION? WHAT COMPRESSION? HOW MANY PICTURES PER SECOND?



1. Specify your requirement - decide what you want to see and where, and select a system that will do it.
2. View the recorded pictures or print out, not the live screen, to assess the system performance.
3. The system clock should be set correctly and maintained (taking account of GMT and BST).
4. Picture quality should not be reduced to fit the available storage capacity of the system.
5. Regular maintenance should be conducted on all aspects of the system.

STORAGE WHAT SHOULD I KEEP? HOW SHOULD I KEEP IT?



6. The system should be operated and recorded pictures retained in a secure environment.
7. Electronic access controls, such as passwords or encryption, should not prevent authorised access to the system or recordings.
8. The system should have sufficient storage capacity for 31 days good quality pictures.
9. The system should be capable of securing relevant pictures for review or export at a later date.

EXPORT HOW MUCH VIDEO SHOULD THE SYSTEM EXPORT AND IN WHAT FORMAT?



10. A system operator should be available who is able to replay and export recordings.
11. A simple system operator's manual should be available locally to assist with replay and export.
12. The operator should know the retention period of the system and export time for various amounts of data.
13. The system should be able to quickly export video and stills to a removable storage-medium, with time and date integral to the relevant picture.
14. Export should include any software needed to view or replay the pictures.
15. The system should have an export method proportionate to the storage capacity.
16. Pictures should be exported in the native file format at the same quality that they were stored on the system.

PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



17. The playback software should:
 - have variable speed control including frame by frame, forward and reverse viewing;
 - display single and multiple cameras and maintain aspect ratio i.e. the same relative height and width;
 - display a single camera at full resolution;
 - permit the recording from each camera to be searched by time and date;
 - allow printing and/or saving (e.g. bitmap) of pictures with time and date.
18. The time and date associated with each picture should be legible.
19. Once exported to removable media it should be possible to replay the files immediately.

QUALITY - are the pictures good enough?

1. Before installing a CCTV system you should have a clear idea of what you want the system to do and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity, such as walking across a room, exchange of money or an assault. More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available free from the Home Office website. http://www.homeoffice.gov.uk/docs/or_manual.pdf

There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose. It should not be expected that enhancement features, such as zoom controls, will provide extra detail.

A good way to ensure that the system is capable of achieving the requirement is to do a subjective test. Set-up a camera and get a volunteer to walk through the door or park a car in the place of interest and record the pictures. This should be done under the conditions that the system is intended to be used - performance of the system may be different when there are a number of cameras being recorded.

2. The quality of the recorded or printed pictures may differ from the live display.
3. Time and date information is often critical to an investigation. If it is incorrect this can drain police time and resources.
4. The quality of the pictures should not be compromised to allow more to be squeezed onto the system. There is some scope however for using a sliding scale of image quality based on time since recording. For example, high quality high frame rate video for the first 24 hours with gradually increasing compression or decreasing frame rate after this, but retaining useful images up to 31 days. This would be dependent on the nature of the installation and the type of recordings being made. Guidance should be sought from your local police force.
5. To ensure continued quality of recording it is essential that regular maintenance of all aspects of the system be conducted - especially camera focus, cleaning of lenses, housings, etc.

STORAGE - are the pictures stored appropriately?

6. Access to the system and recorded images should be controlled to prevent tampering or unauthorised viewing. A record should be kept of who has accessed the system and when. Further information on this can be found in the BSI document 'Code of Practice for Legal Admissibility of Information Stored Electronically' (BIP0008) or from your local Crime Prevention Officer.

7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented appropriately.
8. It is important that recordings cover a sufficiently long period to assist in investigations. Retention beyond 31 days may be useful in some circumstances, but should not affect the quality of the more recent recordings.
9. It should be possible to protect specific pictures or sequences, identified as relevant to an investigation, to prevent overwriting before an investigator can view or extract them.

EXPORT - can the pictures be easily exported from the system?

10. and 11. It is unlikely that the investigator will be familiar with the operation of your system. To facilitate replay and export a trained operator and simple user guide should be available locally.
12. and 13. Export of medium and large volumes of data can take a substantial period of time. The operator should know the retention period of the system and approximate times to export short (e.g. 15 minutes), medium (e.g. 24 hours), and large (up to all of the system) amounts of data.
14. If the software needed to replay the pictures is not included at export, viewing by authorised third-parties can be hindered. Export of a system event log or audit trail, and any system settings with the pictures will assist with establishing the integrity of the pictures and system.
15. The amount of video that an investigator will need to export will be dependent on the nature of the investigation. For example a shop robbery may only require a few stills or a short sequence, however a more serious incident such as a murder or terrorist related enquiry may require anything up to all the video contained on the system to be exported. It is essential that the system is capable of doing this quickly and to an appropriate medium. An ideal solution for medium-to-large downloads, would be for the system to have the facility to export to a 'plug-and-play' hard drive. Export and recording should be possible at the same time without affecting the performance of the system.
16. The system should not apply any compression to the picture when it is exported from the system as this can reduce the usefulness of the content. Also, the picture should not undergo any format conversion that affects the content or picture quality.

PLAYBACK - can the pictures be easily viewed by authorised third parties?

17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.

Martyn's Law. (The 'Protect Duty')

[Martyn's Law is coming. Here's what you need to do now. | Inverroy \(inverroycrisismanagement.com\)](#)

The Draft legislation was introduced to Parliament in the Queen's Speech on 10th May 2022 and is likely to be introduced by the end of 2023.

The context of the legislation will be: 'Proportionality will apply to cost – "reasonably practicable" and size and scope of organisations will apply. Large organisations with greater risk will be expected to do more than small companies with limited resources

[Martyn's Law and the impact on your organisation - Griffiths and Armour](#)

Purpose of The Protect Duty

This legislation will impose a duty on the public and private sector to assess and take steps to mitigate the risk of terror attacks. Its aim is to protect the public from the risk of further attacks and is a significant change to the UK risk landscape.

Requirements under the Act

The Act will apply to the following:

- *Any venue with a capacity exceeding 100 people.*
- Any company which employs more than 250 people (even if not working from the same site).
- *Outdoor and public spaces where people may congregate, such as parks and beaches.*

There are expected to be some exemptions under the Act, although to what extent is not yet clear. Local Authorities are expected to have a key role in working with organisations to bring together resource.

How organisations can meet this duty

The expectation under the Act is that larger organisations will be required to demonstrate higher levels of compliance than smaller ones, and quicker. There has been extensive consultation about this Act and there is unlikely to be a long lead-in time allowed for certain organisations.

It is not yet clear how adherence to this Act will be policed and monitored, but Local Authority Licensing Bodies may be required to make checks and businesses will have to prove adherence to continue trading.

What is clear however, is that organisations need to start planning now to make sure that they will be able to adhere to the new legislation. The government have made it clear they will not be providing funding for this and they should be able to deliver this at no additional cost.

[Protect Duty \(Martyn's Law\) - and How Venues Can Follow It \(wetrack.com\)](https://www.wetrack.com/protect-duty-martyns-law-and-how-venues-can-follow-it)

What does the Law consist of?

The Protect Duty would place five key requirements on operators of public spaces:

- **To engage with freely available counter-terrorism advice and training.** The law proposes that at least 25% of business / venue / event staff are Counter Terrorism Awareness trained. This training can last as little as 45 minutes at its most basic.
- **To conduct vulnerability assessments.** This is a sort of counter-terrorism risk assessment, developed in partnership with local authorities and SAGs (Safety Advisory Groups), and should include consideration of 'last-mile' crowds outside of your venue or event.
- **To have a mitigation plan for the risks created by the vulnerabilities.** Mitigation plans can often be achieved at very low cost but are extremely valuable to the security of your site. Steps to take might include drawing up search policies, hiring metal detectors, installing CCTV cameras, or employing security personnel at event-time.
- **To have a counter-terrorism plan.** Martyn's Law proposes a new three-step plan to respond to terrorist incidents, called Guide, Shelter, Communicate. Guide people towards an appropriate location, either inside or outside the venue; Shelter people in lockdown for several hours if necessary; and Communicate with your visitors and with authorities. Make sure your staff know how to enact these steps.
- **For local authorities, to plan for the threat of terrorism.** Local authorities should consider counter-terrorism in their Local Resilience Forum, creating a response and recovery plan to a range of potential threats.



THE VALE OF GLAMORGAN STATEMENT OF LICENSING POLICY
2021-2026

Approved: 26/7/2021
A Welsh Language version of this policy is available

Foreword

The Covid-19 pandemic has had an unprecedented impact on all our lives. Our working lives and leisure time have changed dramatically. Many of our hospitality venues have closed for periods during 2020 or have faced the challenge of adapting their premises and services to the new safety measures needed to protect customers and staff. The Vale of Glamorgan Council would normally review its Statement of Licensing Policy during 2021; this involves undertaking a consultation with the trade, other stakeholders and the public.

However, premises have been closed in the main since December 2020, or have only been able to offer takeaway services. It is likely that restrictions will remain in place for a significant period in 2021. The Council therefore does not have new evidence of any major concerns or trends which would warrant the introduction of new policies within this Statement.

When reviewing and consulting on the Statement of Licensing Policy the fundamental issues remain the same. The Council, as the Licensing Authority must promote the four Licensing Objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The public has raised some concerns about licensed premises during lockdown, but many of these relate to the behaviour of customers congregating in outside areas such as parks or pedestrianised areas. This is outside the scope of the Statement of Licensing Policy and the licensed premises themselves. These matters can be addressed through other Council powers such as Public Spaces Protection Orders or via legislation introduced in response to the Covid pandemic.

To date, a minority of licensed premises has failed to comply with Coronavirus regulations but these have been dealt with through Improvement and Compliance Notices or Fixed Penalty Notices. It has not been necessary to consider more formal sanctions for individual premises under the Licensing Act 2003 but compliance will be monitored by the Council and Police Joint Enforcement Teams. The Council does reserve the right to act in respect of a Premises Licence though the Review procedures contained in the Licensing Act 2003 and this option is available where behaviours linked to a Licensed Premise gives concern around the promotion of the Licensing objectives.

Residents, businesses and visitors to the Vale of Glamorgan Council area deserve to have a wide choice of high quality and well managed entertainment and cultural venues operating within a safe, orderly and attractive environment. The Council recognises the role of responsibly operated businesses which support the local economy.

The Licensing Authority is under a legal duty to review the Statement of Licensing Policy every five years. The proposal is therefore to consult on the basis of renewing

the current Statement of Policy in 2021 (subject to updating references to legislation etc., and considering any consultation responses received) and initiating a further review again when the Authority and its partner agencies will hopefully be in a better position to look at evidence of new trends or issues affecting the licensing objectives. Other changes referenced in the Statement of Licensing Policy as a result of the pandemic reflect the movement of Licensing Hearings to online meetings, rather than in person. This will continue for as long as the public health imperative and guidance remains to limit the number of in person interactions.

As in previous editions it is intended that this Statement of Licensing Policy will aid applicants, residents, local businesses, statutory consultees and the Council's Statutory Licensing Committee to understand what is expected of applicants in terms of making applications and setting out any locally based policies or requirements. It also sets out the starting point for decision-making.

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1. INTRODUCTION

Residents, businesses and visitors to the Vale of Glamorgan Council area deserve to have a wide choice of high quality and well managed entertainment and cultural venues operating within a safe, orderly and attractive environment. The Council also wishes to support responsibly operated businesses and the local economy. This policy sets out the framework which supports the themes within the Vale of Glamorgan Council Corporate Plan for 2020-2025.

The Vale of Glamorgan Council is the local licensing authority (“the licensing authority”) with responsibility for licensed premises under the Licensing Act 2003. This Statement of Licensing Policy sets out the policies the licensing authority will apply when making decisions on licensing applications and reviews. This policy has been prepared in accordance with the Licensing Act 2003 having regard to the Statutory Guidance issued under section 182 of the Act. The Statutory Guidance document is available at:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

This Statement of Licensing Policy will be kept under review and published in line with Section 5 of the Licensing Act 2003.

To avoid duplication and to ensure that information is up to date, applicants, residents and other persons, members of the public and responsible authorities will be directed to <https://www.gov.uk/guidance/alcohol-licensing> for information on the licensing processes.

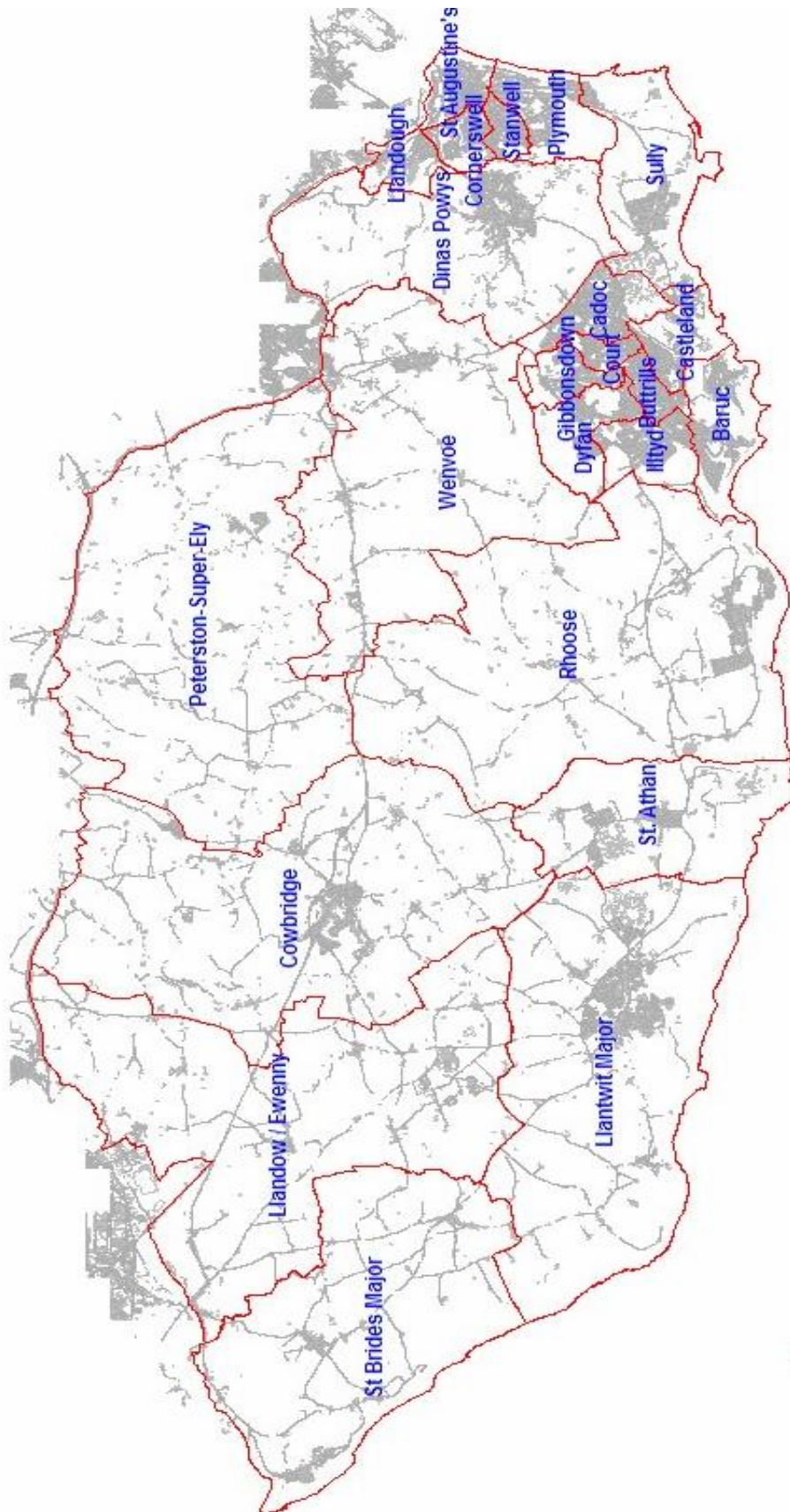
In discharging its licensing functions, the licensing authority will promote the licensing objectives which are as follows:

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

Each of the above objectives has equal importance.

2. AREA PROFILE

The Vale of Glamorgan is Wales' most southern Authority. There are four Town Councils and twenty two Community Councils in the area. It covers 33,097 hectares (331 square miles) with 53 kilometres of coastline. The council area has a population of 128,000* (2011 Census data). The main towns are Barry, Penarth, Llantwit Major, Dinas Powys and Cowbridge. Barry is the Vale's administrative centre, a seaside resort and a port. Cardiff Airport is located three miles west of Barry.



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The Council has published the Corporate Plan for the period 2020-2025 which sets out the Council Vision for the area: The well-being outcomes are:

- An inclusive and safe Vale
- An environmentally responsible and prosperous Vale
- An aspirational and culturally vibrant Vale
- An active and healthy Vale

The four well-being objectives are:

- To work with and for our communities
- To support learning, employment and sustainable economic growth
- To support people at home and in their community
- To respect, enhance and enjoy our environment

The licensing objectives set out above support these key themes.

3. PURPOSE AND SCOPE OF THE LICENSING POLICY

The Licensing Act 2003 requires licensing authorities to publish a ‘Statement of Licensing Policy’ every five years, which sets out how they intend to exercise their functions under the Act. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications will only be engaged following the receipt of relevant representations as set out in the Act.

The policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this policy will prevent a person applying for a variety of permissions under the Act.

The policy covers the following licensable activities:

- Retail sale of alcohol
- Supply of alcohol by, or on behalf of, a club
- Provision of regulated entertainment
- Provision of late night refreshment

The Licensing authority must also have regard to this Statement of Licensing Policy and any revisions to the guidance issued by the Secretary of State. However this does not mean that decisions and policy will be followed to the letter in every case. The licensing authority may depart from the policy having properly taken into account all the circumstances of a case.

The Licensing Act 2003 also supports a number of other key aims and purposes which are vitally important and should be principal aims for everyone involved in licensing work and will therefore be integral to the Policy. They include;

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

- Giving the Police and Licensing Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role that pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

4. CONSULTATION

In accordance with Section 5 of the Act and prior to the publication of this policy the licensing authority consulted with;

Chief Officer of Police for the area
 Fire Authority
 Responsible Authorities
 Representatives of local licence holders
 Representatives of clubs
 Representatives of Personal Licence Holders
 Representatives of businesses
 Town and Community Councils
 Vale of Glamorgan Councillors
 Public Consultation via the Vale of Glamorgan website

5. DURATION AND REVIEW OF POLICY

This Policy takes effect on 2021 and will remain in force for a period of not more than five years. The authority is likely to review the policy again in 2022 to establish any ongoing impact of Covid-19 on the hospitality sector and licensing objectives and any further changes in legislation.

This Statement of Licensing Policy was prepared by the Team Manager Licensing Shared Regulatory Services on behalf of the Vale of Glamorgan Council and was approved by the Vale of Glamorgan Council at their meeting held on 26/7/2021.

6. LICENSING PROCESS

Applications

There are four types of authorisation issued under the Licensing Act 2003, they are;

Premises Licences
 Club Premises Certificates
 Temporary Event Notices

Personal Licences

The procedure and documentation required for the various applications is prescribed by the Act and Regulations, and further advice on how to make an application, can be found on the Council's website at; http://www.valeofglamorgan.gov.uk/en/working/business_support/licensing_service/licensing_service.aspx.

An application or notice for licensing purposes will be accepted as being lawfully made only where it contains all of the required details specified by the Act and/or regulations. The licensing authority will, however, exercise appropriate discretion and not reject applications where they contain minor or factual errors which can easily be rectified.

To avoid unnecessary representations being made in respect of an application, applicants are advised to complete all relevant parts of an application form. Some parts of the form are mandatory and where matters have been considered, but are deemed not to be relevant to the application, it is suggested that, for the avoidance of doubt, the particular section is marked "not applicable".

The grant of an application does not obviate the need for the applicant to satisfy the requirements of any other regulatory regime or statutory requirement.

7. PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

It is recognised that licensed premises vary considerably in terms of character, size, occupancy, location, clientele etc. Venues may offer alcohol, regulated entertainment or late night refreshment or any combination of these activities. There is, therefore, no definitive list of control measures that should be introduced by all premises. Licensed premises will be assessed according to the activities they provide and the individual risks of each premises' activities. Applicants should therefore not cut and paste from previous applications.

In accordance with the statutory guidance, whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The authority encourages liaison between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

It is for the applicant to explain within their application how the Licensing Objectives will be promoted and how any potential negative impact from the operation of the premises will be reduced. Any proposals should be included in the Operating Schedule and should be clear, meaningful, achievable and enforceable.

The operating schedule should focus on the direct impact of the activities taking place on the licensed premises.

Applicants should avoid the inclusion of conditions that are already regulated by other legislation, e.g. Fire Regulations, Health and Safety at Work etc.

8. REPRESENTATIONS

There is a prescribed period during which the licensing authority can receive a written representation. The authority will accept representations submitted in an electronic format providing it is possible to identify the person submitting the representations.

In the interests of transparency and fairness, the licensing authority will normally make the details of persons making representations available as part of the hearing process unless the person expressly withholds permission to do so, or, there are exceptional and compelling reasons why this is necessary.

The licensing authority will only consider representations that relate to the impact of licensable activities carried on from premises on the licensing objectives.

The licensing authority will require a responsible authority or other person to produce evidence support their representations.

Further details on how the licensing authority uses information gathered during the licensing process can be found in the Licensing Privacy Notice available at www.valeofglamorgan.gov.uk

'Relevant representations' can include positive, supportive representations. Advice for anyone wishing to make representations is available on the Vale of Glamorgan website and can be provided in hard copy upon request.

Individuals or groups may request a representative to make representations on their behalf, for example a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales or Town and Community Councillor. Licensing authority Members are bound by the Member Code of Conduct when participating in the licensing process.

Responsible Authorities are advised that **in order to be considered relevant**, representations to impose conditions on licences must not duplicate existing legislation, and should be tailored to the size, style, characteristics and activities taking place at the premises concerned. Standard conditions will not be imposed and therefore all representations should be proportionate and properly recognise the difference between venues.

The authority encourages and supports mediation between parties but reminds applicants that they are under no obligation to agree to representations made by a responsible authority and may ask for a Licensing Sub-Committee to determine the application. In accordance with the statutory guidance, the licensing authority will be alert to any attempts to impose conditions where there

is no evidence of a problem at the premises and, if there is any doubt, will discuss this with the relevant parties.

Local Health Board Responsible Authority

In the Vale of Glamorgan the Local Health Board function is undertaken by Cardiff and Vale University Health Board (UHB). The Vale of Glamorgan Council as Licensing Authority recognises that although public health is not a licensing objective, the UHB holds valuable information relevant to the licensing objectives. The UHB actively monitors:

- Emergency Unit attendances
- Hospital admissions
- Last Drink Data

The UHB uses this data to contribute to the understanding of the effects, levels and patterns of alcohol consumption within the UHB area.

The UHB has advised the Vale of Glamorgan Council that examples of circumstances in which they may wish to make representations include:-

- New applications
- Applications for review or variation when:-
 - An existing licensed premise is perceived not to be promoting the licensing objectives, or,
 - When there is information to suggest non-compliance with an existing Premises Licence
 - Proposed changes to licensable activities that could have a detrimental effect on one or more of the licensing objectives

The UHB has advised the Vale of Glamorgan Council that they will use information from the Alcohol Treatment Centre and Emergency Department to monitor and inform the Licensing Authority of any activity that is causing concern and use the information to make representations where appropriate.

9. DECISION MAKING

The licensing authority strives to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this policy, decisions on Licensing Act 2003 matters will normally be taken in accordance with the approved scheme of delegation and the recommendations for delegation set out in the Section 182 guidance issued to licensing authorities.

10. GRANTING OF AUTHORISATIONS

If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions as are mandatory or are consistent with the operating schedule accompanying the application.

11. DELEGATION OF FUNCTIONS TO COMMITTEES

The powers of the Vale of Glamorgan Council under the Licensing Act 2003 will be carried out by the Statutory Licensing Committee. Most functions will be carried out by a Licensing Act Sub Committee of three Members, or by one or more Licensing Officers acting under delegated authority.

Members will conduct meetings in accordance with the Licensing Act 2003 Procedures for Sub Committee Hearings. The authority may undertake remote hearings and all parties will receive instructions and guidance on how to participate.

After a hearing, having regard to the application and the representations made, the licensing authority may impose or amend conditions as it sees fit, or restrict the hours or the licensable activities permitted on the premises. Conditions will be attached to such an extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

12. CONDITIONS

The licensing authority cannot impose conditions upon its own volition. Conditions will only be attached in three circumstances and these are as follows:

- Mandatory conditions under the Licensing Act 2003 or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the Licence.
- If they are consistent with the applicant's operating schedule.
- When considered appropriate, reasonable, and proportionate after relevant representations have been received and not withdrawn.

Conditions will be worded so that they are clear, meaningful and enforceable. Conditions that appear in the applicant's operating schedule may be re-worded to meet this requirement.

13. TEMPORARY EVENT NOTICES

Information regarding the use of Temporary Events Notices can be found on the Vale of Glamorgan Council website.

Applicants are advised to take care to complete the forms properly. Notices will not be rejected on the basis of minor administrative errors.

Applicants are encouraged to serve Temporary Events Notices in good time and the licensing authority's recommendation is a minimum of 21 days but not more than 6 months before the event.

Apart from long established events like the Vale of Glamorgan Show, the use of multiple TENs simultaneously on a single site will be scrutinised closely to ensure there has been no attempt to circumvent the requirement for a Premises Licence.

14. TYPES OF PREMISES

The licensing authority recognises that types of premises covered by Premises Licences vary hugely. The same licensing regime applies to all these premises, regardless of the licensable activity provided, location, hours of operation and customers. From a licensing authority perspective, however, there are variations in the nature and scale of the risks posed by different types of premises, and their likely impact on the licensing objectives.

Pubs, Bars and Clubs

The licensing authority acknowledges that licensed premises, especially those that are predominantly used for the consumption of alcohol and offering late night/early morning entertainment, can present significant challenges in relation to crime and disorder. The Authority expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.

Licence Holders and Designated Premises Supervisors will be required to demonstrate commitment to manage premises in a safe and responsible manner.

Operators of premises of this type must consider measures to prevent crime and disorder on, or emanating from, their premises. The following are examples of control measures that may need to be addressed;

- Effective and responsible management of the premises
- Training and supervision of staff
- The internal layout and the location of various pieces of equipment within premises, including the position of cash registers, gaming machines etc.
- The provision, location and suitability of any CCTV and the need for the Police and Local Authority to have access to any recordings
- The use of plastic or similar non-glass drinking vessels
- The adequacy of staffing levels to maintain a safe environment
- Management policy and action in relation to people who become intoxicated or disorderly
- Participation in Pubwatch or other similar schemes
- The controls in place to prevent the use or supply of illegal drugs, including entry policies and any search procedures
- The policy/procedure in respect of age verification and preventing sales of alcohol to persons who are under age

Hotels

It is generally accepted that hotels will require permission to make sales of alcohol to residential guests for 24 hours.

Off Licences

In determining applications for shops, stores and supermarkets, the licensing authority will consider the individual merits of the case, but such premises will 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 relevant representations are received that there are good reasons, based on the promotion of the licensing objectives, for restricting these hours.

Some shops and supermarkets selling alcohol have been a focus for anti-social behaviour, disorder and disturbance. This can be caused by street drinkers and underage drinkers who try to obtain, or have obtained, alcohol from such premises. Due to these concerns the licensing authority will consider seriously any representations made by Responsible Authorities and other persons in relation to the effects of granting such licences on the immediate vicinity of the premises.

Community Premises

Many community premises within the Vale of Glamorgan Council hold Premises Licences to allow regulated entertainment. A number also have permission for the sale of alcohol without the mandatory condition requiring a DPS. When considering applications under these provisions the Licensing authority will take into account the following matters;

- Whether the premises constitutes a community premises
- Whether appropriate arrangements are in place for the supervision of the sale of alcohol on the premises by the management committee

Community premises are likely to include, church halls, chapel halls, village halls, parish halls, community centres and other similar buildings. Where it is not clear the Licensing authority will consider whether a premise constitutes a community premises on a case by case basis.

The Council may require additional information to ensure that the management committee is formally constituted and accountable.

It is expected that the management committee will have in place appropriate arrangements to ensure compliance with the requirements of the Licensing Act 2003 when the premises are hired out to a third party, i.e. hiring agreement.

Events on Council Land

The Vale of Glamorgan Council wishes to encourage cultural and community events in the county and is aware of the Guidance around the licensing of public open spaces. In accordance with the provisions of the Licensing Act 2003, the Council has made applications and been granted premises licences for areas of public land.

Persons or organisations wishing to carry on a licensable activity on licensed public land are not required to obtain a Premises Licence or give a Temporary Events Notice themselves, but do need the permission of the Council to put on the event. This can help facilitate events that do require a Premises Licence, but which would be impractical to arrange, and gives the Council a degree of control over the running of the event.

Organisations or individuals wishing to run an event on public land should, in the first instance contact the Events Officer of the Vale of Glamorgan Council.

Premises offering late night refreshment

It is recognised that takeaway premises open late at night and can be associated with disorder as persons under the influence of alcohol having left late night venues congregate there. Operators will be expected to identify steps they can take to reduce nuisance and to include them in their Operating Schedule. The authority has not adopted specific policies in relation to takeaways or the disapplication of the Licensing Act 2003 to such premises.

Petrol and Service Stations

Under Section 176 of the Licensing Act 2003, no Premises Licence, Club Premises Certificate or Temporary Event Notice has effect to authorise the sale of alcohol on or from 'excluded premises'. These premises are a motorway or trunk road service area or a premises primarily used as a garage or which form part of premises which are so used.

The licensing authority, however, accepts that many retail outlets attached to petrol or service stations serve a dual purpose acting as a local shop as well as selling fuel. Applications for licences for premises of this type should be accompanied by trading figures for a minimum period of one month to demonstrate the primary use of the business is not as a garage.

15. OPERATION OF PREMISES

The Premises Licence Holder will be expected to ensure that the Designated Premises Supervisor (DPS) has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained

persons at the premises to enable compliance with all statutory duties and the terms and conditions of the Premises Licence.

Where licences contain inherited outdated, unachievable or inappropriate conditions it is recommended that Premises Licence Holders submit the appropriate application to vary the licence to remove these conditions.

External Areas

The provision of seating areas outside premises in beer gardens or on the pavement can enhance the attractiveness of a venue, but operators of licensed premises should ensure, so far as possible, that customers do not cause a nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Where appropriate, Door Supervisors have an important role in managing customers, not only on the doors but also in the immediate area of their premises.

Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should be given to the use of toughened or 'plastic' drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.

The Licensing authority will be mindful of the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

16. CHILDREN AND SAFEGUARDING

Applicants will be expected to include in their Operating Schedule a statement of the measures that they will take to protect children from harm which includes moral, psychological and physical harm as well as the protection of children from exposure to strong language, sexual expletives and gambling.

When addressing the issue of protecting children from harm, applicants must demonstrate that those factors that may particularly impact on children have been considered. These include;

- Where entertainment or services of an adult or sexual nature are provided
- Where the premises have a reputation for underage drinking
- Where there has been a known association with illegal drug use
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided e.g. not food led

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

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

Following the receipt of relevant representations the licensing authority reserves the right to take all necessary steps to prevent harm to children by: -

- Limiting the hours when children will be permitted in the premises
- Stating a minimum age (below 18)
- Limiting or prohibiting access where certain activities are taking place
- Permitting access only when accompanied by an adult
- Such other conditions or restrictions as may be necessary to achieve the licensing objectives.

A complete ban on children entering licensed premises is rarely likely to be necessary. Nothing within this policy makes it a requirement that children must be admitted to any premises. This is a matter left to the discretion of the management of the premises.

The licensing authority recognises the Vale of Glamorgan Council Director of Social Services Directorate as being competent to advise the Authority on matters relating to the protection of children from harm in relation to this Policy.

Should a premise be giving film exhibitions the applicant may wish to address in their operating schedule arrangements for restricting children from viewing age restricted films. It should also be noted that in relation to such premises a mandatory condition will be applied requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the local authority.

The Licensing Authority supports those premises that choose to participate in any proof of age scheme such as “Challenge 25 or 21” or “No ID, No Sale” as it promotes the licensing objectives.

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 proxy sale of alcohol, and shall ensure that all reasonable steps are implemented to prevent adults purchasing alcohol for those underage.

17. OTHER MATTERS

Enforcement and Compliance

Where enforcement action is taken it will be in accordance with the principles of the authority's enforcement policy. Inspections regimes will be based on a risk assessment of premises in relation to the licensing objectives. Inspections will often be in response to a complaint or the reporting of an issue, but all premises may be subject to inspection at intervals.

The licensing authority considers that it is good practice for Responsible Authorities to give licence holders early warning of problems, with a view to securing improvements informally.

An example of a recognised early warning system is the Traffic Light System operated by South Wales Police. Any information supplied to the licensing authority as part of representations or a review process will be considered in light of the broad principles set out in the Shared Regulatory Services Enforcement Policy of Proportionate, Accountable, Consistent, Transparent, and Targeted. If such an enforcement tool is used, the licensing authority will expect to receive information on how the points system was allocated, the interaction with the licensee, what interventions had already been carried out, and the risk to the licensing objectives which underpin the representations/review submitted.

Where an initial warning fails to secure a resolution to a problem at a licensed premises, the licensing authority and Responsible Authorities will use a stepped approach and may engage the Licence Holder in a voluntarily agreed 'Action Plan' for improvement.

Where there is a failure to respond to such warnings, it is likely that a request for a Review will be submitted. However, where there are very serious issues, Responsible Authorities may submit a Review application without warning.

Cumulative impact /Early Morning Restriction Orders

None of the towns within Vale of Glamorgan Council have an area with an excessive number of licensed premises in close proximity, therefore, it is not envisaged that a cumulative impact policy will be introduced within the authority in the foreseeable future.

18. REVIEWS

Reviews of premises licences represent a key protection for the local community in respect of problems which may arise during the term of a premises licence. Any person and responsible authority has the right to make representations in respect of an application or seek a review of a licence or certificate within the provisions of the Act. Each case will be dealt with on its merits.

The licensing authority considers that it is good practice for responsible authorities to give licence holders early warning of problems and of the need to improve.

Individuals or groups may request a representative to make representations on their behalf, for example a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales or Town and Community Councillor. Licensing authority Members are bound by the Member Code of Conduct when participating in the licensing process.

In the interests of transparency and fairness, the licensing authority will normally make personal details of residents and other parties available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the person concerned.

19. APPEALS

In the case of a premises licence, an appeal should be made to the magistrates' court for the area, Cardiff and the Vale Magistrates' Court.

Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the Licensing Act 2003.

Details of other forms of redress can be accessed on the licensing pages at www.valeofglamorgan.gov.uk

Officers of the Licensing Authority will make the decision as to whether a representation or objection is relevant, frivolous, vexatious or repetitious.

Prescribed fees are published on www.homeoffice.gov.uk. Further information is also published on the Council's website at www.valeofglamorgan.gov.uk

20. INTEGRATING STRATEGIES AND EQUALITY STATEMENT

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

Where a councillor who is a Member of the Licensing Committee is making or has made a representation regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is

incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 that everyone has the right to respect for his/her home and private life
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

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

Under Section 17 of the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area. Therefore, the licensing authority will have particular regard to the likely impact of licensing on related crime and disorder in the Council's area particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

Further information on the Vale of Glamorgan Welsh Language standards can be accessed at

https://www.valeofglamorgan.gov.uk/en/our_council/equalities/welsh-language-standards.aspx

This policy is published in Welsh and is available in other formats on request.

Where the licensing authority makes a decision on an application it will provide reasons in writing and in other formats on request.

Accessibility enquiries should be addressed to the Licensing Section in the first instance.

21. DISCLAIMER

Where extracts from the Licensing Act 2003 are reproduced, they are provided as an information guide only. They are not a full and authoritative statement of the new licensing law. In particular, it must be noted that, although the Council has made every effort to ensure that the information in these pages is correct,

changes to the law and the implementation of specific regulations for licensing mean that the supporting information in these pages may be subject to change.

Officer Report

Cosmeston Medieval Village Licence Application

PC 5153 Scott McCarthy

I am the above named officer and I currently work as a Licensing Officer, based at Cardiff Bay Police station. South Wales Police are a responsible authority and as such work with individuals, companies and local authorities to ensure the licensing objectives are promoted.

The four licensing objectives are:

- The Prevention of Crime and Disorder,
- Public Safety,
- Prevention of Public Nuisance,
- The Protection of Children from Harm.

My area of responsibility for licensing matters is the Vale of Glamorgan and as such when a new premises licence application is received by the Vale of Glamorgan council, it is shared with South Wales Police and will ultimately land with me to progress.

With each application received a consultation period of 28 days begins. During this consultation period, I will enter into a dialogue with the applicant to explore the reasons behind the application and to discuss how they see the licence being operated should it be granted. Prior to the end of the consultation period I, on behalf of South Wales Police, will submit representations that will include a number of conditions to be placed on the licence. These conditions will be appropriate and proportionate to the application as each application is taken on its own merits. It is always the aim to have agreement from the applicant prior to submitting the representations.

If an agreement cannot be reached, then a hearing will be called for, no later than three weeks after the end of consultation, as has happened in this case.

I was contacted via email by the applicant on 22nd August, advising me that an application had been submitted for a new premises licence at Cosmeston Medieval Village. The application arrived with me on August 23rd 2022.

During the consultation period, myself and the applicant, Sarah Jones, have exchanged a number of emails ironing out the details on how the premise will operate. We have also spoken over the phone, to discuss proposed conditions and talk thorough any point where there isn't an agreement.

A sticking point for this application is the provision of CCTV. Being a responsible authority, we are seen as the experts regarding crime and disorder. Utilising CCTV at a premise, be it large or small, is always something that I would advocate. Not only does it assist in the investigation of a crime post-incident, but it is also a preventative and protective measure for staff and members of the public who attend.

During the correspondence with Sarah, she advised me that CCTV was already on site and that she wouldn't be looking to add additional cameras. I was sent an image that showed the location of a

number of static cameras, attached to a building near the entrance. It was apparent that these cameras would not give sufficient coverage to satisfy the CCTV condition I had originally proposed.

On or around the 15th September, I spoke with Sarah over the phone regarding the CCTV. Sarah expressed that the cost of installing a system to cover all areas would be very high and that the local authority weren't looking to install a system to cover the whole site.

By way of compromise, I suggested the use of a temporary or portable CCTV system that would only have to be utilised during an event. To match this, I altered the proposed CCTV condition, specifying that any system would only have to be used during an event and cover the licensable areas where public have access, as opposed to covering ALL areas. Sarah undertook to explore this as an option by getting costings.

It was during this conversation that I explained I would be submitting my representations due to the time scale and even though the consultation was ending, our dialogue could continue and we could hopefully come to an agreement ahead of any hearing taking place.

I chased this up on September 27th by email, but unfortunately, Sarah had been committed with other work so was delayed in making the enquiries.

I spoke with Sarah again on Friday 7th October. I was advised that the use of the portable/rentable CCTV systems was not something the council wished to do. Being pragmatic, I suggested that a 'self-install' system, purchased from an electrical retailer for a few hundred pounds and used for each event, could satisfy the proposed licence condition. It was at this point Sarah informed me that she would have to let the sub-committee decide at the hearing.