



CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

# LICENSING ACT 2003

## STATEMENT OF POLICY FOR LICENSING

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## City and County of Swansea

### Licensing Act 2003

#### Statement of Policy for Licensing

#### FOREWORD

Under the Licensing Act 2003 the City and County of Swansea has responsibility for the following:

- (a) Administering the process for issuing “**personal licences**” to sell alcohol. A personal licence is required for a person wishing to sell alcohol and unless surrendered or revoked remains in force ~~for 10 years~~ **indefinitely**; and
- (b) the authorisation of any premises for “licensable activities” through the issue of a “**premises licence**” or “**club premises certificate**” which remains in force until surrendered or revoked, or by a “**temporary event notice**”. “Licensable activities” are:
  - (i) the sale of alcohol by retail;
  - (ii) the supply of alcohol by or on behalf of a club;
  - (iii) the provision of regulated entertainment (i.e. the performance of a play, exhibition of film, indoor sporting event, boxing or wrestling entertainment [indoor and outdoor] **combined fighting sports such as cage fighting**, performance of live music, any playing of recorded music, a performance of dance, entertainment of a similar description to performance of live music, playing of recorded music and dance).  
NB - Only where the entertainment takes place in the presence of an audience for the purpose of entertaining that audience **or where the activity takes place in private, be the subject of a charge made with a view to profit**;
  - iv) the provision of late night refreshment.
- (c) Certain activities in relation to the provision of entertainment and the provision of hot food and hot drink are exempt from licensing requirements. Details of these exemptions can be found in the Licensing Act 2003.
- (d) **Certain activities are now no longer required to be licensed due to changes in legislation as a result of deregulation.**

**Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that they take place between 08:00- 23:00 on any day:**

- **A performance of a play in the presence of any audience of no more than 500 people;**
- **An indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling**
- **most performances of dance in the presence of any audience of no more than 500 people; and**
- **live music, where the live music comprises;**
  - **A performance of unamplified live music**
  - **A performance of live amplified music in a workplace with an audience of no more than 500 people; or**
  - **A performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.**
- **Recorded music, where recorded music comprises;**
  - **Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;**
  - **Any playing of recorded music in unlicensed premises, subject to certain conditions being met.**
  - **Dance – no licence is required for performances on any day provided that the audience does not exceed 500.**

**Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.**

**When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.**

**Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an**

***unauthorised activity takes place then the Police and local authorities have powers to take action.***

The Licensing Act 2003 introduces a range of opportunities and among these is the ability to have a wider input into the development of leisure activities. The entertainment industry within the area is a major contributor to the local economy, by attracting tourists and visitors, helping to keep areas and communities vibrant and by providing major employment opportunities.

In addition to a well-developed entertainment centre, Swansea also has a substantial residential population whose amenity the Council has a duty to protect. Residents of certain areas could be affected by an increase in the concentration of licensed premises, particularly if longer opening hours are introduced.

Operators of other types of business also have a legitimate expectation that the environment in which they operate in is attractive and sustainable to their business.

The Council will therefore use its powers under the Licensing Act 2003 to promote best practice and to ensure properly managed licensed premises where licence holders have regard to the impact of their premises on local residents and businesses.

The Council will work closely with the statutory authorities, the licensed trade, local businesses and residents, to facilitate a partnership approach in creating a licensing policy which balances the interests of the licensed trade and its customers against the interests of the business and residential communities of the area.

The City and County of Swansea is situated on the South West Wales coast. It occupies an administrative area of 378 square kilometres and an important place in the historical, political and economic development of Wales.

Located at the mouth of the River Tawe, the City of Swansea is Wales' second largest city. It is the regional shopping, leisure, cultural, education and administrative centre for South West Wales, and is ringed on three sides by a series of town, district and local centres, which are linked to the City Centre by a convergent highway network.

The population of the City and County of Swansea stands at approximately 238,700. This represents 8% of the total population of Wales.

Swansea is one of Wales' key tourism areas, and offers a wide range of opportunities for tourism-based and other businesses. The maritime port and waterfront city of Swansea, the pretty Victorian resort of Mumbles and the spectacular scenery of the Gower Peninsula are all, in their own right, "must-visit" destinations.

The Swansea economy has a proportionately large share of jobs in the public administration, hospitality, financial services and retail sectors. Of the 104,400 people

employed within Swansea (2011), an estimated 89.9% (93,900) are employed in the service sectors, with 33% (34,400) working within the public sector. For further information go to [www.swansea.gov.uk/lmestats](http://www.swansea.gov.uk/lmestats)

Swansea is home to a number of major public and private sector employers in both the manufacturing and service sectors; the Council being the largest single employer with over 11,000 staff.

## 1. INTRODUCTION

- 1.1 Swansea Council (hereinafter referred to as “the Council”) is the Licensing Authority as defined in the Licensing Act 2003 [hereinafter referred to as “the Act”].
- 1.2 This Act requires that a Licensing Authority prepares and publishes a statement of its licensing policy every five years. The adoption of this policy is a statutory requirement and the policy must be published to enable the Licensing Authority to carry out its functions in respect of individual applications made under the terms of the Act. The policy will be kept under review and revised as appropriate but at intervals of no longer than five years.
- 1.3 This document represents the reviewed statement of the licensing policy of the Council published on the 2<sup>nd</sup> December 2004 **with subsequent revisions** which had its first revision on 17<sup>th</sup> January 2008, **7<sup>th</sup> January 2011, 30<sup>th</sup> July 2013** and a subsequent revision on **26<sup>th</sup> January 2017**. This policy takes effect from the **26<sup>th</sup> July 2018** and remains in force until revised in accordance with “the Act”.
- 1.4 Any statement in this policy will be relevant to all licensed premises unless otherwise stated.

## 2. PURPOSE / OBJECTIVES

- 2.1 The purpose of this policy is to describe how the Council will carry out its functions as a Licensing Authority to promote the four licensing objectives specified in the Act. These objectives are as follows:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 2.2 Each of these objectives is considered to have equal importance and is considered in more detail in paragraph 18, later in this policy.

### 3. SCOPE AND LIMITATION

3.1 This statement of licensing policy has been prepared in accordance with the requirements of the Act and also having regard to the guidance issued under Section 182 of the Act, by the Home Secretary in **April 2017** ~~October 2012~~ following previous revisions of this guidance. Where the licensing policy departs from this guidance, reasons why such a decision has been made are provided.

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

**Section 5 of the Act requires a Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This policy statement, in the main, has four main purposes;**

**a. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at a hearing following representations.**

**b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.**

**c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.**

**d. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived at its licensing decisions.**

**The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.**

3.3 The policy does not override the right of any person to make representations in relation to an application or seek a review of a licence or certificate where there is provision in the Act to do so.

#### 4. CONTROL

- 4.1 Licensing is about regulating “licensable activities” on licensed premises, in qualifying clubs and at temporary events.
- 4.2 Any terms and conditions attached to a premises licence or club premises certificate will focus on matters within the control of the Premises Licence Holder or Designated Premises Supervisor. Temporary Event Notices may be subject to modifications if considered necessary by the Police **and/or Environmental Health**
- 4.3 These terms and conditions or modifications will centre on the premises being used for licensable activities ~~and the vicinity of those premises i.e. the premises and its vicinity.~~
- 4.4 The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activities in the area concerned. It will be expected that any representation made by “Other Persons” will indicate how the application will directly affect them in relation to one or more of the licensing objectives.
- 4.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the persons holding the relevant authorisation.
- 4.6 Where it is disputed that an incident occurs in the area of a licensed premises the ultimate decision will be determined by the courts.
- 4.7 The Council will use the controls in licensing law as part of a holistic approach to the management of the evening and night-time economy particularly in the city centre.
- 4.8 The Licensing Authority will consider all methods of control which will promote the licensing objectives. These may include the introduction of Early Morning alcohol Restriction Orders (EMRO’s) and a Late Night Levy. In all cases of introducing any control procedures, a consultation process will take place with all parties concerned.
- 4.9 When acting as a Responsible Authority, the Licensing Authority will only make a representation to an application when it is considered to be absolutely necessary. Such cases ~~will~~ **may** include the absence of a representation from a Responsible Authority and when an application will add to the cumulative impact of licensed premises in an area. When a representation is made there will be a distinct separation of responsibilities to ensure procedural fairness and eliminate conflict of interests.



## 5. CONSULTATION

5.1 In reviewing the policy in accordance with the Act, the Licensing Authority will consult the persons specified (statutory consultees) as follows:

- South Wales Police;
- Mid & West Wales Fire Authority;
- Abertawe Bro Morgannwg Health Board
- persons/bodies representing local holders of premises licenses;
- persons/bodies representing holders of club premises licences;
- persons/bodies representing holders of personal licenses;
- persons/bodies representing businesses and residents;

5.2 The following will also be consulted to ensure that this policy does not conflict with other policies, strategies or initiatives operated by the Council and neighbouring Local Authorities.

- Local Authority Members;
- The Licensing Committee;
- Representatives of other appropriate Council functions including:
  - Community Safety
  - Planning Services
  - Estates
  - Transportation & Engineering
  - Regeneration
  - Culture & Tourism
  - Social Services
  - Pollution Control
  - Health and Safety
  - Trading Standards
- Neighbouring Licensing Authorities;
- Swansea Magistrates Court
- Licensing Solicitors
- Accident and Emergency Department
- The Ambulance Service
- Musicians Union

5.3 The views of “Other Persons” will be taken into consideration when determining the policy and any relevant changes. “Other Persons” includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licenses and club premises certificates, regardless of their geographic proximity to the premises.

- 5.4 The Licensing Authority will consider evidence from the Area Health Board, acting as a Responsible Authority, concerning alcohol related health harms. Statistical evidence, particularly from Accident and Emergency admissions or Ambulance Service data, may be used in determining control measures. Evidence may also be used in the determination of applications under the Act.

## 6. CUMULATIVE IMPACT AND SPECIAL POLICY

- 6.1 Cumulative impact means, for the purposes of this policy, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.
- 6.2 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. The Council when acting as a Licensing Authority will not take into consideration “need”. This is a matter for the Council in its role as a Planning Authority and for the market.
- 6.3 ~~When acting as a Licensing Authority the Council~~ ***In relation to the grant or variation of a premises licence or club premises certificate the licensing authority*** will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact. A list of Responsible Authorities can be found at paragraph 20 of this policy.
- 6.4 A relevant representation from a “responsible authority” or “Other Person” regarding cumulative impact must provide clear evidence that there will be exceptional problems of disorder and nuisance over and above the impact of the individual premises itself.
- 6.5 The Licensing Authority will in such cases, take into account the issue of cumulative impact but this will be addressed in the context of the individual merits of any application. Where it is considered that a licence or certificate is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.
- 6.6 ***Section 182 of the guidance allows a licensing authority to make a policy within its Statement of Licensing Policy to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance and public safety the licensing authority will consider making a CIP. It will make such a policy only after it is satisfied that there is evidence to support it.***

6.7 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and other persons which the Licensing Authority consider after hearing those representations should lead to refusal.

6.8 The steps detailed below will be followed in considering whether to adopt a special policy within the licensing policy:

- Identify concern about crime and disorder, public safety, protection of children from harm or public nuisance from a “responsible authority” or “Other Person”.
- Consider whether it can be demonstrated that crime and disorder and nuisance are occurring or whether there are activities which pose a threat to public safety or protection of children from harm
- If such problems are occurring, identify whether they are being caused by the customers of licensed premises and if so identify the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
- Consult with those specified in paragraph 5 above.
- Subject to the consultation, include and publish details of the special policy in the statement of licensing policy.

**6.9 *The effect of all licensed premises in an area will be taken into account when considering a special policy.***

~~6.8 Where a special policy is in place applications for new premises licences, club premises certificates or material variations will normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the negative cumulative impact already being experienced. Applicants will need to address the special policy issues in the operating schedule submitted with their application to rebut the presumption of refusal of the application. If no relevant representations are received the application will be granted in accordance with the operating schedule submitted.~~

6.10 Any special policy adopted will be reviewed **regularly** following a maximum ~~period of five years~~ to determine its effectiveness and whether or not its continued use is required.

6.11 The absence of a special policy **in a particular area** will not prevent a responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

- ~~6.11 The effect of all licensed premises in an area will be taken into account when considering a special policy.~~
- 6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence. ~~Cumulative impact on the promotion of the licensing objectives will only be considered as a relevant representation when an application for the grant or variation of a licence or certificate is being considered.~~
- 6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of one or more of the licensing objectives in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or other person.
- 6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.
- 6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.
- 6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.
- 6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.
- 6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:
- Planning controls;
  - Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
  - Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;
  - Powers of local authorities to designate and control areas where alcohol cannot be consumed;
  - Police enforcement in relation to disorder and anti-social behaviour;
  - Prosecution for alcohol related offences ;

- Police powers of closure of a premises;
  - The provision to review a licence or certificate.
- 6.19 On 30<sup>th</sup> July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:
- i) Wind Street and the surrounding area as defined
  - ii) The Kingsway and the surrounding area as defined
  - iii) High Street and College Street as defined
- 6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises ***which can include but is not limited to litter, noise, intoxicated people contributing to crime and disorder, accumulations of people at certain times leading to conflict in queues for taxis and/or fast food outlets, the numbers of people leaving all types of premises at certain times.***
- 6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> November 2012. The report included crime and disorder statistics from South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The special policy was introduced following a comprehensive consultation process which was carried out between February and May 2013. ***The special policy was also reviewed as part of the review of the statement of licensing policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the special policy areas was received from South Wales Police and the evidence supported the retention of the existing special policy without amendment.***
- 6.22 Following a review of the Special Policy on 26<sup>th</sup> January 2017 it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:
- Non – alcohol led premises;

- Theatres, where the main purpose of the premises is the performance of plays;
- Cinemas, where the main purpose of the premises is the exhibition of films;
- Premises where the main purpose is the provision of substantial table meals;
- Premises where the sale/supply of alcohol is by waiter or waitress service only.

6.23 The effect of the special policy is that applications for premises that are located within the special policy areas but fall within the exemptions detailed in paragraphs 6.22 of the policy will generally be granted, subject to consideration of any relevant representations made. In respect of all other premises located in the special policy areas, there is a presumption that any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact will be refused. This presumption is only relevant to applications which trigger a relevant representation from a responsible authority or other person which refers to one or more of the licensing objectives that gave rise to the introduction of the special policy. If there are no such representations the Authority **MUST** grant the application in terms that are consistent with the operating schedule submitted.

6.24 Where relevant representations are made, a Licensing Sub Committee of the Authority will hear those representations and determine the application. For applications that fall within the requirements of the special policy, refusal will normally be the case **UNLESS** the applicant can demonstrate in their operating schedule that the application will not add to the existing cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the special policy in the light of the individual circumstances of the case. ***The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional. The authority does not consider that premises that are well managed and fully compliant with all licensing conditions and relevant legislation to be exceptional. This is expected of all licensed premises.***

6.25 The special policy areas are those within the boundary defined on the plans attached at appendix A, B and C and include premises that have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules: –

i) **Wind Street and the surrounding area**

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place

- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street
- Victoria Road

#### ii) **The Kingsway and the surrounding area**

- The Kingsway
- Dillwyn Street from the junctions with The Kingsway and Oxford Street
- Oxford Street from the junctions with Dillwyn Street and Princess Way
- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street

#### iii) **High Street and College Street**

- High Street
- College Street

## 7. **LICENSING HOURS**

- 7.1 When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections

to those hours raised by responsible authorities or other persons on the basis of the licensing objectives.

- 7.2 The Licensing Authority recognises that longer licensing hours are important for those premises which sell alcohol, to ensure that concentrations of customers leaving premises simultaneously are avoided. This is particularly necessary to reduce the **potential for disorder** friction on streets at late-night fast food outlets, taxi ranks and other transport waiting areas which may lead to disorder and disturbance.
- 7.3 The Licensing Authority will not create “zones” with fixed trading hours for any areas in the City & County of Swansea to avoid a significant movement of people from one area to another in search of premises with later opening hours.
- 7.4 The Licensing Authority will closely examine the hours of business for premises which are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary.
- 7.5 The Licensing Authority will allow shops, stores and supermarkets to sell alcohol, for consumption off the premises, at any time when the retail outlet in question is open for business. Limitations will only be imposed restricting the times alcohol can be sold from such premises if representations are received and there is evidence that the extended hours cause the premises to be a focus of disorder and disturbance.
- 7.6 The Licensing Authority may consider the introduction of an Early Morning alcohol Restriction Order, which will prohibit the sale of alcohol for a specified time period between the hours of 00.00 (midnight) and 06.00 hours, in the whole or part of its area, if it is satisfied that this will be appropriate for the promotion of the licensing objectives.

## 8. CHILDREN

- 8.1 The Licensing Authority will not limit the access of children to premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 8.2 The Licensing Authority will consider the individual merits of each individual application.
- 8.3 In considering each application the following areas will give rise to particular concern in respect of children:
  - Where entertainment or services of an adult or sexual nature are commonly provided;



- Where there have been convictions of members of staff for serving alcohol to minors or the premises has a reputation for underage drinking;
- There is a known association with drug taking or dealing;
- There is a strong element of gambling
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

8.4 Where it is considered necessary that access to children should be limited for the prevention of harm, the following may be adopted:

- Limitations on the hours children may be present;
- Limitations on the exclusion of children under certain ages when particular activities are taking place;
- Limitations on the parts of the premises to which children may be given access;
- Age limitations;
- Requirements for accompanying adults;
- Full exclusion of persons under 18 years of age when licensable activities are taking place.

Conditions requiring the admission of children to any premises will not be attached to licences or certificates.

8.5 Where no licensing restrictions are in place admission of children to the premises will be at the discretion of the licensee. Where licensees consider that restrictions should be put in place, this must be identified in the operating schedule for the premises.

8.6 The Licensing Authority recognises the importance of The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks in protecting children from harm.

8.7 In the case of premises giving film exhibitions the Licensing Authority will require licensees or clubs to include in their operating schedule arrangements for restricting children from viewing age-restricted films classified according to the British Board of Film Classification (BBFC).

8.8 In considering the limitations to be imposed for the protection of children from harm the Licensing Authority will be guided by information received from its Local Safeguarding Children Board and South Wales Police.

## 9. **INTEGRATING STRATEGIES**

9.1 The Council will ensure a comprehensive licensing policy is maintained having regard to other policies, strategies and initiatives operated by the Authority.

- 9.2 The Council when acting as the Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the licensing policy to ensure that no conflict arises between such documents and to ensure a consistent approach.
- 9.3 The Licensing Authority will ensure, as far as possible that conditions attached to a premises licence or club premises certificate will reflect local crime prevention strategies.
- 9.4 The Licensing Authority will have regard to the need to encourage and promote live music, dancing and theatre for the benefit of communities generally.
- ~~9.5 The Licensing Authority will monitor the impact of licensing on regulated entertainment particularly live music and dancing and where it appears that such events are being deterred by licensing requirements the policy will be revisited. Only necessary, proportionate and reasonable conditions will be imposed on such events~~
- 9.5 The Council when acting as a Licensing Authority will liaise with the Police and Highway Authority to ensure as far as possible transport arrangements that promote the Council's licensing objectives.
- 9.6 The Council, when acting as a Licensing Authority will have regard to the needs of the local tourist economy and employment situation for the area as appropriate.
- 9.7 Where appropriate the Licensing Committee will provide regular reports to the Planning Committee and other relevant parties on the situation regarding licensed premises in the area **upon request**. ~~and the general impact of alcohol related crime and disorder.~~
- 9.8 The Council has adopted a policy on Sex Establishments. This policy includes a restriction on the number of Sexual Entertainment Venues (SEV's). An exemption under the Local Government (Miscellaneous Provisions) Act 1982 allows premises to provide sexual entertainment no more than eleven times per year and no more frequent than monthly.
- 9.9 Some premises licences under the Act may not allow adult entertainment. Others, where sexual entertainment is allowed to take place under the exemption, may become subject to a review if the licensing objectives are undermined.
10. **PROMOTION OF EQUALITY**
- 10.1 The Council has due regard for the need to eliminate unlawful discrimination and to promote equality of opportunity and foster good relations between persons with different protected characteristics.

- 10.2 The protected characteristics are age, disability, gender reassignment, **marriage and civil partnership**, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. **We also consider the Welsh Language to be a protected characteristic due to the requirements of the Welsh Language Wales Measure.** 10.3 The Licensing Authority in carrying out its duties, will uphold the Equality Duty of the Council as required under the Equality Act 2010.

## 11. DUPLICATION

- 11.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.
- 11.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation.
- 11.3 In particular, Planning, ~~Building Control~~ and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning or ~~building control~~ application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning or ~~building control~~ permission. **The Licensing Authority will advise all new applicants to liaise with planning services to ensure they apply for any necessary permissions.**

## 12. CONDITIONS

- 12.1 The Licensing Authority will only impose conditions on a premises licence or club premises certificate which are consistent with the operating schedule and are ~~necessary~~ **appropriate** to promote the four licensing objectives. Standard conditions will not be used. The Licensing Authority has developed a pool of conditions, which are provided in the guidance for applicants. This guidance has been produced to assist applicants in completing their operating schedule. The pool of conditions will be used to translate any non-specific steps for the promotion of the licensing objectives, contained within the operating schedule. Applicants are encouraged to consider the use of this pool of conditions to address key issues when completing their operating schedule. (See paragraph 18). All conditions should be -
- Clear
  - Enforceable
  - Evidenced
  - Proportionate
  - Relevant

- Be expressed in plain language capable of being understood by those expected to comply with them
- 12.2 The Licensing Authority will only consider imposing additional conditions on a licence where relevant representations are received from responsible authorities or interested parties **other persons** and such conditions are considered necessary **appropriate** for the promotion of the licensing objectives.
- 12.3 The Licensing Authority will attach conditions to licences or certificates that are tailored to the individual size, style, characteristics and activities taking place at the premises or event concerned.
- 12.4 Conditions will not prevent or provide reason for a licensee to prevent admission of any person, to a premises unless detailed in this policy.
- 12.5 The conditions will not replicate offences set out in the Act.
- 12.6 The Licensing Authority will attach the mandatory conditions defined in the Act, (as amended), to a premises licence or club premises certificate when required. The mandatory conditions relate to the supply of alcohol, **minimum drinks pricing**, exhibition of films, and door supervision, irresponsible drinks promotions, **no drinking games**, provision of free drinking **potable** water, **measures of alcoholic drink and age verification policy**.
- 12.7 The mandatory condition relating to the sale of alcohol, that requires the provision of a designated premises supervisor, may be disapplied following a successful application in respect of certain community premises.

### 13. ENFORCEMENT

- 13.1 The Licensing Authority will establish joint enforcement protocols with South Wales Police and Mid and West Wales Fire Authority and other responsible authorities where appropriate on joint enforcement issues.
- 13.2 The Licensing Authority will carry out audits of licensed premises conditions based on the established protocols and in accordance with an agreed risk assessment.
- 13.3 The Licensing Authority expects personal licence holders to authorise the sale of alcohol by identifying the person being authorised and specify the activities that are being authorised. It is also expected that authorisation will be in writing, provided to the individual being authorised and that arrangements are in place to monitor the activity.

### 14. LIVE MUSIC, DANCING AND THEATRE

~~14.1 The Council recognises as part of implementing local authority cultural strategies that proper account should be taken of the need to encourage and promote a range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities.~~


~~14.2 The Council when acting in its capacity as a licensing authority will encourage applications for premises licences for local authority owned buildings and land within the community, to promote their increased use for community events which require formal licensing.~~

~~14.3 The Live Music Act 2012 removed the licensing requirements for –~~

- ~~• Amplified live music between 08.00 and 23.00 hours before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises~~
- ~~• Amplified live music between 08.00 and 23.00 hours before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003, or licensed only for the provision of late night refreshment~~
- ~~• Unamplified music between 08.00 and 23.00 hours in all venues~~
- ~~• The provision of entertainment facilities see 3.2 Do we need this bit?~~

~~14.4 Where licensable activities continue to take place on premises, any licence conditions relating to live music will be suspended. However, it will be possible to impose new, or reinstate existing conditions should the premises licence or club premises certificate become subject to a review. 14.5 Organisers of events are encouraged to check with this Authority should they have any doubt whether a performance is considered to be exempt from licensing requirements.~~

## **14. OUTDOOR EVENTS AND CROWDED PLACES GUIDANCE**

**14.1 *If you intend holding an event involving large numbers you will need to contact the Safety Advisory Group (SAG) to ensure that the event can take place safely, with the knowledge of all the relevant agencies in the Authority area. For many types of events involving large numbers, there is a great deal of organising to do and the SAG asks for six months notice of events likely to attract more than 500 people. Three months notice is required for events with attendance of less than 500 people The following guide may help you when you are organising an event.  [Guide to safe and successful community events \(PDF, 101KB\)Opens new window](#)***

**14.2 *Some events will require you to attend one of the SAG meetings to discuss your proposals. This will enable all the relevant agencies to consider your***

**event and ensure they have sufficient resources available to deal with any incidents that arise.**

**14.3 Organisers of outdoor events are encouraged to refer to the ‘Purple guide’ <https://www.thepurpleguide.co.uk/index.php/the-purple-guide>**

**14.4 The Purple Guide to Health, Safety and Welfare at Music and Other Events (the Guide) has been drawn up by the Events Industry Forum in consultation with the UK events industry and representatives from regional and national Government. This publication is designed to replace the original "Purple Guide" (HSG195), originally published by the Health & Safety Executive (HSE).**

**14.5 The Guide aims to help those who organise music or similar events, so that events can run safely. As an employer, the event organiser, whether an individual, collective or local authority, has a general duty to ensure, so far as reasonably practicable, the health, safety and welfare of their employees. They also have a duty to ensure, so far as is reasonably practicable, that others, including volunteers and spectators, are not exposed to risks to their health and safety arising from the operation of the event.**

**14.6 All applicants and licensees are advised to refer to the Crowded Places Guidance on increasing the protection of crowded places from a terrorist attack. The UK faces a real threat from terrorism and crowded places remain an attractive target.**

**14.7 Crowded places include shopping centres, sports stadia, bars, pubs and clubs which are easily accessible to the public and attractive to terrorists.**

**14.8 This guidance has been written to help those charged with security at crowded places, mitigate the threat and help make the UK less vulnerable to an attack. <https://www.gov.uk/government/publications/crowded-places-guidance>**

## **15. APPLICATIONS FOR LICENCES, CERTIFICATES, AUTHORISATIONS AND REVIEWS**

**15.1 The Licensing Authority will consider each application received on its merits in the context of the four licensing objectives.**

**15.2 The Licensing Authority will make available up to date information packs for applicants, to provide guidance and to assist them in making their application. Applicants are encouraged to contact the *licensing authority and* responsible authorities to discuss the content of their proposed application, before submitting their application, in order to resolve any potential problems and avoid any unnecessary hearings and appeals.**

- 15.3 All applicants must ensure when making an application that it complies with the requirements of the Act, to prevent a delay in decision making. **Organisers of events are encouraged to check with this Authority if they have any doubt about whether an activity or performance is considered to be exempt from licensing requirements.**
- 15.4 The Licensing Authority also accepts that Other Persons or responsible authorities, as defined in the Act, have the right to make representations in respect of an application, or to seek a review of a licence or certificate within the provisions of the Act. Such representations will be considered on their merits and how they relate to the likely effect of the grant of the licence or certificate on the promotion of at least one or more of the licensing objectives. Also, how the representations are relevant to the promotion of one or more of the licensing objectives in the case of a review of a licence or certificate. When a petition is submitted as a representation it will only be considered if it relates to one or more of the four licensing objectives and it is demonstrated that the details of the representation have been made clear to each signatory i.e. that the heading is included on each page of the petition. A relevant representation may be positive or supportive in nature as opposed to being negative but it must still demonstrate that the licensing objectives are being promoted.
- 15.5 The Licensing Authority, through the scheme of delegation to Officers detailed in paragraph 17 of this Policy, will reject an application for a minor variation should a relevant representation be made by a Responsible Authority or Other Person. Similarly, it will reject any representation if it is shown to be irrelevant, vexatious, frivolous or repetitious.
- 15.6 Other Persons may request a representative to make representations on their behalf including a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales, local Ward Councillor, Parish or Community Councillor. Detailed guidance for Other Persons making a representation or an application for a review of a licence or certificate can be obtained from the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- 15.7 The Act allows the authority to dispense with the need for a Statutory Licensing Sub Committee hearing, if all parties making representations agree that a hearing is unnecessary.**
- 15.8 Representations must be agreed by the applicant and the applicant must agree to amend the operating schedule to include any representations or amendments as conditions.**
- 15.9 If Members do not agree that the agreement reached between the parties promotes the licensing objectives a Statutory Licensing Sub Committee will take place to consider the application in full.**

15.10 Where the Licensing Authority makes a decision on an application following representations, it will provide comprehensive reasons, in writing, for the decision.

15.11 Where responsible authorities and Other Persons do not raise any relevant representations in respect of an application, the licence will be granted, subject only to conditions consistent with the operating schedule and relevant mandatory conditions.

15.12 Where it is proposed to carry out permitted temporary activities it is a statutory requirement to submit a Standard Temporary Event Notice (TEN) at least ten working days before the proposed event. A notice, in duplicate, is given to the Licensing Authority and copies provided to the Police and the Pollution Control Division on the same day. (See Contact Points for Licensing, paragraph 20) The ten working days excludes the day the notice is received by this Authority and the event day. It should be noted that this is a minimum time period and event organisers are encouraged to submit notices well in advance of the ten working days. Good practice is regarded as three months prior to the event.

15.13 A Late Temporary Event Notice can be submitted not earlier than nine working days and not later than five working days before the event. Again the working days exclude the day it is received by the Licensing Authority and the day of the event. ~~A premises may only have two late TEN's in a calendar year.~~ If there is an objection to a Late TEN by the Police or Pollution Control the event will not be **valid and the event will not go ahead.**

15.14 Further limits on TEN's are:

- The capacity must not exceed 499 persons which, includes the audience, performers and staff.
- A single event must not exceed 168 hours.
- A premises cannot have more than **152** events or more than 21 days in a calendar year, whichever occurs first.
- A period of 24 hours must separate each event.
- Personal licence holders are restricted to 50 **Standard TEN** submissions in a calendar year **this may include up to 10 Late TEN submissions**
- Non personal licence holders are restricted to 5 **Standard TEN** submissions in a calendar year **this may include up to 2 Late TEN submissions**
- ~~Conditions may be imposed where the premises holds a premises licence or club premises certificate~~

15.9 Proposed premises users should note that Saturdays, Sundays, **Christmas Day, Good Friday and Bank** and the following ~~Bank~~ Holidays defined by the Act and the Banking and Financial Dealings Act 1971, are not working days:

- ~~Good Friday~~



- ~~Easter Monday~~
- ~~Last Monday in May (Whitsun)~~
- ~~Last Monday in August (Summer Bank Holiday)~~
- ~~Christmas Day~~
- ~~Boxing Day~~
- ~~27<sup>th</sup> December when 25<sup>th</sup> or 26<sup>th</sup> December is a Sunday~~

- 15.16 The receipt of any correspondence, including applications, TENs and representations will be subject to the deadlines imposed by the Act, guidance and this policy document. Such correspondence will be accepted until midnight of the appropriate closing date. Where correspondence is delivered to the Civic Centre outside normal working hours, the date and time will be recorded by a member of the security staff.
- 15.17 In respect of the review process, responsible authorities will aim to give licence holders early warning of any concerns identified at a premises. However in cases where the **prevention of crime and disorder** prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

## 16. ADMINISTRATION

- 16.1 The Council has appointed a **Statutory** Licensing Committee in accordance with the Act. **Statutory Licensing** Sub-Committees consisting of 3 members will be drawn from the main **Statutory** Licensing Committee.
- 16.2 **Statutory Licensing** Sub Committees will have delegated authority to deal with the functions set out in paragraph 17 below.
- 16.3 Officers will have delegated authority to deal with applications as outlined in paragraph 17 below.
- 16.4 Information reports detailing delegated decisions will be provided to the ~~next~~ **Statutory** Licensing Committee for information as required by Members.
- 16.5 The Elected Members and Authorised Officers will at all times act with probity in accordance with the Codes of Conduct adopted by the Council.
- 16.6 Any Councillor who is a member of the **Statutory** Licensing Committee and who is making a representation on behalf of other persons, or in their own right in relation to an application, shall disqualify him or herself from any involvement in the decision making process regarding that application.
- 16.7 The table set out in paragraph 17 below details the agreed delegation of functions for the **Statutory** Licensing Committee, **Statutory** Sub Committees and Authorised Officers. ~~This form of delegation will not preclude an officer from~~

~~referring an application to a Sub-Committee or the Licensing Committee or a Sub-Committee from referring an application to the Licensing Committee for decision should it be considered necessary to do so.~~

- 16.8 The Act places a responsibility on premises licence holders and club premises to pay an annual fee. The Licensing Authority will send a reminder about this requirement approximately 4-6 weeks before the due date. This correspondence will also outline the action that will be taken should a dispute arise about that fee and the procedure on suspension of the licence or certificate if the fee is not paid.

## 17. DELEGATION OF FUNCTIONS

### 17.1

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases
Applications for Interim Authorities		If a police objection made	All other cases
Application to review premises Licence /club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous			All cases

vexatious etc.			
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application.			All cases
Determination of minor variation application			All cases
Power to suspend a premises licence and club premises certificate for non- payment of annual fee and power to specify date that suspension takes effect			All cases
Power to make a representation as a Responsible Authority to an application for a premises licence and club premises certificate.			All cases
Power to make an application for a review of a premises licence and club premises certificate as a Responsible Authority			All cases

## 18. THE LICENSING OBJECTIVES

18.1 The Licensing Authority will carry out its licensing function to promote the four licensing objectives, namely:-

- *the prevention of crime and disorder;*
- *public safety;*
- *the prevention of public nuisance; and*

- *the protection of children from harm*

- 18.2 An applicant for a premises licence or club premises certificate or for a major variation of such a licence or certificate will be expected to conduct a thorough risk assessment with regard to the licensing objectives. The risk assessment will indicate the necessary steps to be set out in the operating schedule to promote the licensing objectives. The operating schedule will be translated into conditions and an applicant is encouraged to use the pool of conditions available in the guidance leaflet. The applicant is also expected to have regard to all existing legislation which impacts on the licensing objectives e.g. fire safety, health and safety, in order to avoid the possibility of duplication. (See paragraph 11).
- 18.3 Legislation preventing smoking indoors at public premises has resulted in many customers of licensed premises and clubs using external areas. Premises licence holders, clubs, designated premises supervisors and applicants must have regard to how this will have an impact on the four licensing objectives.
- 18.4 The Licensing Authority acknowledges that the steps an applicant may take to promote the licensing objectives will vary depending on the type of premises and the licensable activities taking place. Applicants are encouraged to consider the guidance notes referred to in paragraph 12.1 when completing their applications.

## 19. **GENERAL ISSUES**

- 19.1 The Council will work in conjunction with all licensees, prospective licensees and statutory agencies to promote the licensing objectives as required by the Act.
- 19.2 Where any uncertainty exists regarding aspects of responsibilities or requirements the Council will work with the applicants and statutory agencies to address the issue.

## 20. **CONTACT POINT FOR LICENSING**

- 20.1 To assist applicants in submitting their applications and for information and advice the contact points for licensing are as follows:-

1. **The Licensing Authority** – for all applications. Also as Responsible Authority.

Licensing Division  
 Directorate Of Place  
 Swansea Council  
 Civic Centre  
 Swansea  
 SA1 3SN

Tel: 01792 635600  
 Email: [evh.licensing@swansea.gov.uk](mailto:evh.licensing@swansea.gov.uk)  
 Website: [www.swansea.gov.uk](http://www.swansea.gov.uk)

2. The responsible authorities for copies of applications for premises licenses, club premises certificates and variations and reviews of the same are:

A. **Police** (Also for temporary event notices, transfer of premises licenses and variations of Designated Premises Supervisors)

Chief Officer of Police

South Wales Police

Western BCU

Swansea Central Police Station

Grove Place

Swansea

SA1 5EA

Tel: 01792 562707

Email [GM-WesternCommunitySafety@south-wales.pnn.police.uk](mailto:GM-WesternCommunitySafety@south-wales.pnn.police.uk)

B. **Fire Authority**

Licensing Officer

Swansea Command

Mid and West Wales Fire Authority

Sway Road

Morrison

Swansea

SA6 6JA

Tel: 0870 6060699

Email: [swansealicencing@mawwfire.gov.uk](mailto:swansealicencing@mawwfire.gov.uk)

C. **Health and Safety**

i. **For Local Authority controlled premises**

Food and Safety Division

Directorate Of Place

Swansea Council

The Guildhall

Swansea

SA1 4PE

Tel: 01792 635600

Email: [foodandsafety@swansea.gov.uk](mailto:foodandsafety@swansea.gov.uk)

ii. **For Health and Safety Executive controlled premises**

HSE

Government Building

Phase 1

Ty Glas  
Llanishan  
Cardiff  
CF14 5SH  
Tel: 0300 003 1747

**If you are unsure who controls your premises contact either i or ii for clarification.**

- D. Planning**  
Planning Policy and Appeals  
Planning Services  
Economic Regeneration and Planning Department  
Swansea Council  
Civic Centre  
Swansea  
SA1 3SN  
Tel: 01792 636000  
Email: [Enforcement.Development@swansea.gov.uk](mailto:Enforcement.Development@swansea.gov.uk)
- E. Trading Standards**  
Trading Standards Division  
Directorate Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 635600  
Email: [tradingstandards@swansea.gov.uk](mailto:tradingstandards@swansea.gov.uk)
- F. Pollution** (Also for temporary event notices)  
Pollution Control Division  
Department Of Place  
Swansea Council  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 635600  
Email: [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk)
- G. Child Protection**  
Swansea Safeguarding Children's Board  
(Damian Rees)

Rm 407  
The Guildhall  
Swansea  
SA1 4PE  
Tel: 01792 636000

H. **Local Health Board**

Abertawe Bro Morgannwg Health Board  
Locality Director Swansea  
Beacon Centre  
Langdon Rd  
Swansea  
SA1 8QY  
Tel: 01792 601800

I. **Neighbouring Licensing Authority** (Where part of premises is situated, also for temporary event notices where the same occurs)

i. **Neath Port Talbot County Borough Council**

Licensing Section  
Neath Port Talbot County Borough Council  
Civic Centre  
Port Talbot  
SA13 1PJ  
Tel: 01639 763050 or 01639 763059  
Email: [licensing@neath-porttalbot.gov.uk](mailto:licensing@neath-porttalbot.gov.uk)

ii. **Carmarthenshire County Council**

Licensing  
Public Protection  
Carmarthenshire County Council  
3 Spilman Street  
Carmarthen  
Carmarthenshire  
SA31 1LE  
Tel: 01267 234567  
Email: [schlicensing@carmarthenshire.gov.uk](mailto:schlicensing@carmarthenshire.gov.uk)  
[publicprotection@carmarthenshire.gov.uk](mailto:publicprotection@carmarthenshire.gov.uk)

J. **Vessels**

i. **Canal & River Trust**

Head Office

First Floor North  
Station House  
500 Elder Gate  
Milton Keynes  
MK9 1BB  
Tel: 0303 040 4040

ii. **Environment Agency** [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

iii. **Secretary of State for the Home Department**  
Direct Communications Unit  
2 Marsham Street  
London  
SW1P 4DF  
Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)  
Tel: 020 7035 4848