



**THE CITY AND COUNTY
OF CARDIFF COUNCIL**

LICENSING ACT 2003

GUIDANCE FOR APPLICANTS

**‘NEW’ PREMISES LICENCES
& VARIATION APPLICATIONS**

16th AUGUST 2013

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The Licensing Service is committed to treating the Welsh and English Languages on the basis of equality, we welcome requests for information to be supplied in Welsh.

1. INTRODUCTION

This document has been designed to provide assistance to applicants for the grant or variation of a Premises Licence or Club Premises Certificate in accordance with the Licensing Act 2003. This guidance should be used as the starting point for an applicant's preparation. As well as this guidance applicant's must address Cardiff County Council's Licensing Policy Statement and may wish to seek professional help or refer to the Licensing Act 2003 and Guidance issued where appropriate.

2. Licensable Activities and Qualifying Club Activities.

The following activities are licensable activities:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- The provision of regulated entertainment
- The provision of late night refreshment

The following activities are qualifying club activities:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
- The provision of regulated entertainment by or on behalf of a club for member of the club or members of the club and their guests

Regulated Entertainment

The "provision of regulated entertainment" takes place if in the presence of an audience and is provided for the purpose, or for purposes which include the purpose of entertaining that audience.

Regulated entertainment includes:

- The performance of a play
(if the audience consists of more than 500 persons and takes place before 8am on any day or after 11pm on any day).
- The exhibition of a film
- An indoor sporting event
(if the audience consists of more than 1000 persons and takes place before 8am on any day or after 11pm on any day).
- Boxing or wrestling entertainment
- The performance of live music
(if the audience consists of more than 200 persons and takes place before 8am on any day or after 11pm on any day).
- The playing of recorded music
- The performance of dance
(if the audience consists of more than 500 persons and takes place before 8am on any day or after 11pm on any day).

- Any entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

Exemptions:

Film exhibitions: for the purposes of advertisement, formation, education, etc.

The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment if its sole or main purpose is to:

- (a) demonstrate any product,
- (b) advertise any goods or services, or
- (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment to the extent that it is incidental to; some other activity which is not itself regulated entertainment; or the provision of regulated entertainment facilities.

Use of television or radio receivers

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment to the extent that it consists of the simultaneous reception and playing of a programme.

Religious services, places of worship etc.

The provision of any entertainment or entertainment facilities for the purposes of, or for purposes incidental to, a religious meeting; or at a place of public religious worship, is not to be regarded as the provision of regulated entertainment.

Garden fêtes, etc.

The provision of any entertainment or entertainment facilities at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment. Unless the fête, function or event is promoted with a view to applying its proceeds for purposes of private gain.

Morris dancing etc.

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment to the extent that it consists of:

- (a) a performance of morris dancing or any dancing of a similar nature or
- (b) a performance of unamplified, live music as an integral part of the dance, or
- (c) facilities enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

The provision of any entertainment or entertainment facilities on premises consisting of or forming part of a vehicle, and at a time when the vehicle is not permanently or temporarily parked, is not to be regarded as the provision

Community Premises and Village Halls

Community Premises and Village Halls must obtain a licence in the usual way. Such premises include any church or chapel hall (or other similar building), or any village, parish or community hall (or other similar building). However an application can include that the ordinary requirement for a Designated Premises Supervisor to be named on the Premises Licence, be replaced by a requirement for the committee or board of individuals with responsibility for the management of the community premises (the management committee) to authorise the sale of alcohol instead.

Late Night Refreshment

A person provides “late night refreshment” if:

- at any time between the hours of 11.00 p.m. and 5.00 a.m., they supply hot food or drink to the public, whether for consumption on or off the premises, or
- at any time between those hours when members of the public are admitted to any premises, they supply or hold themselves out as willing to supply hot food or drink, whether for consumption on or off the premises.

Exemptions:

Clubs, hotels etc, and employees

The supply of hot food or drink is an exempt supply, if people are not admitted to the premises, nor supplied with hot food or drink on or from the premises, except by virtue of being:

- (a) a member of a recognised club,
- (b) a person staying at a hotel, or guest house, lodging house, hostel, caravan site or camping site, or any other premises the main purpose of which is to provide overnight accommodation, for the night in question,
- (c) an employee of a particular employer,
- (d) he is engaged in a particular trade, profession or vocation,
- (e) he is a guest of a person falling within any of paragraphs (a) to (d).

Premises licensed under certain other Acts

The supply of hot food or drink on or from any premises is an exempt supply if it takes place during a period for which another act exempts it. (Please refer to schedule 2, paragraph 4 of the Licensing Act 2003)

Miscellaneous exempt supplies

The following supplies of hot food or drink are exempt supplies:

- (a) the supply of hot drink which consists of or contains alcohol,

- (b) the supply of hot drink by means of a vending machine,
- (c) the supply of hot food or hot drink free of charge,
- (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
- (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.

Activities in certain locations not licensable

An activity is not a licensable activity if it is carried on:

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey,
- (b) aboard a vessel engaged on an international journey,
- (c) at an approved wharf at a designated port or hoverport,
- (d) at an examination station at a designated airport,
- (e) at a royal palace,
- (f) at premises which, at the time when the activity is carried on, are permanently or temporarily occupied for the purposes of the armed forces of the Crown,
- (g) at premises in respect of which a certified exempt for national security, or
- (h) at such other place as may be prescribed.

Exemption for raffle, tombola, etc.

The conduct of a lottery which would to any extent constitute a licensable activity by reason of one or more of the prizes in the lottery consisting of alcohol, is not (for that reason alone) to be treated as constituting a licensable activity if:

- (a) the lottery is promoted as an incident of an exempt entertainment,
- (b) after the deduction of all relevant expenses, the whole proceeds of the entertainment (including those of the lottery) are applied for purposes other than private gain

However this exemption does not apply if:

- (a) the alcohol consists of or includes alcohol not in a sealed container,
- (b) any prize in the lottery is a money prize,
- (c) a ticket or chance in the lottery is sold or issued, or the result of the lottery is declared, other than at the premises where the entertainment takes place and during the entertainment, or
- (d) the opportunity to participate in a lottery or in gaming is the only or main inducement to attend the entertainment.

Prohibition of alcohol sales at service areas, garages etc.

No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" means:

- (a) premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the

- use of a special road provided for the use of traffic of class I (with or without other classes);or
- (b) premises used primarily as a garage or which form part of premises which are primarily so used.

3. The Decision Making Process.

Administration, Exercise and Delegation of Functions

The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees, delegated to sub-committees or in appropriate cases delegated to officers supporting the licensing authority. Many of the decisions and functions will be purely administrative in nature and under the Act, there is a presumption of grant for non-contentious applications, (for example, where there are no representations against the grant of a premises licence). In these cases officers will be able to grant licences in the interests of speed, efficiency and cost-effectiveness.

The local authority will exercise its decision-making function whenever there is a contentious application. All decisions will be guided by Cardiff's Statement of Licensing Policy, the Home Office Guidance issued under Section 182 of the Act and the four 'licensing objectives'. All applicants should therefore consider and address the licensing policy statement, the guidance and the 'licensing objectives' in their applications, as well as complying with the Licensing Act 2003.

The four 'licensing objectives' are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

4. The Representation Process

Relevant representations are vital if the regime established by the Licensing Act 2003 is to work effectively. They form a central element of the decision making process, without relevant representations the licensing authority has limited powers. Effectively the discretion of the licensing authority is triggered by representations. Where no relevant representations are lodged and the application meets certain legal minimum standards, a licence will be issued.

All applicants are required to advertise their applications in a manner that brings them to the attention of any parties likely to be affected. Applicants also have to give notice to each responsible authority and such other persons as may be prescribed. Therefore all groups that can make representations will be alerted to all applications. Where applications for reviews are made then it will be the licensing authority who advertises the application.

Who can make representations?

Representations can be made by:

- 'Responsible authorities':
 - Police
 - Fire Authority
 - Health and Safety Enforcement Authority
 - Local Planning Authority
 - Pollution Control Authority
 - Environmental Health Authority
 - Recognised body representing the interests of children
 - Trading Standards Authority
 - Local Health Board
 - Licensing Authority
 - Where premises 'straddle' the boundaries of licensing authorities, then the licensing authority that did not receive the application
 - Where a vessel is concerned other specified bodies
- 'Other persons':
 - Any individual, body or business that has grounds to do so.

When can representations be made?

Representations can be made by any of the groups above on:

- Applications for premises licences, club premises certificates and provisional statements
- Applications for variations of premises licences and club premises certificates
- Applications for reviews

Representations can only be made by the police on:

- Applications to change the designated premise supervisor
- Applications to transfer premises licences
- Applications for Personal Licences
- Personal Licence holders notice of convictions

- Temporary Event Notices
- Interim Authority Notices

What should the representation be about?

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

Time Period

All representations for the grant or variation of a Premises Licence or Club Premises Certificate should be made within 28 days of the application being made.

Provisional Statements

Where ‘provisional statements’ have been issued and indicate a grant, the building work has been completed and an application for a premises licence is made (on the same basis as the provisional application), representations against the licence application will not be considered. Therefore it is vital that any relevant representation against the application should be made at the ‘provisional statement’ stage.

Nevertheless ‘relevant representations’ will be considered where a material change has occurred since or the person making the representation shows a reasonable excuse for not submitting it at the ‘provisional statement’ stage. Please note however that as well as providing evidence and support for the representation, evidence of the material change or excuse will have to be submitted to the licensing authority.

5. New Premises Licence Applications

Applications

Any person over 18 'who carries on, or proposes to carry on a business which involves the use of premises for licensable activities' can apply. This will normally be the proprietors, but there is no requirement that the applicant has day-to-day control of the premises. The owner of the business with no day-to-day control could apply; this could be either an individual or a pub operating company.

Forms for making such an application are available from Cardiff County Council.

How to apply for a NEW Premises Licence

Send:

- The appropriate fully completed **application form** (premises licence or club premises certificate);
- The **correct fee*** (Enclose a copy of your last Rates Demand for the premises)
- A **completed operating schedule** of proposed changes to activities, times, and how the licensing objectives will be promoted;
- A **plan** of 1:100 scale (unless otherwise arranged with Cardiff Council Licensing Section) of the premises should include the following details:
 - The location and extent of the boundary of the building, if relevant, and any external and internal walls which comprise the premises, or in which the premises is comprised;
 - The location of points of access to and from the premises;
 - The location of escape routes from the premises;
 - The locations on or from the premises is to be used for the licensable activity and in the case of an application where the premises is to be used for more than one licensable activity the location for each activity;
 - In a case where the application relates to the supply or sale of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol;
 - Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - The location of any stairs, steps or lifts;
 - The location of any public conveniences;
 - The location and type of any fire safety and other safety equipment including, if applicable marine safety equipment;
 - The location of a kitchen, if any on the premises.

And:

- If the premises licence application is to include the retail of alcohol, the consent of the individual personal licence holder who wishes to be the designated premises supervisor (DPS) is required;

- If application relates to a club premises certificate, a copy of the club rule book must be provided.

You must also at the same time submit a copy of your entire application to all “Responsible Authorities” (contact details of which, for the Cardiff area, can be found in at the end of this guidance document) and you must also advertise details of your application both at the premises and in the local press (please see below). For your own benefit you may wish to get a receipt for the delivery of the application or send the application by registered post and keep the receipts as evidence that the applications have been sent.

All applications together with the required enclosures including fees are to be sent to Licensing Section, Cardiff Council, Room 203, City Hall, Cathays Park, Cardiff CF10 3ND.

ALSO

The applicant has a duty to advertise their ‘New Premises’ application in two ways. First, you must display a notice at the premises in a specified form which details the changes that you seek. The specified form being:

- a pale blue coloured notice;
- size A4 or larger;
- printed or typed in black in font size 16 or larger.

This notice must be displayed in the following way:

- in a prominent position at or on the premises to enable it to be conveniently read from the exterior;
- for not less than 28 consecutive days starting on the day following the day on which the application was given to the Licensing Authority;
- where premises are larger than 50 metres square, a further notice should be displayed every 50 metres along the external perimeter of the premises which abuts any highway.

Secondly, the applicant must also advertise their application in a local newspaper circulating in the relevant part of Cardiff’s district such as the South Wales Echo, Western Mail or any other local newspaper. The newspaper notice must be circulated on at least one occasion not more than 10 working days starting on the day after the day on which the application was given to the Licensing Authority (being Cardiff Council’s Licensing Section)

Both the newspaper notice and the notice displayed **must** contain the following information:

- The relevant licensable activities or qualifying club activities proposed to be carried on or from the premises;
- Full details of the proposed opening hours of the premises

- The name of the applicant or club;
- The postal address of the premises or club, or if not applicable, a description of the premises concerned to enable the location and extent to be identified;
- Details of where the Licensing Register of Cardiff Council is held and where it can be inspected
- The dates between which an interested party and a responsible authority may make representations to Cardiff Council as the Licensing Authority;
- A statement that all representations must be made in writing;
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

If there are no representations within the period of 28 consecutive days (which begins the day after the Licensing Authority receives the full application), and a complete and valid application form has been submitted together with the appropriate fees and other paperwork, and appropriate notices have appeared in the papers and on the premises, the licence will be granted.

If a representation has been received, the licensing team will decide whether or not the representation is relevant and not vexatious or frivolous. If any representation is deemed to be either frivolous or vexatious it will not be taken into account. The person/body that made such a representation will be notified in writing that it has been deemed to be either frivolous or vexatious. If the Licensing Authority consider the representation to be relevant a hearing before the licensing sub-committee will ensue. All relevant parties will be notified. A decision will be made by the licensing sub-committee and the details of that decision will be circulated to the parties concerned.

The applicant has a right to appeal. Appeals in the case of premises licences, club premises certificates and personal licences should be made directly to Cardiff Magistrates' Court within 21 days of being notified of the decision. Professional advice should be sought where it is uncertain what the best course of action should be.

6. Varying an Existing Premises Licence.

There are two ways to apply for the variation of an existing Premises Licence which depending upon on how substantial the variation is. Where the variation is minor in nature the minor variations application procedure should be used. However where the variation is more substantial and likely to impact on the licensing objectives, a full application for variation must be submitted.

Minor Variations.

Where you wish to vary the existing licence in a minor way you should complete the minor variations application form and submit it to the authority with the current fee, the existing licence and a premises plan (where the premises are to be adapted). The minor variation procedure can not be used to extend the period during which the licence has effect or authorise the supply of alcohol or extend the hours for the sale of alcohol or in any other way substantially vary the Licence or Certificate. Minor variations will include:-

(a) Minor changes to the structure or layout of a premise

Many small variations to layout will have no adverse impact on the licensing objectives. Licensing Authorities will need to consider the combined effect of a series of applications for successive small layout changes (for example, as part of a rolling refurbishment of a premise) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives.

(b) Small adjustments to Licensing Hours

Variations to extend the licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00 or to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variation process and must be treated as full variations in all cases. Applications to reduce licensing hours for the sale or supply of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.

(c) The removal of out of date, irrelevant or unenforceable conditions or additions of volunteered conditions.

Applicants may volunteer conditions as part of the minor application process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licensee and the responsible authority have come to a genuine agreement. In some case conditions may no longer apply e.g. there may be no need for door supervision if a bar has been converted into a restaurant and embedded conditions may no longer

apply. There may also be cases where it is necessary to revise wording of a condition that is unclear and/or enforceable.

- (d) The addition of certain licensable activities.

It is the Government's intention that applications to vary a licence for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives. Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a licence may have no adverse impact on the licensing objectives.

The applicant is required to advertise the application by posting a white notice at the premises for ten working days. Responsible authorities and interested parties have 10 working days to make representations. The authority must consider any representations and determine the application within 15 working days. The overall test is whether the proposed variation could impact adversely on any of the four licensing objectives. The application will be rejected if the authority believes, after consulting with any relevant responsible authority, that it would have an adverse effect on the licensing objectives. If the minor variation is refused, the applicant can either apply for a full variation or a new premises licence.

Substantial Variations.

Where the variation is substantial in nature or is likely to impact the licensing objectives a full application for variation must be submitted. This application is very similar to the grant of a new licence other than there is no need for the consent of the Designated Premises Supervisor.

7. Application Fees

Fees for all Licensing Act 2003 permissions have been set by Central Government. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands:

Band	A	B	C	D	E
Non-Domestic rateable value	£0 - £4300	£4,301 - £33,000	£33,001 - £87,000	£87,000 - £125,000	£125,001 and over

All fees should accompany your application form otherwise the application will not be processed and you will be advised accordingly. Cheques should be made out to ‘Cardiff Council’ for the correct amount dependant on the application made (see next page).

PREMISES LICENCE & CLUB PREMISES CERTIFICATE

APPLICATION FEES

NON-DOMESTIC RATEABLE VALUE	BAND	APPLICATION FEE FOR NEW LICENCE OR CERTIFICATE OR VARIATION	FEE WHERE PREMISES USE WILL BE EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL
No rateable value to £4300	A	£100	£100
£4300 to £33,000	B	£190	£190
£33,001 to £87,000	C	£315	£315
£87,001 to £125,000	D	£450	£900
£125,001 and above	E	£635	£1905

ANNUAL CHARGES

NON-DOMESTIC RATEABLE VALUE	BAND	ANNUAL CHARGE	ANNUAL CHARGE WHERE PREMISES USE WILL BE EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL
No rateable value to £4300	A	£70	£70
£4300 to £33,000	B	£180	£180
£33,001 to £87,000	C	£295	£295
£87,001 to £125,000	D	£320	£640
£125,001 and above	E	£350	£1050

To find out how much your non-domestic rateable value of your premises is please enter your postcode into the Valuation Office’s website, www.voa.gov.uk.

Premises under construction, and have not been allocated a non-domestic rateable value, the fee will be £315 for provisional statement applications. Subsequent annual fees will relate to the non-domestic rateable value given to the property and are shown overleaf.

Large Premises Events

This is an additional fee to the standard application and variation fees. Venues that are permanent and purpose built or structurally altered for the activity are exempt from the additional fee. Other premises may be able to obtain a permanent premises licence and would then pay an additional annual fee. However, this may depend on the practicalities of drawing up a plan(s) which is not subject to variation each year, and an operating schedule that satisfies responsible authorities and interested parties. Otherwise, they may have to apply for a new licence each year.

Number of people	Additional Fees
5,000 – 9,999	£1,000
10,000 – 14,999	£2,000
15,000 – 19,999	£4,000
20,000 – 29,999	£8,000
30,000 – 39,999	£16,000
40,000 – 49,999	£24,000
50,000 – 59,999	£32,000
60,000 – 69,999	£40,000
70,000 – 79,999	£48,000
80,000 – 89,999	£56,000
90,000 and over	£64,000

The Licensing Authorities will also be able to charge other fees in relation to their duties, most notably for temporary events and personal licences

Application for a grant or renewal of personal licence	£37
Temporary event notice	£21
Theft, loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Application for a minor variation of a Premises Licence.	£89
Application to disapply the requirement for a DPS in Community Premises	£23

Application for transfer of premises licence	£23
Interim authority notice following death etc. of licence holder	£23
Theft, loss etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21

Fee Exemptions

Premises licences sought for educational institutions such as schools and colleges for regulated entertainment only will incur no fees provided that it is carried on for and on behalf of the purposes of the educational institution. Similarly no fees will be required for regulated entertainment for applications in respect of church/chapel halls or similar buildings, or village/parish/community halls or similar buildings. **These exemptions apply for regulated entertainment only and do not apply if alcohol is sold or supplied and/or late night refreshment is provided at the premises.** For more information please contact the licensing team.

8. Guide to Producing an Operating Schedule

An operating schedule must be produced when applying to vary the terms of an existing licence or when applying for a new licence. The operating schedule will form part of the completed application form and is central to the success of any application.

Requirements

Before you start to consider representations and hearings (which will be based on the operating schedules) there are certain minimum legal requirements for the operating schedule. If these minimum requirements are not met the application cannot be accepted and applicants will have to resubmit. To satisfy the minimum standard the operating schedule must include statements outlining the following:

- The relevant licensable activities / qualifying club activities,
- The times during which it is proposed that the relevant licensable activities / qualifying club activities are to take place,
- Any other times during which it is proposed that the premises are to be open to the public / members and their guests,
- Where the applicant wishes the licence to have effect for a limited period, that period (this does not apply to club operating schedules),
- Where the relevant licensable activities include the supply of alcohol, prescribed information about the proposed designated premises supervisor (this does not apply to club operating schedules),
- Where the relevant licensable activities / qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on or off the premises, or both,
- The steps which it is proposed to take to promote the 4 licensing objectives,
- Such other matters as may be prescribed.

The schedule should also include a general description of the style and character of the business to be conducted on the premises. For example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers.

Bearing in mind that any representations and therefore hearings will be based on the schedule, it should ideally be as informative as possible. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises. It is also important that plans for regulated entertainment of an adult nature or with sexual content are disclosed fully.

Addressing the licensing objectives

While all of these statements are vital, the area that needs the most attention and will be analysed in the most depth will be how the applicant addresses the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and

4. the protection of children from harm.

Operating schedules should be precise and clear about the measures that they propose to take. In preparing an operating schedule, the Home Office recommends that applicants should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Please refer to Cardiff County Council's Statement of Licensing Policy and the Council's guidance. The Pool of Conditions attached to the guidance notes may be useful as a basis for proposing conditions.

Applicants can also readily access advice about these matters by contacting Cardiff Council Licensing Section on 029 20871651 or emailing licensing@cardiff.gov.uk Before contacting the authority however it may be sensible for applicants to have completed their own risk assessments and to have sought the views of local residents and the key responsible authorities. For example, on matters relating to crime and disorder, the police should be consulted and on matters relating to noise, local environmental health officers should be consulted. (Contact details can be found at the end of this guidance)

Consultation:

While each applicant and each responsible authority will have different preference for consultation, all parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.

Such co-operative effort should minimise the number of disputes which arise in respect of operating schedules. Where there are no disputes, the steps to promote the licensing objectives set out in the operating schedule will very often translate directly into conditions that will be attached to Premises Licences / club premise certificates with the minimum of fuss.

Conditions proposed in the operating schedules should be both realistic and within the control of the management of the premises. If a licence / certificate is granted with conditions attached requiring the implementation of such steps, the conditions will be enforceable at law and it will be a criminal offence to fail to comply with them. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises.

Other Legislation

Outside the preparation of the operating schedule applicants are reminded of their duties under other legislation that affects their activities and should seek suitable advice where they are unsure.

Summary:

When preparing an operating schedule the following should be undertaken:

- Satisfy the legal requirements
- Address Cardiff County Council's Licensing Policy Statement
- Consider what measures you would take to address each Licensing Objective
- When deciding what measures you would need to take to address each Licensing Objective to may wish to consider Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office.
- Consult local residents, businesses and responsible authorities where necessary
- Contact the Licensing Department or take legal advice where necessary
- Address other relevant legislation which impacts on the activities you want to undertake

Data Sharing Information.

You should note that the authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided in making an application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see our Fair Processing Notice Condensed Text at www.cardiff.gov.uk/fraud and the Fair Processing Notice Full Text on the Wales Audit Office website www.wao.gov.uk/ourwork/2060.asp

The Licensing Objectives

The Prevention of Crime and Disorder

Details of any off-premises and/or on-premises Close Circuit TV (CCTV) systems with suitable signage associated with the CCTV should be referred to in the Operating Schedule. If installing a new CCTV system advice from the appropriate department of South Wales Police should be sought in case the material is needed for evidence.

Membership and regular attendance of meetings of a crime reduction groups can help stop known troublemakers entering your premises. Such groups and the Police could also share information between each other such as incidents involving the resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses. The joining and formation of such groups could be considered. Bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. As such, signage can act as a deterrent. In addition, in the same way as retail stores in Cardiff City Centre operate a two way radio system so that information about incidents actually happening can be quickly spread around all the premises involved into the scheme, a similar scheme could also be considered in the future for licensed premises.

Licensed premises with a restricted entry policy show that queuing for entry is a feature at certain times and they should, as a minimum, in the Operating Schedule identify their supervisory arrangements. Where persons perform a security function which protects premises, property or individuals from disorder, damage, theft, attack or assault they will be required to be licensed by the Security Industry Authority.

Where appropriate, the Operating Schedule may specify details of when use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be very preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when national sporting events are televised or when sporting or other large scale events are held in the City.

Where the entrance of the premises face onto a street there may be restrictions that prevent alcohol being taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

Records kept of any crime or disorder incidents and where sales of alcohol have been refused will help in co-operating with the Police and Licensing Authority.

Ensure adequate staffing are available so that at busy times staff are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar.

The development of good relations with local police officers is also beneficial to preventing incidents occurring on your premises.

Public Safety

Risk assessment – this is a legal requirement under the Management of Health and Safety at Work Regulations 1999 that requires ALL employers to undertake a risk assessment of the work activities of their employees and of anyone else who may be affected by their work activities. Employers with five or more employees have to record the significant findings of the assessment. The Regulatory Reform (Fire Safety) Order 2005 requires that a fire risk assessment is undertaken by a responsible person.

In addition duty holders have a legal requirement under the Health and Safety at Work etc Act 1974 not to put any person, including members of the public, at risk to their health and safety.

Applicants should consider, as a basic requirement, areas such as electrical safety, building integrity, and heating installations as a matter of course and reassess these following any major refurbishments, repairs, and general maintenance.

In addition the Health & Safety Commission as part of the Revitalising Health and Safety strategy within the UK have identified a number of priority risk areas which duty holders should pay particular attention to. In relation to public safety these areas include the reduction of injuries from slips and trips, falls from height and from workplace transport incidents. It is therefore expected that all risk assessments will have considered these priority issues in addition to those referred to in this guidance and any other risk that may be associated with the premises in question such as legionella, asbestos, etc

Please specify in the operating schedule any first aid arrangements if relevant.

Indication of capacity – It is the responsibility of a responsible person to undertake a risk assessment of the business in accordance with the requirements of The Regulatory Reform (Fire Safety) Order 2005. This assessment would include the requirement for you to calculate the overall available escape route capacity which in turn will indicate the safe occupancy capacity of your premises.

The nature of the business is an important factor, you should describe the style of premises; e.g. traditional public house, modern exclusive restaurant, cinema complex, etc. You should also describe the nature of clientele; young people who want to dance, all age groups, family friendly, people interested in sports, and where the premises is located; e.g. amongst residential housing including adjoining properties, amongst business premises that are not operational during the evenings, and where the nearest property is over 250 m away. Describe also the geographical location; town centre, rural village or hamlet, suburban area.

Door staff – When to employ door supervisors is based generally on risk assessment but in many premises the Conditions attached to the Premises Licence specify the circumstances where and when SIA licensed door staff are required. Managers should be sensitive to local and national events such as major football events, even if your premises are not involved directly. Door supervisors can offer many benefits such as helping to keep under-18s out of businesses where the retail of alcohol for the consumption on-site is the predominant licensable activity. Guidelines on the numbers of door staff should follow 1 door supervisor to 100 customers, however many door staff are unwilling to work alone on the door of a premises. Where any significant variation from these guidelines exists, or is applied for, reasons for the variation should be given. Please be sure that any SIA licences for front line or non-front line style of work are in order.

South Wales Fire Service have made the following recommendations to applicants:

The Responsible Person for the premises will need to carry out a specific fire risk assessment, to identify any significant findings, provide fire safety provisions, emergency plan and training. An assessment of the maximum numbers of persons (including staff) permitted on the premises at any one time is to be made. A simple floor plan showing the dimensions of the building and the fire safety provisions is to accompany the application.

Offences relating to fire safety will be dealt with by South Wales Fire Service under the appropriate legislation.

The prevention of public nuisance

When applicants for premises licences are preparing their operating schedules, the following options should be considered as measures that, if necessary, would promote the prevention of noise and nuisance. Whether a risk assessment identified them as being necessary in the individual premises will depend upon a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, any relevant local knowledge and the anticipated clientele of the business involved.

- Hours - restrictions could be necessary on the times when certain licensable activities take place, even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. This Authority suggests that where noise is created by activities carried on within the licensed premises a time restriction on the activities should be inserted into the operating schedule. This restriction will have to take account of surrounding residents and businesses and should be linked to other measures, detailed below, aimed at decreasing noise and nuisance. Restrictions may also be necessary on the parts of the premises that may be used for certain licensable activities at certain times. For example, entertainment may be permitted in the premises, but not in garden or other outside areas where residential occupiers may be affected.
- Noise - Consideration must be given to factors that will ensure that sensitive neighbouring accommodation, whether residential or commercial, is not disturbed by the activities occurring in the licensable premises. This may be achieved by ensuring that doors and windows are of solid construction (windows double or secondary glazed, wherever possible) and keeping these openings closed when music is played for entertainment purposes. Additional means of ventilation or cooling may also be necessary. Noise limiters, which ensure that music is not played above a certain volume may also be of assistance to licensees, especially when they are inviting different performers into their premises on a regular basis. It should be noted, however, that this equipment is not an alternative to effective management techniques.
- Notices - Prominent, clear and legible signage may need to be placed at all exits requesting that patrons respect the needs of local residents, leaving the premises and surrounding area quietly.
- Special Effects - the use of explosives, pyrotechnics and fireworks that could cause disturbance in surrounding areas are prohibited or restricted.

- Waste Disposal - The disposal of refuse, such as the placing of bottles into receptacles outside the premises and waste disposal collections would need to take place at times that will minimise disturbance to nearby properties.

Further help and information on individual applications can be obtained from the Pollution Control Section, City Hall, Cardiff, CF10 3ND. (tel 029 871856)

Protection of children from harm

You are advised to refer to Cardiff Council's Statement of Licensing Policy (Section 8) that outlines in more detail the Authority's Policy in respect of matters relating to the protection of children from harm. A copy of the Council's Statement of Licensing Policy can be viewed on the Authority's web site at www.cardiff.gov.uk

A statement regarding the child admission policy of the premises detailing any restrictions should be made.

Be sure that all staff members know that they should be on their guard for children at risk, and know that they have a responsibility to report any children that they feel may be at risk to Cardiff Council's Children's Services, contact details are at the back of this document.

Signage can be very important in the protection of children from harm – it can be helpful to remind parents and guardians that it is illegal to be intoxicated and in charge of children under the age of 7 years of age, particularly where the sale of alcohol is for consumption on the premises. It is also important to have children supervised at all times in these types of premises. It is expected in your operating schedule if children are permitted on the premises to demarcate any areas where children are not allowed, these may be bar areas, in areas with amusements with prizes or a strong element of gambling, suitable refreshments should also be available at all times when children are permitted. Do make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

Children's Access to Premises

A Summary of the provisions of the Licensing Act 2003 which affect the access of children to licensed premises are:

- Young people over 16 (and under 18) can go into licensed premises at the licence holder's discretion but cannot consume or buy alcohol (except the table meal exemption at Section 150).
- A child under 16 can go into licensed premises at the licence holder's discretion. However, if the premises is licensed *primarily or exclusively* for the supply of alcohol for consumption on the premises (i.e. clubs, bars, pubs) then the child must be accompanied by an adult.
- A child under 16 can go into licensed premises where the premises are licensed, but not *primarily or exclusively* for the supply of alcohol for consumption on the premises (i.e. restaurants etc), and s/he only needs to be accompanied by an adult if there is a supply of alcohol taking place and it is between 12 midnight – 5am.
- Young people under 18 cannot be supplied with alcohol unless they are 16 or 17 and are accompanied by an adult at a table meal and an adult is purchasing either beer, wine, or cider for consumption with the table meal.

It should be noted that the prohibitions on children's access to the premises only apply whilst the premises is open for the purpose of being used for the supply of alcohol for consumption there.

Responsible Authorities : Contact Details

Consultation with all Responsible Authorities is encouraged prior to the submission of the application. Where copies of applications have to be submitted to the Chief Officer of Police and/or the Responsible Authorities dependant on licence application type the following addresses should to be used:

<p>The Group Leader (Licensing) Licensing Cardiff Council City Hall Cardiff CF10 3ND 029 20871651 licensing@cardiff.gov.uk</p>	<p>The Chief Officer of Police South Wales Police Licensing Department, Cardiff Bay Police Station, Eastern B.C.U James Street Cardiff CF10 5EW SWPCardiffLicensing@south-wales.pnn.police.uk</p>
<p>The Chief Fire Officer Fire Safety Department South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant Pontyclun CF72 8LX 01443 232520 Safety-south@southwales-fire.gov.uk</p>	<p>The Operational Manager Development and Building Control Cardiff Council City Hall Cardiff. CF10 3ND 029 20871135 developmentcontrol@cardiff.gov.uk</p>
<p>The Operational Manager (Environment) Pollution Control (Noise Pollution) Cardiff Council City Hall Cardiff CF10 3ND 029 20871856 or 20871675 Noise&AirPollution@cardiff.gov.uk</p>	<p>The Operational Manager (Public Protection) Public Protection (Health and Safety) Cardiff Council City Hall Cardiff. CF10 3ND 029 20871124 (Premises where health & safety is enforced by Cardiff County Council) Health&SafetyEnforcement@cardiff.gov.uk</p>
<p>The Operational Manager Child Protection Unit Trowbridge Family Centre Greenway Road Trowbridge Cardiff CF3 1QS 029 20774642 childprotectionunit@cardiff.gov.uk</p>	<p>The Group Leader (Consumer Protection) Trading Standards –Fair Trading Room 120 County Hall Atlantic Wharf, Cardiff CF10 4UW 029 20397781 SGriffiths@cardiff.gov.uk</p>
<p>The Operational Manager for Wales Health and Safety Executive Government Buildings Ty Glas, Llanishen Cardiff CF14 5SH 029 20263000 (Premises where health & safety is enforced by HSE)</p>	<p><u>For Cardiff Bay Vessels Only</u> Cardiff Harbour Authority Queen Alexandra House Cargo Road Cardiff CF10 4LY 029 20877900</p>
<p>Dr Sharon Hopkins Executive Director of Public Health Cardiff and Vale Health Board HQ Whitchurch Hospital Park Road Whitchurch Cardiff CF14 7XB sharon.hopkins3@wales.nhs.uk</p>	

ADDITIONAL ADVICE AND INFORMATION TO APPLICANTS

PROFORMAS FOR APPLICANTS TO USE FOR THE PURPOSES OF NEWSPAPER ADVERTISEMENTS AND PUBLIC NOTICE REQUIREMENTS IN RESPECT OF:

- **PREMISES/CLUB PREMISES NEW APPLICATIONS**
- **APPLICATIONS FOR PROVISIONAL STATEMENTS**

**LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION IN A LOCAL
NEWSPAPER**

APPLICATION FOR A PREMISES LICENCE / CLUB PREMISES CERTIFICATE *
(Sections 17 or 71 of the Act)

* delete as appropriate

Name of Applicant or Club	
Postal address of premises or club premises including Post Code (where possible) or a description to enable the location to be identified.	
Statement of Relevant Licensable Activities or Relevant Qualifying Club Activities which it is proposed will be carried on, on or from the premises and the proposed hours of opening.	

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or Interested Party must be made in writing to the above address by.....It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be published in a LOCAL NEWSPAPER circulating IN THE VICINITY OF THE PREMISES.

IF THERE IS NO LOCAL NEWSPAPER, the Notice may be published in a CIRCULAR OR SIMILAR DOCUMENT circulating IN THE VICINITY OF THE PREMISES.

The Notice must be published on AT LEAST ONE OCCASION during the period of TEN WORKING DAYS starting on the day after the day on which the application was given to the Licensing Authority (Cardiff County Council).

It is for the applicant to decide in which local newspaper to publish this Notice, but the Licensing Authority believes that a reasonable interpretation 'a local newspaper' in the relevant Regulation would include publication in the South Wales Echo and or the Cardiff Post or any other local newspaper.

Representations by a Responsible Authority or an Interested Party must be made during a period of 28 consecutive days starting on the day after the day on which the application is given to the Licensing Authority.

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

APPLICATION FOR A PREMISES LICENCE / CLUB PREMISES CERTIFICATE * (under Sections 17 or 71 of the Act)

* delete as appropriate

Name of Applicant or Club	
Postal address of premises or club premises including Post Code (where possible) or a description to enable the location to be identified.	
Statement of Relevant Licensable Activities or Relevant Qualifying Club Activities which it is proposed will be carried on, on or from the premises and the proposed hours of opening.	

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or Interested Party must be made in writing to the above address by.....

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be of a size EQUAL TO OR LARGER THAN A4 paper and must be on PALE BLUE coloured paper. It must be PRINTED IN BLACK INK or TYPED IN BLACK in a FONT SIZE EQUAL TO OR LARGER THAN 16.

It must be displayed PROMINENTLY at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than 50 METRES SQUARE, a further Notice in the same form must be displayed EVERY 50 METRES along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of NO LESS THAN 28 CONSECUTIVE DAYS starting on the day after the day on which the application was given to the Licensing Authority (Cardiff County Council).

Representations by a Responsible Authority or an Interested Party must be made during a period of 28 consecutive days starting on the day after the day on which the application is given to the Licensing Authority.

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION IN A LOCAL NEWSPAPER

APPLICATION FOR A PROVISIONAL STATEMENT (under Section 29 of the Act)

Name of Applicant or Club	
Postal address of premises including Post Code (where possible) or a description to enable the location to be identified.	
Where known, a Statement of Relevant Licensable Activities which it is proposed will be carried on, on or from the premises and the proposed hours of opening.	

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or Interested Party must be made in writing to the above address by.....

It should be noted that representations are restricted after the issue by the Licensing Authority of a Provisional Statement.

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be published in a LOCAL NEWSPAPER circulating IN THE VICINITY OF THE PREMISES.

IF THERE IS NO LOCAL NEWSPAPER, the Notice may be published in a CIRCULAR OR SIMILAR DOCUMENT circulating IN THE VICINITY OF THE PREMISES.

The Notice must be published on AT LEAST ONE OCCASION during the period of TEN WORKING DAYS starting on the day after the day on which the application was given to the Licensing Authority (Cardiff County Council).

It is for the applicant to decide in which local newspaper to publish this Notice, but the Licensing Authority believes that a reasonable interpretation 'a local newspaper' in the relevant Regulation would include publication in the South Wales Echo and or the Cardiff Post or any other local newspaper.

Representations by a Responsible Authority or an Interested Party must be made during a period of 28 consecutive days starting on the day after the day on which the application is given to the Licensing Authority.

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

**APPLICATION FOR A PROVISIONAL STATEMENT
(under Section 29 of the Act)**

Name of Applicant or Club	
Postal address of premises or club premises including Post Code (where possible) or a description to enable the location to be identified.	
Where known, a Statement of Relevant Licensable Activities which it is proposed will be carried on, on or from the premises and the proposed hours of opening.	

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or Interested Party must be made in writing to the above address by.....

It should be noted that representations are restricted after the issue by the Licensing Authority of a Provisional Statement.

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be of a size EQUAL TO OR LARGER THAN A4 paper and must be on PALE BLUE coloured paper. It must be PRINTED IN BLACK INK or TYPED IN BLACK in a FONT SIZE EQUAL TO OR LARGER THAN 16.

It must be displayed PROMINENTLY at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than 50 METRES SQUARE, a further Notice in the same form must be displayed EVERY 50 METRES along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of NO LESS THAN 28 CONSECUTIVE DAYS starting on the day after the day on which the application was given to the Licensing Authority (Cardiff County Council).

Representations by a Responsible Authority or an Interested Party must be made during a period of 28 consecutive days starting on the day after the day on which the application is given to the Licensing Authority.

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

**APPLICATION FOR A MINOR VARIATION
(under Section 41a of the Act)**

Name of Applicant or Club Postal address of premises or club premises including Post Code (where possible) or a description to enable the location to be identified.	
Details of the Variation Requested:	

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays).

Any representations by a Responsible Authority or Interested Party must be made in writing to the above address by.....

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Notes:

This Notice must be of a size EQUAL TO OR LARGER THAN A4 paper and must be on PALE WHITE paper. It must be PRINTED IN BLACK INK or TYPED IN BLACK in a FONT SIZE EQUAL TO OR LARGER THAN 16.

It must be displayed PROMINENTLY at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than 50 METRES SQUARE, a further Notice in the same form must be displayed EVERY 50 METRES along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of NO LESS THAN 10 CONSECUTIVE WORKING DAYS starting on the day after the day on which the application was given to the Licensing Authority (Cardiff County Council).

Representations by a Responsible Authority or an Interested Party must be made during a period of 10 working days starting on the day after the day on which the application is given to the Licensing Authority. The final date for receipt of representations will therefore be 11 days after the date the application is submitted.