



To: Members of the Licensing
Committee

Date: 28 February 2013

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 6 MARCH 2013** in the **COUNCIL CHAMBER, RUSSELL HOUSE, RHYL**.

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 20)

To receive the –

(a) minutes of the Licensing Committee held on 5 December 2012 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 24 January 2013 (copy enclosed).

5 APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE (Pages 21 - 24)

To consider a report by the Head of Planning and Public Protection (copy enclosed) regarding an application from Adult World for the renewal of a Sex Establishment Licence in respect of premises situated at 43 – 47 Queen Street, Rhyl.

6 UPDATE ON REVIEW OF LICENSING FEES AND CHARGES FOR 2013/14 (Pages 25 - 28)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' approval to retain the current fee structure until such time as the review of licensing fees and charges is completed.

7 REVIEW OF MARKET CONDITIONS FOR RHYL (Pages 29 - 40)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking members' approval of revised conditions for Rhyl Market together with a new fee structure.

8 LICENSING COMMITTEE WORK PROGRAMME 2013/14 (Pages 41 - 42)

To consider the Licensing Committee's Forward Work Programme (copy enclosed).

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information (as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act) would be disclosed.

9 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 045909 (Pages 43 - 46)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 045909.

10 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 043120 (Pages 47 - 114)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of the suitability of Driver No. 043120 to continue to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence.

MEMBERSHIP

Councillors

Brian Blakeley
Joan Butterfield
Bill Cowie
Richard Davies
Stuart Davies
Hugh Irving

Barry Mellor
Win Mullen-James
Peter Owen
Arwel Roberts
Cefyn Williams

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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF LICENSING APPLICATIONS

STEP	DESCRIPTION
1.	Head of Planning and Public Protection (or representative) briefly announces the application
2.	The applicant is requested to present his/her case The applicant can call any witnesses he/she chooses in support of the application
3.	Committee members can question the applicant and or his witnesses
4.	Any objectors to the application will be invited to speak
5.	The applicant is given the opportunity to question the objectors
6.	Committee members can ask questions of the objectors
7.	Technical officers are invited to present any findings (Police, Fire Service, Building Control, Pollution Control)
8.	The committee members followed by the applicant and objectors can ask questions of the technical officers
9.	The applicant will be invited to make a final statement
10.	The Head of Planning and Public Protection will make a final statement (if required)
11.	The following will be requested to leave the meeting whilst the application is discussed by members – the applicant, all third parties, Head of Planning and Public Protection, technical officers, press and public NB The only people remaining should be – committee members, translator, committee’s legal adviser and the minute taker
12.	The committee members will consider the application taking into account the evidence heard
13.	When the members have reached their decision, all parties will be recalled and the applicant will be informed of the members decision
14.	The applicant will be informed of the decision in writing as soon as practicable

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 5 December 2012 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Bill Cowie, Richard Davies, Stuart Davies (Chair), Barry Mellor, Win Mullen-James, Arwel Roberts and Cefyn Williams

Observers: Councillors Meirick Lloyd Davies and David Simmons

ALSO PRESENT

Principal Solicitor (AL); Licensing Officers (NJ & JT), Senior Community Safety Enforcement Officer (TWE) and Committee Administrators (KEJ & SLW).

1 APOLOGIES

Councillors Brian Blakeley, Hugh Irving and Peter Owen.

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 12 September 2012 were submitted.

Accuracy –

Page 7 – Item No. 5 Review of Three Licences – The Chair referred to the duplication of the Driver Number which needed to be amended. [Driver No. 040298 at (3) Appendix 2 should be amended to No. 040448.]

Councillor Joan Butterfield advised that her apologies for absence at the last meeting had not been recorded within the minutes.

RESOLVED that, subject to the above, the minutes of the meeting held on 12 September 2012 be received and confirmed as a correct record.

At this point the Chair indicated his intention to vary the order of the agenda to accommodate those individuals who were attending the meeting in support of their applications/licence reviews and to hear their cases before any other business.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

5 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 044881

A confidential report by the Head of Planning and Public Protection Services (previously circulated) was submitted upon –

- (i) an application received from Applicant No. 044881 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the Applicant having been convicted of Failing to Provide a Specimen for Analysis (being in charge of a motor vehicle) on 13 October 2010 and disqualified from driving for 16 months (reduced to 12 months following completion of a course) and fined £160.00;
- (iii) the Applicant having held a licence to drive hackney carriage and private hire vehicles since 2006 and had been driving a licensed vehicle at the time of the offence (the Applicant had since advised that he had not been carrying fare paying passengers when the offence took place);
- (iv) the Applicant having failed to notify the Licensing Authority of the offence within seven days in accordance with licensing conditions, instead allowing his licence to lapse in December 2010;
- (v) the Council's current policy with regard to the relevance of convictions, and
- (vi) the Applicant having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and advised that the Applicant was in attendance at the meeting. She indicated that the matter had been brought before the committee to assess the Applicant's suitability in view of the relatively short period free from driving offences.

The Applicant addressed the committee in support of his application expressing his remorse over the offence. He also apologised for his failure to notify the Licensing Authority of the conviction which had been due to the confusion and stress he had experienced over the incident. He responded to members' questions regarding the circumstances surrounding his conviction and failure to provide a specimen for analysis, and confirmed that he had previously held a taxi licence without incident since 2006. In closing the Applicant advised that he had attended a course recommended by the court and had learnt lessons from that. He reiterated his deep regret and assured members that there would be no repeat incident.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 044881 be granted and a warning issued regarding the seriousness of his offence and to his future conduct.

The reasons for the Licensing Committee's decision were as follows –

Having considered the evidence provided by the Applicant the committee was persuaded that the offence was an isolated incident and found the Applicant to be genuine in his assurances that it would not be repeated. They had also taken into account the Council's current policy with regard to the relevance of convictions and noted that granting the application was in line with their own policy and the timeframe provided for the Applicant to be free from convictions relating to drink. Accordingly members considered the Applicant to be a fit and proper person to hold a hackney carriage and private hire vehicle drivers licence but felt it was appropriate to issue a warning in light of the offence committed.

The Chair conveyed the committee's decision and reasons for that decision to the Applicant.

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE VEHICLES - APPLICANT NO. 044879

A confidential report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) was submitted upon –

- (i) an application received from Applicant No. 044879 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the officers having not been in a position to grant the application in light of the information revealed following an enhanced disclosure from the Criminal Records Bureau (CRB);
- (iii) a summary of the convictions disclosed having been provided which related to a number of offences spanning a period from 1982 to 1995;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Applicant having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and advised that the Applicant was in attendance at the meeting. She indicated that the matter had been brought before the committee to assess the Applicant's suitability to hold a licence given the nature of the convictions.

The Applicant addressed the committee in support of his application advising that he was an experienced driver having held a DVLA driving licence for years free of motoring convictions. He considered himself to be good with the public and

believed he could provide a valuable public service. He also expressed his regret over his past advising that he had turned his life around since that time. In response to questions the Applicant detailed his family commitments and responsibilities and his previous employment history. He also spoke of his desire to gain employment as a licensed driver which he believed would be a positive move.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 044879 be granted.

The reasons for the Licensing Committee's decision were as follows –

Members noted that the offences were spent, had taken place a significantly long time ago, and that the Applicant had been free from convictions for approximately seventeen years. Consequently members accepted the Applicant's submission that he had turned his life around since that time and noted his family circumstances and responsibilities. The committee also noted that granting the application was in line with their own policy regarding the relevance of convictions and the timeframe provided for the Applicant to be free from convictions. Accordingly members considered the Applicant to be a fit and proper person to hold a hackney carriage and private hire drivers licence.

The Chair conveyed the committee's decision and reasons for that decision to the Applicant.

7 REVIEW OF TWO LICENCES TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Officer (JT) submitted a confidential report by the Head of Planning and Public Protection Services (previously circulated) seeking members' consideration of the suitability of two Drivers numbered 040740 and 041605 (corresponding individual reports listed at Appendix 1 and 2 respectively to the main report) to continue as licensed drivers following their failure to comply with the Council's requirement to successfully undertake a driver knowledge test within the designated timescale.

Members considered the individual circumstances relating to each Driver separately, treating each case on its own merits as follows –

(1) Driver No. 040740 (Appendix 1) – Renewal Date 31 December 2011

Five reminders had been issued to the Driver since his licence renewal and he had attended the last meeting of the Licensing Committee to explain the reasoning behind his failure to take the knowledge test. The committee had resolved to defer consideration of the Driver's suitability to their next meeting to provide a further opportunity for the Driver to sit the knowledge test. The Licensing Officer was pleased to report that the Driver had since successfully passed the test. Consequently it was –

RESOLVED that the successful completion of the driver knowledge test by Driver No. 040740 be noted and no further action be taken.

The reasons for the Licensing Committee's decision were as follows –

The Driver had now complied with the Council's requirement to successfully undertake a driver knowledge test and therefore it was considered that no further action was required.

(2) Driver No. 041605 (Appendix 2) – Renewal Date 31 December 2011

Five reminders had been issued to the Driver since his licence renewal but he had made no attempt to contact officers. On 21 September 2012 the Driver had been informed that the matter would be referred to the Licensing Committee for consideration. No response had been received from the Driver and he was not in attendance at the meeting.

At this juncture the committee adjourned to consider the case and it was –

RESOLVED that Driver No. 041605 be suspended pending his successful completion of the driver knowledge test. Failure by the Driver to successfully undertake the test by the committee's next meeting (6 March 2013) would result in the matter being brought back before that committee for determination. Successful completion of the test within the suspension period would result in the suspension being lifted.

The reasons for the Licensing Committee's decision were as follows –

The committee considered that the Driver had been given sufficient opportunity in which to undertake the driver knowledge test. Accordingly the committee considered it appropriate to suspend the Driver's licence until such time as he passed the knowledge test. Failure by the Driver to take and successfully pass the test would result in the matter being brought back before the committee's next meeting when serious consideration would be given to revoking his licence on the basis that he was not a fit and proper person to hold a licence.

8 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 043844

A confidential report by the Head of Planning and Public Protection Services (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 043844 to hold a licence to drive hackney carriage and private hire vehicles;
- (ii) the Driver having accrued 12 penalty points on his DVLA licence within a period of three years but had been permitted to retain his DVLA licence by Prestatyn Magistrates who had accepted that a disqualification would cause exceptional hardship in his case;

- (iii) details of the endorsements on the Driver's DVLA Licence having been provided, three of which related to the use of a mobile phone whilst driving a vehicle;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Applicant having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and confirmed that the Driver had been cooperative throughout the process. Members noted that the Driver was not present at the meeting despite being invited to attend.

Members considered the facts of the case and after deliberation it was –

RESOLVED that Driver No. 043844 be suspended from driving hackney carriage and private hire vehicles on public safety grounds and that he be required to undertake a Driving Awareness Course prior to the matter being brought back before the committee's next meeting in order to further assess his suitability to continue as a licensed driver and reconsider the suspension imposed.

The reasons for the Licensing Committee's decision were as follows –

Having considered the facts of the case members had serious concerns regarding the repeated offence of using a mobile phone whilst driving which demonstrated the Driver's disregard for the law and public safety. Grave concerns were also expressed regarding the serious implications of the Driver's actions with potentially fatal consequences. However the committee considered that the Driver would benefit from attending a Driving Awareness Course in order to modify his behaviour. Consequently the committee requested that the Driver attend their next meeting in order to further assess his suitability to continue as a licensed driver following his completion of the Driving Awareness Course.

[Councillor Joan Butterfield asked that it be recorded that she voted against the above resolution.]

At this juncture (10.40 a.m.) the meeting adjourned for a refreshment break.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

9 LICENSING COMMITTEE FORWARD WORK PROGRAMME

The Licensing Officer (NJ) submitted a report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) seeking members' approval of the Licensing Committee's forward work programme (Appendix 1 to the report) and priorities for the Licensing Administration Section for 2013/14.

The main drivers for the priorities were the Council's duties and responsibilities in relation to the licensing function, and the effective regulation, control and enforcement of Licensees and commitment to safer communities. Each of the identified priorities had been scheduled within the committee's work programme and entailed a review of the following areas –

- House to House Collection and Street Collection Policies
- Rhyl Market Regulations
- Hackney Carriage/Private Hire Driver policy and conditions
- Hackney Carriage/Private Hire Vehicle and Operator policy and conditions
- Fees and Charges

Members accepted the priorities for the Licensing Section and were content with the timescales detailed within the committee's forward work programme and it was –

RESOLVED that the Licensing Committee Work Programme (attached at Appendix 1 to the report) and the Priorities for the Licensing Administration Section for the year 2013/14 be approved.

10 UPDATE ON REVIEW OF LICENSING FEES AND CHARGES

The Licensing Officer (NJ) submitted a report by the Head of Planning and Public Protection Services (previously circulated) updating members on progress made with the review of the licensing fees and charges for 2013/14. A sample timesheet used in the calculation process had been attached to the report.

The committee was advised of the comprehensive review of each licensing function and the methodology used in order to set an appropriate level of fees together with the difficulties involved within the process. The recovery of costs for the Licensing software would also need to be factored into any fees and charges. Specialist legal advice was being sought on the calculation of licensing fees in order to avoid any legal challenges. It was anticipated that a full review of the fees and charges would be submitted to the next meeting of the committee in March 2013.

Members took the opportunity to raise questions with the officers and sought clarification on whether various aspects of the licensing function could be re-charged in order to ensure a self financing function. A particular query was raised regarding the costs incurred for the Licensing Committee such as members' and officers' time. The Licensing Officer (NJ) responded to members' questions advising that, where possible, the licensing fees charged aimed to recoup the cost of administering the function and that specialist legal advice was being sought to ensure the calculation of fees was appropriate for each individual function. Advice was also being sought as to whether time spent at Licensing Committee could be offset against licensing fees. Further information would need to be sought from the licensing budget holders in order to fully answer members' questions regarding specific expenditure on particular functions. It was noted that Emlyn Jones had recently been appointed Public Protection Manager with responsibility for the licensing function.

Councillor Joan Butterfield referred to the licensing training required by all committee members and queried the role of observers at Licensing Committee and the extent their involvement was permitted in matters being considered. The Principal Solicitor agreed to check the issue with the Monitoring Officer and report back.

The committee acknowledged the time and effort spent on the review and took the opportunity to thank the officers for their hard work.

RESOLVED that –

- (a) *the report be received and noted, and*
- (b) *a full review of fees and charges be submitted to a future meeting of the Licensing Committee.*

11 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER

The Licensing Officer (NJ) submitted a report by the Head of Planning and Public Protection Services (previously circulated) outlining the new powers available to the Licensing Authority from 31 October 2012 under amendments to the Licensing Act 2003 to make Early Morning Restriction Orders (EMRO) and impose Late Night Levies (LML).

Members were provided with some background information regarding the introduction of EMROs and LNLs which were intended to tackle alcohol related crime and disorder and to help to pay for extra enforcement costs associated with late opening premises. Key points of note included –

LATE NIGHT LEVIES (LNLs)

- powers for local authorities to introduce a charge for premises selling alcohol late at night for the extra enforcement costs generated for police and local authorities
- if introduced the Council would need to decide the time at which the levy applied in the area (restricted to between midnight and 6.00 a.m.) and what exemptions and reductions should apply
- the levy would need to be applied to all premises (unless an exemption category applied) selling alcohol in the levy period and could not be confined to a particular town or area
- following deductions by the local authority for administering and introducing the scheme at least 70% of the amount must be passed to the Police
- the Police did not have to spend their proportion of the levy in local areas where it had been collected or on policing associated with alcohol related crime and disorder although North Wales Police had indicated they would spend the levy on licensing matters if it was introduced
- details of the charges to premises if introduced based upon rateable value
- approximately 175 premises would be affected by the levy.

EARLY MORNING RESTRICTION ORDERS (EMROs)

- an EMRO would apply to premises licences, club premises certificates and temporary event notices that operated within the specified EMRO area
- there was a requirement to advertise the proposal to make the EMRO and local authorities needed to demonstrate they had evidence to justify doing so and to consider representations before its introduction.

During consideration of the report members took the opportunity to clarify a number of issues with the officers regarding the new powers available to make LNL and EMROs. Members noted that the levy had been set at a national level and raised concerns regarding the significant charges which would be imposed on premises across the county if the Council chose to introduce the levy regardless of whether or not those premises were located in particular problem areas in terms of alcohol related crime and disorder. The committee recognised that businesses were already struggling in the current economic climate and felt that the introduction of a levy on licensed premises would likely cause many of them to go out of business. The Council was working hard to regenerate its towns and communities and the late night economy and the committee considered the introduction of such a hefty levy would further damage the local economy. It was noted that the Police were in favour of the introducing a levy and the revenue it would bring and had indicated that, although there was no requirement, they would spend that revenue on licensing matters. However, members noted that the Council would have no control over the allocation of that revenue and were concerned that the local authority would be responsible for collecting the levy and if premises did not pay then the Council would still be liable for that fee. With regard to the introduction of EMROs the Chair felt they might prove a useful tool in tackling local problem areas but during discussion it was noted that there were existing tools which would prove more effective such as bringing about Reviews of premises licences.

The committee noted that the introduction of a Levy or EMRO would need to be decided upon at County Council and it was –

RESOLVED that –

- (a) the content of the report on Late Night Levies and Early Morning Restriction Orders be noted, and*
- (b) the making of Early Morning Restriction Orders and the imposition of Late Night Levies not be supported and the views of the Licensing Committee be submitted to County Council when considering this matter.*

The meeting concluded at 11.25 a.m.

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LICENSING COMMITTEE

Minutes of a Special meeting of the Licensing Committee held in Council Chamber, County Hall, Ruthin on Thursday, 24 January 2013 at 2.00 pm.

PRESENT

Councillors Joan Butterfield, Bill Cowie, Richard Davies, Stuart Davies (Chair), Barry Mellor, Win Mullen-James and Cefyn Williams

ALSO PRESENT

Principal Solicitor (AL), Licensing Officer (NJ), Senior Community Safety Enforcement Officer (TWE) and Committee Administrators (KEJ & SLW).

1 APOLOGIES

Councillors Brian Blakeley, Hugh Irving, Peter Owen and Arwel Roberts

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

4 REVIEW OF SUSPENSION OF LICENCE - DRIVER NO. 043844

A confidential report by the Head of Planning and Public Protection Services (previously circulated) was submitted seeking members' review of the period of suspension previously imposed by the committee on Licensed Driver No. 043844. The facts of the case had been presented as follows –

- (i) the Licensing Committee held on 5 December 2012 had considered the suitability of Driver No. 043844 to hold a licence to drive hackney carriage and private hire vehicles following accrual of 12 penalty points on his DVLA licence within a three year period [the Driver had been permitted to retain his DVLA licence by Prestatyn Magistrates who had accepted that a disqualification would cause exceptional hardship in his case];
- (ii) details of the endorsements on the Driver's DVLA licence had been considered, three of which related to the use of a mobile phone whilst driving

a vehicle, with members having raised grave concerns regarding the serious implications of the Driver's actions with potentially fatal consequences and the repeated offence of using a mobile phone whilst driving which they considered demonstrated the Driver's disregard for the law and public safety;

- (iii) during deliberations the Licensing Committee considered the Driver would benefit from attending a Driving Awareness Course in order to modify his behaviour and that his suitability to continue as a licensed driver be further assessed at their next meeting following his completion of the Driving Awareness Course; consequently it was –

“RESOLVED that Driver No. 043844 be suspended from driving hackney carriage and private hire vehicles on public safety grounds and that he be required to undertake a Driving Awareness Course prior to the matter being brought back before the committee's next meeting (on 5 March 2013) in order to further assess his suitability to continue as a licensed driver and reconsider the suspension imposed.”;

- (iv) the Driver subsequently appealed against the Licensing Committee's decision to the Magistrates Court and on 19 December 2012 Magistrates dismissed the Appeal but raised concerns regarding the length of the suspension imposed and directed the matter be referred back to the Licensing Committee at the earliest opportunity to allow the period of suspension to be reviewed;
- (v) the Driver had attended a Driving Awareness Course on 19 January 2013 as directed by the Licensing Committee (a copy of the Driver Assessment Report had been circulated prior to the meeting), and
- (vi) Driver No. 043844 had been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Licensing Officer (NJ) provided a summary of the report and advised that the Driver was in attendance at the meeting.

Driver No. 043884 addressed the committee in support of his case advising that he was an experienced driver of twenty five years and had never been in an accident during that time. He elaborated upon his driving history both in the UK and other countries and his experience of driving a wide range of different vehicles. The Driver assured the committee that whilst he had acted foolishly by using a mobile phone whilst driving he did not routinely do so and explained the circumstances surrounding each of the three offences. Members were also advised that the Driver had suffered exceptional hardship as a result of the suspension with the loss of earnings leaving him with financial difficulties. Details of his personal circumstances were also disclosed in terms of his responsibilities and family commitments. The Driver then reported upon his attendance at the Driving Awareness Course as stipulated by the committee highlighting the improvements to his driving as a result. In closing the Driver acknowledged his misconduct; reiterated the hardship he had suffered as a result of the suspension, and asked members to look favourably on the review of his licence.

Members took the opportunity to question the Driver regarding his previous conduct and sought assurances regarding his future behaviour. The Driver advised that he had previously used a mobile ear piece which had been stolen from his vehicle and a fixed device had now been installed in the car. He added that he did not routinely use a mobile phone in the vehicle in any event as he used a handheld PDA device for work. In response to a question on the appropriate use of speed referenced within the Driver Assessment report, the Driver assured members that he did not speed but routinely drove at approximately 25 mph. His only conviction for speeding had been for driving at 33 mph in a 30 mph area.

The Driver declined the opportunity to ask questions of members or officers and indicated that he did not wish to add to his submission or make a final statement.

The committee adjourned to consider the case and after deliberation it was –

RESOLVED that the suspension imposed on Driver No. 043844 be lifted and a warning be issued as to his future conduct.

The reasons for the Licensing Committee's decision were as follows –

In reaching a decision members had taken into account the concerns of the Magistrates regarding the length of the suspension originally imposed; the mitigating circumstances surrounding each of the three offences explained by the Driver; his attendance at a Driving Awareness Course and the driver assessment report produced together with his assurances regarding future conduct. The committee had been reassured by the Driver's attendance at the Driving Awareness Course; his acknowledgment of wrongdoing and regret over the offences, and his undertakings to modify his behavior in future to ensure no repeat of the offence. Nevertheless, members reiterated the serious nature of the offences and the potentially fatal consequences of the Driver's actions in his persistent use of a mobile phone whilst driving and therefore a stern warning was issued as to his future conduct.

The Chair conveyed the Licensing Committee's decision and reasons for the decision to Driver No. 043844 and impressed upon him the seriousness of the offences which the committee had not considered lightly and warned him about his future conduct. It was made clear that if the Driver was brought before the committee again regarding this matter his licence would likely be revoked.

OPEN SESSION

Upon completion of the above the meeting resumed in open session.

5 DRIVER AWARENESS COURSE

Prior to the close of the meeting members commented on the benefits of attendance at Driving Awareness Courses for licensed drivers and discussed potential training options with the officers. The Licensing Officer reported upon the availability of appropriate courses and provided a brief overview of course content

covering both practical and workshop based assessment together with indicative costs. Members suggested that consideration be given to introducing driver awareness training for hackney carriage and private hire vehicle drivers as part of the review of policy and conditions currently being undertaken. After further discussion it was –

RESOLVED that –

- (a) *consideration be given to introducing a Driver Awareness Course as part of the application process for new hackney carriage and private hire vehicle drivers with the cost of the course being met by the Applicant, and*
- (b) *consideration be given to providing Driver Awareness Workshops for existing hackney carriage and private hire vehicle drivers with the cost of the course being met by the licensed driver.*

The meeting concluded at 2.40 p.m.

Agenda Item 5



REPORT TO:	Licensing Committee
DATE:	6 th March 2013
LEAD OFFICER:	Head of Planning & Public Protection
CONTACT OFFICER:	Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Application for Renewal of a Sex Establishment Licence

1. PURPOSE OF THE REPORT

The Licensing Authority has received an application for the renewal of a Sex Establishment Licence, pursuant to Section 2 of the Local Government (Miscellaneous Provisions) Act 1982.

The Licensing Committee is required to determine the application, taking into account all relevant facts/evidence.

2. EXECUTIVE SUMMARY

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provisions for the licensing of sex establishments by local authorities.

At the Licensing Panel held on 30th May, 2001, Members resolved to consider each application on its own merits. Subsequently, at a Meeting held on 19th September, 2001, Members resolved to formally adopt Schedule 3 of the Act with effect from 19th November, 2001.

3. POWER TO MAKE THE DECISION

Section 18, Local Government (Miscellaneous Provisions) Act 1982.

4. BACKGROUND INFORMATION

- 4.1 An application has been received from Adult World in respect of premises situated at 43 – 47 Queen Street, Rhyl for the renewal of a Sex Establishment Licence.

4.2 Members may recall that the business was originally located at Brighton Road, Rhyl until an application for the transfer of the business to the current premises was approved in December, 2002. Since this date, Members have approved applications for renewal on an annual basis.

4.3 The applicants do not wish to vary the conditions of the licence and the opening hours remain unchanged as follows:

Monday – Saturday 09:30 – 21:00
Sundays & Bank Holidays 11:00 – 16:00

4.4 The applicants have been invited to attend this Meeting in support of their application.

5. CONSULTATION

5.1 North Wales Police

A copy of the application was submitted to North Wales Police and Members will wish to note that the police have not raised any objections to the annual renewal of this Licence.

5.2 Public Notice

The applicants have also published the requisite public notices, one in a local newspaper circulating in the area subject of the application and one on the premises itself; no objections have been received from members of the public in response to either notice.

6. COST IMPLICATIONS

6.1 In accordance with the Council's scale of charges, a fee of £2,600 is payable by the applicants in respect of this application. The fee provides full cost recovery to the licensing service of issuing and monitoring the licence.

6.2 Members will recall that, on 16th March, 2010 , following a comprehensive review of the Sex Establishment Licence Fees, it was resolved that both the renewal fee and transfer fee for a Sex Establishment Licence be set at £2,600, with the option of payment by installments. The fee for a new Sex Establishment Licence remains at £6,250.

7. IMPLICATIONS ON OTHER POLICY AREAS

Section 17 of the Crime and Disorder Act places a duty on local authorities to consider issues of crime and disorder when making licensing related decisions. When considering this application therefore,

Members will wish to give regard to all relevant factors, including any implications associated with the potential for the decision to impact upon issues of crime and disorder within the locality.

8. CONSIDERATION

Members may consider the following points pertinent to their deliberations:

- To date, North Wales Police have not opposed applications for renewal
- No relevant public objections have been received that oppose renewal of the licence, and
- The premises have operated fully in accordance with the existing permission, and Licensing Enforcement Officers have not had cause to visit or contact the premises other than for matters of a routine nature.

9. RECOMMENDATION

In the absence of any objections, officers recommend the renewal of the Sex Establishment Licence, along with the option to continue to pay the fee of £2,600.00 in installments.

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Agenda Item 6



REPORT TO:	Licensing Committee
DATE:	6 th March 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Update on review of Licensing Fees and Charges for 2013/14

1. PURPOSE OF THE REPORT

- 1.1 To up date Members on the ongoing progress on the review of the licensing fees and charges for 2013/14.
- 1.2 To seek Members approval to retain the current fee structure until such time as the review is completed.

2. EXECUTIVE SUMMARY

- 2.1 A review of the fees payable in respect of various types of licences and permits administered and enforced by the Licensing Section has been requested by Members.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976 & 82
Town Police Clauses Act 1847.

4. BACKGROUND INFORMATION

- 4.1 At the last meeting Officers informed Members that they had consulted a legal specialist for advice on what fees can be charged for different forms of licences and how to calculate licensing fees to avoid any legal challenges.
- 4.2 Officers understand that James Button, the Legal Specialist instructed to undertake this work, is currently completing another project for our Licensing Section, namely all the taxi and private hire procedures. Once this work is completed, which is envisaged to be the end of February, he will turn his attention to our fees and charges review.

- 4.3 In the meantime, Officers are attending a course at the end of March, facilitated by James Button, on Licensing Fees and Charges.
- 4.4. Members should also be aware that there is a national task and finish group working under the All Wales Licensing Technical Panel tasked with looking at fees and charges, specifically for taxis.
- 4.5 Taking the above circumstances into consideration, we would seek Members approval to retain the current fee structure and bring a report on the full outcome of the review at a later date. The current fee structure can be found at Appendix 1.
5. **RECOMMENDATION**
- 5.1 That Members be minded to retain the current fee structure for 2013/14 until the full review has been undertaken.

PROPOSED LICENSING FEE STRUCTURE FOR 2013/14

Type of Licence	Fee £
<p><u>Hackney Carriage and Private Hire Driver</u> Grant and 4th year renewal (<i>includes Enhanced disclosure, DVLA mandate & I.D. Badge</i>) Renewal (2nd and 3rd year) Identification Badge – Replacement</p>	<p>£140.00 £90.00 £10.00</p>
<p><u>Hackney Carriage (Motor/Horse Drawn)</u> Grant / Renewal Transfer Change of Vehicle Replacement Plate Flexi Plate</p>	<p>£200.00 £50.00 £75.00 £12.00 £12.00</p>
<p><u>Personal Licence – Licensing Act 2003</u> Grant / Renewal</p>	<p>£37.00</p>
<p><u>Licensing Act 2003 & Gambling Act 2005</u></p>	<p>Detailed Separately</p>
<p><u>Private Hire</u> Operator – Grant / Renewal (<i>for each and every 10 vehicles, or part thereof</i>) Vehicle – Grant / Renewal Transfer Change of Vehicle Replacement Plate Replacement Door Sign Flexi Plate</p>	<p>£110.00 £200.00 £50.00 £75.00 £12.00 £15.00 £12.00</p>
<p><u>Private Hire Driver</u> Grant and 4th year renewal (<i>includes Enhanced disclosure, DVLA mandate & I.D. Badge</i>) Renewal Identification Badge – Issue / Replacement</p>	<p>£140.00 £90.00 £10.00</p>
<p><u>Private Hire – Drivers Only – Refunds</u> <i>Period to date when licence is relinquished</i> Up to 30 days from licence issue 31-60 days from licence issue 61 – 90 days from licence issue 91 days or more</p>	<p>£45.00 £40.00 £35.00 Nil</p>
<p>Page 27</p>	

PROPOSED LICENSING FEE STRUCTURE FOR 2013/14

<p><u>Sex Establishments</u> Grant of Annual Licence Application for Renewal <i>(Administration costs in considering such an application, whether withdrawn, approved, or refused, equivalent to 25%)</i></p>	<p>£6250.00 £2600.00 £1050.00</p>
<p><u>Societies Lotteries</u> Grant Renewal</p>	<p>£40.00 £20.00</p>
<p><u>Compliance Testing Station</u> Application Renewal</p>	<p>£150.00 £100.00</p>
<p><u>Street Trading Consents</u> Annual 6 month 3 month 1 month 1 week One Day</p>	<p>£2000.00 £1200.00 £650.00 £225.00 £150.00 £50.00</p>
<p>Motor Salvage Operator</p>	<p>£80.00</p>
<p>Copy of Statement of Licensing Policy / Statement of Principles</p>	<p>£8.00</p>
<p>Check of Gambling and Licensing Applications</p>	<p>£10.00</p>
<p>Photocopying</p>	<p>10p per page</p>
<p>Vehicle Conditions Book</p>	<p>£3.00</p>
<p><u>House to House & Street Collections</u> Grant / Renewal</p>	<p>No Fee <i>(restricted by statute)</i></p>

Agenda Item 7



REPORT TO:	Licensing Committee
DATE:	6 th March 2013
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Review of Market Conditions for Rhyl

1. PURPOSE OF THE REPORT

- 1.1 At a meeting of the Licensing Committee on 8th June 2011 Members approved to adopt the existing Market Conditions for Rhyl.
- 1.2 A decision is now required to approve revised Conditions, to include a new fee structure, as set out in Appendices 1 and 2 respectively.

2. EXECUTIVE SUMMARY

- 2.1 Since 2011 the Market has successfully been running under the existing conditions. However, since the market was established there have been a number of changes that have taken place which require Members to revisit the conditions to ensure they reflect the current working practices of a thriving market.

4. BACKGROUND INFORMATION

- 4.1 In October 2012 the Council was successful in securing permanent Planning Permission for the Market. This was welcoming news to Officers, as it has become clear that the Market has now become a regular feature and an additional reason for people to visit the town centre.
- 4.2 Officers have been working closely with Denbighshire Voluntary Service Council (DVSC) and are pleased to report that a Service Level Agreement has been drawn up for DVSC to manage and promote 10 stalls which would be offered to the community. Prospective stallholders will have the use of a stall free of charge for up to 8 weeks. Thereafter, if their enterprise is successful they may apply to rent a stall on a permanent basis.
- 4.3 This exciting initiative will commence on the 1st of April 2013 for an initial 12 month period, with an option of being reviewed thereafter.

4.4 Members will be aware that in order to promote a unified appearance to the market it was considered necessary to purchase and provide to stallholders, market stalls (Gazebos). This has led to the original fee structure being no longer relevant as it was calculated per metre. As the Council issued gazebos are a uniform size we are now able to simplify the fee structure based on the number of gazebos used.

4.5 Fees charged since the introduction of the gazebos have been calculated fairly so that traders are paying a realistic fee for each gazebo hired.

4.6 For Members information the current charges applied since the introduction of the gazebos in October 2011 are:

Regular traders pay £15 for the 1st gazebo and £5 for every additional gazebo

Casual traders pay £20 for the 1st gazebo and £5 for each additional gazebo.

4.7 Members may view the proposed fee structure at Appendix 2 attached.

4.8 For Members information the proposed revised Conditions have been brought up to date to enable officers to both manage and enforce more robustly and to promote clear concise rules for market traders. The proposed Conditions can be found at Appendix 1.

5. **RECOMMENDATION**

5.1 That Members consider and approve the attached proposed amended Market Conditions along with the proposed fee structure.

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

MARKET CONDITIONS - RHYL

Author / Custodian:	Nicky Jones
Date agreed and implemented:	
Agreed by:	
Frequency of Review:	12 monthly
Review date:	
Equality Impact Assessment completed: (date)	Not required
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public
Head of Service Approval: (signature & date)	

VERSION CONTROL:			
Reference:	Status:	Authorised by:	Date:
V01	Draft	Head of Service	25.02.2013

1. DEFINITIONS

- 1.1 **The Council** means Denbighshire County Council.
- 1.2 **The Market** means the street market held in Rhyl.
- 1.3 **The Market Officer** means the Council's duly authorised representative.
- 1.4 **The stall** is as supplied by Denbighshire County Council unless otherwise arranged by the Market Officer
- 1.5 **Goods** include provisions, commodities and articles brought into the market for the purpose of sale.
- 1.6 **A regular registered trader** is a stallholder who has registered annually with the Council, and who has been allocated a reserved pitch for each market day within the registered period, at the discretion of the Market Officer. A regular trader must attend at least 80 market days in order to renew this status.
- 1.7 **A casual registered trader** is a person who attends the market with goods in the hope of being allocated a trading position for that day only.
- 1.8 **Community stalls** are determined as one issued under the Service Level Agreement between Denbighshire County Council and Denbighshire Voluntary Services Council.

2. BREACH OF MARKET CONDITIONS

- 2.1 The Market Officer has the day to day responsibility of ensuring compliance of the market conditions.
- 2.2 All stallholders need to comply with the Market Conditions. In the event of any breach of conditions or of any conduct prejudicial to the efficient management of the market, the Market Officer can decline you a place on the market and/or ask you to leave at any time.
- 2.3 The Council may reserve the right to revoke any registration in the event of any breach of conditions.
- 2.4 Failure to pay any fees due when formally demanded may result in your registration being revoked.
- 2.5 If you are aggrieved by any action taken by the Market Officer you may take the appropriate action, details can be found at the end of this document.

3. MARKET DETAILS

- 3.1 These Conditions govern the management of the Market and will come into force on the 1st April 2013.
- 3.2 The Market shall be open for trading as follows:-
i. Market days will be a Thursday and a Saturday.

- ii. Trading time will be between 10.00 hrs and 17:00 hrs
 - iii. The council has discretion to run an additional 14 market days in any calendar year, such markets will be managed having regard to these conditions.
- 3.3. The market will not be held on Christmas Day, Boxing Day or New Years day.
- 3.4. The market can be cancelled at the discretion of the Market Officer, having regard to weather conditions and/or health and safety matters.

4. REGULAR REGISTERED TRADER CONDITIONS

- 4.1 The rights and obligations conferred and imposed by this registration are personal to the named registered traders, and shall not be assigned sold or parted with in any manner whatsoever. Registrations will be considered for transfer only to immediate family, subject to suitable evidence being produced, between father, mother, son, daughter, husband and wife.
- 4.2 The Trader in person or his agent must attend the market as stallholder, throughout the working day, for a minimum of **80** market days during the registration period. Special circumstances for non-attendance such as illness will be considered only on receipt of a written explanation, together with a medical certificate etc. Failure to meet this requirement will result in the registration not being renewed for the following 12 months.
- 4.3 Absences for holidays etc, up to a maximum of four (4) weeks per registration period, will be allowed provided at least 7 days notice of such absences are made in writing. No stallage rent will be charged for this period.
- 4.4 If the Trader shall fail to carry on business at the said stallage space for any consecutive period of three (3) weeks without giving a reasonable explanation beforehand, in writing, then the registration shall be revoked automatically. This condition will not apply to holidays notified in accordance with 4.3 above.
- 4.5 If the Trader shall fail on any market day to occupy the stallage space before 07:30 hrs, then the Market Officer may re allocate the said stallage space for that day. Attendance after 07.30 hrs will not exclude you from trading but there is not guarantee that a pitch will be available.
- 4.6 On occasions, it may be necessary for the council to cancel the allocation of a particular pitch or pitches, on specific market days, in order to permit maintenance and other works to proceed in connection with adjacent premises and/or highway. In these cases traders will not be charged. As much advance notice will be given to traders regarding a reduced market.

5 CASUAL REGISTERED TRADERS CONDITIONS

- 5.1 Pitches will be allocated on a first come first serve basis by the Market Officer. Casual traders should register their attendance with the Market Officer as soon as possible on arrival at the Market.

- 5.2 Pitches will only be allocated after 07.30 hrs. Whilst every effort will be made to allocate a pitch to a casual registered trader, it cannot be guaranteed.

6. GENERAL CONDITIONS - REGULAR/CASUAL REGISTERED TRADERS

- 6.1 All market stalls shall be supplied by the Council, unless prior consent has been given by the Market Officer for example mobile vehicles. If consent has been given to not use the Council supplied stall the alternative stall/vehicle must be in a good condition and of a type style or design approved by the Market Officer.
- 6.2 When requested by the Market Officer, Traders should provide evidence of identification of him/her self and any person employed by him/her in the Market.
- 6.3 Only legitimate goods are to be sold or offered for sale on the Market. Any doubts as to the origin of goods offered for sale could result in Traders being asked to vacate the Market until a full investigation has taken place as to the origin of the goods.
- 6.4 A registration will be refused if the trader has been convicted of an offence under the Trade Description Act. If during the course of the registration period a trader is convicted of an offence under the Trade Description Act then the Council will revoke such registration immediately.
- 6.5 The Trader must at all times insure himself and any other person employed by him on the market against liability to the public and any liability reasonably foreseeable in the course of his trade to the minimum sum of £2,000,000 or such higher figure as may from time to time be effective under the Market Traders Federation Block Policy and a Certificate of Insurance, or in the case of the National Market Traders Federation, a Membership Card, must be produced before registration is issued or on demand.
- 6.6 All lorries, vans cars and similar vehicles, other than those specifically allowed to remain on the market, as agreed by the Market Officer, must be unloaded immediately prior to commencement of business and removed from the market before 09:00 hrs. They must not return until after 17:00 hrs. The only exception to this rule is due to adverse weather conditions or in a case of emergency and this will be at the discretion, and with the approval of the Market Officer. No large vehicle(s) that in the opinion of the Market Officer may block the avenues and cause inconvenience to other stallholder, shopkeepers or members of the public will be allowed on the market area and the trader concerned must make other arrangements for unloading and loading such vehicles.
- 6.7 Not to erect any stalls or place any goods or equipment on the said stallage space or any part of the Market the day preceding Market Day or before 6.00am on the Market Day.
- 6.8 All stalls are to close and trading must cease by 17:00 hrs and all stall vehicles, materials etc must be removed from the market immediately afterwards.

- 6.9 It is prohibited, for the purposes of erecting/securing stalls, to use any street furniture, including seats, flower beds, lampposts, trees or any other structure within the permitted market area. All street furniture should be free of obstruction.
- 6.10 No displaying or storing goods outside the permitted area of the stall nor to have any part of the erected stall protruding outside the permitted area for trading.
- 6.11 Not to cause any wilful damage to the Council's property and to repay the Council the cost of repairing or replacing any damage caused by the Trader or his employees or servants in any manner whatsoever.
- 6.12 Traders must use the said stallage space in a businesslike manner and not to do or allow to be done anything which in the opinion of the Market Officer may cause a nuisance or annoyance to the public or to the occupiers of neighbouring stalls or which may be detrimental to the market.
- 6.13 Not to attract persons by pitching or hand selling goods by elevating himself upon a platform or upon anything raised above the floor level of the Market Area or by using any audio or mechanical means.
- 6.14 Between the hours of 10.00 hrs and 17:00 hrs, audio equipment permitted should be set at a volume so as to cause no annoyance or nuisance to the public or owners/occupiers of adjoining or neighbouring premises and stalls.
- 6.15 All vehicle engines must be switched off while discharging or loading goods to the Market.
- 6.16 No Trader shall bring into the Market any electricity generating equipment or heating and lighting systems used in conjunction with his stall which shall not have been approved beforehand by the Market Officer or an authorised representative and all fuel for such systems shall be carried in appropriate containers of no more than **5 litres** capacity to be approved by the Market Officer or an authorised representative, and they shall remove forthwith from the Market all other dangerous inflammable liquids or substances which shall be a fire risk upon being requested to do so by the Market Officer.
- 6.17 It is prohibited to bring any dogs, cats or any other animals or birds into the Market whether as pets or for sale.
- 6.18 It is prohibited to sell hot food, hot drinks and alcoholic beverages from any stall within the Market.
- 6.19 The sale of any foodstuff in the Market is subject to the provisions of the Food Safety Act 1990 and associated Regulations. For further advice please contact the Council's Food Safety Team (contact details at the end of this document).

- 6.20 The sale of dangerous weapons is prohibited. This includes Firearms (including air weapons and imitation firearms) and combat knives, or Lock knives.
- 6.21 Acupuncture, cosmetic piercing, tattooing or electrolysis will not be permitted from any stall.
- 6.22 Not to use the stall for the business of photography and not to tout for such business.
- 6.23 All litter and other refuse should be disposed of in a responsible manner.
- 6.24 The Trader shall have no claim against the Council for any loss, injury or damage sustained through fire, theft or being forcibly evicted from the Market for breach of any of the terms herein contained or for any other cause whatsoever. The Trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of this registration.
- 6.25 Weather conditions will be assessed at any time by the Market Officer. In cases of a cancelled market due to extreme weather disturbance, no rent will be charged. In cases of a market taken place and cancelled by the Market Officer all fees paid will be refunded for that day.
- 6.26 The Council shall determine any question arising from the interpretation of these conditions, and the decision made by the Council on any relevant matter, will be final and conclusive.
- 6.27 The conditions that form part of this document will be reviewed annually.

7. FEES

- 7.1 All fees must be paid on each market day, regardless of the trader being registered or not.
- 7.2 Regular traders to pay £15 for the 1st gazebo and £7.50 for every additional gazebo thereafter. A Regular trader may only have a maximum of 4 gazebos at the "regular rate", if they wish to trade with more than 4 then they will be charged for the additional gazebos at the "casual rate". There will be a maximum limit set for a regular trader to have 6 gazebos in total eg 4 gazebos charged at the regular rate (£37.50) and 2 at the casual rate of (£30).
- 7.3 Casual traders to pay £22.50 for the 1st gazebo and £7.50 for each additional gazebo thereafter. A Casual trader may only have a maximum of 3 gazebos.
- 7.4 Up to 10 free community stalls will be allocated to Denbighshire Voluntary Services Council (DVSC) for each market held. If you wish to take advantage of one of these community stalls then please contact DVSC direct (contact details at the end of this document)

7.5 A table of fees is detailed below:

TYPE OF TRADER	NO OF STALLS	FEES
Regular Trader	1	£15.00
	2	£22.50
	3	£30.00
	4	£37.50
Casual Trader	1	£22.50
	2	£30.00
	3	£37.50

7.6 If the Trader shall fail to pay any money due to the Council when formally demanded then it shall be lawful for the Council to determine his registration forthwith but without prejudice to any claim by the Council in respect of any breach by the Trader.

8. **COMPLAINTS AND APPEAL PROCESS**

8.1 A trader, in dispute regarding the implementation of these conditions, may appeal in writing to the Head of Planning and Public Protection.


8.2 Should you wish to lodge a complaint about the management of the Market, in the first instance, please contact the Market Officer.

8.3 If you are not satisfied with the action/response taken by the Market Officer then please direct your complaint, in writing, to the Head of Planning and Public Protection

8.4 Every complaint will be investigated and responded to in accordance to the Council's Complaints Policy. The Council's Complaints Policy can be viewed on the website: www.denbighshire.gov.uk.

9. **CONTACTS**


For enquiries regarding how to register, or for any advice and guidance please contact the Licensing Team


 01824 706342

 Licensing Team, Russell House, Churton Road, Rhyl, LL18 3DP

 licensing@denbighshire.gov.uk or

If you wish to speak to the Market Officer direct please use the contact details below

 07887503011




 Market Officer, Licensing Team, Russell House, Churton Road, Rhyl, LL18 3DP

 Thomas.blake@denbighshire.gov.uk



For enquiries regarding how to register your business for food safety or for general advice and guidance on this matter please contact the Food and Health and Safety Team

 01824 706405
 Food and Health & Safety Team, Russell House, Churton Road, Rhyl, LL18 3DP
 envhealth@denbighshire.gov.uk

If you wish to enquire as to how to apply for a community stall please contact DVSC

 01745 353110
 Unit W4 Morfa Clwyd Business Centre, Marsh Road, Rhyl, LL18 2AF
 sandy@dvsc.co.uk

If you wish to lodge a formal complaint regarding the management of the Market please do so in writing to:

 Mr Graham Boase, Head of Planning and Public Protection, Caledfryn, Smithfield Road, Denbigh, LL16
 Graham.boase@denbighshire.gov.uk

PROPOSED NEW FEE STRUCTURE FOR RHYL MARKET

1. It is recommended to introduce the following proposed fee structure from 1st April 2013:
2. Regular traders to pay £15 for the 1st gazebo and £7.50 for every additional gazebo thereafter. A Regular trader may only have a maximum of 4 gazebos at the “regular rate”, if they wish to trade with more than 4 then they will be charged for the additional gazebos at the “casual rate”. There will be a maximum limit set for a regular trader to have 6 gazebos in total eg 4 gazebos charged at the regular rate (£37.50) and 2 at the casual rate of (£30).
3. Casual traders to pay £22.50 for the 1st gazebo and £7.50 for each additional gazebo thereafter. A Casual trader may only have a maximum of 3 gazebos.
4. Restricting the number of gazebos to any individual trader will ensure consistency and fairness to all.

TYPE OF TRADER	NO OF STALLS	PROPOSED FEES
Regular Trader	1	£15.00
	2	£22.50
	3	£30.00
	4	£37.50
Casual Trader	1	£22.50
	2	£30.00
	3	£37.50

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Agenda Item 8

REPORT TO: LICENSING COMMITTEE

DATE: 6 March 2013

REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION

SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2012/14

DATE	REPORT	COMMENT
6 March 2013	Sex Establishment Renewal	Report for Members' to consider the renewal of existing Sex Establishment Licence
	Review of Fees and Charges for 2013/14	Report for Members to consider and approve a set of fees and charges
	Review of Market Regulations	Report for Members to consider a review of the Market Regulations for Rhyl
June 2013	Hackney Carriage and Private Hire Procedures	Report for Members' to approve the revised procedures
	Review of existing policy and conditions for Hackney Carriage and Private Hire Drivers to include; Conviction Policy Driver Dress Code Code of Conduct	Report for Members' consideration and approval for Officers to consult with all interested parties
September 2013	Review of House to House and Street Collection Policies	Update report on the results of the consultation undertaken on the revised policies
	Review of existing policy and conditions for Hackney Carriage and Private Hire Vehicles and Operators	Report for Members' consideration and approval for Officers to consult with all interested parties
	Review of Licensing Fees and Charges for 2014/15	Report for Members' consideration and approval
	December 2013	Review of the existing

	Sex Establishment Policy	consideration
	Report on implementing a Penalty Point System for Hackney Carriage and Private Hire licence holders	Report for Members' consideration
March 2014	Agree Forward Working Programme priorities for 2014/15	
	Review of the existing Street Trading Policy	Report for Members' consideration and approval for Officers to consult all interested parties
	Sex Establishment Renewal	Report for Members' to consider the renewal of existing Sex Establishment Licence

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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