

To: Members of the Licensing  
Committee

Date: 2 March 2017

Direct Dial: 01824 712568

e-mail: [democratic@denbighshire.gov.uk](mailto:democratic@denbighshire.gov.uk)

Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 8 MARCH 2017** 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 (Pages 7 - 8)**

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 OF THE LAST MEETING (Pages 9 - 22)**

To receive the –

(a) minutes of the Licensing Committee held on 7 December 2016 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 20 December 2016 (copy enclosed).

**5 CHILD SEXUAL EXPLOITATION AWARENESS TRAINING** (Pages 23 - 34)

To consider a report by the Head of Planning and Public Protection (copy enclosed) regarding Child Sexual Exploitation Awareness Training events including driver attendance/non-attendance and proposals for future actions.

**6 PROPOSED STATEMENT OF LICENSING POLICY** (Pages 35 - 88)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the final draft of the Council's Statement of Licensing Policy for adoption.

**7 LICENSING FORWARD WORK PROGRAMME 2017** (Pages 89 - 92)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme for approval.

**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 items of business because it is likely that exempt information as defined in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act would be disclosed.

**8 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 510104** (Pages 93 - 106)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 510104.

**9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 16/0944/TXJDR** (Pages 107 - 118)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 16/0944/TXJDR.

**10 APPLICATION FOR STREET TRADING CONSENT - APPLICANT NO. 1**  
(Pages 119 - 134)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application received for Street Trading Consent in respect of Applicant No. 1.

**11 APPLICATION FOR STREET TRADING CONSENT - APPLICANT NO. 2**  
(Pages 135 - 154)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application received for Street Trading Consent in respect of Applicant No. 2.

**MEMBERSHIP**

**Councillors**

Cefyn Williams (Chair)

Huw Williams (Vice-Chair)

Joan Butterfield

Barry Mellor

Bill Cowie

Merfyn Parry

Meirick Davies

Pete Prendergast

Stuart Davies

David Simmons

Hugh Irving

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## LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case  The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers  NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either:  1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter.  The Solicitor will explain to the licence holder the implications of the decision.
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a \***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 7 December 2016 at 9.30 am.

### PRESENT

Councillors Bill Cowie, Meirick Davies, Barry Mellor, Pete Prendergast, David Simmons, Cefyn Williams (Chair) and Huw Williams (Vice-Chair)

### ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Licensing Officers (NJ & JT), Licensing Enforcement Officer (TB) and Committee Administrators (KEJ & SJ)

#### 1 APOLOGIES

Councillors Joan Butterfield, Hugh Irving and Merfyn Parry

#### 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 22 September 2016 were submitted.

#### Matters Arising –

**Page 9, Item 3 Urgent Matters: Wheelchair accessible taxis** – The Licensing Enforcement Officer updated members on the issue raised at the last meeting regarding the availability of wheelchair accessible taxis operating in the Rhyl area.

Since removal of the numerical restriction on taxi licences there had been an increase in the number of wheelchair accessible vehicles and the demand for them. Whilst there was little unmet demand for wheelchair accessible vehicles generally, availability was limited at times those vehicles were used to undertake school transport contracts. Following investigation of the case referred to at the last meeting it was clarified that the operator had not refused the booking but had been unable to provide a wheelchair accessible vehicle when requested because it was already in use and the customer had been offered a later booking. Officers had provided the individual concerned with details of other service providers which would be made more widely available via the Council's website.

There was some debate as to whether there were sufficient wheelchair accessible vehicles in operation and whether there would be any merit in regulating those numbers to ensure a greater proportion of licensed vehicles provided that service. However it was accepted that it would be difficult to quantify whether there was any unmet demand in the area, particularly given that only one complaint had been received in that regard, and wheelchair accessible vehicles could not be restricted to wheelchair users only. Consequently it was agreed that officers investigate the booking processes used by wheelchair accessible taxi services and whether appropriate contingency plans were in place to accommodate wheelchair users.

**RESOLVED** that –

- (a) *the minutes of the meeting held on 22 September 2016 be received and confirmed as a correct record, and*
- (b) *officers investigate the booking processes used by wheelchair accessible taxi services in the area and whether appropriate contingency plans were in place to accommodate wheelchair users.*

## **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 14 of Part 4 of Schedule 12A of the Act.

## **5 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE**

[This item was brought forward on the agenda with the consent of the Chair]

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

- (i) an application having been received for a Private Hire Vehicle Licence;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the specification as detailed in the Council's Hackney Carriage and Private Hire Licensing Conditions given that the vehicle was left hand drive and the Council's policy stated that all vehicles must be right hand drive unless specifically exempt by the Council;
- (iii) the Applicant having been invited to attend the meeting in support of his application and to present the vehicle for members' inspection.

The Applicant had been unable to attend the meeting but had appointed a representative who confirmed receipt of the report and committee procedures.

The Licensing Officer (NJ) presented the report and the committee was asked to consider whether it would be appropriate to depart from the Council's policy concerning vehicle specifications in order to grant the application as applied for. If

members were minded to deviate from policy there were approved additional conditions contained within the current policy to aid in the regulation and enforcement which had been attached as an appendix to the report.

The Applicant's representative submitted a letter from the Applicant and relevant documentation in support of the application (circulated at the meeting). Details of the Applicant's private hire business had been provided and reasoning behind the application in order to upgrade the existing licensed vehicle which had received all necessary approvals and authorisations to ensure public safety. It was clarified that the vehicle would be a direct replacement for an existing vehicle which was also left hand drive. The Licensing Officer explained that officers could not grant the application because it involved a deviation from the current policy but approval to grant delegated powers to officers for dealing with such applications in future was being sought as part of the private hire vehicle licensing policy review. Whilst the current age policy was 5 years for a new vehicle to fleet the vehicle in this case was in exceptional condition. The reference in the current policy to right hand drive vehicles was historical and the basis for that ruling was unclear.

In making a final statement the Applicant's representative reiterated that the vehicle was in immaculate condition and had passed all the necessary safety tests and provided a direct replacement and newer version of the existing vehicle on the fleet.

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

***RESOLVED*** that the application for a Private Hire Vehicle Licence be granted subject to additional conditions as detailed in Appendix 2 to the report.

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

Members considered the vehicle to be in exceptional condition and appropriate for licensing being a direct replacement and upgrade of an existing vehicle and having passed all the necessary compliance tests. Additional conditions had been attached in order to aid regulation and enforcement of the vehicle type.

The committee's decision and reasons therefore were conveyed to the Applicant's representative.

## **OPEN SESSION**

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

### **6 PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY**

The Licensing Officer (NJ) submitted a report by the Head of Planning and Public Protection (previously circulated) presenting the proposed Private Hire and Hackney Carriage Vehicle Policy, specification and conditions for adoption with effect from 1 April 2017.

Following a review and initial consultation on the proposed policy, members had approved a second consultation on a revised policy to reflect the changes made to

the first draft and to take account of any further representations in the final version. In presenting the final version officers had amended the policy to reflect the consultation responses as appropriate and had also incorporated some additional areas featured in other policies for clarity and ease of reference. The Department for Transport Model Byelaws previously approved by members were waiting confirmation by the Secretary of State before final implementation and would sit alongside the Hackney Carriage and Private Hire Policy.

The committee discussed the final draft policy with officers who clarified that –

- the maximum age of vehicles had been subject to much debate in the past and the final draft brought both hackney carriages and private hire vehicles into line with vehicles under a new application being a maximum of 5 years old and renewal applications granted for vehicles up to 12 years old whereupon the vehicle must be replaced with one of a maximum age of 5 years
- in terms of implementation of the new age limit all existing vehicles would have grandfather rights for 5 years which would be relevant to vehicles that had a continuous licence – vehicles not renewed before the expiry date of the existing licence would lose those rights and be treated as a new vehicle
- the testing regime for licensed vehicles included two compliance tests per year – for consistency new vehicles to fleet required an initial test by the Council's Fleet Services and at least one of the compliance tests carried out per year must be undertaken by Fleet Services when the vehicle reached 5 years old.

Members felt the changes brought consistency across hackney carriage and private hire vehicles and would result in improved vehicle standards whilst also giving sufficient time for the older vehicles to be replaced and upgraded. It was also noted that there had been general support for introducing an age limit for vehicles from the trade during the consultation process. For the benefit of new members it was clarified that the initial draft policy had highlighted the proposed changes to the existing policy.

**RESOLVED** that the Licensing Committee –

- (a) adopt the Private Hire and Hackney Carriage Vehicle Policy, Specification and Conditions found at Appendix 1 to the report, to come into force on 1 April 2017, and*
- (b) authorise the Head of Planning and Public Protection, in consultation with the Chair of the Licensing Committee, to make minor administrative amendments to the policy where necessary following a three yearly review, or earlier if appropriate.*

## **7 UPDATE ON PENALTY POINTS PROCEDURE**

The Public Protection Business Manager (IM) submitted a report by the Head of Planning and Public Protection (previously circulated) providing an annual update on the Penalty Points Procedure for the period 1 October 2015 to 30 September 2016 as previously requested by the committee. A breakdown of points awarded during the period had been attached to the report.

The Penalty Points Procedure detailed how the Council dealt with minor breaches in respect of taxi licensing and had been approved by the committee in September 2014 and further updated in March 2016. The issuing of points had been active since January 2015 and the procedure was subject to a review every three years.

Members' attention was drawn to the following points of interest –

- points had been awarded to 15 drivers which equated to 3% of licensed drivers
- no driver had multiple incidents resulting in the issue of points
- 4 drivers had been issued with maximum points in a single incident
- some drivers had appeared in front of the Licensing Committee
- 3 incidents involved presenting a vehicle for test in an unsafe condition – this had increased from two incidents last year
- failure to report convictions had trebled as had vehicles showing a dirty/filthy interior
- incidents of tyre defects had reduced by 80% and smoking in a vehicle had halved from last year

The trends in certain areas of the scheme were noted and the committee agreed with officers' suggestion that they continue with advisory messages via newsletters and press articles together with regular roadside compliance checks to reduce non-compliance. There was general support for the scheme from members and the Chair felt that it was worthwhile and a useful tool in identifying areas of concern and influencing positive behaviour. Officers responded to questions and elaborated upon inspections carried out by enforcement officers and joint operations with the Police and Fleet Services. With regard to passenger behaviour members were advised that it was the driver's responsibility to ensure that passengers acted in a reasonable manner.

**RESOLVED** that the information provided on the breakdown of the points issued as detailed in the report be acknowledged.

## **8 REVIEW OF STREET TRADING POLICY**

The Licensing Officer (JT) submitted a report by the Head of Planning and Public Protection (previously circulated) updating members on progress with regard to the review of the Council's current street trading policy and presenting the latest draft for members' consideration.

Members had considered an initial draft policy at the last meeting as part of the review process and had agreed to the inclusion of a system of "temporary block" consents or "special event" consents for use at community events and highlighted the need to review the merits of the current system of prohibited and consent streets. As part of review process officers intended to consult further with Town, City and Community Councils and other relevant Council departments on those issues prior to finalising a draft policy for public consultation. Officers also intended to revise the current scale of fees for street trading which would include scope to waive fees for small community events or charitable causes as appropriate.

Members noted the changes to the draft since consideration at the last meeting and welcomed proposals to consult with Town, City and Community Councils as part of the review and development of the policy. In response to questions officers –

- elaborated upon the current system of prohibited and consent streets which would be subject to review taking into account the different areas within the county in order to allow more flexibility in the scheme
- clarified that whilst there were guidelines and regulations governing street trading the intention was to develop a new simplified policy which was easy to read with a streamlined application process, including an annual consent, which was also supportive of community and charitable events
- highlighted that a number of issues had been raised for further consultation including a condition to prohibit trade within 100 metres of the boundary of any school/college between particular hours without formal invitation from the establishment
- advised that the policy was not intended to cover regulated markets which was subject to a separate process although one off speciality markets classed as special events could be considered under the new street trading policy.

**RESOLVED** that report be received and noted and officers be authorised to continue work on the draft Street Trading Policy by working with both Town, City and Community Councils and relevant sections within the Council to establish their views before undertaking a wider public consultation.

## **9 REVIEW OF SEX ESTABLISHMENT POLICY**

The Licensing Officer (JT) submitted a report by the Head of Planning and Public Protection (previously circulated) regarding proposals to compile a draft revised Sex Establishment Policy.

Licensing Committee on 4 March 2015 agreed that steps should be taken to adopt the provisions of Section 27 of the Policing and Crime Act 2009 (which gave local authorities the power to regulate lap dancing clubs as sex establishments) and review and amend the Council's existing Sex Establishment Policy as appropriate. Whilst there were currently no premises of that type in Denbighshire, the adoption of those powers would serve as a preventative measure for any future premises. Given current workloads officers considered they would be in a position to present members with a draft policy in 2017/18 and in the meantime officers would continue to refer any future application to the committee under existing procedures.

**RESOLVED** that the report be received and noted and the timescales therein for formulation of a revised draft Sex Establishment policy be approved.

## **10 LICENSING FORWARD WORK PROGRAMME 2017**

A report by the Head of Planning and Public Protection was submitted (previously circulated) presenting the Licensing Committee's future work programme for 2017.

Officers proposed to present an updated work programme to each committee meeting and maintain a rolling twelve month programme which would enable

officers to react to emerging pressures or impending changes as they arose without the need to make significant changes to the programme.

**RESOLVED** that –

- (a) *the Licensing Committee's forward work programme as detailed in the appendix to the report be approved, and*
- (b) *officers be authorised to introduce a rolling twelve month forward work programme to be updated for each committee meeting.*

The meeting concluded at 10.45 a.m.

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## LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Tuesday, 20 December 2016 at 9.30 am.

### PRESENT

Councillors Joan Butterfield, Bill Cowie, Meirick Davies, Barry Mellor, Merfyn Parry, Pete Prendergast, David Simmons, Cefyn Williams (Chair) and Huw Williams (Vice-Chair)

### ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Enforcement Officers (TB & LJ) and Committee Administrators (KEJ & SJ)

#### 1 APOLOGIES

Councillors Stuart Davies and Hugh Irving

#### 2 DECLARATION OF INTERESTS

Councillor Barry Mellor – Personal Interest – Agenda Item No. 6

#### 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, 13 and 14 of Part 4 of Schedule 12A of the Act.*

#### 4 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 509302

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

- (i) the suitability of Driver No. 509302 to hold a licence to drive hackney carriage and private hire vehicles following accrual of 9 penalty points on his DVLA driving licence during the period December 2015 to August 2016 relating to 2 incidents of failing to comply with a traffic light signal and 1 speeding incident;
- (ii) officers having not been in a position to grant the Driver's renewal application in light of the motoring convictions as disclosed;

- (iii) the Council's current policy with regard to the relevance of convictions, and
- (iv) the Driver having been invited to attend the meeting in support of his renewal application and to answer members' questions thereon.

The Driver confirmed that he had received the committee report and procedures.

The Public Protection Business Manager (IM) presented the report and detailed the facts of the case.

The Driver explained the circumstances surrounding each of the motoring offences. In mitigation for the failure to comply with a traffic light signal he referred to outside influences and potential fault with the traffic light signal. In respect of the speeding offence he had been mistaken with regard to the speed limit. The Driver provided assurances regarding his driving ability advising that prior to those incidents he had held a clean driving licence for eight years. In responding to questions he elaborated further on each incident and confirmed he had not been carrying fare paying passengers during the time the offences had occurred.

In making a final statement the Driver provided assurances with regard to his future conduct advising that he could provide customer references in that regard.

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

***RESOLVED*** that the renewal application for a hackney carriage and private hire vehicle driver's licence from Driver No. 509302 be granted with a formal warning issued as to future conduct.

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

Members carefully considered the facts of the case and mitigation put forward by the Driver. The committee had found the Driver to be open and honest in his answers to questions and found his version of events to be credible and acceptable with a series of unfortunate events leading to the accumulation of penalty points. Members also took confidence from the Driver's assurance with regard to his future conduct and felt that he was a fit and proper person to hold a licence. In light of the accumulation of points the committee believed a warning as to future conduct would be appropriate in this case.

The committee's decision and reasons therefore were conveyed to the Driver.

## **5 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 509827**

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

- (i) the suitability of Driver No. 509827 to hold a licence to drive hackney carriage and private hire vehicles following accrual of 12 penalty points on his DVLA

- driving licence spanning the period July 2013 to April 2016 relating to using an uninsured vehicle (6 points) and 2 speeding offences (total 6 points);
- (ii) officers having not been in a position to grant the Driver's renewal application in light of the motoring convictions disclosed following a routine check on his DVLA driving licence which had also revealed a conviction not declared by the Driver on his renewal application relating to the use of an uninsured vehicle;
  - (iii) the Council's policy with regard to the relevance of convictions, and
  - (iv) the Driver having been invited to attend the meeting in support of his renewal application and to answer members' questions thereon.

The Driver confirmed that he had received the committee report and procedures.

The Public Protection and Business Manager (IM) presented the report and detailed the facts of the case.

In presenting his case the Driver explained that he had six penalty points remaining on his licence for two speeding offences. The six penalty points imposed on his licence in July 2013 for driving an unlicensed vehicle had since been spent. The Driver had appeared before the committee upon first application to explain the circumstances surrounding that spent conviction and his licence had subsequently been granted. He had been under the misapprehension that those details would be kept on file and whilst he had mentioned the offence of driving an unlicensed vehicle when submitting his renewal application he had not declared it on his renewal form. The Driver also explained the circumstances surrounding the speeding offences and confirmed he was carrying a fare paying passenger at the time of the second speeding offence. Finally the Driver produced an insurance document validating his 7 years no claims bonus. In his final statement the Driver submitted that he was of good character, a safe and responsible driver and a hard working family man.

At this juncture the committee adjourned to consider the application.

Members sought further clarification regarding the process for renewal applications as it related in this case and it was confirmed that whilst the Driver had declared the now spent conviction upon first application (which was brought before the committee) he had failed to declare that conviction on his renewal form despite it clearly stating that applicants must declare motoring convictions for the last 5 years. Under the totting up procedure the conviction was considered spent after 3 years, however it remained on his DVLA driving licence for a total of 4 years.

During deliberations there were mixed views regarding the most suitable sanction in this case and members proposed both suspension and formal warning. Upon being put to the vote it was –

***RESOLVED*** that the renewal application for a hackney carriage and private hire vehicle driver's licence from Driver No. 509302 be granted but that the licence be suspended for a period of one month.

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

Members carefully considered the facts of the case and explanation provided by the Driver in mitigation. The committee raised serious concerns that the Driver had obtained two further speeding convictions in addition to the major traffic offence within a three year period and had failed to declare all of his motoring convictions on his renewal application, despite clear instruction to do so, which did not reflect well on his character. In considering the case members were satisfied that the Driver was a fit and proper person to hold a licence and agreed to grant the renewal application. However there had been mixed views when considering the sanction in this case but following a vote it was resolved to suspend the licence for one month.

The committee's decision and reasons therefore were conveyed to the Driver.

## **6 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/0269/TXJDR**

[Councillor Barry Mellor declared a personal interest because he knew two of the witnesses in this case and he left the meeting during consideration of this item.]

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

- (i) the suitability of Driver No. 15/0269/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following a complaint of road rage;
- (ii) details of the complaint having been provided (a summary of facts together with associated witness statements and documentation having been attached to the report);
- (iii) the Driver having previously appeared before the Licensing Committee on 10 June 2015 and the outcome of that case, and
- (iv) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver was in attendance at the meeting with his Legal Representative and confirmed receipt of the report and committee procedures.

The Enforcement Officer (TB) outlined the case as detailed within the report.

The Legal Representative advised that the Driver did not dispute the majority of the allegations in the witness statements and had accepted his conduct during interview. He detailed the circumstances leading up to the incident which had involved the manoeuvre of a tanker at a junction. Following the manoeuvre the Driver had dropped off his passengers and had gone back to see the tanker driver to raise the manner of his driving. However the tanker driver refused to speak to him and walked away and it was at that point he swore at him. There had been no intention to argue but the manner in which the tanker driver reacted had made him

lose his temper. The Driver admitted that he had acted inappropriately and had offered a handshake three times. He fully acknowledged his behaviour was unacceptable and the seriousness of the situation and was very remorseful. Whilst the Driver had been before the committee in June 2015 the nature of the case had been different and the Driver had also accepted his guilt on that occasion. Examples as to the Driver's good character were provided and members were advised that he had been previously licensed outside of the area and had held an unblemished record. Details of the Driver's personal circumstances were also given which may have affected his reaction to a certain degree and it was argued that to lose his licence would cause financial hardship.

Members took the opportunity to question the Driver on his interview statement and his version of events and queried what he expected to gain from his actions. The Driver advised that he had been unprepared for the interview as he had not been advised of the nature of the complaint but when pressed he confirmed he had an idea about what it would have been about. He elaborated upon the incident from his perspective advising that he felt bullied by the tanker driver and wanted to question him on the manner of his driving but he had been provoked and lost his temper and in hindsight admitted that he would not take that action again. He disputed that he had been ushered off the premises and had tried to apologise at the time. As a licensed driver he regularly witnessed numerous traffic incidents without retaliation and submitted that this case was an isolated incident which would not be repeated in the future.

In his final statement the Legal Representative reiterated that the Driver did not intend an argument when he went back to see the tanker driver and he was genuinely remorseful about what had occurred. The Driver had learned from the experience and would act differently if faced with similar circumstances in the future. It was submitted that there had been no other incidents of this nature and the Driver was not prone to road rage and he was willing to personally apologise to the tanker driver concerned. At no time had the Driver sought to dispute his involvement about what happened but had regretted his actions and acknowledged that his behaviour was unacceptable. When considering sanctions the committee was asked not to revoke the licence but if members were minded to suspend the licence then it should be proportionate.

The committee adjourned to consider the case and it was –

***RESOLVED*** that the hackney carriage and private hire vehicle driver's licence issued to Driver No. 15/0269/TXJDR be revoked on public safety grounds with immediate effect.

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

Members carefully considered the evidence presented in this case together with the explanation provided by the Driver in mitigation and in response to questions. Whilst members felt the Driver had accepted and regretted his wrongdoing they did not consider his version of events to be entirely credible and believed he had gone to see the tanker driver to confront him. The Driver's manner and demeanor in responding to questions together with the incident itself led the committee to believe

that he struggled to control his anger and questioned his train of thought given his rationale in deliberately going back to confront the tanker driver after the road incident was over instead of considering another course of action such as reporting the incident. The committee had not been persuaded that it was an isolated incident and could take no assurance that the incident would not be repeated in the future in similar circumstances which placed members of the public at risk. The Driver's integrity was also in question given his initial claims that he had no idea about what his interview had been about. The committee's overriding consideration was for public safety and they had a duty to protect the travelling public from a Driver who clearly exhibited a capacity to lose his temper, return to the scene of an incident which was over, and use foul and abusive language and had to be asked to leave the premises. Members also noted that the Driver had disregarded a previous warning as to his future conduct given a mere fifteen months previously and his conduct reflected badly on the trade and the council. Consequently the committee felt that the Driver was not fit and proper and did not possess the requisite characteristics to be a licensed driver and it was resolved to revoke the licence with immediate effect on the grounds of public safety. The committee disregarded the effect revocation or suspension would have on his livelihood and family circumstances since it was not a relevant consideration when looking at his character and fitness as a driver.

The committee's decision and reasons therefore were conveyed to the Driver and he was advised as to a right of appeal to the Magistrates Court within 21 days.

The meeting concluded at 11.45 a.m.

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	8 March 2017
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection Services
<b>CONTACT OFFICER:</b>	Public Protection Business Manager <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706066
<b>SUBJECT:</b>	Child Sexual Exploitation Awareness training

## **1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with an update on driver attendance at Child Sexual Exploitation (CSE) Awareness events and to seek direction on actions for non-attendance as well as comment on future proposals for similar training for new applicants.

## **2. EXECUTIVE SUMMARY**

- 2.1 The primary role of the licensing authority and Committee members is the protection, safety and wellbeing of the public.
- 2.2 A number of high profile safeguarding issues around the country have been publicised and in particular relating to CSE a number of which have had links with local authority licensed vehicles.
- 2.3 Members resolved to introduce a programme of CSE Awareness training events for all licensed drivers and operators during 2016.
- 2.4 Following a number of events officers are now reporting back to the Licensing committee of the progress made and seeking further direction from Members.

## **3. POWER TO MAKE THE DECISION**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976.

## **4. BACKGROUND INFORMATION**

- 4.1 Members will recall that at their Licensing Committee of 9th of March 2016 they resolved to make CSE Awareness training mandatory for all licensed drivers in Denbighshire.

- 4.2 Members will further recall that this was introduced following incidents linked to the late night economy, including taxi drivers, in other areas of the country.
- 4.3 Licensing officers, with the assistance and input from Social Services, North Wales Police and the charity Barnardo's, introduced a programme of Awareness events starting in the summer of 2016. In total there were 17 sessions over five different dates across the county, primarily in Rhyl but also in Ruthin and Denbigh.
- 4.4 At each location the events, lasting about 1 hour in duration, were held at various times across the day to allow for as many options possible across the working day.
- 4.5 The intention of the event was to raise awareness to drivers and demonstrate the signs and symptom to look out for in relation to CSE and what to do if they suspect CSE abuse.
- 4.6 All attendees were given a certificate of attendance along with branded window stickers and car air fresheners to help continue spread the awareness to the wider community.
- 4.7 A final mop up event was arranged for late January 2017 and every driver who had not attended up to that date were contacted by letter and either by phone or in person.
- 4.8 All licensed drivers were notified in writing prior to the events and those not attending as the process progressed were sent written reminders. Drivers not attending up to the last event would have received five letters.
- 4.9 To date, a total 340 drivers have attended the awareness training. Feedback has been positive.
- 4.10 There remains a total of eleven drivers who have not received CSE Awareness training through this method. The reasons for this are outlined in Appendix A but in summary:
- Five drivers are new to the taxi industry and are either not licensed or were not licensed before the final event;
    - Three of these five drivers were out of the country on holiday on the date of the last event and had not applied prior to previous dates;
    - One driver did not attend and the other went to the wrong venue.
  - Six drivers are currently licensed drivers:
    - One of these drivers has daytime employment (not taxi related) and is unable to get time off in the daytime.
    - One other existing driver was out of the country for the final event
    - The remaining four existing drivers did not attend



- 4.11 Overall, 97% of Denbighshire's licensed drivers took part in the awareness training.
- 4.12 In respect of new drivers there is currently no agreed process to highlight CSE to prospective licensed drivers. Two possible solutions are identified below for Members' consideration.

## **5.0 CONSIDERATION**

- 5.1 The primary role of the licensing authority and Committee members is the protection, safety and wellbeing of the public.
- 5.2 The Local Government (Miscellaneous) Provisions Act 1976 Section 51 deals with the issue of driver suitability as follows:
- “.....Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a fit and proper person to hold a driver's licence.
- 5.3 Whilst there is no absolute definition when it comes to what constitutes a “fit and proper person”, the licensing authority should consider all aspects of what makes a driver safe and suitable to be a licensed driver which could include good character.
- 5.4 Given that 97% of Denbighshire licensed drivers have attended one of the seventeen awareness training events due consideration should be given to those existing drivers that have yet to undergo training. A decision needs to be made on what action is taken against each driver that has not had this awareness training.
- 5.5 To enable new applicants to demonstrate their awareness of CSE in the community Licensing officers have drafted a guidance document and the text of this document is attached at Appendix B.
- 5.6 Licensing officers are also in discussion with Barnardo's about the feasibility of introducing an online CSE Awareness course. This method of training is operating in other areas of the country and is instigated and funded entirely by the applicant. Completion of the course produces a certificate which can be included in the application.

## **6.0 RECOMMENDATION**

- 6.1 In respect of existing drivers that have not attended the training (Appendix A) Members may resolve to :
- Instruct officers to revoke or suspend the drivers licence
  - Instruct officers to submit any applications for renewal by these drivers to a future Licensing committee for consideration.
  - Convene a Special Committee to hear representations from these drivers.

- Instruct these drivers to arrange appropriate awareness training themselves within a certain period of time, potentially through a method endorsed by the council
- 6.2 In respect of new drivers who haven't yet had opportunity to attend awareness training Members may resolve to :
- Instruct officers to arrange a further awareness training event (this could potentially be delivered in-house)
  - Instruct officers to arrange a "knowledge test" type assessment after providing the guidance note to the applicants/new drivers
  - Instruct drivers to arrange appropriate awareness training themselves within a certain period of time, potentially through a method endorsed by the council
- 6.3 In respect of new applicants Members may resolve to :
- Instruct officers to implement a "knowledge test" type assessment after providing the guidance note to the applicants/new drivers which can be included in the pre-licence Knowledge Test.
  - Instruct applicants to arrange appropriate awareness training themselves, potentially through a method endorsed by the council, prior to submitting an application.

## Appendix A

### Summary of Drivers who do not have CSE Awareness Training

<b>Driver</b>	<b>Status</b>	<b>Reason</b>
Driver 1	New	Stated they would attend but attended the wrong location and missed the session.
Driver 2	New	New driver who has a licence awaiting collection, who was out of the UK on holiday.
Driver 3	New	New driver application pending, who is out of the UK on holiday.
Driver 4	New	New driver application, who stated he would attend the CSE input, but failed to attend.
Driver 5	New	New driver application, who was out of the UK on holiday.
Driver 6	Exisiting	Driver who stated he would be attending, but failed to attend.
Driver 7	Exisiting	Driver who works during the day (not taxi related employment) and who is unable to attend day time events.
Driver 8	Exisiting	Driver who failed to attend. Two letters dropped off and home visited.
Driver 9	Exisiting	Driver who failed to attend despite two letters being delivered and home visited. Telephone contact also made to female at the address, who said she would inform the driver of his responsibility to attend.
Driver 10	Exisiting	Driver who failed to attend, after two letters were dropped off and home visited.
Driver 11	Exisiting	Driver, out of the UK on holiday.

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### **Speak Out Against Child Sexual Exploitation**

This campaign aims to raise awareness within Denbighshire of the issues of Child Sexual Exploitation (CSE) and human trafficking. Whilst Denbighshire remains one of the safest counties in the country, tackling CSE is a Government priority and in Denbighshire we are looking to engage with all communities to help prevent children becoming victim of these crimes.

The '**Speak Out Against Child Sexual Exploitation**' campaign is a proactive multi-agency response between North Wales Police and Denbighshire to tackle CSE in the county.

### **Child Sexual Exploitation involves:**

Young people under the age of 18 who are encouraged/forced into a sexual relationship or situation by an adult. It often involves young people being offered something in return for performing sexual acts, for example:

Alcohol, Cigarettes, Mobile Phones, Gifts, Money, Drugs, Love

### **Where does it happen?**

Young people can be groomed and sexually exploited at a variety of premises and locations such as:

Parks, Shopping centres, Taxi ranks, Restaurants, Takeaways, Gyms, Leisure centres, Hotels, Hostels, Pubs/bars/clubs.

### **Trafficking**

Children and young people who are victims of sexual exploitation are also vulnerable to trafficking across cities and counties within the UK, and also international trafficking into and out of the UK for the purposes of sexual exploitation. Trafficking involves the illegal trade in human beings for the purposes of sexual exploitation. The recognition of trafficking within the UK applies irrespective of distance travelled, and hence can be applied to movements within the same city.

#### **Your Responsibility and the Law**

If a taxi driver transports a child knowing or believing that child will be sexually exploited during or after the journey that driver will commit the offence of Human Trafficking:

*A person intentionally arranges or facilitates the travel of a person within the UK for the purposes of sexual exploitation*

**Maximum sentence 14 years imprisonment**

### **How this information pack can support your business:**

We believe that local businesses can play a positive role in preventing CSE and human trafficking, which puts children – and your business – at risk. This pack aims to raise awareness specifically with taxi operators and drivers of the signs to look out for and actions to take to help ensure that businesses are not vulnerable to being associated with these types of crimes. Drivers specifically can form a crucial part of the fight against these issues and be the eyes and ears of the community, providing potentially important information to authorities.

This resource pack is based on a national campaign, which has the endorsement of The Children's Society/National Working Group for the Prevention of Child Sexual Exploitation.

There are a number of criminal offences associated with child sexual exploitation and human trafficking resulting in damaging consequences including a possibility of prosecution, action being taken in relation to licensing and reputational/financial damage. By working together we can play a positive role in protecting children and local businesses from this activity.

We feel that it is vital that our local taxi industry engages with this campaign and therefore we are seeking the support and endorsement of those involved in this line of business within Denbighshire in rolling out this campaign. You have the power to help prevent child sexual exploitation and trafficking.

#### **What is included in this pack?**

- Signs to look out for
- Actions to take
- Good Safeguarding Practice
- Guidance for operators
- Contacts

#### **Signs to look out for and what to do**

- ❖ Taking/collecting young people (girls and boys) from hotels/B&Bs/house parties
- ❖ Guests with little/no luggage going to hotels or repeat trips to the same hotel or address
- ❖ Picking up young people from other cars
- ❖ Young people who look distressed or intimidated
- ❖ Observing suspicious activity in hot-spot areas
- ❖ Young people under the influence of drugs and/or alcohol
- ❖ Attempts by young women to avoid paying fares in return for sexual favours
- ❖ Regular males requesting taxi rides to and from locations - taking young people with them
- ❖ Taking young people to A&E, who are not in the presence of parents
- ❖ Young people with injuries such as bruising or blood stains
- ❖ Young girls who are overly 'made-up'
- ❖ Concerning conversations between children and adults in the taxi i.e. of an adult or sexual nature
- ❖ A child who appears nervous, fearful, withdrawn or uncomfortable to act under instruction
- ❖ A child who appears to speak a different language to the adult(s)

#### **What to do:**

- Make notes about the information you know
- Call and report your concerns about possible sexual exploitation

**Information to share:**

- Names
- Locations and addresses of concerns
- Descriptions of people
- Car registration plates, makes and models of vehicles
- Description of concerning activity

**Good Safeguarding Practice**

- ✓ Check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- ✓ Let your employer/operator know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.
- ✓ If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub). Record incidents and refusals.
- ✓ Be professional – try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or facebook address.
- ✓ Do not make offensive or inappropriate comments (such as the use of swearing or sexualised language) or act in an aggressive manner or in any way that may make a vulnerable passenger feel intimidated or threatened
- ✓ Do not touch passengers unnecessarily or inappropriately.
- ✓ Never accept an offer of a sexual favour instead of payment.
- ✓ Make sure you are wearing ID, either a badge or company uniform.
- ✓ Sit lone passengers in the back unless otherwise agreed.
- ✓ Never follow a passenger into the house unless previously agreed / properly authorised.
- ✓ ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- ✓ NEVER set off with a passenger without a specific destination address.
- ✓ NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger.
- ✓ If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and

approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.

- ✓ As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency. Organisations should have a lead member of staff for safeguarding, this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ✓ ALWAYS KEEP A RECORD either in your cab or with your employer/operator, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passengers safe.

**Be aware** of the indicators of risk  
**Be aware** of young people you think may be at risk  
**Be aware** of addresses you are taking young people to  
**Pass on** any information/concerns you have

### ***Guidance for Operators Employing Taxi / Private Hire Vehicle Drivers***

This guidance aims to promote good safeguarding practice in local taxi or private hire businesses that involves providing a service to vulnerable passengers. Vulnerability could be caused by a number of factors including mental illness, misuse of drugs or misuse of alcohol. Both children and adults can be vulnerable as a result of these factors. It is recommended that an appropriate supervisor / manager implements the following principles in training and operational practice:

At the point of booking, a vulnerable passenger risk assessment should be undertaken and recorded in writing. This should inform your operating policy and staff briefing in relation to the protection of the vulnerable passenger and the driver.

All staff/drivers should be trained and staff training records should be maintained. Employment records should be maintained for drivers, including name, address, date of birth, national insurance number/documentation giving permission to work in the UK, contact telephone number and vehicle registration numbers; proof of identity.

Drivers should be required to register in and out at each shift and these registers should be maintained as part of your due diligence records.

Drivers should be required to adhere to a Code of Good Safeguarding Conduct to promote safe practice in relation to vulnerable passengers.

Drivers should be required to produce photo-identification to the carer or if appropriate, vulnerable passenger, at the point collection.

Drivers should remain professional at all times and should not:



- Touch a child/young person unnecessarily or inappropriately;
- Make offensive or inappropriate comments (such as the use of swearing or sexualised language);
- Attempt to misuse personal details obtained via the business about a child (for example communicating with a child at their postal address, or by social network, internet or mobile telephone or by using any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).

Records should be maintained of complaints and any disciplinary action taken against drivers who breach the Code of Conduct for safeguarding children and vulnerable adults.

A whistle-blowing policy should operate to encourage the reporting of persons who breach the Code of Conduct for safeguarding children and vulnerable adults. A log should be maintained by drivers when a journey involves a vulnerable passenger who is not under the supervision of a responsible carer, including the details of any incidents occurring/actions taken.

If the driver is concerned about the safety, welfare or behaviour of a vulnerable person, s/he should be encouraged to report this to the police (if it is an emergency dial 999) or other appropriate service and to their manager. The nature of the concern and actions taken should be recorded in the incident log.

#### Reporting Concerns

**Phone 999 if risk is imminent / assault happened or likely to.  
Record and report concerns to the police 101 and / or safeguarding services if a child or vulnerable adult is involved.**

#### **Suggested Code of Conduct when working with Vulnerable Passengers**

This guidance aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Vulnerability could be caused by a number of factors including mental illness, misuse of drugs or misuse of alcohol. Both children and adults can be vulnerable as a result of these factors. It is recommended that the following safeguarding principles should be embedded into staff/driver training and practice:

- All drivers should register in and out of shifts. A shift register should be maintained and at the point of registration the driver should confirm his/her identity and the registration number of the vehicle in use.
- Drivers should carry photo ID at all times.
- The booking process should include a check for vulnerability issues so that provision can be arranged.

- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver/staff should obtain a record of the carer's contact details if there is no chaperone.
- Never double up passengers unless formal consent and authorisation has been obtained.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers/staff should remain professional at all times and should not:
  - Touch a vulnerable person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
  - behave in a way that may make a vulnerable passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a child (for example communicating with a child at their postal address, or by social network, internet or mobile telephone or by using any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/actions taken or refusals of service.
- If a driver or member of staff is concerned about the safety, welfare or behaviour of a vulnerable person, s/he should report this to the police or other relevant service and to the business manager.
- As with all professions if you are concerned about someone's conduct report your concerns to your manager or the relevant agency.
- Drivers/staff should familiarise themselves with any whistle blowing policy that may be in place for their business.

**Be aware** of the indicators of risk  
**Be aware** of young people you think may be at risk  
**Be aware** of addresses you are taking young people to  
**Pass on** any information/concerns you have

## Speak Out Against Child Sexual Exploitation

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	8 March 2017
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection Services
<b>CONTACT OFFICER:</b>	Public Protection Business Manager <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706066
<b>SUBJECT:</b>	Proposed Statement of Licensing Policy

## 1. PURPOSE OF THE REPORT

To present to Members of the Licensing Committee the final draft of the Council's Statement of Licensing Policy.

## 2. EXECUTIVE SUMMARY

2.1 One of the responsibilities of the Local Authority, when acting in its capacity as Licensing Authority, and in accordance with Section 5 of the Licensing Act, is to determine and publish a Statement of Licensing Policy.

2.2

As required by legislation and Guidance issued by the Home Office under Section 182 of the Licensing Act, the Council is required to consult upon and prepare a Statement of Licensing Policy on at least a 5 yearly basis.

## 3. POWER TO MAKE THE DECISION

3.1 Section 5 of the Licensing Act 2003.

## 4. BACKGROUND INFORMATION

4.1 A Statement of Licensing Policy has been in effect in the Council since 2005.

4.2 The Statement of Licensing Policy establishes a local framework for decision-making when considering applications for relevant permissions or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it, along with Guidance issued by the Home Office, when determining an opposed application.

4.3 At its March 2015 meeting the Licensing Committee resolved that the draft Statement of Licensing Policy be approved for public consultation and that power be delegated to the Head of Planning and Public Protection to agree any changes arising from the collaboration project prior to consultation.

4.4 Members will recall from the March 2015 meeting it was highlighted that whilst a Statement of Licensing Policy must be individual to each authority, it would be helpful to applicants and responsible authorities alike, if those of neighbouring authorities were compiled in a similar manner. For this reason, the Licensing Section formatted the policy similar to that of the other Licensing Authorities across the region. There are only minor changes to the content, e.g. new legislation references.

4.5 The latest version is attached at Appendix A.

## 5.0

### **CONSULTATION**

#### 5.1

This version is subject to a public consultation which includes:

- North Wales Police
- North Wales Fire & Rescue Service
- Planning Services
- Trading Standards
- Environmental Health
- Children's Services
- Health & Safety
- Representatives of the local licensed trade
- Representatives of local businesses and residents
- All County Councillors
- Town and Community Councillors
- Community Safety Partnership

#### 5.2

Licensing officers will provide Members with a verbal summary of comments received.

## 6.0

### **CONSIDERATION**

#### 6.1

Members will be provided with an updated version highlighting any subsequent amendments at their Licensing Committee meeting on 8 March 2017

#### 6.2

Members are asked to consider adopting that presented version subject to any final amendments as appropriate.

#### 6.3

This Statement of Licensing policy has not, despite the formatting, significantly changed from the previous version and as such will not

require further approval by Full Council.

**7.0**

**RECOMMENDATION**

7.1

Members adopt the Statement of Licensing policy as presented on 8 March 2017 following any amendments agreed at the Licensing Committee on 8 March 2017 being made by Licensing officers.

7.2

The Statement of Licensing Policy be adopted with effect from 1 April 2017.

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# 1. INTRODUCTION

## 1.1 BACKGROUND

- 1.1.1 Under the provisions of the Licensing Act 2003, Denbighshire Council is the Licensing Authority (and is referred to in this document as “the licensing authority”) responsible for granting Premises Licences, Club Premises Certificates, and Personal Licences in the county of Denbighshire .
- 1.1.2 The Licensing Act 2003 (“the Act”) requires a licensing authority to determine and publish a statement of licensing policy (“the policy”) at least every five years. This policy is made under Section 5 of the Act and in accordance with the guidance issued by the Secretary of State, under Section 182 of the Act (“the Guidance”), to licensing authorities on the discharge of their functions under the Act.
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must ‘have regard to’ the Guidance issued by the Secretary of State. If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 As required by the Act, the draft Licensing Policy was subject to formal consultation with North Wales Police, North Wales Fire & Rescue Service, Betsi Cadwaladr University Health Board, Persons/bodies representative of businesses and residents in the county and Persons/bodies representative of current licence/certificate holders.
- 1.1.5 In adopting this policy, the licensing authority recognises both the needs of residents for a safe, healthy and sustainable environment in which to live and work and the importance of well-run entertainment and leisure premises to the economy and tourism industry in Denbighshire.
- 1.1.6 The policy was adopted by Denbighshire Council on **[INSERT DATE WHEN ADOPTED]** having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.7 The policy will normally apply to any licence application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.
- 1.1.8 Key policy statements are presented in shaded boxes.

## 1.2 AUTHORITY PROFILE

1.2.1 Denbighshire covers an area of 844 km<sup>2</sup> and has a population of around 94,000

1.2.2 The economy of Denbighshire is diverse. In the more urban north of the county, the seaside towns of Rhyl and Prestatyn dominate and the retail, leisure and tourism sectors remain major employers as Denbighshire is one of the most popular destinations for tourists. The late night economy is mainly focused along the coastal strip at the towns of Rhyl and Prestatyn with all the other main towns – St Asaph, Denbigh, Ruthin, Corwen and Llangollen – having similar share of licensed premises.

1.2.3 Denbighshire has around 2000 premises licensed under the Licensing Act 2003 including those licensed for the supply alcohol for consumption on and/or off the premises and those licensed for the provision of late night refreshment. The authority receives over 300 temporary event notices each year to hold temporary events for regulated entertainment and/or sale of alcohol.

## 2. SCOPE AND EXTENT

- 2.1 The purpose of this statement of licensing policy is to set out the policies the licensing authority will apply when carrying out its licensing function, i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law. A glossary of the terms used in the Act and in this policy can be found in Appendix 1.
- 2.2 The Act defines **licensable activities** as:-
- 2.3 **Sale by retail of alcohol** - The “sale by retail” of alcohol is defined in Section 192 of the Act. Alcohol means spirits, wine, beer, cider or any fermented, distilled spirituous liquor. A sale by retail is any sale of alcohol except those made to a business or club to be sold on to customers, i.e. wholesale of alcohol.
- 2.4 **The supply of alcohol by or on behalf of a club, or to the order of, a member of the club** - A club’s supply of alcohol is the property of all of the members and a supply to a member is therefore a separate licensable activity.
- 2.5 **The provision of regulated entertainment** - Schedule 1 of the Act sets out what activities are to be regarded as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime.
- 2.6 The descriptions of entertainment activities licensable under the Act are:
- A performance of a play;
  - An exhibition of a film
  - An indoor sporting event;
  - A boxing or wrestling entertainment;
  - A performance of live music;
  - Any playing of recorded music
  - A performance of dance; and
  - Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 2.7 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must either
- take place in the presence of a public audience, or
  - where the activity takes place in private, be the subject of a charge made with a view to profit.
- 2.8 The Deregulation Act 2015 made considerable changes to the definition of regulated entertainment. Further information regarding these changes along

with the changes made following the Live Music Act 2012 can be found in Appendix 2.

2.9 **The provision of late night refreshment** - Schedule 2 of the Act sets out what activities are to be treated as the provision of late night refreshment and those that are not. The Deregulation Act 2015 provides a licensing authority may exempt the supply of hot food or hot drink if it takes place in a designated area, on or from designated premises and during designated times.

2.10 The licensing authority has NOT designated an area within the county of Denbighshire for the exempt supply of late night refreshment.

2.11 It is a criminal offence under Section 136 of the Act to carry on any of the above licensable activities other than in accordance with a licence or other authorisation under the Act.

2.12 The **types of authorisation or permission** the Act requires the licensing authority to regulate are:-

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.

2.13 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:

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

2.14 The licensing authority will carry out its licensing functions in a way that

- ensures public safety,
- supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses,
- supports premises that promote healthier lifestyles and responsible alcohol consumption, and
- protects residents from detrimental effects.

- 2.15 The licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, focus on:-
- Matters within the control of individual licensees and others who are granted any relevant authorisations.
  - The premises and places being used for licensable activities and their vicinity.
  - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.16 Every application considered by the licensing authority under this policy will be considered on its individual merits. Nothing in the policy will undermine the rights of any individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.
- 2.17 Nothing in this policy shall override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. However, this will not include applications or representations which are considered to be frivolous, vexatious or repetitious.
- 2.18 If it considers it appropriate, the licensing authority may depart from its statement of licensing policy if the individual circumstances of the case merit such a decision in the interests of the promotion of the licensing objectives.

### 3. LICENSING OBJECTIVES

3.0.1 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:

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

3.0.2 The licensing objectives are paramount considerations to be taken into account by the licensing authority in determining an application made under the Act, and any conditions attached will be ones appropriate and proportionate to achieve the licensing objectives.

3.0.3 **Each objective is of equal importance.** They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the carrying on of that business has on the vicinity.

3.0.4 In undertaking its licensing functions, the licensing authority will use a full range of measures including its planning controls, transport control and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-

- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Security Act 2010
- Policing and Crime Act 2009
- Health Act 2006
- Violent Crime Reduction Act 2006
- Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Health and Safety at Work etc Act 1874
- European Union Services Directive
- The Regulators' Compliance code
- Denbighshire Council's Planning & Public Protection Service Enforcement Policy
- Denbighshire Council's Strategic Equality Scheme

**Note:** - Where existing law already places statutory obligations on applicants the Council will not impose the same or similar duties by way of condition on the premises licence, holder or club.

3.0.5 The licensing authority will continue to work in partnership with the police and fire authorities, local businesses, pub watch schemes, community representatives and local people, in meeting these objectives.

- 3.0.6 The licensing authority recognises that the entertainment industry in Denbighshire is a contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the licensing authority has a duty to protect.
- 3.0.7 The Council will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the county's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

## 3.1 THE PREVENTION OF CRIME AND DISORDER

- 3.1.1 The prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of Denbighshire Council under the Crime and Disorder Act 1998.
- 3.1.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. It is therefore important that an applicant for a premises licence or club premises certificate is able to demonstrate to the licensing authority the practical steps which will be taken to promote this objective.

- 3.1.3 The licensing authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.
- 3.1.4 The licensing authority will consider the representations of North Wales Police Service as the main source of advice on crime and disorder.
- 3.1.5 This Licensing Authority expects all premises to adopt an age verification policy such as Challenge 25.

### DRUGS

- 3.1.6 Applicants should consider that special conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs.
- 3.1.7 Drugs alter the way people behave, so their distribution and possession is controlled by the law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.
- 3.1.8 The licensing authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug users and suppliers.
- 3.1.9 The licensing authority will expect licensees to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent the misuse of drugs within the premises and to take practical measures to prevent tragedies as a result of drug misuse.
- 3.1.10 The licensing authority will require the applicant to identify any particular issues (having regard to the particular type of premises and/or activities) relating to the



entry of and use of drugs on their premises, and set out in their operating schedule how such issues will be dealt with.

#### DOOR SUPERVISORS (LICENSED SECURITY PERSONNEL)

3.1.11 The licensing authority considers that certain premises may require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises.

3.1.12 The licensing authority may impose a condition, if relevant representations are received, that door supervisors (approved by the Security Industry Authority) be employed at the premises either at all times or at such times as certain licensable activities are being carried out, and at a number and ratio to be determined by the licensing authority.

#### PUBLIC SPACE PROTECTION ORDERS

3.1.13 The authority supports the use public space protection order (PSPO) as a tool to prevent alcohol related crime and disorder in the streets.

3.1.14 The authority expects premises that operate in areas where DPPO's/PSPO's have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

#### PERSONAL LICENCES

3.1.15 The licensing authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification approved by Department for Culture Media and Sport (DCMS) and does not have certain serious criminal convictions; the application has to be granted.

3.1.16 If an applicant has a relevant conviction, North Wales Police can oppose the application. If the police lodge an objection, a hearing at the licensing authority's Licensing Sub-committee will be held.

3.1.17 At any hearing, members will consider carefully whether the grant of the licence will be in the interests of the crime and disorder objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The sub-committee will only grant the application if it is satisfied that doing so will promote this objective.

## 3.2 PUBLIC SAFETY

- 3.2.1 The public safety licensing objective is concerned with the physical safety of the people using the relevant premises. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption. For further information regarding effects of alcohol on health in Wales, see Appendix 3.
- 3.2.2 Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the Act. These include but are not restricted to fire safety, access for emergency services, appropriate and frequent waste disposal, use of CCTV etc.
- 3.2.3 The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.
- 3.2.4 The licensing authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.
- 3.2.5 The licensing authority will have particular regard to representations from North Wales Fire and Rescue Service, North Wales Police and Denbighshire Council's Environmental Health team, to determine whether measures proposed are suitable to ensure the safety of the public.
- 3.2.6 Where the licensing authority considers that general health and safety duties do not adequately cover licensable activities, it may attach conditions to promote public safety if it is appropriate to do so following representations.
- 3.2.7 Where activities are organised by volunteers or by a committee of a club or society the licensing authority considers it good practice that the same level of health and safety protection is provided as if an employer/employee relationship existed.
- 3.2.8 The licensing authority expects the organisers of any large scale event, where licensable activities are to take place, to prepare an event management plan incorporating appropriate risk assessments. Organisers of large scale events where licensable activities are to take place are advised to contact the Denbighshire Events team at the initial planning stage for the event. A Safety Advisory Group meeting might be appropriate in some circumstances.
- 3.2.9 The licensing authority will include in a Premises Licence/Club Premises Certificate an occupant capacity, where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service following representations from them.

### 3.3 THE PREVENTION OF PUBLIC NUISANCE

3.3.1 Public nuisance is given a statutory meaning in many pieces of legislation however it is narrowly defined in the Act and retains its broad common law meaning.

3.3.2 Public nuisance may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

3.3.3 Public nuisance concerns include:

- Noise from premises
- Litter
- Car Parking
- Light pollution
- Noxious odours
- Behaviour/Disorder

3.3.4 The licensing authority is committed to ensuring that the living and working amenity and environment of other persons living and working in the area of the licensed premises is not compromised.

3.3.5 When considering the potential impact of licensed premises on the surrounding locality, the licensing authority will consider

- the licensable activities applied for
- the hours of operation applied for
- the capacity of the premises
- the character of the area, and
- proximity to local residents.

3.3.6 The licensing authority will not impose conditions on licensed premises that the licence holder cannot directly control, or on matters not related to the immediate vicinity of the premises.

3.3.7 North Wales Police have powers under the Act to control noise from premises. In the event that they have to invoke these powers they shall liaise, where practicable, with the licensing authority in accordance with the protocol regarding shared enforcement attached as Appendix 4.

3.3.8 Noise and disturbance arising from the behaviour of patrons entering or leaving the premises are matters for personal responsibility and are subject to Police enforcement of the legislation concerning disorder and anti-social behaviour.

3.3.9 The licensing authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

## 3.4 THE PROTECTION OF CHILDREN FROM HARM

- 3.4.1 The protection of children from harm objective is concerned with the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also protecting children from sexual exploitation and wider harms such as exposure to strong language and exposure to adult entertainment.
- 3.4.2 The licensing authority recognises that the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence.

- 3.4.3 Access by children to all types of premises will not be restricted unless it is considered necessary to do so in order to protect them from harm.
- 3.4.4 The licensing authority will not wish to impose conditions positively requiring the admission of children to licensed premises, which should remain a matter of discretion for the licensee of those premises, subject to there being no conflict with the licensing objective of protecting children from harm.
- 3.4.5 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises, and the nature of activities proposed to be provided, for example:-
- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
  - Where premises have a known association with drug dealing or taking;
  - Where there is a strong element of gambling on the premises; (this does not include premises which only contain a small number of cash prize gaming machines);
  - Where entertainment of an adult or sexual nature is provided.
- 3.4.6 In such instances, the licensing authority may attach conditions to any licence to:-
- Limit the hours when children may be present
  - Restrict the age of persons allowed on the premises
  - Require an accompanying adult
  - Limiting or prohibiting access when certain activities are taking place
- 3.4.7 Where equal chance gaming or gaming machines are present at a licensed premises the presence of children will have to be monitored by the licensing authority and the Designated Premises Supervisor (DPS).
- 3.4.8 Where large numbers of children are likely to be present on any licensed premises or where child performers are present in licensed premises, the licensing authority may require the presence of an appropriate number of

- responsible adults (who will have provided a satisfactory Disclosure and Barring Service certificate) to ensure their safety and protection from harm.
- 3.4.9 Where the exhibition of films is permitted, the licence or certificate must include a condition which will restrict access only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases by the local authority.
- 3.4.10 No film shall be exhibited in licensed premises which is likely to:
- Lead to disorder;
  - Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.
- 3.4.11 Applicants seeking a licence to supply alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over 18;
  - That alcohol is only delivered to a person over 18; and
  - That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer.

#### ADULT ENTERTAINMENT

3.4.12 Where the activities proposed under the licence include those of a sex related nature (e.g. striptease, topless waitresses, and table dancing) the licensing authority will take into account the potential for an increased risk to the licensing objectives.

3.4.13 The licensing authority will not normally grant licences which involve a sex related element near schools, nurseries, places of worship, hospitals, youth clubs or other sensitive premises where significant numbers of children are likely to attend.

3.4.14 Where such licences are granted, conditions will be imposed if necessary which are designed to ensure that children are not admitted to and cannot witness either these activities or advertisements for them, as well as those conditions necessary to prevent crime and disorder problems.

3.4.15 If a premises licence or club certificate application does not specifically refer to adult entertainment of any kind, the licence or certificate will specify that adult entertainment is not authorised.

3.4.16 Any premises used for more than 12 occasions within a 12 month period for any relevant sexual entertainment, must also be licensed as a Sexual Entertainment

Venue. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

## 4. CUMULATIVE IMPACT, EARLY MORNING ALCOHOL RESTRICTION ORDERS AND LATE NIGHT LEVY

### 4.1 CUMULATIVE IMPACT

4.1.1 The concentration of licensed premises by number, type or density in a particular area and the cumulative impact it has on the promotion of the licensing objectives is a matter that the licensing authority will consider when carrying out its licensing function.

4.1.2 Where there is evidence that a particular area of the county is already suffering adverse effects arising from the concentration of late night premises, or those residential areas are under stress, consideration will be given to adopting a 'Saturation Policy'.

4.1.3 The effect of such a policy is that the licensing authority could refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it received relevant representation, unless an applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact already being experienced.

4.1.4 The 'Saturation Policy' would not be absolute however, and any application would be considered on its own merits and would be given proper consideration. In addition, the policy will not seek to limit the number of licensed premises which will be permitted, simply because the licensing authority considers that there are already enough licensed premises to satisfy the demand.

4.1.5 In determining whether to adopt a 'Saturation Policy' for a particular area the licensing authority may, among other things-

- Gather evidence or identification of serious and chronic concern from a responsible authorities and interested parties about nuisance and disorder
- Identify the area from which problems are arising and the boundaries of that area
- Make an assessment of the causes
- Conduct a consultation exercise

4.1.6 If a 'Saturation Policy' is adopted, it will be reviewed regularly to assess if it is necessary and proportionate.

4.1.7 Before establishing a 'Saturation Policy' the licensing authority will consider the number of existing measures available relevant to tackling unlawful and antisocial behaviour associated with licensed premises.

Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas.	Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise.	Powers of the police, responsible authorities, local residents or businesses, or councillors to seek a review of a premises licence or club certificate.
Prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk.	Police enforcement of the general law concerning disorder and antisocial behaviour.	Participation in local trade liaison schemes e.g. Pub watch.
Planning controls.	Provision of CCTV.	Use of trained security and other staff.
Drug control policies.		



## 4.2 EARLY MORNING ALCOHOL RESTRICTION ORDER

4.2.1 The licensing authority has the power under section 119 of the Police Reform and Social Responsibility Act 2011 to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

4.2.2 Early Morning Alcohol Restriction Orders (EMROs) are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

4.2.3 An EMRO must specify:

- the days on which it is to apply and the time period of those days,
- the area in relation to which it is to apply,
- if it is to apply for a limited or unlimited period, and
- the date from which it is to apply

4.2.4 The effect of an EMRO is that Premises Licences or Club Premises Certificate granted by the licensing authority, and Temporary Event Notices given to the licensing authority do not have effect in the area specified and during the period specified in the order.

4.2.5 Where there is evidence that there are recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises, consideration will be given to making an EMRO.

4.2.6 Before making an EMRO the licensing authority will consider the number of existing measures available to tackling public nuisance and anti-social behaviour which is not directly attributable to specific premises.

Introducing or widening a Cumulative Impact Policy	Reviewing the licenses of specific problem premises	Police enforcement of the law concerning disorder and anti-social behaviour
Power to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)	Planning controls	Positive measures to create safe and clean town centres by working in partnership with others

4.2.7 If the licensing authority proposes to make an EMRO it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

### 4.3 LATE NIGHT LEVY

4.3.1 The licensing authority has the power under section 125 of the Police Reform and Social Responsibility Act 2011 to introduce a levy payable by the holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am, in order to cover the additional costs associated with late night alcohol trading.

4.3.2 The holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am benefit from the existence of a late night economy. However, alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies.

4.3.3 Where the licensing authority decides under section 125 that the late night levy requirement is to apply in its area, it must also decide—

- the date on which the late night levy requirement is first to apply, and
- for the first levy year and each subsequent levy year—
  - the late night supply period;
  - the permitted exemption categories (if any) that are to apply in its area;
  - the permitted reduction categories (if any) that are to apply in its area;
  - the proportion of the net amount of levy payments that is to be paid to the North Wales Police

4.3.4 Any income raised by the levy must be split between the licensing authority and North Wales Police. The police will receive at least 70% of the net levy revenue and the licensing authority will receive up to 30% of the net levy revenue.

4.3.5 Where there is evidence that alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies; the licensing authority will consider whether the late night levy requirement is a desirable means of raising revenue in relation to these costs.

4.3.6 If the licensing authority proposes to introduce a late night levy it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

## 5. PLANNING AND BUILDING CONTROL

- 5.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.
- 5.2 The Local Planning Authority with statutory planning responsibilities within the county of Denbighshire is Denbighshire Council
- 5.3 Denbighshire Council's planning policies are set out in the Local Development Plan' and 'Supplementary Planning Guidance'.
- 5.4 The Planning Authority works to:
- develop complementary and compatible policies,
  - ensure effective and sustainable long term planning, and
  - optimise economic, social and environmental benefits.
- 5.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 5.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted.
- 5.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.
- 5.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.
- 5.9 It is recognised that in certain circumstances, a provisional statement may be sought alongside planning permission.
- 5.10 The licensing authority will encourage licence holders to provide facilities enabling the admission of people with disabilities, having due regard to the Equality Act 2010. No conditions will be applied which could be used to justify exclusion on the grounds of public safety.

## 6. APPLICATIONS

6.0.1 The Act provides for four different types of authorisation or permission, as follows:

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.

6.0.2 Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.

6.0.3 All applications must be made on the prescribed form and be accompanied by the prescribed fee.

6.0.4 All application forms, in both the Welsh and English language, are available to download from the licensing authority's website ([www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/entertainment-and-alcohol.aspx](http://www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/entertainment-and-alcohol.aspx)) or on request via telephone 01824 706342 Applicants may submit applications to the licensing authority:

- Online via the Denbighshire Licensing website - [www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/premises-licence.aspx](http://www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/premises-licence.aspx)
- By email to [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk) for scanned applications
- By post to Denbighshire County Council, PO Box 62, Ruthin, LL15 9AZ for hardcopy applications.

6.0.5 The licensing authority will issue bilingual premises licences, club premises certificates and personal licences.

### 6.1 PREMISES LICENCE

6.1.1 The prescribed application form for a premises licence contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the premises, the times when the activities will take place, the time period the licence is required for, whether any alcohol that is to be sold is for consumption on or of the premises or both and critically, the steps they propose to take to promote the four licensing objectives.

- 6.1.2 A plan of the premises and a form of consent from the designated premises supervisor (for applications where the sale of alcohol will be a licensable activity) must be provided with the application.
- 6.1.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a premises licence may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.
- 6.1.4 Once a premises licence is granted further applications may be made in its respect, these include:-
- Application to vary a premises licence
  - Application for a minor variation to a premises licence
  - Application to vary a premises licence to specify an individual as a designated premises supervisor
  - Application to transfer a premises licence
  - Interim authority notice
  - Application for the review of a premises licence

#### PROVISIONAL STATEMENTS

- 6.1.5 The licensing authority recognises that in certain situations, businesses and developers need to have security that a premises licence is likely to be granted following construction of new premises or alteration of existing unlicensed premises. The licensing authority will issue provisional statements in accordance with the Act and Guidance.

#### DESIGNATED PREMISES SUPERVISORS

- 6.1.6 All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.
- 6.1.7 Responsible Authorities will typically consider developing constructive working relationships with Designated Premises Supervisors, and the licensing authority expects this to be reciprocated to promote effective partnership working relations with the trade.
- 6.1.8 In exceptional circumstances, North Wales Police may object to the appointment of an individual as a Designated Premises Supervisor.

- 6.1.9 Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the prevention of crime and disorder licensing objective; the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

## TRANSFER of PREMISES LICENCE

6.1.10 The Act provides for any person who may apply for a premises licence, to apply for a premises licence to be transferred to them. An application to transfer a premises licence changes the identity of the holder of the licence and does not alter the licence in any other way.

6.1.11 North Wales Police must receive notice of the application in accordance with the requirements of the Act. If they believe the transfer may undermine the prevention of crime and disorder licensing objective, they may object to the transfer by giving notice to the licensing authority within 14 days.

6.1.12 Where the consent of the holder of the licence to transfer the premises licence is required but has not been obtained, the applicant must provide evidence to satisfy the licensing authority that ALL reasonable steps have been taken to obtain the consent. Reasonable steps includes allowing a reasonable amount of time for the holder of the licence to respond/give consent.

## 6.2 CLUB PREMISES CERTIFICATE

- 6.2.1 The prescribed application form for a club premises certificate contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the club premises, the times when the activities will take place, the time period the licence is required for, whether alcohol will be supplied to members and most critically, the steps they proposed to take to promote the four licensing objectives.
- 6.2.2 A plan of the premises and a declaration for a club premises certificate must be provided with the application.
- 6.2.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a club premises certificate may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.
- 6.2.4 Once a club premises certificate is granted further applications may be made in its respect, these include:-
- Application to vary a club premises certificate
  - Application for a minor variation to club premises certificate
  - Application for the review of a club premises certificate

## 6.3 REQUIREMENT TO ADVERTISE AND DISPLAY APPLICATIONS

- 6.3.1 When an applicant is required to publish a notice of their application in a local newspaper the licensing authority will require the applicants to provide a copy of that notice to the licensing authority as soon as is reasonably practicable after the notice is published.
- 6.3.2 When an applicant is required to display a notice in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises; where practicable, the licensing authority will visit the premises during the consultation period to check that a notice is displayed prominently at or on the premises.
- 6.3.3 The licensing authority encourages all applicants to publish a bilingual notice of their application in the Welsh and English language.

## 6.4 TEMPORARY EVENT NOTICES

6.4.1 A Temporary Event Notice, commonly referred to as TENs, is intended as a light touch process for the carrying on of temporary licensable activities. Unlike applications for Premises Licences and Club Premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead, the premises user notifies the licensing authority of their intention to hold an event.

6.4.2 There are two types of TEN; a standard TEN and late TEN. A standard TEN is given no later than 10 working days before the event and a late TEN is given between 5 – 9 working days before the event. **A late TEN given less than 5 working days before the event will be returned as void and the activities to which the notice relates will not be authorised.**

6.4.3 There are a number of limitations imposed on the use of TENs including the number of times a premises user may give a TEN, the number of times a TEN is given for a particular premises, the maximum duration of an event, the maximum number of people that may attend the event at any one time.

6.4.4 The role of the licensing authority is to check that the limitations specified in the Act are being observed. When a TEN is not within the defined limits the licensing authority will issue a counter notice to the premises user. Otherwise, the licensing authority will just acknowledge the Notice, which may be done electronically.

6.4.5 North Wales Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is made to a late TEN, a counter notice will be issued and the TEN will not be valid. Where an objection is made to a standard TEN the objection notice will be considered at a hearing of the Licensing Sub-Committee.

6.4.6 Modifications may be made to a standard TEN following consultation and agreement with North Wales Police AND Denbighshire Council's Environmental Health team; however **there is no scope under the Act to modify a late TEN.**

6.4.7 Although temporary events are not subject to the same degree of control as premises which are the subjects of premises licences, premises users are encouraged to organise the event in such a way that supports all the licensing objectives.

6.4.8 A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required.

6.4.9 Ten working days is the minimum notice period for a standard TEN, however in the interest of open consultation, the licensing authority encourage 20 working days' notice to be provided.



6.4.10 A copy of a modified standard TEN should be given to the licensing authority by North Wales Police or Environmental Health as proof of the agreement with the premises user, North Wales Police and Environmental Health.

6.4.11 The process for applicants is outlined in the flow chart in Appendix 5

## 6.5 PERSONAL LICENCE

6.5.1 A Personal licence allows the holder to sell alcohol on behalf of any business that has a premises licence or a club premises certificate. The personal licence is designed to ensure that anybody running or managing a business that sells or supplies alcohol will do so in a professional manner.

6.5.2 A personal licence holder can act as the designated premises supervisor (DPS) for any business that sells or supplies alcohol.

6.5.3 Applications must be sent to the licensing authority for the area where the applicant lives, and not to the authority in which the licensed premise is located.

6.5.4 Where an applicant has an unspent conviction for a relevant or foreign offence, the licensing authority will give a notice to North Wales Police. If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the licensing authority. If the police do not issue an objection notice and the application otherwise meets the requirements of the Act, the licensing authority must grant it.

6.5.5 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.

6.5.6 The holder of a premises licence is required by the Act to notify the licensing authority of any changes to their name or address, any convictions for relevant offences and any convictions for a foreign offence.

6.5.7 The requirement to renew a personal licence was removed from the Act by the Deregulation Act 2015. While personal licences issued before the Deregulation Act 2015 have expiry dates, these licences will remain valid and such dates no longer have an effect.

## 7. OPERATING SCHEDULE

- 7.1 The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.
- 7.2 When considering how to develop their operating schedules applicants are advised to contact the responsible authorities for guidance.
- 7.3 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.
- 7.4 The licensing authority will expect all applicants to specify the methods by which they will promote the four licensing objectives in their operating schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.
- 7.5 The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
- 7.6 The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

## 8. HOURS OF OPERATION

8.1 The licensing authority recognises that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder, when large numbers of people come onto the streets at the same time, potentially causing friction at late night food outlets, taxi ranks and other late night services. Therefore, the licensing authority recognises that flexible licensing hours may be an important factor in reducing such problems.

8.2 Each application will be determined on its own merits, but the hours requested by the applicant will normally be approved where the applicant can show to the satisfaction of the licensing authority, that the proposals would not adversely affect the environmental quality, residential amenity and character of any particular area.

8.3 When considering applications, the licensing authority will take into account applicants requests for terminal hours (the close of business) in light of the

- Environmental quality
- Residential amenity
- Character or function of a particular area and
- The nature of the proposed activities to be provided.

The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above.

8.4 Where alcohol is sold, applications should include both the times at which sales of alcohol will cease and the time when the premises will close.

8.5 Shops and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open, but individual premises, which are a focus for disorder and disturbance may, subject to representations, be subject to limitations.

8.6 Where late hours are requested, particularly involving entertainment, earlier terminal hours may be set and the imposition of conditions may be appropriate to achieve the licensing objectives, should relevant representation be received.

8.7 No general limitation on hours, in any area, is imposed by this policy.

## 9. ENFORCEMENT, REVIEWS AND POWERS

### 9.1 ENFORCEMENT

9.1.1 The licensing authority has established a joint-enforcement protocol with North Wales Police to ensure efficient and targeted enforcement. Meetings are held to monitor compliance with licensing requirements and to ensure appropriate and proportionate action is taken. See Appendix 4.

9.1.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Planning and Public Protection Service Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

9.1.3 An amendment to the Licensing Act 2003 under the terms of the Violent Crime Reduction Act 2006 enables the Licensing Authority, on the application of a Senior Police Officer, to attach interim conditions to licences pending a full review of the licence.

9.1.4 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.

9.1.5 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement if it deems necessary to support and promote the licensing objectives.

9.1.6 Where conditions have been imposed on a licence, an authorised person of the licensing authority may inspect the premises at any reasonable time for the purpose of checking that those conditions are being complied with.

9.1.7 The licensing authority will consider an appropriate level of enforcement action to a licence holder specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

### 9.2 REVIEWS

9.2.1 At any time following the grant of a premises licence or a club premises certificate, a **responsible authority** or any **other person** may ask the licensing authority to review the premises licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

- 9.2.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises or club.
- 9.2.3 The licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police or if the police have made an application for summary review on the basis that the premises are associated with serious crime and/or disorder.
- 9.2.4 In every case, an application for a review must relate to a particular premises or club and must be relevant to the promotion of one or more of the licensing objectives.

- 9.2.5 The licensing authority will reject an application for a review if the applicant fails to provide evidence that one or more of the licensing objectives are not being met or if the reason for the review does not relate to the licensing objectives.
- 9.2.6 The licensing authority will also reject an application for a review if it is considered frivolous, vexatious or repetitious.
- 9.2.7 The licensing authority considers it good practice for all authorised persons that have concerns about problems identified at premises to give licence holders early warning of their concern and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns.

### 9.3 POWERS

- 9.3.1 The Act provides a range of statutory powers to the licensing authority which it may exercise on determining applications or following the receipt of a notice.

#### SUSPENSION FOR NON-PAYMENT OF ANNUAL FEES FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

- 9.3.2 Holders of a premises licence or club premises certificate must pay the licensing authority an annual fee, the amount of which is determined by the non-domestic rateable value of the premises. The annual fee becomes due and payable each year on the anniversary of the date of the grant of the licence/certificate.
- 9.3.3 The fee is payable irrespective of whether the holder of the current licence intends to close the business at some point during the coming year or has taken over mid-year.

- 9.3.4 The licensing authority is required to suspend the Premises Licence or Club Premises Certificate if the annual fee has not been paid.
- 9.3.5 If there is a dispute relating to the amount of the fee and/or a genuine administrative error (made by the holder, the licensing authority or anyone else)

before or at the time the fee becomes due, a Statutory Grace Period of 21 days will be given for the dispute to be determined.

- 9.3.6 If the dispute or error is not resolved during the 21 day period then the licensing authority MUST suspend the licence and no licensable activities will be able to take place.
- 9.3.7 The licensing authority will notify the holder of the suspension in writing and specify the date on which the suspension will take effect. The effective date of the suspension will be at least 2 working days after the day the notice of suspension is given.
- 9.3.8 Once payment is received the suspension can be lifted. The suspension ceases to have effect on the day the licensing authority receives payment of the outstanding fee.
- 9.3.9 The licensing authority will share information on suspensions (and their subsequent lifting) with North Wales Police.

## 10. LICENSING PROCESS

10.0.1 Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.

10.0.2 All applications must be made on the prescribed form and be accompanied by the prescribed fee.

10.0.3 All application forms, in both the Welsh and English language, are available to download from the licensing authority's website ([www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/entertainment-and-alcohol.aspx](http://www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/entertainment-and-alcohol.aspx)) or on request via telephone 01824 706342 Applicants may submit applications to the licensing authority:

- Online via the Denbighshire Licensing website - [www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/premises-licence.aspx](http://www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/premises-licence.aspx)
- By email to [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk) for scanned applications
- By post to Denbighshire County Council, PO Box 62, Ruthin, LL15 9AZ for hardcopy applications.

### 10.1 APPLICATION PATHWAY

10.1.1 It is considered that the majority of the licensing function will be administrative in nature, i.e. applications and notices will have few areas of contention. In the interests of speed, efficiency and cost effectiveness, these authorisations will, for the most part, be carried out by officers.

10.1.2 For representations to be relevant they must

- relate to the promotion of one of the four licensing objectives;
- be made by a responsible authority or other person within the prescribed period;
- not been withdrawn; and
- in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

10.1.3 Where there are no relevant representations to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act.

10.1.4 Where **relevant representations** on an application is made and the application has been made in accordance with the requirements of the Act, the application will be determined in accordance with the requirements of the Act.

10.1.5 Representations may be positive as well as negative but if only positive representations are received it is highly unlikely that a hearing will be necessary.

## 10.2 MEDIATION

10.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authorities or other person, the licensing section will decide whether the representation is relevant.

10.2.2 Where the licensing authority find the representation to be relevant a **mediation meeting** between the relevant parties will be arranged to try and find a reasonable compromise.

10.2.3 If this informal process is successful and all parties agree to conditions then the application will still need to be determined by the licensing committee or sub-committee at a dispensed hearing and the details of that decision will be circulated to the parties concerned.

10.2.4 If this informal process is unsuccessful a hearing before the licensing committee will follow. All relevant parties will be notified.

10.2.5 The determination of the application will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

## 10.3 CONDITIONS

10.3.1 The conditions attached to a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

10.3.2 There are three types of condition that may be attached to a licence or certificate; proposed, imposed and mandatory. See Appendix 6 for current Mandatory Conditions to be included in every licence and/or club premises certificate in the circumstances specified.

10.3.3 The licensing authority acknowledges that where no representations are made to it by responsible authorities or interested parties about an application, its duty is to grant the licence or certificate subject only to conditions which are consistent with the applicant's operating schedule, and any mandatory conditions prescribed by the Act.

10.3.4 With regard to proposed conditions, the licensing authority will not simply replicate the wording from an applicant's operating schedule. The licensing authority will interpret the condition in accordance with the applicant's intention and compose the condition in accordance with the licence conditions principles shown below.

10.3.5 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been



satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.

10.3.6 When imposing conditions the licensing authority will use wording such as “must”, “shall” and “will” and will have regard to the following licence conditions principles.

**Licence conditions principles:**

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

10.3.7 When imposing conditions to a licence, the licensing authority will be aware of the need to avoid, as far as possible, measures which might deter live music, dancing or theatre through the imposition of substantial indirect costs.

10.3.8 The licensing authority will endeavour to ensure that, if a decision is made which is contrary to the statutory Guidance, the applicant will be given a full explanation of that decision.

10.3.9 The licensing authority acknowledges the Guidance in that the views of local minorities must be balanced with the general interests and wider cultural benefits of the community.

10.3.10 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority’s consideration will be balanced against the wider benefits to the community.

10.3.11 Where amendments or additions are made to the mandatory conditions under the Act they will be treated as if they were included in existing licences or certificates on the date that they come into force. The licensing authority is not

obliged to re-issue licences or certificate to include the revised mandatory conditions but will do so where the opportunity arises.

## 11. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

- 11.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee (except those relating to the making of a statement of licensing policy). At Denbighshire Council this committee contains 11 members.
- 11.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.
- 11.3 The Licensing Committee of Denbighshire Council have appointed a Licensing Sub-Committee to deal with
- Applications where there are relevant representations
  - Applications for a personal licence with unspent convictions
  - Applications to review premises licence/club certificate
  - Decision to object when the licensing authority is a consultee and not the relevant authority considering the application
  - Determination of an objection to a temporary event notice.
- 11.4 The majority of decisions and functions will be largely administrative in nature with no perceived areas of contention. In the interests of speed, efficiency and cost effectiveness, these will, for the most part, be carried out by officers.
- 11.5 The licensing authority will delegate licensing matters to be dealt with by the Licensing Sub-Committee and to Officers in accordance with the latest recommended Delegation of Functions specified in guidance issued by the Secretary of State, under Section 182 of the Act.

## 12. LICENSING REGISTER

- 12.1 Under the Act, every licensing authority is required to keep a licensing register containing
- a record of each premises licence, club premises certificate and personal licence issued by it,
  - a record of each temporary event notice received by it,
  - a record of every other applications made to it, notices given to it and any counter notice given by it, and
  - such other information as may be prescribed by regulations.
- 12.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 12.3 A summary of the information contained in the licensing register is available to view online at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk).

12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk) or via telephone 01824 706342 to arrange an appointment.

12.5 To ensure that the information contained in the register is presented in an appropriate format, any person wishing to view the register in person will be requested to clarify which part of the register they wish to have available during the appointment.

## APPENDIX 1: GLOSSARY OF TERMS

**Authorised Persons** – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

**Club premises certificate** – Authorising a qualifying club to carry out ‘qualifying club activities’ under the Licensing Act 2003. This includes time-limited certificates.

**Conditions** – there are three types of conditions

1. **Proposed Conditions** – conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

**Cumulative impact area** – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could adversely impact on the statutory licensing objectives.

**Designated Premises Supervisor (DPS)** – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

**Dispensed hearing** - Used in the context of applications for a premises licence or club premises certificate that have, following relevant representations, undergone a mediation process and all parties are satisfied with the agreed conditions and authorise the application to be dealt with at the dispensed hearing. A dispensed hearing will not amend or vary the conditions agreed at mediation and if it is proposed to amend any condition then the application must go to a full hearing

**Early morning alcohol restriction order** – A power under section 119 of the Police Reform and Social Responsibility Act 2011 to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a premises licence because of serious crime and/or serious disorder under s.53A of the Licensing Act 2003.

**Fee bands** – In determining the amount of the licence fee for applications for new **premises licences** and **club premises** certificates, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees and annual fees associated with each band for a new licence or certificate have been as follows:

	Application Fee	Annual Fee
Band A	£100	£70
Band B	£190	£180
Band C	£315	£295
Band D (no multiplier)	£450	£320
Band D premises licence with multiplier	£900	£640
Band E (no multiplier)	£635	£350
Band E premises licence with multiplier	£1,905	£1,050

**Forfeited (personal licence)** – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

**Hearing** – Used in the context of applications for a premises licence or club premises certificate that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

**Judicial review** – Includes only those where the High Court notified parties of its decision in the time period specified.

**Lapsed (club certificate)** – Where a club premises certificate has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the Licensing Act 2003. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night levy order** – A discretionary power for licensing authorities under section 125 of the Police Reform and Social Responsibility Act 2011. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

**Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the Licensing Act 2003 to make low-risk changes to the terms of a premises licence or club premises certificate. The fee for a minor variation is prescribed in the Act.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Other persons** – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a premises licence under the Licensing Act 2003. The application fee for a personal licence is prescribed in the Act.

**Premises licence** – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment, under the Licensing Act 2003. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Relevant representations** – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

**Responsible authority** – Public bodies that must be notified of certain premises licence or club premises certificate applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,
- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

**Review** – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

**Revoked (personal licence)** – If the holder of a personal licence is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the Licensing Act 2003.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a premises licence), section 81 (for a club certificate) and section 116 (for a personal licence).

**Temporary event notice (TEN)** – A notice under s.100 of the Licensing Act 2003, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

**Variation (to premises licence)** – Applications made under s.34 of the Licensing Act 2003 to change the terms of a premises licence, for example the opening hours, the licensable activities or the conditions. The fee for a variation of DPS is prescribed in the Act.



**Variation (to club premises certificate)** – Applications made under s.84 of the Licensing Act 2003 to change the terms of a club premises certificate, for example the qualifying club activities or the conditions.

## APPENDIX 2: LEGISLATIVE UPDATES

### THE DEREGULATION ACT 2015

The Deregulation Act 2015 provides for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals.

The measures affecting the Licensing Act 2003 are:

- S67 – Sale of alcohol: community events etc and ancillary business sales
- S68 – Temporary event notices: increase in maximum number of events per year
- S69 – Personal licence: no requirement to renew
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence
- S71 – Late night refreshment
- S72 – Removal of requirement to report loss or theft of licence etc to police
- S76 – Exhibition of films in community premises

THE DEREGULATION ACT 2015 (COMMENCEMENT NO.1 AND TRANSITIONAL AND SAVINGS PROVISIONS) ORDER 2015 - This order specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

#### **From 1 April 2015**

- S69 – Personal licence: no requirement to renew

#### **From 6 April 2015**

- S76 – Exhibition of films in community premises

#### **From 26 May 2015**

- S68 - Temporary event notices: increase in maximum number of events per year
- from 12 to 15. The increased limit will apply for calendar years from 1st January 2016.
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence
- of selling liqueur confectionery to children under the age of 16.
- S72 – Removal of requirement to report loss or theft of licence etc. to police

THE DEREGULATION ACT 2015 (COMMENCEMENT NO.3 AND TRANSITIONAL AND SAVINGS PROVISIONS) ORDER 2015

#### **From 1 October 2015**

- S71 – Late night refreshment

The following section are yet to come into force.

S67 – Sale of alcohol: community events etc and ancillary business sales

## THE LIVE MUSIC ACT 2012

The Live Music Act 2012 amended the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities.

It:

- removed the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- removed the licensing requirement for the provision of entertainment facilities; and widened the licensing exemption for live music integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

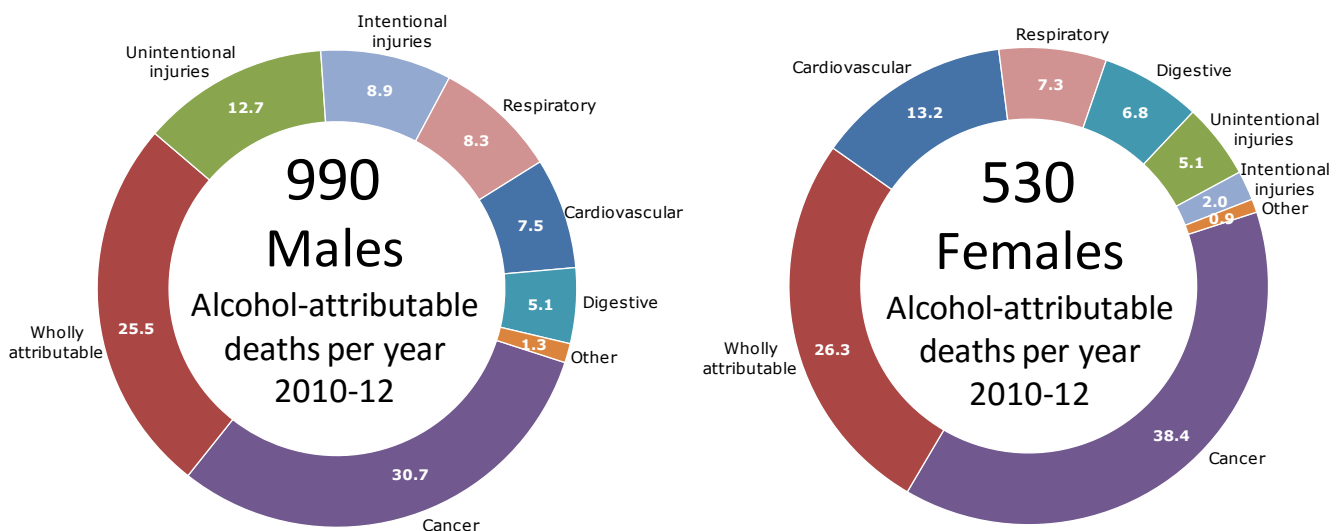
## APPENDIX 3: ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences are a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

Alcohol is implicated heavily in crime and anti-social behaviour and issues such as domestic violence and hate crime. Alcohol abuse is a significant drain on the NHS in terms of both immediate accident and emergency care and the long term treatment of alcohol related illness and addiction.

The Public Health Wales Observatory has published Alcohol and Health in Wales 2014. These are some of the key messages:

- Alcohol is a major cause of death and illness in Wales with around 1,500 deaths attributable to alcohol each year (1 in 20 of all deaths).
- Drinking in children and young people remains a particular concern with 1 in 6 boys and 1 in 7 girls aged 11-16 drinking alcohol at least once a week. Around 400 young people under 18 are admitted for alcohol-specific conditions per year, although the rate has been decreasing for several years.
- Generally, consumption of alcohol has slightly decreased and adults under 45 now drink less. Whilst this decrease is good news, it masks persistent or increased drinking in over 45 year olds.
- Mortality and hospital admission due to alcohol are strongly related to deprivation with rates in the most deprived areas much higher than in the least deprived. There is no sign of improvement in the inequality gap in mortality over time.



## **APPENDIX 4: JOINT ENFORCEMENT PROTOCOL WITH NORTH WALES POLICE**

A Memorandum of Understanding exists between North Wales Police and all North Wales licensing authorities regarding the operational procedures and a joint enforcement protocol under the Licensing Act 2003.

The purpose of the joint enforcement protocol is to

- ensure efficient and targeted enforcement,
- facilitate co-operation between enforcement agencies, and
- underpin the mutual operational support required to tackle problem licensed premises.

This joint enforcement protocol describes how North Wales Police and the licensing authority will deal with problems arising at premises or club in relation to any of the four licensing objectives. It also describes when commencement of the review process may be deemed necessary.

### **ENFORCEMENT LADDER**

#### **STAGE ONE**

Incident of disorder/underage drinking/attempts to purchase alcohol by underage person or on behalf of underage person in/from a licensed premise where the person in charge calls the police for assistance and agrees to work with the police.

More serious offences can trigger stage two or three automatically.

#### **If problems continue on from Stage One**

#### **STAGE TWO**

Meeting with Police Inspector/Neighbourhood Sergeant, Western Division, Licensed Premises Manager and representative of the Local Authority. Issues will be formally discussed and formal written warning given.

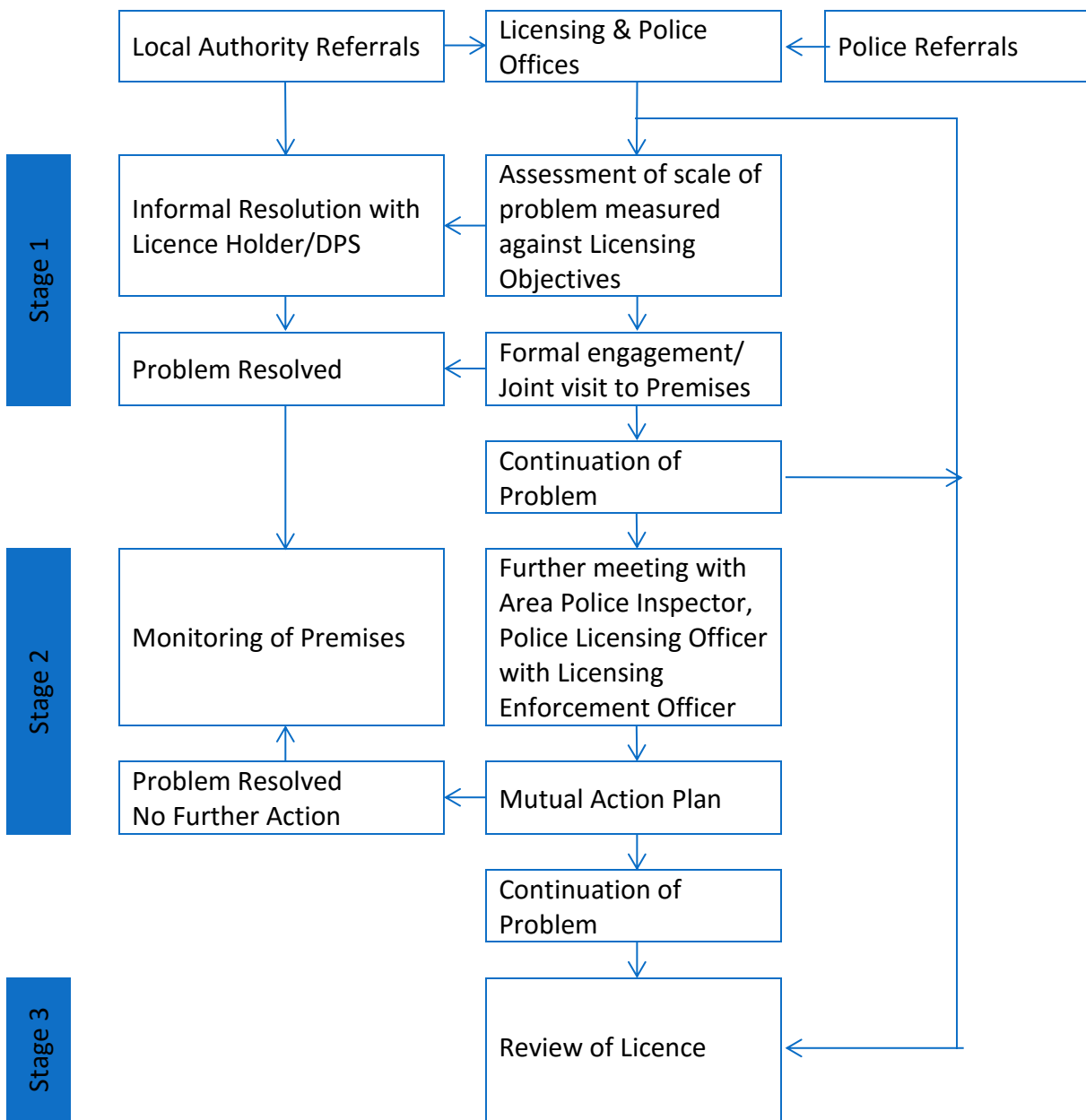
**Mutual Action Plan** agreed with time span of three months. If no further incidents occur then exit from enforcement ladder

#### **If problems continue on from Stage Two**

#### **STAGE THREE**

Police Inspector/Neighbourhood Sergeant and Western Division or licensing authority will apply for review of Premises Licence, as appropriate to the circumstances.

**LICENSED PREMISES REVIEW PROCEDURE INCORPORATING JOINT PROBLEM SOLVING**

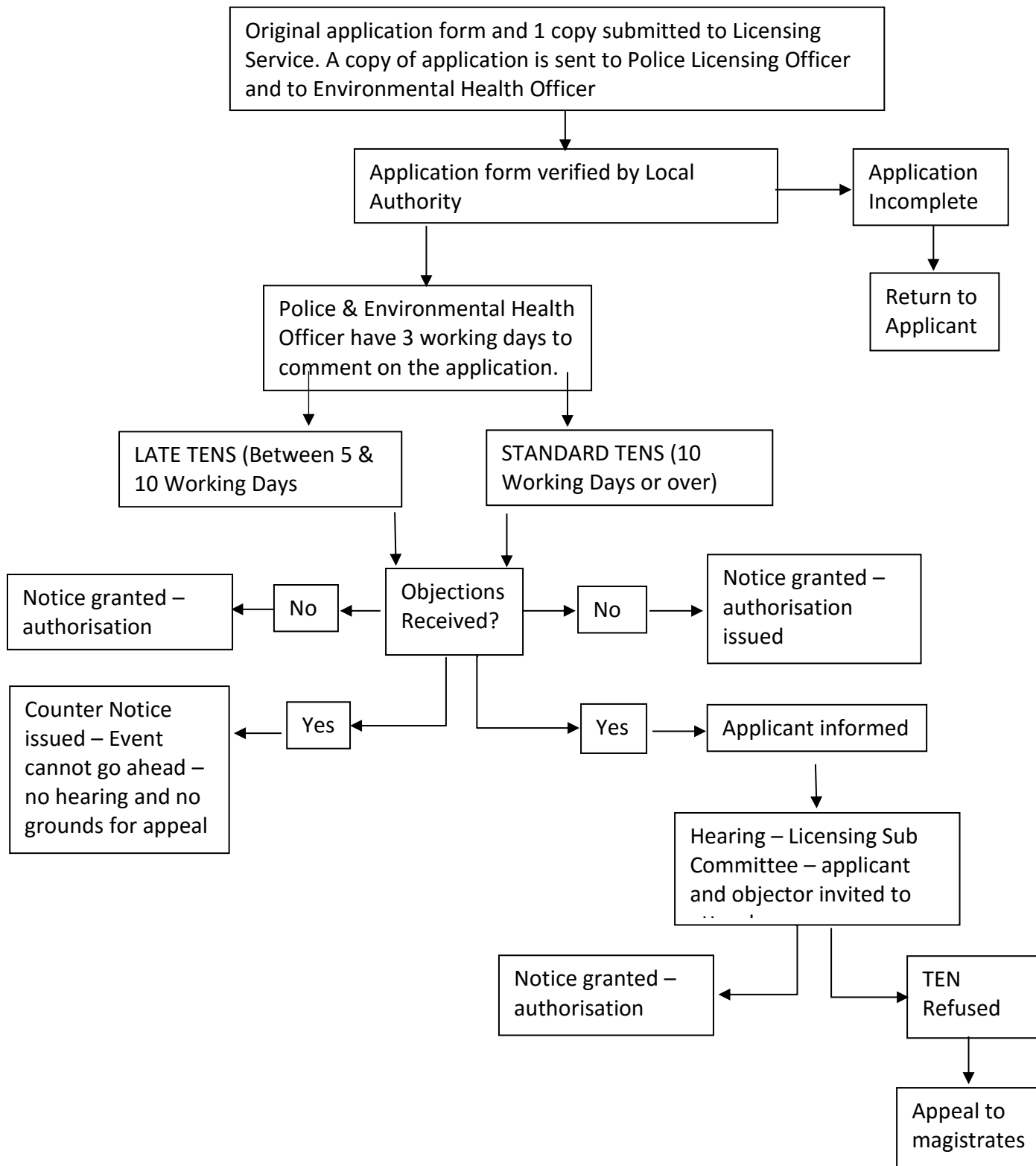


Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of problem premises.

Depending on the merits of the case, it can be decided to apply for a review of a premises licence at any time.

# APPENDIX 5: FLOWCHART FOR TEN

## Temporary Events Notice



## **APPENDIX 6: MANDATORY CONDITIONS**

### **SUPPLY OF ALCOHOL**

#### **SECTION 19 (2), LICENSING ACT 2003**

No supply of alcohol may be made under this licence

- (a) At a time when there is no designated premises supervisor in respect of it or,
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

#### **SECTION 19 (3), LICENSING ACT 2003**

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

#### **SECTION 19 (4), LICENSING ACT 2003 –**

Other conditions

#### **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended**

- 1 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).



- 2 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 4 The responsible person must ensure that -
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

- 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2 For the purposes of the condition set out in paragraph 1 –
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula –
 
$$P = D + (D \times V)$$
 where –
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

- 3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## EXHIBITION OF FILMS

### **SECTION 20, LICENSING ACT 2003**

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- (a) by the British Board of Film Classification (BBFC), where the film has been classified by that Board, or
- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b), (Section 74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

## DOOR SUPERVISION

### **SECTION 21, LICENSING ACT 2003**

At the specified times when one or more individuals must be at the premises to carry out a security activity, every such individual must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.

For the purposes of this condition —

- (a) “security activity” means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)] and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## ALTERNATIVE LICENCE CONDITION

### **SECTION 25A (2), LICENSING ACT 2003**

Every supply of alcohol made under this licence must be made or authorised by the management committee.

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<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	8 <sup>th</sup> March 2017
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Public Protection Business Manager <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706066
<b>SUBJECT:</b>	Forward Work Programme 2017

## 1. PURPOSE OF THE REPORT

- 1.2 To update Members of the Forward Work Programme for 2017.

## 2. EXECUTIVE SUMMARY

- 2.1 An updated Forward Work Programme is attached, at Appendix 1, for Members to consider and approve.

## 3. BACKGROUND INFORMATION

- 3.1 Members will be aware that at the last Licensing Committee, Members approved the Forward Work Programme for this year.
- 3.2 In drafting this Forward Work Programme, Officers have considered the policies relevant to the Licensing committee and the review dates of those policies along with any potential legislative changes being proposed by central government.
- 3.3 Members resolved that the Forward Work Programme be updated at each Licensing committee so that Officers will be able react to emerging pressures or impending changes as they arise and without the need to make significant changes to the programme.

## 4. RECOMMENDATION

- 4.1 For Members to approve the Forward Work Programme, as detailed in the Appendix.

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**Licensing Committee****Work Programme**

<b>Committee Date</b>	<b>Report</b>	<b>Comment</b>
<b>June 2017</b>	Statement of Principles (Gambling)	First draft for consultation
	Sex Establishment	First draft for consultation
	Street Trading	Approval
<b>September 2017</b>	Hackney Carriage and Private Hire Driver Conviction Policy	First draft for consultation
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	First draft for consultation
<b>December 2017</b>	Statement of Principles (Gambling)	Approval
	Sex Establishment	Approval
<b>March 2018</b>	Hackney Carriage and Private Hire Driver Conviction Policy	Approval
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	Approval

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