

To: Members of the Licensing
Committee

Date: 22 June 2017

Direct Dial: 01824 712568

e-mail: 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, 28 JUNE 2017** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

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 APPOINTMENT OF CHAIR

To appoint a Chair of the Licensing Committee for the ensuing year.

3 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Licensing Committee for the ensuing year.

4 DECLARATION OF INTERESTS (Pages 7 - 8)

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

5 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.

6 MINUTES OF THE LAST MEETING (Pages 9 - 20)

To receive the –

(a) minutes of the Licensing Committee held on 8 March 2017 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 5 April 2017 (copy enclosed).

7 REVIEW - GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (Pages 21 - 64)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the Council's draft Statement of Principles (Gambling Act 2005) for consideration and approval for formal consultation.

8 REVIEW OF SEX ESTABLISHMENT POLICY (Pages 65 - 66)

To consider a report by the Head of Planning and Public Protection (copy enclosed) updating members on the review of the Sex Establishment Policy.

9 REVIEW OF STREET TRADING POLICY (Pages 67 - 68)

To consider a report by the Head of Planning and Public Protection (copy enclosed) updating members on progress with the review of the current street trading policy in Denbighshire.

10 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 69 - 72)

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 item(s) 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.

11 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 517116 (Pages 73 - 88)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 517116.

12 RENEWAL APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 518819
(Pages 89 - 100)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a renewal application from Applicant No. 518819.

13 DISPENSATION FROM REQUIREMENT TO DISPLAY PRIVATE HIRE VEHICLE LICENCE PLATES (1) (Pages 101 - 118)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a request for dispensation from the requirement to display licence plates on two private hire vehicles.

14 DISPENSATION FROM REQUIREMENT TO DISPLAY PRIVATE HIRE VEHICLE LICENCE PLATES (2) (Pages 119 - 130)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of a request for dispensation from the requirement to display licence plates on a private hire vehicle.

MEMBERSHIP

Councillors

Joan Butterfield
Hugh Irving
Alan James
Brian Jones
Barry Mellor

Melvyn Mile
Arwel Roberts
Peter Scott
Rhys Thomas
Huw Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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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: <ul style="list-style-type: none"> 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. <p>The Solicitor will explain to the licence holder the implications of the decision.</p>
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

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, Russell House, Rhyl on Wednesday, 8 March 2017 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Bill Cowie, Stuart Davies, Hugh Irving, 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), Licensing Officer (JT), Licensing Enforcement Officers (TB & LJ) and Committee Administrator (KEJ)

1 APOLOGIES

Councillor Meirick Davies.

2 DECLARATION OF INTERESTS

Councillor Huw Williams declared a personal interest in Agenda Item 11 because he had past business dealings with the applicant.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 7 December 2016 and Special Licensing Committee held on 20 December 2016 were submitted.

Councillor Bill Cowie felt it would be beneficial for members to be kept informed of any subsequent appeal against the committee's decisions together with the outcome and officers agreed to report back thereon.

RESOLVED that the minutes of the meetings held on 7 December 2016 and 20 December 2016 be received and confirmed as a correct record.

At this point it was agreed to vary the order of the agenda in order to accommodate individuals attending for particular items.

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 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 510104

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

- (i) the suitability of Driver No. 510104 to hold a licence to drive hackney carriage and private hire vehicles following an accrual of six penalty points on his DVLA driving licence for using a motor vehicle uninsured against third party risk in October 2015 which had been revealed following a routine check as part of his renewal application;
- (ii) the Driver having failed to declare the motoring conviction at the time of conviction or as part of his renewal application as required by licensing conditions;
- (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 Enforcement Officer (LJ) presented the report and detailed facts of the case.

In mitigation the Driver explained that he genuinely believed his vehicle had been insured and his insurance company had admitted a clerical error when questioned in relation to the insurance. He provided assurances that there had been no deliberate attempt to deceive on his part. The Driver responded to members' questions and elaborated upon the circumstances surrounding the offence and his actions and accepted that he could have provided some evidence to support his version of events. With regard to the non-disclosure of the conviction the Driver referred to his personal circumstances at the time advising that the conviction had genuinely slipped his mind and he did not drive taxis on a full time basis. In his final statement the Driver reiterated that he had made a genuine mistake in not disclosing the conviction.

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. 510104 be refused.

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

Members had carefully considered the facts of the case and mitigation put forward by the Driver and his response to questions. The committee had found there to be anomalies between the account given by the Driver at the meeting and his witness statement which did not reflect well on his credibility and he had provided no

evidence to support his version of events. With regard to his non-disclosure, the renewal application form clearly requested details of any motoring convictions. Consequently the committee believed that the Driver had deliberately failed to disclose the conviction in order to secure renewal of his licence and had knowingly made a false statement. The committee's overriding consideration was protection of the public. In view of the Driver's blatant disregard of the rules and deliberate attempt to deceive the committee did not consider him a fit and proper person to hold a licence and resolved to refuse the renewal application.

The committee's decision and reasons therefore were conveyed to the Driver and he was advised of his right of appeal.

6 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 16/0944/TXJDR

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

- (i) the suitability of Driver No. 16/0944/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following a court conviction for being in possession of an offensive weapon;
- (ii) a summary of facts having been provided together with associated witness statements and other relevant documentation including character references;
- (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 was in attendance at the meeting and confirmed receipt of the report and committee procedures.

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

The Driver provided assurances as to his good character and professionalism (references had been provided within the documentation). He explained the circumstances surrounding the conviction and presented a letter from his Solicitors confirming that he had been convicted on the basis that he had found the weapon in his vehicle and was guilty purely because he had not handed it to the Police as quickly as he should have done. The Driver accepted that he should have dealt with the matter differently and in accordance with procedures but submitted that he had forgotten it was still in the vehicle. The Driver clarified particular issues arising from his witness statement in response to members questions thereon and also elaborated further upon the circumstances leading up to the conviction, reasoning behind his actions, and his court plea. He vehemently denied obtaining the weapon and carrying it in the vehicle for a particular purpose and advised that he had co-operated fully with the Police and Licensing Section.

In his final statement the Driver reiterated that he was a professional driver who posed no risk to the public and provided assurances as to his future conduct. He highlighted the detrimental effect on his personal life over the last twelve months and hoped to put the matter behind him and move on.

The committee adjourned to consider the case and it was –

RESOLVED that a formal warning be issued to Driver No. 16/0944/TXJDR as to future conduct.

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 and his response to questions. The committee believed the Driver had answered questions truthfully and to the best of his ability and overall accepted his version of events. The Driver had also accepted that he should have dealt with the situation in a timely manner and in accordance with procedures. Members also noted that the incident had taken place almost twelve months previously and there had been no issues either before or since that time and confidence had also been taken from the references which had been provided attesting to the Driver's professionalism and good character. Consequently members did not consider that the Driver posed a danger to the public and found him fit and proper to hold a licence. However in view of the seriousness of the offence members considered whether a suspension or formal warning would be appropriate. Upon being put to the vote it was resolved to issue a formal warning to the Driver as to his future conduct.

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

7 APPLICATION FOR STREET TRADING CONSENT - APPLICANT NO. 1

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

- (i) an application received for Street Trading Consent from Applicant No. 1;
- (ii) the applicant proposing to operate a mobile van with trailer selling meat products and cheese in a number of specified areas within Rhyl;
- (iii) detailed the results of consultation on the application with various partners and sectors, both internal and external;
- (iv) referred to the Council's powers in determining the consent and other policy issues regarding street trading in the context of the new Street Trading Policy currently undergoing consultation, and
- (v) the Applicant having been requested to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and proposed trading areas in Rhyl specified by the Applicant which included private land located to the front of the Church, Sussex Street, Rhyl (written permission having been produced at the meeting); High Street (part); Market Street (part); Town Hall Square and Sussex Street (part). Members were advised that no further comments had been received in response to the consultation but attention was drawn to the response from the Highways Section as detailed in the report relating to traffic management.

The Applicant was in attendance at the meeting together with his associate and confirmed that he had received the committee documentation. The Applicant highlighted his previous trading experience in the locality advising that there was a demand for his products, particularly given that there was no butcher's shop in the vicinity, and he believed that the business would attract more footfall to the area.

Whilst there was no objection to the application in principle members highlighted the importance of safeguarding against any detrimental effect on existing local retail outlets and business in the area and ensuring that appropriate conditions be imposed if consent was granted, particularly in terms of noise nuisance. In considering the proposed trading areas members felt that most were too vague and needed to be more specific and there were particular reservations about granting consent for the Town Hall Square given the Council's plans to relocate the Registrar and Marriage Rooms there. In response to members' questions and comments the Applicant provided assurances that noise levels could be addressed via low level generators or other means and he also elaborated upon the operation of his business and positive effect in terms of attracting custom to the area.

At this junction the committee adjourned to consider the application.

RESOLVED that –

- (a) *the application for Street Trading Consent for private land located to the front of the Church, Sussex Street, Rhyl as detailed within the report be granted, subject to the conditions as set out within the report, specifically paragraphs 4.3 and 7.3;*
- (b) *an inspection by authorised officers be carried out on the first day of trading to ensure that conditions imposed are complied with, and*
- (c) *the Applicant be requested to provide further detail on the proposed trading areas in High Street, Market Street, Town Hall Square and Sussex Street as referred to in his application to include specific sites for further consideration by the committee.*

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

In considering the merits of the application members noted that there were no butchers' shops in the area and an unmet demand for the product and it was also noted that the Applicant would not be in direct competition with other traders and could help increase footfall in the area. Given the potential positive impact on the consumer and other businesses members felt that, subject to appropriate

conditions, the application did have merit. Given the specific location of the proposed trading area on private land outside the Church on Sussex Street members were happy to grant consent subject to conditions. However, some concern was expressed regarding the lack of clarity in terms of the other general trading areas proposed and it was felt that more specific information should be sought from the Applicant in that regard to enable the committee to make a fully informed decision and safeguard both the public's interest and those of local retail outlets.

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

Following the conclusion of this item the committee deliberated on the decision making process used whereby the decision had been taken with the consensus of the committee. Members considered voting by a show of hands would be preferable in future but confirmed that the decision taken had reflected the committee's intention.

8 APPLICATION FOR STREET TRADING CONSENT - APPLICANT NO. 2

[Councillor Huw Williams declared a personal interest in this item because he had past business dealings with the Applicant and left the meeting during consideration of the application.]

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

- (i) an application received for Street Trading Consent from Applicant No. 2;
- (ii) the applicant proposing to operate a bespoke trailer selling meat products in Market Street, Rhyl;
- (iii) detailed the results of consultation on the application with various partners and sectors, both internal and external;
- (iv) referred to the Council's powers in determining the consent and other policy issues regarding street trading in the context of the new Street Trading Policy currently undergoing consultation, and
- (v) the Applicant having been requested to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) provided a summary of the report and it was clarified that the proposed trading area was outside of 10 and 11 Market Street, Rhyl and not as detailed within the report. In response to consultation Rhyl Town Council had since confirmed that they had no objection to the application.

The Applicant referred to his experience in the trade and reasoning behind his application to trade in Rhyl and at the particular site identified. He submitted that he would not be in direct competition with local retail outlets and could provide a quality product to local shoppers and he also gave assurances that quiet generators were

used. In response to questions the Applicant advised that he had not specified timings or specific week days as he would be willing to comply with times and days considered appropriate by the committee and had no specific preference. The Applicant advised that he sold local produce and officers clarified that he would not be restricted to selling meat from specific sources.

At this junction the committee adjourned to consider the application.

RESOLVED that –

(a) *subject to the conditions as set out within the report, specifically paragraphs 4.3 and 7.3, the application for Street Trading Consent be granted as follows*

–

<i>Trading Area</i>	<i>outside 10 and 11 Market Street, Rhyl</i>
<i>Trading Days/Times</i>	<i>Mondays, Wednesdays and Saturdays 08.00 hrs to 16.00 hrs</i>

(b) *an inspection by authorised officers to be carried out on the first day of trading to ensure that conditions imposed are complied with.*

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

Members considered that, providing appropriate conditions were imposed to aid regulation, granting the application would be beneficial to the consumer and could also help attract custom into the area thereby also benefitting other local businesses. The proposed site location as identified was also considered appropriate as it was situated away from the open air cafes in the street and similar trading had operated at the site successfully in the past. In the absence of a preference for week day trading/timings from the Applicant members agreed trading days of Mondays and Wednesdays and trading hours of between 8.00 hrs and 16.00 hrs to be appropriate. It was open to the Applicant to apply to vary those trading days/hours at any time.

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

OPEN SESSION

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

9 CHILD SEXUAL EXPLOITATION AWARENESS TRAINING

The Public Protection Business Manager (IM) submitted a report by the Head of Planning and Public Protection (previously circulated) updating members on driver attendance at Child Sexual Exploitation (CSE) Awareness training events and sought direction on actions for non-attendance as well as comments on future proposals for similar training for new driver applications.

Following a number of high profile safeguarding issues around the country, the Licensing Committee had resolved to make CSE Awareness training mandatory for

all licensed drivers. A multi-agency programme of Awareness events had been introduced in summer 2016 resulting in a total of 17 sessions over 5 different dates across the county, primarily in Rhyl but also in Ruthin and Denbigh. A final mop up event had been arranged in January 2017 for any outstanding drivers to attend. A total of 340 drivers had attended the events and feedback had been positive. However there remained 11 drivers who had not received the training for various reasons as detailed within the report and there was currently no agreed process to highlight CSE to new licensed drivers. Members were provided with a number of options to consider on how best to proceed with ensuring all drivers met the mandatory training requirement.

Members were pleased to note that 97% of Denbighshire's licensed drivers had attended the mandatory training which had been implemented as a positive action in helping to raise awareness of CSE, particularly given the links to licensed vehicles identified during the Rotherham Inquiry. However it was disappointing to note that a number of drivers had not attended any of the numerous training events provided, particularly given that officers had made every effort to contact those drivers by letter, phone and in person. Members were also keen that appropriate arrangements be put in place for those newly licensed drivers and for future applicants. The committee debated the different options to ensure compliance with the mandatory training as detailed within the report. In terms of existing drivers members were advised that if they were minded to revoke licences on the basis of non-attendance it would be appropriate for those drivers to be brought before the committee and given the opportunity to explain their reasons for non-attendance. Councillor Joan Butterfield suggested that the guidance document produced by officers to raise awareness of CSE within the community could be shared with schools given the links with school transport.

There were some mixed views regarding the best option to ensure compliance and upon being put to the vote it was –

RESOLVED that –

- (a) *a Special Licensing Committee be convened to hear representations from those existing drivers that had not attended the training;*
- (b) *in respect of newly licensed drivers who had not yet had the opportunity to attend awareness training officers be instructed to arrange a further awareness training event (this could potentially be delivered in-house), and*
- (c) *in respect of new applicants officers be instructed 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.*

10 PROPOSED STATEMENT OF LICENSING POLICY

The Public Protection Business Manager (IM) submitted a report by the Head of Planning and Public Protection (previously circulated) presenting the final draft of

the Council's Statement of Licensing Policy for adoption. It was a statutory requirement to consult and review the Policy on at least a 5 yearly basis.

Members were advised that following a review of the Policy only minor changes had been proposed, for example new legislation references, and the Policy had also been formatted in line with other licensing authorities across the region for consistency. Reference was also made to the consultation process and outcomes.

RESOLVED that the Statement of Licensing Policy as presented be adopted with effect from 1 April 2017.

11 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.

RESOLVED that the Licensing Committee's forward work programme as detailed in the appendix to the report be approved.

Prior to the close of the meeting those members who were not standing for re-election were thanked for their efforts on the Licensing Committee. Special thanks and appreciation was also conveyed to the Chair of the Licensing Committee.

The meeting concluded at 1.00 p.m.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Conference Room 1a, County Hall, Ruthin on Wednesday, 5 April 2017 at 9.30 am.

PRESENT

Councillors Bill Cowie, Meirick Davies, Hugh Irving, Merfyn Parry, Pete Prendergast, Cefyn Williams (Chair) and Huw Williams (Vice-Chair)

ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Stuart Davies and Barry Mellor

2 DECLARATION OF INTERESTS

No declarations of interest had been made.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 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. 509601

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

- (i) the suitability of Driver No. 509601 to hold a licence to drive hackney carriage and private hire vehicles after failing to attend the mandatory Child Sexual Exploitation (CSE) Awareness training introduced by the Council in 2016;
- (ii) the Licensing Committee held on 8 March 2017 having resolved to convene a special meeting to hear representations from existing drivers who had not attended the training;

- (iii) details of the opportunities offered to Driver No. 509601 to attend the relevant training (correspondence details having been attached as appendices to the report), and
- (iv) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

Members were advised that the Driver was not in attendance and no communication had been received by way of explanation of his absence. Consequently members agreed to proceed with the review in the Driver's absence.

The Public Protection Business Manager (IM) presented the report and opportunities offered to the Driver to participate in the mandatory CSE training. It was noted that the Driver had been booked to attend training on 25 January 2017 but had failed to appear and had also failed to attend the latest training session held on 29 March 2017. In response to questions the Public Protection and Business Manager advised that the Driver remained the only existing licensed driver who had not attended the relevant training with the other previously outstanding drivers either having attended subsequent training or had surrendered their licences. Assurances were provided that every effort had been made to contact the Driver regarding the mandatory training and subsequent licence review.

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

RESOLVED that the hackney carriage and private hire vehicle driver's licence issued to Driver No. 509601 be revoked.

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

Members considered that the Driver had been provided with ample opportunity to attend the mandatory training but had failed to attend or engage with the authority regarding his non-attendance or to provide an explanation in mitigation. Members considered the Driver had shown a blatant disregard of an important licensing requirement by repeatedly failing to attend the mandatory CSE training and given that the committee's overriding consideration was protection of the public, members did not consider the Driver to be a fit and proper person to hold a licence. Consequently it was agreed that the hackney carriage and private hire vehicle driver's licence be revoked.

It was noted that the Driver would be informed of the decision and reasons therefore in writing and would be advised of his right of appeal against the decision to the Magistrates Court within 21 days.

The meeting concluded at 9.45 a.m.

REPORT TO:	Licensing Committee
DATE:	28 th June 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Technical Support Officer (Licensing) licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Review – Gambling Act 2005 Statement of Principles

1. PURPOSE OF THE REPORT

- 1.2 To advise Members of the necessary review of the Council's Statement of Principles for the Gambling Act 2005.

2. EXECUTIVE SUMMARY

- 2.1 In accordance with the Gambling Act 2005 the Council is required to review the Statement of Principles every three years.
- 2.2 A review has been undertaken of the current Statement and is attached at Appendix A to this report.

3. POWER TO MAKE THE DECISION

- 3.1 Section 349 Gambling Act 2005

4. BACKGROUND INFORMATION

- 4.1 In determining the Statement of Principles, the Council is required to have regard to the licensing objectives of the Gambling Act 2005 and the Gambling Commission's 'Guidance to Licensing Authorities'.
- 4.2 The statutory licensing objectives are:
- Protecting children and other vulnerable people from being harmed or exploited by gambling
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, and

- Ensuring that gambling is conducted in a fair and open way

4.3 The Statement of Principles has been developed by the six Licensing Authorities in North Wales, bringing consistency to matters relating to Gambling issues and functions.

5. CONSULTATION

5.1 To be undertaken as part of the process for implementation.

5.2 The following Responsible Authorities will be consulted:

- The Gambling Commission
- North Wales Police
- North Wales Fire and Rescue Service
- The Planning Authorities
- Environmental Health, Health and Safety and Trading Standards
- Children Services
- Her Majesties Revenue and Customs

5.3 In addition to the above, all licence holders and permit holders will be contacted to inform them of the consultation process and to seek their views.

6. RECOMMENDATION

6.1 That Members consider and agree the content of the draft Council's Statement of Principles (Gambling Act 2005) and authorise officers to undertake statutory consultation.

Statement of Gambling Policy

GAMBLING ACT 2005
..... 2017 – 2020

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1. INTRODUCTION

1.1 BACKGROUND

- 1.1.1 Under the provisions of the Gambling Act 2005, Denbighshire County Council is the **Licensing Authority** (and is referred to in this document as “the licensing authority”) responsible for granting gambling Premises Licences, Notices, Permits and Registrations in the county of Denbighshire.
- 1.1.2 The Gambling Act 2003 (“the Act”) requires a licensing authority to prepare and publish a statement of licensing policy (“the policy”) at least every three years. This policy is made under Section 349 of the Act and in accordance with the ‘Guidance to Local Authorities’ issued by the Gambling Commission under Section 25 of the Act (“the Guidance”).
- 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 and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission (Section 153). 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 The policy was adopted by Denbighshire County Council on **XXXX 2017** 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.
- 1.1.5 The policy will normally apply to any 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.
- 1.1.6 Key policy principles are presented in boxes.
- 1.1.7 The Appendices are to be read in conjunction with this policy however they do not form part of the policy and may be updated at any time.

1.2 GEOGRAPHY OF DENBIGHSHIRE COUNTY COUNCIL

- 1.2.1 Denbighshire is largely a rural county covering an area which runs from the North Wales coastal resorts of Rhyl and Prestatyn down through the Vale of Clwyd, as far as Corwen and the popular tourist town of Llangollen. Along the way it takes in the historic towns of Rhuddlan, Denbigh and Ruthin, each with its own castle, and the cathedral city of St. Asaph.
- 1.2.2 The leisure and tourism industry in Denbighshire is a major contributor to the local economy.
- 1.2.3 Denbighshire attracts over 5 million tourists and visitors per year.
- 1.2.4 Denbighshire has over XXX premises authorised by a premises licence, notice or permit under the Gambling Act 2005.

1.3 CONSULTATION PROCESS

- 1.3.1 The draft Statement of Gambling Policy was subject to formal consultation with:
- North Wales Police Service;
 - North Wales Fire & Rescue Service;
 - Representatives of the holders of the various licences for premises in the District who will be affected by this policy;
 - Persons and businesses likely to be affected by authorised gambling within the District
- 1.3.2 The draft Statement of Gambling Policy was also advertised and made available for inspection on the licensing authority website, and in council offices and libraries for a period of 4 weeks in accordance with the requirements of the Act.
- 1.3.3 The licensing authority, giving full regard to the Guidance, gave appropriate weight to the views of those consulted. In determining what weight to give particular representations, the licensing authority took into account:
- who made the representation (what is their expertise or interest)
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in the policy statement.

2. SCOPE AND EXTENT

2.0.1 The purpose of this Statement of Gambling policy is to set out the principles the licensing authority will apply when exercising its licensing function, i.e. when regulating the gambling activities 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.

2.0.2 The Act defines **Gambling** as:-

2.0.3 **Gaming** - means playing a 'game of chance' for a prize. A 'game of chance' includes a game that involves both an element of chance and skill, a game that involves an element of chance that can be eliminated by superlative skill, and a game that is presented as involving an element of chance, but does not include a sport.

2.0.4 **Betting** – means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.

2.0.5 **Taking part in a lottery** – means paying in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

A full glossary of the terms used in the Act and in this policy can be found in **Appendix A**.

2.0.6 It is a criminal offence under Section 33 of the Act to provide facilities for Gambling unless an exception is provided for under the Act.

2.0.7 The **types of authorisation** the Act requires the licensing authority to regulate are:-

- Premises Licences
- Temporary Use Notices
- Occasional Use Notices
- Permits as required under the Act; and
- Registrations as required under the Act.

2.0.8 This policy relates to all premises licences, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

- Premises Licences
 - Casinos;
 - Bingo Premises;
 - Betting Premises;
 - Tracks (*site where races or other sporting events take place*);
 - Adult Gaming Centres;
 - Licensed Family Entertainment Centres;

- Notices
 - Temporary Use Notices
 - Occasional Use Notices
- Permits
 - Family Entertainment Centre Gaming Machine Permits;
 - Club Gaming Permits;
 - Club Gaming Machine Permits;
 - Alcohol licensed premises Gaming Machine Permits;
 - Prize Gaming Permits;
- Registrations
 - Registrations of Small Society lotteries.

3. LICENSING OBJECTIVES

3.0.1 When exercising its functions under the Act the licensing authority must seek to promote the three **licensing objectives** contained in the Act. The three objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.1 OBJECTIVE 1: PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME AND DISORDER

3.1.1 The licensing authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

3.1.2 The Guidance for local authorities notes that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” The licensing authority agrees with this statement.

3.1.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the licensing authority Licensing Officers and/or the North Wales Police before making a formal application.

3.1.4 In considering licence applications, the licensing authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

3.2 OBJECTIVE 2: ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

- 3.2.1 Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

3.3 OBJECTIVE 3: PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS

- 3.3.1 With limited exceptions, the access of children and young persons to licensed gambling premises, which are adult only environments, will not be permitted.

3.3.2 The licensing authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

3.3.3 The licensing authority will consult with the Social Services Department on any application that indicates there may be concerns over access for children or vulnerable persons.

3.3.4 The licensing authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

3.3.5 The 2005 Act provides for a Code of Practice on access to casino premises by children and young persons and the licensing authority will work closely with the police to ensure the appropriate enforcement of the law.

3.3.6 The licensing authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that '**vulnerable persons**' includes :

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

4. LEGISLATION AND POLICIES

4.1 LEGISLATION

4.1.1 In undertaking its licensing function under the Gambling Act 2005, the licensing authority will use a full range of measures including its planning controls and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-

- Equalities Act 2010
- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998;
- Health and Safety at Work etc. Act 1974;
- Environmental Protection Act 1990;
- The Anti-social Behaviour Act 2003;
- Race Relations Act, 1976 (as amended)
- The Licensing Act 2003
- Regulatory Return (Fire Safety) Order 2005
- The Regulators' Compliance code
- Planning and Public Protection Service Enforcement Policy

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

4.2 PLANNING AND BUILDING CONTROL

4.2.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.

4.2.2 Denbighshire County Council has statutory planning responsibility within the County.

4.2.3 Denbighshire County Council's planning policies are set out in the Local Development Plan and 'Supplementary Planning Guidance'.

4.2.4 The Planning Authority develop their plans to:

- ensure effective and sustainable long term planning, and
- optimise economic, social and environmental benefits.

4.2.5 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.

- 4.2.6 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.
- 4.2.7 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.
- 4.2.8 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. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

5.1 DELEGATION

5.1.1 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub Committee to deal with them.

5.1.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

5.1.3 The licensing authority will delegate licensing matters to be dealt with by the Licensing 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. The table shown at **Appendix B** sets out the current agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

5.1.4 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Committee, or Committee to Full Council, if appropriate.

5.2 LICENSING COMMITTEE

5.2.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee. At Denbighshire County Council this committee is referred to as the **Licensing Committee** and contains 11 Members.

5.2.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.

- 5.2.3 The Licensing Committee of Denbighshire County Council have appointed a **Licensing Sub-Committee** to deal with
- Applications where there are relevant representations
 - Applications to review premises licence
 - Applications for club gaming/club machine permits where there are relevant representations
 - Decisions to give a counter notice to a Temporary Use Notice.

5.2.4 The Sub-Committee contains 3 members who will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

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

5.2.6 The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

5.2.7 The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

5.3 DECISION MAKING

- 5.3.1 Every determination of a licensing decision by the Licensing Committee or Sub-committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.
- 5.3.2 A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.
- 5.3.3 The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 5.3.4 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committee. Where representations are rejected written reasons as to why that is the case will be given.
- 5.3.5 In order to avoid duplication with other statutory regimes as far as possible the licensing authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

6. GENERAL PRINCIPLES

- 6.0.1 Nothing in this 'Statement of Policy' will:
- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
 - Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 6.0.2 The licensing authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.
- 6.0.3 The licensing authority shall aim to permit the use of premises for gambling in so far as they think it is
- In accordance with any relevant code of practice under Section 24 of the Act;
 - In accordance with any relevant guidance issued by the Commission;
 - Reasonably consistent with the licensing objectives
 - In accordance with the licensing authority's statement of licensing policy.
- 6.0.4 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Act.

6.1 COMPETENT AUTHORITY FOR PROTECTION OF CHILDREN FROM HARM

- 6.1.1 The licensing authority, designates the (Social Services) Safeguarding and Reviewing Team of Denbighshire County Council as the competent authority to provide advice on the protection of children from harm given the wealth of specialist knowledge and expertise to hand to fulfil this role.
- 6.1.2 The Act indicates each licensing authority must nominate a single body to undertake this function but it may be prudent for the licensing authority to involve other organisations if it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

6.2 INTERESTED PARTIES

- 6.2.1 For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.
 - Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations.
- 6.2.2 When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Guidance to local authorities.
- 6.2.3 Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premise under consideration, puts themselves forward as representing the interests of residents in the vicinity, the licensing authority will normally ask them to provide evidence that they are acting as representatives of others.

6.3 EXCHANGE OF INFORMATION

- 6.3.1 In fulfilling its functions and obligations under the Gambling Act 2005 the licensing authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the licensing authority will conform to the requirements of the Gambling Act, Data Protection and Freedom of Information legislation in accordance with the Council's existing policies.
- 6.3.2 Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed.

6.4 INSPECTION AND CRIMINAL PROCEEDINGS

- 6.4.1 The licensing authority will be guided by the Gambling Commission's Guidance and will endeavour to be:
- **Proportional:** regulators will only intervene when necessary; remedies will be appropriate to the risk posed and costs identified and minimized.
 - **Accountable:** regulators will be able to justify decisions and be subject to public scrutiny.
 - **Consistent:** rules and standards will be joined up and implemented fairly.
 - **Transparent:** regulators will be open and endeavour to keep regulations simple and user friendly;
 - **Targeted:** regulation will be focused on the problem and minimize side effects.
- 6.4.2 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4.3 The licensing authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- Planning controls;
 - Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
 - Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.
- 6.4.4 This licensing authority will use a risk based inspection criteria for any necessary inspections, i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.
- 6.4.5 When determining risk, consideration will be given to :-
- the nature of the gambling activities carried out on the premises
 - the location of the premises in relation to schools etc.
 - the procedures put in place by the management to meet the licensing objectives.
- 6.4.6 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement it deems necessary to support and promote the licensing objectives or following receipt of complaint. The County will be monitored for unlicensed premises.

6.4.7 The licensing authority will seek to work actively with the police in enforcing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

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

6.4.9 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.

6.4.10 The licensing authority will consider issuing a written informal warning to a licence holder specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

7. LICENSING PROCESS

- 7.0.1 **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.**
- 7.0.2 Applications must be made on the prescribed or local form, and be accompanied by a fee. All prescribed forms and notices can be downloaded from the Commission's website www.gamblingcommission.gov.uk.
- 7.0.3 All local application forms are available in both the Welsh and English language, and are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01824 706342.
- 7.0.4 Applicants may submit applications electronically to the licensing authority by hardcopy or via email to licensing@denbighshire.gov.uk.

7.1 APPLICATIONS

- 7.1.1 The starting point in determining applications will be to grant the application, without conditions.
- 7.1.2 Conditions will only be considered where they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 7.1.3 When determining an application to grant a premises licence or whether to review a premises licence, regard will be given to
- the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children, and
 - the size and scope of the gambling premises concerned.
- 7.1.4 **Each case will be determined on its own merits.** Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

- 7.1.5 Where there are no **relevant representations** from Responsible Authorities or Interested Parties to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act. For representations to be relevant they must
- relate to the promotion of one of the three licensing objectives;
 - be made by a responsible authority or interested party within the prescribed period;
 - not been withdrawn; and
 - they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 7.1.6 Where relevant representations on an application are received and the application has been made in accordance with the requirements of the Act, any non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence.

7.2 MEDIATION

- 7.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authority or interested party, the licensing section will decide whether the representation is relevant.

7.2.2 Where the licensing authority find the representation to be relevant it may recommend a **mediation meeting** to address and clarify the issues of concern.

7.2.3 This process will not override the right of an applicant or interested party to decline to participate in a mediation meeting.

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

7.2.5 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.

7.3 CONDITIONS

- 7.3.1 The Act and regulations provide for specific conditions to be attached to a Premises Licence as either “**mandatory**” or “**default**” conditions.
- 7.3.2 Section 169 of the Act gives licensing authorities the power to impose default conditions on premises licences that they issue.
- 7.3.3 When considering any conditions to be attached to licences, the licensing authority will consider the local circumstances and risks associated with specific premises or class of premises, which might give rise to the need for conditions.

7.3.4 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.

7.3.5 Conditions on premises licences will relate only to gambling, as considered appropriate in light of the following principles:

- Must be proportionate to the circumstance which they are seeking to address;
- Should be relevant to the need to make the proposed building suitable as a gambling facility;
- Should be directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Should be fairly and reasonably related to the scale and type of premises;
- Should be reasonable in all other respects.

7.4 REVIEWS

- 7.4.1 At any time following the grant of a premises licence a **responsible authority** or any **interested party** may ask the licensing authority to review the premises licence because of a matter arising at the premises in connection with any of the three licensing objectives.
- 7.4.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises.
- 7.4.3 In every case, an application for a review must relate to a particular premises and **must be relevant to the promotion of one or more of the licensing objectives.**

- 7.4.4 Grounds for a review may be that activities, including but not limited to the following, are taking place at the premises:
- Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Use of licensed premises as a base for organised criminal activity;
 - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
 - Use of licensed premises for the sale of smuggled tobacco or goods;
 - The use of licensed premises for the sale of stolen goods.
 - Children and/or vulnerable persons are put at risk.

7.4.5 The licensing authority will reject an application for a review if the applicant fails to provide supporting information and documents 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.

- 7.4.6 The licensing authority will also reject an application for a review if
- the grounds are frivolous;
 - the grounds are vexatious;
 - the grounds are irrelevant;
 - the grounds will not cause the Council to revoke or suspend a licence or to remove or attach conditions on the Premises Licence;
 - the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
 - the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

7.4.7 The licensing authority considers it good practice for all responsible authorities 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.

INITIATION OF REVIEW BY LICENSING AUTHORITY

7.4.8 A Premises Licence may also be reviewed by the licensing authority on its own volition.

7.4.9 Prior to discharging its power to initiate a review, the licensing authority will attempt to have constructive discussions with the operators about any concerns and may ask the operator to provide the licensing authority with its own **risk assessment** which sets out the controls it has put in place to mitigate risks.

8. LOCAL STANDARDS

8.1 PREMISES LICENCES

8.1.1 Premises Licences can authorise the provision of gambling facilities on

- Casinos;
- Bingo Premises;
- Betting Premises, including Tracks;
- Adult Gaming Centres (AGC); and
- Family Entertainment Centres.

By distinguishing between premises types, the Act makes it clear that gambling activity of the premises should be linked to the premises described. **The Act does not permit premises to be licensed for more than one of the above activities.**

8.1.1 An application for a Premises Licence can only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over, **and**
- Who have the right to occupy the premises and
- Who have an Operating Licence authorising him to carry out the proposed activity **OR** who have applied for an Operating Licence to allow them to carry out the proposed activity.

The premises licence cannot be determined until an operating licence has been issued.

8.1.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they merely provide space for other people to provide betting (and those other people hold valid betting operating licences).

8.1.3 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.

8.1.4 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.

8.1.5	The licensing authority will expect all applicants to specify the methods by which they will promote the three licensing objectives in their operating schedules, having regard to the type of premises, the licensable activity proposed, the operational procedures, the nature of the location and the needs of the local community.
8.1.6	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.
8.1.7	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.

8.1.9 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

CASINOS

8.1.10 It was resolved on 23rd January 2007 (implemented on 1st February 2007) that applications for casinos are not to be permitted.

8.1.11 Should the licensing authority choose to review this policy, this will be a resolution of Full Council following considered debate and the reasons for making the resolution will be provided.

BINGO PREMISES

8.1.12 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

8.1.13 The licensing authority will attach mandatory and default conditions to all Bingo Premises licences.

BETTING PREMISES

8.1.14 The licensing authority is responsible for issuing and monitoring premises licences for all betting premises.

8.1.15 The licensing authority will attach mandatory and default conditions to all Betting Premises licences.

TRACKS

8.1.16 The Act does not give a list of premises that are officially recognised as ‘tracks’ but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include

- A horse racecourse
- A greyhound track
- A point-to-point horserace meeting
- Football, cricket and rugby grounds
- A golf course
- Venues hosting darts, bowls or snooker tournaments.

8.1.17 The licensing authority will determine what constitutes a sporting event or race on a case by case basis.

ADULT GAMING CENTRES (AGC)

8.1.18 Applicants for an Adult Gaming Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Adult Gaming Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.19 The licensing authority will attach mandatory conditions to all AGC Premises licences.

FAMILY ENTERTAINMENT CENTRES (FEC)

8.1.20 Applicants for a Family Entertainment Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Family Entertainment Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.21 Licensed Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons. They are permitted to make available category C and D gaming machines.

8.1.22 Children and young persons are not permitted to use category C machines and it is a requirement that there must be clear segregation between the types of machines so that persons under 18 years of age do not have access to them.

8.1.23 The licensing authority will take into account the policies and procedure proposed by the applicant to protect children and young persons when considering applications for FEC Premises licences.

8.1.24 The licensing authority will attach mandatory conditions to all FEC Premises licences.

8.2 NOTICES

TEMPORARY USE NOTICES (TUN)

- 8.2.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 8.2.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 8.2.3 There are a number of statutory limits as regards temporary use notices.

- 8.2.4 In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 8.2.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the gambling commission's guidance to licensing authorities.

OCCASIONAL USE NOTICES (OUN)

- 8.2.6 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

8.3 PERMITS

- 8.3.1 Permits are designed as a light-touch approach to low level ancillary gambling. The permits regulate gambling and the use of gaming machines in specific premises.
- 8.3.2 The licensing authority are responsible for issuing
- Family Entertainment Centre Gaming Machine Permits;
 - Club Gaming Permits and Club Gaming Machine Permits;
 - Alcohol-licensed premises Gaming Machine Permits;
 - Prize Gaming Permits.
- 8.3.3 The licensing authority will grant or reject an application for a permit. **No conditions may be attached to a permit.**
- 8.3.4 In addition, the licensing authority are responsible for receiving notification from holder of alcohol licences under the Licensing Act 2003 that they intend to exercise their automatic entitlement to 2 gaming machines in their premises.
- 8.3.5 See **Appendix C** for further information regarding the categories of gaming machines allowed by permit and information regarding stakes and prize limits.

8.3.6 When determining applications for permits the licensing authority will consider any convictions held by the applicant that would make them unsuitable to operate the premises plus the suitability of the premises in relation to their location and issues about disorder.

FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT

- 8.3.7 Unlicensed Family Entertainment Centres are able to offer only category D machines on a gaming machine permit. Any number of category D machines can be made available.
- 8.3.8 An application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed Family Entertainment Centre and, if the applicant is an individual, is aged over 18 years.
- 8.3.9 The permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application.

8.3.10 There is no prescribed application form for this permit however the licensing authority have created a **local application form** for this purpose. A plan for the unlicensed Family Entertainment Centre must be submitted with each application.

CLUB GAMING PERMITS AND CLUB GAMING MACHINE PERMITS

- 8.3.11 The licensing authority may grant members clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the provision of gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- 8.3.12 If a members' club or miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply for a club gaming machine permit using the prescribed form.
- 8.3.13 Holders of club gaming permits and club gaming machine permits are required to comply with the code of practice issued by the Gambling Commission on the location and operation of machines.

ALCOHOL-LICENSED PREMISES GAMING MACHINE PERMITS

- 8.3.14 The licensing authority may issue holders of alcohol licences under the Licensing Act 2003 a gaming machine permit which permits any number of Category C or D machines in licensed premises.
- 8.3.15 The application must be made by the person that holds the alcohol premises licence issued under the Licensing Act 2003.
- 8.3.16 The licensing authority may vary the number and category of gaming machines authorised by the permit if it considers it necessary to promote the licensing objectives.
- 8.3.17 Holders of licensed premises gaming machine permits are required to comply with the code of practice issued by the Gambling Commission on the location and operation of machines.

8.3.18 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

PRIZE GAMING PERMITS

- 8.3.19 The licensing authority may issue prize gaming permits to authorise the provision of facilities for gaming with prizes on specific premises.
- 8.3.20 The application must be made by the person who occupies or plans to occupy the premises and if the applicant is an individual, must be aged 18 or over.
- 8.3.21 Applicants are asked to set out the types of gaming that they are intending to offer in their application.

8.3.22 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

8.4 REGISTRATIONS

- 8.4.1 The Act denotes 'local authorities' as being responsible for registering societies to run **Small Society Lotteries**, as opposed to licensing authorities. In the interest of consistency, Denbighshire County Council being the local authority defined under Section 25 of the Act will be referred to as the licensing authority in this document.
- 8.4.2 Applications for small society lottery registrations must be in the form prescribed and be accompanied by both the required registration fee and all necessary documents required by the licensing authority.
- 8.4.3 The licensing authority will require applicants to provide a copy of their terms and conditions and their constitution to establish that they are a non-commercial society.

8.5 LOCAL RISK ASSESSMENTS

- 8.5.1 The Gambling Commission's '**Licence Conditions and Codes of Practice**' (LCCP) formalise the need for operators to consider local risks.
- 8.5.2 The Social Responsibility code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking a risk assessment, licensees must take into account the matters identified in this statement of policy.
- 8.5.3 A local risk assessment must be undertaken when applying for a new premises licence and must be updated
- When applying for a variation of a premises licence;
 - To take account any significant changes in local risks;
 - When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

- 8.5.4 The licensing authority will expect every risk assessment to cover the following broad headings:
- Reference to any specific local risks
 - How the operator proposes to mitigate these risks
 - How the operator will monitor the risks

- 8.5.5 The **Local risks** identified by the licensing authority include, but are not restricted to:
- The proximity of the premises to sensitive establishments such as schools, vulnerable adult centres, or to residential areas with a high concentration of families with children.
 - The nature of the gambling activities and category of gaming machines made available at the premises.
 - Any age restrictions and segregation requirements at the premises necessary for the protection of children and young persons.
 - The prevalence of vulnerable persons in the locality of the premises.

9. COMPLAINTS AGAINST LICENSED PREMISES

- 9.0.1 The licensing authority will investigate complaints against licensed premises in relation to matters concerning the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
- 9.0.2 Where an interested party has made a complaint about licensed premises, or a valid application for a licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.
- 9.0.3 This process will not override the right of any interested party or for any licence holder to decline to participate in a conciliation meeting.
- 9.0.4 Due consideration will be given to all complaints unless they are considered to be frivolous, vexatious or repetitious.

10. FURTHER INFORMATION

10.1 GAMING MACHINES

- 10.1.1 The licensing authority notes that the term “Gaming Machine” covers all machines on which people can gamble and the term has only been preserved in the Act because it is one that is readily understood.
- 10.1.2 The definition of “gaming machines” is wider in the Gambling Act 2005 than those in previous gaming legislation and covers all types of gambling activities which can take place on a machine, including betting on virtual events.
- 10.1.3 It should be noted however that there still remains a distinction between skill machines and gaming machines plus important exemptions remain for certain equipment that is not considered a gaming machine, even when gambling can be performed on it, for example a home personal computer.
- 10.1.4 In order for a premises to site gaming machines an authorisation is normally required. Typically this is
- An operating licence from the Commission **and** a gambling premises licence from the licensing authority;
 - An alcohol premises licence, or
 - A gaming machine permit.
- 10.1.5 Where the licensing authority is concerned regarding the manufacture, supply, installation, maintenance or repair of gaming machines, or the manner in which they are operating will contact the Commission for guidance.
- 10.1.6 Regulations define four categories of gaming machine: categories A, B, C and D with category B divided into five further sub-categories. The maximum number of machines permitted varies according to the premises type.
- 10.1.7 There is no minimum age for players of Category D gaming machines however players of category A, B and C gaming machines must be aged 18 years or above.
- 10.1.8 See **Appendix C** for further information regarding machine categories and entitlements.

10.2 LICENSING REGISTER

- 10.2.1 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.

12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email licensing@denbighshire.gov.uk or via telephone on 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.

10.3 DATABASE OF PREMISES RECORDS

- 10.3.1 A database of premises licences is available on the Commission's website and consists of information submitted by licensing authorities. The Commission's website address is www.gamblingcommission.gov.uk .

APPENDIX A: GLOSSARY OF TERMS

Adult Gaming Centre: licensed gambling premises which can provide gaming machines. Only adults (persons 18 years old or over) can enter an Adult Gaming Centre.

Betting premises: licensed gambling premises which can provide betting facilities and gaming machines. Only adults (persons 18 years old or over) can enter Betting Premises unless the premises are on a track.

Bingo: there are two types of bingo

High Turnover Bingo - Bingo where the aggregate of stakes and prizes in any 7 day period exceeds £2000. High turnover bingo can only take place in casinos and bingo halls.

Low Turnover Bingo - (sometimes described as non-high turnover bingo) Bingo where the aggregate of stakes and prizes in any 7 day period is less than £2000. Low turnover bingo can take place in pubs and clubs, and in premises that hold a Prize Gaming Permit or Unlicensed Family Entertainment Centre Gaming Machine Permit.

Bingo Premises: licensed gambling premises which can provide high turnover bingo and gaming machines.

Casino: there are 3 types of casino that can exist in England and Wales: large, small, or “tiny” (casinos that existed under the old law and have retained their licences under the new law). The differences are based on overall size and the number of machines and gaming tables that can be provided. Casinos can provide casino games (games which are not equal chance gaming and may involve playing against a bank) and bingo as well as gaming machines.

Child: For the purposes of the Gambling Act 2005, anyone under the age of 16 years.

Club: the 2005 Act recognises 2 types of club: **members clubs** (at least 25 members and established for purposes other than gaming unless it is a bridge or whist club, including Miners Welfare Institutes); and **commercial clubs**. Equal chance gaming can take place without any further permit provided the limits on stakes and prizes are not exceeded. In addition low turnover bingo can take place and if it is a bridge or whist club then bridge or whist can be played.

Club Gaming Permit: a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D), equal chance gaming and games of chance (limited to pontoon and chemin de fer).

Club Machine Permit: a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D).

Conditions: there are two types of conditions

1. **Default Conditions** – are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the licensing authority.

2. **Mandatory Conditions** – are conditions set by the Secretary of State (some are set out in the Act and some will be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The licensing authority will have no discretion to alter or remove these conditions.

Crane grab machine: a non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a machine to separate one or more physical objects from another.

Equal Chance Gaming: games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

Exempting gambling: certain specified low-level gambling can take place in private premises, workplaces, pubs and clubs without any requirements for licensing or registration.

Exempt Lotteries: certain types of lottery can be run without either a licence from the Gambling Commission or registration with the local authority. They are Incidental Non Commercial Lotteries, Private Lotteries and Customer Lotteries.

Family Entertainment Centre: there are 2 types of Family Entertainment Centres: licensed and unlicensed. In both cases children and young persons can enter the premises unaccompanied by adults and use category D machines. Licensed Family Entertainment Centre can provide category C and D machines, but only persons aged 18 or over can use the category C machines. An Unlicensed Family Entertainment Centre can only provide category D machines.

Fixed Odds Betting: if a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming'), then it is likely to be betting at fixed odds.

Fixed Odds Betting Terminals (FOBTs): FOBTs are a type of gaming machines which generally appear in licensed betting shops. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Gaming: playing a game of chance for a prize. This includes games of pure chance (or luck), games that have an element of skill and chance combined, and games where "superlative skill" can eliminate the element of chance. Sports are excluded from the definition of Games of Chance.

Gaming Machine: a machine used for gambling. There are divided into 8 categories, (A, B1, B2, B3A, B3, B4, C & D) depending on the maximum stakes and maximum prizes. Different categories of machines can be used in different types of licensed gambling premises and under different permits.

Guidance to Licensing Authorities: guidance issued by the Gambling Commission.

Incidental non-commercial lottery: see Exempt Lotteries above.

Large Lottery: where the total value of tickets in any one lottery exceeds £20,000 or £250,000 in separate lotteries over one calendar year. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed premises Gaming Machine Permit: allows pubs to have more than 2 gaming machines, provided the main purpose of the premises is to remain a pub, rather than an Entertainment Centre with a bar.

Licensing authority: the district, borough or unitary authority responsible for licensing gambling and other activities in the area.

Licensing Objectives: there are three objectives

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Lottery: the 2005 Act recognises 2 types of lottery, a simple lottery or a complex lottery. In both cases players pay to take part and prizes are allocated. In the case of a simple lottery, that allocation is wholly by chance, but in the case of a complex lottery there can be further steps which are not dependent upon chance. Some lotteries are exempt from regulation (see above).

Occasional Use Notice: a notice that may only be issued in respect of a track (see below) that permits betting on a track without the need for a Premises Licence.

Prize Gaming: gaming in which the nature and size of the prize is not determined by the number of players or stakes, e.g. bingo with non-cash prizes.

Prize Gaming Permit: a permit issued by the Licensing Authority allowing prize gaming to take place.

Pub: premises that have a premises licence under the Licensing Act 2003 to sell alcohol for consumption on the premises in a bar at which alcohol is served to customers. Pubs can have 2 category C or D gaming machines. If a pub has a Licensed Premises Gaming Machine Permit (see above) it can have more gaming machines.

Risk Assessments: the requirement under the Social Responsibility code 10.1.1 for operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

Relevant representations: are representations made by responsible authorities or interested parties within the prescribed period, that relate to the promotion of at least one of the three

licensing objectives, have not been withdrawn; and, in the opinion of the licensing authority, are not frivolous or vexatious.

Responsible authority: public bodies that must be notified of applications and are entitled to make representations to the licensing authority. They include

- the licensing authority in whose area the premises is wholly or partly situated,
- the Gambling Commission,
- the chief officer of police or chief constable for the area in which the premises is wholly or partly situated,
- the fire and rescue authority for the same area,
- the local planning authority for the area in which the premises is wholly or partly situated,
- the relevant authority which has functions in relation to pollution to the environment or harm to human health for the area in which the premises is wholly or partly situated,
- a body, designated by the licensing authority, as competent to advise about the protection of children from harm,
- HM Revenue and Customs
- Any other person prescribed in regulations by the Secretary of State.

Review: following the grant of a premises licence a responsible authority or interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the three licensing objectives.

Skills with Prizes machine: a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. These are unregulated.

Small Society Lottery: these are for non-commercial societies (a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain) who must register their lotteries with the local authority.

Temporary Use Notice: a notice that allows limited types of gambling to take place for a limited period on premises that do not have a premises licence.

Track: a site where races or other sporting events take place e.g. horse racing, dog racing, athletics, football, motor racing etc.

Travelling Fair: a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year. Fairs can provide prize gaming and category D gaming machines.

Young Person: for the purposes of the Gambling Act 2005, anyone who is not a child but is aged under 18.

APPENDIX B: DELEGATION OF DECISION MAKING

Matter to be dealt with	Full Council	Licensing Committee or Sub-committee	Head of Planning and Public Protection
Final approval of the Licensing Authority statement of policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

APPENDIX C: GAMING MACHINE SUMMARY

SUMMARY OF MACHINE PROVISION BY PREMISES

Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by Pool betting			Maximum of 4 machines categories B2 to D (except B3A Machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Licensed family entertainment centre						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-Licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money

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REPORT TO:	Licensing Committee
DATE:	28 th June 2017
LEAD OFFICER:	Head of Planning & Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Review of Sex Establishment Policy

1. PURPOSE OF THE REPORT

To inform Members of the current position regarding proposals to compile a draft revised Sex Establishment Policy.

2. EXECUTIVE SUMMARY

- 2.1 Members may recall that a report proposing a review of the Council's Sex Establishment Policy was placed before them for consideration in March 2015.

3. POWER TO MAKE THE DECISION

Local Government (Miscellaneous Provisions) Act 1982.

4. BACKGROUND

- 4.1 The original report informed Members of the introduction of Section 27 of the Policing and Crime Act 2009 which reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.2 Members were informed that these powers were not automatic and would only apply if specifically adopted by local authorities. Consequently, Members were asked to consider whether to adopt the provisions of Section 27 which would require a public consultation prior to implementation.

4.3 Having considered the contents of the report, Members agreed that steps should be taken with a view to adopting the necessary legislation and amending the current Sex Establishment Policy in that regard. It was therefore resolved that:

(a) Officers be requested to compile a draft revised Sex Establishment Policy that is fit for purpose for submission to a future meeting prior to undertaking a public consultation, and

(b) The provisions of Section 27 of the Policing and Crime Act 2009 be adopted and incorporated within the draft revised Sex Establishment Policy.

5. CONSIDERATION

5.1 Whilst there are currently no premises of this type in Denbighshire, the adoption of these powers will serve as a preventative measure for any future premises.

5.2 For Members' information, the Policing and Crime Act provides an exemption that already permits premises licensed under the Licensing Act 2003 to offer adult entertainment, provided it does not take place on more than one occasion each month for no longer than 24 hours for 11 months of the year.

5.3 Premises wishing to make use of this exemption must ensure that they are authorised for the provision of regulated entertainment and that there are no restrictions on their premises licence relating to adult entertainment, otherwise they must apply for a Temporary Event Notice.

5.4 Due to the need to prioritise the formulation and revision of policies, officers consider they will be in a position to present Members with a draft revised Policy in 2018.

5.5 Until such time as a revised policy is formulated and adopted, officers will refer any applications for Sexual Entertainment Venues to Licensing Committee under existing procedures.

6.0 RECOMMENDATION

That Members note the report and agree to the timescales therein for formulation of a revised draft Sex Establishment Policy.

REPORT TO:	Licensing Committee
DATE:	28 th June 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) 01824 706451
SUBJECT:	Review of Street Trading Policy

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the progress with regard to a proposed review of the current street trading policy within Denbighshire.

2. EXECUTIVE SUMMARY

- 2.1 To seek the views of and update Members on the ongoing work being carried out.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1982 Part III, Schedule 4, Street Trading.

4. BACKGROUND INFORMATION

- 4.1 In 2015, Members resolved to authorise officers to review the existing street trading policy in order to address difficulties with the regime and suggest improvements to better regulate and support street trading within the County.
- 4.2 At their Meeting in December 2016, Members had the opportunity to consider a draft of the policy and discussed various options to be incorporated within any future draft.
- 4.3 They agreed that initially Members of City Town and Community Councils, along with internal departments of the Council, should be consulted to seek their views, particularly in respect of the proposed system of temporary block consents and special events outlined in the

draft policy, prior to moving to full public consultation.

5.0 OFFICERS COMMENTS

5.1 Consultation with City, Town and Community Councillors as detailed at 4.3 has been carried out and, whilst few specific responses were received, they have been included within the latest draft which is currently undergoing public consultation.

5.2 Due to the timing of the public consultation (coinciding with the pre-election period) officers considered it appropriate to extend this process to afford both new and existing Councillors ample time to consider the draft policy which is available on the Council's website until 30th June 2017.

6.0 RECOMMENDATION

6.1 That Members consider the contents of this report and authorise Officers to continue work on the draft Street Trading Policy by compiling any responses received and present Members with a final version for their consideration at their next meeting in September 2017.

REPORT TO:	Licensing Committee
DATE:	28 th June 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	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.

3.4 Officers have been informed that the Institute of Licensing (IOL), along with the Local Government Association are currently working on developing a national conviction policy for local authorities to implement should they so wish. Discussions with the IOL have established that the proposed national conviction policy will be a robust document achieving consistency across Wales and England and it is therefore proposed to

defer any further work on reviewing the existing policy until the national policy has been finalised.

4. **RECOMMENDATION**

- 4.1 For Members to approve the Forward Work Programme, as detailed in Appendix 1 along with proposed amendments as detailed in 3.4 above.

Licensing Committee**Work Programme**

Committee Date	Report	Comment
September 2017	Street Trading	Approval
	Statement of Principles (Gambling)	Approval
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	Review
	Fees and Charges update	Update
December 2017	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
March 2018	Hackney Carriage and Private Hire Driver Conviction Policy	Approval
	Hackney Carriage and Private Hire Driver / Operator Conditions/policy	Approval

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