

To: Members of the Licensing
Committee

Date: 30 November 2022

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, 7 DECEMBER 2022** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

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

1 APOLOGIES

2 DECLARATION OF INTERESTS

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

3 URGENT MATTERS AS AGREED BY THE CHAIR

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

4 MINUTES OF THE LAST MEETING (Pages 9 - 18)

To receive the minutes of the Licensing Committee held on 12 October 2022 (copy enclosed).

5 UPDATE ON REVIEW OF HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES (Pages 19 - 44)

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) updating members on the review of the current Hackney Carriage Vehicles Table of Fares and Charges and proposed way forward.

6 CONSIDERATION FOR AN INTERIM PROCESS FOR NEW TO FLEET VEHICLES (Pages 45 - 48)

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) on the review of the existing age requirements for vehicles first licensed by the Council and recommendation to retain the current age policy for both new to fleet vehicles and existing fleet vehicles.

7 REVIEW - GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (Pages 49 - 94)

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

8 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2023 (Pages 95 - 98)

To consider a report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) on the priorities of the Licensing Section together with a revised forward work programme.

PART 2 - CONFIDENTIAL ITEMS

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

9 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE (Pages 99 - 112)

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' determination of an application for a Private Hire Vehicle Licence.

11.30 am

10 APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (Pages 113 - 146)

To consider a confidential report by the Head of Planning, Public Protection and Countryside Services (copy enclosed) seeking members' determination of an application for a Hackney Carriage Vehicle Licence.

12.00 noon

MEMBERSHIP

Councillors

Bobby Feeley (Chair)

Hugh Irving (Vice-Chair)

Joan Butterfield
Gwyneth Ellis
Martyn Hogg
Alan James
Delyth Jones

Paul Keddie
Win Mullen-James
Andrea Tomlin
Michelle Walker

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All Councillors for information
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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, County Hall, Ruthin and by video conference on Wednesday, 12 October 2022 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Gwyneth Ellis, Bobby Feeley (Chair), Martyn Hogg, Hugh Irving (Vice Chair), Delyth Jones, Paul Keddie, Win Mullen-James, Andrea Tomlin and Michelle Walker

ALSO PRESENT

Solicitor (LB), Public Protection Business Manager (IM), Senior Licensing Officer (NJ), Enforcement Officers – Licensing (KB & NS) and Committee Administrators (KEJ & SLW [Webcaster])

1 APOLOGIES

Councillor Alan James

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 22 June 2022 were submitted.

Matters Arising – Page 10, Item 7 Proposed Changes to Hackney Carriage Vehicles Table of Fees and Charges – A review of the tariffs had been scheduled for discussion at the next meeting in December. Any proposed policy change would be subject to consultation with the licensed trade to ensure a representative view.

RESOLVED that the minutes of the meeting held on 22 June 2022 be received and confirmed as a correct record.

5 REVIEW - LICENSING ACT 2033: STATEMENT OF LICENSING POLICY

The Senior Licensing Officer (SLO) submitted a report (previously circulated) updating members following the statutory consultation process associated with the review of the Council's Statement of Licensing Policy, and sought a recommendation from the Committee on a final policy for submission to Council for approval. [It was clarified that final approval of the draft policy rested with Council and not Cabinet as referenced in the report.]

The Council was required to consult upon and prepare a Statement of Licensing Policy at least every 5 years. The current policy had been effective from 1 April 2017 and the Licensing Committee had authorised officers to commence the statutory consultation to review the existing policy in September 2021. A review had been undertaken in partnership with other North Wales local authorities for consistency. Details of the consultation process had been provided which had resulted in one consultation response from an interested party (a national brewery) and one from the Local Health Board (LHB), both of which related to the Public Health Section of the policy only. North Wales Police had supported the proposed changes. Appendices to the report included the draft policy, summary of the proposed changes, consultation responses and officers' comments and recommendations thereon and the existing policy.

The SLO drew members' attention to the consultation responses in Appendix C together with the reasoning behind officers' recommended amendments in column 4. It was the first time the LHB had submitted comments as part of the statutory review and their input had been very much welcomed given their expertise in public health. Some of the comments from the interested party had been mitigated to their satisfaction with no amendment required and other comments had been addressed by the recommended removal of statements and statistics to be replaced with information provided by the LHB and suggested for inclusion within the policy statement. [It was noted that on page 118 of the report references to 'Appendix C' in column 4 should read 'Appendix 3']. Members were asked to either approve the draft policy subject of the consultation without changes, or approve the recommended proposed amendments to the draft policy as detailed at Appendix C (column 4) along with proposals 1 – 4 and 6 in Appendix B (which had attracted no representations), and instruct officers to move the policy for approval at Council.

Members considered the draft policy along with the consultation responses received and officer recommendations in response thereto. The Chair acknowledged the comprehensive document and paid tribute to those involved in its production. She was also pleased to note the recent engagement of the LHB in licensing matters and their input into the policy statement, reflecting the importance of public health. In response to questions, the SLO detailed the merits of the response from the LHB which provided relevant, up to date information to replace the statistics which could become dated over the lifetime of the policy, and she recommended approval of the amendments as set out and inclusion of the LHB suggestions in the policy statement.

Having considered the draft Statement of Licensing Policy along with the responses received as detailed at Appendix C it was –

RESOLVED that –

- (a) *the proposed recommended amendments to the draft policy as detailed in Appendix C (column 4) along with Proposals 1 – 4 and 6 in Appendix B be approved as a final draft policy, and*
- (b) *officers be instructed to move the final draft policy for approval at Council.*

6 REVIEW OF VEHICLE AGE FOR THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Public Protection Business Manager (PPBM) submitted a report (previously circulated) seeking members' review of the existing maximum age for vehicles for both new and renewal applications following interim amendments to the existing policy in January 2022 and request to relax the upper age limit for new vehicles.

The Hackney Carriage and Private Hire Vehicle Policy had been approved by the Licensing Committee in December 2016, effective from 1 July 2017. The policy included an age restriction on vehicles, namely all new to fleet vehicles must be a maximum of 5 years old, and any vehicle reaching the age of 12 years old must be removed. A grace period of 5 years was given for vehicles already licensed which was due to cease in July 2022. Following a request from a taxi proprietor in January 2022 to urgently review the vehicle age policy in light of the coronavirus pandemic and its impact on procuring both new and used vehicles, the Committee approved a 12-month delay to implementation of the age restriction to allow recovery time from the effects of the pandemic, with the position to be reviewed by January 2023. The same taxi proprietor also asked that the requirement for new vehicle applications be relaxed from a maximum of 5 to 8 years old. A request had since been received from a different operator to consider relaxation of the age requirement for Wheelchair Accessible Vehicles (WAVs). As those aspects constituted a policy change, they needed to be considered as part of the review and wider consultation. Information regarding vehicle age requirements for other North Wales authorities, including WAVs, had also been provided.

Members were asked to consider whether it was appropriate to relax the maximum age limit for new and renewal vehicles and if so, whether further conditional requirements would be needed. 21 of the 287 licensed vehicles were currently affected by the age limit, which would rise to 23 in July 2023 when the 5-year grace period expired. The yearly number of new to fleet vehicles since introduction of the policy in 2017 had been produced, with those vehicles having been subject to the maximum 5-year age limit. Since 1 August 2022 there had been a further 12 new to fleet vehicles. If members were minded to support any amendments to the policy a consultation would be required with all licence holders and key partners.

Members discussed the report a length with the PPBM together with the reasoning behind the introduction of an age restriction on licensed vehicles and sought further clarity in that regard and whether a separate age condition in relation to WAVs was warranted. Whilst it was noted that the vehicle age policy had been introduced to modernise the current fleet of licensed vehicles to ensure high standards, questions were raised as to the evidence base to support such a policy, and whether ensuring vehicle safety and standards would be better met through a robust maintenance regime, possibly correlating to the age or mileage of the vehicle.

During debate the PPBM responded to members' questions/comments as follows –

- the vehicle age policy had been introduced to address safety concerns and the expectation of mechanical wear and tear over time due to excessive mileage

- standards and safety were one and the same and improving vehicle standards would result in improved vehicle safety
- there would be merit in introducing a regular maintenance scheme to offset the mechanical wear and tear on vehicles due to age and mileage undertaken
- officers were unaware of any serious incidents due to vehicle age and it was not known whether or not that had been due to the current age restriction in place
- a separate age limit for WAVs could be used to encourage more accessible vehicles to be licensed, which were significantly more expensive than standard saloon vehicles, and representations had been received from Passenger Transport who had found it difficult to source WAVs for council contracts
- some local authorities had a policy that all new to fleet vehicles must be WAVs to meet demand. However, the demand for WAVs in Denbighshire was such that it would not justify a WAV only new to fleet policy
- vehicle proprietors were required to provide maintenance schedules and work was ongoing for those records to be presented to ensure they were in place
- it would be possible to introduce more stringent compliance checks for older vehicles and increase the number of inspections depending on age or mileage
- the Welsh Government was currently undertaking a review of taxi legislation following which expected standards would be set out thereby superseding some of the council's existing policies, including age restrictions, and the goal of Welsh Government was for all taxis to be electric vehicles by 2028.

During deliberations, the Chair highlighted the need to bear in mind forthcoming legislation from Welsh Government regarding national licensing standards which may result in a further revisit of hackney carriage and private hire licensing policies.

Some members felt that the vehicle age policy had been successful in improving the quality of the vehicle fleet and the number of new to fleet vehicles demonstrated that the industry was buying within those current stipulations. Other members questioned the logic of the vehicle age policy given new to fleet vehicles must be under 5 years of age to be safe but were then subsequently licensed up to 12 years, and new to fleet vehicles may have also excessive mileage but older vehicle outside of the taxi fleet may have lower mileage. However, all were in agreement that safety of the licensed fleet was of paramount importance and that there would be merit in reviewing the age limits for both renewal and new to fleet vehicles, particularly given the cost associated with WAVs and hybrid/electric vehicles, alongside an appropriate and proportionate vehicle maintenance and compliance testing regime dependent on vehicle age and mileage, and for relevant consultation to be carried out. Given the review would take some time, it was also agreed to further defer the implementation date for removing vehicles older than 12 years to July 2024. There was also some debate in relation to introducing an appropriate mechanism via the scheme of delegation for determining new applications for vehicles over 5 years' old in the interim period.

Having considered all the information contained in the report, and having agreed a way forward, the Solicitor restated, for clarity, the propositions put forward and seconded by members. Upon being put to the vote it was unanimously –

RESOLVED that –

- (a) *the implementation date to only licence vehicles up to the age of 12 years old from the date of first registration be deferred for a further twelve months from July 2023 to July 2024 pending a review of the current vehicle age restrictions;*
- (b) *officers be authorised to instigate a consultation process with all licence holders and key partners to consider an increase in the renewal age of vehicles to over 12 years old based on strict maintenance schedule requirements and compliance testing regime, rather than age as the sole indicator;*
- (c) *officers be authorised to instigate a consultation process with all licence holders and key partners to consider an increase in the age of new to fleet vehicles to under 8 years old based on strict maintenance schedule requirements and compliance testing regime, rather than age as the sole indicator, and*
- (d) *officers be authorised to look into a process of delegation for determining new to fleet vehicle applications for vehicles over 5 years old whilst the consultation processes above are ongoing, and bring a report back to the Committee's next meeting for consideration.*

7 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2022/23

The Senior Licensing Officer submitted a report (previously circulated) on the priorities of the Licensing Section together with an update on the forward work programme for 2022/23.

The priorities of the Licensing Section reflected the duty placed on the authority in relation to its responsibilities for the licensing function and the effective regulation, control and enforcement of licensees together with the authority's commitment to safer communities and the development of the economy. Due to unforeseen priorities the previously approved work programme had been amended slightly with items rescheduled and a revised work programme presented for consideration.

Members noted the update and proposed revisions to the forward work programme.

RESOLVED that –

- (a) *the contents of the report be noted, and*
- (b) *the revised forward work programme for 2022/23 as detailed in Appendix A to the report be approved, subject to the inclusion of a report back in December on the delegation process for determining new to fleet vehicle applications for vehicles over 5 years old as approved under the previous minute item.*

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 items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

At this juncture (10.45 am) the meeting adjourned for a short break.

Upon resuming proceedings, the Vice Chair, Councillor Hugh Irving took the Chair as Councillor Bobby Feeley had to leave the meeting shortly for a prior engagement.

8 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 559870

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

- (i) an application having been received from Applicant No. 559870 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant having failed to disclose two criminal convictions relating to violent offences in 1995 and 2011 which had been revealed following a Disclosure and Barring Service (DBS) check;
- (iv) relevant information including the Applicant's explanation of the reasoning for non-disclosure together with documentation relating to the case including the application and DBS certificate having been attached to the report;
- (v) the Council's policy with regard to the suitability of applicants, and
- (vi) the Applicant having been invited to attend the meeting in support of their application and to answer members' questions thereon.

The Applicant was accompanied by a colleague and confirmed he had received the report and committee procedures.

The Enforcement Officer (NS) summarised the report and facts of the case.

The Applicant explained the circumstances surrounding the two convictions, both had been committed some time ago, the first in his youth, and he provided assurances regarding his current and future conduct. In response to members' questions the Applicant advised that the offences had not been so serious as to warrant an anger management course. In relation to his non-disclosure of the convictions he had been ill advised in that regard; given the length of time since the offences he had not thought that they would still be on his record and need to be disclosed. He had since realised that, regardless of age, the offences should have been disclosed and he apologised for the oversight. The Applicant also provided some detail as to his current personal circumstances. In terms of a final statement the Applicant confirmed he had nothing further to add.

The Committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 559870 be granted.

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

The Committee had carefully considered all of the information provided by officers in advance of the hearing and representations submitted during the hearing of this case. The Committee thanked all parties for their assistance.

In reaching their decision, the Committee had due regard to the relevant sections of the Council's Statement of Licensing Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades. The Committee had also taken into consideration the substantive offences detailed in the Applicant's DBS enhanced certificate, the age of the Applicant during the first offence, the length of time since the offences, the Applicant's guilty pleas, and the circumstances explained in relation to the failure to disclose the two criminal convictions. The Committee was satisfied with the Applicant's explanation that the failure to disclose had been as a result of an honest misunderstanding and there had been no intention to deceive. Consequently, the Committee concluded that the Applicant was a fit and proper person to hold a licence and determined to grant the licence as applied for.

The Committee had found the Applicant to be open and honest during the hearing of his application and in response to questions. However, the Committee considered it appropriate to issue a clear warning as regards to future conduct, advising that the Applicant must be open and honest in his dealings with Licensing Officers, the Committee and the Council as a whole going forward.

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

9 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 559851

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

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

- (i) an application having been received from Applicant No. 559851 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant having failed to disclose eight convictions relating to foreign leg/cheating the public revenue in 2015 which had been revealed following a Disclosure and Barring Service (DBS) check;

- (iv) relevant documentation relating to the case including the application together with the DBS certificate and the Applicant's explanation of the reasoning for non-disclosure having been attached to the report;
- (v) the Council's policy with regard to the suitability of applicants, and
- (vi) the Applicant having been invited to attend the meeting in support of their application and to answer members' questions thereon.

The Applicant confirmed he had received the report and committee procedures.

The Enforcement Officer (KB) submitted the report and facts of the case.

The Applicant explained that he was currently licensed with a different local authority and detailed the circumstances surrounding that application and why he had been unaware of the conviction during that process, having only had sight of the basic DBS and not the enhanced check. He also explained the nature of the offence and legal process that followed and subsequent payment of the fine. The Applicant provided assurances that he would have disclosed the conviction on the application if he had been aware of it at that time. In response to questions, the date of the offence and subsequent conviction was clarified and the Applicant explained the reasoning behind his application in order to meet his own business requirements to operate in Denbighshire. He currently sub-contracted for an operator in Denbighshire who had provided a letter of recommendation on this behalf which was read out at the meeting. In his final statement the Applicant apologised for the omission and current situation.

The Committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 559851 be granted.

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

The Committee had carefully considered all of the information provided by officers in advance of the hearing and representations submitted during the hearing of this case. The Committee thanked all parties for their assistance.

In reaching their decision, the Committee had due regard to the relevant sections of the Council's Statement of Licensing Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades. The Committee had also taken into consideration the Applicant's submissions, letter of recommendation tabled during the hearing and response to questions, the substantive offence contained in the Applicant's DBS enhanced certificate, the circumstances explained in relation to the offence and failure to disclose the offences on the application form. The Committee was satisfied with the Applicant's explanation that the failure to disclose had been as a result of an honest misunderstanding due to previous dealings with an application in a different county being granted. Consequently, the

Committee concluded that the Applicant was a fit and proper person to hold a licence and determined to grant the licence as applied for.

The Committee had found the Applicant to be open and honest during the hearing of his application and in response to questions. However, the Committee considered it appropriate to issue a clear warning as regards to future conduct, advising that the Applicant must be open and honest in his dealings with Licensing Officers, the Committee and the Council as a whole going forward.

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

At this juncture (11.50 am) the meeting adjourned for a short break.

10 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 559747

The Committee heard that Applicant No. 559747 had advised he was unable to attend the hearing due to childcare issues and requested the application be heard in his absence to avoid any further delay. The Solicitor set out the options available to the Committee to either adjourn the matter to another occasion, or proceed with determining the application in the absence of the Applicant. If the Committee was minded to determine the application in the Applicant's absence, it must be satisfied there was sufficient information before it to reach a sound decision.

Having considered the Applicant's request together with the legal advice provided, the Committee considered there was sufficient information before it to make an informed decision, and upon being put to the vote, it was subsequently –

RESOLVED that the Committee proceed to determine the application in the absence of the Applicant.

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

- (i) an application having been received from Applicant No. 559747 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant having failed to disclose two convictions relating to cause allow another to fail to notify changes of circumstances affecting entitlement to benefit/other payment in 2013 which had been revealed following a Disclosure and Barring Service (DBS) check;
- (iv) relevant information including the Applicant's explanation of the reasoning for non-disclosure together with documentation relating to the case including the application, DBS certificate and email received in support of the application having been attached to the report:

- (v) the Council's policy with regard to the suitability of applicants, and
- (vi) the Applicant having been invited to attend the meeting in support of their application and to answer members' questions thereon.

The Committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 559747 be granted.

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

The Committee had carefully considered all of the information provided by officers in advance of the hearing. The Applicant had been unable to attend the hearing and had requested the Committee consider the application in his absence. Having considered there to be sufficient information brought before it to enable an informed decision to be made, the Committee agreed to determine the application in the absence of the Applicant.

In reaching their decision, the Committee had due regard to the relevant sections of the Council's Statement of Licensing Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades. The Committee had also taken into consideration the details of the Applicant's engagement with officers as detailed in paragraph 4.5 of the report, the Applicant's email of 20 July 2022 explaining the circumstances surrounding the failure to disclose the offences on the application form (Appendix C to the report), and the time that had elapsed since the substantive offence. The Committee was satisfied with the Applicant's explanation detailed in his email of 20 July 2022 that the failure to disclose on the application form had been the result of an honest misunderstanding. Consequently, the Committee concluded that the Applicant was a fit and proper person to hold a licence and determined to grant the licence as applied for. However, the Committee considered it appropriate to issue a clear warning as regards to future conduct, advising that the Applicant must be open and honest in his dealings with Licensing Officers, the Committee and the Council as a whole going forward.

The meeting concluded at 12.10 pm.

REPORT TO:	Licensing Committee
DATE:	7 th December 2022
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Public Protection Business Manager licensing@denbighshire.gov.uk 01824 706066
SUBJECT:	Update on review of Hackney Carriage Vehicles Table of Fares and Charges

1.0 PURPOSE OF THE REPORT

- 1.1 To update Members on the review of the current Hackney Carriage Vehicles Table of Fares and Charges (“tariff”) and seek direction for future actions.

2.0 EXECUTIVE SUMMARY

- 2.1 Following a request by Members at a previous meeting Officers have reviewed the current tariff charges.
- 2.2 It is proposed that there is no change to the tariff.

3.0 POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976.

4.0 BACKGROUND INFORMATION

- 4.1 Hackney Carriage vehicles, commonly referred to as taxis, are distinct in that they can operate via a rank or be hailed in the street unlike private hire vehicles which must be pre-booked through an operator’s base. It should be noted that a hackney carriage can carry out private hire duties but a private hire cannot operate as a hackney carriage.
- 4.2 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allows the Council to fix the rates or fares within the county in connection with the hire of a hackney carriage vehicle. There is no such requirement to set private hire charges.
- 4.3 The tariff rates as determined are the maximum rates a proprietor / driver can charge for a journey and will be calculated by a meter appropriately calibrated to the published tariff.

- 4.4 Members considered a report on the tariff charges at the Licensing Committee meeting in June and resolved that the tariff be amended. The current tariff is attached at Appendix 1. Further, Members requested that Officers review the charges and report back to Committee within 6 months.
- 4.5 A suitable Consultant led on consulting, collating and reporting on the findings and that report is attached at Appendix 2.
- 4.6 Following some engagement with the licensed taxi trade locally a proposed tariff was put to public consultation. The consultation was promoted directly with licensees in the taxi trade and widely through local press and social media. The responses from both the trade and public are summarised at Annex C and D attached to the Consultant's report.
- 4.7 The message from responses was generally that a change in the tariff was not needed.

5.0 CONSIDERATIONS

- 5.1 Members will note that the consultant's report recommends:
 - a. The introduction of three Tariffs for Taxis that seat four people and a tariff for taxis that seat five or more people.
 - b. The rounding of the tariff unit rate, to 10s of pence to eliminate the use of copper coins.
 - c. A yearly fare increase/decrease, in line with the Retail Price Index for Motoring.
 - d. Adoption of the proposed methodology
- 5.2 Section 4 of the Consultant's report provides a comprehensive methodology which should allow the Council to set a fair and transparent table of fares, taking all relevant matters into account from average salaries to the total cost per mile. Members will note that in order to be able to implement the proposed methodology all current data, including the typical journey distance, will be required from operators and proprietors so that actual costs can be effectively assessed when considering any future changes to the current tariff.
- 5.3 Finally, Members should note that the Welsh Government have confirmed they are intending on publishing a white paper for consultation early in 2023 in respect of taxi legislation, which may have some considerations on the setting of fees in the future.

6.0 RECOMMENDATION

6.1 That Members consider the contents of this report along with the findings of the Consultant report at Appendix 2 and resolve to:

- keep the tariff as currently set out in Appendix 1, and
- instruct Officers to conduct further research, with necessary input from local licensees, to enable Members to determine appropriate tariff charges in the future.

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Prisiau a Ffioedd Uchaf Gerbydau Hacni o 1 Gorffennaf 2022 ymlaen

Tariff 1

Rhwng 6am a hanner nos
 Prisiau Cychwynnol (ar gyfer y filltir gyntaf) £3.50
 Yna 25c am bob un degfed filltir neu ran o hynny
 Amser aros – 30 ceiniog y funud

Tariff 2

Rhwng hanner nos a 6am
 Prisiau Cychwynnol (ar gyfer y filltir gyntaf) £5.25
 Yna 37.5c am bob un degfed filltir neu ran o hynny
 Amser aros – 40 ceiniog y funud

Gwyliau Cyhoeddus a Gwylly Banc Sul y Pasg, Dydd Nadolig, Gwyl San Steffan a Diwrnod y Flwyddyn Newydd yn ôl Tariff 2 Trwy'r Dydd. Noswyl Nadolig a Noswyl Blwyddyn Newydd yn ôl Tariff 2 o 6pm ymlaen.

Bagiau (ar wahan i fagiau siopa, cadeiriau olwyn a chadeiriau gwthio) tu allan i seddi teithwyr: 20c am bob eitem.

Pob anifail domestig, ac eithrio cŵn tywys: 20c am bob anifail domestig Tâl am Faeddu'r

Cerbyd £100.00.

Tâl ychwanegol am bob teithiwr ar gyfer siwrneiau mwy na 4 teithiwr– 20c y teithiwr dros 4 teithiwr

Cynghorir Cwsmeriaid I ystyried y ffi yn erbyn y metr.

Adran Drwyddedu, Caledfryn, Ffordd Y Ffair, Dinbych LL16 3RJ E-bost: trwyddedu@denbighshire.gov.uk Ffôn: 01824 706342

Maximum Hackney Fares and Charges with effect from 1st July 2022

Tariff 1

Between 6am and midnight
 Start fare (for the first mile) £3.50
 Thereafter 25p per 1/10th mile or part thereof
 Waiting time – 30p each minute

Tariff 2

Between midnight and 6am
 Start fare (for the first mile) £5.25
 Thereafter 37.5p per 1/10th mile or part thereof
 Waiting time – 40p each minute

Public and Bank Holidays, Easter Sunday, Christmas Day, Boxing Day and New Year's Day to be charged at Tariff 2 all day. Christmas Eve and New Year's Eve to be charged at Tariff 2 from 6pm.

Luggage (excluding shopping, wheelchairs and pushchairs) outside the passenger compartment - 20p each item.

Carriage of each domestic pet, excluding guide dogs - 20p each pet

Soiling Charge - £100.00.

Surcharge per passenger for journeys more than 4 passengers – 20p each passenger over 4 passengers

Customers are advised to check the fare charged against the meter

Licensing Section, Caledfryn, Smithfield Road, Denbigh LL16 3RJ Email: licensing@denbighshire.gov.uk Tel: 01824 706342

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Regulatory Committee Report TAXI TARIFF REVIEW 2022

Report author

Joseph Mannix

Licensing Consultant

info@indepthconsultancy.co.uk

Exempt / confidential / not for publication	No
Wards affected	All wards

Executive summary

InDepth Consultancy Limited was instructed to review the current Taxi Tariff in August 2022. The aims of the review were to:

- Review the current Taxi Tariff and fare setting procedure.
- Engage with the Taxi Trade to seek their views.
- To identify improvements to the structure of the Taxi Tariff.
- To adjust and set the Taxi Tariff, if appropriate.
- To identify a methodology for the Council to use moving forward.

The engagement from the Taxi Trade during this process was not sufficient to make a properly evidence based decision on the setting of the Taxi Tariff. A Tariff was produced for Public Consultation, following a meeting of the Working Group. This Tariff was indicative of the approximate costs as submitted by the attendees of this group, with missing data supplemented by ONS Statistics for the UK. The response at Consultation was overwhelmingly negative to an increase to the Council's existing Taxi Tariff.

However, a number of positive comments were received regarding structural changes at consultation and a methodology for reviewing the Tariff were detected. To summarise, the following changes are recommended:

- The introduction of three Tariffs for Taxis that seat four people and a tariff for taxis that seat five or more people.
- The rounding of the tariff unit rate, to 10s of pence to eliminate the use of copper coins.
- A yearly fare increase/decrease, in line with the Retail Price Index for Motoring.
- Adoption of the proposed methodology.



1. Proposed Decision

- 1.1 In the course of this review, it became apparent that more specific and relevant data is required to properly justify either an increase, or decrease, to the Taxi Tariff. There are a number of recommendations that require the assent of the committee, that would allow the Council to properly consider and justify any action. It is not currently appropriate to raise the taxi tariff, as evidenced by the responses to the consultation.
- 1.2 The Committee may resolve that:
 - a. Further work be undertaken to require more specific data from the Proprietors of Hackney Carriages in the County, to properly justify an increase/decrease in the taxi tariff, and/or;
 - b. The additional recommendations of this report be implemented, in part or in full, or;
 - c. No further action or work be undertaken until a new request from the trade is received to review the taxi tariff.

2. Why is the decision needed?

- 2.1 Taxi and Private Hire (PHV) licensing in England and Wales is undertaken by licensing authorities (district and unitary councils), which have the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, as well as providing a fair and reasonable service for the taxi and PHV trade.
- 2.2 Taxi and PHV licenses are two distinct and separate licences. This report is solely focussing on the Taxi (or Hackney Carriage) Tariff, not Private Hire Tariff/Fares.
- 2.3 To deliver their responsibilities the Council's core function in taxi and PHV licensing can be summarised as:
 - a. Setting the local framework, which can include safeguarding standards, fares, vehicles standards or limits on vehicle numbers.
 - b. Considering applications and safeguarding the public by issuing, reviewing, or revoking licenses.
 - c. Undertaking inspection and enforcement activities to ensure the required standards are being maintained.
- 2.4 By setting this framework, the Council has a duty to ensure that the Taxi Tariff is properly calculated, to ensure fair and reasonable income for the Taxi Trade whilst ensuring that the travelling public are protected from unscupulous pricing practices.

- 2.5 The Tariff sets a maximum limit on the fare charged by a Hackney Carriage. There is nothing to stop a Proprietor from charging less than the agreed rate, or setting their meters to a specified rate lower than the maximum. This approach is supported by the Department for Transport's Best Practice Guidance, Section 52 to 54 (Annex A).
- 2.6 It is important to note that of the over 270 licensed drivers in the district that were approached for comment, less than 10 engaged with the review.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	N	Policies or Council Plan	N
Communication	Y	Procurement	N
Energy Efficiency	N	Workforce	Y

a) Financial

The financial implication of the recommendation of this report is in staff hours and additional work required to ensure that the proper data be collected from Taxi Drivers in the district, to properly inform any decision on the Taxi Tariff.

b) Communication

Substantial public communications will be required between the Council, Taxi Drivers and the travelling public. This may mostly be done online, but there will also be the requirement to properly serve notice to drivers through post to encourage co-operation and to communicate the risk that a lack of data poses to this issue.

c) Workforce

If the recommendations of this report are endorsed, then there will be a substantial burden placed on the Licensing Team. There are a number of avenues open to collect the data required, but it is expected that a substantial commitment of time would be required to gather it.

4. Methodology

- 4.1 The following Methodology is proposed as a means of providing a fair, transparent approach to how fares are set by the Council. This process allows the Council to calculate the total running costs associated with running a Taxi in Denbighshire.
- 4.2 The table below shows the calculator, adjusted for use for Denbighshire County Council:

Denbighshire County Hackney Carriage Fares Calculator 2022

Average Running Costs Per Vehicle				Enter Variable Data in Pink Boxes on this sheet and "Calc for running costs"			
ITEM			Flag Drop	ITEM			
1	Annual Salary (A)	Item 1	T1	3.50	A	Average Salary	Item A
2	Average Running Costs (B X E)+(C + D + G + H + I)	Item 2	T2	4.20	B	Costs of Running Diesel Car (per mile)	Item B (From "Calc for running costs")
3	Total Running Costs (1 + 2)	Item 3	T3	7.00	C	Additional Allowance for Insurance	Item C
4	Average Live Mileage (E - F)	Item 4	T4	3.75	D	Annual cost of Hackney Carriage Licence	Item D
5	Cost per mile 3 ÷ 4	Item 4			E	Annual Average Mileage	Item E
6	Total Charge per Mile (3 - K X T1) ÷ 4	Item 6a			F	Dead Mileage	Item F1
					G	Annual Station Rank Fee	Item G
					H	Annual Cost of Driver's Licence (Pro-Rata)	Item H
					I	Average annual cost of Livery, Roof Sign and Meter	Item I
					J	Average Journey Distance (Miles)	Item J
					K	Average number of journeys	Item K
					L	Distance unit = Unit charge x (1760/charge per mile)	Tariff 1 Item L1 yards Tariff 2 Item L2 yards
					M	Units per mile (1760/Unit Distance)	Item M Item M
					N	Charge per unit (input values from 7)	Item N1 pence Item N2 pence
					O	For each item of luggage outside the passenger compartment (pence) (Set by DCC)	Item 9 pence
					P	Soiling the carriage leaving it unfit (pounds) (Set by DCC)	Item 10

Charge for each Distance Unit is: (incorporating flag drop)		Tariff 1	Tariff 2
7	Item L1 yards (L) = (S + M)	Item 7a pence	Item 7b pence
	Round to nearest 10 pence	7a Rounded	7b Rounded
	Charge for time per unit	Item 8a	Item 8b
	Charge for time. One mile or and	5 minutes 10 seconds	5 minutes 10 seconds
	Date fare chart effective from	Day T	Month B Year C

4.3 Average Annual Salary (Item 1) This item should be input using Office of National Statistics data in its 'Annual Survey of Hours and Earning (ASHE), United Kingdom for Professional Drivers' to identify an appropriate level of remuneration for taxi drivers, by using the industry standard for a professional driver which is £30,887.

4.4 Average Running Costs per vehicle (Item 2) Working out the average running costs for a taxi is not a simple process. Taxis come in many shapes and sizes, with different makes/models and specification levels, different age and emission policies, different maintenance standards, and regional variations between the costs of maintenance. As such, it is impossible to cater for every variation. Annex C shows the average costs of economy diesel vehicles is £30,768.

4.5 Standing charges:

- a. Depreciation (at HMRC rate for hackney carriages: 18%)
- b. Cost of capital
- c. Annual cost of insurance
- d. Cost of road tax
- e. Cost of breakdown cover

4.6 The running costs:

- a. Cost of fuel per litre
- b. Cost of replacement tyres
- c. Cost of replacement parts
- d. Cost of parking and tolls

4.7 Additional Running Costs: The following variable annual costs are associated with operating a taxi:

- a. Vehicle insurance (Item C).

- b. Annual vehicle licence and test fees. (Item D).
 - c. The cost of the annual Railway Station Taxi Rank permit, which is currently nil. (Item G).
 - d. Annual driver's licence fee (pro rata). (Item H).
 - e. Policy costs, including livery, roof signs, meter (Item I).
- 4.8 Average Live Mileage (Item 4): Live mileage is the number of miles travelled by a taxi with a fare-paying passenger. Live mileage is calculated by subtracting the dead mileage from the total mileage.
- 4.9 Average Annual Mileage (Item E): It is suggested to use the average annual number of miles travelled by each taxi driver when calculating cost per mile. The average annual mileage is derived from the mileage of each taxi (recorded during vehicle tests) and publicly available MOT mileage information. The mileage is divided between all licensed drivers within the County to provide the average annual mileage. This accounts for drivers sharing vehicles.
- 4.10 Dead Mileage (Items F1 and F2): Dead mileage is the miles travelled by a taxi without a fare paying passenger. A number of factors prevent an exact calculation of dead mileage. If a taxi takes a customer from A to B and always returns empty to A, the dead mileage will always be half of the total mileage. The factors are:
- a. Taxis do not always return empty to the point of initial departure.
 - b. Taxis may travel with a customer from point A to point B and then onto point C avoiding any dead mileage.
 - c. Taxis may be flagged down when empty.
 - d. Pre-bookings can reduce the amount of dead mileage for example from Point A to the taxi rank and then from the taxi rank to point B.
 - e. Taxis drivers use the vehicle travelling to and from work.
 - f. Some drivers use their taxi for personal journeys.
- 4.11 Note that HMRC state that any travel to and from the taxi drivers place of work is not deemed to be dead mileage for the purposes of calculating tax liability. Dead mileage is expressed as a percentage (item F1) of the overall mileage (item F2), currently set at 50% due to the rural nature of Denbighshire and the need for taxis to often travel to commence fares. More thorough data is needed to verify this.
- 4.12 Typical Journey Distance (Item J): More information is required from the taxi trade to properly inform this value. Consultation with the trade yielded a figure of 10 miles for an average journey, but there are pre-booked long distance airport journeys that skew this figure.
- 4.13 Average Number of Journeys (Item K): Calculated by dividing the average live mileage by the average distance per journey.



4.14 Total Cost per Mile (Item B): The total cost per mile is calculated by dividing the total of the standing charges and running costs by the average annual mileage.

5. Calculation of the Fare Charged per Mile

5.1 A taxi fare calculator is used to determine the charge for each distance unit.

5.2 Total Cost per Mile (Item 5): The values of each factor set out above to calculate the cost per mile of running a taxi as set out below:

- a. Average Running Cost (Item 2) = Running Cost per mile (Item B) x Average Annual Mileage (Item E) + Items C, D, G, H and I
- b. Total Running Costs (Item 3) = Annual Salary (Item 1) + Average Running Costs (Item 2)
- c. Cost per mile (Item 5) = Total Running Costs (Item 3) ÷ Average Live Mileage (Item 4)

5.3 Total Charge per Mile (Items 6a and 6b): Total Charges per mile are the pivotal point of fares and calculated as shown:

$(\text{Item 3}) - (\text{Average number of Journeys (Item K)} \times \text{the 'flag drop' (Items T1, T2, T3 and T4)}) \div \text{Average live mileage (Item 4)}$.

5.4 However, as fares will always include a fixed initial cost (flag drop) it is important to note that the formula used to establish the charge per mile is structured to prevent the flag drop from artificially exaggerating the cost per mile.

5.5 The Unit Charge (Items N, 7a and 7b): The unit charge is the cost to travel each distance unit or part of each unit. It can be any value as long as it is a multiple of 10 pence.

5.6 Calculation of the Distance Unit (Item L): The distance unit is the number of yards travelled for each unit charge. We identify the distance unit as on the fare calculator. The distance unit is calculated by dividing 1760 yards (1 mile) by the total charge per mile (Item 6) and then multiplying by the unit charge (Item N).

5.7 Calculation of Distance Units per Mile (Item M): Calculated by dividing 1760 (1 mile) by the unit distance. Calculation of Charge by Time per Unit (Items 8(a) and 8(b)) Calculated by dividing 5 minutes and 10 seconds by the number of units per mile (Item M).

6. Recommendations

6.1 Following a trade and public consultation (Annex C and D) a number of practical changes were identified, and are suggested for implementation.

6.2 The introduction of three Tariffs for Taxis that seat four people and a tariff for taxis that seat five or more people was a recurring theme through consultation, and is often found in tariffs around the UK. This is sometimes done as a flat rate additional per passenger charge, but this doesn't account for long distance travel.

As such, an additional Tariff 4 (included in the day rate section) has been established with a 25% rise on Tariff 1.

- 6.3 The rounding of the tariff unit rate, to 10s of pence to eliminate the use of copper coins was suggested in the trade consultation and has been proposed for implementation. It is important to note that the use of this rounding tool does mean that journeys are not charged “per mile” but at a number of units per mile.
- 6.4 A yearly fare increase/decrease, in line with the Retail Price Index for Motoring with the end result being rounded to ensure point 6.3. This mechanism could be implemented, with the function being delegated to Officers. It is suggested that a short 14 day consultation period be used to allow for objections to the raise, to be heard by the committee if any arise.
- 6.5 Adoption of the proposed methodology will allow the Council to make a calculated and evidencable judgement on a tariff, providing it has the specific data required to fill the table. A calculator has been provided to allow the council to automate this process.
- 6.6 The proposed tariff structure is embedded in the calculator, and an example has been attached in Annex E.

List of annexes

Annex A

Department for Transport: Taxi and Private Hire Licensing Best Practice
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Annex B

Short Survey of New Diesel Estate Cars (page 8)
Open source information.

Annex C

Table of Feedback from Drivers

Annex D

Table of Public Consultation Feedback

Annex E

Proposed Example Structure for Taxi Tariff



Annex B

Short Survey of New Diesel Estate Cars

Car Model	Cost
BMW 5 Series Touring	£42,710
Skoda Superb Estate	£30,860
Ford Focus Estate	£22,215
Mercedes E-Class Estate	£42,100
VW Arteon Shooting Brake	£34,370
Audi A6 Avant	£42,735
Volvo V90	£42,045
Peugeot 508 SW	£27,970
Skoda Octavia Estate	£22,680
<u>Average estate cost</u>	<u>£30,768</u>

Open source information.

Annex C - Table of Feedback

Feedback	Clarification	Summary
<p>in my opinion any future fare increases would be better received by the trade and public if the fares were not having coppers as part of the fare , all fares should be in multiples of 10 to save having to deal in 1ps , 2ps and 5p coins as part of the fare , so any increases should be having 10p as its lowest coin denomination</p>	<p>Do you have any views on the current tariff & the effects of the last increase? Would you say it has been positive or negative for the trade?</p> <p>As with any price increase , there will be a slowing up of trade until the public gets used to it , but being in an area that has been historically lower in wages than the rest of the country , we have to remember that we have to keep prices in line with the public's ability and willingness to pay more to get into a taxi before adding another price increase to the cards , as I have said in the past , people need food , water and power no matter what the cost is , but taxis are not something that's needed except in an emergency , but to make a living as taxi drivers we have to keep the fares in the area where the public still prefer to take a taxi than walk or take a bus</p>	<p>Fare increases should be in multiples of 10p.</p> <p>Increase should be in line with cost of living for area.</p>
<p>Good afternoon,</p> <p>Attached is a tariff sheet for another Welsh County.</p> <p>It shows an enhanced rate for larger vehicles which is good, we often get asked for a minibus, regularly for less than 5 passengers.</p> <p>I think when a bus or MPV is requested, customers should pay a bus or MPV rate, they are more expensive to buy, maintain and run after all.</p>		<p>Tariff should include provisions for Minibuses.</p> <p>Tariff should be:</p> <p>TARIFF 1 £4 Start for the 1st mile then 24p for each 10th of a mile</p> <p>TARIFF 2 Between Midnight and 6am £5 Start for the 1st mile then 36p for each 10th of a mile</p> <p>TARIFF 3 Minibus/MPV £5 Start for the 1st mile then</p>

<p>I find it almost impossible to get a driver to use a minibus because they must deal with more passengers, wheelchair users, parents with prams and finally 28mpg instead of 55mpg.</p> <p>Night-time driver's often say it's bad enough taking 4 passengers who have been drinking never mind 8!</p> <p>All these extra issues for no extra gain!</p> <p>TARIFF 1 £4 Start for the 1st mile then 24p for each 10th of a mile</p> <p>TARIFF 2 Between Midnight and 6am £5 Start for the 1st mile then 36p for each 10th of a mile</p> <p>TARIFF 3 Minibus/MPV £5 Start for the 1st mile then 30p for each 10th of a mile</p> <p>TARIFF 4 Minibus/MPV Between Midnight and 6am £6.25 Start for the 1st mile then 45p for each 10th of a mile</p> <p>In all the years I've been involved in taxis, I've never known a driver charge for luggage even though it states we can. I'd personally leave this off.</p> <p>These prices are my personal view of what we should be charging in Denbighshire.</p>		<p>30p for each 10th of a mile</p> <p>TARIFF 4 Minibus/MPV Between Midnight and 6am £6.25 Start for the 1st mile then 45p for each 10th of a mile</p>
<p>Over the last nearly 4 years since i got my taxi licence I had not seen a fare increase</p>	<p>Has the increase implemented earlier this year helped with these</p>	<p>Cost of living and doing trade has increased.</p>

<p>up until June 2022. In that time the price of everything I need to do that job as an owner driver has increased. Some things have increased 3 or 4 times the rate of inflation others even more but mainly fuel which has almost doubled in price. Also during this time mainly due to the pandemic the amount of drivers has reduced significantly, some left to do delivery driving and haven't returned, others retired and some unfortunately simply had to sell off their cars and get different jobs. I hung in by the skin of my teeth and managed to come out the other side. I understand that increasing fares too much would harm the industry but to put that into perspective shops don't stop passing wholesale price increases on to the consumer for fear of them not coming back to the shop, they have no choice, they have to remain profitable. The main times customers can't get a taxi is evenings but especially weekend evenings and this is down to the fact that a driver can earn a similar amount doing 8/9 hours during the daytime as they would for 7/8 hours in the evening/night and deal with no or little abuse from drunks and druggies. I don't agree tarrif 2 should start at midnight but also 6pm is too early as it punishes commuters on their way home. I would suggest 8pm or even 9pm. There must be a way of making the job a more appealing to new and existing drivers or the driver pool will continue to shrink. I look forward to the</p>	<p>costs?</p> <p>You mentioned that the driver pool has decreased, has this had a positive or negative effect on drivers? How often would you say that you have to turn jobs away?</p> <p>Regarding Tariff Two, I understand that you feel an adjustment to the hours would be reasonable, but the actual timings need to be examined.</p> <p>In your opinion, would the implementation of another tariff (ie. An antisocial hours tariff) for normal days, not including bank holidays/Christmas etc. be practical?</p> <p>No response.</p>	<p>Tariff 2 should start at 8/9pm.</p>
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consultants input		
<p>My views on the taxi trade in Denbighshire are,</p> <p>1 The increase on the tariff did not need to go up, I think you actually need to take a journey in the taxi to experience the cost and not from behind a desk.</p> <p>2. There are no new people coming into the trade because of the cost to set up which is on average about 17k , as the Denbighshire rule is that a new to fleet car has to be less than 5 years old, but you can have it on the road until its 12 years old and my argument is why can't we by a 8 year old car and it will have 4 Years to work.</p> <p>3. The point system on our own personal driving license allows us to drive upto 12 points by law, but Denbighshire taxi rule is 6/7 points on your driving licence and they won't renew your badge and so your out of a job, in my eyes that's ridiculous.</p>	<p>Clarification sought on meaning of “experience the cost”</p> <p>Experience the cost, is you need to actually sit in the taxi yourself and watch the meter rise to experience the cost of what the public have to pay, as just looking at numbers behind a desk doesn't give you the real experience of what it costs, I'd be willing to take you out on a few journeys to see what you think.</p>	<p>Tariff should not increase in price.</p> <p>Cost of setting up is too high, so to support lower fares rules on vehicles should be relaxed.</p>
<p>Before our recent tariff increase a fare from Rhyl Town to Robin Hood caravan park was £6.00 after our increase the same journey cost..wait for it yes £6.00</p> <p>I suggest that the starting fare is increased from £3.50 to £4.00 and all the other fares stays the same. A small increase I'm sure you would agree but would make a difference to the trade</p>		<p>Starting fare should increase from £3.50 to £4.00.</p>

Annex D - Public Consultation Feedback

Objection	Points Raised	For/Against
<p>I cannot believe you want to put the prices up yet again, I've got customers now finding it hard to pay the taxi rates, any more of a rise is just going to kill the trade, and your new 8 year for new to fleet which is brilliant 🍊 will be saving drivers on average 5k when buying a car so the rise in fares is not needed. Its already extremely expensive now. I've just done a job from Denbigh to Rhyl on the meter £30 for a 25 min job and cost £3.50 in fuel. Its not fare on the public to pay anymore, in our job we can work extra hours to make more money, but most jobs are salaried.</p> <p>SO I'M AGAINST ANY SORT OF INCREASE.</p>	<p>Current rate is already high. Increase will have detriment to trade. Against any increase.</p>	<p>Against.</p>
<p>Having been a Taxi driver for the last 6 years+ i have seen 2 new fares/tarrifs that have come into effect. The last being last July. I totally understand why we needed this increase, with the cost of living crisis and overall fuel prices increasing at an unprecedented amount. I duly believe we don't need to make change's to the tariff at present. The public are only just getting used to the latest increase, which incidentally was a generous pay rise if you like. I truly believe it wouldn't be in best interests of the public to make another increase. Sunday the day of rest should never be a day were by the public need to be paying more. We must remember some people more than ever have Sunday Hospital appointments now as the nhs tries to fix itself after the pandemic. Tarrif 3 I feel should only be for one day of the year, that be Christmas Day.</p>	<p>No need for increase, last increase was sufficient. No changes to tariff required. Sunday should not be at an increase. Tariff 3 should only be for christmas day.</p>	<p>Against.</p>

<p>It is my opinion that it wouldn't be in the best interest of the industry or to the public to change the proposed changes.</p>		
<p>To increase fares at this moment ,on top of of all the increases that is going on by corrupt companies,in my view it would be totally disastrous, there are very few Taxis available at the weekends for customers, the covid virus as brought down the business.</p>	<p>Against any increase.</p>	<p>Against</p>
<p>As far as I'm concerned. Maybe change the drop rate for tariff 1. 5p coins are a nuisance. Apart from that tariff 1 is fine. Tariff 2 is too much and should be reduced. Instead re introduce t3.This would allow drivers who work through the night to potentially earn a fair rate ,after all they deserve it. As for t2 on Sunday: Forget it. I will not charge my customers extra for a day that I always work anyway.</p>	<p>Reduce tariff 1 flag drop by 5p Include sunday in tariff 1. Reduce tariff 2. Reintroduce tariff 3.</p>	<p>For, with adjustment.</p>
<p>I think the proposed new rates are far too high. We are in a more rural area rather than city with very poor Public Transport infrastructure. These new rates will reduce the business for the operators and people will think twice before riding in one especially with the Cost of Living Crisis.</p> <p>I feel that they should be reviewed and a more realistic rate be proposed.</p>	<p>Proposed rates too high. Review and more realistic rates.</p>	<p>Against.</p>
<p>I strongly believe the people who sit behind their desks in high places need to join up with the workers on the streets and stop sending these ridiculous emails asking people for their views!!!</p> <p>Firstly it's very difficult to give examples of the work we do and the prices these Denbighshire meters charge our locals and visitors!!</p> <p>If one or some of our local Denbighshire councillors on the licensing committee took the time to</p>	<p>Against any changes.</p>	<p>Against.</p>


<p>come and chat to the Hackney drivers, they would get a truer feeling of what's happening in their county, this then giving them a better idea how to help the licences drivers.</p> <p>Following some conversations with other drivers in the county, it seems the majority would like nothing more than a member of the licensing committee to join us in the hackney carriage, and take a journey on each tariff for them to see how high the tariff runs at the moment without the proposed rise!</p> <p>This would then give them a true example of what we have to charge our customers.</p> <p>Following the Covid pandemic, we have taken a huge hit to our businesses, and now we're dealing with the state of the economy, we are quieter. If this proposed rise goes ahead, it will be detrimental to our businesses.</p> <p>The older generation could take a free bus, but they chose to take a taxi as they like the door to door service, without doubt a taxi is a luxury for them. If the prices are raised to the higher rate, they won't be using us. Not to mention the drinkers at the weekends, We really don't want more drink drivers on the roads.</p> <p>I am fully against any of these changes to our meters, they really aren't needed!</p>		
<p>I'm currently a taxi driver in rhyll and I don't agree with the new fare increase. With the cost of living and everything going up in price I think an increase in are fare would kill of trade we live in a town with a lot of pensioners and high unemployment.i also think putting Sundays as a tariff 2would kill</p>	<p>Against increase. Sunday should be tariff 1.</p>	<p>Against.</p>

<p>Sunday trade.</p>		
<p>I'm pleased to hear of the review, and potential changes to Tariff 2 times, but I am unsure as to why the rate is possibly being reduced, considering the increasing rise in costs. The removal of the luggage charge is also one that seems unusual as that is put in place to help offset the cost of fuel when carrying luggage and other items.</p> <p>I look forward to hearing the results of the review, but I hope these counterproductive changes are looked into before any action is taken.</p>	<p>For increase. Against tariff 2 reduction. Against removal of luggage charge.</p>	<p>For, in part.</p>
<p>My view on the new tariff charges to be considered! I would leave tariff 1 charge as it is! Customers I pick up are not to worried about the increase of 50p from the last increase!! Customers do complain about tariff 2 charges being to expensive!! So in my opinion a decrease in tariff 2 would be welcomed</p>	<p>Against tariff 1 increase. For tariff 2 reduction.</p>	<p>For, in part.</p>
<p>In response the current consultation i am In support of the tariff 2 time change.</p> <p>However why are you reducing the tariff 2 rate, im amazed you are planning on reducing the takings of a taxi driver especially on the run up to christmas, and why there is a removal of luggage charge?</p> <p>Why have you not yet setup a yearly automatic tariff increase?</p>	<p>In support of tariff 2 time change. Against tariff 2 reduction. Against removal of luggage charge. For automatic yearly tariff increase.</p>	<p>For, in part.</p>
<p>In response the current consultation i am In support of the tariff 2 time change.</p> <p>However why are you reducing the tariff 2 rate, im amazed you are planning on reducing the takings of a taxi driver especially on the run up to christmas, and why there is a removal of luggage charge?</p>	<p>In support of tariff 2 time change. Against tariff 2 reduction. Against removal of luggage charge. For automatic yearly tariff increase.</p>	<p>For, in part.</p>

Why have you not yet setup a yearly automatic tariff increase?		
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Annex E - Proposed Structure of Taxi Tariff

HACKNEY CARRIAGE TARIFF							
Tariff 1: STANDARD RATE Rate for the first mile: £5.70 Rate for each mile thereafter: £2.40		Tariff 2: NIGHT RATE: Rate for the first mile: £7.51 Rate for each mile thereafter: £3.60		Tariff 3: DOUBLE DAYTIME RATE: Rate for the first mile: £11.41 Rate for each mile thereafter: £4.8		sir ddinbych Cyngor denbighshire County Council 	
HIRINGS BETWEEN 7AM AND 11PM		HIRINGS BETWEEN 11PM AND 6AM (except where Double Rate applies)		HIRINGS ON NATIONAL PUBLIC HOLIDAYS AND WHERE STATED		EXTRA CHARGES:	
£3.50 Up to 4 People	Maximum charge up to 146 yards or 26 seconds	£4.20	Maximum charge up to 146 yards or 26 seconds	£7.00	Maximum charge up to 880 yards	Luggage outside of the passenger compartment	10p
£4.40 5 or More People				Christmas Day & National Public Holidays			
20p	For each additional 146 yards or 26 seconds.	30p	For each additional 146 yards or 26 seconds.	40p	For each additional 146 yards or 26 seconds.	Soiling the carriage leaving it unfit for hire:	£100
Please Note:							
All Luggage carried inside or outside the carriage is free of charge. Any assistance dog will be carried free of charge. If the journey takes place outside of the Denbighshire County area, the driver MUST still charge in accordance with the above tariffs, unless the fare is pre-agreed with the hirer before the journey has started. This tariff lists the MAXIMUM chargeable rates.							
COMPLAINTS							
Any complaints about a taxi or driver should be directed to: Licensing Team, Denbighshire County Council, Caledfryn, Smithfield Road, Denbigh, Denbighshire, LL16 3RJ or 01824 706342, Licensing@denbighshire.gov.uk .							

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REPORT TO:	Licensing Committee
DATE:	7 December 2022
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Public Protection Business Manager licensing@denbighshire.gov.uk 01824 706066
SUBJECT:	Consideration for an Interim Process for New to Fleet Vehicles

1. PURPOSE OF THE REPORT

- 1.1 For Members to consider reviewing the existing requirements for vehicles first licensed by the Council.

2. EXECUTIVE SUMMARY

- 2.1 Members requested officers review the current policy requirement of vehicles first licensed by the Council to be no more than 5 years of age from first registration with a view to relaxing that condition to a maximum of 8 years as an interim measure until a further review is undertaken at a later date.

3. POWER TO MAKE THE DECISION

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

4. BACKGROUND INFORMATION

- 4.1 The existing Hackney Carriage and Private Hire Vehicle Policy, together with vehicle specification and conditions, was approved at the December 2016 committee meeting, following extensive consultation, and came into effect on the 1st of July 2017. There have been a number of small amendments since this date.
- 4.2 The conditions, at paragraphs 2.4.3 and 5.4.3, place an age restriction on vehicles whether new or for renewal, namely that all new to fleet vehicles must be a maximum of 5 years old and any vehicle reaching the age of 12 years old must be removed.

- 4.3 At the previous meeting of the Licensing Committee, Members resolved to authorise officers to look into a process of delegation for determining new to fleet vehicle applications for vehicles over 5 years old and report back to the December meeting. Though not covered in this report Members also resolved to consult further on amending the vehicle age policy by relaxing both the new to fleet age and the upper age limit.
- 4.4 Members will recall that the reasons for considering a request to relax the new to fleet age requirement revolved around the availability and costs of vehicles under 5 years of age and the difficulty some proprietors were having in sourcing suitable vehicles of the appropriate age.
- 4.5 Additionally, officers from within the Council's Passenger Transport section have indicated that there is some difficulty in sourcing suitable 8 seater vehicles to carry learners, especially from local businesses. Anecdotally, we are led to believe this is in part due to other authorities having differing vehicle condition policies.
- 4.6 Of the 281 vehicles licensed by the Council 22 are over 12 years of age and could be expected to be close to being replaced. Of this number, it is noted that twelve are of 8 seater capacity. All these vehicles are able to stay licensed under the grandfather rights condition, which was amended to July 2024 by Members at the last meeting.
- 4.7 In total, there are 69 vehicles licensed (25%) which can carry 8 passengers, 19 of which are listed as wheelchair accessible (there are a further 7 vehicles listed as wheelchair accessible but with a lesser seating capacity).
- 4.8 Over 50% of the current fleet is 5 years old or less and almost a further 40% being between 5 and 10 years of age.

5. CONSIDERATION

- 5.1 The breakdown of vehicle ages across the fleet indicates some considerable investment by proprietors to date. Whilst there has been some disruption to the motor retail industry it is noted that 91 vehicles (32%) have been first licensed since the pandemic in March 2020 and therefore will have had to be a maximum of 5 years of age. It is further noted that 46 vehicles of those vehicles have been introduced in 2022
- 5.2 Officers from our Fleet Services have provided some costs in respect of retail sale of vehicle calculated with assistance from local reputable dealer. The information that follows relates to vehicles commonly used for

licensed vehicles and is based on the “Cap Clean” value, this being the industry standard for dealers and insurers. Figures were correct at 4th November.

5.2.1 Premium Brand Estate Car

- Skoda Octavia 2.0TDi SE-L manual estate.
- 2019 with 80,000 miles. Cap Clean £10,100.
- 2016 with 80,000 miles. Cap Clean £6,950.
- 3 year age adjusted - same mileage / condition difference is £3,150

5.2.2 Mid-Market 4 Dr Saloon / Hatchback Car

- Vauxhall Insignia 1.6TD SRi Nav manual hatchback.
- 2019 with 60,000 miles. Cap Clean £9,425.
- 2017 with 60,000 miles. Cap Clean £7,725.
- 2 year age adjusted - same mileage / condition difference is £1,700.

5.3 Euro New Car Assessment Programme (Euro NCAP) was established to provide an independent safety rating for new cars. Euro NCAP ratings take into account three factors of protection — for adults, children and pedestrians — plus the level of safety technology on-board a car. Although not a legal requirement it is considered an independent testbed for new cars. A car’s Euro NCAP rating expires after six years. Whilst this is primarily due to Euro NCAP constantly raising its standards in scoring as technology advances and not necessarily due to the decline in the safety aspects of a vehicle it indicates the increased safety standards likely to be found in newer vehicles.

5.4 It should be noted that any vehicle warranty is restricted when the vehicle is used as a licensed vehicle, as is the case for the vehicles being offered for licensed driver use in the electric vehicle trials in Denbighshire. It is possible therefore that vehicles will not have the benefit of warranty cover when introduced to the fleet.

5.5 The Welsh Government have confirmed they are intending on publishing a white paper for consultation early in 2023 in respect of taxi legislation. Vehicle standards are within scope and therefore possibly include some element of age requirement.

5.6 Members may wish to note that older vehicles tend to have higher emissions because they use less sophisticated emissions control technology than newer vehicles and may be built to less stringent emission standards. Whilst it is recognised that emissions should remain the same for the life of the vehicle, age will be a major factor in any deterioration of those standards due to wear and tear on parts and, more importantly, the prevalence of a robust and regular maintenance schedule.

Whilst many used vehicles are sold with a service history there are some that are sold with no recognisable service record.

- 5.7 All vehicles first registered after 1992 have had to be manufactured to a particular standard for emissions which will dictate the standard for the life of the vehicle, unless there is a manufacturers plate stating otherwise. The standards are tested at MoT and are as follows for vehicles first registered:

- Euro 1 - 31 December 1992
- Euro 2 - 1 January 1997
- Euro 3 - 1 January 2001
- Euro 4 - 1 January 2006
- Euro 5 - 1 January 2011
- Euro 6 - 1 September 2015

Members will note that vehicles up to 7 years of age will need to comply with the highest emission standard.

- 5.8 Whilst all the information above is relevant, Officers are mindful of the following important aspects:
- a. Relatively few vehicles remain on fleet that are over the 12 year threshold and of those that are the proprietors are able to take advantage of the grandfather rights rule until 2024
 - b. A significant number of vehicles have been introduced to the fleet to date as a result of investment by proprietors
 - c. The increase in safety standards as vehicles technologically progress
 - d. The Welsh Government review of taxi standards in Wales, and the impending white paper, which is likely to include vehicle age.

6. RECOMMENDATION

- 6.1 Given the considerations outlined above, Members note the content of the report and resolve to retain the current age policy of new to fleet vehicles being under 5 years of age and any vehicle on fleet must be removed at 12 years of age, unless grandfather rights rule applies up until July 2024.
- 6.2 Members instruct officers to update the Licensing Committee of the details of the Welsh Government review of taxi standards at an appropriate time during 2023.

REPORT TO:	Licensing Committee
DATE:	7 th December 2022
LEAD OFFICER:	Head of Planning, Public Protection & Countryside Services
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706433
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 of Principles and no significant changes are proposed, other than some minor changes and additions which have been summarised at Appendix A and highlighted in red on the draft Statement of Principles attached at Appendix B.

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 and reviewed 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.

SUMMARY OF PROPOSED AMENDMENTS TO EXISTING STATEMENT OF PRINCIPLES

SECTION:

- 1.2.3 Reference to map of County added
 - 3.1.1 Inserted “consult the National Strategy to reduce Gambling Harms, and”
 - 3.1.4 Added “The completed local risk assessment for that specific premises.”
 - 3.3.5 Inserted “where an application is granted by the Secretary of State”
 - 4.1.1 Inserted “but are not limited to” and added “Future Generation Wales Act 2015”
 - 6.4.5 Inserted “and local risk assessment”
 - 7.1.3 Inserted “children’s recreational facilities”
 - 8.1.4 Inserted “safeguarding strategies, and public health strategies”
 - 8.1.7 Inserted “and local risk assessment”
 - 8.1.16 Added “Motor racing track or similar”
 - 8.1.23 Inserted “and local risk assessment”
 - 8.3.2 Added (Unlicensed Family Entertainment Centre)
 - 8.4.3 The process and principles for refusing registrations is in accordance with the Gambling Commission’s ‘Lotteries and the Gambling Act 2005 Guidance for Local Authorities’
 - 8.5.5 Inserted “children’s recreational facilities”
 - 8.5.6 Added “Operators are required to make the premises specific Risk Assessment available to licensing authorities when an application is submitted. A copy should be kept on the premises, or otherwise on request. This will form part of the Council’s inspection regime, and will be considered during the investigation of complaints”
- Appendix A - Map of County added
- Appendix D - To remove the summary of gaming machine categories and entitlements table and refer to Gambling Commission website for up to date summary

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Statement of Gambling Policy DRAFT

GAMBLING ACT 2005
2022 - 2025

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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 8th March 2018 having considered the comments received from those consulted. The policy became effective from 1st April 2018 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. [A map of the county is shown at Appendix A](#)
- 1.2.4 Denbighshire currently has **39** 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 B**

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 **consult the National Strategy to reduce Gambling Harms, and** 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.
- **The completed local risk assessment for that specific premises.**

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 **where an application is granted by the Secretary of State** 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 **but are not limited to**:-

- 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
- **Future Generation Wales Act 2015**
- 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 C** 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 **and local risk assessment** 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, **children's recreational facilities** 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 **local** 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, **safeguarding strategies**, and **public health 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 **and local risk assessment** 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.
 - **Motor racing track or similar**

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 **and local risk assessment** 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 (**Unlicensed Family Entertainment Centre**);
 - 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 D** 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 process and principles for refusing registrations is in accordance with the Gambling Commission's 'Lotteries and the Gambling Act 2005 Guidance for Local Authorities'

8.4.4 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, **children's recreational facilities**, 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.

8.5.6 **Operators are required to make the premises specific Risk Assessment available to licensing authorities when an application is submitted. A copy should be kept on the premises, or otherwise on request. This will form part of the Council's inspection regime, and will be considered during the investigation of complaints.**

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 D 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 B: 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 C: 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 D: 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

To remove the table above and refer to Gambling Commission website for up to date summary A full summary can be found at www.gamblingcommission.gov.uk

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REPORT TO:	Licensing Committee
DATE:	7 th December, 2022
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Forward Work Programme 2023

1. PURPOSE OF THE REPORT

- 1.2 To advise Members of the priorities of the Licensing Section, together with an update on the agreed work programme for the Licensing Committee for 2023.

2. EXECUTIVE SUMMARY

- 2.1 The priorities of the Licensing Section reflect the duty placed on the Authority in relation to its responsibilities in relation to its licensing function, and the effective regulation, control and enforcement of Licensees, and the Authority's commitment to safer communities and the development of the economy.
- 2.2 Due to unforeseen priorities, the Forward Work Programme approved by Members at a previous meeting has unfortunately had to be amended slightly and matters have been re-scheduled for consideration.

3. BACKGROUND INFORMATION

- 3.1 Members will recall that at the last meeting in September 2022, Officers presented an updated work programme which was approved, however due to Welsh Government proposals to consult on the new taxi legislation in January 2023 the scheduled report on the review of the existing Hackney Carriage and Private Hire Statement of Policy has been postponed until next year when the outcome of the WG consultation is published. A revised Forward Work Programme can be found at Appendix A.

4. **RECOMMENDATION**

4.1 It is recommended that Members note the contents of the report, and

4.2 It is further recommended that Members consider and approve the revised Forward Work Programme detailed at Appendix A for 2023.

Licensing Committee
Forward Work Programme 2023

Committee Date	Report	Comment
20 March 2023	Review of Statement of Principles – Gambling Act 2005	Update following consultation if representations are received
19 June 2023	Review of Hackney Carriage and Private Statement of Licensing Policy	Update following consultation for approval
13 September 2023	Review of Hackney Carriage Bylaws	To review the existing Bylaws
6 December 2023	Review Private Hire vehicle plate exemption policy	To review the exiting policy
	Review of Intended Use Policy	To review the existing policy

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