

To: Members of the County Council

Date: 8 November 2023

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Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 14 NOVEMBER 2023** in **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 DECLARATIONS OF INTEREST (Pages 5 - 6)

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

3 APPOINTMENT OF THE CHAIR OF COUNTY COUNCIL (Pages 7 - 10)

To appoint the Chair of the Council for the remainder of the 2023/2024 municipal year.

4 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.

5 APPOINTMENT OF THE VICE-CHAIR OF COUNTY COUNCIL

To appoint the Vice-Chair of the Council for the remainder of the 2023/2024 municipal year.

6 MINUTES (Pages 11 - 24)

To receive the minutes of the meeting of County Council held on 5 September 2023 (copy attached).

7 DRAFT ANNUAL REPORT OF GOVERNANCE AND AUDIT COMMITTEE
(Pages 25 - 44)

To consider a report by the Corporate Director: Governance and Business (copy attached) to present to Council the Annual Report of Governance and Audit Committee.

8 PROPOSED REVISED GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES (Pages 45 - 106)

To consider a report by the Public Protection Business Manager and the Senior Licensing Officer (copy attached) for Council to adopt the revised Gambling Act 2005 Statement of Licensing Principles.

9 PROPOSED REVISED STATEMENT OF LICENSING POLICY (Pages 107 - 208)

To consider a report by the Public Protection Business Manager and the Senior Licensing Officer (copy attached) for Council to adopt the revised Statement of Licensing Policy.

10 DENBIGHSHIRE LEISURE LIMITED - APPOINTMENT OF DIRECTOR
(Pages 209 - 212)

To consider a report by the Corporate Director: Governance and Business (copy attached) to ask Council to appoint a new Director to the Board of Directors of DLL following the sad death of former Councillor Peter Prendergast.

11 APPOINTMENT OF MEMBER TO NORTH WALES POLICE AND CRIME PANEL (Pages 213 - 216)

To consider a report by the Democratic Services Manager (copy attached) to appoint an elected member to the North Wales Police and Crime Panel.

12 COUNTY COUNCIL FORWARD WORK PROGRAMME (Pages 217 - 224)

To consider the Council's forward work programme and the Council Workshop forward work programme (copy attached).

MEMBERSHIP

Councillors

Michelle Blakeley-Walker
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Kelly Clewett
Ann Davies
Karen Edwards
Pauline Edwards
Gwyneth Ellis
James Elson
Chris Evans
Hugh Evans
Justine Evans
Bobby Feeley
Gill German
Jon Harland
Elen Heaton
Huw Hilditch-Roberts
Martyn Hogg
Carol Holliday
Alan Hughes
Hugh Irving
Alan James

Councillor Peter Scott (Vice-Chair)

Brian Jones
Delyth Jones
Paul Keddie
Diane King
Geraint Lloyd-Williams
Julie Matthews
Jason McLellan
Barry Mellor
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Rhys Thomas
Andrea Tomlin
Cheryl Williams
David Williams
Elfed Williams
Eryl Williams
Huw Williams
Emrys Wynne
Mark Young

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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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Report to	Council
Date of meeting	14 November 2023
Lead Officer	Gary Williams, Corporate Director, Governance and Business
Report author	Steve Price, Democratic Services Manager
Title	Election of the Chair of Council

1. What is the report about?

- 1.1. This report contains information and a recommendation regarding the election of a Chair of Council for the remainder of the 2023 – 2024 municipal year.

2. What is the reason for making this report?

- 2.1. This report is necessary following the death of the Council's Chair, Councillor Pete Prendergast, in September 2023.

3. What are the Recommendations?

- 3.1 That Council elects Councillor Peter Scott to the office of Chair of Council for the remainder of the 2023 – 2024 municipal year.

4. Report details

- 4.1. On the 9th May 2023 Denbighshire County Council elected Councillor Pete Prendergast as Chair of Council for the 2023 – 2024 municipal year. Fellow members and officers of the Council were deeply saddened by Councillor Prendergast's sudden death in September. Councillor Prendergast had served an earlier term as Chair of Denbighshire Council, for the 2017 – 2018 municipal year, having been elected to the county council in 2015.

- 4.2. The Council has a long-standing commitment to the unopposed election of the Vice Chair of Council to the office of Chair on the expiry of the Chair of Council's term of office. The current Vice Chair of the Council is Councillor Peter Scott. Whilst a Vice Chair can preside at meetings of Council and undertake civic and other duties of the Chair in the Chair's absence, the Council is required in law to have an elected Chair and the recommendation to this report is for the election of Councillor Peter Scott for the remainder of the current municipal year.
- 4.3. The election of Councillor Scott this month would result in Councillor Scott serving only half a term as Chair of Council before his term ended at the Annual Meeting of Council in May 2024. The intention shared with the political groups is for Councillor Scott to be the nominee in May 2024 to serve as Chair of Council for the full 2024 - 2025 municipal year, as originally intended (in common with most authorities, Denbighshire seeks to avoid contested elections for the offices of Chair and Vice Chair at the Annual Meetings of Council).
- 4.4. A separate item for the appointment of a Vice Chair of Council is on today's Council agenda.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

- 5.1. The appointment does not directly contribute to the corporate plan but is necessary for the proper constitution of the Council.

6. What will it cost and how will it affect other services?

- 6.1. There are no additional costs or effects on services from the election of a new Chair of Council.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. A Well-being Impact Assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. The political groups have been consulted on the issues covered in this report.

9. Chief Finance Officer Statement

9.1. As stated within the report the election of a Chair of Council is a statutory requirement. Costs associated with the office of Chair are contained within existing budgets.

10. What risks are there and is there anything we can do to reduce them?

10.1. The election of a Chair of Council is a statutory requirement. No risks have been identified resulting from the report or its recommendation.

11. Power to make the decision

11.1 Local Government Act 1972

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COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 5 September 2023 at 10.00 am.

PRESENT

Councillors Michelle Blakeley-Walker, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Kelly Clewett, Ann Davies, Karen Edwards, Pauline Edwards, Gwyneth Ellis, James Elson, Chris Evans, Justine Evans, Bobby Feeley, Gill German, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving, Alan James, Delyth Jones, Paul Keddie, Diane King, Julie Matthews, Jason McLellan, Barry Mellor, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Pete Prendergast (Chair), Arwel Roberts, Gareth Sandilands, Rhys Thomas, Cheryl Williams, Elfed Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (GB); Corporate Director: Governance and Business (GW); Corporate Director: Environment and Economy (TW); Corporate Director: Communities (NS); Head of Finance and Property (SG); Head of Planning and Public Protection (EJ); Head of Highways and Environmental Services (PJ); Strategic Planning and Housing Manager (AL); Business Support Manager (PB); Revenues Team Leader (EE); Scrutiny Co-ordinators (RE and KE); Traffic, Parking and Road Safety Manager (MJ); Zoom Host (RTJ); and Committee Administrator (SLW)

Julia Hughes, Chair of Standards Committee in attendance for Item 7

Members of Public – Carol Smith and Anthony Rose

1 APOLOGIES

Apologies for absence were received from Councillors Hugh Evans, Brian Jones, Geraint Lloyd-Williams, Peter Scott, Andrea Tomlin and David Williams

At this juncture Members of all Political Groups paid tribute to Ken Hawkins who had recently passed away.

2 DECLARATIONS OF INTEREST

Councillor Eryl Williams declared a personal interest in Item 5 as he owns a self-catering holiday cottage.

Councillor Huw Williams declared a personal interest in Item 9 as he is a grazier on Moel Famau.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items

Question put forward by councillor Chris Evans –

Many residents in my ward, as well as myself, have concerns that following the first minister, Mark Drakeford comments, in Wales there will be no more roads projects and Welsh Government have put a stop to over 50 new projects in Wales. Where does that leave the issue with the Llannerch bridge as we are over three years from when the bridge was taken in the storms. I am aware that it is written in the Corporate Plan but what commitment have Welsh Government to get this project moving in the right direction to link the villages of Tremierchion and Trefnant. Democratically this bridge was in much need by the majority of the residents that I represent with the cost of living of living at all the time high and the price of fuel still high in many fuel forecourts in the area this link is really much needed.

Response by Councillor Barry Mellor, Lead Member for Environment and Transport –

Councillor Mellor thanked Councillor Evans for his question. Replacing the bridge was an aspiration in the Corporate Plan. Talks have taken place with senior officials in the transport division of the Welsh Government. It is not a case there are to be no more road projects in Wales, Welsh Government have stated they will continue to invest in road infrastructure in cases where it is compatible with the sustainable transport hierarchy and the tests set out in the roads review. The roads review does not impact on this project because was focused on the development of new road structures. Llannerch Bridge is an existing highway asset and it is my understanding that maintenance of an existing structure is not affected by the roads review. In terms of Welsh Government commitment to the project, we have recently received a grant of £380k which enables us to go to the next phase of this project. We can now go to the detailed design stage and that would take us to the point where we have a business case for a replacement bridge. This next phase will span 2 financial years and we will, therefore, submit a further bid for funding to complete that phase in 2024/25. Welsh Government have confirmed this is a multi year scheme and that further funding to complete the next phase is part of their planning assumptions of the 2024/25 financial year subject to formal ministerial approval. Welsh Government are not going to confirm financial support for reconstruction of the bridge which is likely to cost in excess of £8million before full business case is available but there is a commitment to support the development of the full business case

Supplementary question from Councillor Chris Evans - I know the aspiration is there but where is the demand? With costs of the bridge going into millions why has WG had £155million which was not spent. It was in the bank account. Why was it not spent?

The Monitoring Officer confirmed a written response will be provided to the supplementary question.

Question put forward by member of the public, Carol Smith –

Agenda item 5, Cabinet Meeting of 19th July 2023, considered a report on legislation introduced by Welsh Government (WG) to increase the maximum level of council tax premiums for second homes and long-term empty properties.

“The reasoning for the proposals was to increase housing stock in the county and provide more housing for local people” (as stated in the Minutes). How can the Council justify raising the level of premium for private owners when:

- a) Denbighshire County Council has 99 long term empty homes on its books, some 15.5% of all long term empty homes in the County (response to Freedom of Information Review 1394_1290), but appears not to be renovating these to provide homes for local people on its waiting list;
- b) Denbighshire County Council has more than 44 vacant office buildings “actively being advertised”, in one case for as long as 20 years, despite there being “no market for office accommodation” (response to Freedom of Information Review 1394_1290), yet has not considered converting any of these to residential use to provide homes for local people on its waiting list;
- c) “A second home is a dwelling (a domestic property designed to be lived in) that is a substantially furnished property and not a person’s sole or main residence” (response to Freedom of Information Review 1394_1290). This includes self-catering properties that do not achieve the threshold 182 days occupancy and therefore have reverted, or will revert, to the Council Tax list and be subject to a premium. Nantclwyd y Dre is a dwelling designed to be lived in, is substantially furnished, is not a person’s sole or main residence, and is open for 79 days during 2023; it is on the Business Rates list at a lower rateable value than other similar partially-occupied properties. Is it acceptable for Denbighshire County Council to escape the same financial burden on its own ‘second home’ that it is intent on imposing on privately-owned ‘second homes’?

Response by Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets –

Councillor Ellis thanked Carol Smith for her question.

Number of empty residential properties we have fluctuates a lot. Currently 90 empty residential properties. 60 are deliberately empty as they are being prepared for redevelopment of the site. The actual number of empty properties is 30 and of those most being prepared for new tenants. It could take a while for these properties to be refurbished. Some properties not suitable for council use any more and a few of those which are scheduled to be disposed of. There are 9 of those properties at the moment.

The office properties 44 vacant office buildings. It is not 44 office buildings but 44 offices or commercial properties, one you mentioned is one small office suite in a building of 9 suites, part of a bigger building. The commercial properties are rarely suitable to be converted to residential use.

Nantclwyd y Dre ceased to be used as a residential property in the 1980s and since 2007 it has been listed in the non-domestic rating and has been listed as a museum with a rateable value of £1000. Plas Newydd in Llangollen is another

example listed under non-domestic rating since 2010 and that is listed as an historic house with a rateable value of £1500. It is the Valuation Office Agency which is the organization responsible for the valuation of properties in the council tax and non-domestic lists and deciding which list they go in to. If there are properties being used as rental accommodation or businesses the planning permission can be sought to define the type of use of the property and if it meets the Valuation Office Agency criteria then it could be requested to move it on to the business rates list rather than domestic rates.

Supplementary question from Carol Smith –

My property which was, until the end of last month, a self catering property is also on the rating list at the moment because it was self catering. It is similar in a way to Nant Clwyd y Dre, very old and also I have been unable really this year because of all the situations with the cost of living crisis, people going abroad again and various reasons like that, to get up to 182 days. Unfortunately what is a perfectly normal business is now unviable because of increase in taxes. I am now expected to provide affordable housing for someone with my property. That's exactly what the wording of the Welsh Government legislation and also the minutes of the Cabinet meeting, to increase housing stock in the county. Why am I spending my money to provide Denbighshire County Council with affordable homes for people on their waiting lists. I am not the only one, there will be lots of other ones who are going to lose the funding we have put in to those properties, have them taken off us and we are expected then to either sell them cheaply as affordable housing, rent them out as affordable housing. Why should we be the ones filling in that gap that DCC is not providing.

Councillor Gwyneth Ellis responded that a detailed written answer will be provided.

Question put forward by Anthony Rose –

The issue concerns the raising of the premium on council tax to 100% for second homes/empty houses. Mr Rose is interested from the perspective of a self-catering Cottage business that fails to achieve 182 days occupancy in a 12 month period.

The question concerns Welsh Government Guidance of March 9th 2023 for Local Authorities regarding Council Tax Premiums on second homes and empty properties, and has several parts : -

1. Does, or will, this council have a policy for exemptions from the premium ?
2. If so, what is it?
3. If not, why not, given that the Welsh Government in its March 2023 Guidance for Local Authorities regarding council tax premiums advocates having a clear policy on whether and how their powers should be used “in the interest of fairness and transparency”?
4. Will this council consider using its powers to reduce premiums on outbuildings or barns converted to holiday lets as part of farm diversification

and annexes or garage conversions that form part of an owner's primary residence?

Response by Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets

Councillor Ellis thanked Anthony Rose for his question.

We don't have policy for exemptions, the reason being a specific policy is not required as exemptions from the premium charges are contained in the legislation, the legislation being in the Council tax exemptions for higher amounts Wales regulations. Under these powers the premium may not be charged on dwellings that fall within 7 classes.

Properties that have been created or adapted to residential use would be charged unless they fall under one of the 7 classes. This includes planning conditions which restrict the use of the property to non-residential seasonal holiday lets, ancillary accommodation to the owners main residence or, as mentioned, Section 13A, there are specific exemptions due to emergency conditions or hardship. Lots of farm buildings which had been converted would have planning restrictions that they could not be used as primary residence.

SUPPLEMENTARY QUESTION put forward by Anthony Rose following response by Lead Member, Councillor Gwyneth Ellis.

12 or 13 years ago, and the Planning Department will help you on this, permissions were given to farmers without restrictions it was just conversion into residential. These days, more recently, as I understand it, again your Planning Department will help you on this, they have been imposing conditions. There are a lot of farmers who have done this conversion work a long time ago and they're going to be subject to this particular hike in premium. You make point about statutory exemptions, there's no argument about that, we are talking about discretionary ones and I think the Welsh Government has recognised that there are situations where what is classed as a second home which was a conversion from an agricultural building, for example, does not really play in to the narrative that Wales is trying to make a lot more housing available for people to live in as homes.

Are you intending to have a policy looking at exemptions or perhaps a better way of looking at it is a reduction in the council tax payable in certain situations? The guidance is very clear and gives specific examples of the types of property where Local Authorities are encouraged to consider, doesn't mean they have to do it. I'm asking, therefore, you will at some stage, set out a policy so people like me, and farmers, can see what is expected and what will happen if we fail to achieve 182 days in the given year.

The Chair, Councillor Pete Prendergast confirmed that a response in writing would be provided.

At this juncture, Councillor Gill German gave a statement regarding RAAC in Denbighshire.

We have been aware that vulnerabilities exist in this material as there is a limited life span. A safety alert issued by Welsh Local Government Association (WLGA) who advised that all Local Authorities look at their buildings. This was around 2019/20. In Denbighshire County Council, our buildings were looked at in 2021 and surveyed for evidence of RAAC and surveys came up negative. We are happy to review those results in light of recent news and we know now that Welsh Government will be asking us to do that on a formal basis. Yesterday there was a statement from the Welsh Government that new evidence had been provided to them and it is important to know that this evidence was received from the UK Government yesterday.

Some people may have seen the schools which had been closed on Anglesey, that has been based on the new evidence which was provided yesterday. DCC are going to look at our buildings again, and we are confident that a good job was done the first time round but we need to ensure our pupils are safe and indeed other public buildings.

In last 10 years made significant investment in school buildings. There has been a 23% rise in capital spending in school buildings and £90million has been spent in Denbighshire building new schools as part of the 21st Programme and also have new projects lined up through sustainable communities for schools. Our buildings have been regularly surveyed over the last decade, not only for RAAC but for asbestos, leaking rooves, suitability of buildings for a modern age. It is regretful that has not been replicated in England. There has been a 50% fall in spending over the last decade in England on their schools. Councillor German reassured members buildings had been assessed regularly over the previous 10 years and don't anticipate the widespread issues as seen in England. Proud of what has been done in Denbighshire.

Members requested an update on the commitment to the assessment of buildings.

Councillor German confirmed members would be kept informed.

4 MINUTES

The minutes of Full Council held on 4 July and 20 July 2023 were submitted.
4 July 2023

Accuracy – Councillor Julie Matthews asked for her attendance to be noted.

Councillor Bobby Feeley requested that feedback from all Notices of Motions put forward to Full Council could be provided on an annual basis. It was agreed this could be provided.

Matters Arising –

Councillor Mark Young referred to the Blue Flag status.

Planning applications coming in for pieces of land where there are capacity issues in the sewage system. There was a recent application for which there were no objections from NRW or Welsh Water, but correspondence had recently been received stating that no objection but unlikely to be sufficient capacity in the sewage system. I understand land is allocated but I would like a meeting with the relevant officers, Lead Members about how this is approached from a Planning Committee perspective. The Chief Executive was requested to facilitate the meeting to which he agreed.

RESOLVED that, subject to the above, the minutes of the Council meetings held on 4 July and 20 July 2023 be confirmed as a correct record.

5 SECOND HOME / LONG-TERM EMPTY COUNCIL TAX PREMIUM

Councillor Eryl Williams declared a personal interest as he owns a self-catering holiday cottage.

Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets introduced the report to seek a decision from members on an increase to the current Premium rates on these properties in Denbighshire. The proposal was presented at Cabinet Briefing on 3 July and to Cabinet on 8th July 2023, who supported the recommendations which had resulted in this report to full council for a decision.

The Authority had worked proactively to raise awareness of the consultation resulting in 2,142 page views (37 Welsh) on the Council's page that promoted the consultation to the general public, with 898 visits directly to the consultation survey. 175 customers completed and submitted a response. 71 responses out of 175 were received from the second home owners or long term empty home owner group, and 17 from second home owners that live or work in Denbighshire.

On legal advice, a communication exercise had undertaken to make over 1,000 second home and long term empty home owners aware of the consultation. The council were conscious that proactively engaging this group could have had a disproportionate impact on the results of the consultation, and so noted the importance of identifying these groups of customers.

The recommendations made by officers had tried to strike a balance to consider how to effectively administer the scheme, whilst considering the regional context and wider legislative factors.

During discussions, the following points were raised –

- (a) What measures could be put in place to show the success or not of the Policy? It was confirmed that the numbers were within the report showing how the Policy would illustrate success. Businesses run with higher occupancy rates were a good thing for the area as they brought in tourists by utilising less houses.
- (b) Within the report there had been numbers of long term empty and second homes. There were no numbers showing how many holiday lets may fall

foul of the 182 day limit. Could more information be available? The Valuation Office would need to take the decisions as to whether a building was able to go on to business rates.

- (c) The Wellbeing Impact Assessment (WBIA), had not shown information on specifically impacted groups. There seemed to be particular groups who felt dissatisfied by the Policy and would be useful to receive more information regarding those, following which the impact as a whole, could be assessed. It was confirmed the information requested could be included.
- (d) The over-arching aim was to increase affordable housing, and reduce homelessness which was rising in the area. It would be difficult to separate the number of second homes directly. There was a management pack which was monitored monthly showing the figures but would be difficult to translate the information for homelessness, and affordable housing but it was part of the Corporate Plan which would contain performance indicators. It was confirmed that a report could be put together to review the figures and show the impact of the Policy which would be presented in 2024.
- (e) The validity of the consultation or survey was questioned. 175 responses had been received - 88 of which were against the new tax and 87 were in favour. The question was put forward how few responses had been received out of the 96,000 residents which made it difficult to accept the conclusion that Denbighshire residents thought there was a need to increase the Council Tax by 150%. Also it was raised that the recommendation revolved around empty homes rather than holiday homes.
The Lead Member and Officers agreed it would be advantageous if more residents responded to the consultation and survey but, unfortunately that had not been the case. There were methodologies behind the responses and therefore no reason not to go ahead with the Policy. Following taking legal advice the council had written out to over 1000 customers who would be impacted directly by this Policy. A full comms strategy was undertaken around the consultation, which included press releases, websites, internal communication to staff to increase awareness, and notices placed in libraries to ensure people in the communities were aware.
- (f) There would be an impact on the current revenues and benefits staff resources to implement this Policy. The only additional cost would be a new post which would be funded by the council for the first year but could be funded from funding going forward. The new post would be to support communities by making sure they maximised what they were entitled to. This was a good way of using some of the finances raised to support the communities in a proactive way.
- (g) The money raised by the Policy would be utilised to support homelessness within the county. The Head of Finance confirmed that Council Tax could not be ringfenced. Over the last 2 years over £3million had been invested in the homelessness service. Homelessness was a key part of the corporate priorities within the Corporate Plan. Much more money was being spent in this area than the Policy would raise.

- (h) Ruthin had not been included within the data in the report due to Ruthin not being in the top 5 parishes most impacted, but that information could be provided by each parish for members' attention.
- (i) Long term empty homes figures had increased in the past 5 years. There was one Empty Homes Officers whose role was to bring empty homes back in to use. An annual survey was carried out for homes which were empty for 6 months or longer. Figures of the amount of empty homes brought back into use were provided and confirmed work was taking place with the owners of the empty properties to assist in bringing them back to use. A summary of the work involved with empty homes was relayed to members.
- (j) It was queried why empty homes and second homes had been linked together within the report and questioned whether these should be 2 separate entities.

Councillor Terry Mendies PROPOSED that the item be deferred. There being no seconder, the proposal was not taken forward to a vote.

Councillor Merfyn Parry PROPOSED an amendment to the report to include an additional recommendation that if this proposal is agreed that the extra funding generated by this proposal is allocated for local communities, amenities and to tackle homelessness.

SECONDED by Councillor Huw Hilditch-Roberts.

The Monitoring Officer explained that a vote would take place on the amendment to the recommendation and if the vote was defeated it would go back to the original recommendation but if the vote was approved then that becomes the substantive motion for which any subsequent vote would be taken unless there were any further amendments.

A vote on the amendment took place and the results were as follows –
For the amendment – 35
Abstain – 2
Against the amendment – 3

The amendment was carried and therefore became the substantive motion.

At this juncture Councillor Huw Hilditch-Roberts asked for clarification regarding putting the second homes and empty homes together as, in his opinion, it would be beneficial to separate them.

Councillor Hilditch-Roberts was informed by the Chair that the debate had concluded and everyone had had an opportunity to speak during the main debate.

The substantive motion was moved by Councillor Gwyneth Ellis and seconded by the Leader, Councillor Jason McLellan.

The Monitoring Officer confirmed that the vote would take place for the recommendation in the report together with the additional paragraph agreed as the amendment.

VOTE –

For – 35

Abstain – 2

Against – 3

RESOLVED that

- (i) *members reviewed the paper and supporting information being presented particularly the feedback from the public consultation and advise how they would like officers to proceed. Officers proposals are set out in 3.2 to 3.4. Officers have recommended a measured response to any increase to allow a learn and evaluate approach. While Welsh government have given powers for an increase of up to 300% we are proposing the following:*
- (ii) *there is parity between the standard second home and long term empty premium, to minimise avoidance by taxpayers (who may apply to switch to the more favourable category) and so ensure the administrative burden is not increased significantly, except for properties that fall within recommendation 3.4.*
- (iii) *second home and long term empty premium charge will remain at 50% for April 2023 then increases to 100% from April 2024, then 150% from April 2025.*
- (iv) *properties that have been unoccupied and unfurnished for 5 years or more pay a higher premium at 50% more than the standard premium. This would make the total premium 150% above the standard charge from 1st April 2024, and 200% above the standard charge from 2025.*
- (v) *It is important to note that:-*
 - a) *Properties that meet the Welsh Government criteria to be classed as a business (holiday lets) do not pay Council Tax and would not be impacted by the proposals (please see Appendix B section 1.2)*
 - b) *There are several exemptions available which help those with, for example, properties marketed for sale, properties marketed to let, properties where occupancy is restricted by a planning condition to non-residential, seasonal or holiday let use only (please see Appendix A page 1)*
 - c) *There is a process in place for DCC to consider a discretionary discount where for example there is significant financial hardship to the business or individual or an exceptional circumstance has occurred and it would be reasonable to support by way of reducing the Council Tax.*
- (vi) *the extra funding generated by this proposal is allocated for local communities, amenities and to tackle homelessness.*

**At this juncture (12:30 pm) there was a 20 minute break
The meeting re-commenced at 12:50 pm**

6 ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEE

Councillor Hugh Irving introduced the report outlining the activities during 2022/23.

The report was presented to County Council to comply with Section 7.4.4 of the Council's Constitution which stipulated that the Authority's scrutiny committees must report annually to full Council on their work and make recommendations for future work programmes and amended working methods if appropriate.

It had been reported that 2021/22 had been very much a year of adapting to the 'new normal' following the pandemic. 2022/23 on the other hand had been a year of transition. Transition out of the Covid recovery measures with service delivery practices having more of a familiar feel about them, although the majority of services had adapted to a greater or lesser extent and adopted new ways of working.

In 2022, 48 councillors were elected to serve on Denbighshire County Council, 23 of whom were elected for the first time.

During the year Scrutiny continued the practice of engaging with both public and private partner organisations with a view to effectively working together to improve services and outcomes for residents.

Councillor Emrys Wynne requested that information be placed in all libraries/One Stop Shops to encourage public engagement.

It was confirmed that all information was available online but paper copies of the proposal forms could be made available in libraries to aid public participation.

The Chief Executive agreed public participation was very important and also should encourage schools to become involved with the scrutiny process for items of particular interest to them.

The Chief Executive also stated that rather than putting Notices of Motions forward to Full Council, perhaps consider whether it would be more appropriate for the item to be put to a Scrutiny Committee who could then make recommendations back to Full Council or Cabinet.

The following training events were to take place which were open for anyone to attend. The training events were facilitated by the WLGA.

Scrutinising Education – 18 September 2023

Scrutiny Chairing Skills - 11 October 2023

Scrutiny Questioning Skills – 3 November 2023

Councillor Huw Williams as Chair of the Communities Scrutiny Committee offered his thanks I would like to thank all staff who work behind the scenes and to Rhian Evans and Karen Evans the Scrutiny Co-ordinators.

Councillor Gareth Sandilands offered his thanks to all staff in Democratic Services who do a wonderful job and especially Rhian Evans and Karen Evans.

It was proposed and seconded that the report be approved.

Following a vote by a show of hands, it was unanimously agreed to approve the report.

RESOLVED that Council having considered the Annual Report of the Scrutiny Committee for 2022/23, approve its publication.

7 STANDARDS COMMITTEE ANNUAL REPORT

Julia Hughes, Chair of Standards Committee, introduced the Annual Report of Standards Committee.

The Annual Report of Standards Committee covered the calendar year January to December 2022. It was agreed that the Chair would present the report to the Full Council, in order to keep Members informed of trends; issues in respect of compliance with the Members' Code of Conduct generally across the County and the work of the Committee in driving up standards of behaviour at County level, but also at Town, City and Community levels.

Standards Committee main role was to monitor adherence to the Members Code of Conduct. All members were aware that their Code was founded (and should be read in conjunction with) the 7 Nolan Principles of Public Life. In Wales there were ten principles namely Selflessness, Honesty, Integrity and Propriety, Duty to uphold the law, Stewardship, Objectivity in decision making, Equality and Respect, Openness, Accountability and Leadership.

By way of reminder, Standards Committee consists of the following Member types – 2 County Councillors, 4 Independent (co-opted) Members, and 1 Community Council Member (who is not also a twin hatted Member). The majority of the Members were therefore not elected, but recruited from members of the public as per the requirements of legislation in Wales. Following the May 2022 elections a new chair and vice chair were in place for the Council term and a new lay member recruited.

During 2022 the Committee met on 4 occasions.

Training events in respect of Ethics and the Code of Conduct have been taking place in consultation with Standards Committee who fully support and encourage attendance by all elected members – via online and face to face sessions for County Councillors and Town City and Community Council Members.

During the year in question the established 'North and Mid Wales Standards Forum' has been formally replaced by an All Wales 'National Standards Committee Forum'. The National Standards Committee Forum met for the first time on the 8th December 2022 in order to agree Terms of Reference and appoint a Chair and Vice Chair.

During 2022 there had been no Standards Committee Determinations (hearings) as to whether there had been a breach of the Code of Conduct.

All members approved the Annual Report of Standards Committee and thanked the Chair, Julia Hughes for all her work.

RESOLVED that members note the contents of the report.

8 NOTICE OF MOTION

Councillor Jon Harland put forward the following Notice of Motion on behalf of the Green Party –

This Council:

- Is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media, and other channels
- Is concerned for the welfare of those animals that are being given as prizes
- Recognises that many cases of pets being as prizes may go unreported each year
- Supports a move to ban the giving of live animals as prizes, in any form, on Denbighshire land

The Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on Denbighshire land.
- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

A vote took place by a show of hand and members were unanimously in agreement to the Notice of Motion

RESOLVED that members agree to the Notice of Motion

9 NOTICE OF MOTION

Councillor Huw Williams put forward a Notice of Motion –

‘That all dogs are kept on leads on Denbighshire owned and managed Common grazing land excluding sheep dogs owned by grazers’

The Notice of Motion was proposed and seconded.

A vote took place by a show of hands and was unanimously approved.

RESOLVED that members agree to the Notice of Motion.

10 NOTICE OF MOTION

Councillor Hugh Irving put forward the following Notice of Motion –

‘Denbighshire County Council continues to consult with members and the general public on the implementation of the 20 mph default speed limit proposals and

officers prepare a report for members on the methodology as to how the decision to only nominate five roads throughout Denbighshire for exemption was made. In particular how the general public were made aware that applications for exemption could be made.

The Council confirm that they will closely monitor and keep members informed of the impact the proposals are having on Police and emergency service response times, retained fire fighter call out times and general traffic flows.

That the Council confirm that they will engage with Members on these concerns through the Member Area Groups and the Scrutiny process and that requests for further exemptions or consideration of any other issues regarding the new limits are promptly dealt with.'

Councillor Martyn Hogg proposed an amendment that if the Notice of Motion were to be passed that the wording of the second paragraph be amended as follows –
The Council confirm that they will closely monitor and keep members informed of any impact of the proposals both negative and positive.

The amendment was proposed and seconded.

A vote took place for the amendment of the Notice of Motion by a show of hands. The majority were in favour and 1 member voted against.

The amended Notice of Motion now became the substantive Motion and a vote took place by a show of hands.

The majority were in favour and 1 member voted against.

RESOLVED that members agree to the amended Notice of Motion.

11 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Monitoring Officer introduced the Council's Forward Work Programme.

RESOLVED that the Council's Forward Work Programme be noted.

THE MEETING CONCLUDED AT 2.05 P.M.

Report to	Council
Date of meeting	14 th November 2023
Lead Member / Officer	David Stewart, Chair of Governance and Audit Committee Gary Williams, Corporate Director: Governance and Business
Report author	Gary Williams, Corporate Director: Governance and Business
Title	Draft Annual Report of Governance and Audit Committee

1. What is the report about?

1.1. This report is about the annual report of the Governance and Audit Committee to Council.

2. What is the reason for making this report?

2.1. To account to the Council concerning the work of the Governance and Audit Committee for the municipal years 2020/21, 2021/22 and 2022/23

3. What are the Recommendations?

3.1. That Council continues to take account of the importance of good corporate governance and notes the content of the report, particularly in regard to:

- the continued effectiveness of the corporate risk register,
- the Committee's concerns about the potential impacts on service delivery and key governance functions of difficulties in staff recruitment and retention,
- the importance of the Climate and Ecological Change Strategy

4. Report details

4.1. The Council is statutorily required under the provisions of the Local Government Wales Measure 2011, as amended, to have a Governance and Audit

Committee. The Committee is the Council's designated committee for this purpose. The statutory role of the Audit Committee is to:

- review and scrutinise the authority's financial affairs,
- make reports and recommendations in relation to the authority's financial affairs,
- review and assess the risk management, internal control and corporate governance arrangements of the authority and make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- oversee the authority's internal and external audit arrangements,
- review the financial statements prepared by the authority
- review and assess the authority's ability to handle complaints effectively and to make reports and recommendations about that ability(since May 2022)

The Committee is also the body that is responsible for keeping the Constitution under review.

4.2. Prior to May 2022, the Committee was comprised of six elected members and a lay member. The Chair of the Committee at this time was Cllr Barry Mellor. This conformed to the requirements of the legislation in force at that time.

4.3. The Local Government and Elections (Wales) Act 2021 amended the position. The law now requires that a third of the Committee's members must be lay members. There are therefore six elected members on the Committee and three lay members. There is also a statutory requirement that the Chair of the Committee must be a lay member. The current Chair of the Committee is Mr. David Stewart.

4.4. Each meeting of the Committee is attended by the Council's s151 Officer, Monitoring Officer and Head of Internal Audit or their representatives. In addition, each meeting is attended by officers of Audit Wales.

4.5. This report covers the periods 2020/21, 2021/22 and 2022/23. This is as a result of the annual reports for 2020/21 and 2021/22 being delayed.

4.6. A brief overview of the Committee's business over those periods is contained in the appendices to this report.

4.7. The edition of this report to be presented next year (in respect of 2023-24), as well as setting out how the Committee has met its terms of reference, will also include the results of the Committee's annual self-evaluation of its effectiveness

against the 'Position Statement: Audit Committees in Local Authorities and Police' and associated guidance, which was published by the Chartered Institute of Public Finance and Accountancy in 2022. This will enable the Committee to raise any concerns it may have had during the year, what it has done to escalate these and/or make recommendations as necessary.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1. The Committee performs an important role in respect of the Corporate Plan theme of a well-run high performing Council.

6. What will it cost and how will it affect other services?

6.1. There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. No assessment is required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. There have been no consultations with Scrutiny or others for the purposes of this report

9. Chief Finance Officer Statement

9.1. The Governance and Audit Committee plays a key role in helping to ensure Denbighshire is a well-run Council as summarised in Section 4 and detailed in the report. This report has no direct financial impact.

10. What risks are there and is there anything we can do to reduce them?

10.1. The risk of not having an effective Governance and Audit Committee is that there may be a lack of oversight of the Council's corporate governance which is a key component of good performance. Weak corporate governance can contribute to failures in service delivery.

11. Power to make the decision

11.1. The Council's Constitution requires an annual report to be made by the Committee.

Appendix 1

Governance and Audit Committee Annual report 2022/23

During the period of the municipal year 2022/23 the Governance and Audit Committee met on seven occasions.

The Committee received regular update reports from Internal Audit in respect of the work of the audit service, progress against the Audit plan and the outcome of individual audits that had taken place.

The Committee also received the Internal Audit Strategy and the Internal Audit Annual Report which contains the Head of Internal Audit's opinion as to the assurance to be given by the Council's framework of governance, risk management and control. The Internal Audit Opinion concluded that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's framework of governance, risk management and control.

The Committee received a number of internal annual reports during this period which included:

Annual Governance Statement - The Council has a statutory duty to publish an Annual Governance Statement (AGS) in compliance with the Accounts and Audit (Wales) Regulations 2014, as amended. The report provides the Committee with the opportunity to comment on the annual governance statement separately to the Statement of accounts so that it may be given due consideration.

The AGS for 2021/22 was developed by performing a self-assessment of the Council's governance arrangements against the Framework for Delivering Good Governance in Local Governance (Wales) 2016 edition. This was conducted by an officers group representing the key governance functions from across the Council. The AGS referenced various evidence sources and assurance sources such as the Internal Audit Annual Report, Annual Performance Report, External Audit reports, and risk registers. The AGS contains an action plan in respect of improvements to be made and it was noted that good progress was being made in respect of that plan.

Annual Corporate Health and Safety report – this report provides an assessment of the Council's health and safety systems. During the period covered by this report the assessment was that of medium assurance in respect of the implementation of health and safety systems and employee involvement in health and safety.

Annual Regulation of Investigatory Powers Act report – this report relates to the use of covert surveillance powers available to the Council. There had been no use of these powers during the period covered by the report.

Annual Senior Information Risk Owner report - this report provides information on the Council's information governance. This includes information about data breaches of the Data Protection Act that have been subject to investigation by the DCC Senior Information Risk Officer. The report also covers data about Freedom of Information, Environmental Information and Data Protection requests received by the Council, including those that have been referred to the Information Commissioner's Office (ICO). The report also includes information about Denbighshire's schools. During the period of the report there had been an increase in the number of data incidents where information had been sent to the wrong recipient. None of these incidents had been considered reportable to the ICO in accordance with the relevant guidance, however, the report described measures to be explored for remote checking of address details to reduce this number in future.

There had been an increase in Freedom of Information requests to pre pandemic levels of approximately 100 per month caused mainly by the return of requestors that had stopped during the pandemic, namely businesses and political parties.

In addition, the Committee receives finance related reports to include the

Statement of Accounts – The Committee received reports as to the progress of the statement of accounts. There were delays caused by three main factors.

Firstly, continuing resource difficulties for Audit Wales that resulted in delays to the audit work and a number of staffing changes throughout the audit. Sec

Secondly, an issue that impacted all Welsh local authorities which involved the requirement of the CIPFA LASAAC Code of Practice for Local Authority Accounting in the United Kingdom to account for that infrastructure assets be measured using the historical cost measurement basis and carried at depreciated historical cost. In particular, there were concerns around the practical difficulties in applying component accounting for the recognition and de-recognition of replaced components of infrastructure assets as most local authorities have been unable to comply with the requirement to assess the net book value of the replaced component and will have treated the amount of the replaced component as zero.

Thirdly, there were issues that have been picked up around asset valuations that were specific to Denbighshire and which involved a great deal of work to rectify.

The second and third issues have been resolved for future years but the first will remain.

Treasury Management – the Committee receives two reports each year on Treasury Management. The Councils Treasury Management Strategy Statement sets out how the Council will manage its investments and borrowing. The Committee is required to review this document prior to its approval by Council each year.

Budget process update – the Committee received a report setting out the Medium Term Financial Plan and the timetable for the setting of the budget.

The Committee also received a number of reports on other important governance matters.

Corporate Risk Register - the Corporate Risk Register is developed and owned by SLT and Cabinet. It is reviewed twice every year by Cabinet at Cabinet Briefing. Following each review, the revised register is presented to Performance Scrutiny Committee, and is shared with the Governance and Audit Committee. The Committee noted the changes that had been made to the risk register in the previous period which included an escalation of the risk relating to a serious safeguarding error to the highest level, and the mitigating measures that had been put in place to manage the risk. The Committee also recognised the increasing interconnectivity between risks and indicated its agreement with a suggested amendment to the Council's risk appetite statement.

Recruitment, retention and workforce planning – the Committee had requested this report following previous consideration of a Care Inspectorate Wales Inspection report on the Intake and Intervention Service. That report had identified recruitment and retention difficulties in the service

as having an impact on its improvement journey. The Committee had sought an information report on recruitment and retention in social services as a result of that report and subsequently requested this report on the approach being taken to address recruitment and retention issues across the Council. The Committee recognised the work that was being done to address the issue but remained concerned about the potential impacts on service delivery and, of particular concern to the Committee's role, on the Council's governance functions. The Committee endorsed the suggestion that a report be taken to Performance Scrutiny and asked that its concerns be taken into account by that committee.

Capital Process and the future of the Strategic Investment Group – the Committee was asked to comment on proposals for the creation of a Capital Strategy Group to replace the Strategic Investment Group and a new process for the approval of capital schemes.

Corporate Performance Self-Assessment - the report was the first statutorily required document written in response to the Local Government and Elections (Wales) Act 2021, which required the Council to produce a Self-Assessment of its performance against its functions. It also responded to the Council's duty around equality monitoring (under the Equality Act 2010 and Wales Measure 2011, which included the Socio Economic Duty) and the contributions to the Well-being of Future Generations (Wales) Act 2015.

Feedback from Governance and Audit Committee was required under the Local Government and Elections (Wales) Act 2021, before approval of the final documents by Council.

The self-assessment document included conclusions drawn from governance functions and performance against corporate objectives. The purpose of the report was to assess the information brought to committees over the last 12 months to reach a conclusion on how the Council had performed and areas for improvement.

The Committee reviewed and approved the draft report for its submission to Council.

The Committee also receives reports from external regulators. During this period the Committee received the following reports from Audit Wales:

Public Sector readiness for Net Carbon Zero - The report summarised the Audit Wales Report of Public Sector Readiness for Net Zero Carbon by 2030. Although Audit Wales did not make specific recommendations in their Report of Public Sector Readiness for Net Zero Carbon by 2030 given the high-level nature of their review, the report offered five Calls for Actions for organisations to consider. The majority of these actions would be considered during the review of the Council's Climate and Ecological Change Strategy.

Delivering Sustained Improvement - Audit Wales took an in-depth review of the Authority's performance in 2021. It was explained they had looked at systems and processes in place with a deeper look at the arrangements for education and young people and environmental services both of which were linked to corporate priorities at the time. Overall the conclusion was that Denbighshire had effective arrangements in place for its performance management.

Springing Forward – This Audit Wales report looked at how the Council had strengthened its ability to transform, adapt and maintain delivery of services, including those delivered in partnership with Key stakeholders and partners. This review had been conducted across all local authorities in Wales. Included in the review had been a review of the Council's arrangements for managing assets and the workforce. The overall report concluded that the Council was actively developing its New Ways of Working Project, which would lead to changes in the long run on both building assets and workforce,

integrating this activity with wider strategies, and looking further ahead would strengthen the Council's consideration of the sustainable development principle. There were a number of recommendations contained in the report, the management response to which was discussed by the Committee.

Certification of Grants and Returns - This report was a summary of the certification of grants and returns 2020-21. Audit Wales' conclusion was that the Council had adequate arrangements in place for preparing its grants and returns information which supported the certification work of Audit Wales.

Audit Wales Audit Plan - The report related to Audit Wales' Audit Plan 2022 which set out the programme of works planned to be carried out in Denbighshire over the next 12 months. The plan included work on the financial statements, performance audit work and an area yet to be determined but likely to be around digital strategies. The paper set out the fees charged for these services which were based partially on the size of a local authority and its level of risk. Denbighshire was included in the lower risk band.

The Committee also received reports from other external regulators as follows:

Estyn Inspection of Christ the Word Catholic School – the Committee received this report for information and received assurance that the matters raised were being considered by the Council's Scrutiny Committees

Care Inspectorate Wales Inspection of Intake and Intervention Service - The Head of Children's Services introduced the report to members stating an assurance check had been conducted by CIW in June/ July 2021. In that review a number of positive findings had been reported there were also a number of areas for improvement. An action plan was created to achieve the necessary improvements.

A follow up inspection highlighted some areas of improvement, but recognised the impact of a high number of vacancies across the service that impacted the improvement journey. Staff retention and recruitment was seen as a national concern. Regular meetings with CIW to review the actions taken in line with the action plan continued. Officers recognised there was still work that was required to improve in some areas.

The Committee was concerned about the recruitment and retention difficulties that had been described and requested a further report on recruitment, retention and workforce planning which is referred to earlier in this report.

Appendix 2

Governance and Audit Committee Annual Report 2021/2022

During the period of the municipal year 2021/22 the Governance and Audit Committee met on six occasions.

The Committee received regular update reports from Internal Audit in respect of the work of the audit service, progress against the Audit plan and the outcome of individual audits that had taken place.

The Committee also received the Internal Audit Strategy and the Internal Audit Annual Report which contains the Head of Internal Audit's opinion as to the assurance to be given by the Council's framework of governance, risk management and control. The Internal Audit Opinion concluded that reasonable assurance could be placed upon the adequacy and effectiveness of the Council's framework of governance, risk management and control.

During this period the Committee also reviewed a number of follow up reports produced by Internal Audit in respect of previous audits. These follow up reports enabled the Committee to track progress against action plans in respect of audits that had previously found issues that the Committee had considered required further consideration.

These included follow up reports in respect of audits relating to Contract Management, Parking income, Project Management of the Queens Building project and Support Budgets and Direct Payments.

The Committee received a number of internal annual reports during this period which included:

Annual Governance Statement - The Council has a statutory duty to publish an Annual Governance Statement (AGS) in compliance with the Accounts and Audit (Wales) Regulations 2014, as amended. The report provides the Committee with the opportunity to comment on the annual governance statement separately to the Statement of accounts so that it may be given due consideration.

The AGS assessment noted the impact of the pandemic. One key impact noted had been the inability to hold committee meetings at the start of the year, due to the social distancing regulations. An update had been included in this AGS as meetings were able to come back online. All Council and Governance and Audit meetings were now webcast. The Monitoring Officer confirmed zoom meetings using the translation service commenced in October 2020.

The CIA informed members the new requirement for the inclusion of a statement of compliance with the financial management code had been included.

This AGS incorporated the governance arrangements for Denbighshire Leisure Limited.

Annual Corporate Health and Safety report – this report provides an assessment of the Council's health and safety systems. During the period covered by this report the assessment was that of

medium assurance in respect of the implementation of health and safety systems and employee involvement in health and safety.

Annual Fire Safety Report– this report provided an overview of fire safety activity in the Council. The report detailed the different types of fire risk assessment and information on some of the key performance indicators. There had been an increase in the number of assessments conducted over the past year and details were given of the resumption of physical visits to premises following the removal of some Covid restrictions.

Annual Senior Information Risk Owner report - this report provides information on the Council's information governance. This includes information about data breaches of the Data Protection Act that have been subject to investigation by the DCC Senior Information Risk Officer. The report also covers data about Freedom of Information, Environmental Information and Data Protection requests received by the Council, including those that have been referred to the Information Commissioner's Office (ICO). The report also includes information about Denbighshire's schools.

During the period of the report there had been an increase in the number of data incidents where information had been sent to the wrong recipient. None of these incidents had been considered reportable to the ICO in accordance with the relevant guidance, however, the report described measures to be explored for remote checking of address details to reduce this number in future.

There had been a decrease in Freedom of Information and data protection requests but an increase in Environmental Information Requests.

The Committee was informed of the roll out of amended data protection training to deal with issues related to homeworking.

Annual Complaints Report – the report provided assurance in respect of the robustness of the Council's complaints handling process, including the role of the Performance Scrutiny Committee. The majority of complaints received are investigated and resolved at stage 1. Members heard very few complaints progressed to stage 2 investigations. Members felt it was vital for the authority to learn from complaints and make improvements and changes where possible. They heard that a breakdown of complaints was provided to services in order that any trends in complaints could be identified.

In addition, the Committee receives finance related reports to include the

Statement of Accounts – The Committee received several reports as to the progress of the statement of accounts for 2020/21. This was the first year that the authority had to complete group accounts, with the accounts from DLL incorporated in the overall accounts. The timetable for completion of accounts had been delayed due to the Covid pandemic. The accounts were approved at the Committee's November meeting.

Treasury Management – the Committee receives two reports each year on Treasury Management. The Council's Treasury Management Strategy Statement sets out how the Council will manage its investments and borrowing. The Committee is required to review this document prior to its approval by Council each year. The Committee received the report and noted the performance of the

Council's Treasury Management function during 2020/21 and its compliance with required prudential indicators as reported in the Annual Treasury Management report 2020/21

The Committee also received a number of reports on other important governance matters.

Corporate Risk Register - the Corporate Risk Register is developed and owned by SLT and Cabinet. It is reviewed twice every year by Cabinet at Cabinet Briefing. Following each review, the revised register is presented to Performance Scrutiny Committee, and is shared with the Governance and Audit Committee. The Committee noted that changes that had been made to the risk register in the previous period which included the merger of some risks and the addition of two new risks related to the creation of the North Wales Corporate Joint Committee and Recruitment and Retention issues respectively.

Cyber Security Update - the Committee received a report on the measures being taken to provide assurance as to the cyber security of the Council.

Constitution update and Constitution Guide – the Committee received a report about the changes required to be made to the Council's Constitution as a result of the provisions of the Local Government and Elections (Wales) Act 2021 for consideration and recommendation to Council.

Annual Performance Review – the report informed the Committee that the previous method by which performance was reported was due to change following the Local Government and Elections (Wales) Act 2021. It was confirmed that the usual process for Annual Performance reviews had been to present a report to Performance Scrutiny, Cabinet and ratified by Full Council. Following the new Act, a self-assessment of performance was required to be conducted and the comments of the Committee sought before it was approved by Council. Although the self-assessment was not a statutory requirement for this reporting period, one had been prepared as a 'trial run' in advance of the new provisions coming into force. Members reviewed and approved the draft report for consideration by Council.

Prevention and Detection of Fraud Strategy - The Chief Internal Auditor informed members that the Strategy for the Prevention & Detection of Fraud, Corruption and Bribery (SPDFCB) was an existing strategy that had been reviewed and updated. The updated report had considered the Local Government Strategy – Fighting Fraud and Corruption Locally 2020.

Confirmation was provided that the Strategy was not only concerned with operational activity to detect and investigate fraud and corruption, but also set out objectives for pro-active actions to deter and prevent fraud and corruption.

Members approved the changes and recommended the strategy top Cabinet for approval.

Lay Member recruitment – the Committee received a report relating to the new legislative provisions coming into force requiring the Committee to have one third of its membership comprised of lay members, and the proposed process for recruiting new lay members.

The Committee also receives reports from external regulators. During this period the Committee received the following reports from Audit Wales:

Review of Commissioning Older People’s Care Home Placements - Audit Wales presented a report relating to regional work that had been carried out to assess how the six North Wales local authorities and the Health Board worked together and separately in the commissioning of care home placements for older people. Members heard from officers as to the management response to the recommendations contained in the report.

Denbighshire County Council: Delivering Environmental Ambition – this report related to a review of Denbighshire County Council’s ability to deliver on its environmental ambitions, including how the Council planned to integrate, embed, measure, and communicate its environmental ambitions. The final report was issued in October 2021 and reached the conclusion that the Council was making excellent progress in embedding its environmental ambitions. Audit Wales had made ten recommendations for future action to which there had been a management response which was considered by the Committee.

Progress review of North Wales Growth Deal - Included in the review was an examination of the progress made by partners to prepare for delivery of the growth deal including the portfolio or management office, the support from Gwynedd Council provided to the process and the various groups and boards that had been set up to support the deal. Positive comments on the progress that had been made were included in the report but recognition of further work required was made. No concerns regarding the operation of the growth deal were raised. The portfolio management office had provided a detailed management response that had been included for members’ reference.

Financial Sustainability Assessment – Audit Wales had conducted an assessment of the Council’s financial sustainability. The overall conclusion was positive and stated that the Council was well placed to maintain its financial sustainability over the medium term, it had a good track record of managing its budget and continued to work to further improve its financial position. There was one recommendation that the Council ensure better alignment of budgets and operational activity to maintain ongoing financial sustainability. The management response to this was that the medium term budget strategy would help identify, challenge and, if necessary, include both strategic and non-strategic pressures within the medium term financial plan.

In addition, the Committee received reports from Audit Wales relating to their work programme both in Denbighshire and in respect of national reviews.

The Committee also received reports from other external regulators as follows:

Care Inspectorate Wales (CIW) Assurance Check 2021 - The report summarised the findings of the CIW assurance check of Denbighshire County Council undertaken 28 June to 2 July 2021. The purpose of the assurance check had been to review how well local authority social services continued to help and support adults and children with a focus on safety and well-being. Due to the pandemic it was stressed that normal arrangements for oversight and scrutiny had been altered to reflect the restrictions. It was important to note that many of the CIW colleagues had returned to frontline work and supported health and social care delivery in the pandemic.

The report highlighted a number of positives. A recognition of the positive culture and improvements within safe guarding was given particular importance. The report also acknowledged areas of improvement for the service and the challenges in recruitment throughout the service. It was stressed that staff in Denbighshire were a credit to themselves and to the authority. The

Committee received assurance that there would be continued scrutiny of the service through the work of Internal Audit and follow up work by CIW.

Regulation of Investigatory Powers Act (RIPA) Inspection 2021 – the Committee received a report on the inspection conducted by the Investigatory Powers Commissioner’s Office (ICPO) in 2021. The ICPO inspected authorities approximately once every three years. This consisted of a remote, desktop inspection of policies, procedures and training materials to be followed by a physical onsite inspection if that was deemed necessary. The ICPO determined that there was no requirement for a physical onsite inspection of Denbighshire. There had been no RIPA authorisations in the previous three-year period since the last inspection which was not unusual given the requirement to use less intrusive evidence gathering techniques before considering directed surveillance. The inspection was positive with some suggestions for minor amendments to some of the training materials.

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Appendix 3

Governance and Audit Committee Annual Report 2020/2021

During the period of the municipal year 2020/21 the Governance and Audit Committee met on six occasions.

The Committee received regular update reports from Internal Audit in respect of the work of the audit service, progress against the Audit plan and the outcome of individual audits that had taken place.

The Committee also received the Internal Audit Strategy and the Internal Audit Annual Report which contains the Head of Internal Audit's opinion as to the assurance to be given by the Council's framework of governance, risk management and control. The Internal Audit Opinion concluded that medium assurance could be placed upon the adequacy and effectiveness of the Council's framework of governance, risk management and control.

During this period the Committee also reviewed a number of reports produced by Internal Audit in respect of follow up monitoring of action plans relating to previous audits where the Committee had asked for future follow up reports to monitor progress in respect of issues that it wished to keep under scrutiny. These reports related to Contract Management, Payment Card Industry Security Standards, Direct Payments and Support Budgets. The Committee was able to track progress against action plans in respect of issues raised by previous audits in order to gain increased levels of assurance that those issues were being managed appropriately.

The Committee received a number of internal annual reports during this period which included:

Annual Governance Statement - The Council has a statutory duty to publish an Annual Governance Statement (AGS) in compliance with the Accounts and Audit (Wales) Regulations 2014, as amended. The report provides the Committee with the opportunity to comment on the annual governance statement separately to the Statement of accounts so that it may be given due consideration.

Members were made aware that due to the Covid pandemic, this AGS raised a significant governance issue to reflect the unprecedented situation the council had needed to respond to whereby several council meetings were cancelled due to social distancing requirements imposed by government. Council meetings were gradually being reinstated as capacity and capability permitted with regards to legislative requirements.

The AGS highlighted many areas for improvement within an action plan, which the Committee would monitor to ensure its implementation. Members were assured that progress against the previous year's improvement plan had progressed and that outstanding actions were carried forward to this year's improvement plan.

Annual Corporate Health and Safety report – this report provides an assessment of the Council's health and safety systems. During the period covered by this report the assessment was that of

medium assurance in respect of the implementation of health and safety systems and employee involvement in health and safety.

Since March 2020 the Covid – 19 pandemic had driven the organisation to operate in a different way with much more focus on providing essential services in a “Covid secure” way and working from home. DCC responded rapidly to government regulations and guidance.

There had been a whistleblowing concern raised during the period regarding the safety of certain practices. This had been investigated thoroughly and good practices had been developed as a result.

Annual Fire Safety Report - this report provides an overview of the Council’s approach to Fire Safety. At the beginning of the 19/20 financial year it was decided to appoint a Fire Safety Manager in order to address the limitations identified by Internal Audit in the Fire Risk Assessments which were being undertaken. As a result, the performance indicators in respect of Fire Safety Risk Assessments had improved resulting in an increase in the number and effectiveness of these assessments.

Annual Senior Information Risk Owner report - this report provides information on the Council’s information governance. This includes information about data breaches of the Data Protection Act that have been subject to investigation by the DCC Senior Information Risk Officer. The report also covers data about Freedom of Information, Environmental Information and Data Protection requests received by the Council, including those that have been referred to the Information Commissioner’s Office (ICO). The report also includes information about Denbighshire’s schools.

Within this reporting period, there had been 1 significant breach of the Data Protection Act by the Council. The breach involved sensitive personal data about 5 individuals mistakenly included in a court bundle. Investigations concluded that this was caused by human error. The Information Commissioners Office was informed of the breach and requested that processes be reviewed to reduce the likelihood of it happening again.

Annual Whistleblowing report – the Committee received a report covering a two-year period given delays caused by the Covid pandemic. There had been six disclosures during the period. The Committee were informed of the outcome of each of the disclosures. There were no underlying themes revealed by the disclosures.

Annual Regulation of Investigatory Powers Act report - The Council has the power to undertake certain surveillance activities where it considers that these are necessary and proportionate for the prevention and detection of crime or for the prevention of disorder. These activities include obtaining access to communications data, directed surveillance and the use of a covert human intelligence source. These activities are defined in more detail in the Council’s Corporate Policy and Procedures.

There had been no applications for authorisation of surveillance activity in the period covered by this report.

In addition, the Committee receives finance related reports to include the

Statement of Accounts – The Committee received several reports as to the progress of the statement of accounts for 2019/20. The Committee approved the statement of accounts.

Treasury Management – the Committee receives two reports each year on Treasury Management. The Council's Treasury Management Strategy Statement sets out how the Council will manage its investments and borrowing. The Committee is required to review this document prior to its approval by Council each year. The Committee received the report and noted the performance of the Council's Treasury Management function during 2021/22 and its compliance with required prudential indicators as reported in the Annual Treasury Management report.

Budget Update, Medium Term Financial Plan and Budget Process – the Committee received a report setting out the medium term financial plan and the process by which the Council would approach the setting of the following year's budget.

Challenge and Intervention Framework for Schools in Financial Difficulty (SIFD) - the report was presented to Committee as an update on the process that had previously been approved in order to demonstrate that it had worked. DCC delegated 85% of school's budget directly to schools. It was the duty of each school to provide DCC with a three-year budget plan annually. It was explained that schools at times may experience financial issues, DCC had the provision to licence a deficit to support schools to return to a surplus budget. Close working with all schools within DCC had continued in accordance with the framework. The implementation of the framework had been received positively and was working well.

Denbighshire County Council Coronavirus Response Financial Strategy – this report set out the strategy for dealing with the financial impact of the pandemic as part of the Council's recovery plan. The Committee received information relating to the additional expenditure incurred and income lost as a result of the pandemic as well as the current and anticipated support from Welsh Government in respect of both income and expenditure.

The Committee also received a number of reports on other important governance matters.

Corporate Risk Register - the Corporate Risk Register is developed and owned by SLT and Cabinet. It is reviewed twice every year by Cabinet at Cabinet Briefing. Following each review, the revised register is presented to Performance Scrutiny Committee, and is shared with the Governance and Audit Committee. The Committee noted that during this latest review, the impact of Covid-19 had been at the forefront, and a number of risks had been updated to reflect the impact thus far and future implications. Some risks had seen their scores increase in severity as a result.

In addition, the Committee endorsed changes to the Risk Appetite statement in respect of safeguarding which had moved from a cautious to a minimalist risk appetite.

Socio Economic Duty – the report informed the Committee of the changes that had been adopted by Welsh Government under the Equality Act 2010 section 1-3. It was explained that following the changes a review by officers of procedures within the council would have to take place. The aim would be to reduce socio-economic disadvantage across the authority. Work had begun to review a number of key decision making and planning frameworks currently adopted by the Council. It was confirmed that Internal Audit would also give consideration to this duty in future work.

Alternative Service Delivery Model Toolkit - In 2020 the Committee had requested the creation of a toolkit which would offer guidance on necessary considerations for a variety of partnership working models both within and outside of the Council. This was seen as a key element to ensuring there was a coherent partnership framework in Denbighshire. The intention had been for the toolkit to be read as a guide in establishing good practice in partnership governance, scrutiny requirements and provided assurance that good governance arrangements had been in place. The Committee endorsed the toolkit and its use within and outside the Council.

Local Government and Elections (Wales) Bill – the Committee received two reports on different aspects of the Bill which would later become the Local Government and Elections (Wales) Act 2021. The reports set out the changes that would be required to be made to the Council’s constitutional arrangements and its performance and governance processes in order to comply with the provisions set out in the Bill.

Tackling Climate and Ecological Change in Decision Making – this report proposed changes to the Council’s Constitution with a recommendation that the ‘Principles of Decision Making’ contained within the Constitution be amended to include a requirement that decision makers have regard to tackling climate and ecological change when making decisions. The Committee recommended that Council approve this change to the Constitution.

The Committee also receives reports from external regulators. During this period the Committee received the following reports from Audit Wales:

Cyber Resilience in the Public Sector – this was a confidential report prepared by Audit Wales on resilience across the public sector in respect of cybercrime. Members agreed to receive a future report on cyber security in Denbighshire.

Certification of Grants and Returns - The report provided an assurance to the authority on the arrangements for grants. It was explained that the scope of the report had reduced over the previous years as Welsh Government reduced the number of grants that required this level of audit. It was confirmed that overall the Council has adequate arrangements in place for the production and submission of the 2019/20 grant claims.

The Audit Wales representative explained that one audit had been required to be reported to Welsh Government, therefore it had to be qualified. One of the tests required was not able to be

completed due to Covid restrictions. Members were assured that Audit Wales had no concerns on the compilation of the data.

Social Services Budgetary Cost Pressures – this report was presented by Audit Wales and related to work done in respect of arrangements for the commissioning and administering of residential care and nursing home placements. The report made a number of proposals for improvement relating to the strategic regional approach to the commissioning of care placements, pooled budget arrangements and communication between partners. The Committee considered the management response which referred to work being done on a regional basis to address the issues raised by the report. The Committee requested a follow up report in the subsequent financial year.

In addition, the Committee received the Audit Wales Annual Summary of activity and its Audit plan.

The Committee also received reports from other external regulators as follows:

Care Inspectorate Wales (CIW) Local Authority Performance Review - The report sets out the key issues arising from the Care Inspectorate Wales (CIW) review of Denbighshire County Council's performance in carrying out its statutory social services functions. The report highlighted improvements that had been carried out from previous reviews. Overall officers were happy with the report. Members welcomed the report but raised questions regarding the difficulty in recruiting Welsh language speakers to certain roles.

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Report to	Full Council
Date of meeting	14 November 2023
Lead Member / Officer	Win Mullen-James, Lead Member for Local Development and Planning / Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Report author	Ian Millington, Public Protection Business Manager/Nicky Jones Senior Licensing Officer
Title	Proposed Revised Gambling Act 2005 Statement of Licensing Principles

1. What is the report about?

- 1.1 To ask Members to formally adopt the attached revised Gambling Act 2005 Statement of Principles.

2. What is the reason for making this report?

- 2.1 Gambling can be addictive and lead to individuals becoming problem gamblers, where the activity disrupts or compromises their lives and those of their families. Problem gambling has an impact on families, communities and health services. Gambling regulation delivered nationally through the Gambling Commission and locally through the Public Protection service of the Council aims to reduce the potential for harm but also to ensure a level playing field for business.
- 2.2 Part of the responsibilities of the Local Authority, when acting in its capacity as Licensing Authority, are in accordance with Section 349 Gambling Act, to determine, review and publish a Statement of Gambling Principles. As required by the legislation, and in accordance with the Guidance issued by the Gambling Commission, the Council is required to consult upon, and prepare a Statement of Gambling Principles on a three yearly basis.

- 2.3 As required by the legislation, and in accordance with the Guidance issued by the Gambling Commission, the Council is required to consult upon, and prepare a Statement of Gambling Principles on a three yearly basis
- 2.4 The Statement of Gambling Principles establishes a local framework for decision making when considering applications for relevant permissions, or variations to existing terms and conditions. The Principles are of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application.
- 2.5 The council currently licences/ permits:
- 5 Adult Gaming Centres
 - 3 Family Entertainment Centres
 - 3 Bingo Premises Licence
 - 12 Betting shops
 - 1 Club Gaming Permit
 - 7 Club Machine Permit
 - 7 Unlicensed Family Entertainment Centre Gaming Permits
 - 11 Licensed Premises Permit
 - 82 Registered Lotteries

3. What are the Recommendations?

- 3.1 That the Council formally adopts the Draft Revised Statement of Gambling Principles (Appendix 1).
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

4. Report details

- 4.1 On 7th December 2022 the revised Statement of Gambling Principles was approved by Members of the Licensing Committee for statutory consultation and would only need to be referred back to the Licensing Committee if representations were received, however, should no representation be received as a result of the consultation the final statement would be submitted to County Council for approval.

- 4.2 As a result of the consultation, which ran between 12th January 2023 to 22nd February 2023 no representations were received.
- 4.3 The review was undertaken taking into account relevant changes in legislation, national guidance and good practice, also as part of an ongoing process to provide a consistent approach for service users across the region the review was undertaken in partnership with other North Wales local authorities.
- 4.4 It is worthy of note, that the Council has not received any legal challenge to the existing Principles, nor has the Licensing Authority received any adverse comments from the Gambling Licensed Trade or Legal Profession in regards to the content. Therefore significant changes have not be proposed in the revised Principles, a position supported by Licensing Committee.
- 4.5 If the revised Statement of Gambling Principles is confirmed by Council then it shall remain in force for a further period of three years, subject of course to any necessary amendments, that in themselves would require further consultation and approval by Council.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 The Statement of Principles will support the Corporate Plan by ensuring people are protected from harm, abuse and exploitation including tackling anti-social behaviour and aims to support economic recovery by providing advice and support to businesses.

6. What will it cost and how will it affect other services?

- 6.1 To be met from existing budgetary requirements.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1 The Statement of Principles has positive impact generally as it seeks to guide business to understand the expectation of licensed premises and the management thereof. The Principles cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations. Where any failures are found the Statement of Principles outlines enforcement options to achieve compliance.

8. What consultations have been carried out with Scrutiny and others?

8.1 To comply with statutory requirements, the following agencies have been consulted:

- (a) The Gambling Commission
- (b) North Wales Police
- (c) North Wales Fire and Rescue Service
- (d) The Planning Authorities
- (e) Environmental Health/Health & Safety
- (f) Trading Standards
- (g) Social Services
- (h) Her Majesties Revenue and Customs
- (i) All of the companies and individuals who hold gambling premises licences issued for premises in the County
- (j) Councillors and Town and Community Councils
- (k) Representatives of businesses
- (l) Representatives of persons carrying on gambling businesses in Denbighshire
- (m) Local bodies representing vulnerable persons
- (n) Departments within the Council with an interest in the licensing of gambling

8.3 In addition to the statutory requirements for the consultation, all documents were available on the County Conversation consultation portal for public viewing and available in hard copy at all Denbighshire Libraries and On Stop Shops.

9. Chief Finance Officer Statement

9.1 The Council is currently projected to overspend this financial year and faces significant budget reductions in real terms next financial year. It is therefore welcome that the service has committed to deliver these principles within existing service budgets

10. What risks are there and is there anything we can do to reduce them?

10.1 Should the Council not adopt a reviewed Statement of Principles, all decisions made may be open to challenge and the Council would be in breach of its statutory obligation.

11. Power to make the decision

11.1 To comply with the requirements of Section 349 of the Gambling Act 2005 to review, determine and publish a Statement of Principles.

Statement of Gambling Policy DRAFT

GAMBLING ACT 2005
2023 - 2026

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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 on2023 having considered the comments received from those consulted. The policy became effective from2023 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.

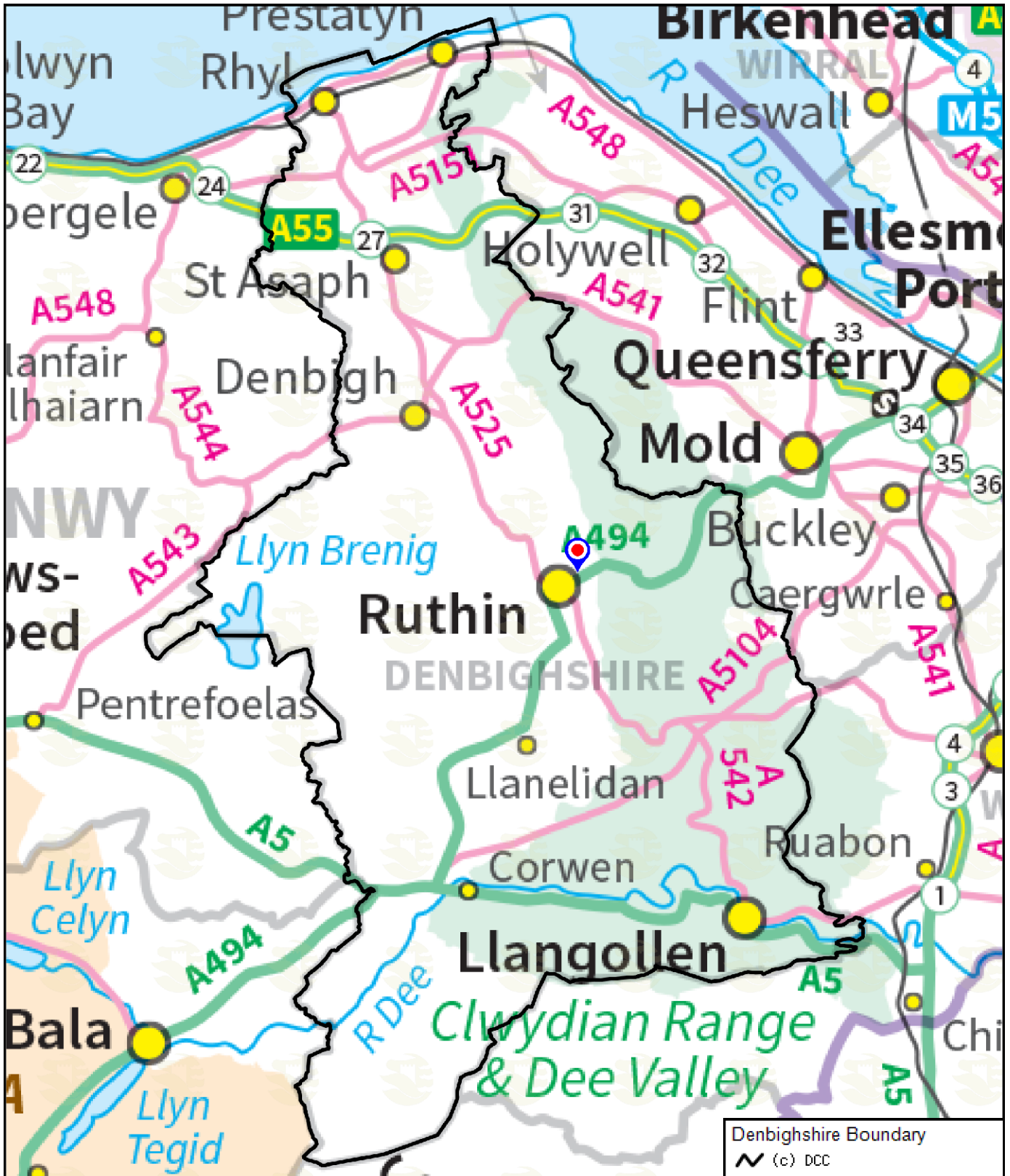
12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email licensing@denbighshire.gov.uk or via telephone on 01824 706342 to arrange an appointment.

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 A – MAP OF DENBIGHSHIRE



Title



Graddfa / Scale: 1:250000

Canol / Centre: 309800, 357900

Dyddiad / Date: 2022-10-19 11:33:44



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

A full summary can be found at www.gamblingcommission.gov.uk

Statement of Gambling Policy: Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number: 1202

Brief description: Implementing a updated version of the statutory Statement of Gambling Policy under the Gambling Act 2005

Date Completed: 09/05/2023 16:13:19 Version: 1

Completed by: Ian Millington

Responsible Service: Planning, Public Protection and Countryside Services

Localities affected by the proposal: Whole County,

Who will be affected by the proposal? All licensed premises, responsible authorities under the Act, members of the public

Was this impact assessment completed as a group? No

Summary and Conclusion

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

2 out of 4 stars

Actual score : 21 / 36.

Summary for each Sustainable Development principle

Long term

The Policy will be applied when exercising the functions under the Gambling Act 2005. The Statement, published at least every five years, will inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Act and in consideration of the licensing objectives: preventing gambling from being a source of crime or disorder, • gambling is conducted in a fair and open way; and • protecting children / vulnerable persons from harm

Prevention

The policy will help stakeholders provide a legitimate business operating in a fair-trading environment. A thriving economy can support less travel and support local economy

Integration

The Policy covers a big part of the economy for Denbighshire in the form of regulating gambling establishments / practices e.g. raffles, in the county, thus contributing to business support and other responsible authorities' objectives (e.g. Gambling Commission etc.)

Collaboration

The Statement of Gambling Policy has been subject to a period of public and stakeholder consultation.

Involvement

Whilst there has been widespread public consultation the policy (and legislation) outlines how representations can be made against issues arising from gambling establishments. Consultation followed most of the National Principles

Summary of impact

Well-being Goals	Overall Impact
A prosperous Denbighshire	Positive
A resilient Denbighshire	Neutral
A healthier Denbighshire	Positive
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Positive
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Positive

Main conclusions

The Policy has positive impact generally as it seeks to guide business to understand the expectation of gambling establishments / practices and the management thereof. The Policy cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations.

Where any failures are found the policy outlines enforcement options

This policy will be continually reviewed with an obligation to re-publish every three years. or sooner if any part requires updating

The likely impact on Denbighshire, Wales and the world.

A prosperous Denbighshire

Overall Impact

Positive

Justification for impact

The policy helps business understand the licensing authority's stance on gambling establishments. This aids fair competition and so contributes to local thriving economy.

Further actions required

Ensure policy is relevant as is permitted under legislation and where necessary enforceable

Positive impacts identified:

A low carbon society

Thriving gambling establishments can encourage local to stay local and therefore reduce travel or use local travel options.

Quality communications, infrastructure and transport

N/A

Economic development

Assists business understand obligations.

Quality skills for the long term

N/A

Quality jobs for the long term

Thriving business provide sustainable employment.

Childcare

N/A

Negative impacts identified:

A low carbon society

Could encourage more travel into towns

Quality communications, infrastructure and transport

N/A

Economic development

If not set at appropriate level, then could become draconian and deter business.

Quality skills for the long term

N/A

Quality jobs for the long term

N/A

Childcare

N/A

**A resilient Denbighshire
Overall Impact**

Neutral

Justification for impact

The Policy does not introduce any obligations that would be detrimental to biodiversity neither can any principle be applied to encourage it.

Further actions required

N/A

**Positive impacts identified:
Biodiversity and the natural environment**

N/A

Biodiversity in the built environment

N/A

Reducing waste, reusing and recycling

N/A

Reduced energy/fuel consumption

Helps all business understand obligations in turn potential for local business set up

People's awareness of the environment and biodiversity

N/A

Flood risk management

N/A

Negative impacts identified:

Biodiversity and the natural environment

N/A

Biodiversity in the built environment

N/A

Reducing waste, reusing and recycling

N/A

Reduced energy/fuel consumption

N/A

People's awareness of the environment and biodiversity

N/A

Flood risk management

N/A

A healthier Denbighshire

Overall Impact

Positive

Justification for impact

Policy outlines the need for considerations for gambling harm

Further actions required

Policy assists in enforcement where gambling establishments fail meet conditions imposed on them

Positive impacts identified:

A social and physical environment that encourage and support health and well-being

Policy outlines requirement to have plans for reducing gambling harm

Access to good quality, healthy food

N/A

People's emotional and mental well-being

Policy outlines requirement to have plans for reducing gambling harm, actions to protect minors / vulnerable people

Access to healthcare

Policy outlines requirement to have plans for reducing gambling harm, actions to protect minors / vulnerable people

Participation in leisure opportunities

N/A

Negative impacts identified:

A social and physical environment that encourage and support health and well-being

N/A

Access to good quality, healthy food

N/A

People's emotional and mental well-being

N/A

Access to healthcare

N/A

Participation in leisure opportunities

N/A

A more equal Denbighshire

Overall Impact

Positive

Justification for impact

The Policy reminds applicants / licence holders of the due regard of the Equality Act and the need to consider all aspects of equality in their business and obligations for gambling harm

Further actions required

Policy assists in enforcement where licensed premises fail meet conditions imposed on them

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Policy reminds applicants / licensees of their legal obligations for equality.

People who suffer discrimination or disadvantage

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business.

People affected by socio-economic disadvantage and unequal outcomes

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business.

Remind on obligations gambling harm

Areas affected by socio-economic disadvantage

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business. Reminds about premises located near to schools / play areas

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

N/A

People who suffer discrimination or disadvantage

N/A

People affected by socio-economic disadvantage and unequal outcomes

N/A

Areas affected by socio-economic disadvantage

[TEXT HERE]

A Denbighshire of cohesive communities

Overall Impact

Positive

Justification for impact

The Policy aims to help individuals understand the local expectations in managing gambling establishments and does not discriminate against any type of business.

Further actions required

The Policy allows all types business to operate to the same standard, including local community business.

Positive impacts identified:

Safe communities and individuals

Policy seeks to consider licensing objectives at all times

Community participation and resilience

Policy seeks to consider licensing objectives at all times, whether for business or community.
Consultation of policy allows for individuals to be heard.

The attractiveness of the area

Thriving gambling establishments e.g. promenade arcades, well run can attract visitors

Connected communities

The Policy allows all types business to operate to the same standard, including local community business.

Rural resilience

The Policy allows all types business to operate to the same standard, including local community business.

**Negative impacts identified:
Safe communities and individuals**

N/A

Community participation and resilience

N/A

The attractiveness of the area

N/A

Connected communities

N/A

Rural resilience

N/A

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact

Neutral

Justification for impact

The Policy guides businesses in their understanding of licensing requirements. The Policy does not have any positive or negative impacts, save for the mandatory production of bilingual documents.

Further actions required

N/A

Positive impacts identified:

People using Welsh

N/A

Promoting the Welsh language

All relevant documents produced bilingual format. Policy is bilingual

Culture and heritage

N/A

Negative impacts identified:

People using Welsh

N/A

Promoting the Welsh language

N/A

Culture and heritage

N/A

A globally responsible Denbighshire

Overall Impact

Positive

Justification for impact

The Policy supports other organisations objectives.

Further actions required

N/A

Positive impacts identified:**Local, national, international supply chains**

A thriving local gambling trade can support other local business for local supply and also assist in local transport delivery e.g. taxis

Human rights

Policy reminds applicants / licensees of their legal obligations for human rights

Broader service provision in the local area or the region

Policy should assist other in their objectives - Public Health, Crime and disorder - as they are part of consultation and help draft the policy

Reducing climate change

N/A

Negative impacts identified:**Local, national, international supply chains**

N/A

Human rights

N/A

Broader service provision in the local area or the region

N/A

Reducing climate change

N/A

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Report to	Full Council
Date of meeting	14 November 2023
Lead Member / Officer	Win Mullen-James, Lead Member for Local Development and Planning / Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Report author	Ian Millington, Public Protection Business Manager/Nicky Jones, Senior Licensing Officer
Title	Proposed Revised Statement of Licensing Policy

1. What is the report about?

1.1 To ask Members to formally adopt the attached revised Statement of Licensing Policy.

2. What is the reason for making this report?

2.1 The Licensing Act 2003 regulates the sale and supply of alcohol, the provision of regulated entertainment and the sale and supply of late night refreshment.

Responsibility for the administration and enforcement of licensing the above activities is that of the Licensing Authority – the Council – and is delivered through Public Protection service.

2.2 The hospitality sector plays a major contributor to the local economy, particularly that of the night time economy. Legislation, along with the Statement of Licensing policy, aims to reduce harm and nuisance whilst ensuring a level playing field for business. Within the authority there are 501 premises licensed for the supply of alcohol and 172 Late Night Refreshment establishments, 31 of which are solely serving late night refreshment. Additionally, the authority has 1393 Personal licence holders on record and administers around 250 temporary event notices annually

- 2.3 Part of the responsibilities of the Local Authority, when acting in its capacity as Licensing Authority, are in accordance with Section 5 of the Licensing Act, to determine and publish a Statement of Licensing Policy.
- 2.4 As required by the legislation, and in accordance with the Guidance issued by the Secretary of State under Section 182 of the Act, the Council is required to consult upon, and prepare a Statement of Licensing Policy on a five yearly basis.
- 2.5 The Statement of Licensing Policy establishes a local framework for decision making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application.

3. What are the Recommendations?

- 3.1 That the Council formally adopts the Draft Revised Statement of Licensing Policy (Appendix 1).
- 3.2. That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

4. Report details

- 4.1 On 14th October 2022 the revised Statement of Licensing Policy was presented to the Licensing Committee. Having considered the response to the public consultation exercise, which ran between 18th July 2022 and 26th August 2022, the Committee resolved to agree to the revised Statement and to recommend it to County Council for formal adoption.
- 4.2 The review was undertaken taking into account relevant changes in legislation, national guidance and good practice, also as part of an ongoing process to provide a consistent approach for service users across the region the review was undertaken in partnership with other North Wales local authorities.
- 4.3 It is worthy of note, that the Council has not received any legal challenge to the existing Policy Statement, nor has the Licensing Authority received any adverse comments from the Licensing Trade or Legal Profession in regards to the Policy

content. Therefore significant changes have not be proposed in the revised Statement, a position supported by Licensing Committee.

4.4 If the revised Statement of Licensing Policy is confirmed by Council then it shall remain in force for a further period of five years, subject of course to any necessary amendments, that in themselves would require further consultation and approval by Council.

4.5 Members should note that during the consultation period, a public notice has been placed within a newspaper that circulates within the Local Authority area, and correspondence has been sent to all Premises Licence Holders.

5. How does the decision contribute to the Corporate Priorities?

5.1 This Policy will support the Corporate Plan by ensuring people are protected from harm, abuse and exploitation including tackling anti-social behaviour and aims to support economic recovery by providing advice and support to businesses.

6. What will it cost and how will it affect other services?

6.1 To be met from existing budgetary requirements.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1 The Policy has positive impact generally as it seeks to guide business to understand the expectation of licensed premises and the management thereof. The Policy cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations. Where any failures are found the policy outlines enforcement options to achieve compliance.

8. What consultations have been carried out with Scrutiny and others?

8.1 To comply with Statutory Requirements, the following agencies have been consulted:

- North Wales Police
- North Wales Fire and Rescue Service

- Planning Services
- Trading Standards (Weights and Measures Inspector)
- Environmental Health
- Children Services
- Health and Safety
- Representatives of the local licensing trade
- Representatives of local businesses and residents

The Licensing Authority has also consulted:

- All County Councillors
- Town and Community

8.2 In addition to the statutory requirements for the consultation, all documents were available on the County Conversation consultation portal for public viewing and available in hard copy at all Denbighshire Libraries and On Stop Shops.

9. Chief Finance Officer Statement

9.1 The Council is currently projected to overspend this financial year and faces significant budget reductions in real terms next financial year. It is therefore welcome that the service has committed to deliver this policy within existing service budgets

10. What risks are there and is there anything we can do to reduce them?

10.1 Should the Council not adopt a reviewed Statement of Licensing Policy, all decisions made may be open to challenge and the Council would be in breach of its statutory obligation.

11. Power to make the decision

11.1. To comply with the requirements of Section 5 of the Licensing Act 2003 to review, determine and publish a Statement of Licensing Policy.

Draft Statement of Licensing Policy – Licensing Act 2003 2023 -2028

Draft Statement of Licensing Policy – Licensing Act 2003

Contents

- 1. Introduction
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 - 1.2 Authority Profile
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- 3. Licensing Objectives
 - 3.1 The prevention of crime and disorder
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 - 3.3 The prevention of public nuisance
 - 3.4 The protection of children from harm
- 4. Cumulative Impact, Early Morning Alcohol Restriction Orders and Late Night Levy
 - 4.1 Cumulative Impact
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 - 4.3 Late Night Levy

Draft Statement of Licensing Policy – Licensing Act 2003

- 5. Planning and Building Control
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Draft Statement of Licensing Policy – Licensing Act 2003

10.1 Application Pathway

10.2 Mediation

10.3 Conditions

11. Delegation, Licensing Committee and Decision Making

12. Licensing Register

Appendix 1: Glossary of Terms

Appendix 2: Legislative Updates

The Deregulation Act 2015

The Live Music Act 2012

Appendix 3: Joint Enforcement Protocol with North Wales Police

Appendix 4: Flowchart for TEN

Appendix 5: Mandatory Conditions

Draft Statement of Licensing Policy – Licensing Act 2003

Supply of Alcohol

Exhibition of Films

Door Supervision

Alternative Licence Condition

Draft Statement of Licensing Policy – Licensing Act 2003

1. Introduction

1.1 Background

- 1.1.1 Under the provisions of the Licensing Act 2003, Denbighshire Council is the Licensing Authority (and is referred to in this document as “the licensing authority”) responsible for granting Premises Licences, Club Premises Certificates, and Personal Licences in the county of Denbighshire .
- 1.1.2 The Licensing Act 2003 (“the Act”) requires a licensing authority to determine and publish a statement of licensing policy (“the policy”) at least every five years. This policy is made under Section 5 of the Act and in accordance with the guidance issued by the Secretary of State, under Section 182 of the Act (“the Guidance”), to licensing authorities on the discharge of their functions under the Act.
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must ‘have regard to’ the Guidance issued by the Secretary of State. If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 As required by the Act, the draft Licensing Policy was subject to formal consultation with North Wales Police, North Wales Fire & Rescue Service, Betsi Cadwaladr University Health Board, Persons/bodies representative of businesses and residents in the county and Persons/bodies representative of current licence/certificate holders.

Draft Statement of Licensing Policy – Licensing Act 2003

- 1.1.5 In adopting this policy, the licensing authority recognises both the needs of residents for a safe, healthy and sustainable environment in which to live and work and the importance of well-run entertainment and leisure premises to the economy and tourism industry in Denbighshire.
- 1.1.6 The policy was adopted by Denbighshire Council on having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.7 The policy will normally apply to any licence application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.

1.2 Authority Profile

- 1.2.1 Denbighshire covers an area of 844 km² and has a population of around 94,000
- 1.2.2 The economy of Denbighshire is diverse. In the more urban north of the county, the seaside towns of Rhyl and Prestatyn dominate and the retail, leisure and tourism sectors remain major employers as Denbighshire is one of the most popular destinations for tourists. The late night economy is

Draft Statement of Licensing Policy – Licensing Act 2003

mainly focused along the coastal strip at the towns of Rhyl and Prestatyn with all the other main towns – St Asaph, Denbigh, Ruthin, Corwen and Llangollen – having similar share of licensed premises.

- 1.2.3 Denbighshire has around 750 premises licensed under the Licensing Act 2003 including those licensed for the supply alcohol for consumption on and/or off the premises and those licensed for the provision of late night refreshment. The authority receives over 200 temporary event notices each year to hold temporary events for regulated entertainment and/or sale of alcohol.

2. Scope and Extent

- 2.1 The purpose of this statement of licensing policy is to set out the policies the licensing authority will apply when carrying out its licensing function, i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law. A glossary of the terms used in the Act and in this policy can be found in Appendix 1.
- 2.2 The Act defines **licensable activities** as:-
- 2.3 **Sale by retail of alcohol** - The “sale by retail” of alcohol is defined in Section 192 of the Act. Alcohol means spirits, wine, beer, cider or any fermented, distilled spirituous liquor. A sale by retail is any sale of alcohol except those made to a business or club to be sold on to customers, i.e. wholesale of alcohol.

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- 2.4 **The supply of alcohol by or on behalf of a club, or to the order of, a member of the club** - A club's supply of alcohol is the property of all of the members and a supply to a member is therefore a separate licensable activity.
- 2.5 **The provision of regulated entertainment** - Schedule 1 of the Act sets out what activities are to be regarded as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime.
- 2.6 The descriptions of entertainment activities licensable under the Act are:
- i. A performance of a play;
 - ii. An exhibition of a film
 - iii. An indoor sporting event;
 - iv. A boxing or wrestling entertainment;
 - v. A performance of live music;
 - vi. Any playing of recorded music
 - vii. A performance of dance; and
 - viii. Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- 2.7 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must either
- i. take place in the presence of a public audience, or
 - ii. where the activity takes place in private, be the subject of a charge made with a view to profit.
- 2.8 The Deregulation Act 2015 made considerable changes to the definition of regulated entertainment. Further information regarding these changes along with the changes made following the Live Music Act 2012 can be found in Appendix 2.

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- 2.9 **The provision of late night refreshment** - Schedule 2 of the Act sets out what activities are to be treated as the provision of late night refreshment and those that are not. The Deregulation Act 2015 provides a licensing authority may exempt the supply of hot food or hot drink if it takes place in a designated area, on or from designated premises and during designated times.
- 2.10 The licensing authority has NOT designated an area within the county of Denbighshire for the exempt supply of late night refreshment.
- 2.11 It is a criminal offence under Section 136 of the Act to carry on any of the above licensable activities other than in accordance with a licence or other authorisation under the Act.
- 2.12 The **types of authorisation or permission** the Act requires the licensing authority to regulate are:-
- i. Premises licence – to use premises for licensable activities.
 - ii. Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
 - iii. Temporary event notice – to carry out licensable activities at a temporary event.
 - iv. Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.
- 2.13 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:
- i. The prevention of crime and disorder
 - ii. Public safety
 - iii. The prevention of public nuisance
 - iv. The protection of children from harm
- 2.14 The licensing authority will carry out its licensing functions in a way that

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

2.15 The licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, focus on:-

- i. Matters within the control of individual licensees and others who are granted any relevant authorisations.
- ii. The premises and places being used for licensable activities and their vicinity.
- iii. The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

2.16 Every application considered by the licensing authority under this policy will be considered on its individual merits. Nothing in the policy will undermine the rights of any individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.

2.17 Nothing in this policy shall override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. However, this will not include applications or representations which are considered to be frivolous, vexatious or repetitious.

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2.18 If it considers it appropriate, the licensing authority may depart from its statement of licensing policy if the individual circumstances of the case merit such a decision in the interests of the promotion of the licensing objectives.

3. Licensing Objectives

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

- i. The prevention of crime and disorder
- ii. Public safety
- iii. The prevention of public nuisance
- iv. The protection of children from harm

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

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

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

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- i. Anti-Social Behaviour, Crime and Policing Act 2014
- ii. Equality Act 2010
- iii. Crime and Security Act 2010
- iv. Policing and Crime Act 2009
- v. Health Act 2006
- vi. Violent Crime Reduction Act 2006
- vii. Gambling Act 2005
- viii. The Environmental Protection Act 1990
- ix. The Noise Act 1996
- x. The Health and Safety at Work etc Act 1974
- xi. European Union Services Directive
- xii. The Regulators' Compliance code
- xiii. Denbighshire Council's Planning & Public Protection Service Enforcement Policy
- xiv. Denbighshire Council's Strategic Equality Scheme

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

- 3.0.5 The licensing authority will continue to work in partnership with the police and fire authorities, local businesses, pub watch schemes, community representatives and local people, in meeting these objectives.
- 3.0.6 The licensing authority recognises that the entertainment industry in Denbighshire is a contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the licensing authority has a duty to protect.
- 3.0.7 The Council will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime

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and the capacity of the county's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

3.0.8

Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premises may have on the health and well-being of their customers, the neighbourhood and the wider community.

3.1 The Prevention of Crime and Disorder

3.1.1 The prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of Denbighshire Council under the Crime and Disorder Act 1998.

3.1.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. It is therefore important that an applicant for a premises licence or club premises certificate is able to demonstrate to the licensing authority the practical steps which will be taken to promote this objective.

3.1.3 The licensing authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.

3.1.4 The licensing authority will consider the representations of North Wales Police Service as the main source of advice on crime and disorder.

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3.1.5 This Licensing Authority expects all premises to adopt an age verification policy such as Challenge 25.

Drugs

3.1.6 Applicants should consider that special conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs.

3.1.7 Drugs alter the way people behave, so their distribution and possession is controlled by the law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

3.1.8 The licensing authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug users and suppliers.

3.1.9 The licensing authority will expect licensees to take all reasonable steps to:

- i. prevent the entry of drugs into licensed premises
- ii. prevent the misuse of drugs within the premises
- iii. take practical measures to prevent tragedies as a result of drug misuse.
- iv. Train staff to recognise and understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
- v. Display appropriate drug safety awareness information to customers

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- vi. Provide a first aid room and first aid equipment, including a defibrillator in larger venues
- vii. Deploy staff trained to assist with medical incidents
- viii. Implement an appropriate banning policy

3.1.10 The licensing authority will require the applicant to identify any particular issues (having regard to the particular type of premises and/or activities) relating to the entry of and use of drugs on their premises, and set out in their operating schedule how such issues will be dealt with.

Door Supervisors (Licensed Security Personnel)

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

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

Public Space Protection Orders

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

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

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Industry Partnership Schemes

- 3.1.15 The licensing authority would encourage active participation in schemes such as Pub Watch, Off-Watch, Best Bar None (if available in the area) as contributing to the prevention of crime and disorder licensing objective

Irresponsible promotions

- 3.1.16 Banning the irresponsible promotion of alcohol in on-licensed premises was one of five measures brought in by Government in 2010. The others were banning the dispensing of alcohol directly into the mouths of customers; making free tap water available; ensuring age verification policies are in place and offering smaller servings of beer, wine and spirits.

In Denbighshire, the decision on what is and is not an irresponsible promotion will be made on a case by case basis taking all the circumstances into account and with reference to other Responsible Authorities when necessary

Personal Licences

- 3.1.17 The licensing authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification approved by Department for Culture Media and Sport (DCMS) and does not have certain serious criminal convictions; the application has to be granted.
- 3.1.18 If an applicant has a relevant conviction, North Wales Police can oppose the application. If the police lodge an objection, a hearing at the licensing authority's Licensing Sub-committee will be held.

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

3.2 Public Safety

3.2.1 The public safety licensing objective is concerned with the physical safety of the people using the relevant premises. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption.

3.2.2 Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the Act. These include but are not restricted to fire safety, access for emergency services, appropriate and frequent waste disposal, use of CCTV etc.

3.2.3 The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

3.2.4 The licensing authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.

3.2.5 The licensing authority will have particular regard to representations from North Wales Fire and Rescue Service, North Wales Police and

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Denbighshire Council's Environmental Health team, to determine whether measures proposed are suitable to ensure the safety of the public.

- 3.2.6 Where the licensing authority considers that general health and safety duties do not adequately cover licensable activities, it may attach conditions to promote public safety if it is appropriate to do so following representations.
- 3.2.7 Where activities are organised by volunteers or by a committee of a club or society the licensing authority considers it good practice that the same level of health and safety protection is provided as if an employer/employee relationship existed.
- 3.2.8 The licensing authority expects the organisers of any large scale event, where licensable activities are to take place, to prepare an event management plan incorporating appropriate risk assessments. Organisers of large scale events where licensable activities are to take place are advised to contact the Denbighshire Events team at the initial planning stage for the event. A Safety Advisory Group meeting might be appropriate in some circumstances.
- 3.2.9 The licensing authority will include in a Premises Licence/Club Premises Certificate an occupant capacity, where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service following representations from them.

3.3 The Prevention of Public Nuisance

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- 3.3.1 Public nuisance is given a statutory meaning in many pieces of legislation however it is narrowly defined in the Act and retains its broad common law meaning.
- 3.3.2 Public nuisance may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 3.3.3 Public nuisance concerns include:
- i. Noise from premises
 - ii. Litter
 - iii. Car Parking
 - iv. Light pollution
 - v. Noxious odours
 - vi. Behaviour/Disorder
- 3.3.4 The licensing authority is committed to ensuring that the living and working amenity and environment of other persons living and working in the area of the licensed premises is not compromised.
- 3.3.5 When considering the potential impact of licensed premises on the surrounding locality, the licensing authority will consider
- i. the licensable activities applied for
 - ii. the hours of operation applied for
 - iii. the capacity of the premises
 - iv. the character of the area, and
 - v. proximity to local residents.
- 3.3.6 The licensing authority will not impose conditions on licensed premises that the licence holder cannot directly control, or on matters not related to the immediate vicinity of the premises.

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- 3.3.7 North Wales Police have powers under the Act to control noise from premises. In the event that they have to invoke these powers they shall liaise, where practicable, with the licensing authority in accordance with the protocol regarding shared enforcement attached as Appendix 4.
- 3.3.8 Noise and disturbance arising from the behaviour of patrons entering or leaving the premises are matters for personal responsibility and are subject to Police enforcement of the legislation concerning disorder and anti-social behaviour.
- 3.3.9 The licensing authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

3.4 The Protection of Children From Harm

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

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

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

Adult Entertainment

- 3.4.12 Where the activities proposed under the licence include those of a sex related nature (e.g. striptease, topless waitresses, and table dancing) the

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licensing authority will take into account the potential for an increased risk to the licensing objectives.

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

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

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

3.4.16 Any premises used for more than 12 occasions within a 12 month period for any relevant sexual entertainment, must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

3.5 Public Health

3.5.1 In March 2020, following a major consultation with professional stakeholders, individuals and families affected by alcohol harm, the first alcohol harm reduction

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strategy for North Wales was launched. Calling time for Change (2020) was produced on behalf of the North Wales Area Planning Board and in collaboration with partners across North Wales. The strategy demonstrates a commitment to reducing harm from alcohol through collaborative working over the next five years.

3.5.2 The North Wales Alcohol Strategy Group, chaired by Betsi Cadwaladr University Health Board Public Health Team was established to implement a supporting action plan that contributes towards the six priorities of the Calling time on change strategy –

- Safe and supporting environments
- Changed attitudes and social norms
- Reduced affordability
- Reduced availability
- Behaviour change
- Children, young people and families

3.5.3 Licensed premises are encouraged to work with the Licensing Authority and North Wales Alcohol Strategy Group by supporting local and regional initiatives that prevent and reduce alcohol related harms and contribute towards safe, vibrant and diverse night time economies that can be enjoyed by all parts of society.

3.5.4 Calling Time for Change Strategy (2020) : www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy

4. Cumulative Impact, Early Morning Alcohol Restriction Orders and Late Night Levy

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4.1 Cumulative Impact

- 4.1.1 The concentration of licensed premises by number, type or density in a particular area and the cumulative impact it has on the promotion of the licensing objectives is a matter that the licensing authority will consider when carrying out its licensing function.
- 4.1.2 Where there is evidence that a particular area of the county is already suffering adverse effects arising from the concentration of late night premises, or those residential areas are under stress, consideration will be given to adopting a ‘Saturation Policy’.
- 4.1.3 The effect of such a policy is that the licensing authority could refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it received relevant representation, unless an applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact already being experienced.
- 4.1.4 The ‘Saturation Policy’ would not be absolute however, and any application would be considered on its own merits and would be given proper consideration. In addition, the policy will not seek to limit the number of licensed premises which will be permitted, simply because the licensing authority considers that there are already enough licensed premises to satisfy the demand.
- 4.1.5 In determining whether to adopt a ‘Saturation Policy’ for a particular area the licensing authority may, among other things-

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

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

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

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

4.2 Early Morning Alcohol Restriction Order

4.2.1 The licensing authority has the power under section 119 of the Police Reform and Social Responsibility Act 2011 to prohibit sales of alcohol for

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a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

- 4.2.2 Early Morning Alcohol Restriction Orders (EMROs) are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 4.2.3 An EMRO must specify:
- i. the days on which it is to apply and the time period of those days,
 - ii. the area in relation to which it is to apply,
 - iii. if it is to apply for a limited or unlimited period, and
 - iv. the date from which it is to apply
- 4.2.4 The effect of an EMRO is that Premises Licences or Club Premises Certificate granted by the licensing authority, and Temporary Event Notices given to the licensing authority do not have effect in the area specified and during the period specified in the order.
- 4.2.5 Where there is evidence that there are recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises, consideration will be given to making an EMRO.
- 4.2.6 Before making an EMRO the licensing authority will consider the number of existing measures available to tackling public nuisance and anti-social behaviour which is not directly attributable to specific premises.
- i. Introducing or widening a Cumulative Impact Policy
 - ii. Reviewing the licenses of specific problem premises
 - iii. Police enforcement of the law concerning disorder and anti-social behaviour
 - iv. Power to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
 - v. Planning controls

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- vi. Positive measures to create safe and clean town centres by working in partnership with others

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

4.3 Late Night Levy

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

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

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

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

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- 4.3.4 Any income raised by the levy must be split between the licensing authority and North Wales Police. The police will receive at least 70% of the net levy revenue and the licensing authority will receive up to 30% of the net levy revenue.
- 4.3.5 Where there is evidence that alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies; the licensing authority will consider whether the late night levy requirement is a desirable means of raising revenue in relation to these costs.
- 4.3.6 If the licensing authority proposes to introduce a late night levy it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

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5. Planning and Building Control

- 5.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.
- 5.2 The Local Planning Authority with statutory planning responsibilities within the county of Denbighshire is Denbighshire Council
- 5.3 Denbighshire Council's planning policies are set out in the Local Development Plan' and 'Supplementary Planning Guidance'.
- 5.4 The Planning Authority works to:
- i. develop complementary and compatible policies,
 - ii. ensure effective and sustainable long term planning, and
 - iii. optimise economic, social and environmental benefits.
- 5.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 5.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences

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may be made before any relevant planning permission has been sought or granted.

- 5.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.
- 5.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.
- 5.9 It is recognised that in certain circumstances, a provisional statement may be sought alongside planning permission.
- 5.10 The licensing authority will encourage licence holders to provide facilities enabling the admission of people with disabilities, having due regard to the Equality Act 2010. No conditions will be applied which could be used to justify exclusion on the grounds of public safety.

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6. Applications

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

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

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

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

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

- i. Online via the Denbighshire Licensing website - www.denbighshire.gov.uk/en/business/licences-and-permits/entertainment-and-alcohol/premises-licence.aspx
- ii. By email to licensing@denbighshire.gov.uk for scanned applications
- iii. By post to Denbighshire County Council, Caledfryn, Smithfield Road, Denbigh, LL16 3 for hardcopy applications.

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

6.1 Premises Licence

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

6.1.2 A plan of the premises and a form of consent from the designated premises supervisor (for applications where the sale of alcohol will be a licensable activity) must be provided with the application.

6.1.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a premises licence may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.

6.1.4 Once a premises licence is granted further applications may be made in its respect, these include:-

- i. Application to vary a premises licence
- ii. Application for a minor variation to a premises licence
- iii. Application to vary a premises licence to specify an individual as a designated premises supervisor
- iv. Application to transfer a premises licence

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- v. Interim authority notice
- vi. Application for the review of a premises licence

Provisional Statements

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

Designated Premises Supervisors

6.1.6 All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.

6.1.7 Responsible Authorities will typically consider developing constructive working relationships with Designated Premises Supervisors, and the licensing authority expects this to be reciprocated to promote effective partnership working relations with the trade.

6.1.8 In exceptional circumstances, North Wales Police may object to the appointment of an individual as a Designated Premises Supervisor.

6.1.9 Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the prevention of crime and disorder

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licensing objective; the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

Transfer of Premises Licence

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

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

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

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6.2 Club Premises Certificate

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

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6.3 Requirement to advertise and display applications

6.3.1 When an applicant is required to publish a notice of their application in a local newspaper the licensing authority will require the applicants to provide a copy of that notice to the licensing authority as soon as is reasonably practicable after the notice is published.

6.3.2 When an applicant is required to display a notice in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises; where practicable, the licensing authority will visit the premises during the consultation period to check that a notice is displayed prominently at or on the premises.

6.3.3 The licensing authority encourages all applicants to publish a bilingual notice of their application in the Welsh and English language.

6.4 Temporary Event Notices

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

6.4.2 There are two types of TEN; a standard TEN and late TEN. A standard TEN is given no later than 10 working days before the event and a late TEN is given between 5 – 9 working days before the event. **A late TEN given less than 5 working days before the event will be returned as**

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void and the activities to which the notice relates will not be authorised.

- 6.4.3 There are a number of limitations imposed on the use of TENs including the number of times a premises user may give a TEN, the number of times a TEN is given for a particular premises, the maximum duration of an event, the maximum number of people that may attend the event at any one time.
- 6.4.4 The role of the licensing authority is to check that the limitations specified in the Act are being observed. When a TEN is not within the defined limits the licensing authority will issue a counter notice to the premises user. Otherwise, the licensing authority will just acknowledge the Notice, which may be done electronically.
- 6.4.5 North Wales Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is made to a late TEN, a counter notice will be issued and the TEN will not be valid. Where an objection is made to a standard TEN the objection notice will be considered at a hearing of the Licensing Sub-Committee.
- 6.4.6 Modifications may be made to a standard TEN following consultation and agreement with North Wales Police AND Denbighshire Council's Environmental Health team; however **there is no scope under the Act to modify a late TEN.**

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- 6.4.7 Although temporary events are not subject to the same degree of control as premises which are the subjects of premises licences, premises users are encouraged to organise the event in such a way that supports all the licensing objectives.
- 6.4.8 A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required.
- 6.4.9 Ten working days is the minimum notice period for a standard TEN, however in the interest of open consultation, the licensing authority encourage 20 working days' notice to be provided.
- 6.4.10 A copy of a modified standard TEN should be given to the licensing authority by North Wales Police or Environmental Health as proof of the agreement with the premises user, North Wales Police and Environmental Health.
- 6.4.11 The process for applicants is outlined in the flow chart in Appendix 5

6.5 Personal Licence

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

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- 6.5.2 A personal licence holder can act as the designated premises supervisor (DPS) for any business that sells or supplies alcohol.
- 6.5.3 Applications must be sent to the licensing authority for the area where the applicant lives, and not to the authority in which the licensed premise is located.
- 6.5.4 Where an applicant has an unspent conviction for a relevant or foreign offence, the licensing authority will give a notice to North Wales Police. If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the licensing authority. If the police do not issue an objection notice and the application otherwise meets the requirements of the Act, the licensing authority must grant it.
- 6.5.5 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.
- 6.5.6 The holder of a premises licence is required by the Act to notify the licensing authority of any changes to their name or address, any convictions for relevant offences and any convictions for a foreign offence.
- 6.5.7 The requirement to renew a personal licence was removed from the Act by the Deregulation Act 2015. While personal licences issued before the Deregulation Act 2015 have expiry dates, these licences will remain valid and such dates no longer have an effect.

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7. Operating Schedule

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

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- 7.6 The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

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8. Hours of Operation

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

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

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

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

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

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

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- 8.5 Shops and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open, but individual premises, which are a focus for disorder and disturbance may, subject to representations, be subject to limitations.
- 8.6 Where late hours are requested, particularly involving entertainment, earlier terminal hours may be set and the imposition of conditions may be appropriate to achieve the licensing objectives, should relevant representation be received.
- 8.7 No general limitation on hours, in any area, is imposed by this policy.

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9. Enforcement, Reviews and Powers

9.1 Enforcement

- 9.1.1 The licensing authority has established a joint-enforcement protocol with North Wales Police to ensure efficient and targeted enforcement. Meetings are held to monitor compliance with licensing requirements and to ensure appropriate and proportionate action is taken. See Appendix 4.
- 9.1.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Planning and Public Protection Service Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 9.1.3 An amendment to the Licensing Act 2003 under the terms of the Violent Crime Reduction Act 2006 enables the Licensing Authority, on the application of a Senior Police Officer, to attach interim conditions to licences pending a full review of the licence.
- 9.1.4 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 9.1.5 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement if it deems necessary to support and promote the licensing objectives.

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

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

9.2 **Reviews**

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

9.2.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises or club.

9.2.3 The licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police or if the police have made an application for summary review on the basis that the premises are associated with serious crime and/or disorder.

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

9.3 Powers

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

Suspension for non-payment of annual fees for Premises Licences and Club Premises Certificates

- 9.3.2 Holders of a premises licence or club premises certificate must pay the licensing authority an annual fee, the amount of which is determined by

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the non-domestic rateable value of the premises. The annual fee becomes due and payable each year on the anniversary of the date of the grant of the licence/certificate.

- 9.3.3 The fee is payable irrespective of whether the holder of the current licence intends to close the business at some point during the coming year or has taken over mid-year.
- 9.3.4 The licensing authority is required to suspend the Premises Licence or Club Premises Certificate if the annual fee has not been paid.
- 9.3.5 If there is a dispute relating to the amount of the fee and/or a genuine administrative error (made by the holder, the licensing authority or anyone else) before or at the time the fee becomes due, a Statutory Grace Period of 21 days will be given for the dispute to be determined.
- 9.3.6 If the dispute or error is not resolved during the 21 day period then the licensing authority MUST suspend the licence and no licensable activities will be able to take place.
- 9.3.7 The licensing authority will notify the holder of the suspension in writing and specify the date on which the suspension will take effect. The effective date of the suspension will be at least 2 working days after the day the notice of suspension is given.
- 9.3.8 Once payment is received the suspension can be lifted. The suspension ceases to have effect on the day the licensing authority receives payment of the outstanding fee.

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- 9.3.9 The licensing authority will share information on suspensions (and their subsequent lifting) with North Wales Police.

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10. Licensing Process

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

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

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

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

10.1 Application Pathway

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

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10.1.2 For representations to be relevant they must

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

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

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

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

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10.2 Mediation

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

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

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

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

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

10.3 Conditions

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

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- 10.3.2 There are three types of condition that may be attached to a licence or certificate; proposed, imposed and mandatory. See Appendix 6 for current Mandatory Conditions to be included in every licence and/or club premises certificate in the circumstances specified.
- 10.3.3 The licensing authority acknowledges that where no representations are made to it by responsible authorities or interested parties about an application, its duty is to grant the licence or certificate subject only to conditions which are consistent with the applicant's operating schedule, and any mandatory conditions prescribed by the Act.
- 10.3.4 With regard to proposed conditions, the licensing authority will not simply replicate the wording from an applicant's operating schedule. The licensing authority will interpret the condition in accordance with the applicant's intention and compose the condition in accordance with the licence conditions principles shown below.
- 10.3.5 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.
- 10.3.6 When imposing conditions the licensing authority will use wording such as "must", "shall" and "will" and will have regard to the following licence conditions principles.

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Licence conditions principles:

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

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

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

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

10.3.10 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's

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consideration will be balanced against the wider benefits to the community.

- 10.3.11 Where amendments or additions are made to the mandatory conditions under the Act they will be treated as if they were included in existing licences or certificates on the date that they come into force. The licensing authority is not obliged to re-issue licences or certificate to include the revised mandatory conditions but will do so where the opportunity arises.

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11. Delegation, Licensing Committee and Decision Making

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

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11.6 Wellbeing of Future Generations Act 2015

This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely,

i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs,

ii) Integration,

iii) Involvement,

iv) Collaboration and

v) Prevention. Welsh Government has produced a 'Noise and Soundscape Action Plan for 2018-2023' <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

11.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

i. Environmental Protection Act 1990 which deals with noise and nuisance

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- ii. Regulatory Reform Order 2005 which deals with fire safety
- iii. Highways Act 1980 which deals with pavement café licences.

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12. Licensing Register

12.1 Under the Act, every licensing authority is required to keep a licensing register containing

- i. a record of each premises licence, club premises certificate and personal licence issued by it,
- ii. a record of each temporary event notice received by it,
- iii. a record of every other applications made to it, notices given to it and any counter notice given by it, and
- iv. 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 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.

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Appendix 1: Glossary of Terms

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

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

Conditions – there are three types of conditions

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

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

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

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

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

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

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

Fee bands – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D premises licence with multiplier (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

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

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

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

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

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

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

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

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

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

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

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

Draft Statement of Licensing Policy – Licensing Act 2003

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

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

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

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

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

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

Draft Statement of Licensing Policy – Licensing Act 2003

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

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

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

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

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

Draft Statement of Licensing Policy – Licensing Act 2003

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

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

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

Draft Statement of Licensing Policy – Licensing Act 2003

Appendix 2: Legislative Updates

The Deregulation Act 2015

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

The measures affecting the Licensing Act 2003 are:

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

The Deregulation Act 2015 (Commencement No.1 and Transitional and Savings Provisions) Order 2015 - This order specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

From 1 April 2015

S69 – Personal licence: no requirement to renew

From 6 April 2015

S76 – Exhibition of films in community premises

From 26 May 2015

S68 - Temporary event notices: increase in maximum number of events per year from 12 to 15. The increased limit will apply for calendar years from 1st January 2016.

S70 – Sale of liqueur confectionery to children under 16: abolition of offence of selling liqueur confectionery to children under the age of 16.

S72 – Removal of requirement to report loss or theft of licence etc. to police

Draft Statement of Licensing Policy – Licensing Act 2003

The Deregulation Act 2015 (Commencement No.3 and Transitional and Savings Provisions) Order 2015

From 1 October 2015

S71 – Late night refreshment

Community and Ancillary Sellers Notice

The following sections are yet to come into force.

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

Draft and/or secondary legislation has not yet been finalised for CAN's (Community and Ancillary Sellers Notice) but it is envisaged that there will be an ability for community groups and small business accommodation providers to provide/sell limited amounts of alcohol to apply for a CAN. The CAN would last for a three year term with the possibility that Environmental Protection service and the Police could object from the outset.

Options possibly contained in the legislation may include the following

Alcohol may be sold between 7am and 11pm

Notice will be given to the licensing authority

The prescribed fee will be paid

Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.

Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.

No right to a hearing or appeal if a CAN is revoked

Draft Statement of Licensing Policy – Licensing Act 2003

Sale of alcohol must be ancillary to provision of goods or services by the business.

Sale of alcohol from single named premises.

Alcohol for consumption on the named premises

Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.

Sale of alcohol must be ancillary to an organised community event.

Sales of alcohol may be made from up to three named premises.

Sales of alcohol for consumption at organised events of up to 300 people

The Live Music Act 2012

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

It:

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

Draft Statement of Licensing Policy – Licensing Act 2003

Immigration Act

The Immigration Act places additional responsibilities on licensing authorities to take action where licence holders are found to not be entitled to work in the United Kingdom.

Draft Statement of Licensing Policy – Licensing Act 2003

Appendix 3: Joint Enforcement protocol with North Wales Police

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

The purpose of the joint enforcement protocol is to

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

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

Enforcement Ladder

Stage One

Draft Statement of Licensing Policy – Licensing Act 2003

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

More serious offences can trigger stage two or three automatically.

If problems continue on from Stage One :

Stage Two

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

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

If problems continue on from Stage Two:

Stage Three

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

Draft Statement of Licensing Policy – Licensing Act 2003



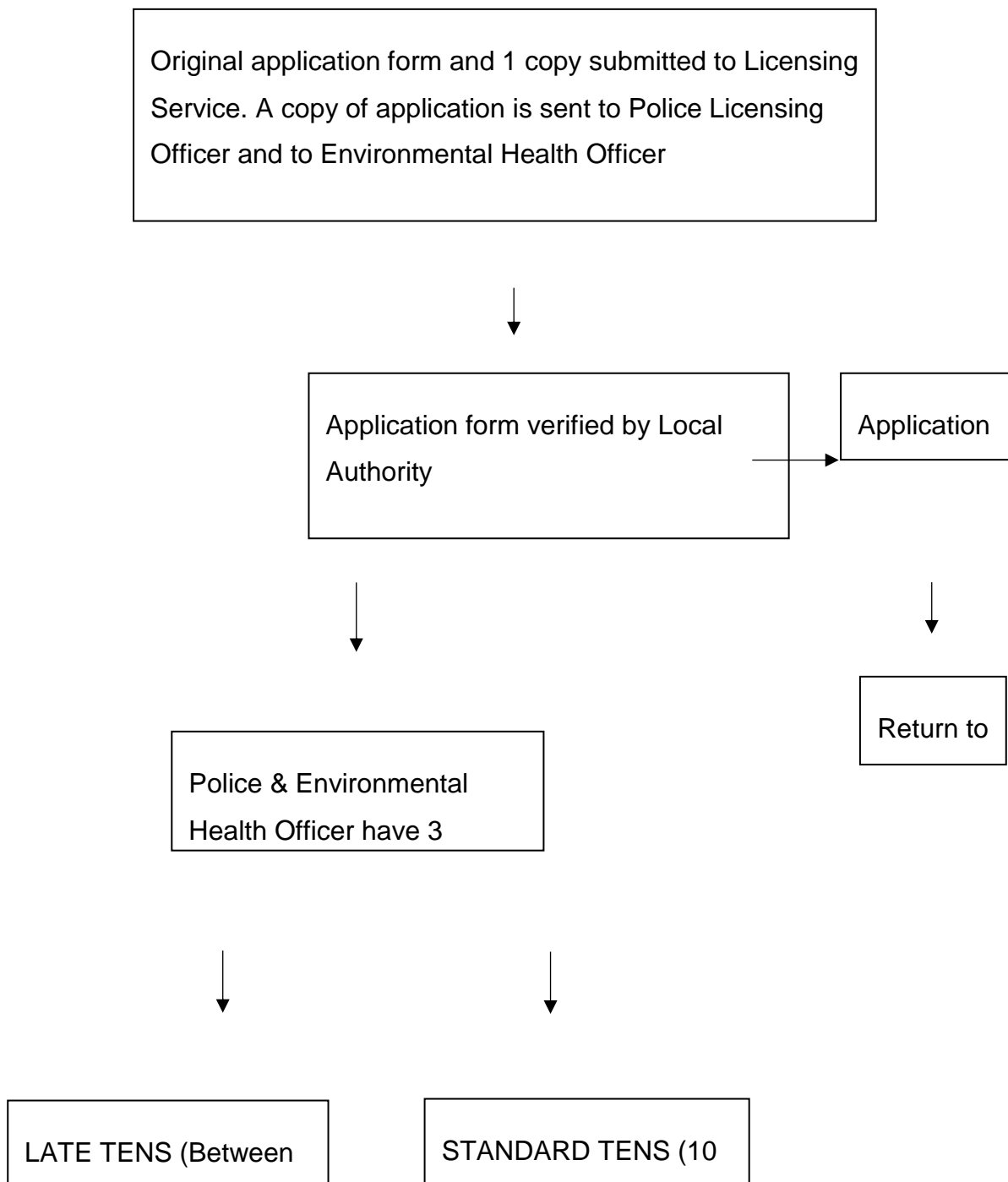
Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of problem premises.

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

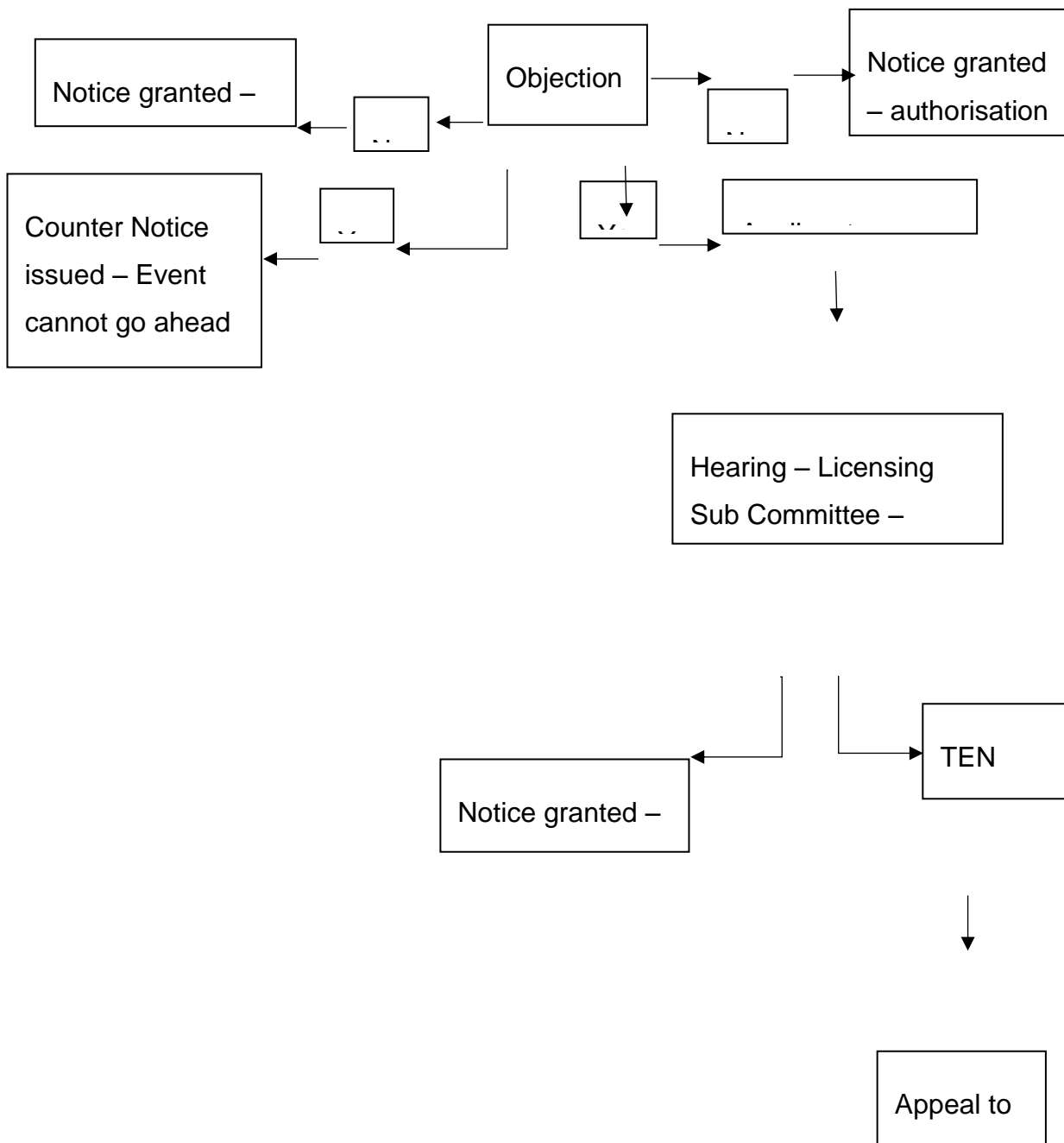
Draft Statement of Licensing Policy – Licensing Act 2003

Appendix 4: Flowchart for Ten

Temporary Events Notice



Draft Statement of Licensing Policy – Licensing Act 2003



Draft Statement of Licensing Policy – Licensing Act 2003

Appendix 5: Mandatory Conditions

Supply of Alcohol

Section 19(2), Licensing Act 2003

No supply of alcohol may be made under this licence

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

Section 19(3), Licensing Act 2003

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

Section 19(4), Licensing Act 2003

Other conditions

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

- 1 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

Draft Statement of Licensing Policy – Licensing Act 2003

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 2 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Draft Statement of Licensing Policy – Licensing Act 2003

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark, or

(b) an ultraviolet feature.

4 The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 –

Draft Statement of Licensing Policy – Licensing Act 2003

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Draft Statement of Licensing Policy – Licensing Act 2003

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

Exhibition of Films

Section 20, Licensing Act 2003

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

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

Door Supervision

Section 21, Licensing Act 2003

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

Draft Statement of Licensing Policy – Licensing Act 2003

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

For the purposes of this condition —

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

Alternative Licence Condition – Community Premises

Section 25A (2), Licensing Act 2003

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

**Draft Statement of Licensing Policy – Licensing Act
2003**

Statement of Licensing Policy: Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number: 1137

Brief description: Implementing a updated version of the statutory Statement of Licensing Policy under the Licensing Act 2003

Date Completed: 09/05/2023 15:32:14 Version: 2

Completed by: Ian Millington

Responsible Service: Planning, Public Protection and Countryside Services

Localities affected by the proposal: Whole County,

Who will be affected by the proposal? All licensed premises, responsible authorities under the Act, members of the public

Was this impact assessment completed as a group? No

Summary and Conclusion

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

2 out of 4 stars

Actual score : 22 / 36.

Summary for each Sustainable Development principle

Long term

The Licensing Policy that will be applied when exercising the functions under the Licensing Act 2003. The Statement, published at least every five years, will inform interested parties of the principles the licensing authority proposes to apply when exercising its functions under the Act and in consideration of the licensing objectives: • The Prevention of Crime and Disorder • Public Safety • The Prevention of Public Nuisance • The Protection of Children from Harm

Prevention

The policy will help stakeholders provide a legitimate business operating in a fair-trading environment. A thriving night-time economy can support less travel and support local economy.

Integration

The Policy covers a major part of the economy for Denbighshire in the form of regulating hospitality services in the county, thus contributing to corporate priorities and other responsible authorities' objectives (e.g. Public Health, North Wales Police etc.)

Collaboration

The Statement of Licensing Policy has been subject to a period of public and stakeholder consultation.

Involvement

Whilst there has been widespread public consultation the policy (and legislation) outlines how representations can be made against issues arising from licensed premises. Consultation followed most of the National Principles.

Summary of impact

Well-being Goals	Overall Impact
A prosperous Denbighshire	Positive
A resilient Denbighshire	Positive
A healthier Denbighshire	Positive
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Positive
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Positive

Main conclusions

The Policy has positive impact generally as it seeks to guide business to understand the expectation of licensed premises and the management thereof. The Policy cannot dictate operational practices unless they fail to meet licensing conditions and /or obligations.

Where any failures are found the policy outlines enforcement options to achieve compliance.

This policy will be continually reviewed with an obligation to re-publish every five years. or sooner if any part requires updating

The likely impact on Denbighshire, Wales and the world.

A prosperous Denbighshire

Overall Impact

Positive

Justification for impact

The policy helps business understand the licensing authority's stance on licensed premise. This aids fair competition and so contributes to local thriving economy.

Further actions required

Ensure policy is relevant as is permitted under legislation and where necessary enforceable.

Positive impacts identified:

A low carbon society

Thriving hospitality sector can encourage local to stay local and therefore reduce travel or use local travel options.

Quality communications, infrastructure and transport

N/A

Economic development

Assists business understand obligations.

Quality skills for the long term

Policy encourages good practice is to invest in training staff

Quality jobs for the long term

Thriving business provide sustainable employment.

Childcare

N/A

Negative impacts identified:

A low carbon society

Could encourage more travel into towns.

Quality communications, infrastructure and transport

N/A

Economic development

If not set at appropriate level, then could become draconian and deter business.

Quality skills for the long term

N/A

Quality jobs for the long term

N/A

Childcare

N/A

A resilient Denbighshire

Overall Impact

Positive

Justification for impact

The Policy highlights to individuals and businesses their obligation to environmental issues. It reiterates that applications will be determined on its own merits and the proposals would not adversely affect the environmental quality

Further actions required

Policy assists in enforcement where licensed premises fail to meet conditions imposed on them

Positive impacts identified:

Biodiversity and the natural environment

Policy seeks to highlight the duty of licensees to reduce to a minimum noise and light pollution. Outlines the considerations for granting a licence.

Biodiversity in the built environment

Generally licensed premises are usually existing buildings or if new would fall under Planning constraints

Reducing waste, reusing and recycling

Whilst the policy is not directly concerned with waste disposal it highlights to licensees / prospective applicants their duty for waste management and antisocial behaviour

Reduced energy/fuel consumption

Safe environment encourages local people to use local businesses

People's awareness of the environment and biodiversity

N/A

Flood risk management

N/A

Negative impacts identified:

Biodiversity and the natural environment

N/A

Biodiversity in the built environment

N/A

Reducing waste, reusing and recycling

N/A

Reduced energy/fuel consumption

N/A

People's awareness of the environment and biodiversity

N/A

Flood risk management

N/A

A healthier Denbighshire

Overall Impact

Positive

Justification for impact

The Policy seeks to have a level of control for alcohol supply and consumption across the County.

Further actions required

Policy assists in enforcement where licensed premises fail meet conditions imposed on them

Positive impacts identified:

A social and physical environment that encourage and support health and well-being

Provide safe environments for people to socialise. Policy aims to prevent any negative social impact. Provides guidance on managing alcohol misuse and outlines expectations in respect of locations for licensed premises

Access to good quality, healthy food

N/A

People’s emotional and mental well-being

Outlines expectations for licenses so as keep impact on communities low

Access to healthcare

Policy outlines expectation of first aiders and, for larger premises, other equipment such as defibrillator.

Participation in leisure opportunities

N/A

Negative impacts identified:

A social and physical environment that encourage and support health and well-being

N/a

Access to good quality, healthy food

Policy only controls the timings of sale of food and not the quality.

People's emotional and mental well-being

N/A

Access to healthcare

N/A

Participation in leisure opportunities

N/A

A more equal Denbighshire

Overall Impact

Positive

Justification for impact

The Policy reminds applicants / licence holders of the due regard of the Equality Act and the need to consider all aspects of equality in their business.

Further actions required

Policy assists in enforcement where licensed premises fail meet conditions imposed on them

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Policy looks to encourage licence holders to provide facilities enabling the admission of people so as not to discriminate.

People who suffer discrimination or disadvantage

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business.

People affected by socio-economic disadvantage and unequal outcomes

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business.

Areas affected by socio-economic disadvantage

Policy does not seek to discriminate but rather to ensure licensing objectives are met equally across business.

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

N/A

People who suffer discrimination or disadvantage

N/A

People affected by socio-economic disadvantage and unequal outcomes

N/A

Areas affected by socio-economic disadvantage

N/A

A Denbighshire of cohesive communities

Overall Impact

Positive

Justification for impact

The Policy aims to help individuals understand the local expectations in managing licensed premises and does not discriminate against any type of business.

Further actions required

The Policy allows all types business to operate to the same standard, including local community business.

Positive impacts identified:

Safe communities and individuals

Policy seeks to consider licensing objectives at all times.

Community participation and resilience

Policy seeks to consider licensing objectives at all times, whether for business or community. Consultation of policy allows for individuals to be heard.

The attractiveness of the area

Thriving hospitality sector well run can attract visitors.

Connected communities

The Policy allows all types business to operate to the same standard, including local community business.

Rural resilience

The Policy allows all types business to operate to the same standard, including rural business.

Negative impacts identified:

Safe communities and individuals

N/A

Community participation and resilience

N/A

The attractiveness of the area

N/A

Connected communities

N/A

Rural resilience

N/A

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact

Neutral

Justification for impact

The Policy guides businesses in their understanding of licensing requirements. The Policy does not have any positive or negative impacts, save for the mandatory production of bilingual documents.

Further actions required

N/A

Positive impacts identified:

People using Welsh

N/A

Promoting the Welsh language

All relevant documents produced bilingual format. Policy is bilingual

Culture and heritage

N/A

**Negative impacts identified:
People using Welsh**

N/A

Promoting the Welsh language

N/A

Culture and heritage

N/A

**A globally responsible Denbighshire
Overall Impact**

Positive

Justification for impact

The Policy supports other organisations objectives.

Further actions required

N/A

Positive impacts identified:

Local, national, international supply chains

A thriving local hospitality trade can attract local business for local supply and also assist in local transport delivery e.g. taxis

Human rights

Policy helps other organisations deliver their policy objectives (e.g. Home Office Immigration)

Broader service provision in the local area or the region

Policy should assist other in their objectives - Public Health, Crime and disorder - as they are part of consultation and help draft the policy

Reducing climate change

N/A

Negative impacts identified:

Local, national, international supply chains

N/A

Human rights

N/A

Broader service provision in the local area or the region

N/A

Reducing climate change

N/A

Report to	Council
Date of meeting	14 th November 2023
Lead Member / Officer	Cllr Jason McLellan, Leader
Report author	Gary Williams, Head of Legal, HR and Democratic Services
Title	Denbighshire Leisure Limited – Appointment of Director

1. What is the report about?

- 1.1. The report is about the appointment of a director of Denbighshire Leisure Limited (DLL) by Council.

2. What is the reason for making this report?

- 2.1. To ask Council to appoint a new director to the Board of Directors of DLL following the sad death of former Cllr Peter Prendergast.

3. What are the Recommendations?

- 3.1. That Council appoint a Councillor who is not a member of the Cabinet to be a Director of DLL

4. Report details

- 4.1. On 30th May 2019 Council approved the creation of a not for profit Local Authority Trading Company Limited by Guarantee as an alternative delivery model for the provision of leisure services on behalf of the Council. This company is called Denbighshire Leisure Limited (DLL). The Council is the sole owner and member

of DLL. The Articles of Association of the Company provide that the appointment of Directors to the Board is a matter for Council to decide.

4.2. The Board of Directors (the Board) is responsible for the running of the company.

The composition of the Board is currently as follows

- Managing Director – Jamie Groves,
- Lead Member for Housing and Communities, Cllr Rhys Thomas
- Lead Member for Education, Children and Families, Cllr Gill German
- Independent Director x 2 (Paul McGrady and Sian Rodgers),
- A Non-Cabinet elected member - vacant,
- Member of SLT, (Nicola Stubbins)

4.3. Following the sad death of Cllr Peter Prendergast the seat on the Board to be occupied by a non-cabinet elected member is vacant. Council is therefore asked to appoint a non-cabinet elected member to take on this role.

5. How does the decision contribute to the Corporate Priorities?

5.1. This report has no direct impact upon corporate priorities.

6. What will it cost and how will it affect other services?

6.1. There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others

8.1. There were extensive consultations with a variety of stakeholders prior to the creation of DLL.

9. Chief Finance Officer Statement

9.1. Although there are no direct financial implications of this report, it is important that strong governance arrangements are maintained to help reduce risks going forward. The report is fully supported.

10. What risks are there and is there anything we can do to reduce them?

10.1 There is a risk that carrying vacancies on the Board will not provide sufficient oversight and support to DLL

11. Power to make the decision

11.1 s111 Local Government Act 1972

11.2 Article 13 Articles of Association of Denbighshire Leisure Limited.

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Report to	Council
Date of meeting	14 November 2023
Lead Member	Councillor Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities
Head of Service	Gary Williams, Corporate Director, Governance and Business
Report author	Steve Price, Democratic Services Manager
Title	Appointment of a Member to the North Wales Police and Crime Panel

1. What is the report about?

- 1.1. This report requests the confirmation of the appointment of an elected member to the North Wales Police and Crime Panel

2. What is the reason for making this report?

- 2.1. The appointment of a representative to the Police and Crime Panel is a Council function. The Council's previous appointment to the Panel was Councillor Pete Prendergast.

3. What are the Recommendations?

- 3.1 That Council appoints Councillor Diane King to the North Wales Police and Crime Panel for the term of this Council or until a new appointment is made.

4. Report details

- 4.1. Each of the six local authorities in North Wales can nominate a member or members to sit on the Panel. The allocation of seats to each authority is based on the political balance and population distributions across North Wales as a whole, with the d'hondt

methodology used to identify the number of seats each local authority is allocated and to which political group or groups they apply.

- 4.2. Based on population, Conwy, Flintshire, Gwynedd and Wrexham appoint 2 members each whilst Denbighshire and Anglesey appoint 1 member each. The size of the main political groupings across the councils in North Wales determines how many seats each group or grouping is entitled to take.
- 4.3. The results of the local government elections in May 2022 led to Denbighshire's seat being allocated to the Labour Group, who nominated Councillor Pete Prendergast. As a result of the recent death of Councillor Prendergast, full Council is requested to confirm the appointment of a new Denbighshire member of the Police and Crime Panel. The Labour Group has nominated Councillor Diane King.
- 4.4. Separate Home Officer approval is also required before a member can take their place on a Police and Crime Panel.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

- 5.1. The appointment does not directly contribute to the corporate plan but will support the Police and Crime Panel's work in respect of a safe Denbighshire.

6. What will it cost and how will it affect other services?

- 6.1. Costs and expenses from membership of the Police and Crime Panel are borne by the Panel. There are no obvious costs to the Council from this appointment.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. A Well-being Impact Assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. Members of the Council's Labour Group are eligible to be appointed and the Labour Group has nominated a member to be appointed to the Police and Crime Panel.

9. Chief Finance Officer Statement

9.1. There are no obvious financial issues arising from the proposed appointment.

10. What risks are there and is there anything we can do to reduce them?

10.1. Failure to appoint a member to the Panel would be detrimental to the governance arrangements of the North Wales Police and Crime Panel.

11. Power to make the decision

11.1 The terms of reference of the North Wales Police and Crime Panel in accordance with the Police Reform and Social Responsibility Act 2011.

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COUNCIL FORWARD WORK PROGRAMME

Meeting	Item (Description / Title)		Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer
14 November 2023	1	Appointment of Chair & Appointment of Vice Chair of Council	To appoint a Chair of Council and Vice Chair of Council for the remainder of the 2023/24 municipal year.	Yes	Gary Williams
	2	Proposed Revised Gambling Act 2005 Statement of Licensing Principles		No	Ian Millington / Nicky Jones
	3	Proposed Revised Licensing Act 2003 Statement of Licensing Policy		No	Ian Millington / Nicky Jones
	4	Annual Report of Governance and Audit Committee	To receive the Annual Report	No	Gary Williams
	5	Appointment of member to Police and Crime Panel		Yes	Gary Williams
30 January 2024	1	Budget 2024-2025 – Final Proposals		Yes	Lead Member – Cllr Gwyneth Ellis Head of Finance -
	2	Council Tax Reduction Scheme 2024-2025		Yes	Lead member – Cllr Gwyneth Ellis Head of Finance – Paul Barnes
	3	Review of the composition of the Standards Committee Recruitment Panel		Yes	Gary Williams / Lisa Jones
	4	Petition Scheme	To approve a Petition Scheme for the Council	Yes	Cllr Julie Matthews / Gary Williams
27 February 2024	1	Council Tax 2024/2025 and associated matters		Yes	Lead Member – Cllr Gwyneth Ellis Head of Finance –

COUNCIL FORWARD WORK PROGRAMME

					Paul Barnes
	2	Capital Plan 2024/2025 and recommendations of the Strategic Investment Group		Yes	Lead Member – Cllr Gwyneth Ellis Head of Finance -
	3	Treasury Management Strategic Statement (TMSS) 2024/2025 and Prudential Indicators 2024/2025		Yes	Lead Member – Cllr Gwyneth Ellis Head of Finance – Rhys Ifor Jones
	4	Review the composition of the Standards Committee Recruitment Panel		Yes	Gary Williams Lisa Jones
	5	Review of Polling Places and Stations	To consider a statutory review of the county’s polling places and polling stations.	Yes	Cllr Julie Matthews / Steve Price / Shellan Rowley
14 May 2024	1	Appointment of the Chair and Vice-Chair of County Council	To appoint the Chair and Vice-Chair of the Council for the 2024-2025 municipal year	Yes	Gary Williams / Steve Price
	2	Pay Policy Statement 2024-2025	To approve the Pay Policy Statement for 2024-2025	Yes	Lead Member – Cllr Gwyneth Ellis Head of Service – Catrin Roberts Report Author – Sophie Vaughan
	3	Annual Review of Political Balance and Appointment of Scrutiny Chairs	To consider a report on Political Balance and Committee-related issues	No	Lead Member – Cllr Julie Matthews Head of Service – Catrin Roberts Report Author – Steve Price
	4	Annual Report of Scrutiny	To review the annual report of Scrutiny	No	Lead Member – Cllr Julie Matthews Head of Service – Catrin Roberts Report Authors – Rhian Evans and Karen A. Evans
9 July 2024					

COUNCIL FORWARD WORK PROGRAMME

10 September 2024					
12 November 2024					

FUTURE ITEMS

Meeting	Item (Description / Title)	Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer

Note for Officers – Full Council Report Deadlines

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
		14.11.2023	31.10.2023	30.01.2024	16.01.2024
27.02.2024	13.02.2024	14.05.2024	30.04.2024	09.07.2024	25.06.2024
10.09.2024	27.08.2024	12.11.2024	29.10.2024		

COUNCIL FORWARD WORK PROGRAMME

Updated 01/11/2023 SLW

Council Workshops Forward Work Programme

DATE OF COUNCIL WORKSHOP	TOPIC(S)	LEAD SLT / LEAD MEMBER
2023 DATES Tuesday 2pm		
10 October	Promotion of Welsh Language (within the Council, Communities and Schools - Welsh Education Strategic Plan, New Language Categorisation). (This meeting was cancelled, and the Welsh Language topic will be rescheduled in due course)	Relevant CD Councillor Emrys Wynne
7 November	Supporting Mental Health and wellbeing of young people	Geraint Davies & Rhian Morrle Councillor Gill German
5 December	Budget / Savings	Steve Gadd / Liz Thomas Councillor Gwyneth Ellis
2024 DATES Tuesday 2pm		
9 January		
6 February		
12 March	Waste Model pre roll out of the new model	Tony Ward / Russell Vaughan / Peter Clayton / Simon Lammond Councillor Barry Mellor
9 April		
7 May		
11 June		

Council Workshops Forward Work Programme

16 July			
3 September			
1 October			
5 November			
10 December			

Reserve List for consideration post 2023;

1. Strategic Flooding approach (inc DCC Strategy) - Tony Ward & Emlyn Jones / Councillor Barry Mellor
2. ALN Reform, the New Curriculum for Wales and the support provided by The Regional School Improvement Service (GwE)
3. Inclusion Service & Pupil Referral Unit
4. How we support Schools through Admissions, Transport, Governance and Resource Management.
5. Tackling Poverty/Deprivation
6. Tourism, including destination management and Tourism Strategy
7. Culture/Arts/Heritage
8. Young People in democracy
9. AONB & proposed National Park
10. CJC Update to include the Regional Strategic Planning, Transport Plan etc
11. NWEAB work, including Growth Deal
12. Sustainable Transport Plan & Active Travel
13. LDP
14. Approach to Homelessness
15. Town Centres
16. Flying Start, Family Support and Early Prevention
17. Safeguarding & Community Safety
18. Levelling up Funds and Shared Prosperity Fund
19. Regional Integration Fund (RIF) Projects & Funding

Council Workshops Forward Work Programme

20. NWOW & Office Strategy
21. Corporate Plan
22. DLL & DCC
23. Workshop for each of the Corporate Plan themes.

Revised 04/10/23 NH

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