

LICENSING COMMITTEE

WEDNESDAY, 16TH DECEMBER, 2015

PRESENT: Councillor T. Theophilus [Chair]

Councillors:

J.M. Charles, A. Davies, T. Davies, P.M. Edwards, J.K. Howell, I.J. Jackson, H.I. Jones, D.J.R. Llewellyn, J. Thomas, M.K. Thomas, D.E. Williams and J.S. Williams.

The following Officers were in attendance:

Ms S. Watts	-	Environmental Health & Licensing Manager
Mr R. Edgecombe	-	Legal Services Manager
Mr E. Jones	-	Principal Licensing Officer
Mrs M. Evans Thomas	-	Democratic Services Officer

Chamber, County Hall, Carmarthen : 10.00 a.m. - 12.00 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T. Bowen and P.E.M. Jones.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. GAMBLING ACT 2005 - GAMBLING COMMISSION TRAINING SESSION

The Chair welcomed to the meeting Mr Paul Edmunds, Senior Compliance Manager with the Gambling Commission, who had been invited to the meeting to provide the Committee with a training session on the Gambling Act 2005 and recent changes to the Gambling Commission's codes of practice and guidance to Licensing Authorities.

The Gambling Act 2005 came into force in 2007 and brought in a new comprehensive system for gambling regulation in Great Britain. The Act established a dedicated regulator at national level, in the form of the Gambling Commission. It also gave responsibility to Local Authorities for regulating gambling at a local level.

Licensing Authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and processing temporary and occasional use notices.

The Gambling Commission has responsibility for granting operating and personal licences for commercial gambling operators. The legislation also provides scope for the Commission to set an overall direction at national level, which includes producing The Guidance to Licensing Authorities, to which Licensing Authorities must have regard.

This guidance document, as well as the Licence Conditions and Codes of Practice, had both recently been updated by the Commission and the Committee

was provided with an update on the Gambling Act and the recent changes to the guidance documents.

The presentation was followed by a question and answer session, following which the Chair thanked Mr Edmunds for a most informative presentation.

RESOLVED that the information be noted.

4. REVIEW OF GAMBLING POLICY

The Committee was reminded that the current Gambling Policy was adopted by the Authority in December 2012 and came into effect on the 31st January, 2013. Legislation required the policy to be reviewed at least every three years to ensure that it reflected feedback from the local community that the statutory objectives were being met.

The Authority's licensing section, in conjunction with the legal department, had reviewed the policy document in light of revisions to Gambling Commission guidance. Officers had liaised closely with the Gambling Commission to ensure that the revised document embraced the changes being introduced by the Commission, which included hosting a collaboration meeting with representatives of the Gambling Commission, Pembrokeshire and Ceredigion Licensing Authorities.

As part of the review the Authority was required to undertake a consultation exercise aimed at the Chief Officer of the Police, representatives of gambling businesses and persons representing the interests of residents and businesses in the area, in order for their views to be formally considered by the Authority. The consultation began on the 7th July and ended on the 13th September, 2015.

Approximately 2000 individuals and organisations, including licence holders and their representatives, Town and Community Councils, Members of Parliament, Assembly Members, County Councillors, Council departments and Responsible Authorities were consulted. The Responsible Authorities included the Licensing Authority, Dyfed Powys Police, Mid and West Wales Fire and Rescue Service, Gambling Commission, Environmental Health (Pollution Section), Planning Authority, HMRC and Children's Services.

On this occasion the survey was undertaken using the iLocal consultation facility on the Council's website. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation. A total of 44 responses were received and a revised gambling policy document incorporating amendments to reflect the relevant consultation responses was considered by the Committee.

The Principal Licensing Officer advised the Committee that since the preparation of his report, the Gambling Commission had published a more recent version of their guidance and he sought approval for the Gambling Policy to incorporate and cross-reference with the Gambling Commission's updated guidance.

RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD that the amended Gambling Policy, taking into account the Gambling Commission's updated guidance, be approved.

5. REVIEW OF STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)

The current Licensing Policy was adopted by the Authority in January 2011 and the Cumulative Impact Policy (CIP) in respect of Station Road, Llanelli in 2012. Legislation required the Licensing Policy to be reviewed at least every five years to ensure that it reflected feedback from the local community that the statutory objectives were being met.

Since the current Licensing Policy was last reviewed there had been a large number of amendments to the Licensing Act 2003. The Authority's Licensing Section, in conjunction with the legal department, had reviewed the policy document in light of these amendments, revised government guidance and recent case law. These statutory changes had been incorporated into the policy document. The Authority also hosted a collaboration meeting to discuss the review to local licensing policies with representatives from the Local Health Board, Pembrokeshire and Ceredigion Licensing Authorities.

The key changes to the legislation included:-

- making the Local Health Board and the Licensing Section Responsible Authorities;
- removing the test of vicinity for persons wishing to make representations;
- deregulation of some types of entertainment under certain circumstances;
- revisions to mandatory licence conditions.

As part of the review the Authority was required to undertake a consultation exercise aimed at Responsible Authorities, local residents, businesses, existing licence holders and their representatives, to ensure that their views could be formally considered by the Authority. The consultation began on the 7th July and ended on the 13th September, 2015.

Approximately 2000 individuals and organisations including licence holders and their representatives, Town and Community Councils, Members of Parliament, Assembly Members, County Councillors, Council departments and Responsible Authorities were consulted.

The survey was undertaken using the iLocal consultation facility on the Council's website. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation. A total of 89 responses were received and a revised licensing policy document incorporating amendments to reflect the relevant consultation responses was considered by the Committee.

The Committee noted that the policy, if approved, would be effective from 10th February, 2016.

RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD

- 5.1 that the amended Statement of Licensing Policy be approved;
- 5.2 that the existing Cumulative Impact Policy be retained for Station

- 5.3 **Road, Llanelli, as detailed in Section 10 of the policy;**
that further evidence be gathered in relation to the possible adoption
of a Cumulative Impact Policy for Lammas Street, Carmarthen, as a
result of responses to the consultation exercise.

6. REVIEW OF LOCALLY SET FEES IN ENVIRONMENTAL HEALTH AND LICENSING SECTION

The Committee was advised that the principles of setting locally set fees had been scrutinised recently in a High Court case, the outcome of which had clarified the type of costs that Council can recover through locally set licence fees. This included the administration, issuing and, where applicable, enforcement of licences. Fee setting must be transparent, must not exceed the cost of the procedure and be open to scrutiny.

As a result of this clarify over costs that may be included in fee setting, “tool kits” had been designed by the Welsh Licensing Expert Panel which allowed for a consistency of approach for Local Authorities when deciding their charges. They also allowed Local Authorities to ensure that all relevant costs are considered during the calculation.

The Committee considered a proposed fee structure for the Environmental Health and Licensing section, details of which were appended to the report at Appendix 1.

RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD

- 6.1 **to advertise the proposed Hackney Carriage and Private Hire fees, as detailed in Appendix 1 to the report, for a period of 28 days as required by the Local Government (Miscellaneous Provisions) Act 1976 for persons to submit objections. Where there are no objections, the fees shall be implemented immediately following the period of advertisement. Where objections are received, the fees concerned and objections shall be brought back to Council for further consideration and determination;**
- 6.2 **to advertise the remainder of the fees, as detailed in Appendix 1 to the report, for a period of 28 days. The reviewed fees to be implemented immediately following this period of advertisement.**

7. MINUTES

RESOLVED that the minutes of the meeting of the Licensing Committee held on the 26th November, 2015 be signed as a correct record.

CHAIR

DATE