

Anwen Jones Solicitor/Cyfreithiwr
*Interim Head of Legal and Democratic
Services*
Pennaeth Dros Dro Gwasanaethau
Cyfreithiol a Democrataidd



**TO: Councillor: Bernie Attridge
(Chairman)**

Councillors: Robin Baker, Emlyn Cooke, David Cox, Alan
Diskin, Brian Dunn, Jim Falshaw, Grenville James, Eng.
Klaus Armstrong-Braun, Eric Owen, Mike Reece, Tony
Sharps

Your Ref /
Eich Cyf

ur Ref / Ein Cyf ^{NGO}

Date / Dyddiad 11/08/2011

Ask for / Gofynner am Ceri Owen

Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **LICENSING COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **MONDAY, 30 APRIL 2007** at **10:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

AGENDA

1. APOLOGIES
2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)
3. MINUTES
To Confirm As A Correct Record The Minutes Of The Meeting Held
On []
- 3.9. ACTING DIRECTOR OF ENVIRONMENT & REGENERATION
4. THE GAMBLING ACT 2005 - PREMISES LICENCE FEES
Report of Acting Director of Environment & Regeneration enclosed

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
Ffôn 01352 702400 DX 708591 Mold 4
www.siryfflint.gov.uk

5. THE LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY.
Report of Acting Director of Environment & Regeneration enclosed

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: LICENSING COMMITTEE

DATE : 30 APRIL 2007

REPORT BY: ACTING DIRECTOR OF ENVIRONMENT & REGENERATION

SUBJECT : THE GAMBLING ACT 2005 - PREMISES LICENCE FEES

1.00 PURPOSE OF REPORT

1.01 To request that Members determine the fees that will be paid in respect of Gambling Act Premises Licences in Flintshire.

2.00 BACKGROUND

2.01 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 require that fees for various types of application for premises licences are determined by the Licensing Authority.

2.01 Applications can be submitted during the transitional period from 21st May 2007 until 31st August 2007 to allow existing operators to have "grandfather rights". There is also provision for fees for new licences and for annual fees to be paid thereafter.

2.03 The Secretary of State has prescribed the maximum fee payable for each category of licence.

2.04 Permit fees will be determined by the Secretary of State.

3.00 CONSIDERATIONS

3.01 It is expected that Licensing Authorities will set their fees upon a cost recovery basis only and will be required to review their fees on an annual basis to ensure this.

3.02 It is recognized that for the first fees setting exercise, costs will be estimates only, based upon the information available at the time.

3.03 The Government undertook a consultation exercise with the gambling industry and other interested parties and has produced a table of maximum fees for various types of licence.

- 3.04 In each case, the fee determined by a licensing authority must not exceed the maximum fee specified in the relevant regulation or in the table of maximum fees set by the Government.
- 3.05 As the licensing of gambling premises is a wholly new responsibility for local authorities it is difficult to pre-judge what the costs of administration and enforcement will be. The areas of enforcement in relation to children and vulnerable persons and illegal gambling are particularly difficult to quantify at this stage.
- 3.06 The Elton Report which examined the fee implications of the Licensing Act 2003 concluded that the fee structure which was set nationally did not match the cost of the service.
- 3.07 In the interests of ensuring a consistent approach the matter of Gambling Act fees has been discussed at the North Wales Licensing Officers Group. A consensus has been reached that the fees should be as specified in Appendix 1. Discussion with adjoining English local authorities have shown that they also intend to take a similar approach.
- 3.08 The fees for transitional fast track, transitional non-fast track, annual fee, application to vary, and application to transfer have been set at 80% of the maximum permitted. These categories apply to existing premises and give flexibility to increase fees following a review in 12 months time if found necessary. All other fees are set at the maximum level.
- 3.09 A fast track application is a straight conversion for an existing premises. A non-fast track application allows for variation of default conditions at the same time (eg. for extending operating hours).
- 3.10 The fees structure will be reviewed after 12 months of operating the new Gambling Act regime.

4.00 RECOMMENDATIONS

- 4.01 That Members approve the proposed fees that will be charged in respect of Gambling Act Premises Licences in Flintshire as shown in Appendix 1.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Dealt with in the main body of the report above.

6.00 ANTI POVERTY IMPACT

- 6.01 The licensing objective which seeks to protect children and other vulnerable persons from being harmed or exploited by gambling is relevant here. The intention of the Gambling Act is that children and young persons should not

be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

6.02 "Vulnerable persons" are not defined in the Act but guidance indicates that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

6.03 The level and amount of enforcement that will be necessary in respect of children and vulnerable persons is very difficult to quantify at this stage.

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

The Gambling Act 2005

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

Gambling Commission Guidance to Licensing Authorities

Contact Officer: Alan Lowe
Telephone: 01352 703413

E-Mail: Alan Lowe/EnvironmentAndRegeneration/Flintshire/GB

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: LICENSING COMMITTEE

DATE : 30 APRIL 2007

REPORT BY: ACTING DIRECTOR OF ENVIRONMENT & REGENERATION

SUBJECT : THE LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY.

1.00 PURPOSE OF REPORT

1.01 To request that Members endorse proposals to consult on it's next "three year" Statement of Licensing Policy in respect of the Licensing Act 2003.

2.00 BACKGROUND

2.01 Flintshire County Council has been operating in its capacity as Licensing Authority in respect of the Licensing Act 2003 since February 2005.

2.02 Members approved and published the Council's original Statement of Licensing Policy in December 2004.

2.03 Section 5 of the Act requires that each licensing authority must, in respect of each three year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

2.04 Accordingly the next "three year" period will commence in February 2008 and the policy needs to be consulted upon, reviewed, determined and published prior to that date.

3.00 CONSIDERATIONS

3.01 The December 2004 Licensing Policy was the one that was operational during the difficult transitional period between February and the end of August 2005.

3.02 The Policy was available to applicants and subsequently came under scrutiny during the series of Licensing Sub Committee Hearings that took place to determine the more contentious applications.

3.03 The Policy was further examined during the one Magistrates' Court hearing that took place.

- 3.04 The Policy has proved to be a robust document and in the light of the experience gained in operating the new regime for just over 2 years, it is felt that it does not need any significant alteration.
- 3.05 The Licensing Authority is duty bound to consult before determining its Policy for the next "three year" period. Those to be consulted include :-
- Police
 - Fire Authority
 - Representatives of premises licence / club premises certificate holders
 - Representatives of personal licence holders
 - Representatives of business and residents in its area.
- 3.06 It is proposed to consult by writing to the persons mentioned in 3.05 above in line with the 2004 consultation process.
Reference will be made to the Policy (which can be viewed on the Council's web site) and comments or observations invited.
- 3.07 Any responses received will be considered by the Licensing Committee at a future meeting prior to determination in time for February 2008.

4.00 RECOMMENDATIONS

- 4.01 That Members endorse the above proposals to consult on the Council's next "three year" Statement of Licensing Policy in respect of the Licensing Act 2003.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The costs associated with the consultation process will have to be met from existing resources.

6.00 ANTI POVERTY IMPACT

- 6.01 None

7.00 ENVIRONMENTAL IMPACT

- 7.01 The Licensing Objectives of the prevention of public nuisance and the prevention of crime and disorder are relevant.

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 As detailed in 3.05 above

11.00 CONSULTATION UNDERTAKEN

11.01 Proposed as detailed in 3.06 above.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

1. The Licensing Act 2003
2. Department of Culture Media and Sport Guidance to Local Authorities.
3. Flintshire County Council's Statement of Licensing Policy.

Contact Officer: Alan Lowe
Telephone: 01352 703413
E-Mail: Alan.Lowe/EnvironmentAndRegeneration/Flintshire/GB