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County Legal and Democratic Services
Officer
Swyddog Gwasanaethau Cyfreithiol a
Democratiaid y Sir



TO: Councillor: Bernie Attridge
(Chairman)

Councillors: Alex Aldridge OBE, Robin Baker, Emlyn
Cooke, Alan Diskin, Brian Dunn, Jim Falshaw, Grenville
James, Eric Owen, Mike Reece, Gareth Roberts, Tony
Sharps

Your Ref /
Eich Cyf
Our Ref / *Ein Cyf* CO
Date / *Dyddiad* 27/10/2008
Ask for / *Gofynner am* Mike Thomas
Direct Dial / *Rhif Union* 01352 702324
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 JUNE 2008** at **09:30** to consider the following items.

Yours faithfully

Assistant Director (Democratic Services)

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 12 November 2007 (copy enclosed).
4. **LICENSING MATTERS**
Report of Acting Director of Environment & Regeneration is enclosed.

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LICENSING COMMITTEE
12TH NOVEMBER 2007

Minutes of the meeting of the Licensing-Sub Committee of Flintshire County Council held in County Hall, Mold, Flintshire on Monday 12th November 2007.

PRESENT: Councillor L.A.Sharps (Chairman)
Councillors L.A. Aldridge, S.R. Baker, B. Dunn, J.J. Griffiths, J. Ovens and M.J. Wright.

IN ATTENDANCE:
Health, Safety and Licensing Manager, Principal Solicitor and Democratic Services Manager.

APOLOGIES:
Councillors A.G. Diskin, J.F. Jones and P.J. Walkden.

1. DECLARATIONS OF INTEREST

None were received.

2. MINUTES

The minutes of the meeting of the Committee held on 30th April 2007 were approved as a correct record.

3. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY 2008-2011

The Committee considered the report of the Acting Director of Environment and Regeneration which was presented by the Health and Safety Manager. The purpose of the report was to request the Committee to consider and adopt the Licensing Act 2003, Statement of Licensing Policy that would be in effect from 1st January 2008 for a three year period.

The report detailed the background to its preparation and the Head of Health & Safety indicated that consultation took place between June and September 2007 to invite observations or comments about the Policy after the first three year period of operation from 2004 – 2007. The report detailed those persons who had been consulted and the responses received. The responses, together with the appraisal and response to the comments, by the officers, were detailed in the Appendix to the report.

The officers had also suggested that the Policy should include paragraphs on two particular issues. The first was that a Designated Premises Supervisor (DPS) should be responsible for only one licensed premises at a time. It was felt that effective supervision was compromised if a DPS held the position in a number of premises at the same time. The report detailed how this would be addressed. Members felt that this was a sensible suggestion.

The second point related to the advent of the 'Smoke Free Premises (Wales) Regulations 2007' which had significantly changed the way in which licensed premises operated. It was now common place for patrons to congregate outside licensed premises as they were no longer permitted to smoke inside. This had led to an increase in noise and disturbance issues and concerns about additional litter. It was recommended that the Policy should remind those in charge of premises that it was their responsibility to adequately supervise their customers both inside and outside their premises so as to prevent public nuisance and to ensure the smoking related litter did not accumulate. Members again very much supported this point.

Arising from the general discussion, Members enquired what measures were in place to enforce such provision. The Health & Safety Manager explained that colleagues from his Directorate had arranged a meeting and identified a number of problem locations and that measures were now in place to provide bins in specific problem areas. He explained how each of those areas had been identified.

On a general point, Members also expressed concern over difficulties caused by excessive drinking. They stressed that they do not wish to stop people's enjoyment but were concerned when such drinking led to incidents of violence and anti social behaviour generally. The Committee agreed that this was a national problem.

In response, the Health and Safety Manager reported upon a nationwide police initiative to clamp down on such behaviour, particularly in the build up towards the Christmas period. He explained that it would be necessary for Flintshire County Council in its role as the Licensing Authority, to support this initiative and this was welcomed by the Committee.

The Chairman commented upon his concerns on such matters and the tight controls that the Licensing Sub-Committee put in place when determining licensing applications. In concurring with the views expressed by Members, he reiterated the role of the Police in dealing with the anti-social behaviour caused by excessive consumption of alcohol.

A Member who was a former service Police Officer commented upon the role of the police and the difficulty they had, particularly in court proceedings, in such matters and this contribution was much appreciated by the Committee.

RESOLVED:

That the County Council be recommended to adopt the Licensing Act 2003 – Statement of Licensing Policy to come into effect on 1st January 2008 for a three year period, based on the recommendations contained in the report of the Acting Director of Environment and Regeneration.

4. **DURATION OF MEETING**

The meeting commenced at 9.30 a.m. and ended at 9.55 a.m.

5. **MEMBERS OF PUBLIC AND PRESS**

There was one member of the press present.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

LICENSING COMMITTEE	DATE: 12TH November 2007
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: LICENSING COMMITTEE

DATE : 30 JUNE 2008

REPORT BY: ACTING DIRECTOR OF ENVIRONMENT & REGENERATION

SUBJECT : LICENSING MATTERS

1.00 PURPOSE OF REPORT

1.01 To update Members on progress relating to Licensing

2.00 BACKGROUND

2.01 Membership of the Licensing Committee has changed following the County Council elections in May 2008.

2.02 This is therefore an opportune time for Members to be informed of the current situation with regard to the Licensing function.

3.00 CONSIDERATIONS

3.01 The Licensing Committee is now responsible for two distinct areas :-

3.02 The Licensing Act 2003 which covers alcohol sale and supply, regulated entertainment and the provision of late night hot food from takeaways.

3.03 The Gambling Act 2005 which covers gambling in betting shops, bingo halls, amusement arcades plus slot machines in pubs and clubs.

3.04 Some flavour of the extent of the Licensing function can be gained by viewing the current list of the numbers of licences/permits issued, which is shown as Appendix 1.

3.05 The current staffing levels are regarded as appropriate, consisting of a Senior Licensing Officer, four Licensing Officers and a Licensing Administration Assistant.

3.06 As well as dealing with the receipt, processing and issuing of all the licences/permits the Licensing Officers are active in the enforcement area. It is illegal to carry out a licenseable activity without the necessary licence being in force and it is also illegal to operate other than in accordance with

the terms and conditions of a licence. Permits generally cover lower scale activities, but again similar constraints apply.

- 3.07 Officers can carry out much of their routine inspection work during normal working hours. It is clear however that alcohol, entertainment, gambling and takeaway premises are very much related to the night-time economy. Accordingly, unannounced enforcement visits and spot checks are carried out in the evening and late at night.
- 3.08 The Section has built up a close working relationship with external partners, in particular North Wales Police. There is a dedicated Police Licensing Officer for the Eastern Division (Flintshire and Wrexham) and we also liaise closely with Flintshire's three District Inspectors.
- 3.09 Licensing Officers regularly attend the Joint Action Group meetings of Flintshire's Community Safety Partnership.
- 3.10 They are also active in developing, supporting and attending the Pubwatch and Offwatch meetings held in various areas of the County.
- 3.11 Liaison arrangements within Public Protection are also very effective - particularly with the Pollution Control Section who deal with the nuisance issues arising from licensed premises.
- 3.12 Matters in relation to underage sales of alcohol are dealt with by colleagues in Trading Standards.
- 3.13 As far as current issues are concerned, the ban on smoking in enclosed public places has meant that noise and disturbance from customers congregating outside pubs has become a source of complaint. These are likely to increase should we have a warm summer.
- 3.14 There are currently no major issues with regard to gambling licensing. A successful joint operation to seize illegal slot machines from takeaway food premises was carried out in April. across Flintshire, Denbighshire and Conwy, in conjunction with The Gambling Commission. Twenty machines were seized. There are still some legally held machines but from September 2009 it will be illegal for slot machines to be present in places such as taxi offices and takeaways.
- 3.15 Licensing Sub-committees are now fairly infrequent (around once a quarter) because the trade has settled down following the major upheaval of the Act coming into force during 2005, when every premises had to apply for the new licences.
- 3.16 Sub-committees now only arise if a new premises is setting up or premises wish to vary their hours or activities and objections are tabled, either by residents living in the vicinity, or the Responsible Authorities (Police, Fire, Pollution Control etc)

- 3.17 One area that is likely to develop is the Sub-committee hearing following application to Review a Premises Licence. This is the main method by which residents or Responsible Authorities can take action if they are concerned by the impact of an existing licensed premises. It was used successfully by the Police in 2007 to deal with unruly behaviour by patrons at a public house and further Review applications may be forthcoming in future.
- 3.18 Training for Members has been arranged regarding the Licensing Act and Gambling Act.

4.00 RECOMMENDATIONS

- 4.01 That Members note the range of work that is being undertaken in the Licensing field.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None in respect of this report

6.00 ANTI POVERTY IMPACT

- 6.01 The protection of children and other vulnerable persons is one of the three Licensing Objectives of the Gambling Act 2005. Vulnerable persons include 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 mental impairment, alcohol or drugs.

7.00 ENVIRONMENTAL IMPACT

- 7.01 The prevention of public nuisance is one of the four Licensing Objectives of the Licensing Act 2003

8.00 EQUALITIES IMPACT

- 8.01 Not applicable

9.00 PERSONNEL IMPLICATIONS

- 9.01 None in respect of this report

10.00 CONSULTATION REQUIRED

- 10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Appendix 1 - Number of licences issued

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Licensing Act 2003 and Flintshire's Statement of Licensing Policy.
Gambling Act 2005 and Flintshires Statement of Licensing Policy

Contact Officer: Michael Lovatt
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Licensing / Registration

The number of premises granted licences are as follows :-

Alcohol, Regulated Entertainment and Late Night Food Premises

Premises Licences	-	520
Personal Licences	-	919
Temporary Event Notices	-	493

Gambling Premises

Betting Shops	-	18
Bingo Halls	-	3
Amusement Arcades	-	2
Adult Gaming Centres	-	3
Permits in Pubs and Clubs	-	423

Taxi Licensing

Drivers Licensed	-	415
Vehicles Licensed	-	306
Operators Licensed	-	58

Animal Premises Licensing

Animal Boarding	-	21
Animal Breeding	-	1
Riding Establishments	-	10
Pet Shops	-	11
Dangerous Wild Animals	-	0
Zoos	-	1

The number of premises registered are :

Sunday Trading	-	57
Cooling Towers	-	48
Skin Piercers	-	61
Game Dealers	-	1
Scrap Metal Dealers	-	14
Motor Salvage Operators	-	10