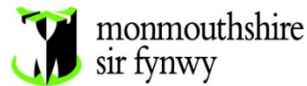


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 10 September 2018

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 18th September, 2018 at 10.00 am,
The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for absence.	
2.	Declarations of interest.	
3.	To confirm and sign the minutes of the previous meeting.	1 - 10
4.	Statement of Gambling Policy and Proposals for Casinos.	11 - 78
5.	Annual Block Street Trading Consent for Usk Town Centre	79 - 92
6.	Public Protection 2017/18 Performance Report.	93 - 118
7.	To exclude the press and public from the meeting during consideration of the following item of business in accordance with section 100A of the Local Government Act, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 12 of part 4 of Schedule 12A to the Act.	119 - 120
8.	To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence.	121 - 136
9.	To note the date and time of the next meeting as being 16th October 2018 at 10.00am.	

Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong
J. Higginson
A. Easson
M.Lane
J.Pratt
R.Roden
J.Treharne
R. Edwards
D. Evans
L. Guppy
F. Taylor
A. Webb

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

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Public Document Pack **Agenda Item 3**

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at Council Chamber - Council Chamber on Tuesday, 12th June, 2018 at 10.00 am**

PRESENT: County Councillor B. Strong (Chairman)
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, M.Lane, J.Pratt, R.Roden,
J.Treharne, R. Edwards, D. Evans, L. Guppy, F. Taylor and A. Webb

OFFICERS IN ATTENDANCE:

Leigh Beach	Licensing Officer
David Jones	Head of Public Protection
Kellie Beirne	Deputy Chief Executive
Linda O'Gorman	Principal Licensing Officer
Ioan Gealy	Solicitor
Paula Harris	Democratic Officer

1. To elect a Chair

County Councillor B. Strong was elected as Chair of the committee.

2. To appoint a Vice Chair

County Councillor J. Higginson was elected as Vice Chair of the committee.

3. Apologies for absence

County Councillor Frances Taylor.

4. Declarations of interest

None received.

5. To confirm and sign the minutes of the previous meeting

The minutes of the previous meeting were agreed by the committee and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at Council Chamber - Council Chamber on Tuesday, 12th June, 2018 at 10.00 am**

6. Draft Statement of Gambling Policy and Proposals for Casinos

Context

To consider the approach to be adopted by Monmouthshire County Council with regard to casino premises applications within the County prior to submission to Full Council.

To consider the proposed 'Draft Statement of Gambling Policy 2019' prior to submission to Full Council.

Key Issues

Each Local Authority, under the provisions of Section 154 of the Gambling Act 2005, must issue a policy which will determine how they will discharge their functions. The current policy held by this Authority under the Gambling Act was approved at Full Council on 19th November 2015. There is a duty to review the policy every three years.

The new policy will be required to commence on 31st January 2019, in accordance with the Act. This report sets out the procedure and proposed policy statement, in particular the principle regarding casinos, prior to consideration at Full Council.

The Council will need to consider firstly if they wish to continue with the resolution not to have a casino within the County. The decision on this will then be inserted into the revised Gambling Policy that will be published on 31st January 2019.

140 casinos were permitted across the UK, to continue to operate under grandfather rights when the Gambling Act came into force on 1st September 2007. Central Government upon the advice of the Casino Advisory Panel permitted a further 8 large and 8 small casinos, which have all been duly issued. There is currently no further provision for more casinos to be allocated. However, the Council still need to consider the course of action they wish to take with casinos and place this within the Gambling Policy should one of the 8 large or 8 small casinos become available or if Government changes their stance on casinos and increase the permitted numbers.

Before any licence for a Casino is granted the Casino Advisory Panel will advise Central Government that the area is in need of regeneration and Monmouthshire would have to satisfy them that this is the case along with the type of area, social impact, community benefits and unique characteristics. However, before a decision is made to go against the current stance not to have casinos within the County, Members should be aware of the 'Chief Medical Officer for Wales Annual Report 2016-2017 – Gambling with our health' <http://gov.wales/topics/health/professionals/cmo/reports/?lang=en> and their concerns relating to Gambling which is referred to in the Future Generation report.

With regards to the Policy and how the Council will discharge their functions. The Policy must contain objectives regarding the following;

- 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

MONMOUTHSHIRE COUNTY COUNCIL

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- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Council will also need to have regard to any relevant code of practice issued by the Secretary of State, guidance issued by the Gambling Commission, how they exercise their functions consistent with the objectives and in accordance with the policy itself.

The Policy must be approved by Full Council and can last for a period of three years, in accordance with Section 154(2) of the Gambling Act 2005. It further states within Section 349 that prior to approval consultation must take place with;

- The Police
- The Fire Authority
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

The revised policy must be published and in place for commencement on 31st January 2019. The Gwent Licensing Forum, which consists of Council Licensing Officers, Gambling Commission and Public Health covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport, has worked on formulating a policy to incorporate any legal changes and best practice. The proposed Policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting this Policy, subject to changes pertinent to each Authorities area and character.

The timetable of events planned for the transition of the Statement of Gambling Policy are as follows:-

12th June 2018 First Draft of Policy to the Licensing and Regulatory Committee

18th June 2018 – 31st August 2018 Consultation on Gambling Policy – Send out letters and put on the website.

18th Sept 2018 Final Draft, results of consultation to the Licensing and Regulatory Committee

25th Oct 2018 Gambling Policy report to Full Council

Members Comments

Members appreciated that all slots were taken at present but asked if the authority had ever been approached by a Casino.

The Government's change in reducing the stake in gambling machines was applauded as the negative impact gambling can have on society was highlighted.

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Members asked if there is a limit on the number of gambling machines in a premises and if this was monitored.

A Member asked if we have information or can signpost people with a gambling problem to help.

A Member asked if it would be possible to shadow MCC licensing officers when they visit a gambling establishment.

Recommendations agreed unanimously by the committee

- Members consider whether to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to it being considered at Full Council.
- Members consider the proposed updated policy statement and comment accordingly (changes highlighted in red), which is attached as Appendix A.

7. Proposed Changes to the Taxi and Private Hire Policy and Conditions

Context

To approve new MCC Taxi and Private Hire Policy 2018 and consider new safety measures for licensed vehicles.

Key Issues

The following proposals to amend the existing Taxi and Private Hire Policy and Conditions 2016, following either information received or as a result of legal changes.

Section 6 - Principles when considering applications and reviews of existing licences

The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney carriage and Private Hire services. A person must satisfy the authority that they are a fit and proper person to hold a licence and each case will always be considered on its own merit. It is the final part of the process of an application when the decision is made, whether by the Licensing and Regulatory Committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

It was recognised that there was disparity between Authorities on how they assess licences. As such the Institute of Licensing produced the Guidance on determining the suitability of applicants and licensees in the hackney and private trades, this was

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Minutes of the meeting of Licensing and Regulatory Committee held at Council Chamber - Council Chamber on Tuesday, 12th June, 2018 at 10.00 am

published in April 2018, with a recommendation for Authorities to adopt. The guidance was carried out working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

It is recommended that this Authority adopts this guidance within its revised proposed Taxi and Private Hire Policy and Conditions 2018 as attached as Appendix 1.

The main changes are the timescales for dealing with information received, it contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

Appendix A and N - Right to work requirements

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and hackney carriage sector, with effect from 1 December 2016. The provisions in the 2016 Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. As such the policy, will be required to change in Appendix A and N, in order to accommodate this legislation. The changes required are highlighted in red in the revised proposed Taxi and Private Hire Policy and Conditions 2018 as attached as Appendix 1.

Appendix G - Passenger access/egress conditions

Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permits an authority to attach a condition they consider reasonably necessary for hackney carriages and private hire vehicles, whereby type, size, design, safety and its comfort can be a factor before a vehicle is issued with a licence.

July 2002 - The Royal Society for the Prevention of Accidents (ROSPA) suggested passengers should have safe egress in the event of an emergency. In the interest of passenger safety a report was submitted to the Licensing and Regulatory Committee, where Members approved conditions relating to the carrying of 7-8 passengers.

15th March 2010 – The Licensing and Regulatory Committee approved the updated condition referred to in 3.8 above, to include vehicles carrying more than 4 passengers and was not restricted to 7-8 passengers.

17th June 2014 – Members considered within the Licensing and Regulatory Committee, following a request from the trade to remove the condition that requires access and egress without the need to move another seat. At this hearing Members rejected the

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request of the trade and in the interest of public safety retained this condition. This was further upheld and continued to remain in force when the taxi and private hire policy was revised on 1st April 2016 and 13th September 2016, following consultation with the trade.

1st April 2016 and 13th September 2016 the Licensing and Regulatory Committee adopted the Taxi and Private Hire Policy and Conditions 2016. The policy adopted on the 13th September 2016 is currently in place and is subject to revision within this report and is referred to within the recommendations in Section 2. It must be noted that on both Committee hearings to amend the policy, access and egress without the need to move another seat was retained within the policy.

26th September 2017 – The Licensing and Regulatory Committee reconsidered the policy following a request from a member of the taxi trade to remove the condition that requires access and egress without the need to move another seat.

At this hearing the proprietor supplied the EuroNCap attached as Appendix 2 this is the safety test manufacturers provide for every vehicle before the vehicle is sold to the public.

Also within this hearing consideration was given to the Powys County Council report that was submitted to their Licensing Committee on 6th March 2014 regarding their policy on passenger safety, attached as Appendix 3. Powys County Council decided at this hearing to remove the condition regarding folding seats. The Powys County

Council report attached as Appendix 3 referred to a Magistrates Court hearing, recommendations made by the Department of Transport (Dft) and ROSPA before they came to their decision. Licensing Officers at that time consulted with Licensing Expert Panel of Wales, for Authorities in Wales to give their policy on this matter. The Authorities that responded are referred to in Appendix 4. Two other Authorities stated they required clear access to a door with similar restrictions to Monmouthshire Members of the Licensing and Regulatory Committee viewed a variety of makes and models and also photos were submitted of such vehicles these photographs are attached as Appendix 5 and 6. After hearing all the evidence put before them Monmouthshire County Council's, Licensing and Regulatory Committee retained the condition referred to above.

15th March 2018 - Monmouthshire held a Talk Transport Event, whereby numerous proprietors informed us they are struggling to purchase reasonably priced vehicles that comply with the current 5-8 passenger conditions requiring clear access/egress for passengers without moving/tilting a seat. Monmouthshire is currently conducting a Transport Review and has taken into account the feedback of the Transport day.

The Transport Review has highlighted inconsistency with Monmouthshire Passenger Transport Unit (PTU) encouraging external companies to bid for Monmouthshire contracts, using vehicles with 8 passenger seats (including vehicles with folding seats) when the same vehicles would not be licensed by Monmouthshire County Council. Therefore, preventing those holding a licence with this Council partaking in such contracts. In light of this fact, the PTU have provided figures on the potential cost to Monmouthshire should our Policy not change.

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“There are currently 49 home to school transport contracts where an 8 seat vehicle is specified for use. If we were unable to specific the use of an 8 seat vehicle given the limited number of licensed vehicles available we would have to increase vehicle capacity to 12 seat PSV vehicles. Through cost analysis of current contracts the difference between an 8 seat and 12 seat vehicle can vary substantially dependent on area and whether the contract is ALN. It is difficult to quantify the financial impact of retendering all 8 seat contracts as 12 seats, but a conservative estimate of £20 per vehicle would result in increased costs of £186k per annum. We would also have significant concerns over vehicle and driver availability to fulfil the additional PSV 12 seat contracts.

The Transport Review also highlighted concerns that individual licensing officers are currently required to assess if a vehicle has clear access with a suitable gap for passengers to enter/egress the vehicle without a set width of a specific distance.

Therefore one officer may deem a gap adequate and another officer may not. Whilst licensing officers are trained on basic vehicle checks officers are not qualified to comment on vehicle standards or safety.

25th May 2018 – Following the information received the Licensing Section consulted with the taxi trade for their views if the condition regarding folding seats and the restrictions that may affect the trade as a whole.

The responses are attached as Appendix 7. Proprietors have also reported they are retaining older vehicles, reluctant to replace with newer models in fear of Monmouthshire requesting a seat be removed. To demonstrate the scope and age of our vehicles currently licensed for 5-8 passengers please see the current vehicle fleet attached as Appendix 8.

Amongst the responses from the taxi trade a proprietor mentioned the modern vehicles having extra safety for children with isofix seats. Isofix points within vehicles enable child car seats to be plugged into the corresponding fitting points in the car, removing the need to use the car’s seat belts to secure the seat. An additional top tether or supporting leg is used to prevent the child seat tilting or rotating in an impact. From November 2012 isofix is mandatory within every car with more than two seats. Licensed vehicles use children’s car seats when transporting children up to the age or 12 or height of 135cm tall (whichever comes first) as required by legislation.

31st May 2018 – Although cost implication are an important factor for the Transport Review and the taxi trade, this is not a matter that would be considered for Licensing purposes, where safety is paramount, not only the trade themselves but for the public that use such vehicles. As such, Licensing sought the views of ROSPA and if they had any recommendations should the condition to not have a folding seat be removed. On 31st May 2018 ROSPA provided the following response;

RoSPA understands that licensing conditions imposed by local authorities with regard to Multi-Purpose Vehicles (MPVs) still vary across Wales and beyond.

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“RoSPA’s views are unchanged from our 2014 response and the safe egress of all occupants in the event of an emergency should remain the priority. We note the alternative seating policy now Basildon District Council, which in essence allows seats that have to be moved in order for passengers to enter or exit the vehicle, provided the vehicle has:

- at least three doors to the passenger compartment*
- clear signs on how to lift the seats in the second row*
- operating levers to lift the seats that are coloured yellow or orange*
- windows on the near and offside of the rear row of seats that can be used as exits in an emergency, with window exit signs*
- a quick release device on the rear door for use in an emergency if one of the side passenger doors is inaccessible in an accident*

This type of policy seems a reasonable way of mitigating the risk of passengers in the rearmost row struggling to exit the vehicle quickly in an emergency because they have to climb over or move another seat. However, it still leaves some risk that egress could be impeded; on the current level of data and knowledge available it does not seem possible to be certain whether this option is best.”

It is following this response from ROSPA, that the recommendation to remove the condition, subject to further provisions highlighted in red in Appendix G of the proposed Appendix 1 of the proposed Taxi and Private Hire Policy and Conditions 2018 as stated in 2.3(a). The further provisions proposed are as follows, not taking into consideration Basildon District Councils view of having the quick release device on the rear door as most models do not have this facility;

- All vehicles must have at least 3 doors for passenger access/egress.
- Clear signs indicate how to tilt the seat from the rear row pointing to the handle/lever/or other mechanism.
- All handles/ leavers or other mechanisms used to fold or tilt a seat are painted illuminous yellow or orange.
- In a row of seats without clear access to a door there must be windows on both sides of the vehicle and the proprietor must not laminate the glass with any extra window tinting over and above the design of the manufacturer.

- The committee were joined by Deputy CEO Kellie Beirne who spoke in favour of varying the seating arrangements in vehicles.
- Richard Horler, owner of Abergavenny Taxis spoke of his disappointment of not being able to currently bid for due to the school contracts due to the limits set in regarding to the seating arrangements in his vehicles
- Paul Watkins, a local taxi business owner addressed the committee regarding issues he has previously faced in regard to vehicle sizes.

Member comments

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A Member spoke of the decision made in September as being the right one.

The age of the vehicles was raised from a safety and pollution perspective.

A concern was raised in regard to the conversion of 12 seater vehicles into 8 seater vehicles, especially older vehicles which could cause more pollution.

A Member asked that the committee were updated in twelve months on the impact of the changes.

Recommendations agreed unanimously by the committee

- To consider the amendments to the existing Taxi and Private Policy and Conditions adopted 13th September 2016 as follows;
- 1 To amend the policy in Section 6 and replace it with the recommendations from the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades – published in April 2018'. Changes highlighted in red in the proposed Taxi and Private Hire Policy and Conditions 2018.
- 2 To amend the policy in Appendix A and N to accommodate the legal requirements by Immigration to check licence holders right to work in the United Kingdom. Changes highlighted in red in the proposed Taxi and Private Hire Policy and Conditions 2018.
- 3 To consider one of the following options to adopt in the proposed new policy:
 - To amend the policy allowing vehicles to be licensed for the full capacity of
 - passengers as manufactured with new safety measures adopted (see below 3.15), which has the approval of the Royal Society of Preventions of Accidents (ROSPA).
 - If adopted the proposed changes are highlighted in red in Appendix G of the
 - proposed Taxi and Private Hire Policy and Conditions 2018.
 - 1.
 - To retain the current 5-8 passenger seat conditions referred to in the current Taxi and Private Policy and Conditions 2016, adopted 13th September 2016. The restriction being (i) No seat should be required to be moved to allow any passenger to enter or egress the vehicle. (ii) There must be a clear passageway to each row of seats if only one door is normally used this must be on the nearside (similar to buses).

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at Council Chamber - Council Chamber on Tuesday, 12th June, 2018 at 10.00 am**

- 8. To note the date and time of the next meeting as Tuesday 17th July 2018 at 10am**

The meeting ended at 11.19 am

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Statement of Gambling Policy and Proposals for Casinos

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 18th September 2018

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the approach to be adopted by Monmouthshire County Council with regard to casino premises applications within the County prior to submission to Full Council.
- 1.2 To consider the proposed 'Draft Statement of Gambling Policy 2019' prior to submission to Full Council.

2. RECOMMENDATION(S):

- 2.1 Members consider whether to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to it being considered at Full Council in October 2018.
- 2.2 Members consider the proposed updated policy statement and comment accordingly (changes highlighted in red and following consultation further amendments highlighted in blue), which is attached as Appendix A. This Policy will then be considered at Full Council in October 2018.

3. KEY ISSUES

- 3.1 Each Local Authority, under the provisions of Section 154 of the Gambling Act 2005, must issue a policy which will determine how they will discharge their functions. The current policy held by this Authority under the Gambling Act was approved at Full Council on 19th November 2015. There is a duty to review the policy every three years. The new policy will be required to commence on 31st January 2019, in accordance with the Act. This report sets out the procedure and proposed policy statement, in particular the principle regarding casinos, prior to consideration at Full Council.
- 3.2 Under the provisions of this Act, the Local Authority must issue a policy which will determine how they will discharge their functions. The policy must contain objectives regarding the following:-
 - 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.
- 3.3 When carrying out their functions, the Licensing Authority must have regard to:-
 - Any relevant code of practice issued by the Secretary of State
 - Any relevant guidance issued by the Gambling Commission

- Ensuring the way they exercise their functions are reasonably consistent with the licensing objectives and
- In accordance with the revised policy.

3.4 At the Licensing and Regulatory Committee of 12th June 2018 reports were provided to Members to consider the revised Gambling Policy and the proposals for Casinos within Monmouthshire and the Future Generations Evaluation Form attached to this report as Appendix A and B respectively. Members were also informed that before determining its policy for a three year period, a licensing authority must consult the following:-

- The Police
- The Fire Authority
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

Members at this hearing provisionally agreed to the revised policy and the retention of the resolution not to issue casino licences.

3.5 This consultation has been conducted. No comments were received opposing the resolution not to permit casinos. However, a response was received from Aneurin Bevan Gwent Public Health Team regarding the proposed Statement of Gambling Policy 2019, which is attached to this report as Appendix C.

3.6. The revised policy must be published and in place for commencement on 31st January 2019. The proposed Policy that was presented at the Licensing and Regulatory Committee on 12th June 2018 was endorsed by the Gwent Licensing Forum with the aim of all five Authorities, namely Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport, adopting this Policy, subject to changes pertinent to each Authorities area and character. As such, all five authorities have been made aware of the response from the Aneurin Bevan Gwent Public Health Team following consultation.

3.7. Newport City Council responded to the Public Health Comments and the proposal for the amendment to Monmouthshire County Council's Gambling Policy is also listed below as follows;

Recommendation 1

Public Health : Location of premises to include (i) is the premises located in an area of deprivation? (ii) and is the premises located within a clustering of gambling premises.

Newport : Believe item (i) is covered in risk assessment for a premises (ii) agree to this recommendation and should include 'clusters of gambling premises'.

Monmouthshire : Recommend to include on page 38 of the risk assessment of the Policy 'If there is an existing cluster of gambling premises' (highlighted in blue).

Recommendation 2

Public Health : To include the wording 'The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g. schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority'. If time allowed Public Health will provide a list of groups vulnerable to gambling and advise on the locations they may congregate.

Newport : Agree to the recommendation - To attach a list of vulnerable groups within the crime data and local area profile section of the Policy. This they recommend to be done by a weblink. This list is required from Public Health before the Policy comes into force.

Monmouthshire : Recommend to include on page 41 of the risk assessment of the Policy the wording 'The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g. schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority ' (highlighted in blue). To insert a link on page 41 the list of vulnerable people and the locations they may congregate when made available by Public Health.

Recommendation 3

Public Health : Consideration of alcohol related premises play a greater role when considering a gambling application.

Newport : Agree to this recommendation. To include on page 38 following proximity of premises statement.

Monmouthshire : Recommend to include on page 38 of the risk assessment of the Policy 'The consideration of the location of alcohol licensed premises will also be a key consideration for gambling licence applications ' (highlighted in blue).

Recommendation 4

Public Health : Training requested and how to signpost people for support.

Newport : Agree to this recommendation. To include on page 16 following must have procedures for identifying customers who are at risk of gambling related harm, the wording 'and also where to signpost people for support (training is available from a number of sources including Newport Citizens Advice Bureau (CAB) and GambleAware).

Monmouthshire : Recommend to include on page 16 of the Policy the wording recommended by Newport (highlighted in blue).

Recommendation 5

Public Health : Includes a proviso that all gambling premises clearly promote local and national services – in particular Newport CAB Gambling Support Services and GambleAware.

Newport : Disagree to this recommendation - Don't think you can say this in a Policy. But can be placed in further guidance.

Monmouthshire : Agree with Newport statement and recommend that this be placed in guidance. Gambling premises can have regard to support service to promote the Gambling Licensing objectives stated in 3.2 above, services may change and as such would be better placed in guidance documents.

3.8 The timetable of events planned for the transition of the Statement of Gambling Policy are as follows:-

12 th June 2018	First Draft of Policy to the Licensing and Regulatory Committee
18 st June 2018 – 31 st August 2018	Consultation on Gambling Policy – Send out letters and put on the website.
18 th Sept 2018	Final Draft, results of consultation to the Licensing and Regulatory Committee
25 th Oct 2018	Gambling Policy report to Full Council

End of Nov 2018	Legal Notice in Newspaper
3 rd January 2019	Publication of Gambling Policy
31 st January 2019	Commencement of Gambling Policy

3 REASONS:

- 4.1 The policy is necessary to guide consistent decisions and takes account of guidance.
- 4.2 There is a need to take account of collaborative approaches
- 4.3 To ensure that applications with no relevant information to consider can be dealt with without unnecessary delay.
- 4.4 To enforce the provisions of the Gambling Act 2005 effectively.

5. RESOURCE IMPLICATIONS:

- 5.1 Any additional costs will be absorbed within our existing licensing budget.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B. In summary, currently the Authority has a resolution not to permit casinos within the County. If this resolution is lifted it may promote excessive gambling within casinos. This may in turn impact on those who are vulnerable or addicted to gambling.
- 6.2 If the resolution not to permit casinos is maintained, this protects children and so contributes positively to the wellbeing of existing and future generations.
- 6.3 It is a statutory requirement to compile a Gambling Policy, as outlined in Section 3. Although not a 'proposal' (therefore not requiring full assessment) it does contribute positively to protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. CONSULTEES:

Newport City Council, Blaenau Gwent County Borough Council, Torfaen County Borough Council, Caerphilly County Borough Council, Public Health and Gambling Commission.

8. BACKGROUND PAPERS:

Gambling Act 2005.
Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

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sir fynwy

Gambling Act 2005 Statement of Licensing Policy 2019

January 2019

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1. Statement of Licensing Policy

1.1 Introduction

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act.

This Policy Statement takes effect on 31st January 2019. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time.

However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

In producing the final Policy Statement the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, any codes of practice and any responses from those consulted on the Policy Statement.

The Council has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. The Planning and Public Protection Service Area has its own equalities framework which is available for inspection on our website. Licensing of persons and premises under the Gambling Act 2005 will actively promote equality of service and enforcement to all members of the community.

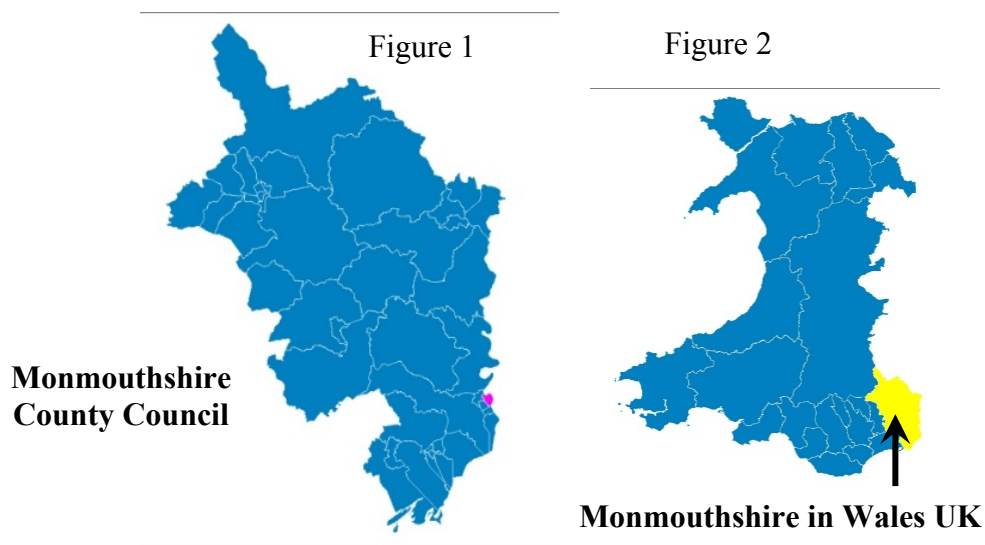
The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

1.2 Profile of Monmouthshire

The County of Monmouthshire is mainly rural in character. The County has five main towns namely Monmouth, Abergavenny, Caldicot, Chepstow and Usk, which are surrounded by numerous villages, each with their own individual character.

The area has a population of approximately 92,100. Monmouthshire is not densely populated, there is approximately 1 person per hectare, although there are concentrations of housing in some areas.



1.3 Objectives

In exercising most of its functions under the Gambling Act 2005 the Council, as the Licensing Authority, must have regard to the following licensing 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;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

The Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling insofar as it thinks it:

- **In accordance with any relevant code of practice issued by the Gambling Commission;**
- **In accordance with any relevant guidance issued by the Gambling Commission;**
- **Reasonably consistent with the licensing objectives;**
- **In accordance with the Council's Statement of Licensing Policy.**

1.4 The Licensing Authority Functions

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notification from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via Operator Licences.

The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Heddle Gwent Police, the Community Safety Partnership, **Public Health**, local

businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

1.5 Consultation

The Council has consulted widely upon this Statement before finalising and publishing. A list of those persons consulted is provided below, in line with the Act and the Gambling Commission's Guidance. Further details, together with a list of comments made and the consideration by the Council of those comments is available on request.

- The Chief Officer of Police;
- The Fire Authority;
- Representatives of the holders of various licences for premises within the County who will be affected by this Policy;
- Bodies representing businesses and residents in the County;
- Departments (including Responsible Authorities) within the Council with an interest in the licensing of gambling;
- Local Safeguarding Children Board;
- County Councillors
- Community and Town Councils;
- Other organisations as appear to be affected by licensing matters covered by this Statement;
- H.M. Revenue and Customs.
- **Local Health Board**

Consultation took place between **18th June 2018** and **31st August 2018** and, as far as practicable, the Council followed the Consultation Principles issued by the government which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

This policy was approved at a meeting of the Full Council on **XXXX 2018** and was published on 3rd January 2019, as well as being available at www.monmouthshire.gov.uk

1.6 Responsible Authorities

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the Council's area;
- The need for the body to include senior and responsible representatives of appropriate public bodies in the county borough

area, who have as a principal duty, responsibility for the protection of children from harm

In accordance with the Gambling Commission's Guidance this Council designates the **Social Care, Safeguarding and Health Department** for this purpose. Details of the bodies identified under the Act that are to be treated as Responsible Authorities are available via the Council's website.

1.7 Interested Parties

Interested Parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed in paragraph 1.3 of this Policy Statement.

An Interested Party is someone who:-

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) Has business interests that might be affected by the authorised activities; or
- (c) Represents persons in either of the two groups above.

The principles the Council will apply to determine whether a person is an Interested Party are:

Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices **and Local Health Board**.

Interested Parties can be persons who are democratically elected, such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Town and Community Councils likely to be affected will be considered as interested parties. Other than these, however, this Council will generally require written evidence that a person, body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Correspondence from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing and Regulatory Sub-Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the Licensing Section.

1.8 Exchange Of Information

The principle that the Council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

1.9 Enforcement

The Council's principles are that it will be guided by the Gambling Commission's Guidance to local authorities, the Regulators Code and the council's enforcement policy. It will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities, the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Council has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission
- The principles set out in this Statement of Licensing Policy.
- The council's enforcement policy.

The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines are dealt with by the Council but should be notified to the Gambling Commission.

The council will take account of the Gambling Commissions guidance document 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The council will also follow its own policies and procedures regarding the use of underage test purchasers.

The Council also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

1.10 Fundamental Rights

Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to the Magistrates Court against the decisions of the Council.

1.11 Integrating Strategies and Avoiding Duplication

By consulting widely prior to this Policy Statement being published, the Council will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.

When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives.

1.12 Sustainable Development Community Strategy

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – "A better Quality of Life" and relevant regional strategies. **The Wellbeing and Future Generations (Wales) Act 2015 requires all Welsh local authorities 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.**

Community strategies provide a focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.

Local strategic partnerships, typically involving the police, local authorities, local health boards, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in the area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the County, particularly when considering the location, impact, operation and management of all proposed licence/permit applications, renewals and variations of conditions.

2. Premises Licences

2.1 General Principles

Premises Licences authorise the provision of gambling facilities on the following:-

- Casino Premises;
- Bingo Premises;
- Betting Premises (including race tracks used by betting intermediaries);
- Adult Gaming Centres (AGCs);
- Family Entertainment Centres (FECs).

Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling insofar as it thinks it:-

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Policy Statement.

This Council may also consider measures to meet the licensing objectives when making such decisions, for example:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for Premises Licences" and also that unmet demand is not a criterion for a licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places the onus on licence holders to complete a risk assessment. The council will have regard to this when considering applications. This is covered in detail in Section 6 of this statement.

Definition of "Premises":

Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence. But, that does not mean that a single building plot cannot be the subject of separate premises licence, e.g. the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate

premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises.”

The Council takes particular note of the Gambling Commission’s Guidance for local authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following –

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensing premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the Premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

2.2 Appropriate Licence Environment

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP), set out additional matters that the council should take into account when considering licence applications for premises licences.

The Guidance prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

The Council will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's Guidance for relevant access provisions for each premises type is reproduced in Appendix A:

2.3 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the Council will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

2.4 Other Considerations

Location:

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning

The Gambling Commission Guidance to Licensing Authorities states:

- In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The Council will not take into account irrelevant matters as per the above guidance. In addition, the Council notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

2.5 Duplication with other Regulatory Regimes:

The Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

2.6 Licensing Objectives:

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensure that gambling is conducted in a fair and open way:

The Council has noted that the Gambling Commission states that it does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks, which is explained in more detail in the "tracks" section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will, therefore, consider, as suggested in this Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

The Council is also aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume 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”. The Council will consider this licensing objective on a case by case basis.

The Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm **and also where to signpost people for support (training is available from a number of sources including Newport Citizens Advice Bureau (CAB) and GambleAware).**

The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

See section 6 of this policy statement for further details and on the council's requirements in relation to the LCCP.

The Council will have regard to the Chief Medical Officer for Wales report to support the licensing objective in order to protect children and other vulnerable persons from being harmed or exploited by gambling.

The Council would expect applicants and licence holders to carry out the necessary checks on all relevant members of staff to ensure their suitability for employment, particularly in respect of premises where children and vulnerable people have access.

2.7 Bet-Watch:

The council encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers.

2.8 Conditions:

Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. **Specific regard will be against the local risk assessment for each premise, when making such decisions.** There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively, **in conjunction with mandatory conditions specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007.**

Conditions the Council may impose on a licence could include;

Security conditions

- A minimum of two members of staff after 10pm;
- The premises will have an intruder alarm and panic button;
- A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.

Anti-social behaviour conditions

- The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises;
- The licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises';
- The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

Underage controls

- Customers under 21 will have to provide ID;
- No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance;
- Staff training records or certified copies should be available at the premises for inspection.

Player protection controls

- There shall be no cash point or ATM facilities on the premises;
- The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request;
- Prominent GamCare documentation will be displayed at the premises.

This list is not exhaustive and merely gives an example of the type of conditions which may be imposed depending on the circumstances at each premises.

The Council will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance and **Codes of Practice(s)**.

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises, including buildings where multiple premises licences are applicable.

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions, which the Council cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

2.9 Door Supervisors:

The Gambling Commission advises in its Guidance to licensing authorities that if it is concerned that a premises may attract disorder, or be subject to attempts at unauthorised access (e.g. by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed as the statutory requirements for different types of premises vary.

2.10 Adult Gaming Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

2.11 (Licensed) Family Entertainment Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. **The applicant for a Family Entertainment Centre provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in his/her employment.**

Children and young persons are permitted entry to licensed FECs but are not permitted to play Category C machines. The Council expects the applicant to ensure that there will be sufficient measures in place to prevent under 18 year olds having access to the adult only gaming machine areas. The Council will expect applicants to meet the licensing objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.

There is a requirement that there must be clear segregation between the types of machine in order that children do not have access to Category C machines. All Category C machines must be located in an area of the premises which is separate from the remainder of the premises by a physical barrier, which will prevent access other than through a designated entrance. The Council will seek to ensure that:

- only adults are admitted to the area where the machines are located;**
- access to the area where the machines are located is supervised;**
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and**
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18**

2.12 Casinos

There are currently no casinos operating within the County. Following considerable debate at full Council on **XXXX 2018** a resolution was passed not to issue casino licences within the County of Monmouthshire as provided for in section 166 Gambling Act 2005. This resolution may be reviewed as necessary, and at least every three years in line with the adoption of the Statement of Gambling Policy. There is no right of appeal against this resolution. Potential licence applicants should note that as a 'no-casino' resolution has been passed by this Council no applications for casino premises licence will be considered. Any applications received will be returned with a notification that a 'no casino' resolution is in place.

2.13 Bingo Premises

Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a

relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

A holder of bingo premises licences may make available for use of a number of category B gaming machines, not exceeding 20% of the total number of gaming machines, which are available for use on the premises

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

Where Category C or above machines are available in the bingo premises to which children are admitted, the Council will seek to ensure that;

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- at the entrance to, and inside any such area, notices are prominently displayed indicating that access to the area is prohibited to persons under 18.

Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence.

2.14 Betting Premises

Betting machines:

Self Service Betting Terminals (SSBTs):

The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or

other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. The premises should also display notices with contact for help organisations e.g. GamCare.

The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and to whom the Authority will contact first should any compliance queries or issues arise.

2.15 Tracks

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

2.16 Gaming Machines:

There are many categories of gaming machine permitted at licensed and other premises and the number of such machines that may be permitted in each type of gambling premises are set out in the Act. The Council does not have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of

permit issued by licensing authorities. A table setting out gaming machine entitlement at each type of premises is attached at Appendix C.

There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However there is no minimum age for players of category D machines. The holder of any permit or premises licence must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than Category D machines) should be in areas from which children are excluded.

2.17 Betting Machines:

The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

2.18 Applications and plans:

The Gambling Act **and Regulations** requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. They will also be used for the Council to plan future premises inspection activity.

Plans for tracks should be drawn to scale sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and

because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Council can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

2.19 Travelling Fairs

This Council is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Council will also consider whether the applicant falls within the statutory definition of a travelling fair contained in Section 286 of the Gambling Act 2005.

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

2.20 Provisional Statements

Developers may wish to apply to this Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission

(except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Council's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

3. Permits/Temporary And Occasional Use Notices

These forms of authorisations are as follows;

- **Unlicensed Family Entertainment Centres (uFEC) Permits**
- **Prize Gaming Permits**
- **Licensed Premises Gaming Machine Permits**
- **Club Gaming Permits**
- **Club Gaming Machine Permits**
- **Temporary Use Notices (TUNs)**
- **Occasional Use Notices (OUNs)**

A table setting out gaming machine entitlement is attached at Appendix D.

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

Only premises that are wholly or mainly used for making gaming machines available may hold an Unlicensed Family Entertainment Centre. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the

machines will be in a designated enclosed area and clearly defined when making an application to the Council.

Where a premise does not hold a Premises Licence but wishes to provide category D gaming machines, it may apply to the Council for this permit.

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.

An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and the Chief Officer of Police has been consulted on the application.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

This Council will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that the Council cannot attach conditions to this type of permit.

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, **then an application for a permit must be submitted and the Council must consider that application based upon the licensing objectives, any guidance and codes of practice issued by the Gambling Commission and “such matters as the Council think relevant.”** The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3.3 Prize Gaming Permits

The Council has the right in accordance with this ‘Statement of Principles’ to specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

It also specifies that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:-

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. Members Clubs and Miners' Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

The Council has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take into account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Council may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

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.

The Council 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.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The Gambling Act 2005

(Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in part 8 of the Act is discussed in the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Council 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 by the Gambling Commission's Guidance to licensing authorities.

3.6 Occasional Use Notices

Where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence. The intention behind OUNs is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature (the OUN dispenses with the need for a betting premises licence for the track in these circumstances).

Non-commercial, fundraising race nights can be run as betting events at sporting venues under the authority of an OUN, whether or not the sporting event on which the bets are taken is held at that venue. The sporting event on which the bets are or will be taken also need not be taking place at the same time as the betting under the OUN.

The Council 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. The Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

4. Small Society Lotteries

The Gambling Act 2005 sets out a definition of a lottery, detailed below, and provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, in accordance with section 14 of the Act.

A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and has been established as a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

The society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Local authorities are entitled to operate their own lotteries, but may only do so if licensed by the Gambling Commission. Local authorities must commit a minimum of 20% of the proceeds from such lotteries for a purpose for which they have power to incur expenditure, and must also adhere to the other relevant provisions in the Act. They may also need to hold a remote gambling operating licence, in the event that they wish to sell lottery tickets via electronic or other remote technological methods such as over the telephone, email or via the internet.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and must be accompanied by a registration fee and a copy of the terms and conditions and the constitution to prove that they are a non-commercial society. Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application.

The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Council via e-mail to licensing@monmouthshire.gov.uk or by letter at Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny NP7 6EL **to register the lottery and to provide proof the collection is for charitable purposes, to support sporting, athletic or cultural activities.**

5. Decision Making

5.1 Administration, Exercise and Delegation of Functions

The powers and duties of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.

The following schedule sets out the recommended delegation of functions and decisions by guidance. The Council may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

The schedule of delegation of licensing functions is attached at Appendix B.

5.2 Appeals Procedure

Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.

An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Gwent Magistrates Court, The Law Courts, Faulkner Road, Newport, NP20 4PR, within a period of 21 days, beginning with the day on which the appellant was notified by the Council of the decision to be appealed against.

On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court.
- Make an order about costs.

5.3 Giving Reasons for Decisions

In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. The Council will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

5.4 Implementing the Determination of The Magistrates' Court

As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

5.5 Complaints against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing and Gambling Sub-Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they fit the exceptions in 5.6 below.

5.6 Reviews

Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Council to decide whether the review is to be carried out based upon any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

The request for the review will also be subject to the consideration by the Council as to whether it is frivolous, vexatious, or whether it will not cause this Council to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Council, who will publish notice of the application within 7 days of receipt.

The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are:-

- add, remove or amend a licence condition imposed by the Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6. Licensing Conditions and Codes of Practice (LCCP)

The Gambling Act 2005 requires the Gambling Commission to issue one or more codes of practice about the manner in which facilities for gambling are provided. The codes may be directed at the holders of operating or personal licences, or any other person involved in providing facilities for gambling.

The Act also requires licensing authorities to take into account when exercising their functions, any relevant code of practice issued by the Commission under section 24, in this case:-

- The Commission's *Licence conditions and codes of practice* (LCCP), which apply to holders of Gambling Commission operating or personal licences;
- Other codes - these are the Commission's code of practice for equal chance gaming and its code of practice for gaming machines in clubs and premises with an alcohol licence

The LCCP contains two types of code provision:

Social responsibility code provisions

These are provisions describing arrangements which should be made by persons providing facilities for gambling for the purpose of:-

- (a) ensuring that gambling is conducted in a fair and open way;
- (b) protecting children and other vulnerable persons from being harmed or exploited by gambling; and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

Compliance with these is a condition of operator licences; therefore any breach of them by a licensed operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution; these provisions are in shaded boxes in the remainder of this document.

Ordinary code provisions

These do not have the status of licence conditions in the case of licensed operators, but set out good practice; these code provisions are in the unshaded boxes in this document.

Codes of practice are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant, and by the Commission in the exercise of its functions; any departure from code provisions by an operator may be taken into account by the Commission, for example on a licence review (but could not lead to imposition of a financial penalty).

However, the Commission has made it clear that licensed operators may adopt alternative approaches to those set out if they have actively taken account of the provision and can demonstrate that an alternative approach is reasonable in the particular circumstances; or that to take an alternative approach would be acting in a similarly effective manner.

Risk Assessments - Premises

The LCCP requires all existing licensees that provide gambling at their premises to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

A local risk assessment should also be undertaken or updated by a licensee, when applying for:-

- A new premises licence;
- When applying for a variation of an existing premises licence;
- To take into account any local significant changes in the local area;
- When there are significant changes within their premises that may affect the existing local risk assessment.

Operators are required to make the risk assessment available to licensing authorities when an application is submitted and a copy should be kept at the premises or otherwise on request, and this will form part of the Council's inspection regime or investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,

- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

Betting Track Premises – The Gambling Commission states within its LCCP code that Operators are required to make a risk assessment. However, Betting Track Premises are not required to seek an Operators Licence with the Gambling Commission and as such are not required to conduct a risk assessment. However, in the interest of the objectives of the Gambling Act 2003, namely i) preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime; ii) ensuring that gambling is conducted in a fair and open way; iii) protecting children and other vulnerable persons from being harmed or exploited by gambling, this Council would expect a Betting Track Premises to conduct a risk assessment for their premises.

The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling.

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;

- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc. [The consideration of the location of alcohol licensed premises will also be a key consideration for gambling licence applications.](#)

Other issues that may be considered could include;

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.
- the economic make-up of an area;
- the surrounding night-time economy;
- children's homes and care facilities;
- the area footfall eg. residential or commercial areas;
- banks and ATM nearby;
- known anti-social behaviour issues;
- housing facilities;
- job centres;
- hostel and support services for the homeless;
- alcohol and drug support facilities;
- pawn brokers and payday loan businesses;
- other gambling premises;
- [If there is an existing cluster of gambling premises](#)
- mental health facilities;
- community buildings;
- residential care establishments;
- transport and parking facilities eg. bus stops, taxi ranks, train stations;
- presences of rough sleepers;
- unemployment rates for area;
- types and rates of crime in the area that could impact on the premises
- areas with significant areas of children, eg parks and playgrounds.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

Significant changes to the premises

From time to time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they

have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.

As with the examples of significant changes in local circumstances, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

Local risks and control measures

There are two specific parts to the risk assessment process:

- the assessment of the local risks
- the determination of appropriate mitigation to reduce those risks

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. Gambling operator should identify and list all of the local risks within the assessment that they have identified. The level of such risks can range from being low to very high depending on the potential impact that the gambling operator has assessed it to have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures that the gambling operators deems as being necessary to mitigate such risk.

Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for

security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. The requirement of the Commissions LCCP social responsibility code provision 10.1.1 is that gambling operators consider the local area in which the premises are situated and the impact that the premises operation may have on the licensing objectives.

Local area risks

There are a number of factors relating to the local area that operators may consider which is independent of who the operator believes is their target market. It will be for the gambling operator to identify these risks. However, there may be occasions that the Commission or the Council will provide information on what they perceive as being a local risk. This may be specified in the Statement of Licensing Policy or in a separate guidance document, both of which will be found on the Council's website.

The local area will be different depending on the premises and the size of its operation. For example a large Bingo hall may have a wider catchment area than a neighbourhood betting shop as the Bingo hall attracts customers from further afield.

Risk Assessment

Although gambling is a legal entertainment activity it can, in some locations, have a negative impact on individuals and the wider community. The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g. schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority. Monmouthshire Public Service Board has produced a Wellbeing Assessment as part of the Wellbeing of Future Generations Act. The Assessment considers Economic, Social, Environmental and Cultural Wellbeing in the county as a whole whilst also focusing on 5 areas based around : Abergavenny, Monmouth, Chepstow, Caldicot and Central Monmouthshire.

Full details can be found on <http://www.monmouthshire.gov.uk/our-monmouthshire>

Crime data for local area can be obtained from www.gwent.police.uk

(To Insert a list of vulnerable groups and the locations they congregate – awaiting)

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP.

Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design to the toilet to deter people from using it for illegal drug use.

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, an Adult Gaming Centre which is located within an area which has a high number of children and young people present throughout the day may identify that the doors on either side of the premises are being used by local children as a short cut to access the adjacent street. The appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives. Gambling operators are experienced in premises design and often these considerations are made during the planning phase. It is advisable that gambling operators ensure that there is a process in place to record these key decisions at an early stage of the planning process for the premises design so that this can be included in their risk assessment.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATMs.

Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a

gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design should be assessed based on the associated risk. Operators may identify a risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

Control measures

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front of the shop next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff can see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

The control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, challenge 21 scheme, staff training and door staff.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

Physical: Magnetic door locks and ID scans.

Step 1: Undertaking a local risk assessment

The risk assessment should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

- Assessors should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important. Use Community wellbeing profile and local knowledge will assist.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures

mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime

7. Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Licensing Section
Monmouthshire County Council
Abergavenny Community Education Centre
Old Hereford Road
Abergavenny
NP7 6EL
Telephone: 01873 735420
Fax: 01633 644878
Email: licensing@monmouthshire.gov.uk
Website: www.monmouthshire.gov.uk/licensing

Information is also available from:

The Gambling Commission
Victoria Square House
Birmingham
B2 4BP
Telephone: 0121 230 6666
Fax: 0121 230 6720
Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
2– 4 Cockspur Street
London
SW1Y 5DH
Telephone: 020 7211 6200
Website: www.culture.gov.uk

Appendix A Access to Premises

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises, which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

No customer should be able to access the premises directly from:

- a casino;
- an adult gaming centre.

Bingo Premises

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

Family Entertainment Centre

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- a betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Appendix B Schedule of Delegation of Licensing Functions and Decisions

Matters to be dealt with	Full Council	Sub-Committee	Officers
Three year Gambling Policy	x		
Policy not to permit casinos	x		
Fee Setting – when appropriate (Fee Setting for Premises Licence be delegated to the Licensing and Regulatory Committee,		x	
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representation has been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn/authorised to

Matters to be dealt with	Full Council	Sub-Committee	Officers
			dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Review of a Premises Licence		x	
Revocation of a premises licence for failure to pay annual licence fee			x
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Cancellation of club gaming/club machine permits		x	
Applications for other permits		Where objections have been made and not withdrawn	Where no representations received/representations have been withdrawn/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if a representation is valid.
Cancellation of licensed premises gaming machine permits		x	Authorised to cancel a permit, with the holder having the right to a hearing at the Sub-Committee.
Consideration of temporary use notice			Consideration/authorised to dispense with a hearing if all parties are in agreeance/authorised to assess if objection is valid.

Matters to be dealt with	Full Council	Sub-Committee	Officers
Decision to give a counter notice to a temporary use notice		x	
Small Society Lotteries		x	Registration, Refusal and revocation of a lottery registration with the applicant/holder having the right to a hearing at the Sub-Committee.

Appendix C Definitions

NOTE: In this Policy, the following definitions are included to provide an explanation to certain terms included in the Act and, therefore, in the Statement of Licensing Policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Gambling Act 2005.

'The Council' means Monmouthshire County Council, acting as the Licensing Authority as defined by the Gambling Act 2005.

'The Act' means the Gambling Act 2005.

'The County' means the County of Monmouthshire.

'The Licensing Authority' the authority in whose area the premises is wholly/partly situated. The Licensing Authority (as in the issuing authority) is also a responsible authority.

'The Gambling Commission' a body set up by the Government as the unified regulator for gambling, replacing the Gaming Board.

'Responsible Authority' means a public body that must be notified of certain applications for premises licences and permits, and are entitled to make representations on any of the licensing objectives.

'Children' means individuals who are less than 16 years old.

'Young person' means individuals who are aged less than 18 years old and 16 years and over.

'Vulnerable person' will not be defined but the assumption is 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.

'Mandatory Conditions' means a specified condition provided by regulations to be attached to premises licences.

'Default Conditions' means a specified condition provided for by regulations to be attached to a licence unless excluded by the Council.

'Premises' means any place, including a vessel or moveable structure.

'Tracks' means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Appendix D Summary of Machine Provisions by Premises

Machine category							
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 premises¹		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 centre²		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 centre³				No limit on category C or D machines			
Family entertainment centre (with permit)³				No limit on category D machines			
Clubs or miners' welfare institute (with permits)⁴				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					

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

<p>Name of the Officer Linda O’Gorman / David H Jones</p> <p>Phone no: 01633 644214 E-mail: lindaogorman@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>To consider the Council’s existing resolution to not permit casinos within the County of Monmouthshire.</p>
<p>Name of Service</p> <p>Licensing</p>	<p>Date Future Generations Evaluation</p> <p>18th September 2018</p>


1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.





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Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Generally considered that gambling has a negative impact on the personal wealth of participants.</p>	<p>Would not want to encourage wider scale gambling, as could lead to addiction and financial hardship.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>N/A</p>	
<p>A healthier Wales People’s physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Could promote excessive gambling, which may impact on those who are vulnerable/addicted to gambling if Casinos are permitted.</p>	<p>As above.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Larger scale gambling can be problematic and have a negative impact on local communities.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	The proposal has a positive impact by clearly stating casinos will not be permitted in Monmouthshire.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	
A more equal Wales People can fulfil their potential no matter what their background or circumstances		

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 Balancing short term need with long term and planning for the future	A resolution not to permit casinos protects vulnerable people from being harmed or exploited by gambling.	

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Working together with other partners to deliver objectives</p>	N/A	
 <p>Involving those with an interest and seeking their views</p>	Gambling addiction is well documented.	
 <p>Putting resources into preventing problems occurring or getting worse</p>	By preventing a casino coming to Monmouthshire protects some of our more vulnerable members of society.	
 <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	As above.	

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Protects children by not 'normalising' gambling		
Disability	Neutral		
Gender reassignment	“		
Marriage or civil partnership	“		
Race	“		
Religion or Belief	“		
Sex	“		
Sexual Orientation	“		
Welsh Language	“		

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The resolution to not permit a casino contributes positively to protecting children		
Corporate Parenting			

5. What evidence and data has informed the development of your proposal?

The Chief Medical Officer for Wales Annual Report 2016-17 – Gambling with our health’ <http://gov.wales/topics/health/professionals/cmo/reports/?lang=en>

Some of the key points that this report has raised is as follows;

The most important benefit of the gambling industry is the tax revenues, which are considerable in the UK: in 2017 this amounted to £2.7 billion. This income is used by the UK government to help fund its programme for government. However, the economic benefits of gambling need to be balanced against the social and health harms to people who gamble, their family, friends and wider society. While most people who participate in gambling activities do so without any significant problems, for others gambling is problematic; causing damage to their health and to wider society.

The availability of gambling products and platforms to diverse groups, and the developments in the infrastructure of game design, make gambling an immediate and rapidly evolving public health issue. The public health approach aims to improve quality of life for all and to achieve health equity. This focus on equity is necessary as people living in areas of deprivation are more likely to experience gambling-related harm.

The harms caused by gambling for the individual include anxiety, stress, depression, and alcohol and substance misuse. These factors are likely to have a wider impact on family and friends. Further family problems can include ‘money troubles’ and family breakdown, as well as neglect and violence towards any partner or children. There are higher rates of separation and divorce among problem gamblers compared to the general population. Further impacts of gambling include the inability to function at work, and financial problems which can lead to homelessness. The harms from gambling to wider society include fraud, theft, loss of productivity in the workforce, and the cost of treating this addiction. Gambling harm not only affects the individual, but the family and wider society.

In Wales, 61% of adults (around 1.5 million people) had gambled in the last 12 months. 63% of men and 59% of women report gambling participation in the past 12 months. In Wales, 1.1% of the population (30,000 people) self-reported as having a problem with gambling. A further 3.8% of people in Wales are

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estimated to be at risk of problem gambling.

The number of casinos in Wales is small and relatively stable. The number of people visiting casinos in the UK has increased significantly in recent years, from 18.2 million visits (2011/12) to 30 million visits (2014/15).

While young people are least likely to gamble, problem and at-risk gamblers make up 2% of people aged 11 to 15, which equates to around 60,000 young people in the UK. Children who experience gambling in the household are four times more likely to gamble themselves than those who do not experience gambling in the household. Young people are spending more time online. Indeed, 18-24 year olds report that they are more likely to have been prompted to gamble by adverts and posts on social media. No organization is specifically dedicated to building resilience in young people and discussing gambling with them. In Wales, 16% of children aged 11-15 had gambled in the last week. The most popular forms of gambling for children were fruit machines and placing bets with friends. Every week, 450,000 children aged 11-15 years old in England and Wales report being involved in gambling. This represents 16% of this age group, compared with 8% consuming alcohol, 6% taking illegal drugs and 5% engaged in smoking. Whilst the harms accrued from each of these behaviours is different, these figures show the scale of gambling being reported in this age group. There is some international evidence from the United States of America that college or university students may be at greater risk of problem gambling than the general population. Universities in Wales often offer support for financial problems and addictions including gambling.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

Continuing the existing resolution not to permit casinos in the County has a positive impact by protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Incorporate resolution into the Authority's Gambling Policy 2019.	By 31/1/2019		

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8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:

By 31/1/2022

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The Aneurin Bevan Gwent Public Health team support this very comprehensive Statement, but would recommend the strengthening of a certain sections within the Statement, as detailed below:

Location of premises and conducting risk assessments (Section 2.4 'Location', pages 13-14 and Section 6 'Risk Assessment – premises', pages 34-36):

The Welsh Government Chief Medical Officer (CMO) for Wales's Annual Report 2016/17: 'Gambling with our Health' cited the following key messages:

- The proximity to gambling facilities correlates with increased participation in gambling
- The density of gambling outlets is linked with greater gambling-related harm
- The greatest problems and harms from gambling are experienced by the poorest of our society, with those members of the public living in low income households spending a higher proportion of their income on gambling, betting more than they can afford and experiencing financial problems as a result of gambling
- The location of gambling venues is not random, with a greater clustering of gambling facilities in areas of social deprivation.

The Aneurin Bevan Gwent Public Health Team support the inclusion of the Monmouthshire County Council's intention, detailed within the Statement, that *"should any specific policy be decided upon as regards areas where gambling premises should not be located the Statement will be updated"*.

The Aneurin Bevan Gwent Public Health Team welcome the development of such a policy. We would recommend that until this policy is developed, and the Statement updated, the primary consideration of any new gambling premise application should be the geographical location of the premise.

Recommendation 1: We recommend that 'location of the premise' is clearly specified in the Statement as the primary consideration of any new gambling licence, until the location policy is developed, and Statement updated. In particular:

- (i) is the premise located in an area of deprivation?
- (ii) AND is the premise located within an existing clustering of gambling premises?

Licensing Objective – protection of Children and other vulnerable persons from being harmed or exploited by gambling (see Section 2.6)

The Aneurin Bevan Gwent Public Health team recognise that consumer protection from gambling related harm to the individual, their family, friends and community is the responsibility of licensing authorities, supported by local partners and gambling operators.

Evidence indicates that there are a number of identifiable groups within the population who are more vulnerable to gambling related harm, including young people. Details of these groups are outlined in the CMO's Annual Report 2016/17 and in the report prepared for the Gambling Commission by the NatCent Social Research in 2017: 'Gambling behaviour in Great Britain in 2015 Evidence from England, Scotland and Wales'.

Therefore, in addition to prioritising the geographical location of gambling premises, based on social deprivation and density of gambling premises (as detailed in the recommendation above), we request that reference is made to environmental conditions which increase the likelihood of gambling related harm. The Aneurin Bevan Gwent Public Health team acknowledge that some of these venues are already listed in the Statement, but recommend that local partners work together to identify a list of

environmental conditions/specific local premises, after considering the findings from national reports of groups vulnerable to gambling related harm, in addition to local intelligence. This information could be included within the location policy (which we support the development of) and/or as an appendix.

Recommendation 2: Until a full list of local environmental conditions is identified and the Statement updated, the Aneurin Bevan Gwent Public Health team recommend that the following wording is included in the current Statement as a priority:

“The consideration of the proximity of gambling premises to locations where groups vulnerable to problematic gambling may congregate, e.g. schools, alcohol services, supported housing, will be a priority for the applicant and licensing authority”.

The Statement could also include the wording: ‘A list of these vulnerable groups can be found in Appendix X’ if time allowed prior to publishing the Statement. The Aneurin Bevan Gwent Public Health team will be able to provide partners with a list of groups vulnerable to gambling related harm based on published national research, and advise on the process of identifying the locations they may congregate.

The co-occurrence of alcohol and gambling is well documented and referenced in key national documents (including the CMOs Annual Report and several Gambling Commission briefing papers).

Recommendation 3: The Aneurin Bevan Gwent Public Health team recommend that the consideration of the location of alcohol licensed premises plays a greater role when considering gambling applications, and that the ‘location of premises licensed to sell/supply alcohol’ be specified in the Statement as a key consideration for gambling licence applications.

Procedures for identifying customers who are at risk of gambling (section 2.1, page 11 and section 2.6 p17)

The Aneurin Bevan Gwent Public Health team welcomes the inclusion of staff training within the Statement, but would like to see this section strengthened.

Recommendation 4: The Aneurin Bevan Gwent Public Health team recommends that information in the Statement includes additional training content which is standardised and regularly reviewed/updated. The content should be extended to include learner knowledge of:

- the risks of gambling related harm
- how to identify problematic gamblers
- where to signpost people for support

These learning outcomes will be in addition to the already documented training content: *“procedures for identifying customers who are at risk”* (page 17). Training is available locally from Newport Citizens Advice Bureau (CAB) as well as from GambleAware.

Recommendation 5: The Aneurin Bevan Gwent Public Health team recommend that the Statement includes a proviso that all gambling premises clearly promote **local** and national support services – in particular Newport CAB Gambling Support Services and GambleAware.

Prepared by: Jackie Williams, Senior Health Promotion Specialist, on behalf of Dr Arif Mahmood, Consultant in Public Health – Aneurin Bevan Gwent Public Health Team 31st August 2018

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Annual Block Street Trading Consent for Usk Town Centre

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing and Regulatory Committee

Date to be considered: 18th March 2018

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider an application to increase the area already granted by this Committee for a Block Street Trading Consent in Usk Town Centre. (Plan attached as Appendix A)

2. RECOMMENDATION(S):

It is recommended that:-

- 2.1 Members consider and determine the request made by Usk Town Council.

3. KEY ISSUES

- 3.1 An application was granted by this Committee on the 13th March 2018 for the following street trading consent. The location and number of pitches granted in the application form for Usk Town Centre are as follows:-

- Twyn Square, Usk – Subject to road closure (2 pitches)
- New Market Street, Usk (4 pitches)
- Bridge Street, Usk (4 pitches)
- Twyn Square Car Park, Usk (12 pitches)
- Owain Glyndwr Field, Maryport Street, Usk (10 pitches)
- Maryport Street, Usk – park area next to number 3 (2 pitches)
- Sitting Area Outside Coop (2 pitches)
- Legion Car Park, New Market Street, Usk (2 pitches)
- Conigar, riverbank next to Usk Bridge (4 pitches)

The total pitches requested for Usk Town Centre is 42 pitches.

The consent is also subject to the extra following condition:

- Usk Town Council to notify the Licensing Section when events other than regular markets are taking place. Trading is subject to road closure where applicable.

- 3.2 An email was received by the Licensing Section on 11th September 2018 from Usk Town Council requesting additional pitches within Twyn Square and additional pitches on Maryport Street, South car park. Their request and the reasons why are as follows:

As you are aware Usk Town has been running a successful Christmas Market for a number of years.

This year Usk Town Council applied for the Street Trading Licence and were successful in its application. On review of the application I have noticed that there is an error on our part and we require 52 pitches in Twyn Square, not 2 as is stated. We are hoping that you will be kind enough to amend this.

The market has generated a great deal of interest and we are hoping that you will grant permission to have pitches on the Maryport Street, South car park.

This will be one large marquee with up to 60 tables underneath and a further 26 pitches around – these would be for traders bringing their own self-contained trailers. This will reduce congestion in Twyn Square.

*We are hoping to provide park and ride facilities.
Other pitches will remain the same.*

We hope that you are able to meet this further request

- 3.3 The amendment if granted will be as follows:-

- Twyn Square, Usk – Subject to road closure (52 pitches)
- New Market Street, Usk (4 pitches)
- Bridge Street, Usk (4 pitches)
- Twyn Square Car Park, Usk (12 pitches)
- Owain Glyndwr Field, Maryport Street, Usk (10 pitches)
- Maryport Street, Usk – park area next to number 3 (2 pitches)
- Sitting Area Outside Coop (2 pitches)
- Legion Car Park, New Market Street, Usk (2 pitches)
- Conigar, riverbank next to Usk Bridge (4 pitches)
- Maryport Street, South Car Park (86 pitches)

The total pitches requested for Usk Town Centre is 178 pitches.

- 3.4 The request was submitted to the Car Parks Manager as the additional pitches will affect parking within Usk. The following response was received by the Licensing Section from the Car Parks Manager was received on the 11th September 2018:

Having been in communication with the Clerk of Usk Town Council I can confirm to the closures of Twyn Square and Maryport Street South car parks for the Christmas festival. The car parks will close at 8am on Friday 30 November and reopen 8am Monday 03 December after the weekend event has taken place. Signage giving advanced notification will be placed at both car parks approximately a week before the closures.

3.5 Section 13 of the Street Trading Policy adopted by this Authority on 9th February 2016 states;

An Authorised Officer will approve the application if it:-

- Meets the criteria and
- There are no reasonable and appropriate objections.

And further states, "Except where objections are received for safety reasons the Head of Public Protection can determine the application or defer the matter to the Licensing and Regulatory Committee."

The Head of Public Protection has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the amendment of the consent granted on the 13th March 2018.

3.6 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.

3.7 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.

3.8 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

4. REASONS

4.1 To determine the application for a Block Street Trading Consent for Usk Town Centre.

5. RESOURCE IMPLICATIONS

5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

6.1 The 'Future Generations' template is attached as Appendix B.

7. CONSULTEES:

Heddlu Gwent Police
Planning Department, Monmouthshire County Council.
Environmental Health Department, Monmouthshire County Council
Local Ward Member

8. BACKGROUND PAPERS:

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III
Monmouthshire Street Trading Policy, approved 9th February 2016

9. AUTHOR:

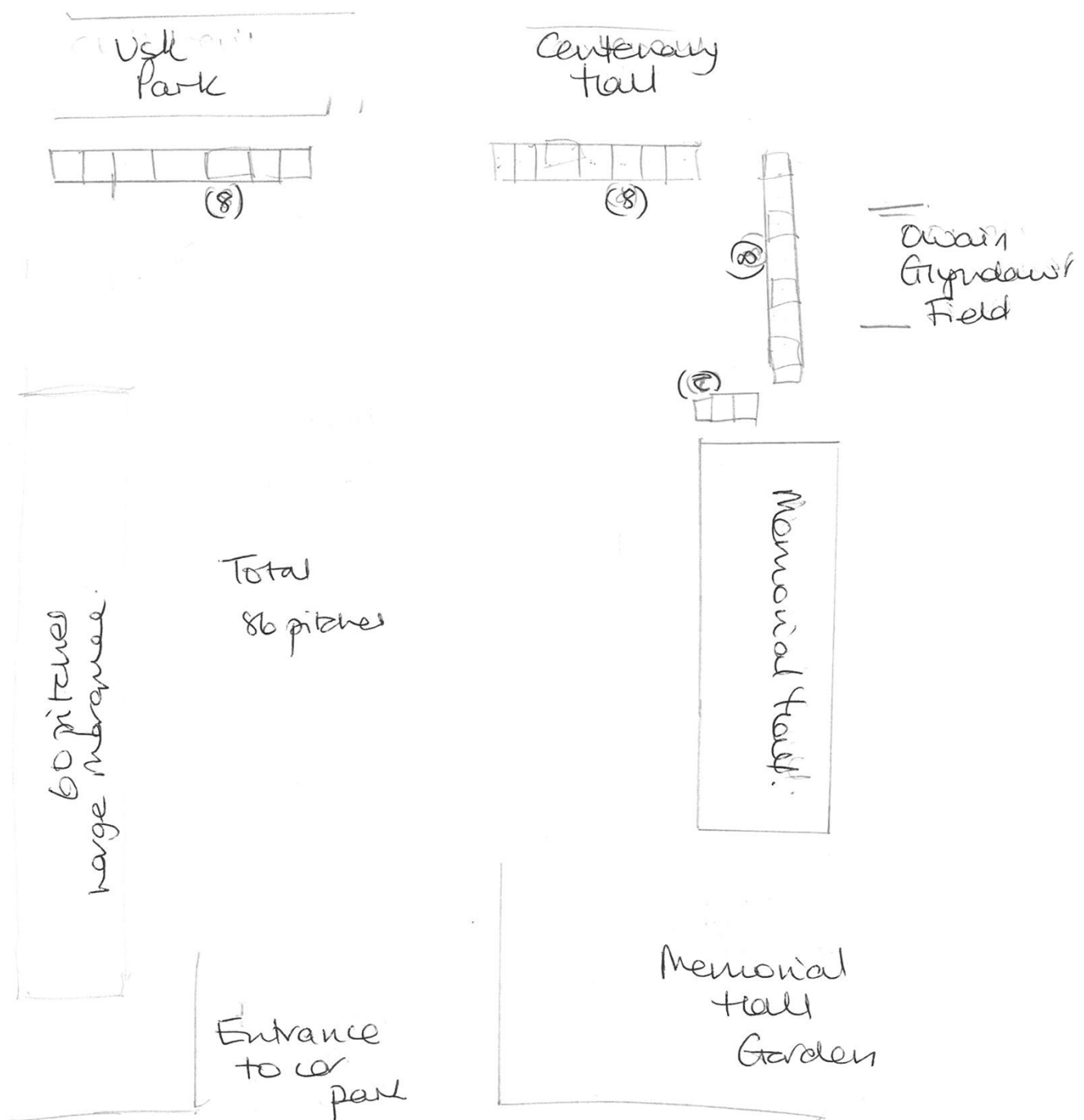
Samantha Winn
Licensing Officer

CONTACT DETAILS:

Tel: 01633 644221

Email: samanthawinn@monmouthshire.gov.uk

APPENDIX A



Total
86 pitches

60 pitches
large number

Memorial Hall

Memorial
Hall
Garden

Entrance
to car
park

Maryport Street

PRISON

USK TOWN COUNCIL CHRISTMAS FESTIVAL 2018
Plan for pitches on Maryport South Car park.
18th / 12th Dec



monmouthshire
sir fynwy

Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Name of the Officer completing the evaluation Samantha Winn Phone no: 01633 644221 E-mail: samanthawinn@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal Application for an Annual Block Street Trading Consent for Usk Town Centre
Name of Service	Date Future Generations Evaluation form completed 11/09/2018

NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc





1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	This Block Consent puts the onus on Usk Town Council to ensure trading conditions are adhered to. Hope is, to encourage more events and trading.	
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Consent should increase usage of outside space, encouraging outdoor activity.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The block consent will seek to encourage more use of Usk Town Centre.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The application if granted will allow greater use for community events and encourage local participation.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances		

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Block trading consents provide a mechanism for others to take responsibility of certain trading, which provides a longer term solution to enforcement.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>Block trading would be administered by Usk Town Council, demonstrating the service's willingness to work with others.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Consultation conducted with various Council departments and Gwent Police.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Should a consent be granted the traders will be provided with conditions and this will be monitored by Usk Town Council.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Street Trading can have a very positive impact on the community.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Non applicable		
Disability			
Gender reassignment			
Marriage or civil partnership			

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Pregnancy or maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Welsh Language			

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A		
Corporate Parenting	N/A		

5. What evidence and data has informed the development of your proposal?

Block street trading applications allow community events to take place without the need of applying for individual applications. It allows the organiser to manage all stall holders within their event.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

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As 5 above.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to be considered by the Licensing and Regulatory Committee	18 th September 2018	Samantha Winn	

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	18 th September 2018
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

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SUBJECT: PUBLIC PROTECTION 2017/18 PERFORMANCE REPORT

MEETING: Licensing & Regulatory Committee

DATE: 18th September 2018

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To consider service delivery across Public Protection services during the financial year 2017/18, with comparison to previous years. The Public Protection division comprises of Environmental Health, Trading Standards & Animal Health and Licensing.

2. RECOMMENDATIONS:

- 2.1 To consider and comment on the contents of the attached report – Appendix A - entitled ‘Public Protection 2017/18 Annual Performance Report’.
- 2.2 Members of this Committee receive one annual performance report, which supplements the report that is presented to Strong Communities Select committee.

3. KEY ISSUES:

- 3.1 In January 2015 Cabinet requested that Public Protection performance was reviewed regularly to assess whether performance is maintained further to savings implemented in 2014/15. As a consequence six monthly reports have been provided to Strong Communities Select committee, together with annual reports to Licensing & Regulatory committee. As per recommendation 2.2, it is suggested this becomes one annual report, noting services are largely compliant with regulatory expectations, and customer satisfaction levels are typically high.
- 3.2 The attached report summarises performance during 2017/18, and highlights the following -
- The four service teams, for the vast majority of the services they deliver, meet the Authority’s legal obligations in relation to Public Protection services.
 - As detailed in Appendix A, most proactive and reactive work is being carried out professionally, within prescribed response times. There are only a few exceptions - due to the reactive nature of most of the services – these being some slippage in housing visits, private water inspections and animal health visits.
 - Annual reports will continue to be made to this Committee to assess performance over time, and help inform future priorities noting the competing demands.
 - Services may struggle to take on any new statutory duties that protect the public and the environment, and therefore funding must be sought to support any new work.

- Future strategies for sustaining Public Protection services will be developed, (to include further income generation and collaboration), locally, regionally and nationally.
- Services will improve linkages to the Authority's Corporate Business Plan 2017/22 and other key drivers, for example the Chief Medical Officer Wales' priorities.

4. REASONS:

- 4.1 The Cabinet decision log from 7th January 2015 stated:- 'Noting the continually changing legislative landscape in the future, it was decided Strong Communities Select Committee would receive six monthly performance reports on Public Protection services'. This is supplemented by an annual report to Licensing & Regulatory committee.

5. RESOURCE IMPLICATIONS:

None as a consequence of this report.

6. WELL-BEING OF FUTURE GENERATIONS IMPLICATIONS, (incorporating Equalities, Sustainability, safeguarding and corporate parenting).

Assessments were previously completed for the Cabinet report 7th January, 2015. This report only serves to update the position in relation to performance 3 ½ years on, and therefore does not require a further assessment.

7. CONSULTEES:

Public Protection service managers
Chief Officer, Social Care, Safeguarding & Health

8. BACKGROUND PAPERS:

Report to Cabinet, 7th January 2015, entitled 'Review of Service Delivery in Public Protection Department'.

9. AUTHOR:

David H Jones, Head of Public Protection

10. CONTACT DETAILS:

Tel: 01633 644100 E-mail: davidjones3@monmouthshire.gov.uk

REPORT TO LICENSING & REGULATORY COMMITTEE
PUBLIC PROTECTION 2017/18 ANNUAL PERFORMANCE REPORT

1. INTRODUCTION

- 1.1 In 2015 Cabinet requested that Strong Communities Select Committee receive six monthly performance reports on Public Protection services. Members wished to review the impact on performance of budget reductions implemented since April 2014. Annual performance is also reported through Licensing & Regulatory committee.
- 1.2 The Public Protection division comprises four distinct teams -
- (i) Environmental Health, Commercial
 - (ii) Environmental Health, Public Health
 - (iii) Licensing
 - (iv) Trading Standards & Animal Health

2. PURPOSE

- 2.1 The purpose of Public Protection services can be summarised as follows –
- a. Protect people from harm and promote health improvement.
 - b. Promote a fair and just trading environment for the public and businesses.
 - c. Improve the local environment to positively influence quality of life and promote sustainability.
 - d. Ensure the safety and quality of the food chain to minimise risk to human and animal health.
- 2.2 These four outcomes contribute to Wales' seven well-being goals. They directly help achieve a more prosperous, resilient, healthier and more equal county. It also resonates with this Council's Corporate Business Plan 2017/22, approved in February 2018, which sets out our priorities under the current administration to 2022.

3. RESOURCES

3.1 Staff resource

(i) Environmental Health – Commercial:-

- 6 Environmental Health Officers, 5.4 Full Time Equivalents (FTE's)
- 3 Commercial Services Officers, 2.1 FTE's
- 1 Systems Administrator, 1 FTE

(ii) Environmental Health – Public Health:-

- 5 Environmental Health Officers, 5 FTE's
- 2 Enforcement Officers, 1.6 FTE's

(iii) Licensing:-

- 5 Licensing Officers, 4 FTE's

(iv) Trading Standards & Animal Health:-

- 3 Trading Standards Officers, 3 FTE's
- 1 Senior Fair Trading Officer, 1 FTE
- 1 Intelligence & Advice Officer, 0.8 FTE's
- 2 Animal Health Officers, 1.5 FTE's

(v) Support team:-

- 5 Support Officers, 4.1 FTE's

Above staff resource adds up to a total of 34 staff, 29.5 Full Time Equivalents. The Public Protection division also comprises the Authority's Registrar and Corporate Health & Safety services, but this report covers 1.2 services only, as directed by Members in January 2015.

3.2. Financial resource

The total budget for 2017/18 across the four services, with Support team costs spread across the professional teams, was just under £1.3 million. This can be broken down as follows –

Budget (net, after income)	
Environmental Health – Commercial	£438,402
Environmental Health – General public health	£383,590
Trading Standards & Animal Health	£331,267
Licensing	£29,976
Management & generic costs (eg software)	£114,129
Total	£1,297,364

The reported budget position at the end of 2017/18 was an underspend of £30,400, which represents 2.3% of the total annual budget.

4. PERFORMANCE

- 4.1 Internal performance monitoring – the four teams within Public Protection each complete an annual Service Improvement Plan (SIP). These outline annual targets, specific projects etc. and progress is reviewed regularly both by the teams themselves and Departmental Management Team.
- 4.2 External reporting – regular returns are made to the Food Standards Agency, Health & Safety Executive, Chartered Institute of Environmental Health, Drinking Water Inspectorate, Welsh Government and other organisations.
- 4.3 Internal Audit conducted a review of Licensing and their final report is awaited. They reported ‘considerable assurance’ which is positive and provides valuable independent opinion of how the service is currently performing.

4.4 2017/18 performance (and comparison to previous years)

The right hand columns summarises performance during the 2017/18 year. The left hand columns cover the previous 3 years, to enable comparisons to be made.

The following table summarises performance data from the four service teams.

Figure One

<u>Service</u>	<u>2014/15 performance</u>	<u>2015/16 performance</u>	<u>2016/17 performance</u>	<u>2017/18 performance</u>
Environmental Health (Commercial)				
Food safety full inspections	551 (100% of these programmed)	510 (100%)	502 (100%)	513 (100%)
Other interventions – sampling, verification etc	304	379	483	427
Total	855	889	985	940
Inspection within 28 days of scheduled date	88%	95%	88.4%	87%
Number of new businesses opened	124	138	130	110
Broadly compliant food businesses (high risk)	88.5%	89.0%	90.4%	94.3%

Broadly compliant food businesses – All	93.8%	94.0%	95.2%	97.4 %
Service Requests - food safety	503 400 within 3 working days=79.5%	569 Total SR's 1169	718 (86% within target time) Total SR's 1340	736 Total SR's 1350
Food Hygiene training				257 food handlers trained.
Communicable Diseases cases dealt with	194	183	171 (4 outbreaks and one fatality)	183
Health and Safety notifications		NR	63 accident, 33 major events	54 accidents, of which 9 reportable (serious injuries) 24 visits re asbestos also undertaken in the year.
Notices served		3 notices served	10 notices served	
Environmental Health (General public health)				
Housing service requests (SR'S)	153 Total 128 within 3 working days=83.7%	167 Total 135 within 3 working days = 80.8%	138 Total 127 within 3 working days = 92%	153 Total 133 within 3 working days = 86.9%
Noise	341 Total 297 within 3 working days=87.1% 221 closed within 3 months= 64.8%	305 Total 277 within 3 working days = 90.8% 130 closed within 3 months = 42.6%	363 Total 318 within 3 working days = 87.6% 188 closed within 3 months = 51.8%	321 Total. 271 within 3 working days = 84.4% 173 closed within 3 mths = 53.9%
Statutory nuisance, excluding noise	198 Total 180 within 3 working days=90.9%	148 Total 131 within 3 working days = 88.5%	179 Total 152 within 3 working days = 84.9%	142 Total. 122 within working 3 days = 85.9%

	140 closed within 3 months=70.7%	75 closed within 3 months = 50.7%	84 closed within 3 months = 46.9%	83 closed within 3 mths = 58.4%
Environmental Protection (fouling, littering, fly tipping etc.)	345 Total 314 within 3 working days=91% 222 closed within 3 months=64.3%	255 Total 233 within 3 working days = 91.4% 174 closed within 3 months = 68.2%	475 Total 448 within 3 working days = 94.3% 341 closed within 3 months = 71.8%	478 Total. 440 within 3 working days = 92.1% 302 closed within 3 months = 63.2%
Pest Control	95 Total 84 within 3 working days=88.4%	Total 104 85 within 3 working days = 81.7%	Total 74. 51 within 3 working days = 69%	Total 71. 54 within 3 working days =76%
Licensing				
Applications dealt with by Licensing	1905 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround.	1945 (this increased figure also includes all monetary transactions).	1645 (which includes 423 Temporary Event Notices (TENs) requiring a 24 hour turnaround	1668 which includes 383 TENs requiring a 24 hour turnaround
Inspections carried out	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment)	529 inspections carried out (240 of which were risk rated premises for alcohol, entertainment and late night refreshment)	508 inspections carried out (120 of which were risk rated premises for alcohol, entertainment and late night refreshment)	329 inspections carried out (261 of which were risk rated premises for alcohol, entertainment and late night refreshment)
Service Requests carried out	932 service requests were carried out	740 service requests were carried out	879 service requests were carried out	868 service requests were carried out

	(847 - 91% - with a 3 day turnaround for first response).	(679 - 92% - with a 3 day turnaround for first response).	(816 - 92% - with a 3 day turnaround for first response).	(784 - 90% - with a 3 day turnaround for first response – on target).
Trading Standards and Animal Health				
Trading Standards Visits	192	317	176	110
Trading Standards Complaints/Advice	669	540	428	457
Citizens Advice Consumer Service	419 Referrals 1158 Notifications	410 Referrals 1069 Notifications	285 Referrals 785 Notifications	
Animal Health Visits	290	311	411	248
Animal Health Complaints/Advice	251	186	298	251
Inspections at our: High Risk premises, Upper Medium premises.	92% (13/14) High Risk 46% (12/16) Upper Medium	95% (57/60) Inspection programme intel led	No formal programme of inspection this year. Intel approach with focus on safeguarding in particular medical devices.	23% (25/107)
Feed Law Enforcement	62% High Risk (116/186)	103% of new externally funded feed programme. 156 Inspections	118% - 223 Inspections	100%
Programmed animal health inspections	100%	100% (14 High) 40% Overall Programme	No formal programme of inspection this year	10% (30/294)
New Business Visits	26% TS 10% AH	76% TS 90% AH	52% TS 58% AH	56% TS 59% AH
Animal Welfare Complaints	92.5% within target response time	96% within target response time	90.4% within target response time	84%
Vulnerable Scam Reports	Not reported	35 visits contact with 119 individuals	9 visits contact with 121 individuals	10 visits contact with 135 individuals

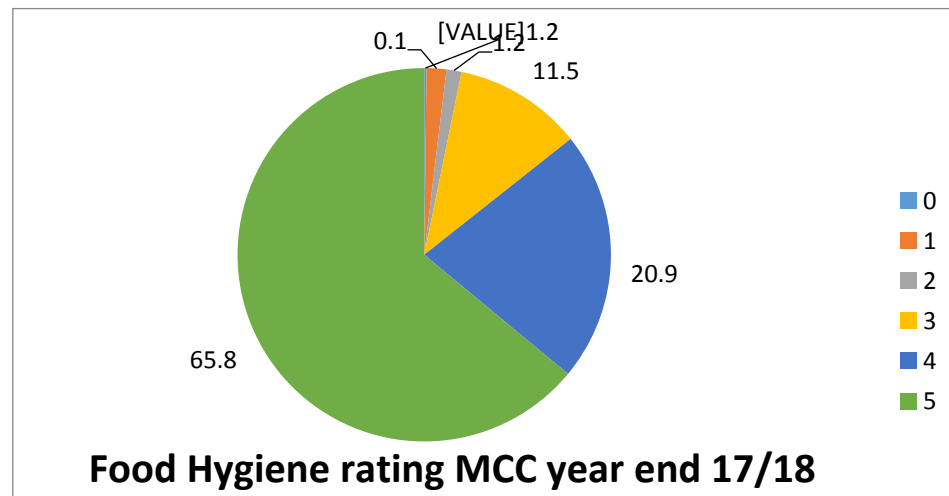
Other				
Freedom of Information Requests (PP Total)	77	85	61	51
Events requiring advice via Safety Advisory Group	110	94	102	137

5. ANALYSIS AND NOTABLE ACTIVITY IN 2017/18

5.1 Environmental Health – Commercial

5.1.1 Food safety (food hygiene and food standards)

The Commercial team has a strong commitment to balancing our statutory work with our innovative income generating work. We are maintaining our record of inspections within target times with minor fluctuations depending on pull on the team's resources. As a result of our interventions, there has been a year on year increase in the number of high scoring premises under the Food Hygiene Rating scheme. We also promote top scoring food businesses on social media. Anecdotal evidence shows a top food hygiene score can increase a small food business income by up to £300 a week. Much work is being done with other LA's to preserve the integrity of the mandatory Welsh Food hygiene rating scheme with the proposals by the FSA on Regulating our Future.



We had 2 prosecutions with regards food hygiene this year receiving costs in both. Prosecution is a 'last resort' but sends out a useful signal to all other businesses that action will be taken when advice is not heeded.

Access - this innovative scheme is now in its 5th year, whereby a charge is made for supplementary advisory visits. Feedback from business shows that the service is very effective in increasing confidence and having a beneficial effect on the food hygiene rating. The service is particularly effective for new businesses whose owners may not have encountered enforcement officers before. It establishes a better relationship and, through better compliance, the county gets safer food businesses. We have expanded it to any function of advice that a business may require or request.

Food standards - Officers this year have provided legal advice on the new requirements relating to allergen declarations in food, protecting affected persons. Officers also gave advice on the new requirements relating to nutritional declarations on prepacked food produced in Monmouthshire.

Primary Authority- Officers carry out work as contacts for primary authority companies. The legal requirements relating to allergen declarations etc continues to result in more contact with the Officers, including the investigation of reported incidents. The team have sought to increase partnerships and have done so with Stonegate Pubs, now approved by the Secretary of State, and one with the Nationwide Caterers Association.

Food sampling- the food team carries out regular sampling surveys of food made and sold in Monmouthshire, in line with national guidance and topical issues.

5.1.2 Communicable disease control

The majority of cases for investigation are Campylobacter and Salmonella and are individual, sporadic cases. Cases of Cryptosporidium and E. Coli have also been notified. The team has investigated a number of viral outbreaks in schools, care homes and a hospital, thus protecting the most vulnerable groups in Monmouthshire. It is necessary to investigate the cause, spread and duration of viral illnesses in order to eliminate other sources of illness such as foodborne illness.

5.1.3 Health and Safety at Work

Beverage Gas Safety was a national priority for intervention in 17/18 (HSE). A pilot study conducted by Monmouthshire EH of pub cellars indicated significant risks associated with gas safety management in confined spaces. This pilot study has now informed an All Wales project led by Monmouthshire EH.

The Duty to Manage Asbestos is another national priority for intervention in 17/18. LAs across Wales have been conducting inspections in a range of premises to protect workers, customers and users of commercial premises.

Residential care homes (5 LA enforced) – all premises inspected last year are being revisited to assess progress.

Fisheries (7) - following last year's fatality in Monmouthshire, all fisheries are being visited. Protection of children and vulnerable persons key issues.

We are assisting the public health team with enforcement of Private water supplies and actively encouraging the recording of information on the database for more efficient use of time.

5.1.4 Income generation

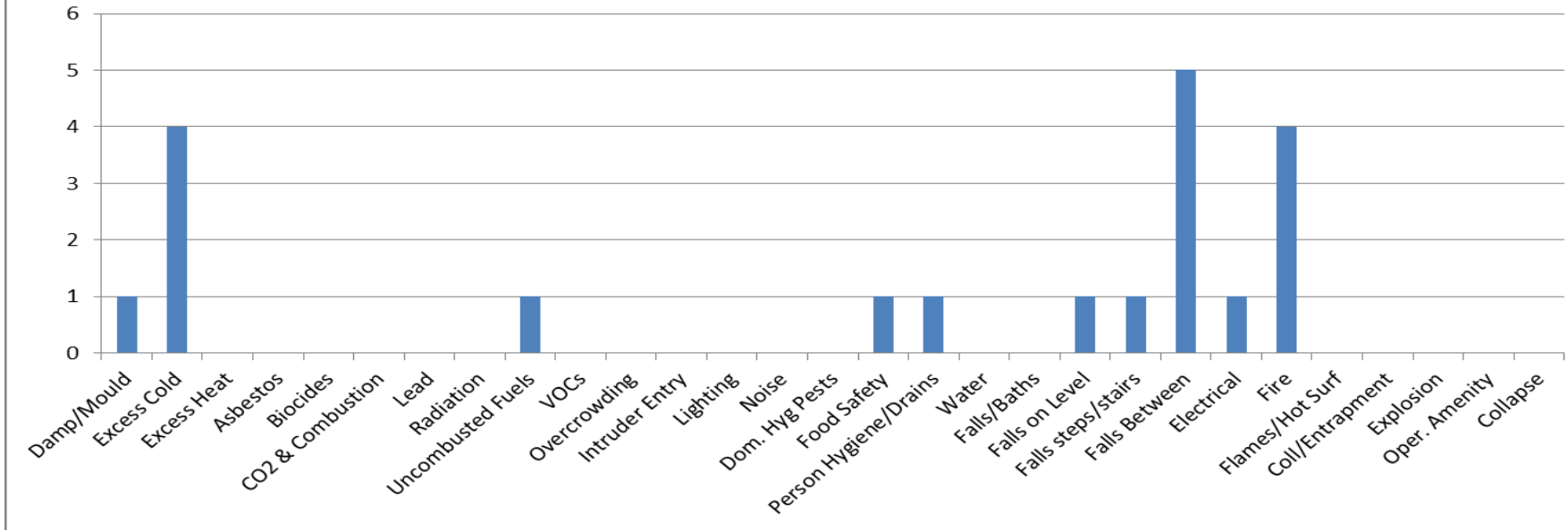
Although a regulatory function, the EH Commercial team are leading the field in Wales for innovative income generation. Further ideas are being developed and implemented, for example our MAPP (Monmouthshire Alternative to Prosecution Policy). We continue to try and think 'outside the box' and seek new income opportunities.

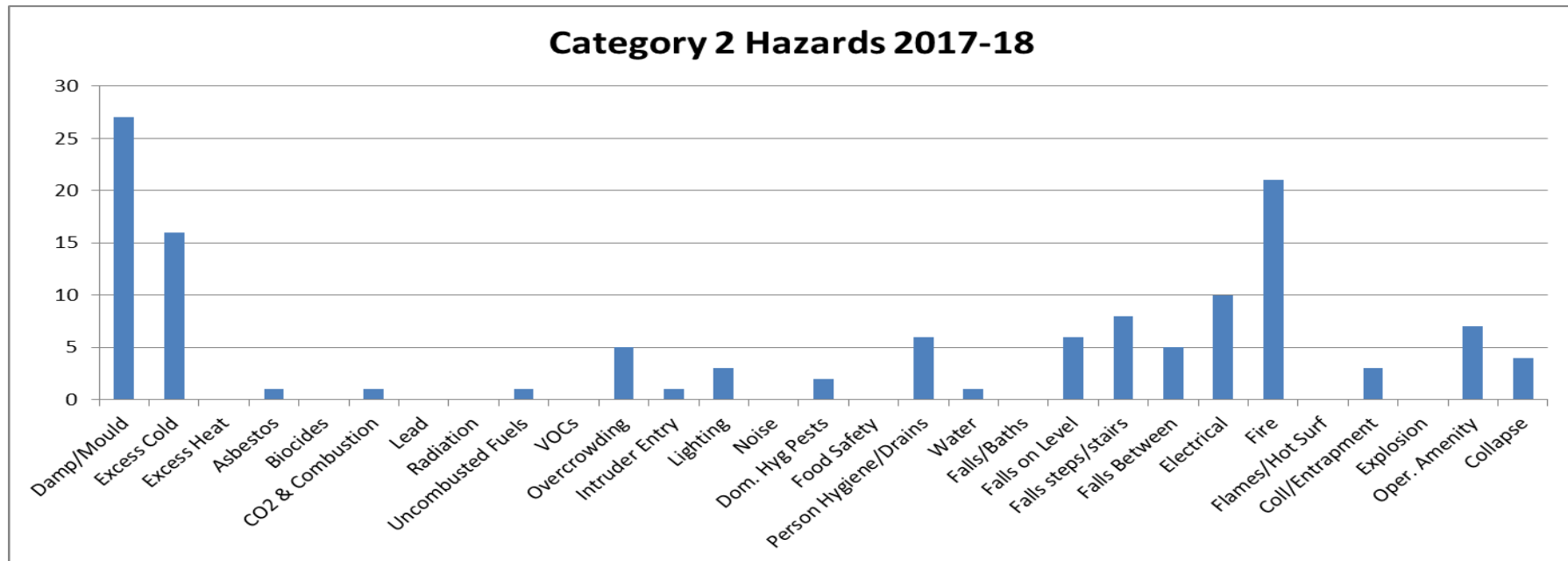
5.2 Environmental Health – Public Health

5.2.1 Housing

In 17/18 the team have continued to provide an effective and early response to complaints and requests for advice in the private rented sector. A total of 153 enquiries had been received with 133 of these responded to within 3 working days (87%). Enquiries can be regarding a range of concerns including threat of landlord harassment / unlawful eviction but generally relate to concerns with the condition of the rented property. Out of these enquiries a total of 60 dwellings were inspected with 20 category 1 hazards (most serious) and 128 category 2 hazards identified. Of the total of 148 hazards a high percentage relate to damp, cold, falls between levels and fire safety issues. The hazard profiles are illustrated as follows:

Category 1 Hazards 2017-18





The section also carried out 20 proactive inspections on request of Melin Homes of their privately leased properties.

In the 60 inspections, 105 adults and 39 children were exposed to significant hazards, with 29 of those adults and 6 children protected by landlords undertaking remedial works identified by 31/3/18. The remaining hazards to be undertaken by landlords during 18/19.

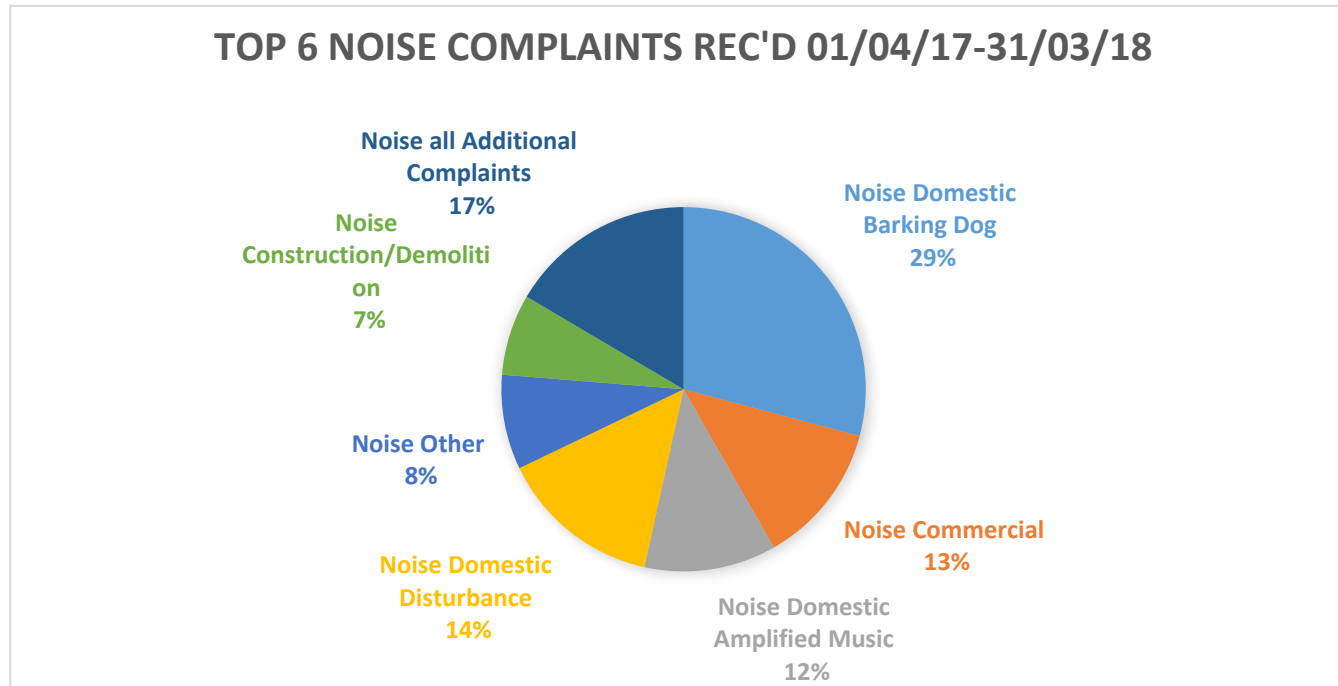
The team is being active in fulfilling the Council's responsibilities in promoting and supporting Rent Smart Wales (RSW) with regard to the registration and licensing of landlords, which has been a requirement in Wales since 23rd November 2016. At the end of 17/18 there were 4323 registered rental properties in the County, (social landlords not included).

5.2.2 Noise

The complaint level was slightly lower than the peak level seen in 16/17 but otherwise similar in number and complaint type to previous years. Dog barking and loud music continue to be the greatest source of annoyance to our residents.

Our initial response times remain high at 85% within 3 working days and the case closure rates within 3 months remains at around 50%.

As always, dog barking is the subject of many of these complaints with 97 in total (29%) though there is still a diverse nature of complaints from industrial, agricultural and commercial noise sources. The breakdown of the top 6 sources of noise complaint is as follows:



The team is particularly active in this area of work during the summer months as noise complaints increase and a lot of proactive engagement is undertaken with organisers of the various concerts / music events held throughout the County.

5.2.3 Environmental Protection

The 16/17 peak number of complaints received has been sustained in 17/18. Abandoned vehicle complaints remains high with 247 complaints compared with 108 in 15/16 reflecting the low value of scrap metal.

Initial response times are very high at 92% and case closure rates remain at between 60 – 70%.

The 'Give Dog Fouling the Red Card' scheme led by the team together with the Waste and Street Cleaning section, designed to empower local communities to deal with local fouling problems, has progressed into its third year with the number of participating Town and Community councils remaining at 19. Members report that dog fouling has generally reduced in their areas, although 'hot spots' persist, and complaints to the team have shown some reduction since commencement of the scheme:

13/14 – 169 complaints

14/15 – 147 complaints

15/16 – 92 complaints

16/17 – 121 complaints

17/18 – 106 complaints

Three fixed penalty notices were served, with payment received, for fouling offences.

Two successful fly tipping prosecutions resulting in a total of £400 in fines and £2830 costs awarded. This takes the total to 8 prosecutions since the start of 2014 with total fines of £3900, nearly £9000 in costs awarded and 250 hours community service.

5.2.4 Private Water Supplies

The team has the responsibility for fulfilling the Council's duty of risk assessing all 'large' and 'small' private water supplies (PWS), where water is intended for human consumption. Improvements are undertaken where necessary to ensure a wholesome and sufficient water supply is provided. We currently have 113 'small' and 52 'large' supplies, the vast majority of which have received an initial risk assessment. However follow up action is required on over 90 of these to ensure works required are undertaken. In addition each supply must be risk assessed every 5 years. Progress in dealing with these is very slow with 22 supplies risk assessed in 17/18. Progress is likely to continue to remain very slow at current resource levels.

In addition, The Private Water Supplies (Wales) Regulations 2017 which came into force in November 2017, has increased the burden by requiring single supplies which serve a rented dwelling to be risk assessed every 5 years, and requiring improvements where necessary. This equates to approximately 30 more supplies. The team is not currently fulfilling this duty, so will need to prioritise in 2018/19.

5.2.5 Pest Control

Complaint levels remain very similar to 16/17 with 71 received compared with 74 in 16/17.

5.2.6 Construction

Engagement with the developers of the A465 dual carriageway and electrification of the South Wales main rail line has continued, and also in progress with the proposed M4 development. Our interest is to ensure that the contractors do all that can be reasonably expected to control noise, dust and air pollution levels. A substantial work commitment is needed in these areas which is generally not reflected in the Service Request statistics, with successful engagement hopefully resulting in low complaint numbers.

5.2.7 Air Quality

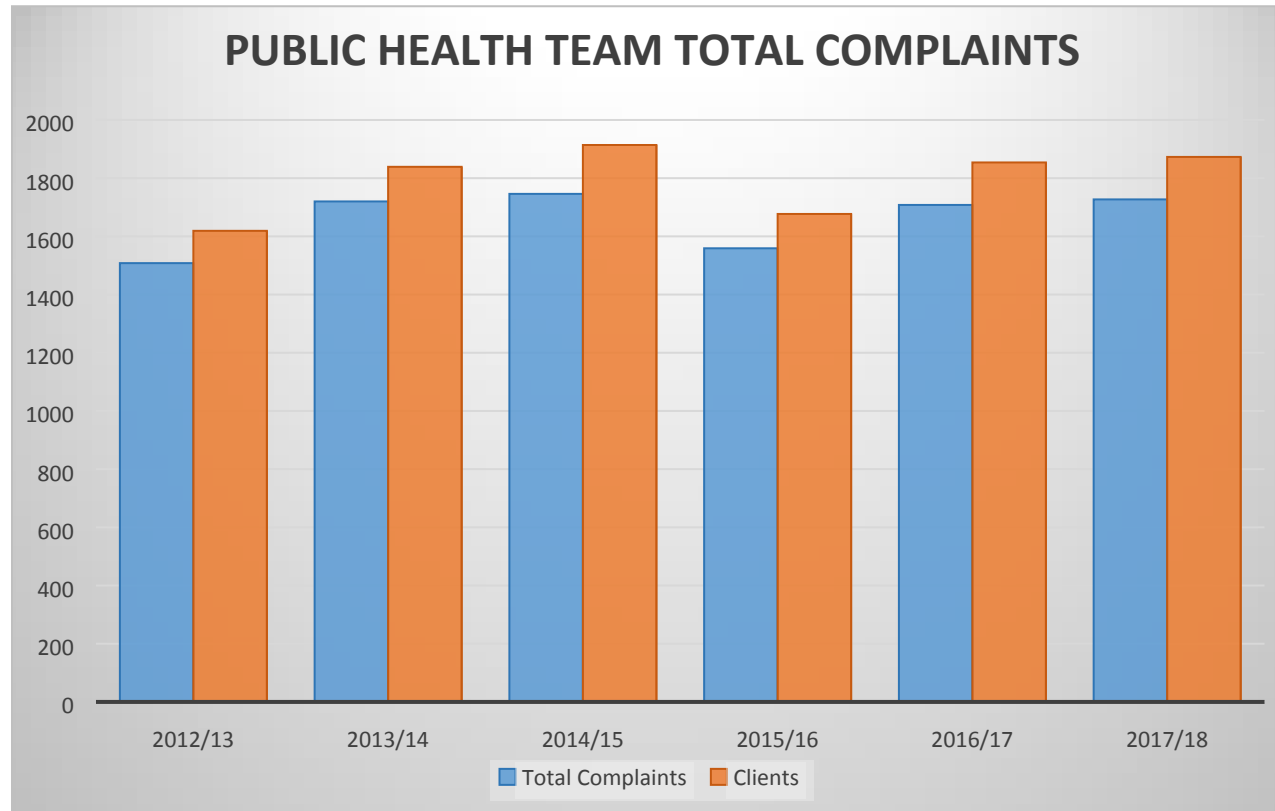
The team met its target to complete the 35 visits planned for 17/18 of the industrial permitted sites and petroleum certified sites which we have responsibility for from a pollution legislation perspective.

We continue to monitor traffic related pollution (nitrogen dioxide) in our 4 major towns and provide advice in regular meetings of the steering groups in the Chepstow and Usk Air Quality Management areas.

In addition we agreed with colleagues in Education to install real time air quality monitors in the Caldicot and Monmouth 21st Century schools, on their completion in 2018, as well as installing a further 2 monitors at our Chepstow and Usk schools. As well as providing valuable data, it is hoped these will provide an excellent educational tool for our young people on air quality issues.

5.2.8 Total Enquiries

The total number of service requests dealt with by the team across the range of functions was 1727 (1873 clients) last year which sustained the increase seen in 16/17, which in itself was a 9.6% increase from 15/16. This is illustrated in the bar chart below:-

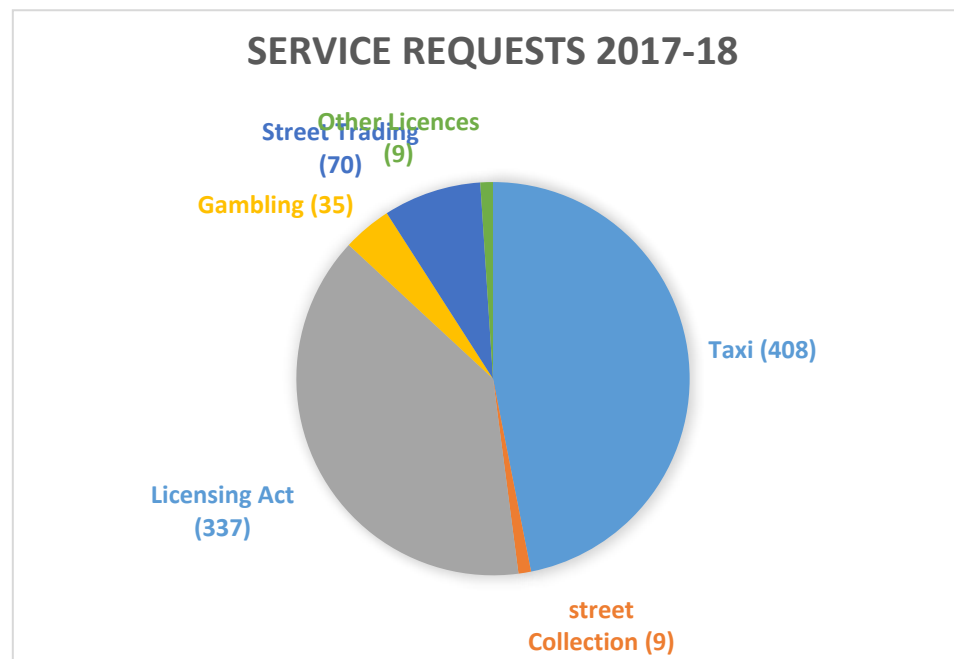


5.3 Licensing

5.3.1 General

The Licensing team deals with a variety of licences, dealing with pubs, restaurants, off-licences and takeaways, taxis, street trading (e.g. burger vans), street/house to house collections, (e.g. charity collections in the street or bag drops at homes), gambling (e.g. betting shops, racecourse, one armed bandits in pubs/clubs, raffles etc.), scrap metal collectors and sites. The team are also authorised to deal with sex establishments, boats and hypnotism.

868 requests for service were processed by the Licensing team last year in 2017/18. A breakdown of the 868 requests are shown below:-



1668 applications were processed in 2017/18. Some of the work carried out by Licensing in 2017/18 includes:-

5.3.2 Pubs, Restaurants, Off-licences, Clubs and Takeaways

Night Time Economy and Joint Enforcement

Some of the statutory enforcement officers under the Licensing Act 2003 meet monthly, namely Licensing, Police, Environmental Health, Trading Standards, Social Services and Public Health. These meetings raise issues regarding premises that are causing problems and all receive follow up visits by Licensing. During these three quarters, Licensing had to deal with reported incidents of noise issues, violence, anti-social behaviour, drug usage and reports of underage drinking. 261 premises received an inspection during this period. A venue in Monmouth received a joint visit by Licensing and the Police, following complaints that late night revellers leaving the venue taking glasses outside, smashing them in the vicinity, vomiting and causing damage to nearby properties. As a result of our visit all the door-staff were changed as it was felt they did not manage drunk persons both entering and leaving the premises. Further joint visits by Licensing and the Police were conducted in the Abergavenny area. One licensee assaulted a member of staff, and another licensee aggressively assaulted a customer - both have been issued warnings and monitoring is still in place. A club has also been given a final warning for permitting non-members into the premises, which did not comply with legislation and the conditions of their licence. There was an allegation of staff selling drugs and a person overdosing

on ketamine. It was found there was no evidence of drug sales and the premises acted appropriately in calling emergency services to deal with suspected overdose, where the person made a recovery. Doorstaff at this venue informed the Police of a possible drug dealer who has since been arrested and charged. Police and Licensing to monitor both venues. Further incidents will result in a possible review of the licence. An ongoing investigation is underway between Licensing and the Police in the Caldicot area where a complaint has been received about drinking after hours, drug usage on the venue and sexual activity. In December, late night operations took place at Abergavenny, Monmouth, Caldicot and Chepstow by the Police and Licensing at busy venues in the area leading up to the Christmas period. .

On 1st February, the Busking Code of Conduct was introduced following work carried out by the Police and Licensing, in order to provide a uniformed approach on how buskers should conduct themselves and their operating restrictions. This attracted a large amount of media attention.

Immigration

Licensing informed Immigration of their concerns in an off-licence/shop in Abergavenny where it was suspected that employed persons were illegal immigrants. A joint operation took place with Licensing and Immigration in November 2017 and it was confirmed that persons were there illegally. A notice was served by Immigration and the person was found guilty and fined £15,000. Legislation recently changed in April 2017 where Immigration are now a consultee when dealing with applications under the Licensing Act. The legislation was changed to prevent those being exploited who have no right to work, who are very often paid low wages and can be linked to modern day slavery. Licensing welcome this change and now work closely with Immigration.

Safeguarding

Licensing worked closely with the Newport and Monmouthshire's Multi Agency Sexual Exploitation (MASE) group - which includes the Police, Social Services and other counselling agencies - last July. Information was received from Social Services that a takeaway venue in Chepstow was possibly grooming teenage girls, with the premises offering them free food. Licensing visited the venue, gathering information of all those that work there, which was later shared with Immigration. Concerns were raised with the owner of the possible safeguarding issues taking place, which were denied. This venue, and a further venue in Caldicot owned by the same person, will continue to be monitored by Licensing working in partnership with MASE and Immigration.

Licensing, working in partnership with Gwent Police launched 'Operation Makesafe', which commenced 13th November. This involved visiting takeaways, pubs and clubs, providing posters and beer mats to highlight awareness of safeguarding issues and also providing contact details if anyone has safeguarding concerns.

Currently working on the next operation to further train hotels/guest houses that provide overnight accommodation. There will be a test purchase of underage girl/boy booking a room for one night with no baggage at these premises. The aim is to see if the business asks further questions and to assess if more training is required.

On 30th January 2018 a film classification policy was adopted by the Authority, this will ensure those seeking to classify a film under the Licensing Act will be dealt with consistently but also the policy will safeguard children of varying ages from viewing unsuitable material within films. It will prevent children and young adults from viewing certain films of an adult or sexual nature.

5.3.3 Taxis

During this period, 24 drivers had spot checks, with 1 being issued penalty points for not wearing a badge. 66 vehicles checked with 1 having no spare tyre, 1 defective roof light, 3 with defective lights and 1 with no safety net. All received a warning.

Joint Operations

Joint operations took place between Licensing and Police in August in Abergavenny, checking for possible unlicensed vehicles in the area. In December leading up to the Christmas period the Police and Licensing carried out late night operations, spot checking taxis in Abergavenny, Monmouth, Chepstow and Caldicot. A test purchase exercise took place in Abergavenny and Monmouth. Out of the 4 tested, 1 in Abergavenny overcharged and 2 further taxis in Monmouth failed to use the taximeter. Possible further action and prosecutions to be considered.

On 15th March 2018 a 'Talk Transport Day' was launched for all operators in Monmouthshire and to attract those operating outside to be licensed with this Authority. Licensing working closely with the Transport review group, Passenger Transport Unit, Procurement, Communications, Business Wales and Future Monmouthshire.

Disability

Licensing took a report to Licensing and Regulatory Committee on 26th September 2017 for the Authority to adopt a list of wheelchair accessible vehicles that will be displayed on the Councils internet. By adopting the list it gives Licensing Officers further powers to take action against drivers and owners of vehicles if they fail to carry a passenger while in their wheelchair, or if they make additional charges for wheelchair users using their vehicles.

Information leaflets and guidance was provided to the taxi trade in December, reminding them of their duties and best practice when dealing with passengers travelling with assistance dogs. This followed as a result of a presentation by the Guide Dogs Cymru at the Welsh Institute of Licensing meeting in September where they raised concerns that persons throughout Wales were not being picked up by taxis if they had assistance dogs. Guide Dogs Cymru requested that the top tips leaflet be issued to the taxi trade when assisting blind and partially sighted passengers. This has been duly carried out by Monmouthshire Licensing.

Safeguarding

In April, 11 taxi drivers had their Hackney Carriage/Private Hire Driver Licence suspended until they carry out the Safeguarding training, as required in the conditions of their licence. 283 drivers have now completed the safeguarding training. This training provides guidance and reporting mechanisms if they feel there are any safeguarding issues when carrying passengers. It also provides further guidance and assistance on how they themselves should conduct themselves towards passengers.

During the last quarter Licensing, working with the Police and Social Services dealt with 2 separate drivers within a strategy meeting. The one received a warning letter and given advice about their conduct. The other driver had his licence revoked following information received for inappropriate language and aggressive behaviour towards a schoolchild, further incidents of violence were also taken into consideration.

5.4 Trading Standards & Animal Health

5.4.1 Feed

Following the successful two years of the regional approach to Feed Law enforcement, the third year has followed the same formula. With over two thirds of the region's inspections falling in Monmouthshire, this has allowed us to retain the additional Officer with vital knowledge and skills (not just in feed) and without any cost to the Authority. However maternity leave had an impact and a number of illness absences once again showed how easily the service can be significantly affected when trying to deliver a programme that has a direct effect on additional funding. Upskilling of other Officers has been completed but this does have a direct effect on the wider trading standards remit. Cross-border authorisation was used to call on additional resource from neighbouring authorities. 90% of farm based visits were completed and 53% of other premises although there was a problem in the original regional allocation that accounted for the majority of this shortfall.

5.4.2 Animal Health

As previously reported, since the loss of the additional funding animal health is now over 90% reactive. As strategic lead for Wales Heads of Trading Standards in relation to animal health, the Trading Standards team leader has been heavily involved in working with Welsh Government to develop a Partnership Delivery Plan with associated additional funding. This is based on a regional approach and mirrors the footprint of the Cardiff Capital Region City Deal. Monmouthshire has approximately 50% of the critical control points and animal related premises within this region, but current capacity, at 1.5 FTE's, limits this opportunity. A vacancy has been combined with a wider regional resource to create a new post which it is hoped will be filled imminently with an experienced, qualified animal health officer.

To date enhanced surveillance at critical control points including the market and slaughterhouse has been undertaken; a pilot survey into small holders and hobby farmers (as despite being assessed as low risk for health and welfare, they are felt to a more

likely disease risk); a review of the recent dog breeding changes and a mobile animal exhibits assessment, as these are likely to become more prevalent.

5.4.3 Fair Trading

There are ongoing investigations into further supplies of illicit tobacco and a further pending prosecution.

Unlicensed Dog Breeder has been prosecuted by the RSPCA but in the meantime has been evicted from his rental property in Monmouthshire.

Lighting Electrical Safety - Following a complaint from a resident a light was test purchased and examined which established it to be non-compliant and led to a nationwide recall. A small project undertaken as a result led to further recalls after a referral to the Primary Authority.

From 1 April 2018, landlords of buildings within the scope of the Minimum Energy Efficiency Standard (MEES) must not renew existing tenancies or grant new tenancies if the building has less than the minimum energy performance certificate (EPC) rating of E, it applies to non-domestic and domestic properties. Presentations were made to Monmouthshire and Torfaen Landlords Forum.

E-cigarette safety complaint following fire in consumers pocket while carrying a digital device. Further investigations established that it was not the device at fault but actually due to carrying spare batteries unprotected.

Primary Authority related enquiries has led to a couple of more time consuming pieces of work.

A Local trader started to generate a number of complaints particularly in relation to vulnerable adults which has led to a joint investigation with another South Wales Authority.

A Rogue Trader incident in January where a vulnerable resident was being asked for £8,000 for some tarmacking has led to a number of visits and advice being offered to the resident in conjunction with Police support for the victim.

5.4.4 Consumer Protection

A priority for the service has been dealing with a variety of scams and bringing them to the attention of both the public and businesses whenever possible. The key focus has continued to be working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate. Call Blockers have been distributed to the vulnerable who have been targeted by scam calls, and support given to WASP (Wales Against Scams Partnership) on behalf of the Authority and initiatives such as Friends Against Scams and Mail Marshalls.

There have been a few multi-agency approaches undertaken targeting rogue traders, doorstep callers, poachers and itinerant businesses.

5.4.5 Weights & Measures

Whilst no national surveys/projects took place there were a number of verifications and equipment checks carried out with no significant problems identified.

5.4.6 Underage Sales

Additional resource has been agreed to develop the local intelligence picture and will continue into the new financial year.

5.4.7 Air Quality – Lorry Watch

Vehicle spotter reports continue to be followed up with checks that the vehicles are legitimately travelling through the two restricted areas in Usk, as these vehicles contribute significantly to the levels of air pollution.

5.4.8 Income Generation

Feed funding generated in excess of £21,000 allowing us to retain additional capacity. Animal Health PDP regional co-ordination and additional project work, Primary Authority and other regional initiatives brought in around £12,000.

5.5 Event Safety Advisory Group

A number of Public Protection staff are involved in Monmouthshire's Event Safety Advisory Group, (ESAG). This is a partnership designed to help organisers run safe and successful events. It is recognised a proactive advisory stance is preferable to reacting to problems after events have occurred. A number of large events were held last year including food festivals, music concerts, (eg. Little Mix in Caldicot last July), agricultural shows, cycling events etc. and safety/noise/licensing/other advice was provided. As per Figure One, 137 events received advice from the group, which is a significant increase from the previous year.

6 PERFORMANCE SUMMARY 2017/18

- 6.1 Public Protection teams, with only a small number of exceptions, continue to meet the Authority's legal obligations. However, Officers are typically operating at maximum level and are put under increased pressure when colleagues have any long term absence. Managers will continue to monitor performance, review workloads, etc. to protect Officer well-being as far as possible.
- 6.2 To summarise the performance data in Figure One, the Commercial team and Licensing are maintaining proactive and reactive services well. As outlined in the analyses in Section 5, the Public Health and Trading Standards/Animal Health teams have some pressures, due to work volumes and limited Officer capacity. Joint working such as event support has increased, eg. through providing expert advice on MCC's own organised events. Services have participated in successful initiatives throughout 2017/18.
- 6.3 Members can gain some assurance that performance is in line with other Authorities via regular monitoring by the external governing bodies referred to in section 4.2, for example, the Food Standards Agency.

7 2018/19 AND BEYOND

- 7.1 Future Monmouthshire principles – the section seeks to progress from predominantly dealing with the ‘here and now’ needs of residents, visitors and businesses, (though clearly crucial), to activity with greater public health gain, ie. a focus on ‘growing’ our services. Examples would include more air quality activity, private housing interventions and consumer protection. Our 2108/21 Business Plans are seeking to better reflect our longer term vision and future planning. This tallies with the Well Being of Future Generations expectations, with Public Protection services contributing directly to a more prosperous, resilient, healthier and more equal county.
- 7.2 Public Protection services will continue to explore further income generation opportunities, building on the good work within the Commercial team.
- 7.3 When new legislative requirements are introduced, via Welsh Government or Westminster, our professional bodies will seek proper funding to implement. Provisions of the Public Health (Wales) Act 2017 are now being implemented, to include licensing of intimate piercing and new age restrictions. The Chief Medical Officer’s Annual Report for 16/17 was released in February 2018, with a big focus on ‘gambling and health’. Public Protection services will link with other partners, eg. Gambling Commission, to seek to protect ‘problem gamblers’ noting the public health impacts on individuals, families and communities.
- 7.4 Collaborative opportunities are being considered at regional and national level, and this Authority will play a part in developing future service models.
- 7.5 Noting the role of these services - protecting vulnerable people, reducing anti-social behaviour, improving our environment, ensuring safe food from farm to fork, etc. – the service would welcome actively engaging with Members. The service, together with delivering statutory responsibilities, acts on local intelligence and welcomes input from local Councillors, other stakeholders, etc. to improve outcomes for our citizens. The services enjoy an excellent reputation, due to the commitment of the Officers, and will continue to contribute to the wider agendas and our core purposes, as provided in 2.1.

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**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: To consider the suitability of a Hackney Carriage/ Private Hire drivers licence holder

AUTHOR: Taylor Watts

MEETING AND DATE OF MEETING: Tuesday 18th October 2018
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public
Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 18th October 2018 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of not disclosing outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 10th September 2018

Signed: 

Post: Licensing Officer

I accept ~~do not~~ accept the recommendation made above.


Proper Officer

Date: 10/9/18

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