

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 10 May 2021

## Notice of meeting

# Licensing and Regulatory Committee

Tuesday, 18th May, 2021 at 10.00 am  
Remote Meeting

## AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm the following minutes:	
5.1.	Licensing and Regulatory Committee Rights of Way Advisory Panel dated 17th December 2020.	1 - 2
5.2.	Licensing and Regulatory Committee dated 23rd February 2021.	3 - 4
5.3.	Licensing and Regulatory Sub Committee dated 8th March 2021.	5 - 6
6.	Statement of Gambling Policy and Proposals for Casinos.	7 - 74
7.	Green Fleet Taxi Pilot.	75 - 90
8.	Review of Hackney Carriage and Private Hire Policy and Conditions.	91 - 94
9.	Application for Street Trading Consent - Troy's Van - Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ.	95 - 124
10.	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 1972, 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.	125 - 126

11.	To consider whether the driver is "Fit and Proper" to hold a Hackney Carriage/Private Hire Drivers Licence.	127 - 136
12.	Next Meeting: Tuesday 29th June 2021 at 10.00am.	

**Paul Matthews**

**Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Brian Strong	Usk;	Welsh Conservative Party
County Councillor Jim Higginson	Severn;	Welsh Labour/Llafur Cymru
County Councillor Simon Howarth	Llanelly Hill;	Independent Group
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Bryan Jones	Goytre Fawr;	Welsh Conservative Party
County Councillor Malcolm Lane	Mardy;	Welsh Conservative Party
County Councillor Richard Roden	Dixton with Osbaston;	Welsh Conservative Party
County Councillor Jamie Treharne	Overmonnow;	Welsh Conservative Party
County Councillor Ruth Edwards	Llantilio Crossenny;	Welsh Conservative Party
County Councillor David Evans	West End;	Welsh Labour/Llafur Cymru
County Councillor Linda Guppy	Rogiet;	Liberal Democrats
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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### Welsh Language

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# 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 5a

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee Rights of Way Advisory Panel

Remote Microsoft Teams Meeting on Thursday, 17th December, 2020 at 2.00 pm

**PRESENT:** County Councillor B. Strong (Chairman)

County Councillors: A. Easson, M. Lane, R. Roden, J. Treharne,  
R. Edwards, D. Evans and A. Webb

#### **OFFICERS IN ATTENDANCE:**

Ruth Rourke	Principal Officer - Countryside Access
Shaun Pritchard	Assistant Rights Of Way Officer
Denzil – John Turbervill	Commercial Solicitor
Laura Bazely	Legal Services
Mark Hand	Head of Place-making, Housing, Highways and Flood
Richard Williams	Democratic Services Officer

#### **OBSERVING:**

Zoe Aubrey – Barratt Homes  
Kevin Hall – Member of the Public

#### **APOLOGIES:**

None.

#### **1. Declarations of interest**

None received.

#### **2. Town and Country Planning Act 1990 - Section 257 Public Path Order Footpath 37 (part) Caldicot**

We received a report and presentation from the Countryside and Access Manager regarding a request that had been made to make and confirm, a public path diversion order under Section 257 of the Town and Country Planning Act 1990, to enable development in accordance with approved planning permission.

The Committee was informed that:

- On 5th March 2020 planning permission was granted under reference DM/2019/01761 for 130 dwellings, associated infrastructure and landscaping on land to the East of Church Road, Caldicot.
- The developer has applied for a path order to divert Public Footpath 37, Caldicot in such a way as to accommodate the development that would otherwise obstruct the footpath.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Licensing and Regulatory Committee Rights of Way Advisory Panel**

**Remote Microsoft Teams Meeting on Thursday, 17th December, 2020 at 2.00 pm**

- The Council, under Section 257 of the 1990 Town and Country Planning Act (T&CP Act) may by order, stop up or divert a footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission.
- Any orders changing the public path network should comply with legislative tests and take into consideration guidance and policy.
- The Council ran a pre-order consultation. It received five objections, three had no comments and five had no objections. Details of the objections were outlined to the Committee.

Following the presentation, Members were invited to discuss and comment, during which time the following points were noted:

- In response to a question raised regarding whether there was an alternative route along which the footpath might be diverted, it was noted that the suggested alternative route was very steep and close to the flood plain. There were also ecological issues at this location regarding overwintering birds, making the route unsuitable.
- The proposed alternative route is the most accessible route for the area.
- The developers have not obstructed the existing footpath. A temporary diversion order is currently in place providing a safe route for the public whilst work is underway on the development site.
- The proposed diversion will feed into the existing network of footpaths very well.

The Committee withdrew with the Legal representatives and Democratic Services Officer to consider the recommendations and returned to announce its decision.

We resolved that having regard to the relevant legislation, tests, guidance and policy that the Licensing and Regulatory Rights of Way Advisory Committee authorises the making of a diversion order for Footpath 37 Caldicot under Section 257 of the Town & Country Planning Act 1990.

**The meeting ended at 2.50 pm**

# Public Document Pack Agenda Item 5b

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee Remote Meeting on Tuesday, 23rd February, 2021 at 10.00 am

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

County Councillors: S. Howarth, A. Easson, M. Lane, R. Roden, J. Treharne, R. Edwards, D. Evans and A. Webb

#### **OFFICERS IN ATTENDANCE:**

David Jones	Head of Public Protection
Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

None received.

#### **1. Declarations of interest.**

None received.

#### **2. Confirmation of Minutes**

The minutes of the Licensing and Regulatory Committee meeting dated 12<sup>th</sup> January 2021 were confirmed and signed by the Chair.

#### **3. Contract Garages Review Report**

We received a report to extend the existing contracts for garages authorised by the Council to carry out inspections of Hackney Carriage and Private Hire Vehicles.

In doing so the following points were noted:

- In response to questions raised the Principal Licensing Officer stated that with regard to testing within the garages, these garages have to be MOT garages providing MOT standard inspections. The inspection provided complies with Monmouthshire County Council policy. Therefore, the inspection provided is over and above an MOT inspection.
- The County Council's Trading Standards Department is available to undertake test purchases if it is considered that a garage is not undertaking its testing measures competently.

We resolved:

- (i) to extend the contract for authorised inspection garages for Hackney Carriage and Private Hire vehicles from 1st April 2021 to 31st March 2022;

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee Remote Meeting on Tuesday, 23rd February, 2021 at 10.00 am

- (ii) that a new contract be issued to the existing inspection garages, commencing 1st April 2022.

#### **4. Proposed Changes to Taxi and PH Licensing**

We received an information report for future consideration of the review of the Taxi and Private Hire Policy and Conditions 2020, adopted by the Licensing and Regulatory Committee on 23rd June 2020.

In doing so the following points were noted:

- When the policy has been presented to the Licensing and Regulatory Committee for approval in due course, the consultation period will then run for a three month period.
- All taxi drivers receive enhanced DBS checks. Operators receive a basic DBS check, unless they are operator / drivers, then they will receive an enhanced DBS check.
- All proprietors of vehicle holders will have a basic DBS check, going forward.
- Going forward, any operators that employ a person must keep a register of employees who will be required to have received a basic DBS check.
- This policy document is requesting that training for Members must be undertaken. However, Monmouthshire County Council has always undertaken training for Licensing and Regulatory Committee Members. Future training will incorporate role play to better understand the training being provided.
- The full report with a summary of the main points of the changes will be sent to Committee Members.

We noted the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards, dated July 2020.

#### **5. Next Meeting**

Tuesday 23<sup>rd</sup> March 2021 at 10.00am.

**The meeting ended at 10.26am.**

# Public Document Pack Agenda Item 5c

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of the Licensing and Regulatory Sub Committee Remote Meeting on Monday, 8th March, 2021 at 2.00 pm

**PRESENT:** County Councillor J. Higginson (Chair)

County Councillors: A. Easson and M.Lane

#### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Samantha Winn	Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

#### **APOLOGIES:**

None received.

#### **1. Declarations of Interest**

County Councillor J. Higginson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of an application for the grant of an Adult Gaming Centre at 2 – 4 Monnow Street, Monmouth as he is a Member of Monmouthshire County Council's Planning Committee and might be required to determine the change of use for the premises.

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of an application for the grant of an Adult Gaming Centre at 2 – 4 Monnow Street, Monmouth as he is a Member of Monmouthshire County Council's Planning Committee and might be required to determine the change of use for the premises.

#### **2. Application for the grant of an Adult Gaming Centre - 2 - 4 Monnow Street, Monmouth**

The Sub-Committee considered an application for the grant of an Adult Gaming Centre licence under section 160 of the Gambling Act 2005 for 2-4 Monnow Street, Monmouth, NP25 3EE.

The Chairman welcomed the applicant to the meeting and introduced Members of the Sub-Committee and the attending officers and explained the protocol for the meeting.

The applicant confirmed their name and address to the Sub Committee. The applicant confirmed receipt of the report and was content to proceed with no legal representation.

It was noted that the objectors had received a copy of the report. However, there were no objectors present at the meeting.

The key issues and details were read out to the Sub-Committee.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of the Licensing and Regulatory Sub Committee Remote Meeting on Monday, 8th March, 2021 at 2.00 pm**

The applicant was then given the opportunity to address the Sub Committee, to put forward any relevant explanations. Following this, Members of the Sub Committee put forward questions to the applicant and discussion ensued. The applicant was then given the opportunity to sum up.

Following questioning, the Licensing Sub-Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Sub-Committee had resolved to grant the adult gaming centre premises licence for 2-4 Monnow Street, Monmouth, NP25 3EE which will be subject to the mandatory conditions applicable to such premises licences, as prescribed under section 167 of the Act).

**The meeting ended at 2.55 pm**

## 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:** 18<sup>th</sup> May 2021

**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 2022' 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.
- 2.2 Members review the proposed updated Gambling policy statement for the period 31 January 2022 to 30 January 2025 (changes highlighted in red), which is attached as Appendix A. To seek approval to commence the statutory consultation process prior to determining the new statement.

### 3. KEY ISSUES

- 3.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Council, in its role as the Licensing Authority, prepares and publishes a policy statement that it proposes to apply in exercising its functions under the Act during that period. The current Gambling policy covers the three-year period that began on 31 January 2019. A review must therefore be undertaken and the next Gambling policy published before 31 January 2022. Consultation must be undertaken as part of the preparation of the policy and a draft version of the revised policy is brought before Members, which includes the determination of casinos for their consideration prior to commencing the consultation process.
- 3.2 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 31 January 2022.
- 3.3 Central Government upon the advice of the Casino Advisory Panel permitted 8 large and 8 small casinos along with those who had grandfather rights when the Act came into force, 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 the availability of casinos change.

3.4 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. In addition, before a decision is made to go against the current stance not to have casinos within the County, Members should be aware of Chief Medical Officer for Wales Report concerning health and gambling referred to in Future Generation report attached as Appendix B.

3.5 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
- 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.

3.6 Since its publication in January 2019, the current Gambling policy has proved effective in guiding Officers, Members, the holders of licences and other authorisations granted under the Gambling Act 2005, plus members of the public, in understanding how the Authority will apply its' discretion and use its powers under the Act. It is therefore not considered necessary to greatly change the information contained in the current Gambling policy.

3.7 Additionally, the Government is currently undertaking a review of the Gambling Act 2005 with a view to ensuring that the regulatory framework is fit for purpose, within the digital age, and can continue to meet its aims and objectives referred to in 3.5 above. The Government's review of the Act are to:

- Examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advances.
- Ensure there is an appropriate balance between consumer freedoms and choice on the other hand, and prevention of harm to vulnerable groups and wider communities on the other.
- Make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and land based industries.

3.8 A White Paper is expected later this year which may result in legislative changes that will require a further more comprehensive review of the Gambling policy in the near future. This will not avoid the statutory requirement to now review and publish the policy for the next three year period, that will commence on 31 January 2022.

## Consultation on the Gambling Policy

3.9 Section 349 of the Gambling Act 2005 provides that in preparing a revision of the statement of Gambling policy, the Authority shall consult with:

- The Chief Officer of police for the Authority's area;
- 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.

3.10 The Gambling Commission guidance explains that this is "deliberately wide" as it allows Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, their Gambling policy. The Guidance further provides that "it is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, businesses and responsible authorities.

3.11 It is proposed that the consultation process should follow a similar format to previous years and as only minimal changes are proposed to the existing Gambling policy, the duration of the consultation will be 12 weeks. This will include:

- Formal notification to the Chief Officer of Police, as specifically required under the Gambling Act 2005;
- Written notification to
  - Responsible Authorities under the Act, and
  - Local gambling businesses, including their head office where appropriate;
- Formal consultation via the Local Authority website to allow local residents, community groups, businesses and others to respond;
- Consultation with other departments in respect of local risk assessments; and
- Social media and other avenues will be used to publicise the consultation.

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

18 <sup>th</sup> May 2021	First Draft of Policy to the Licensing and Regulatory Committee
1 <sup>st</sup> June 2021 – 31 <sup>st</sup> August 2021	Consultation on Gambling Policy – Send out letters and put on the website.
14 <sup>th</sup> Sept 2021	Final Draft, results of consultation to the Licensing and Regulatory Committee
4 <sup>th</sup> Nov 2021	Gambling Policy report to Full Council
End of Nov 2021	Legal Notice in Newspaper
3 <sup>rd</sup> January 2022	Publication of Gambling Policy
31 <sup>st</sup> January 2022	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.

### **8. BACKGROUND PAPERS:**

- 1. [Monmouthshire County Council's Statement of Gambling Policy 2019](#)
- 2. [Gambling Act 2005](#)
- 3. [The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#)
- 4. [Gambling Commission Guidance to Local Authorities](#)

### **9. AUTHOR:**

Linda O'Gorman  
Principal Licensing Officer

#### **CONTACT DETAILS:**

Tel: 01633 644214

Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)



monmouthshire  
sir fynwy

## **Gambling Act 2005 Statement of Licensing Policy 2022**

**January 2022**

Further information can be obtained from:  
Licensing Section  
Monmouthshire County Council  
Abergavenny Community Education Centre  
Old Hereford Road  
Abergavenny  
NP7 6EL  
Tel: 01873 735420  
Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)  
Website: [www.monmouthshire.gov.uk/licensing](http://www.monmouthshire.gov.uk/licensing)

## Contents

<b>1. Statement of Licensing Policy .....</b>	<b>3</b>
1.1 Introduction.....	3
1.2 Profile of Monmouthshire.....	4
1.3 Objectives.....	4
1.4 The Licensing Authority Functions.....	5
1.5 Consultation.....	6
1.6 Responsible Authorities.....	6
1.7 Interested Parties .....	7
1.8 Exchange Of Information.....	7
1.9 Enforcement.....	8
1.10 Fundamental Rights .....	9
1.11 Integrating Strategies and Avoiding Duplication .....	9
1.12 Sustainable Development Community Strategy .....	9
<b>2. Premises Licences.....</b>	<b>10</b>
2.1 General Principles .....	10
2.2 Appropriate Licence Environment.....	12
2.3 Premises “ready for gambling”.....	13
2.4 Other Considerations.....	13
2.5 Duplication with other Regulatory Regimes:.....	14
2.6 Licensing Objectives:.....	15
2.7 Bet-Watch:.....	17
2.8 Conditions:.....	17
2.9 Door Supervisors:.....	19
2.10 Adult Gaming Centres .....	19
2.11 (Licensed) Family Entertainment Centres .....	19
2.12 Casinos .....	20
2.13 Bingo Premises .....	20
2.14 Betting Premises .....	21
2.15 Tracks.....	22
2.16 Gaming Machines:.....	22
2.17 Betting Machines:.....	23
2.18 Applications and plans:.....	23
2.19 Travelling Fairs .....	23
2.20 Provisional Statements.....	24
<b>3. Permits/Temporary And Occasional Use Notices .....</b>	<b>25</b>
3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits...	25

3.2	(Alcohol) Licensed Premises Gaming Machine Permits .....	26
3.3	Prize Gaming Permits.....	27
3.4	Club Gaming and Club Machines Permits .....	28
3.5	Temporary Use Notices .....	29
3.6	Occasional Use Notices .....	30
<b>4.</b>	<b>Small Society Lotteries .....</b>	<b>30</b>
<b>5.</b>	<b>Decision Making.....</b>	<b>32</b>
5.1	Administration, Exercise and Delegation of Functions.....	32
5.2	Appeals Procedure .....	32
5.3	Giving Reasons for Decisions.....	32
5.4	Implementing the Determination of The Magistrates' Court.....	33
5.5	Complaints against Licensed Premises .....	33
5.6	Reviews .....	33
<b>6.</b>	<b>Licensing Conditions and Codes of Practice 2015 (LCCP) .....</b>	<b>34</b>
<b>7.</b>	<b>Further Information .....</b>	<b>44</b>
<b>Appendix A</b>	<b>Access to Premises .....</b>	<b>46</b>
<b>Appendix B</b>	<b>Schedule of Delegation of Licensing Functions and Decisions.....</b>	<b>47</b>
<b>Appendix C</b>	<b>Definitions .....</b>	<b>50</b>
<b>Appendix D</b>	<b>Summary of Machine Provisions by Premises.....</b>	<b>51</b>

# 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 **31<sup>st</sup> January 2022**. 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 **Neighbourhoods** 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.

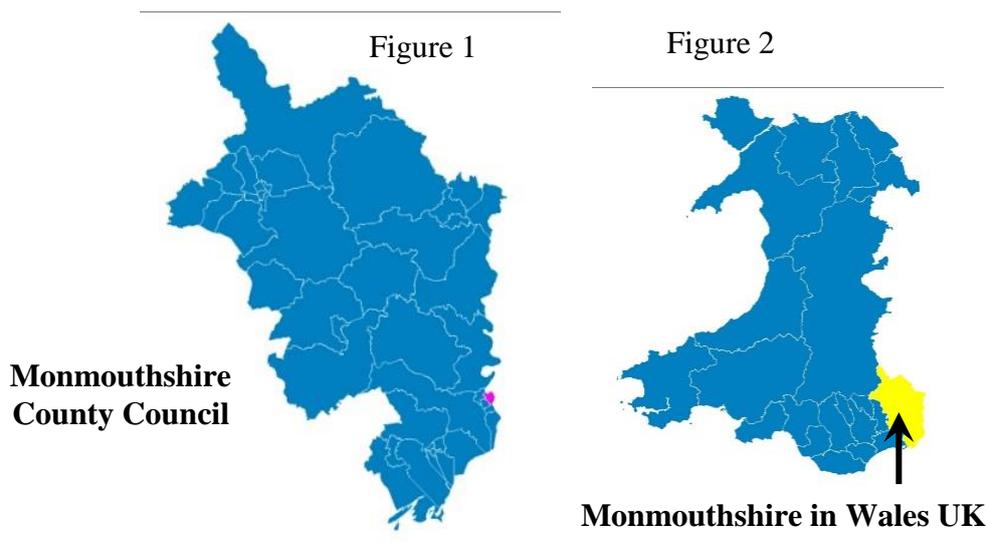
The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of 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 94,150. 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 **1<sup>st</sup> June 2021** and **31<sup>st</sup> August 2021** 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 **XXXXX 2021** and was published on **3<sup>rd</sup> January 2022**, as well as being available at [www.monmouthshire.gov.uk](http://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 legislation, as defined in section 3 of the Data Protection Act 2018,** 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 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 25<sup>th</sup> October 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](mailto: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 2020 (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 it's 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 alleys, 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](http://www.gwent.police.uk)

Bangor University has conducted an interactive map which explores area-based vulnerability to gambling related harm across Wales.

<https://www.bangor.ac.uk/psychology/research/gambling/gambling-and-health-in-wales>

### **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](mailto:licensing@monmouthshire.gov.uk)  
Website: [www.monmouthshire.gov.uk/licensing](http://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](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The Department for Digital Culture, Media & Sport  
100 Parliament Street  
London  
SW1A 2BQ  
Telephone: 020 7211 2210  
Website: [www.culture.gov.uk](http://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

Matters to be dealt with	Full Council	Sub-Committee	Officers
			to assess if objection is valid.
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
<b>Large casino</b> (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)			
<b>Small casino</b> (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)			
<b>Pre-2005 Act casino</b> (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
<b>Betting premises and tracks occupied by pool betting</b>				Maximum of 4 machines categories B2 to D (except B3A machines)			
<b>Bingo premises<sup>1</sup></b>		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		
<b>Adult gaming centre<sup>2</sup></b>		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		
<b>Licensed family entertainment centre<sup>3</sup></b>				No limit on category C or D machines			
<b>Family entertainment centre (with permit)<sup>3</sup></b>				No limit on category D machines			
<b>Clubs or miners' welfare institute (with permits)<sup>4</sup></b>				Maximum of 3 machines in categories B3A or B4 to D			
<b>Qualifying alcohol-licensed premises</b>				1 or 2 machines of category C or D automatic upon notification			
<b>Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)</b>				Number of category C-D machines as specified on permit			
<b>Travelling fair</b>		No limit on category D machines					

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

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

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monmouthshire  
sir fynwy

# Equality and Future Generations Evaluation

<p><b>Name of the Officer:</b> Linda O’Gorman / David H Jones</p> <p><b>Phone no:</b> 01633 644214</p> <p><b>E-mail:</b> <a href="mailto:lindaogorman@monmouthshire.gov.uk">lindaogorman@monmouthshire.gov.uk</a></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To consider the Council’s Gambling Policy and the existing resolution to not permit casinos within the County of Monmouthshire</p>
<p><b>Name of Service area</b></p> <p>Licensing</p>	<p><b>Date</b></p> <p>4<sup>th</sup> May 2021</p>

Page 65

**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	Neutral		

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?
Marriage or civil partnership	Neutral		
Pregnancy or maternity	Neutral		
Race	.Neutral		
Religion or Belief	.Neutral		
Sex	Neutral		
Sexual Orientation	.Neutral		

## 2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions. This duty aligns with our commitment as an authority to Social Justice.

	<b>Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage</b>	<b>Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.</b>	<b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b>
<b>Socio-economic Duty and Social Justice</b>	The impacts of gambling addiction can include the inability to function at work, and financial problems which can lead to homelessness.		

### 3. Policy making and the Welsh language.

How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
<p><b>Policy Making</b></p> <p>Effects on the use of the Welsh language,</p> <p>Promoting Welsh language</p> <p>Treating the Welsh language no less favourably</p>	Neutral		
<p><b>Operational</b></p> <p>Recruitment &amp; Training of workforce</p>	N/A		
<p><b>Service delivery</b></p> <p>Use of Welsh language in service delivery</p> <p>Promoting use of the language</p>	N/A		

**4. 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. There's no need to put something in every box if it is not relevant!

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?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Generally considered that gambling has a negative impact on the personal wealth of participants.	Would not want to encourage wider scale gambling, as could lead to addiction and financial hardship.
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	N/A	
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Could promote excessive gambling, which may impact on those who are vulnerable/addicted to gambling if Casinos are permitted	As above.
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	Larger scale gambling can be problematic and have a negative impact on local communities.	
<b>A globally responsible Wales</b> 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.	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	The impacts of gambling addiction can lead to financial problems and poverty, which can lead to homelessness.	

5. 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?
 <p><b>Long Term</b> Balancing short term need with long term and planning for the future</p>	<p>A resolution not to permit casinos protects vulnerable people from being harmed or exploited by gambling.</p>	
 <p><b>Collaboration</b> Working together with other partners to deliver objectives</p>	<p>N/A</p>	
 <p><b>Involvement</b> Involving those with an interest and seeking their views</p>	<p>Gambling addiction is well documented</p>	
 <p><b>Prevention</b> Putting resources into preventing problems occurring or getting worse</p>	<p>By preventing a casino coming to Monmouthshire protects some of our more vulnerable members of society.</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>	As above	

**6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?**

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

**7. 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.

Since this report Joint work published by a team led by Prof Robert Rogers, Bangor University, with colleagues from **Public Health Wales**, Heather Wardle Research Ltd and Swansea University highlights the widespread harms that gambling can cause, not only for those who gamble, but also for families, friends and communities. Gambling is increasingly being recognised as a public health priority.

The work consists of two reports published in January 2019:

1. [Gambling as a public health issue in Wales](#) and 2. [Framing a public health approach to gambling harms in Wales: Challenges and opportunities](#)

**8. 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.

**9. 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
Incorporate resolution into the Authority's Gambling Policy 2022.	By 31/1/2022	

**10. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.**

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	Full Council	04/11/2021	
	Publication of Gambling Policy	03/01/2022	
	Commencement of Gambling Policy	31/01/2022	

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Green Fleet Taxi Pilot</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>18<sup>th</sup> May 2021</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

### 1. PURPOSE:

- 1.1 To consider amendments to the Taxi and Private Hire Policy and Conditions 2020 in order to permit the Welsh Government Green Fleet Pilot scheme.

### 2. RECOMMENDATIONS:

- 2.1 To permit the usage of the livery for Welsh Government and Cardiff Capital Region on vehicle(s) as part of the Green Fleet Pilot scheme.
- 2.2 To permit the change of the hackney carriage roof light to state 'taxi' forward facing on vehicle(s) as part of the Green Fleet Pilot scheme.

### 3. KEY ISSUES

- 3.1 The Welsh Government are introducing a Green Fleet Pilot scheme in three areas across Wales, which includes the authorities within the Cardiff Capital Region, which in turn includes Monmouthshire County Council. The scheme will operate a 'try before you buy' initiative, allowing taxi drivers to try a fully electric, wheelchair accessible vehicle for 30 days free of charge. The trial will include free electric charging, insurance, vehicle licensing and breakdown cover funded by Welsh Government.
- 3.2 On completion of the trial, drivers will be asked to complete an evaluation survey and be provided with information on schemes/assistance available for long term ownership/lease of zero-emission vehicles.
- 3.3 The pilot is intended to assist Welsh Government in achieving its target of de-carbonising the taxi fleet entirely by 2028. It is hoped it will help taxi drivers to realise the financial and environmental benefits of zero-emission vehicles and, in turn, contribute to the transition from diesel/petrol vehicles to zero emission vehicles. The scheme will run for 2-3 years.
- 3.4 The scheme will use vehicle(s) of hackney carriage design and will therefore be used for hackney carriage vehicles and not private hire vehicles, in accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. This Section states a private hire vehicle cannot be of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. However, use of the vehicle will be open to those currently licensed for private hire purposes, as well as those licensed for hackney carriage, with this Authority. This will be permissible as all drivers have dual purpose licences which allows them to drive both private hire and hackney carriage vehicles.
- 3.5 A full livery will be requested for the hackney carriages involved in this pilot scheme to ensure the initiative is advertised across the area and to encourage others to be part of the scheme. A copy of the requested advertisement is detailed

in Appendix A. Appendix K of the Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2020 refers to advertisement and livery of vehicles licensed with this Authority, and is attached as Appendix B to this report. This report requests Members permit the livery on the body work pertaining to Welsh Government (WG) and Cardiff Capital Region (CCR) be displayed on the vehicles for the purposes of the duration of the 'try before you buy initiative.'

- 3.6 Monmouthshire's policy referred to in 3.5 above also requires the following -  
*"(Hackney Carriages only) A sign mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word "Tacsi" facing toward the front of the vehicle and "Taxi" facing towards the rear of the vehicle and shall be illuminated when plying for hire."*

This report also request that Members approve the Green Scheme Vehicle(s) be permitted to have the wording 'Taxi' forward facing for the duration of the initiative. The Welsh word 'Tacsi' is on the main body of the livery of the vehicle(s) that will be trialled.

#### **4 REASONS**

- 4.1 The Welsh Government initiative supports the drive for zero emission by tailpipe by 2028, and the change to the existing vehicle specification is considered relatively minor. Given that the livery relates to only Welsh Government and Cardiff Capital Region logos, the green nature of the initiative and there is Welsh signage of 'Tacsi' albeit not on the roof light, Members are therefore encouraged to approve the change for the trial period.
- 4.2 Under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon hackney carriage licences as it may consider reasonably necessary.

#### **5. RESOURCE IMPLICATIONS:**

- 5.1 There are no financial implications.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:**

- 6.1 Amending the current Monmouthshire Taxi and Private Hire Policy and Condition 2020 to enable trial of electric vehicles will generally have a positive impact. It will increase the amount of licensed wheelchair accessible vehicles available in the County, and encourage take up of zero emission vehicles in support of Welsh Governments long term de-carbonisation strategy, and signage on the vehicle is bilingual in English and Welsh. An evaluation has been provided in Appendix C.

#### **7. CONSULTEES:**

Hackney Carriage and Private Hire Operators licensed by Monmouthshire County Council have been informed of the proposal to have a trial of Green Fleet Vehicles, and were invited to a webinar organised by Welsh Government on 29<sup>th</sup> March 2021.

#### **8. BACKGROUND PAPERS:**

None

**9. AUTHOR:**

Linda O’Gorman Principal Licensing Officer

**CONTACT DETAILS:** Tel: 01633 644214  
Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)





### APPENDIX K

#### HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE ADVERTISING

1. A wheelchair accessible sign may be displayed on a wheelchair accessible vehicle without authorisation but must not exceed 300mm x 210mm in size.
2. The advertisement of the Hackney Carriage/Private Hire company name and details, which the licence refers to for that vehicle can be displayed without authorisation, providing they follow the basic principles below.
3. The basic principles for approval of all advertising on or within the vehicles are:
  - All advertising shall be uncluttered so as not to cause confusion.
  - Approval will not be given for advertising that may obstruct the windows of the vehicle.
  - There shall be no additional advertising on or within a vehicle such as an operator advertising for drivers.
4. In no circumstances, (other than those not requiring authorisation mentioned in items 1 and 2 above) shall advertising be placed on or within a vehicle without prior written approval from the LA.
5. Advertising approval is not transferable between vehicles and operators. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
6. Advertising authorisations shall be kept in the vehicle at all times and available upon request by an authorised officer.
7. A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and the Council has previously approved in writing the content of any material shown. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.
8. All advertisement must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.



monmouthshire  
sir fynwy

## Equality and Future Generations Evaluation

<p><b>Name of the Officer:</b> Linda O’Gorman / David H Jones</p> <p><b>Phone no:</b> 01633 644214 <b>E-mail:</b> <a href="mailto:lindaogorman@monmouthshire.gov.uk">lindaogorman@monmouthshire.gov.uk</a></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To consider the amendment of Monmouthshire County Council’s Taxi and Private Hire Policy and Conditions 2020 to allow Welsh Government’s (WG) Green Fleet Taxi Scheme Vehicles. Vehicles are supplied as part of Cardiff Capital Region (CCR) project.</p>
<p><b>Name of Service area</b></p> <p>Licensing</p>	<p><b>Date</b></p> <p>4<sup>th</sup> May 2021</p>

Age  
Disability

**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	Yes, positive as the Welsh Government initiative will provide access to increased number of accessible vehicles	N/A	Vehicles to be delivered to MCC for use, current estimate is 2 vehicles. This will be confirmed by Welsh Government
Disability	Yes, positive as the Welsh Government initiative will provide access to increased number of accessible vehicles	N/A	As above



## 2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	<b>Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage</b>	<b>Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.</b>	<b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b>
<b>Socio-economic Duty and Social Justice</b>	Yes, electric vehicles contribute to improving air quality and people in lower socio-economic groups are more likely to live in areas of poor air quality.		

### 3. Policy making and the Welsh language.

How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
<b>Policy Making</b> Effects on the use of the Welsh language, Promoting Welsh language Treating the Welsh language no less favourably	Yes, positive – Logo, signage is bilingual		
<b>Operational</b> Recruitment & Training of workforce	As above		
<b>Service delivery</b> Use of Welsh language in service delivery Promoting use of the language	As above		

**4. 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. There's no need to put something in every box if it is not relevant!

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?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	The proposal to amend the requirements for advertising on licensed vehicles and roof lights on hackney carriages will allow fully electric wheelchair accessible vehicles onto the fleet for Welsh Government.	The trial will be publicized to make the public aware that it is taking place and in turn also increase awareness of the de carbonization agenda. If taxis can be seen to work well with electric vehicles then they may encourage take up by others.
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	The proposal to amend the requirements for advertising on licensed vehicles and roof lights on hackney carriages will allow fully electric wheelchair accessible vehicles onto the fleet for a Welsh Government initiative which is hoped will increase the take up by the trade of electric vehicles. This as part of Welsh Government aim of achieving its target of de-carbonising the taxi fleet entirely by 2028. Reductions in emissions, move to zero emissions will impact positively on climate change and the local environment.	
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Zero emissions contribute to improvements in people's health and well being with cleaner air and the increase in Wheelchair Accessible Vehicle supports independent living and quality of life.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The licensed taxi trade helped to encourage well connected communities by providing safe/controlled transport options.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Enabling the electric vehicle trial will contribute towards the de carbonization agenda/target and support environmental and global well being.	

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?
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	N/A	
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p>The proposed amendment to the vehicle specification will allow all licensed drivers in the borough the opportunity to take advantage of the trial. The trial includes free electric charging, insurance, vehicle licensing, breakdown etc.</p>	

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

<b>Sustainable Development Principle</b>	<b>Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.</b>	<b>Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?</b>
 <p>Balancing short term need with long term and planning for the future</p> <p><b>Long Term</b></p>	<p>Welsh Government are introducing a Green Fleet Pilot scheme in three areas across Wales including the Authorities within the Cardiff Capital Region. The scheme will operate a ‘try before you buy’ initiative, allowing taxi drivers to try fully electric, wheelchair accessible vehicles for 30 days free of charge. The initiative is likely to last for 2-3 years. Its aim is to encourage taxi drivers in Monmouthshire to realise the financial and environmental benefits of zero-emission vehicles and in turn contribute to the transition from diesel/petrol vehicles to zero emission vehicles. The pilot is intended to assist Welsh Government in achieving its target of de-carbonizing the taxi fleet entirely by 2028.</p>	
 <p>Working together with other partners to deliver objectives</p> <p><b>Collaboration</b></p>	<p>The pilot is intended to assist Welsh Government in achieving its target de-carbonizing the taxi fleet entirely by 2028 as it is hoped it will help taxi drivers to realise the financial and environmental benefits of zero-emission vehicles and in turn contribute to the transition from diesel/petrol vehicles to zero-emission vehicles.</p> <p>Welsh Government have worked in partnership with Local Authorities, Cardiff Capital Region and vehicle/charging point providers to implement the trial. Vehicles are available for 2-3 years and could be used by drivers carrying out services for integrated transport, schools and Social Services.</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 data-bbox="141 480 297 507"><b>Involvement</b></p> <p data-bbox="349 256 517 440">Involving those with an interest and seeking their views</p>	<p data-bbox="544 256 1328 480">The trial will be publicized to make the public aware that it is taking place and in turn also increase awareness of the de-carbonisation agenda. If taxis can be seen to work well with electric vehicles then they may encourage take up by others. This is why the signage and livery markings are important and should be allowed.</p>	
 <p data-bbox="152 759 293 786"><b>Prevention</b></p> <p data-bbox="349 520 517 815">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="544 520 1328 815">The proposal to amend the council's vehicle specification to allow WG/CCR signage will enable the use of these vehicles to encourage taxi drivers in Monmouthshire to realise the financial and environmental benefits of zero emission vehicles and in turn contribute to the transition from diesel/petrol to zero emissions vehicles. This will help to improve pollution levels and support environmental and health agendas.</p>	
 <p data-bbox="159 1102 300 1129"><b>Integration</b></p> <p data-bbox="349 863 517 1118">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="544 863 1328 951">The Licensing Team has informed the taxi trade of the role out of electric vehicles and charging infrastructure that is required to facilitate their use.</p>	

**6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?**

	<b>Describe any positive impacts your proposal has</b>	<b>Describe any negative impacts your proposal has</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding			
Corporate Parenting			

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

Without the provision of the trial vehicles provided by Welsh Government, it would be unlikely that a try before you buy scheme at the same level could have been offered by Monmouthshire County Council.

The proposal seeks to permit the use of signage/logo's and roof light relating to WG and CCR on the trial vehicles. There will be 'no loss' to the trade as these vehicles are being provided of a free 30 day trial basis to each driver and the vehicles will be available for 2-3 years. There is a minor revision of the vehicle specification required to avoid a technical breach of specification. There are clear benefits of allowing the signage to be displayed on the trial vehicles and little if any negative impacts. Drivers in the County of Monmouthshire will get an opportunity to experience zero emission vehicles in action.

**8. 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?**

The amendment is only relevant to this project and specific vehicles and will no longer apply when the project ends. Any complaints or feedback on the livery of the vehicles will be monitored though considered unlikely to occur

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

<b>What are you going to do</b>	<b>When are you going to do it?</b>	<b>Who is responsible</b>
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If complaints, requests for amendments to vehicle requirements are received they can be considered in relation to any need to amend the vehicle policy and consultation would take place with the trade at that	At the end of the 2-3 year project or if general vehicle policy is next reviewed.	Principal Licensing Officer
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**10. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.**

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	Licensing and Regulatory Committee	18/15/2021	

## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Review of Hackney Carriage and Private Hire Policy and Conditions</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>18<sup>th</sup> May 2021</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

### 1. PURPOSE:

- 1.1 To inform Members of the requirements of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards and Welsh Governments Harmonisation Guidance on Taxi and Private Hire Vehicle Licensing in Wales.

### 2. RECOMMENDATIONS:

- 2.1 That Members note the content of the report and the need to review our existing requirements, policies and conditions of licence in order to comply with Statutory Standards and Welsh Government Guidance.
- 2.2 To approve the consultation process with the licensed trade on the proposed changes prior to submission of detailed reports to the Licensing and Regulatory Committee for their consideration.

### KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee on 23<sup>rd</sup> February 2021, Members were made aware of the Department for Transport (DfT) Taxi and Private Hire Vehicle Standards published in July 2020. The standards focus on protecting children and vulnerable adults. The DfT state that following a detailed consultation it is clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 3.2 The DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Assembly. However, should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply. Monmouthshire County Council and all other licensing authorities in the UK will be expected to meet the minimum requirements of the DfT Statutory & Best Practice for taxi and private hire licensing or explain why they do not.
- 3.3 In March 2021, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase the public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards. This non-statutory guidance has been produced jointly between Welsh Government, the Welsh Local Government Association (WLGGA) and representatives of local authorities across Wales via the Directors of Public Protection Wales.
- 3.4 Due to the overlap between the Standards and the Guide, and as taxi regulation is devolved, the Secretary of State for Transport has confirmed he is content for

Welsh Government to monitor compliance with the Department of Transport (DfT) Standards as part of their wider work with policy alignment recommendations.

3.5 Adopting the recommendations will lead to increased public safety, consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles and better standards of customer service.

3.6 In summary, the main changes for consideration are as follows:

#### Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months
- Overseas criminal record check for drivers
- Adopting the Welsh Government's Driver Code of Conduct
- Updating the Private Hire Driver Conditions in line with the Welsh Government's Recommendations

#### Vehicle

- Requirement for vehicle proprietors to have an annual DBS check
- Overseas criminal record check
- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles
- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

#### General

- To commit to reviewing Licensing Policies every 5 years in accordance with the DfT's Statutory Standards.

3.7 Some of the practices that are referred to in both documents have already been implemented into Monmouthshire County Council's procedures / policies either in respect of our driver/operator policy or vehicle specification. Examples include the National Register for Revocations and Refusals (NR3) and the driver and operator suitability policy. However, some of the proposed changes will require our existing policies to be subject to amendment. This is being undertaken to bring about greater consistency amongst licensing authorities.

3.8 Some of the matters referred to in the harmonisation document will have implications for the taxi trade in the County. One of the significant changes that are proposed relate to the requirement for 6 monthly Disclosure and Barring (DBS) checks for drivers, primarily via the DBS Update Service. Another change relates to increased criminality checks for Private Hire Operators and their staff, along with vehicle proprietors. Our requirements for Group 2 Medicals will also require minor amendment to enable certification from the applicants own GP or other Doctors with access to medical records.

3.9 It is proposed that consultation will take place with the trade and stakeholders on the various changes recommended in the guidance and that Welsh Authorities will work towards a generic policy, with adjustments to that policy if local measures need to be applied.

- 3.10 This report proposes that Monmouthshire will start this review process in consultation with the licensed trade and relevant stakeholders with the DBS requirements and the minor modifications to the Group 2 medical requirements.
- 3.11 The consultation on DBS requirements will be done with the view that this Authority will be undertaking enhanced DBS every 6 months after the granting of new drivers licences. New drivers will be required to undertake an enhanced DBS check upon application. Those currently licensed by this Authority will be required to do a DBS check upon renewal of their licence and then every 6 months after renewal. This procedure will be the same for Private Hire Operators. However Operators will be required to conduct a basic DBS and they will not be required to have a check if they already do so as they are a driver. The trade will also be consulted on the requirements for Operators to carry out checks on their booking and dispatch staff and for vehicle proprietors to also carry out DBS checks. It is recommended that a 12 week consultation should run until 31<sup>st</sup> August 2021, with a view to this Authority commencing such checks from 1<sup>st</sup> October 2021. This will allow for the Licensing and Regulatory Committee to consider responses to the consultation before it is finalised to commence on 1<sup>st</sup> October 2021.
- 3.12 A further report will be submitted to the Licensing and Regulatory Committee on 14<sup>th</sup> September 2021 following the consultation. The amendment to Monmouthshire County Council's policy for licences for taxis and private hire to accommodate this change will be in line with the DfT requirements and the Welsh Governments guidance. Further reports will be submitted to the Licensing and Regulatory Committee as changes to the Policy evolves in line with other Welsh Authorities when introducing the required Standards.
- 3.13 Consultation at an early stage with the trade and advising them when this Authority will commence the process mentioned in 3.10 and 3.11 above, will also allow those to consider changing to the DBS update service in readiness for such changes and will familiarise them of this element of the required standards. Both the DfT and the Welsh Government Harmonised standard have already been circulated to drivers, vehicle proprietors and operators licensed by Monmouthshire.
- 3.14 The licence holder can sign up to the DBS update service within one month of their DBS check. The DBS update service is a 'rolling system' which allows the Council to check records without the need for the licence holder to make a new DBS application (currently £50 for an enhanced check, £23 for a basic check). The cost to the licence holder for the update service is £13 per year, so this eventually would result in a small saving to the licence holder who would otherwise have to pay the new DBS application fee every 6 months. Signing up to the DBS update service benefits the Council as records can be checked instantly and further benefits the licence holder as to the time taken to process a check. Currently there is a requirement for a 3 year DBS check.

#### **4 REASONS**

- 4.1 The report informs Members to have regard to the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards dated July 2020.

#### **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 Not required as the report is for information only.

**7. CONSULTEES:**

None

**8. BACKGROUND PAPERS:**

Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales

[Taxi and private hire vehicles: licensing guidance | GOV.WALES](#)

**9. AUTHOR:**

Linda O’Gorman Principal Licensing Officer

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Application for Street Trading Consent – Troy’s Van – Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ  
**DIRECTORATE:** Social Care and Health  
**MEETING:** Licensing & Regulatory Committee  
**Date to be considered:** 18<sup>th</sup> May 2021  
**DIVISION/WARDS AFFECTED:** ALL WARDS

### 1. PURPOSE:

- 1.1 Monmouthshire County Council received an application from Mr Troy Davies for Street Trading Consent on Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The application has been referred to The Licensing and Regulatory Committee due to the proximity of the pitch to a nearby school.
- 1.3 The Local Government Miscellaneous Provisions Act 1982 Schedule 4, section 2 provides the Council may grant a consent if they think fit.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that Members consider and determine whether -
  - (i) To issue a Street Trading Consent for 12 months.
  - (ii) To issue the Street Trading Consent for 12 months with additional conditions to that prescribed within Monmouthshire County Council's Street Trading Policy and Conditions dated 9<sup>th</sup> February 2016
  - (iii) To refuse to issue the Street Trading Consent.

### 3. KEY ISSUES

- 3.1 On 19<sup>th</sup> March 2021 Monmouthshire County Council received a new Street Trading Consent application from Mr Davies to trade at Bulwark Industrial Estate, Bulwark, Chepstow. This was accompanied by the land owners consent. The application and consent is attached as Appendix A. The items to be sold, if the Street Trading consent is granted, are bacon rolls, hot dogs, breakfast rolls, hot and cold drinks.
- 3.2 Taylor Watts, Licensing Officer, informed the applicant that the proximity of the proposed pitch was within the vicinity of 500 metres of a school (attached as Appendix B) and that it conflicted with the Street Trading Policy dated 9<sup>th</sup> February 2016 adopted by Monmouthshire County Council. This policy is attached to this report as Appendix C. Mr Troy confirmed he had considered the policy and is aware of this and still wished to proceed with his application.
- 3.4 Licensing conducted a consultation period of 21 days requesting comments from consultees by 19<sup>th</sup> April 2021. No objections were received following the consultation email or an email reminder sent on 12<sup>th</sup> April 2021.
- 3.6 The relevant parts of the Street Trading Policy dated 9<sup>th</sup> February 2016 referred to in section 7 and 12 above states the following respectively:-

*“The use shall not be permitted within 500 metres of the boundary of any school or college, whilst pupils attend the school or college. Unless otherwise agreed in writing by Monmouthshire County Council.”*

**“Proximity to schools and college.** No Street Trading Consents will be granted for trading at locations within 500 metres of its boundary, whilst pupils attend the school or college, unless otherwise agreed in writing by Monmouthshire County Council”

3.6.1 Monmouthshire County Council has designated all streets as consent streets, i.e. consent is required prior to trading taking place.

3.6.2 Monmouthshire Council’s street trading policy aims to:

- Create a trading environment that compliments premises based trading.
- Promote fairness and consistency across the county
- Improve the local environment
- Be sensitive to the needs and concerns of residents
- Involve local communities in street trading decisions
- Control street trading through a fair and proportionate enforcement procedure

3.6.3 This report requests Members to consider and determine the application for a street trading consent.

#### **4. REASONS:**

4.1 The application for street trading consent is approximately 206 metres of a school. The policy states 500m is the recommended minimum distance to the boundary of any school or college.

#### **5. RESOURCE IMPLICATIONS:**

Nil

#### **6. CONSULTEES:**

None

#### **7. BACKGROUND PAPERS:**

The Local Government Miscellaneous Provisions Act 1982 Schedule 4  
Street Trading Policy – Dated 9<sup>th</sup> February 2016

#### **8. AUTHOR:**

Taylor Watts, Licensing Officer

**Tel:** 07773 644801

**Email:** TaylorWatts@monmouthshire.gov.uk

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**APPLICATION FOR A STREET TRADING CONSENT**

<b>1. APPLICANT DETAILS</b>	
Full Name:	TROY JOHN DAVIES
Current Residential Address:	
Telephone Number:	
Mobile Number (optional):	
Email (optional):	
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Are you entitled to work in the UK	<input checked="" type="radio"/> Yes / <input type="radio"/> No
Do you have any unspent convictions? (If yes please state details)	<input checked="" type="radio"/> Yes / <input type="radio"/> No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	<input checked="" type="radio"/> Yes / <input type="radio"/> No

Full address of location where the stall or container will be stored when not in use:	BURWICK INDUSTRIAL ESTATE CHEPSTOW QUENT NP16 5QZ
---	--

<b>4. TYPE OF CONSENT BEING APPLIED FOR</b>	
Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Annual Street Trading Consents will take a maximum of 60 days to be determined) If a day consent please state the date you require: _____	Annual Street Trading Consent <input checked="" type="checkbox"/>
	Daily Street Trading Consent <input type="checkbox"/>
Are there any other consent holders in the vicinity? (if yes please give further details)	Yes/No <input checked="" type="radio"/> No

5. TRADING DATES AND TIMES	DAY	TIMES From/To
Please give details of day and times in which you wish to trade: (Trading in Alcohol will require an additional licence under the Licensing Act 2003, as will Hot Food and Drink after 11p.m. up to 5a.m.)	Monday:	8.00am 2.00pm
	Tuesday:	8.00am 2.00pm
	Wednesday:	8.00am 2.00pm
	Thursday:	8.00am 2.00pm
	Friday:	8.00am 2.00pm
	Saturday:	8.00am 2.00pm
	Sunday:	8.00am 2.00pm

<b>6. FEES</b>	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)  TAYLOR IS TRANSFERING PAYMENT	£ The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

public funds for these purposes. For further information, see NFI information on MCC website or contact the Audit Manager on 01633 644258.

I declare that I have read and understood the Standard Conditions and any additional conditions which may apply. I believe that all of the above particulars are correct and to the best of my knowledge.

I understand that the 10% administration fee I pay will not be refundable if the application is withdrawn or if the consent is granted and I do not take it up.

Applicant Signature .....

Print Name: Tray DAVIES Date: 26.3.2021

#### GENERAL

Where an application has been approved the following also will be required prior to the issue of Street Trading Consent:-

- An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5million
- Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports.

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.

The granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

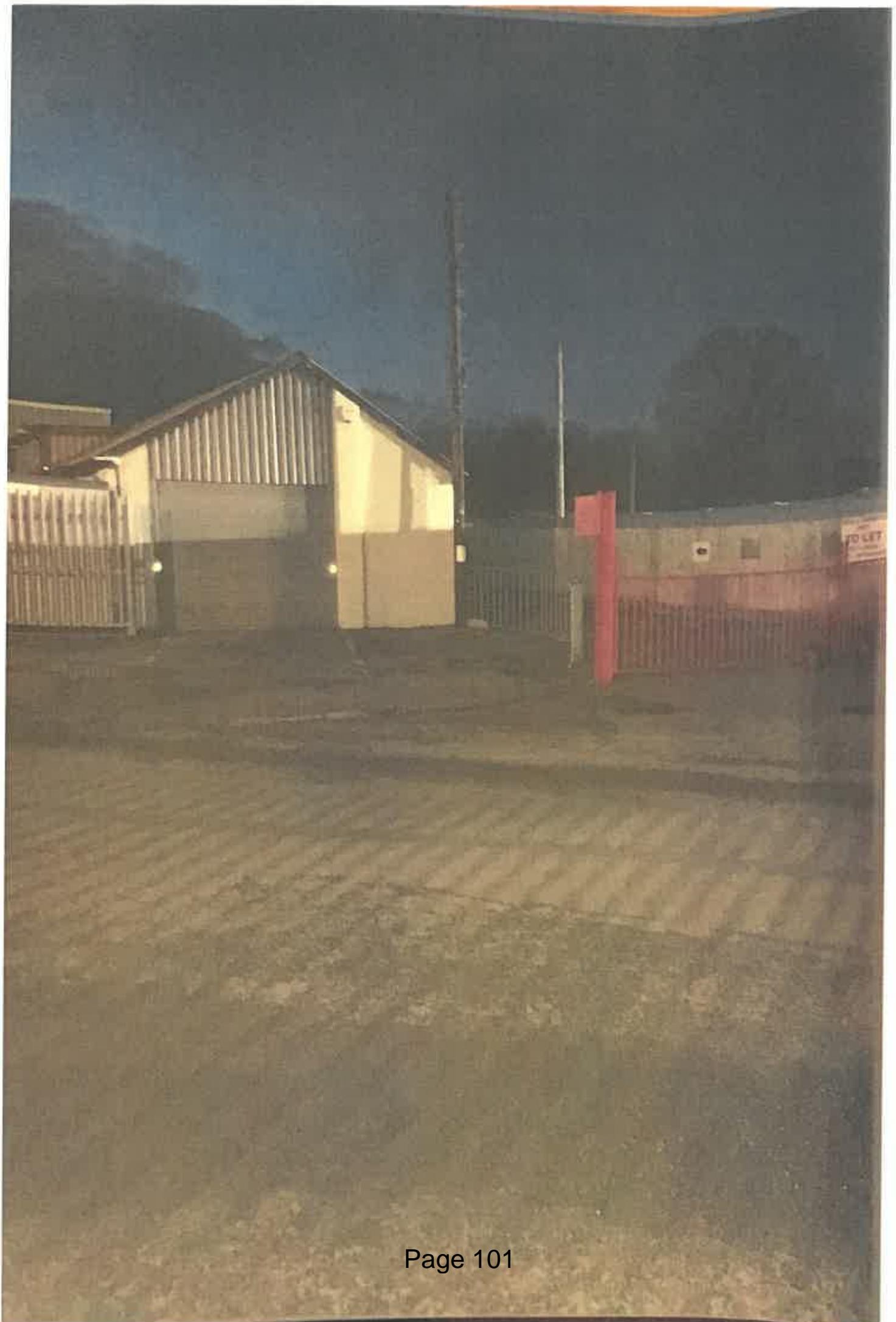
It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

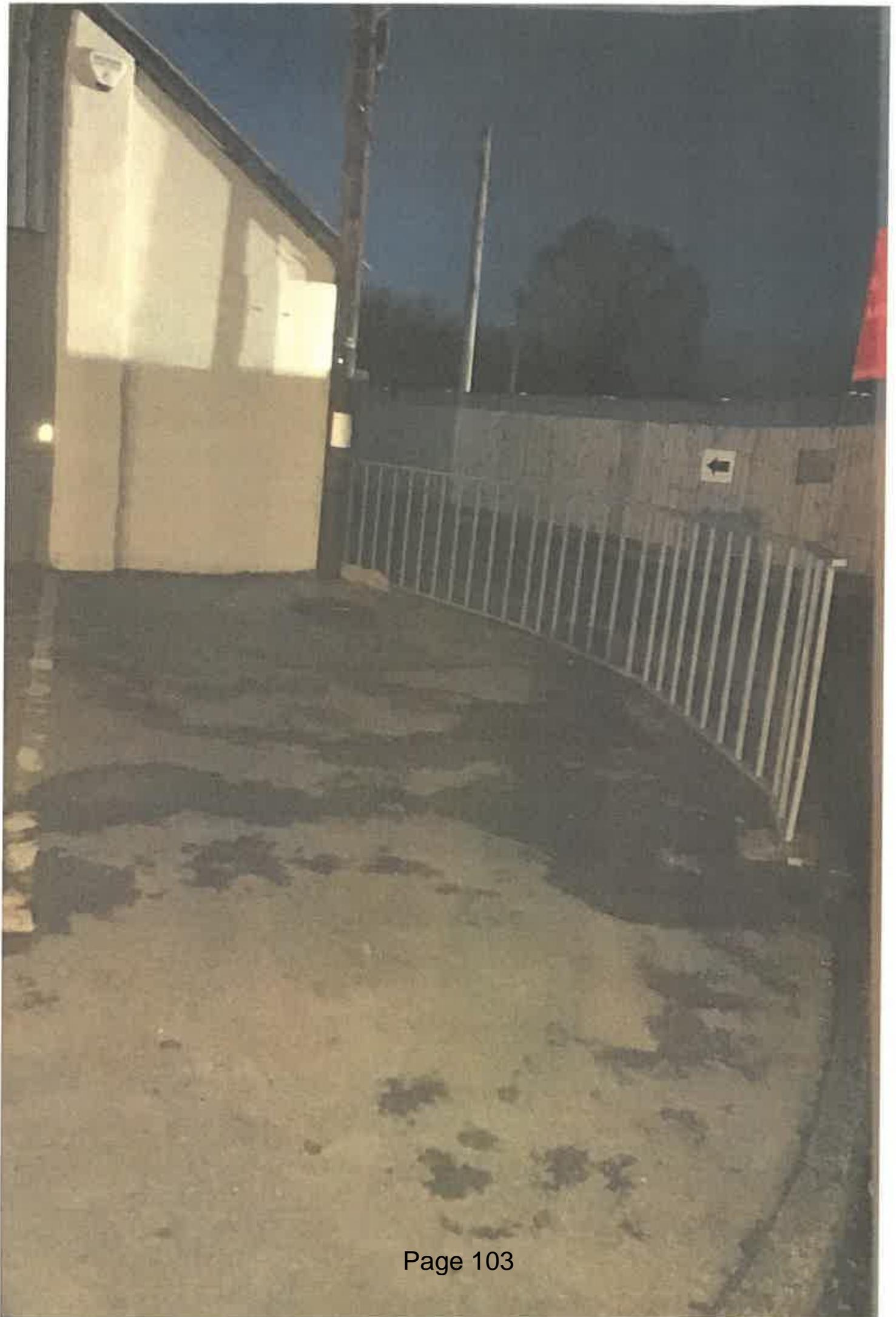
The Council reserves the right to revoke a Street Trading Consent at any time without compensation.

2. ASSISTANTS	
State the number of assistants that will be used including their names and addresses and date of birth. If none please write "None". Assistants must be accompanied and supervised by the Consent holder at all times.	MR CLINTON DAVIES (DAD) WHEN NEEDED TO CLEANUP

3. TRADING DETAILS	
Trading Name: (If applicable)	TROY'S BURGER VAN
Please state if you are applying for a Mobile or Pitch Consent:	PITCH CONSENT
Address of the precise location of where you wish to Trade: (Please include names of streets)	BULWARK INDUSTRIAL EST CHEPSTOW QWENT NP16 5RZ
Do you have permission from the owner of the land where you wish to trade? (If yes please ensure that you submit a copy of the written permission)	<input checked="" type="radio"/> Yes / <input type="radio"/> No
Please provide contact details for the owner of the land: (Please include name, address and telephone number)	MR MARTIN HELPS
Please provide details of the articles which you wish to sell:	BREAKFAST, BACON ROLL, <del>SAUSAGE</del> <del>EGG</del> , TEA, COFFEE, CANS, BREAKFAST ROLLS, HOT DOGS
Please provide a description of the stall, vehicle and equipment you wish to use: (size, trailer, gas and electrical appliances, generators, etc)	GOING TO BUY SMALLER VAN RUN BY A GENERATOR LIKE BEFORE







# The Bros. (Chepstow) Ltd

16<sup>th</sup> March 2021

This agreement is between The Bros Chepstow Ltd and Troy Davies  
Which allows him to trade on our private road in Bulwalk Industrial Est Bros Chepstow for the agreed  
sum of \_\_\_\_\_ per week for 12 months  
This agreement is for daylight hours only  
This agreement can be cancelled at any time by the giving of 28 day's notice by either party

Signed M C Phelps

Date 16/3/2021

Signed Troy Davies

Date 16/3/2021

Local Info - Monmouthshire x nearest schools NP16 5 - Ecosia x | +

← → ↻ 🏠 ⚠️ Not secure | maps.monmouthshire.gov.uk/localinfo.aspx

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**Your nearest Schools as the crow flies**

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<a href="#">Pembroke Primary</a>	Distance: 206 metres <a href="#">Show Pembroke Primary on map</a>
<a href="#">St Mary's Roman Catholic Primary</a>	Distance: 628 metres <a href="#">Show St Mary's Roman Catholic Primary on map</a>

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monmouthshire  
sir fynwy

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

MONMOUTHSHIRE COUNTY COUNCIL

**STREET TRADING POLICY AND CONDITIONS**  
**Revision : 9<sup>th</sup> February 2016**

# STREET TRADING POLICY

## Table of Contents

Introduction .....	2
1.Definitions.....	2
2.Purpose.....	3
3.Objectives .....	3
4.Exemptions.....	3
5.Block Street Trading Consents .....	4
6.Day Street Trading Consents .....	4
7.Guidelines for an application .....	5
8.Prohibited Goods .....	5
9.Application Process.....	6
10.Consultation on applications .....	7
11.Inspection of the Street Trading Unit .....	7
12.Determination of applications .....	7
13.Objections.....	8
14.Approval of applications .....	8
15.Refusal of applications .....	9
16.Issue of Street Trading Consents .....	9
17.Renewals.....	10
18.Reimbursement of Fees.....	10
19.Enforcement .....	10
20.Standard Conditions for all Consent Holders.....	11

## Introduction

This Authority's Street Trading Policy was originally adopted in June 2014. It was amended in February 2016 to include necessary updates.

The aim of the Policy is to control street trading and sets out the Council's standards for determining applications and enforcement of street trading activities, in Monmouthshire.

Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Monmouthshire County Council has resolved to control street trading within its boundaries.

Monmouthshire County Council has designated all streets as consent streets, i.e. consent is required prior to trading taking place.

Any person convicted of trading on a consent street without consent will be guilty of an offence and liable upon conviction to a fine of up to £1,000.

Monmouthshire County Council will apply this Policy to street trading activities in its area to ensure consistency of decision-making. However each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

This revised Policy takes effect on 9<sup>th</sup> February 2016.

### 1. Definitions

**The Council.** Means Monmouthshire County Council

**The applicant.** The trader who has submitted an application for Street Trading Consent.

**Consent holder.** An individual that holds a Street Trading Consent.

**Street trading.** Means the selling or exposing or offering for sale of any article (including a living thing) in any street.

**Street.** Includes any roadway, footway, pavement, precinct, other area to which the public have access without payment, e.g. lay-by or car park, whether on private land or not.

**Consent street.** A street in which street trading is prohibited without the consent of the council.

**Street Trading Consent.** A permission to trade, which is granted by a Council subject to conditions and the payment of a fee.

**Block Street Trading Consent.** One Street Trading Consent issued to an individual to cover the organised street trading of two or more traders in line with block street

trading conditions. The holder of a Block Street Trading Consent is responsible for ensuring that individual traders comply with the Council's consent conditions.

**Static Street Trader.** Means trader granted permission by Monmouthshire County Council to trade from a specified position.

**Mobile Trader.** Means a trader who moves from street to street.

**A roundsman.** An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. Ice-cream vans are not classed as rounds men.

**A pedlar.** To operate legally as a pedlar you must (i) keep moving, stopping only to serve customers at their request; (ii) move from place to place and not circulate within the same area; (iii) carry all goods for sale; (iv) hold a valid pedlar's certificate, issued by a Chief Constable of Police.

**Authorised Officer.** Means an Officer employed by Monmouthshire County Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## 2. Purpose

Monmouthshire Council's street trading policy aims to:

- Create a trading environment that compliments premises based trading.
- Promote fairness and consistency across the county
- Improve the local environment
- Be sensitive to the needs and concerns of residents
- Involve local communities in street trading decisions
- Control street trading through a fair and proportionate enforcement procedure

## 3. Objectives

The Council will carry out its functions in respect of controlling street trading activities in its area, to protect the public, by promoting the following licensing objectives, each of which is of equal importance;

- Public order
- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

## 4. Exemptions

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (a) Trading by a person acting as a pedlar, i.e. going on foot from house to house selling goods directly, under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- (b) Anything undertaken in a market or fair, the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) Trading as a news vendor, selling newspapers or periodicals.
- (e) Trading which is:
  - (i) Carried on at a premises used as a petrol filling station; or
  - (ii) Carried on at a premises used as a shop or in a street premises so used and as part of the business or shop.
- (f) Selling things, or offering or exposing them for sale, as a roundsman.
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- (i) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

## **5. Block Street Trading Consents**

A Block Street Trading Consent will permit two or more traders to trade at an organised event or market, subject to the terms and conditions of the consent.

The event organiser in receipt of a Block Street Trading Consent is responsible for all individual trading activities, and must ensure that street traders at their event comply with the standard consent conditions together with any additional conditions attached to the licence. For example, if a Town Council holds the Block Consent, they will ensure compliance with their conditions.

Block Street Trading Consents will normally only be issued to the following:-

- A market approved by the Council.
- A Town or Community Council
- Charitable, local authority organised and community type events (where an admission charge is not made for entry)

Commercial vendors will not normally be permitted to obtain a Block Street Trading Consent, however each application will be assessed on its own merit.

## **6. Day Street Trading Consents**

A Day Street Trading Consent will permit a person to trade on one specified date at a specified location.

## **7. Guidelines for an application**

In order to deal with applications quickly and to allow an applicant to know at an early stage whether the application is likely to be supported, the council has adopted the following guidelines:-

- The trader shall provide a service which is of a benefit to the public
- The use shall not be in direct competition, in terms of goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away, those holding a street trading consent and market place (which includes block consents)
- The use shall not be located within 100 metres of an existing shop, restaurant, hot food take-away, those holding a street trading consent and market (which includes block consents) which primarily sells the same goods. – This may be relaxed for one-off or short-term applications.
- The use shall not be located within 250 metres of the boundary of any hospital, nursing or residential care home. Unless otherwise agreed in writing by Monmouthshire County Council.
- The use shall not be permitted within 500 metres of the boundary of any school or college, whilst pupils attend the school or college. Unless otherwise agreed in writing by Monmouthshire County Council.
- The use shall not be permitted within 30 metres of any roundabout, road junction or pedestrian crossing, the permitted meters are subject to change if it is proven it will not affect road safety.
- The use shall not be permitted on any Council owned pay and display car parks.
- The number of traders in any one street shall be limited so as not to cause undue concentration. However, each application will be treated on its own merit.
- The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirement of emergency vehicles.
- The use and siting of the trader shall not contravene Traffic Regulation Orders, Highway Law or cause an immediate danger or obstruction to the highway and highway users.
- Uses involving the sale of food and noise emissions shall meet the requirements of Environmental Health and these should be identified before a consent is considered.
- The appearance and use of associated equipment or structures shall be of good quality and the precise appearance of the facility shall be identified before a consent is granted.
- The use shall be compatible with the character of the area in which it is proposed to be situated.
- The safety and suitability of goods may require a further report from Trading Standards before a consent is considered.

- The use shall not be likely to cause problems of noise, smell, litter or late night disturbance, especially in residential streets.
- Consent is dependent on the landowner's permission to allow trading. Should the landowner withdraw their permission, the Licensing Authority would also withdraw the street trading consent.

## 8. Prohibited Goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:-

- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons
- Tobacco products
- Fireworks
- Articles that would typically be sold in sex shops
- Animals
- Legal Highs

The above list is not exhaustive and the Authority has the right to refuse any item for sale it deems necessary.

## 9. Application Process

Applicants must submit the following to the Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL:-

- Application Form
- 10% of the consent fee, which is non-refundable. Upon grant of the consent, before it is issued, the balance of the fee must be paid, or an invoice will be arranged to enable direct debit payments.
- A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each application will be treated on its own merit.
- Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary with a red line.
- Written permission from the land owner (if applicable)
- Proof of Food Registration (if applicable)
- Licence under the Licensing Act 2003 (if applicable)

- One passport type photograph of the applicant and each assistant.
- Copy of the certificate of insurance covering the street trading activity for third party and public liability risks up to £5million
- Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports (if applicable)

A Street Trading Consent is not transferrable. Any proposed change to the type of vehicle or stall to be used, the goods to be sold, the times and days of operation, or the exact location of the trading site, requires an application for variation of the street consent. No person under the age of 17 years can apply for a Street Trading Consent.

For a block street trading consent, the applicant will be required to identify the arrangements that they will put in place to ensure that the Council's conditions are met by all traders attending all events covered by the consent.

An applicant can apply on-line at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

## **10. Consultation on applications**

Officers will carry out a consultation process with relevant interested persons and groups before a street trading application is considered.

This may include:

- Planning and Economic Development for Monmouthshire County Council
- Highways Department for Monmouthshire County Council
- Environmental Health for Monmouthshire County Council
- Town/Community Councils for the County of Monmouthshire
- County Councillors for the County of Monmouthshire
- One Stop Shops for Monmouthshire County Council
- Heddlu Gwent Police
- Welsh Assembly Government
- Gwent Consultancy

## **11. Inspection of the Street Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consent and shall comply in all respects to the relevant legislation and conditions.

## **12. Determination of applications**

The Authorised Officer will assess applications for Street Trading Consents against the following criteria:

- **Site safety.** The location should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. Observations from Council Officers will be taken into consideration.
- **Public order.** The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from Heddlu Gwent Police and Council Officers will be taken into consideration.
- **Avoidance of nuisance.** The street trading activity should not present a substantial risk of nuisance from noise, smells, fumes, litter or the discharge of fluids to households or businesses in the vicinity of the proposed street trading site. Observations from Council Officers, residents and businesses will be taken into consideration.
- **Consultees' observations.** Consideration will be given to written observations and recommendations will be assessed by the Authorised Officer for reasonableness and appropriateness before they are taken into consideration.
- **Permitted trading hours.** The Council will consider each application on its merits before agreeing permitted trading times. The Council retains the right to specify permitted trading hours that are less than that applied for. Any trading involving hot food and drink between 11p.m. and 5a.m. will also require a separate application under the Licensing Act 2003.
- **Suitability of the applicant.** The council may take any relevant unspent convictions, complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a Street Trading Consent into account.
- **Proximity to schools and college.** No Street Trading Consents will be granted for trading at locations within 500 metres of its boundary, whilst pupils attend the school or college, unless otherwise agreed in writing by Monmouthshire County Council.
- **Proximity to existing consent holders.** Consideration will be given to the number of existing consent holders in the area.

### 13. Objections

An Authorised Officer will approve the application if it:-

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

If the application:

- Does not meet the criteria, or
- There are reasonable and appropriate objections.

The Authorised Officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. The Officer, applicant and objectors may discuss (i) changes that could be made to the proposed locations, goods or trading hours and (ii) additional conditions that could be introduced. If the objections and failure to meet scheme criteria can be resolved by changing the application and/or introducing additional conditions the Authorised Officer will approve the application.

If the applicant refuses a meeting with an authorised officer following objections, fails to meet the criteria or if matters cannot be resolved, the application will be deferred to

the Licensing and Regulatory Committee to be determined. Except where objections are received for safety reasons the Head of Regulatory Services can determine the application or defer the matter to the Licensing and Regulatory Committee.

#### **14. Approval of applications.**

The applicant will be advised by letter that their application has been successful and they need to accept the offer of a Street Trading Consent and make full payment within 21 days or request to be invoiced (once invoiced arrangements can be made to set up direct debit payments with Monmouthshire County Councils Finance Department).

If after 21 days the applicant has not made any payment provisions, a letter will be sent reminding them of the need to make a full payment or request an invoice as above. If the fee is still not received within five working days, following this letter, the offer will lapse and the applicant will need to make a new application to the council and pay another ten percent of the consent fee and the application process will start again.

A street trading consent will not be issued until the street trading fee has either been paid in full or invoicing arrangements has been made.

Applications may be approved subject to additional conditions. These additional conditions form part of the Street Trading Consent and must be complied with at all times.

#### **15. Refusal of applications**

Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.

There is no right of appeal to the Magistrates Court.

A person aggrieved by a decision of the Licensing and Regulatory Committee may make an application to the High Court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

#### **16. Issue of Street Trading Consents**

Where approved, before the Street Trading Consent is issued the applicant will need to provide.

- An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million.
- Copies of Gas, Electrical Safety Certificates and recent records Periodic Inspections Reports.

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent holders must follow the terms of their Street Trading Consent. Failure to comply with the Street Trading Consent and its conditions may result in the consent being revoked or refusal to renew, or may be subject to legal proceedings. As such, Consent holders are requested to familiarise themselves and their employees with the conditions attached to their Street Trading Consent.

All Street Trading Consents are issued subject to a set of standard conditions. The Council may attach additional conditions to the standard conditions.

The granting of a Street Trading Consent does not in any circumstance exempt the Consent holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent holder shall not assign, underlet or part with this interest or possession of a Street Trading Consent, but it may be surrendered to the Council at any time.

The Council reserves the right to revoke the Street Trading Consent at any time without compensation.

## **17. Renewals**

All Street Trading Consents will be renewed automatically if no objections are received from Heddlu Gwent Police and Highways Department for Monmouthshire County Council following consultation. This automatic renewal will be made unless:

- There have been any complaints from members of the public, or
- Concerns raised by consultees or Council Officers, or
- Consent conditions have been breached.

In these circumstances a full or revised application process may be used at the discretion of the Authorised Officer.

## **18. Reimbursement of Fees**

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Council. Any fee reimbursement will be strictly on the basis:-

- From the date the Consent is surrendered to Monmouthshire County Council, or
- From the date that the Consent is revoked by Monmouthshire County Council.

Refunds will be based on the number of complete days remaining.

## 19. Enforcement

The Council may revoke a Street Trading Consent at any time and shall not be liable to pay compensation to the Consent Holder.

The following principles will be applied to all enforcement action:

- **Openness and transparency.** Council officers will discuss all problems, including failure to comply with conditions, clearly and in plain language. The council will be open about how it enforces street trading legislation and will inform interested parties of what they can expect from the enforcement procedure.
- **Consistency.** Council officers will seek to take a similar approach in similar circumstances and will carry out their duties in a fair and equitable manner.
- **Proportionality.** The Council will ensure that the action taken is proportionate to the risks involved or the seriousness of the breach of conditions.
- **Helpfulness.** The Council will provide advice on the relevant legislation and assist with compliance. Council Officers will provide a courteous and efficient service.

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:-

‘A person who engages in street trading in a consent street without being authorised to do so, or being authorised by a consent, trades in that street.

- (i) From a van, cart, barrow or other vehicle, or
- (ii) From a portable stall,

Without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence.

Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

A person guilty of an offence shall be liable on summary conviction to a fine. The maximum fine is level 3 on the standard scale, currently £1,000.’

## 20. Standard Conditions for all Consent Holders

### General Conditions

1. The holder of this Consent (hereinafter referred to as 'the holder', which expression where appropriate, includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Monmouthshire County Council (hereinafter referred to as 'the Council')
2. A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.
3. A consent holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.
4. In accordance with Monmouthshire County Council's byelaws adopted on 11<sup>th</sup> February 1999 for the employment of children made under Sections 18(2) and 20(2) of the Children and Young Persons Act 1933
  - No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless (i) he is employed to do so by his parents, in connection with their retail business and under their direct supervision; and (ii) he has been granted a licence to do so ('a street trader's consent') by the authority and is acting in compliance with the terms of that licence.
  - The Authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to his health, welfare or ability to take full advantage of his education or the child's street trader's licence has been revoked.
  - A street trader's consent granted to a child shall prohibit the holder from engaging in street trading on a Sunday and shall (i) be valid for not more than 12 months and shall expire on 31 December, (ii) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place, and (iii) require that the child notify the authority within one week of any change of address.
  - The Authority may suspend or revoke a street trader's consent granted to a child if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare, or ability to take full advantage of his education, or if the holder is (i) found guilty of an offence connected with street trading, (ii) commits any breach of these Byelaws or the terms of his street trader's consent, (iii) uses the consent as a means for begging, immorality or any other improper purpose; or (iv) fails to notify the authority within one week of any change of address.
5. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Monmouthshire County Council.

6. Consent Holders shall not trade outside the designated trading area.
7. The Consent Holder shall pay the street trading fee.
8. The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.
9. The Consent Holder shall have written permission from the owner of the land to trade on private land which is not part of the highway.
10. The sale of the following goods are not permitted firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Council has the right to refuse the sale of any goods.
11. The holder shall not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
12. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
13. The holder shall indemnify and save harmless the Council, Welsh Ministers and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this consent.
14. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
15. The holder shall not place on the street any advertisement, furniture or equipment other than as permitted by this Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
16. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.

17. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
18. The holder of a consent for trading in hot foods shall at all times carry on the vehicle a 4.5 kilo Dry Powder Fire Extinguisher.
19. Where the holder trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
20. The Consent Holder will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
21. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
22. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of the Council.
23. The holder shall keep his vehicle or stall or other mode used for trading, and trading location and the immediate area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.
24. The holder shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.
25. The holder shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it lawfully elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
26. The Consent holder shall comply with all requirements of the Council in respect of street trading.
27. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of

Monmouthshire County Council shall be complied with in respect of such matters.

28. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer.
29. The holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but he may surrender it to the Council at any time.
30. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
31. The Council may vary, amend or add to the conditions of this Consent at any time.
32. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
33. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
34. Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
35. Consent Holders and their employees shall not trade under the influence of any illegal or intoxicating substance.

#### Mobile Traders

36. The consent holder must comply with Section 62 of the Control of Pollution Act 1974 which relates to noise in streets and the Code of Practice on Noise from Ice-Cream Van Chimes 1982. Attention is drawn particularly to the requirement that no loud speaker is to be used to advertise the sale of any perishable goods for human consumption before 12 noon or after 7.00pm, on any day.
37. In addition to the above statutory requirements, it is a condition of this consent that no audible form of advertising (including hand bells) is to be used by the consent holder before 9am or after 9pm, on any day.
38. Any form of advertising device, whether a loudspeaker or otherwise, must not be used at any time so as to cause nuisance to persons in the vicinity.

39. Mobile vehicle consent holders are permitted to trade in any one place for a continuous period of no more than 30 minutes and the consent holder must not then again trade at that location within a period of 5 hours.
40. No street trading may be carried on at any location on any bus route for any continuous period of more than 10 minutes.
41. Mobile Street trading consent holders must not obstruct a driveway so as to prevent access.

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

**REPORT:** To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/ Private Hire drivers licence

**AUTHOR:** Taylor Watts

**MEETING AND DATE OF MEETING:** Tuesday 18<sup>th</sup> May 2021  
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 18<sup>th</sup> May 2021 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:** 10<sup>th</sup> May 2021

**Signed:**



**Post:** Licensing Officer

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I accept the recommendation made above.

*J. Bootrey*

Proper Officer: \_\_\_\_\_

\_\_\_\_\_ 10/5/21 \_\_\_\_\_

Date: \_\_\_\_\_

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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