

No.

## STATUTORY LICENSING COMMITTEE

Minutes of a remote meeting held on 15<sup>th</sup> June, 2021.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

**Present:** Councillor J.W. Thomas (Chairman); Councillor Mrs. P. Drake (Vice-Chairman); Councillors Ms. J. Aviet, Mrs. J.E. Charles, R. Crowley, O. Griffiths, K.F. McCaffer, M.J.G Morgan, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, S.T. William and Mrs. M.R. Wilkinson.

### 121 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

### 122 APOLOGIES FOR ABSENCE –

These were received from Councillors V.P. Driscoll and Mrs. A. Moore.

### 123 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 9<sup>th</sup> March, 2021 be approved as a correct record.

### 124 DECLARATIONS OF INTEREST –

No declarations of interest were received.

### 125 REVIEW OF STATEMENT OF PRINCIPLES GAMBLING ACT 2005 2022-2025 (DEH) –

The Licensing Team Manager presented the report which set out that the requirement for the Statutory Committee, in its role as a Licensing Authority, to start the renewal process for the Statement of Policy covering the Gambling Act 2005. The report set out the prescribed process and statutory consultation required to publish the next Statement of Principles for the period 2022 to 2025.

The Council was the licensing authority for the regulation of premises providing gambling facilities. The premises range from betting shops to premises offering bingo, arcades and small society lotteries.

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As outlined in the introduction to the draft Statement of Principles, 2020 was an extraordinary year with gambling premises subject to lockdown. In addition, in December 2020 the Minister for Sport, Tourism and Heritage announced a Review of the Gambling Act 2005 Terms of Reference and Call for Evidence which overlapped with the current three year review process.

The triennial review of the Statement of Principles had to be undertaken, but in the light of the impact of the pandemic on premises, the absence of the reporting of local trends, and the impending review, it was proposed that the existing policy was re-published in line with the legislation. This did not prevent another review taking place once more information on the Government timetable for change was available or if local circumstances required it. A copy of the draft Statement of Principles was attached at Appendix A.

It was proposed that the consultation be undertaken between July and August 2021 and subject to the outcome of the consultation, it was proposed that the Statement of Principles be referred through to Cabinet and then Council on 6<sup>th</sup> December, 2021 for final approval.

Having fully considered the report, it was subsequently

RESOLVED – T H A T the approach to the publication of the Vale of Glamorgan Statement of Principles for its gambling functions for the period 2022-2025 be endorsed.

#### Reasons for decisions

- (1) To ensure that the Council fulfils its statutory duty as a licensing authority.
- (2) The licensing authority must, when undertaking its functions, have regard to the 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.

#### 126 LICENSING ACT 2003 REVIEW OF STATEMENT OF LICENSING POLICY FOR 2021-2026 (DEH) –

The Licensing Team Manager presented the report which sought to report back to Committee on the consultation responses to the draft Statement of Licensing Policy and sought approval to refer approval of the Policy via Cabinet to Council on 26<sup>th</sup> July, 2021.

The consultation period ran from 17<sup>th</sup> March, 2021 to 26<sup>th</sup> May, 2021. Notice of the consultation was sent to the statutory agencies referred to in the Licensing Act 2003, Town and Community Councils, Vale of Glamorgan Councillors, Chamber of Trade contacts, and was published on the Council's website. A copy of the draft Statement of Licensing Policy was attached at Appendix A.

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The South Wales Police responded, requesting that the traffic light system that South Wales Police use to address alcohol related crime and disorder at licensed premises for enforcement be recognised within the Policy document as an enforcement tool promoted by South Wales Police and currently in operation in Cardiff City Centre.

If a premise was found to be in the 'red zone', they were assigned a dedicated licensing officer who met with the premises management to draw up a specific, measurable, achievable, realistic and time framed (SMART) action plan that would seek to improve the premises promptly.

Committee was therefore requested to approve the following insertion into the draft Policy:

"The licensing authority considers that it is good practice for Responsible Authorities to give licence holders early warning of problems, with a view to securing improvements informally".

Llantwit Major Town Council responded relating to anti-social behaviour and how this interacted with the role of the Licensing Authority. The response sought to make the wording of the Policy more robust in dealing with anti-social behaviour.

The Statutory Guidance stated that all premises must promote the licensing objectives and that in terms of anti-social behaviour there must be a causal link between the premises and "crime, anti-social behaviour and noise nuisance. Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law".

The word "should" was used in this Section of the guidance but the report asked Committee to consider whether they wished to substitute this with the word "must" in order to emphasise the responsibilities of the premises licence holder.

Having fully considered the report it was subsequently

RESOLVED –

(1) T H A T the amendments to be made to the Draft Statement of Licensing Policy be approved as follows:

To insert a paragraph in Section 17 as follows to recognise the South Wales Police Traffic Light System as a method on which representations or reviews are submitted:

"An example of a recognised early warning system is the Traffic Light System operated by South Wales Police. Any information supplied to the licensing authority as part of representations or a review process will be considered in light of the broad principles set out in the Shared Regulatory Services Enforcement Policy of Proportionate, Accountable, Consistent, Transparent, and Targeted. If such an enforcement tool is used, the licensing authority will expect to receive information on how the points system was allocated, the interaction with the licensee, what interventions

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had already been carried out, and the risk to the licensing objectives which underpin the representations/review submitted".

To substitute the word "should" by "must" in Section 14 in the following paragraph:

"Operators of premises of this type must consider measures to prevent crime and disorder on, or emanating from, their premises."

(2) T H A T the Statement of Licensing Policy be referred for comment to Cabinet on 5<sup>th</sup> July, 2021 and referred on to Council for approval on 26<sup>th</sup> July, 2021.

#### Reasons for decisions

(1) To ensure that the Council, as licensing authority fulfils its duty under the Licensing Act 2003.

(2) The licensing authority must, when undertaking its functions, have regard to the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.