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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
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*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 19 May 2022

Dear Councillor,

LICENSING ACT 2003 COMMITTEE

A meeting of the Licensing Act 2003 Committee will be held remotely - via Microsoft Teams on **Wednesday, 25 May 2022 at 10:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 4
To receive for approval the minutes of 09/11/21
4. Licensing Act 2003 and Gambling Act 2005 Delegation of Functions 5 - 8
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: Please note: In view of health and safety reasons this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for transmission via the Council's internet site. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

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Councillors:

H T Bennett
A R Berrow
S J Bletsoe
RJ Collins
H Griffiths

Councillors

RM James
P W Jenkins
MJ Kearn
M Lewis
J E E Llewellyn-Hopkins

Councillors

J E Pratt
R J Smith
I Williams
R Williams

Present

Councillor DRW Lewis – Chairperson

TH Beedle
AA Pucella

RM James
G Thomas

B Jones
KJ Watts

JE Lewis
JE Williams

Apologies for Absence

PA Davies and MJ Kearn

Officers:

Julie Ellams
Kirsty Evans
Katie Wintle

Democratic Services Officer - Committees
Senior Licensing Officer
Lawyer

27. DECLARATIONS OF INTEREST

None

28. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Licensing Act 2003 Committee of 25/05/2021 be approved as a true and accurate record.

29. GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES 2022-2025

The Licensing Policy Officer presented a report asking Committee to endorse the publication of the Council's Statement of Licensing Principles for the next triennial period 2022 to 2025, and to forward the policy to Cabinet and Council for final approval.

The Licensing Policy Officer explained that the Gambling Commission was the unified regulator for gambling in Great Britain and was responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing land based premises, as well as functions in relation to issuing permits and registrations, rested with local authorities. The Council, as a licensing authority, published on a three year basis, a Statement of Licensing Principles governing the policy, regulation and decision making process relating to gambling premises.

The Licensing Policy Officer explained that in normal circumstances, it would be possible to review trends and issues which may inform future policy development. However, the period 2020-2021 had seen unprecedented measures in place 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 Licensing 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 felt that a more balanced review could be undertaken in 2022. The consultation was published on the Council's website between 6 August 2021 and 10 September 2021. One response was received from Gosschalks Solicitors. The response sought one amendment which related to

redundant terminology no longer used within the Gambling Commissions's statutory guidance to local authorities. No other responses were received from statutory consultees or via the website consultation.

A member asked if many complaints were received from the public in relation to gambling. The Licensing Policy Officer replied that complaints were rarely received regarding this however there were more in relation to online gambling. The member raised concerns about the increase in gambling during lockdown.

A member asked about enforcement in relation to issues with raffles and other prize draws organised by non- registered bodies on social media. He asked what provisions were in place to ensure that people complied with the act. The Licensing Policy Officer replied that there were enforcement powers in place and they did investigate complaints. She added that most organisers of raffles would be required to be registered with the local authority when selling tickets in advance, online gambling involving social media would form part of the review that the government was undertaking. The member concluded that gambling was increasing online and a trend that needed to be looked at including how it impacted the public.

RESOLVED: Committee endorsed the Statement of Gambling Principles, incorporating the amendments highlighted within Appendix A together with the additional amendment in 4.6, to be forwarded to Cabinet and Council for approval and publication in accordance with the regulations.

30. **URGENT ITEMS**

None

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 COMMITTEE

25 MAY 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATION OF FUNCTIONS

1. Purpose of report

- 1.1 The purpose of this report is to set out proposed arrangements for the authorisation of officers under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of sub-committees following the Annual Meeting of Council 2022.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 There is no connection to the corporate well-being objectives. Approval of these arrangements is required so the authority may effectively discharge its functions under the Licensing Act 2003 and Gambling Act 2005.

3. Background

- 3.1 Section 9 of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee. At their meeting on 18 May 2022 Council received a report establishing the membership of the Licensing Act 2003 Committee.
- 3.2 Section 10 of the Licensing Act 2003 allows for the sub-delegation of functions by a licensing committee to a sub-committee established by it, or subject to certain restrictions, to officers.
- 3.3 The delegation of functions for the Gambling Act 2005 is delegated to the Licensing Act 2003 Committee established for the purposes of the Licensing Act 2003.
- 3.4 The legislation and statutory guidance set out those circumstances where decisions may not be undertaken by officers and these are generally where representations or objections have been made in respect of personal or premises licence applications.

4. Current situation/proposal

- 4.1 In the interests of effective performance it is proposed to delegate the responsibility for authorising officers to administer the requirements of the Licensing Act 2003 and Gambling Act 2005, to the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and for the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under those Acts.

- 4.2 It is also proposed that, where appropriate, the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer and Licensing Policy Officer be authorised to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended). The authorisation in respect of the licensing officers will only take effect when they are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.
- 4.3 The Committee is asked to approve the existing arrangement of the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. It is proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible. In the event that the Chair or Vice Chair are not able to attend, a chair person will be elected. The Committee is asked to note that approval of both the licensing and gambling policy statements must, by statute, be determined by the Council.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

- 8.1 There are no financial implications arising from the report.

9. Recommendation(s)

It is recommended that the Committee exercise its delegated authority to:

- 9.1 authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under the above-mentioned Acts.

- 9.2 authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer, and Licensing Policy Officer to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended).
- 9.3 approve the arrangements for the formation of Sub-Committees set out in paragraph 4.3 above.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

19 May 2022

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Team Manager Licensing Bridgend and Vale

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Background documents: None

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