



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 27 February 2018

Committee:
Strategic Licensing Committee

Date: Wednesday, 7 March 2018

Time: 10.00 am

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Keith Roberts (Chairman)
Simon Jones (Vice Chairman)
Peter Adams
Roy Aldcroft
Dean Carroll
David Evans
Rob Gittins
Simon Harris
Paul Milner
Kevin Pardy
Vivienne Parry
Ed Potter
Harry Taylor
Dave Tremellen
David Vasmer

Substitute Members of the Committee

Ted Clarke
Pauline Dee
Nigel Hartin
Richard Huffer
Matt Lee
Pamela Moseley
Clare Aspinall
Elliott Lynch
William Parr
Paul Wynn

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the Minutes of the meeting of the Strategic Licensing Committee held on 13th December 2017.

Contact Emily Marshall on 01743 257717.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 10.00 a.m. on Tuesday 6th March 2018.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Consultation on the Gambling Act 2005 Policy Statement 2019 to 2022 (Pages 5 - 24)

Report of the Transactional and Licensing Manager is attached, marked 5.

Contact: Mandy Beever (01743 251702)

6 Exercise of Delegated Powers (Pages 25 - 32)

Report of the Transactional and Licensing Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702)

7 Records of Proceedings - Licensing Act Sub-Committees (Pages 33 - 44)

To note the records of proceedings of the Licensing Act Sub-Committee meetings for September 2017 – February 2018.

Minutes of the following meetings are attached for the Committees information:

- 13th September 2017
- 26th September 2017
- 2nd November 2017
- 21st November 2017 – To Follow

Contact: Shelley Davies (01743 257718)

8 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

9 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 20th June 2018 in the Shrewsbury Room, Shirehall, Shrewsbury.

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<u>Committee and Date</u>
Strategic Licensing Committee
7 th March 2018

<u>Item</u>
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Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 13 DECEMBER 2017 IN THE LUDLOW ROOM, SHIREHALL, SHREWSBURY
10.30 - 11.48 AM**

Responsible Officer: Emily Marshall
Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Keith Roberts (Chairman)
Councillors Peter Adams, Roy Aldcroft, Dean Carroll, Simon Harris, Paul Milner, Kevin Pardy, Vivienne Parry, Ed Potter, Dave Tremellen, David Vasmer and Pamela Moseley (substitute for Harry Taylor).

25 Apologies

Apologies for absence were received from Councillors Simon Jones, Mark Jones, Harry Taylor (Substitute Pam Moseley).

26 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 4th October 2017 be approved as a correct record.

27 Public Question Time

There were no public questions or petitions received.

28 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

29 Licensing Fees and Charges 2018 - 19

Consideration was given to the report of the Trading Standards and Licensing Operations Manager in relation to the proposed revised fees for the period 1 April 2018 to 31 March 2019 for licences and licensing related activities.

In response to a question regarding out of area taxi applications, the Trading Standards and Licensing Operations Manager explained that the impact of out of area taxi licensing was a recognised issue of concern, particularly in the areas of enforcement and maintaining a sufficiently robust level of standards. The Operations

Manager also explained that the concerns were shared by the Local Government Association and that local authorities across the country and the LGA were lobbying at a national level to get the Government to make changes to the law. However there were currently no immediate indications that the changes required would be forthcoming.

In response to a question, the Transactional and Licensing Team Manager provided an update on the digital transformation programme and the improvements that it would mean for Licensing.

RESOLVED:

1. That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in Appendix A, in accordance with the Gambling Act 2005 as set out in Appendix B and in accordance with explosives and fireworks legislation as set out in Appendix C and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2018 and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2018/19 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
2. That the Committee implements, with any necessary modification and with effect from 1 April 2018, the proposed fees as set out in Appendices D, E, F and G that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Trading Standards and Licensing Operations Manager to arrange for the fees to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Trading Standards and Licensing Operations Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
3. That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Appendix F, with any necessary modification, and instructs the Trading Standards and Licensing Operations Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it is proposed will be varied and specifying a period from 18 December 2017 to 4 February 2018 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.
4. Where no objections to the proposed variation in fees are received by 4 February 2018 or if all objections so made are withdrawn by the said date the Committee agrees to implement the proposed variation to the fees on 5 February 2018 or where objections to the proposed variation to the fees are received by 4 February 2018 and are not withdrawn by the said date, the Committee agrees to consider the objections at a meeting on the 7 March 2018

with a view to setting the date of 1 April 2018 (being a date not later than 2 months after the 5 February 2018) when the proposed variation to the fees shall come into force with or without further modification and further instructs the Trading Standards and Licensing Operations Manager to publish the agreed fees on the licensing pages of the Council's website as soon as is practicable.

5. That the Committee instructs the Trading Standards and Licensing Operations Manager to arrange for the proposed fees as set out in Appendix F, with any necessary modification, to be included in the 2018/19 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation between 18 December 2017 to 4 February 2018 fees to be confirmed by the Strategic Licensing Committee by 7 March 2018'.

30 **Adoption of Street Trading Policy Under The Local Government (Miscellaneous Provisions) Act 1982**

Councillor David Vasmer left the meeting at this point.

Consideration was given to the Transactional and Licensing Team Leader in respect of the adoption of Street Trading Policy under the Local Government (Miscellaneous Provisions) Act 1982.

RESOLVED:

That the Committee agrees, with any necessary modifications, that the proposed Street Trading Policy 2018 to 2023, as set out in Appendix A, is adopted by the Council and implemented with effect from 1 April 2018.

31 **Exercise of Delegated Powers**

Consideration was given to the report of the Transactional and Licensing Manager in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes)

The Chairman thanked the Transactional and Licensing Manager and her team for their work in this area.

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

32 **Records of Proceedings - Licensing Act Sub-Committees**

The records of proceedings of the Licensing Act Sub-Committee meetings from September 2017 to November 2017 were received by Members. (Copy attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from September 2017 to November 2017 be noted.

33 **Future Agenda Items**

The Committee were given the opportunity to identify additional matters that ought to be brought before the Committee for consideration.

The following progress reports were suggested:

- An update on digital transformation;
- Scrap metal dealers; and
- Pre-application advice – the introduction of a similar system to planning.

RESOLVED:

That the requests for updates be noted.

34 **Date of Next Meeting**

RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 7th March 2018.



<u>Committee and Date</u>
Strategic Licensing Committee
7 th March 2018

<u>Item</u>
5
Public

Consultation on the Gambling Act 2005 Policy Statement 2019 to 2022

Responsible Officer Mandy Beever, Transactional and Licensing Team Manager
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.
- 1.2 This report sets out a draft policy statement upon which the Council proposes to consult.

2. Recommendations

- 2.1 That the revised draft Gambling Act Policy Statement as agreed by the Committee and set out at **Appendix 1** be approved for consultation.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 The preparation and publishing of the policy statement is a legal requirement under the Act.
- 3.2 If the Council fails to prepare and publish the policy statement the Council may be challenged when exercising its functions under the Act through a number of routes, e.g. service complaints to the Local Government Ombudsman and judicial review. Conversely, by preparing and publishing the policy statement, the Council is complying with its legal obligation. In addition, the Council provides a defined framework within which to exercise its functions and makes it clear to all stakeholders the manner by which the Council intends to exercise its functions.
- 3.3 Due regard has been given to the public sector equality duty in accordance with the

Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An Equality and Social Inclusion Impact Assessment (ESIIA) has been completed and is produced at **Appendix 2**.

- 3.4** The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that the proposed policy statement is a revision of the principles that were adopted on 1 April 2016 and the formal consultation feedback did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.
- 3.5** There is no anticipated environmental impact associated with the recommendations in this report.
- 3.6** The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.
- 3.7** The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion. It is anticipated that consultation will be undertaken over a twelve week period during March to June 2018.

4. Financial Implications

- 4.1** There are no direct financial implications associated with the recommendation in this report; although prior to the policy statement formally taking effect, a cost will be incurred to place the required legal notice in the Shropshire Star newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. This cost will be approximately £700 and is recoverable through the licensing fee process.

5. Background

- 5.1** Under the Gambling Act 2005, the Council is the licensing authority and is responsible for licensing and overseeing local gambling establishments. Part of this responsibility is the duty to prepare and publish a statement of the principles (policy statement) that the Council proposes to apply in exercising its functions under the Act.

- 5.2** The Council's current Gambling Act policy statement came into effect on the 1 April 2016 and will cease to have effect on the 31 March 2019. However, the Gambling Commission have instructed that local authorities must prepare and publish the next policy by the 3 January 2019, with it coming into force on 31 January 2019 (see **Appendix 3**). The timetable to undertake the necessary legal process has been set accordingly.
- 5.3** There are legally prescribed procedures that the Council must follow before the policy statement can take effect. This involves making the statement publicly available by a variety of means for at least 4 weeks and by advertising that it has been published.
- 5.4** The policy statement must be adopted by full Council; this function cannot be delegated to either the Strategic Licensing Committee or Cabinet. The proposed statement must, therefore, be presented to Council no later than the 13 December 2018, to allow sufficient time for the necessary publication and advertising to take place prior to the 31 January 2019.
- 5.5** Officers have taken the opportunity to revise the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
- a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.
 - b) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. It is wholly anticipated that the Council's 'local area profile' will develop over time and will be influenced by information and intelligence from key partners and other stakeholders.
- 5.6** The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

6. Additional Information

- 6.1** Unless there are specific reasons for an earlier review and publication of a revised policy statement, the Council will be required to undertake the next consultation process under the Act in the latter part of 2021 with the aim of a revised policy statement being effective from an agreed date in 2022.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The Gambling Act 2005 (2005 Chapter 19)

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)

Shropshire Council's Gambling Policy Statement (effective 1 April 2016)
(<https://www.shropshire.gov.uk/media/2474/gambling-act-2005-policy-statement-2016-to-2019.pdf>)

Guidance to Licensing Authorities 5th Edition September 2016 published by the Gambling Commission (<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>)

Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association
(<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>)

Problem Gambling Frequently Asked Questions August 2013 published by the Local Government Association in association with Public Health England
(<https://www.local.gov.uk/sites/default/files/documents/problem-gambling-frequent-4f2.pdf>)

Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer
(<http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf>)

Cabinet Member (Portfolio Holder)

Councillor Robert Macey, Portfolio Holder for Planning and Regulation

Local Member

County wide application

Appendices

Appendix 1 – Draft Gambling Act 2005 Policy Statement 2019 - 2022 (Consultation Version - sent to all Members electronically)

Appendix 2 – Equality and Social Inclusion Impact Assessment (ESIIA)

Appendix 3 – Gambling Commission, Statement of Gambling Policy 2019 – 2022 letter (9 October 2017)

Equality and Social Inclusion Impact Assessment (ESIIA) Contextual Notes 2015

The What and the Why:

The Equality and Social Inclusion Impact Assessment (ESIIA) approach replaces the Equality Impact Needs Assessments (EINAs) previously in use by Shropshire Council. It helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This broader assessment covers consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g. Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Gambling Act 2005 Policy Statement 2019 to 2022

Aims of the service change and description

The Council's existing Gambling Act policy statement ('the policy') was adopted from the 1 April 2016 and ceases to have effect on 31 March 2019. The policy requires updating to take account of the latest guidance issued to licensing authorities by the Gambling Commission. The Gambling Commission has instructed local authorities to prepare and publish the next policy by the 31 January 2019, with the aim of it coming into force on 31 January 2019.

The Gambling Act 2005 requires that local authority Gambling Act Policy Statements give specific consideration to three key licensing objectives. The format and content of the Council's policy has been updated to ensure these objectives are being met in order to:

- further strengthen safeguarding provisions in relation to children, young people and adults with care and support needs;
- provide greater practical clarity to existing and potential licence holders; and
- assist council officers to correctly apply the legal provisions of the Gambling Act 2005.

In particular:

- There is a need to set out the overarching principles that the Council intends to consider when exercising its functions under the Gambling Act, including those that the Council will specifically consider in relation to each of the three licensing objectives (see additional notes below).
- Nationally, there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on problem gambling alone. In this respect, the policy needs to emphasise the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also adults with care and support needs.
- Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile' to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. From April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'.
- The Gambling Act singles out children, young people and vulnerable persons for special regulatory attention; consequently, the policy has a focus on protecting these particular groups. In considering this, specific attention has been given to adults with care and support needs.

- The application processes applicable to each different type of licence is clearly set out to ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met.
- The premises licence review process is clearly set out to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act.
- The way in which the Council deals with the exchange of information is robustly addressed.
- The Council's overarching approach to inspection, compliance, enforcement and complaints is clearly set out and appropriate links made to the Council's Better Regulation and Enforcement Policy.

The policy also sets out how the Council intends to proactively promote the three Gambling Act licensing objectives, namely:

- 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.

Intended audiences and target groups for the service change

- Persons who wish to apply for gambling licences and permits
- Persons who hold existing licences and permits, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire's Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board (KASiS)
- The Gambling Commission
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/permit holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access gambling premises and activities
- Other local authorities, particularly those that border the Shropshire Council area
- Shropshire Voluntary and Community Sector Assembly (VCSA)
- Police forces, in particular West Mercia Police
- Police and Crime Commissioner
- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health
- Public Health England

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Letter from the Gambling Commission dated 9 October 2017 advising the Council that a revised statement of gambling policy must be reviewed and republished in January 2019.
- Legal requirement contained in the Gambling Act 2005 that the policy can only last for a maximum period of three years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- The emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those applicable to gambling.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- The Gambling Act 2005
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636)
- Shropshire Council's Gambling Policy Statement (effective 1 April 2016) (<https://www.shropshire.gov.uk/media/2474/gambling-act-2005-policy-statement-2016-to-2019.pdf>)
- Guidance to Licensing Authorities 5th Edition September 2016 published by the Gambling Commission (<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>)
- Gambling Regulation Councillor Handbook (England and Wales) June 2015 published by the Local Government Association (<https://www.local.gov.uk/sites/default/files/documents/L15-230%20Councillor%20handbook%20-%20gambling%20regulation%20FINAL.pdf>)
- Problem Gambling Frequently Asked Questions August 2013 published by the Local Government Association in association with Public Health England (<https://www.local.gov.uk/sites/default/files/documents/problem-gambling-frequent-4f2.pdf>)
- Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer (<http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf>)
- The Gambling Commission Strategy 2018 – 2021: Making Gambling Fairer and Safer
- The Council's own Local Area Profile – Gambling Premises, which will form part of the actual policy document.
- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? July 15
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index (2016)

Specific consultation and engagement with intended audiences and target groups for the service change

Significant effort was undertaken to conduct informal engagement ahead of the formal consultation process, which involved a number of key internal and external stakeholders, including gambling industry representatives in order to produce the existing policy.

Officers are currently of the opinion that there will be no need for significant changes. However,

Specific consultation and engagement with intended audiences and target groups for the service change

ongoing discussions with the Gambling Commission during the lifetime of the current policy and in the lead up to its revision has led to minor amendments that update guidance references, reduce the administrative burden on applicants and holders of Small Society Lottery Registrations, clarifies that adults with care and support needs form part of the legislative definition of vulnerable person and confirms the current Council delegations.

The Local Area Profile has been refreshed and is incorporated into the draft Gambling Act 2005 Policy Statement 2019 to 2022; it may be found at Appendix B of the draft policy. The profile maps local areas of concern, including actual and future emerging evidence based risks that may impact on the licensing of gambling premises and activities. Operators are encouraged to use the profile to help inform them of specific risks prior to submitting licence applications.

It is anticipated that the formal consultation process will involve a variety of communication mechanisms including publishing full details on the 'Get involved' web page of the Council's website, together with a press release on the Council's news web page that will also be distributed through corporate and service social media platforms. Direct emails will be sent to key stakeholders alerting them to the consultation on the Council's website.

Following the formal consultation process, an analysis of the responses received will be undertaken and the results collated for the Strategic Licensing Committee (SLC) to consider. A revised policy document, with relevant tracked changes, will be made available to the SLC in time to ensure the revised policy is in force by 31 January 2019.

A full list of the organisations formally consulted will be included in the ESIIA for the final report to full Council after the formal consultation has concluded.

Potential impact on Protected Characteristic groups and on social inclusion

Guidance notes on how to carry out the initial assessment

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have representatives been consulted, or people with specialist knowledge, or research explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?

4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for all the different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on fostering good relations?
7. Will the service change as proposed have a positive or negative impact on social inclusion?

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓ (positive)
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓ (positive)

Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓ (positive)
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓ (positive)
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓ (positive)
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ (positive)
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓ (positive)
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓ (positive)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change
There has not been any significant changes to the revised policy. This should not be perceived as a negative; rather it demonstrates that the fundamental principles of the 2016 – 2019 policy are sound and continue to be relevant.

For all the groups, ahead of any specific feedback from the formal consultation, the impact is rated as 'low positive'. The impact in reality is anticipated as being neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment seeks to take into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and adults with care and support needs, e.g. adults with learning disabilities, when considering the 'disability' group.

The changes to the policy do not breach any individual or group's human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy were not followed, there is a risk that human rights may be breached.

There will be ongoing efforts to engage with people in the Protected Characteristic groupings, particularly where low levels of responses to consultation have been received.

Actions to review and monitor the impact of the service change

The policy will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any gambling industry representative may request a review of the policy at any time. This is made clear in the policy itself. In addition, it is wholly anticipated that the Council's 'local area profile' will develop over time and will be influenced by information and intelligence from key partners and other stakeholders. As a result of this, the local area profile will be the subject of additional review and revision outside the wider policy review process.

There will be ongoing dialogue with all stakeholders and, in particular, with gambling industry representatives through direct contact with the licensing team. This will provide the opportunity for stakeholders to provide feedback on any matter. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for all stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager. This approach is likely to advance equality of opportunity and foster good relations on an ongoing basis.

With respect to 'age' and 'disability' groups and 'social inclusion', in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Safeguarding Children Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children, young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the increasing role that officers from these services play in the licensing processes.

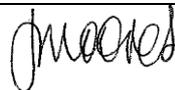
Ongoing consideration will be given to the definition of 'vulnerable', as it relates specifically to gambling, through working with the Council's Feedback and Insight Team and taking account of the outcomes of the Local Government Association supported research, being led by Westminster and Manchester Councils, which aims to assess and map area vulnerability to gambling related harm. As and when the outcomes of this research are made available, together with other emerging information, trends and risks, the Council will have to consider the

Actions to review and monitor the impact of the service change

implications for the definition of 'vulnerable' and also the impact on its 'local area profile' and policy statement accordingly.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

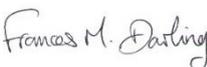
Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening Mandy Beever – Transactional and Licensing Team Manager		15 February 2018
Any internal support* Jessica Moores – Public Protection Officer (Professional)		15 February 2018
Any external support** Lois Dale – Rurality & Equalities Specialist		15 February 2018
Head of Service Frances Darling – Trading Standards & Licensing Operations Manager		15 February 2018

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, e.g. from the Rurality and Equalities Specialist, or support external to the Council, e.g. perhaps from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead Officer Mandy Beever – Transaction and Licensing Team Manager		15 February 2018
Head of Service Frances Darling – Trading Standards & Licensing Operations Manager		15 February 2018

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
- AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
Lead officer		
Any internal support		
Any external support		
Head of service		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)

Date:

Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

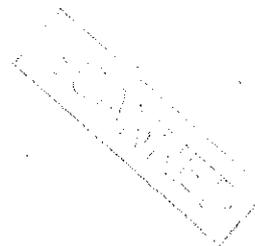
These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note for 2014 refresh of our corporate equality impact assessment approach: Shropshire Council has referred to good practice elsewhere in refreshing the EINA material and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.

GAMBLING COMMISSION



Head of Public Protection/Regulatory Services
Shropshire Council
Shirehall
Abbey Foregate
SHREWSBURY
SY2 6ND

9 October 2017

Dear Colleague

Statement of Gambling Policy 2019-2022¹

We thought it would be both helpful and timely to provide you with a reminder that each licensing authority's revised Statement of Gambling Policy (the Statement) is due to be reviewed soon and then republished in January 2019. In short, it is a legal requirement under s349 of the Gambling Act (2005) (the Act) for each licensing authority to prepare the Statement that they propose to apply in exercising their functions under the Act. The Statement must be reviewed every 3 years. This applies even if amendments have been made in the intervening period (during the 3 years).

You will be aware that there are three licensing objectives under the Act.

- Preventing gambling from being a source of, or associated with, crime and disorder
- Ensuring gambling is conducted in a fair and open way
- Protecting children and other vulnerable people from being harmed or exploited by gambling

There are then 4 principles to inform a licensing authority as to how it carries out its duties:

- The codes of practice issued by the Commission. These apply to licensed gambling operators and also to pubs and clubs. Many relate to social responsibility concerns such as the protection of the young and vulnerable
- The Guidance to Licensing Authorities² issued by the Commission
- Is reasonably consistent with the licensing objectives
- In accordance with the licensing authority's Statement

The function of the Statement is to reflect **locally specific** gambling concerns and circumstances, to reflect the Council's wider strategic objectives and to provide a point of reference for gambling activity. The active and iterative use of the Statement can play an important role in setting expectations about how gambling will be regulated locally.

The Statement is one means by which a licensing authority can make clear its expectations of gambling operators who have premises in their area or others such as pubs and clubs who site gaming machines. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a

¹ Further details regarding the Statement are provided in our Guidance to Licensing Authorities Part 6

² <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>



able to better understand the local environment and therefore *proactively* mitigate risks to the licensing objectives.

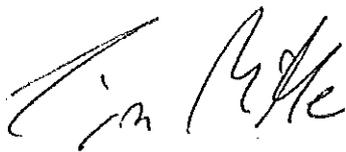
It is also a requirement of the Regulators' Code that regulators share information regarding their approach to compliance and risk, and this can be set out in the Statement.

The Act specifies a list of responsible authorities who the licensing authority must consult (s157). One of these concerns the protection of children from harm. It is for this reason that many authorities have specified their **Safeguarding Board** as a consultee. (Given that one of the licensing objectives concerns the protection of vulnerable people, Safeguarding Boards are well positioned to fulfil this function.)

Another body which, whilst not listed as a responsible authority, can also help to inform the strategic picture and approach as well as inform the local area profile, is **Public Health**. Again, a number of authorities have made significant advances in engaging in this way. (Given the range of co-morbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling related harm as well, for example those with a mental health issue or an addictive behaviour.)

The Commission is, as always, willing to provide support and guidance to licensing authorities in fulfilling their duties under the Act as well as in upholding the licensing objectives. The licensing authorities section of the Commission website provides toolkits on the topics mentioned above as well as examples of how other authorities have approached their Statement.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Miller', written in a cursive style.

Tim Miller
Executive Director Corporate Affairs & Research
Gambling Commission



<u>Committee and Date</u>
Strategic Licensing Committee
7th March 2018

<u>Item</u>
6
Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle and operator licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 18 November 2017 and the 9 February 2018 and a summary of applications considered by committee.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.

- 5.2 Officers use their delegated powers in a number of situations, including where:
- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 18 November 2017 and the 9 February 2018. During this period the total number of licences processed was 1132.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 18 November 2017 and the 9 February 2018.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 18 November 2017 and the 9 February 2018, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18th March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	2		1	1		
Renew	2	5	4		7	
Conduct	1	4				
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal			1			
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct			1			

6. Conclusion

6.1 During the period captured in this report the workload for the Licensing team has continued to be high and the team have been working hard to maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Robert Macey Portfolio Holder for the Trading Standards and Licensing Service.

Local Member - Covers all areas of Shropshire

Appendices:

A – Licences issued between the 18 November 2017 and the 9 February 2018.

B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from the 18 November 2017 to the 9 February 2018.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 18 November 2017 to the 9 February 2018.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 18 November 2017 and the 9 February 2018.

APPENDIX A

Licences issued – 18 November 2017 to the 9 February 2018.

Page 28

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	44
Animal Breeding	13
Caravan Sites	0
Cosmetic Piercing Personal	14
Cosmetic Piercing Premises	9
House to House Collection	13
Pet Shops	7
Riding Establishments	3
Scrap Metal Site	0
Scrap Metal Collector	0
Sex Establishment Licence	0
Street Collection	70
Street Trading Consent	2
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	1
Total Applications General	177

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	24
Hackney Carriages	7
Total Surrendered Vehicles	31

Taxi Licensing		Total
Hackney Carriage	N	9
Hackney Carriage	R	26
Joint HC/PH Driver	N	15
Joint HC/PH Driver	R	125
Private Hire Operator	N	5
Private Hire Operator	R	8
Private Hire Vehicle	N	37
Private Hire Vehicle	R	133
Hackney Vehicle Transfer		4
Private Hire Vehicle Transfer		35
Private Hire Licensee Transfer		0
Trailer Licence		0
Total Taxi Applications		397

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	56
Premises Licence	6
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	168
Minor Variation Application	7
DPS Change/Variation	73
Transfer Application	27
Annual Fee	101
Notification of Interest	2
Premises Lic with Alcohol - Full Variation	3
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	443

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	1
Notification of Intent to have gaming machines	31
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	8
Change of Promoter	0
Annual Fee	75
Family Entertainment gaming machine permit	0
Total Gambling Act 2005 Applications	115

Total Applications	1132
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Total Surrendered Vehicles	31
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APPENDIX B

Licensing and Safety Sub-Committee Meetings from 18 November 2017 to the 9 February 2018.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 18 November 2017 to the 9 February 2018.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
21/11/17	Townhouse, 35 Willow Street, Oswestry	Temporary Event Notice	Roy Aldcroft, Harry Taylor and Dave Tremellen	Granted	n/a
17/01/18	Woodside Fishery, Milson, Kidderminster	New Premises Licence	Keith Roberts, Paul Milner and Roy Aldcroft	Meeting adjourned to 14 March 2018	n/a

APPENDIX D

Private Hire Vehicle and Hackney Carriage checks undertaken between the 18 November 2017 and the 9 February 2018.

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
01/12/17	51	11	40
11/01/18	11	3	8
29/01/18	9	1	8
	71	15	56

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 13 September 2017

2.00 - 3.06 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Roy Aldcroft and Simon Jones

14 Election of Chairman

RESOLVED:

That Councillor Simon Jones be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

15 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor Peter Adams explained that one of the objectors was known to him as he was a resident in the division he represented.

16 Application for a Variation of a Premises Licence - The Warehouse, 5 - 6 Claremont Street, Shrewsbury, SY1 1QG

Consideration was given to an application for a Variation of a Premises Licence in respect of The Warehouse, 5 – 6 Claremont Street, Shrewsbury, SY1 1QG.

Mr. P. Bramwell (Objector), Mr. C. Brennan (Objector), Mr. S. Rodenhurst (Licence Holder), Ms. R. Ingram (Licence Holder's Representative), Ms. J. Chanter (Public Protection Officer – Professional – Environmental Protection Team -Shropshire Council) (Ms. L. Prince (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Licensing Team - Shropshire Council) were in attendance.

The Licence Holder's representative addressed the Sub-Committee explaining that the Licence Holder had amended his application and was now seeking to extend the opening hours on a Saturday only. Ms. Ingram noted that following this amendment two of the objections received had been withdrawn and she outlined the conditions the Licence Holder would put in place to ensure that the business did not adversely impact on the amenity of residents.

In response to questions from the Public Protection Officer (Professional) – Licensing Team, Members of the Sub-Committee and Objectors the Licence Holder's Representative confirmed that:

- The Licence Holder was happy to ensure windows and doors were kept closed from 9pm;
- The music would be at a level to allow customers to speak to each other;
- The noise surveys were completed at various times between 11pm – 3am;
- Food would be served until approximately 10.30pm; and
- The Licence Holder was happy for residents to have his contact details.

Mr P Bramwell stated that following the information from the Licence Holder's representative in relation to the amendments to the application he was withdrawing his representation.

The Public Protection Officer (Professional) – Licensing Team addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period six relevant representations had been received and clarified that four of these representations had now been withdrawn. The Public Protection Officer (Professional) – Licensing Team outlined the application as amended by the Licence Holder.

The Public Protection Officer (Professional) – Environmental Protection Team clarified the original objection that had now been withdrawn explaining that the Licence Holder had made considerable amendments to ensure that there was no adverse impact on residents.

Mr Brennan (Objector) addressed the Sub-Committee in relation to the application. He explained that he still had concerns in relation to customers leaving the premises at 1am.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 2.40 p.m. and reconvened at 3.05 p.m. to announce their decision.

RESOLVED:

That the application for a Variation of a Premises Licence for The Warehouse, 5-6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Opening hours:

Sunday – Friday 10:00 – 00:30

Saturday 10:00 – 01:30

Supply of Alcohol (on premises)

Sunday – Friday 10:00 – 00:00

Saturday 10:00 – 01:00

Recorded Music (Indoors)

Sunday – Friday 10:00 – 00:00
Saturday 10:00 – 01:00

Live Music (Indoors)

Sunday – Friday 10:00 – 00:00
Saturday 10:00 – 01:00

Late Night Refreshment (Indoors)

Sunday – Friday 23:00 – 00:30
Saturday 23:00 – 01:30

And in accordance with the operating schedule contained within the current premises licence and the following additional conditions:

Condition to be added under the Prevention of Public Nuisance

No entry shall be permitted to the premises after 00:00 on Saturday, save for returning smokers

Condition to be amended under the Prevention of Public Nuisance

Doors and windows at the premises should remain closed during periods of amplified music at the location. Doors and windows to the premises shall be kept shut after 2100hrs except for access and egress.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of the objectors. However, having considered the application (as amended by the applicant) in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 26 September 2017

10.00 - 10.36 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Roy Aldcroft, Dean Carroll and Paul Milner

17 **Election of Chairman**

RESOLVED:

That Councillor Dean Carroll be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

18 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

19 **Exclusion of Public and Press**

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

20 **Application for a Premises Licence**

The Applicant, the Applicant's representative, the Public Protection Officer (Specialist) and the Council's Solicitor were in attendance.

The Chairman invited the applicant to present their case. The applicant's representative provided the Committee with background information relating to the premises and the circumstances that led to the representation received in objection to the application.

The Applicant responded to questions from the Sub-Committee and the Council's Solicitor.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period one relevant representation had been received.

The Public Protection Officer (Specialist) responded to questions from the Sub-Committee and the Council's Solicitor.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 10.19 a.m. and reconvened at 10.35 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence be granted for the following days, hours and licensable activity:

Recorded Music – Indoors

Monday to Thursday - 17:00 to 00:00

Friday – 17:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 00:00

New Year's Eve and Xmas Day – 12:00 to 01:00

Late Night Refreshment – Indoors and Outdoors

Wednesday, Friday and Saturday – 23:00 to 01:00

Thursday and Sunday to Tuesday – 23:00 to 00:00

New Year's Eve and Xmas Day – 23:00 to 01:00

Supply of Alcohol - on the premises

Monday, Tuesday and Thursday - 17:00 to 00:00

Friday and Wednesday – 17:00 to 01:00

Saturday – 12:00 to 01:00

Sunday – 12:00 to 00:00

New Year's Eve and Xmas Day – 12:00 to 01:00

Opening Hours

Monday, Tuesday and Thursday - 17:00 to 00:30

Friday and Wednesday – 17:00 to 01:30

Saturday – 12:00 to 01:30

Sunday – 12:00 to 00:30

New Year's Eve and Xmas Day – 12:00 to 01:30

And in accordance with the operating schedule

Prevention of Crime and Disorder

1. Colour digital CCTV with recording facilities will be installed on the premises covering internal areas of the premises.
2. CCTV recordings to be retained for a minimum of 30 days and made available in a viewable format to the police or responsible authority.
3. During operational periods that the premises are open to the public there will always be a member of staff on premises who is trained in the operation of the premises CCTV system and is able to download into a viewable format any

requested CCTV recordings at the premises upon request of the police or responsible authority.

4. Members of local Pub Watch/Shop Watch scheme.
5. Notices of crime prevention will be displayed throughout the premises.
6. Prevention of alcohol and/or containers being taken from our premises.
7. Management and staff are trained to prevent the sale of alcohol to minors, enforcing the Challenge 25 scheme.
8. Vigilance towards the use or sale of drugs on the premises.
9. The Designated Premises Supervisor will be on site or in reach of the premises during operating hours.

Public Safety

A log book shall be kept at the premises detailing inspections made, accidents and incidents

Prevention of Public Nuisance

1. Clear notices will be displayed to the public to ensure they leave in a respectful manner.
2. All deliveries are carried out during daytime hours.
3. Any music played to be of a light background nature.

Protection of Children from Harm

1. Challenge 25 Policy applied. Signage at points of alcohol sale.
2. Proof of id being passport, photo card driving licence and/or PASS photo card.
3. Challenge log kept and available to responsible authorities upon request.
4. Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually. Training records kept on site and available to responsible authorities on request.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

Having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The Sub-Committee stated that the applicant had taken a relaxed approach to licensing matters in the past and advised that in the future he should pay close attention to the conditions of the Premises Licence to ensure he remains compliant.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 2 November 2017

10.00 - 10.29 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Roy Aldcroft, Paul Milner and Kevin Pardy

21 **Election of Chairman**

RESOLVED:

That Councillor Roy Aldcroft be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

22 **Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

23 **Application for a Premises Licence - The Bakery, 2 Barber Street, Broseley, TF12 5NR**

Consideration was given to an application for a Premises Licence in respect of The Bakery, 2 Barber Street, Broseley, TF12 5NR

Mr. A. Dyke (Joint Applicant), Mr. A. Popsys (Joint Applicant), Mr. G. White (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Licensing Team - Shropshire Council) were in attendance.

Mr Dyke and Mr Popsys (Joint Applicants) addressed the Sub-Committee in relation to the application and outlined the steps that they would take to ensure that the business did not adversely impact on the amenity of residents.

In response to questions from the Public Protection Officer (Professional) – Licensing Team and Members of the Sub-Committee the Applicants confirmed that:

- They were willing to join a Pub watch scheme and would set up such a scheme if there was not one already in existence;
- They were happy to adjust the non-standard timings stated to allow for 30 minutes drinking up time;
- There was no plans to have music in the outside area; and

- They were happy with the amended wording of conditions as suggested by the Public Protection Officer (Professional) – Licensing Team.

The Public Protection Officer (Professional) – Licensing Team addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period five relevant representations had been received.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 10.24 a.m. and reconvened at 10.28 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for The Bakery, 2 Barber Street, Broseley, TF12 5NR be granted for the following days, hours and licensable activity:

Supply of Alcohol (On premises)

Monday to Sunday - 11:00 to 22:30

Non-standard timings: Christmas Eve and New Year's Eve – 00:30

Opening Hours

Monday – Sunday - 11:00 to 23:00

Non-standard timings: Christmas Eve and New Year's Eve – 01:00

And in accordance with the operating schedule

General

- 1] All staff will receive full training in health and safety, food safety and licensing laws and requirements.
- 2] Opening hours will be clearly displayed.
- 3] Weights and measures will be regularly tested and recorded as well as being clearly marked on all products/menus.
- 4] Violent, abusive or intimidating behaviour will not be tolerated. Any suspected illegal activity will be reported to the police.

Public Safety

- 1] Fire alarms are to be fitted throughout the premises with evacuation plans and clear signage throughout. All fire and alarm systems will be regularly tested and recorded.
- 2] Fire extinguishers/blankets will be fitted throughout and tested annually with certification to ensure all are in good working order.

- 3] A full fire and premises risk assessment is to be completed and training to be given to all staff on managing risks identified.

Prevention of Crime and Disorder

- 1] Colour digital CCTV will be in operation covering all internal and external areas of the premises. Recordings will be retained for a minimum of 28 days and made available in a viewable format to the police, licensing authority and any other authorised authority on demand.
- 2] The premises will be a member of the local pub watch scheme.
- 3] The premises will work closely with the local police
- 4] Any criminal or suspicious behaviour will be recorded and reported to police in the first instance.

Prevention of Public Nuisance

- 1] Last food orders will be one hour before closing and last drinks orders will be 30 minutes before closing to ensure customers have an opportunity to disperse from the premises before closing time.
- 2] Food and drinks are to be consumed on the premises only.
- 3] Any customer appearing intoxicated or under the influence of drugs will be refused service and asked to leave the premises.
- 4] All staff will have full training in how to spot and deal with customers who may be drunk or on drugs

Protection of Children from Harm

- 1] Challenge 25 policy will be in place for all alcohol sales.
- 2] Challenge 25 signage will be displayed at all points of sale.
- 3] Proof of age ID will be, passport, photo card driving licence and PASS photo card.
- 4] A challenge log book will be kept and will be available to all responsible authorities upon request.
- 5] All staff responsible for supplying alcohol will have challenge 25 training, with refresher training being held every 12 months. Full training records will be held on site and be available upon request to any responsible authority.
- 6] Children will only be allowed on the premises after 6pm if accompanied by an adult.
- 7] No gambling will take place in any form on the premises.
- 8] A range of non-alcoholic drinks will be available at all times.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

Having considered the application in detail and the answers given by the applicant, the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.