

## **CEREDIGION COUNTY COUNCIL**

<b>Report to:</b>	Licensing Committee (Statutory Committee)
<b>Date of meeting:</b>	24 <sup>th</sup> February 2022
<b>Title:</b>	General Update
<b>Purpose of the report:</b>	To provide the Licensing Committee with an update regarding general licensing matter
<b>For</b>	Information

### **Statement of Gambling Policy - 2022-2025 Gambling Act 2005 - Update**

Under the Gambling Act 2005, the Council as the Licensing Authority is required to adopt a Gambling Policy, setting out how it will deal with various applications for licences and permits. The current Policy was approved by Council on 13<sup>th</sup> December 2018.

To fulfil statutory requirements to review and publish a Statement of Gambling Policy in accordance with the requirements of the Section 349 of the Gambling Act 2005 and to improve public safety and clarity for the licensed trade within Ceredigion, the policy review of the Authority's Statutory Statement of Gambling Policy was presented to Cabinet on 11<sup>th</sup> January 2022. The Cabinet members considered the report and the revised policy and made the following decisions:

- (i) To recommend that Council approve the revised Statement of Gambling Policy as the Statement of Gambling Policy for Ceredigion for the period 2022-2025, and
- (ii) To recommend to Council that the Authority's "No Casino Resolution" should be retained and the decision recorded and added to the final policy.

The report and revised policy will go before Council on 3<sup>rd</sup> March 2022.

### **Gambling Act 2005 – Update**

The Government is currently reviewing the Gambling Act 2005 with a view to ensuring that it is fit for purpose for the digital age and can continue to meet its aims and objectives. The Government's review of the Act will:

- examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advances;
- ensure there is an appropriate balance between consumer freedoms and choice on the other hand, and prevention of harm to vulnerable groups and wider communities on the other;

- make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and land-based industries.

The purpose of the Government review of the act is to assess whether the balance of regulation is right. Gambling is a fun leisure activity for many people, with nearly half of adults gambling each month. The freedom of adults to choose how they spend their money and the value of a responsible industry which protects players, provides jobs and pays taxes. It is essential that the exploitation of vulnerable people is prevented, and that families and communities are protected from the potentially life ruining effects of gambling-related harm.

The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. One of the priorities of the Act remains: the protection of children and vulnerable people.

A white paper is expected later this year which may result in a major overhaul of the current Act and will most probably require a full and comprehensive review of this Gambling policy. Notwithstanding, it does not avoid the statutory requirement to review now the Authority's existing policy and publish the revised policy for the next three-year period.

### **Gambling Act 2005 Underage Sales Test Purchasing – Gaming Machines**

It is illegal to allow anyone under the age of 18 to play Category C gaming machines even if they are accompanied by an adult.

During 2019, the Gambling Commission released details of test purchases conducted in 170 public houses in England and Wales. The results showed 84% of the premises were failing to prevent under 18-year-olds from playing Category C gaming machines

During a recent all-Wales licensing meeting, the Gambling Commission's representative asked if any authorities would be interested in conducting such test purchase operations themselves. The Service has agreed to conduct one such underage sales test purchase during the next financial year to assess the level of compliance in public houses within the County.

Such underage sales test purchases require the assistance of volunteers under the age of 18 to assist officers with the test purchasing. The Trading Standards Team is responsible for enforcing a wide range of age restricted laws e.g. tobacco, fireworks, knives, etc., and so the Licensing Team will be supported and assisted by experienced Trading Standards staff to conduct this operation.

### **Attendance at County BOBB (Behaved or Be Banned) Meetings - Drink Spiking and other issues.**

In October 2021, a national increase of reported drink spiking occurred, which resulted in an increased awareness of the issue and a small number of cases being reported in Ceredigion. A national campaign was launched, which encouraged the boycott of late-night entertainment premises. Ceredigion licensing officers liaised with their Police licensing colleague to discuss the issues raised.

Licensing officers attended the local BOBB (Behave or be banned) in Aberystwyth and Cardigan to raise awareness of the issue of drink spiking and other vulnerability matters. These meetings are run by local licence holders during which they discuss the behaviour of customers in their premises and decide what action should be taken against them. They are also an opportunity for them to engage with the Police and local authority licensing officers to discuss licensing matters and queries.

During the meetings, officers provided advice on the subject of drink spiking, what measures to take to prevent incidents happen and how to report suspected incidents and secure and preserve evidence. The Authority and Police have also engaged with a national organisation (Adferiad) who have provided information posters, which provide advice, information on reducing the risks involved and a 24-hour helpline. These posters have been distributed to licensed premises within the County.

Officers also advised licence holders of the existence of the 'Ask Angela' scheme. The scheme enables people who feel unsafe, vulnerable or threatened can discreetly seek help by approaching venue staff and asking them for 'Angela'. This code-phrase will indicate to staff that they require help with their situation and a trained member of staff will then look to support and assist them. This might be through reuniting them with a friend, seeing them to a taxi, or by calling venue security and/or the police.

During the meetings advice was also provided on recent changes to the COVID-19 regulations and how they affected licensed premises.

During the Aberystwyth meeting, the behaviour of two customers was discussed and a decision was made by the licence holders to ban them from premises subject to the scheme for 12 months.

During the Cardigan meeting, the behaviour of five customers was discussed and a decision was made to ban them all from premises subject to the scheme for 12 months.

### **Visits to Late Night Refreshments Licensed Premises in Aberystwyth**

The late-night economy has been hit hard by the pandemic and the restrictions imposed on this trade sector. In addition, many licensed premises and have had to make changes to their operating schedules to ensure compliance with the legislation.

In December 2021, Licensing staff carried out evening inspections of late night refreshment premises in Aberystwyth and surrounding area. The unannounced visits were conducted between the hours of 11pm and 4am and a total of 10 premises were visited and inspected.

The purpose of the visits was to ensure compliance with both licensing conditions and COVID-19 laws. During the visits, officers spoke to members of staff and went through their listed licence conditions with them, ensuring that any conditions requiring SIA and CCTV conditions were complied with. These visits were then followed up by further detailed advice to ensure that each condition and steps needed to ensure compliance has been taken. Overall, the level of compliance was generally satisfactory.

### **Licensing Reviews/Hearings.**

During the period since the last Committee meeting was held there have been no formal licensing hearings due to the fact that applications have either had no objections, have been mediated by officers or are pending.

### **Extension of Hearing Period**

In July 2021, an application for a premises licence was received from a business owner within the County. During the consultation a large number of local objections were received and notification was received that the premises did not have the relevant planning class of use for the proposed business. A hearing date was arranged however as the majority of the objections raised centered around the planning and parking issues, at the request of the applicant, a decision was made to extend the hearing date under Section 11(1) Licensing Act Hearing Regs 2005 until the change of use planning application had been determined.

On 21 December 2021, the planning application to change the use of the building was refused.

### **Application to Vary Premises Licence Hearing**

On 17 December 2021 an application was received to vary the premises licence of a late-night business in Aberystwyth. The application was consulted upon and a number of representations have been received. Determination of the application to vary will be made during a Sub-Committee licensing hearing, which will be held during February/March 2022.

### **Proposal to Relax Licensing Hours - HRH Queen's Platinum Jubilee**

The Government proposes to create a licensing hours order under Section 172 of the Licensing Act 2003 which would extend opening hours from 11pm to 1am on Thursday 2 June, Friday 3 June and Saturday 4 June 2022 ending on Sunday 5 June 2022 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

Any extension of the licensing hours will only apply to the sales of alcohol for consumption on the premises and the provision of late-night refreshments in on-trade licensed premises.

The proposal considers that any national relaxation of licensing hours should not apply to the sale of alcohol for consumption off the premises (i.e., in supermarkets and off-licences) as anyone wishing to celebrate the occasion at home would be able to buy

alcohol during normal shopping hours. Late-night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation in licensing hours. Unlicensed premises would still need to use a Temporary Event Notice (TEN) to undertake licensable activity.

The purpose of any national relaxation of licensing hours to mark Her Majesty the Queen's Platinum Jubilee would be to enable pubs and other on-trade premises to sell alcohol and late-night refreshments to those wishing to extend their celebrations of the Queen's Platinum Jubilee beyond their normal licensing hours over the extended bank holiday period.

### **Temporary Changes to Temporary Event Notices**

For the duration of 2022 and 2023, the number of Temporary Event Notices that a premises user can give has been increased from 15 to 20 per calendar year and the maximum number of days a temporary event may be held at a premises will increase from 21 to 26 days per calendar year.

A single premise can now have up to 20 TENs applied for in one year, as long as the total length of the events is not more than 26 days, for events taking place in 2022 and 2023 only.

### **Extension of Alcohol Off Sales - The Alcohol Licensing (Coronavirus)(Regulatory Easements)(Amendment) Regulations 2021.**

The Home Office has announced that the current extension of off-sales of alcohol should continue for a further 12 months until 30 September 2022. This extension allows premises licences, which normally only permit the sale of alcohol for consumption on the premises, to sell alcohol for consumption off the premises.

Businesses such as pubs, bars and restaurants have been hit hard by Covid-19. Many have been closed for an extended period and as they re-opened, social distancing guidance has, in a number of incidents reduced their capacity to accommodate customers. This measure forms part of a package designed to make it easier for businesses to make use of outdoor space for dining and the sale of alcohol, helping the hospitality sector get back on its feet again through the busy summer months.

The provisions in the Regulations temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, which will allow businesses to trade and maintain social distancing.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

<b>Recommendation(s):</b>	Members receive this report for information.
<b>Reason for recommendation</b>	To advise elected Members of activity undertaken by the Licensing Section since the last Committee meeting.
<b>Policy Framework:</b>	The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework.
<b>Corporate Priorities</b>	<ul style="list-style-type: none"> <li>• Investing in People’s Future</li> <li>• Promoting Environmental and Community Resilience</li> </ul>
<b>Finance and procurement implications:</b>	Within budget
<b>Service Area</b>	Policy, Performance and Public Protection
<b>Statutory Powers:</b>	Licensing Act 2003, Gambling Act 2005 and any Regulations made under the Acts.
<b>Background Papers</b>	None
<b>Corporate Lead Officer:</b>	Alun Williams (Policy & Performance)
<b>Reporting Officer:</b>	Carwen Evans (Corporate Manager), Anne-Louise Davies (Trading Standards & Licensing Manager), Gareth Rees (Senior Licensing Officer)
<b>Date:</b>	2 <sup>nd</sup> February 2022