

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of the Licensing and Regulatory Committee held at  
County Hall, Usk on Tuesday 11<sup>th</sup> March 2014 at 10.00 a.m.**

**PRESENT:** County Councillor: L. Guppy (Chairman)

County Councillors: R. Edwards, D.J. Evans, R.J. Higginson, J. Prosser,  
B. Strong and P. Watts.

**OFFICERS IN ATTENDANCE:**

Mr G. Perry	-	Public Protection Manager
Mrs L. O' Gorman	-	Principal Licensing Officer
Mrs P. Perkins	-	Legal Assistant
Mrs S. King	-	Democratic Services Officer

**APOLOGIES FOR ABSENCE**

1. Apologies for absence were received from County Councillors R. Chapman, S. Howarth, M. Hickman and A.E. Webb.

**DECLARATIONS OF INTEREST**

2. There were no declarations of interest.

**CONFIRMATION OF MINUTES**

3. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 11<sup>th</sup> February 2014 were confirmed as a correct record and signed by the Chairman.

**PRESENTATIONS FROM THE PUBLIC PROTECTION MANAGER**

4. We received presentations from the Public Protection Manager, as follows:

i) **Implementation of Food Hygiene Rating Scheme**

The Public Protection Manager highlighted the following points:

- Last meeting discussions were held regarding regulatory areas and more engagement. The food hygiene rating scheme was presented at council, regarding delegation of powers but there was no opportunity to go into depth. Good opportunity to give further understanding on scheme at Licensing and Regulatory Committee.

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- Rating for the public to understand what standards were like at the time of inspection.
- Safety of people depends on others doing their job properly.
- Contamination often caused by food handler – many organisms are spread ‘bum to mouth’
- Assessing the key things, do people know what they’re doing, right structure and hygiene to serve safe food.
- Background - Running for 3 years on voluntary basis.
- In Wales E-coli is major concern. High consciousness to ensure a duplicate outbreak doesn’t occur.
- Since November 2013 introduced as a mandatory scheme – businesses must display their rating. Can appeal to get a rescore. From November 2014 will apply to businesses selling food to another business. Businesses see it as a positive factor.

County Councillor R. Edwards declared a personal interest pursuant to the members’ code of conduct as a food producer in Monmouthshire.

- Data shows that around the time scheme started, most businesses were a 3, so would meet obligations – anything less than a 3 would be addressed. Over time there are now as many 5’s as there are 3’s, hard work from all has contributed and had positive affect, food safety in Monmouthshire has improved.

Members were invited to comment and ask questions, during discussion we noted the following:

- There was a mandatory duty to inspect food premises. Businesses would have to pay if they applied for a re-grade.
- Any premises inspections would be unannounced.
- It was highlighted that it is important to food business holders to maintain excellent levels of hygiene and ensure that they do not make people ill and we encourage them to seek advice. A broad range of services was offered and consultancy work had been developed. Businesses are provided with an opportunity to work together to address necessary issues i.e. labelling, training, cooking, storage.
- Domestic facilities would also be checked.
- A recent prosecution involved a property where officers were refused entry and as a result the business holder was prosecuted for obstruction.
- In relation to large events/fetes, officers would try to obtain a list of organisers to cross reference to the inspection list, it would then be possible to check whether they had been inspected by other authorities.
- In relation to community events, the team would give advice to enable food to be served safely. E.g. using low-risk food, for example hot dogs with tinned sausage instead of frozen burgers.

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- A link would be circulated to members, to access the food standards agency website, where business ratings are listed.
- During an inspection, facilities used by staff were inspected. However, clarification would be provided regarding regulations for those used by the public.

**ii) Enforcement Activities during 2013-14**

The Public Protection Manager highlighted the following points:

- The Public Protection Manager summarised seven successful prosecutions taken by the department in the first three months of 2014. These included cases in relation to noise, dog fouling, fly-tipping, unlicensed taxi driver, sale of an unsafe vehicle.
- Not just about enforcement, achieving compliance is about working with people.
- Some cases require immense amounts of work, challenge, gathering information, very burdensome in terms of resources.
- Three cases pending.

During discussion we noted the following points:

- As an alternative approach, an initiative has been set up in the Severnside area working with officers, regarding problems surrounding dog fouling and littering.

**REVIEW OF ANNUAL LICENSING FEES FOR FINANCIAL YEAR 2014/15**

5. We received the Review of Annual Licensing Fees for Financial Year 2014/15, the purpose of which was to agree the Authority's licence fees for 2014-15.

The committee were advised that the European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).

Officers had undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. A summary of assessments of actual cost, along with the current fees, was presented to the committee.

Members were invited to comment and ask questions, during discussion the following points were noted:

- A query was raised regarding the difference in fee for the two driver badges. We were advised that the fees reflected the slightly different steps required in the process for each.
- House collections were confirmed as bag collections for charity.
- It was noted that the Chair of the Select committee had not been consulted when the report was written.

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- Clarification was requested regarding grandfather rights. We were advised that when the current licensing arrangements were introduced in some areas people had traded historically in streets that previously were not charged. This meant that some traders were now paying fees whilst others did not.
- It was suggested that the subject could be revisited in further detail and all related issues should be considered.
- The committee were advised that the authority needs to be able to demonstrate its costs. Officers based collection rates partly on the anticipated number of licenses. For 2014-15 despite a reduction in the fees for street trading licenses, total income was estimated to increase by approximately £5k.
- The team were commended for identifying savings.
- The committee were informed that if fees were agreed it would be subject to consultation for hackney carriage vehicles and private hire vehicles and operators and a legal notice is required to reflect this.
- **The Chairman stated that it would be beneficial to add section 2.3 of the report which reflects grandfather right and change to 'remove grandfather rights, apply renewal rate of £365 which is fair and equitable'**
- It was noted that Street Traders would not have the right of appeal.

We resolved recommendations within the report, as follows:

1. Approve the fees set out in Annexe One to this report, entitled "Schedule of Licence Fees for 2014-15", subject, where relevant, to any required public notice.
2. Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration.
3. And additionally resolved to remove existing grandfather rights for street traders and to apply a renewal rate as set out in the Schedule of Licence Fees for 2014-15.

### **DATE OF NEXT MEETING**

6. We noted the date and time of the next Licensing and Regulatory Committee as Tuesday 6<sup>th</sup> May 2014 at 10.00am.

Members were reminded to confirm whether they were available to attend the Licensing Training session, which had been arranged at Newport City Council on Tuesday 8<sup>th</sup> April 2014 at 10.45am.

**The meeting ended at 11.20am.**