

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 10th March 2015 at 10.00 a.m.**

PRESENT: County Councillor: L. Guppy (Chairman)

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

OFFICERS IN ATTENDANCE:

Mrs. L. O’Gorman	-	Principal Licensing Officer
Mr. G. Perry	-	Public Protection Manager
Mr. H. Owen	-	Principal Environment Health Officer
Mr. I. Gealy	-	Solicitor
Mrs. N. Perry	-	Democratic Services Officer

1. APOLOGIES FOR ABSENCE

We received apologies for absence from County Councillors M. Hickman, S. Howarth, J. Prosser and A. Webb.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Chairman agreed to accept an additional agenda item for consideration. The Committee resolved to receive the report relating to:

3. STREET TRADING CONSENT

The Committee were required to consider the conditions attached to the Street Trading Consent STR004 – M C Coffee Bar Ltd (Miserable Cow Coffee Bar Ltd), Abergavenny. The business owner, Ms F. Bevan, attended the meeting to provide Members with relevant information.

We heard that the Miserable Cow Coffee Bar was a self-contained, open air, coffee shop situated in the Open Air Precinct, Cibi Walk, Abergavenny. It had held a Street Trading Consent since June 2006 and under the Licensing Act 2003 was permitted to sell alcohol at the venue. The licence had been granted following consultation with all responsible authorities, with the conditions that no open or sealed containers of alcohol be permitted outside of the cordoned seated area, and that the business operated a challenge 21 policy on which all staff should be suitably trained.

Ms Bevan confirmed that the business was contained and securely locked down after 6.00pm. Staff were aware that each customer must only consume alcohol within the premises. Ms Bevan explained that she had not wanted alcohol to be the main point at the coffee bar, but wanted the ability to provide diversity. In the summer months the shop would look to serve local beers and wines.

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 10th March 2015 at 10.00 a.m.

Members were required to agree that the conditions attached to the continuation of the street trading consent would either:

- a. include the sale of alcohol, or
- b. exclude the sale of alcohol, or
- c. include the sale of alcohol subject to limitations.

The Principal Licensing Officer explained that should Members be minded to exclude the sale of alcohol it would be a direct contradiction with the Licensing Act 2003 in that the licence would have to be revoked or the applicant would have to surrender the licence. To revoke a licence the premises would have to be reviewed and as there had been no issues with the premises we would have no grounds to review the premises. Members were asked to consider if the policy should be reviewed with the intention to remove alcohol from the Street Trading Consent Policy and for it to be considered to under the Licensing Act 2003.

Following the report Members noted the following points:

- The fact that the facility was securely locked at night made a positive difference.
- The business was well established and well run, and held acceptable hours of trading.
- All drinks were served in appropriate receptacles, and visitors were able to be closely monitored.
- Staff were well trained and operated a challenge 21 system.

Members resolved to accept the recommendation that the Street Trading Consent should continue and include the sale of alcohol. It was recognised that conditions and restrictions were in place under the Licensing Act 2003.

It was noted that the Committee would look at the Street Trading Policy at a future meeting to discuss any amendments that may need to be put in place.

4. CONFIRMATION OF MINUTES

The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 20th January were confirmed as a correct record and signed by the Chairman, subject to the following amendment:

- **PRESENT** – County Councillor J. Higginson

5. ANNUAL LICENSING FEES FOR THE FINANCIAL YEAR 2015/2016

We received a report from the Public Protection Manager providing the Authority's licence fees for 2015-2016. Members were required to approve the fees set out in the report. A Member queried why the Committee was being asked to review the fees as it had been reviewed previously. We were informed that the fees were agreed on an annual basis and were therefore due for review.

During discussion Members raised the following points:

- It was noted that there were some favourable amendments, particularly to taxi drivers.

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 10th March 2015 at 10.00 a.m.

- A Member raised a concern that under the Street Trading Consent, the fee of £41 was too high for day traders attending events. It was thought that the fee would deter people from coming to events as they would be unable to make profit, for instance burger van or scout groups selling welsh cakes. In response we were informed that the day consent fee was as cost effective as possible, without having to carry out inspections. There were elements under Street Trading legislation where consent was not needed, for example if an entrance fee had been charged for the venue. Officers confirmed that advice was provided as necessary. The Officer expressed that the only way to alleviate the problem would be to include in the policy that charges would not be made in those circumstances. The Member confirmed that he accepted the other recommendations in the policy but wished to discuss amendments to the policy at the next Licensing Committee meeting
- The Public Protection Manager explained that officers were currently considering conditions surrounding consents. Block Trading Consents enabled the organisers to control the event and make a moderate charge to stall holders, providing that stall holders complied with conditions set out in the consent. Block Consent could also set required food rating standards. The Officer agreed that it would be beneficial to discuss the policy regarding consent at a future meeting.
- A Member questioned if three events could be covered under one fee. It was explained that if the trading was constantly held in one area it could be covered under an Annual Consent, it would then be up to the consent holder how to manage the area.
- Health and Safety checks undertaken for events by the Events Safety Advisory Group did not confirm that the correct licences or consents were in place as required by law.
- The Chairman questioned if the officers predicted any problems with the fees for Hackney Carriage and Private Hire. It was thought that a five year charge would be a substantial burden for businesses. The Principal Licensing Officer explained that new legislation was proposed to take place from April 2015. Under current legislation there was a three year licence for drivers or a five year licence for operators, under the proposed legislation individual cases could be brought to Committee for shorter term licenses. It was assessed on workload each year and DVLA checks were carried out annually, and DBS checks every three years. The Licence could not be issued unless the fee was in place, in which case an invoice could be issued and arrangements put in place to pay on a monthly basis. It was confirmed that a lapse in payment could result in the licence being invalid. The taxi association would be informed if the proposal was granted.

The Committee resolved to accept the report, with the recommendation that the fees and regulations relating to the Street Trading Consent, specifically community events, be brought back to Committee for discussion.

6. MOBILE HOMES (WALES) ACT 2013

We received a report in order to consider the proposed approach to discharging the Council's responsibilities under the Mobile Homes (Wales) Act 2013. Members were recommended to

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 10th March 2015 at 10.00 a.m.

agree the Standard Conditions which may be attached to a site licence, and to agree to a fit and proper person policy. Members were also required to consider that where there were no relevant issues that officers may approve applications.

Members noted that we had previously received the draft report and accepted the recommendations made by officers.

The Chairman made a suggestion that the policy should include a procedure for the right to appeal. It was questioned how the licence be managed if it was granted for a five years. The Officer confirmed that it was general practice to grant a licence for a five year period.

A Member felt that the fit and proper person guidelines were vague and it could be a problem that people were not tested as standard. The Officer informed the Committee that if there were elements of doubt a Section 115 could be undertaken with the police but unless the Authority had a good reason, they should not ask the applicant to undertake a DBS check.

The Officer advised that if the Authority decided that a person was not a fit and proper person to manage a site, or there were conditions attached which they were aggrieved by, there was an appeal period of 28 days to the Residential Property Tribunal.

The Public Protection Manager confirmed that the procedure for a hearing (if there were issues that needed to be considered by the Committee) would be similar to those held for taxi licence issues. There would need to be an element of guidance but each case would be considered on its own merits.

It was recognised that there were no issues with the actual policy but there was a need for clarity on how to process a hearing. Therefore, Members agreed to endorse the policy with the recommendation that clarification on the procedure for a hearing to be provided in due course.

7. TIME AND DATE OF NEXT MEETING

The date and time of the next meeting was confirmed as Tuesday 21st April 2015 at 10.00am

The meeting ended at 11.30am.