

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 20th January 2015 at 10.00 a.m.**

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Chapman, R. Edwards, D.J. Evans, M. Hickman, S.G.M
Howarth, J. Prosser, F. Taylor, B. Strong and A. Webb.

OFFICERS IN ATTENDANCE:

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

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONFIRMATION OF MINUTES

The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 25th November 2014 were confirmed as a correct record and signed by the Chairman, subject to the following amendment:

- Also Present – County Councillor M. Powell, representing Abergavenny Town Council.

4. DRAFT LICENSING ACT 2003 POLICY STATEMENT

We received a report from the Principal Licensing Officer which considered the Draft Licensing Act 2013 – Policy Statement.

We heard that Section 5 of the Licensing Act 2003 required a Licensing Authority to prepare and publish a statement of its licensing policy every five years. It had been nearly five years since the last policy was approved at full Council on 18th November 2010 and the report set out the procedure and proposed, updated policy statement for consideration at full Council.

The report confirmed that the timetable of events planned for the transition of the Licensing Policy across Gwent were as follows:-

- 23 Dec 2014 - Send out letters for consultation and put on website
- Jan-March 2015 - Consultation on Licensing Act Policy
- 20 Jan 2015 - First draft of Policy to the Licensing and Regulatory Committee

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 20th January 2015 at 10.00 a.m.**

- 21 April 2015 - Final Draft, results of consultation to the Licensing and Regulatory Committee
- 14 May 2015 - Policy report to Full Council
- 1 June 2015 - Adoption of Licensing Act Policy 2015

It was noted that it was necessary for the policy to be in place early in June 2015 to avoid a crossover with consultations due to commence on a new gambling act at that time. We heard that the revised policy had taken into account legal changes which affect the Licensing Act 2003 and the preparation of the Statement of Licensing Policy. These included:

- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012
- The Licensing Act 2003 (Description of Entertainment)(Amendment) Order 2013
- The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014

The actual policy was Gwent wide but with differences for two authorities, namely Monmouthshire and Newport, due to the impact of the city centre areas of Newport and Chepstow.

We were informed that the report would be brought back to the Committee following the consultation period for final approval prior to full Council.

During Discussion the following points were noted:

- It was confirmed that Town and Community Councils had been informed of the draft policy.
- It was noted that, in future, it would be helpful for updated documents to include a brief summary of updates or changes. It was agreed that a summary would be included in the draft report following consultation.
- Concern was raised regarding the ban of the sale of alcohol below the cost of duty plus vat, as to whether there had been any comments from the trade. The Principal Licensing Officer advised that the policy had been taken on board and no comments had been received from the trade.
- A Member queried if the Temporary Event Notices (TENs) timings could be being tightened. We were advised that with TENs there were consultations with Environmental Health with the Police regardless of whether they were normal or late TENs. The difference with both TENs would be that if it was a normal TENs of 10 working days it could be brought back to Committee should conditions be required. A late TENs could be refused outright with no right to come back to committee.
- It was confirmed that, as a responsible authority, Aneurin Bevan University Health Board would be consulted. Public Health would be brought in as a 5th element of objections under the Licensing Act.
- It was queried whether the explanations of reasonable timings on page 8 of the policy should be more explicit to avoid confusion. The legal timescales were set out under the legislation but it was agreed that the policy could include specific timings. It was suggested that the policy should include 'results to be provided in a target time of three days, to be displayed on the website, or as soon as possible thereafter'. A Member noted that the applicant would be given the decision on the day, but could expect the decision in writing in a reasonable amount of time.

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 20th January 2015 at 10.00 a.m.**

- A Member suggested that wording in the policy should use safeguarding rather than protection. It was explained that the policy used the same wording as the Act itself.
- The Chairman expressed that there should be a set training schedule for Members of the Licensing Committee to ensure that Members were up to date with legislation. It was noted that Planning Committee were trained and it was felt that Licensing Committee should follow the same procedures, and that new Members on the Committee should be properly trained. A record of training should be kept up to date.
- A Member advised that the officers were the experts and were relied upon by Committee Members to provide the correct information, and that Members were there to represent the community. It was thought to be more useful to suggest training would be desirable rather than mandatory.
- It was expressed that should a sub-committee be needed, training should be provided on those specific issues.

The Committee resolved to move the report, subject to the comments made.

5. MOBILE HOMES (WALES) ACT 2013

The Chairman agreed to accept an additional report entitled Mobile Homes (Wales) Act 2013.

Members were invited to comment on the proposed approach to discharging the Council's responsibilities under the Mobile Homes (Wales) Act 2013, prior to consideration by Full Council.

We heard that the proposals to be addressed were as follows:

- This report proposed a recommendation to Council that the authority to issue, vary or withdraw a license be delegated to the Licensing and Regulatory Committee. Further, that Licensing and Regulatory Committee agree a "fit and proper person policy". Appendix 2 sets out the prescribed criteria that should be considered. Subject to Council approval of the above, a report would be brought back to a future meeting of the Licensing and Regulatory Committee.
- The Act allows the authority to recover its costs incurred in licensing Caravan sites. Fees may also be charged for applications to change conditions in site licences. Before a local authority can charge a fee, it must prepare and publish a fees policy and then must act in accordance with its fees policy. The local authority may revise its fees policy and, where it does so, must publish the policy as revised. The proposed fees policy is set out in Appendix 3. This fees policy also includes proposed minimum charges for the taking of enforcement action relating to the non-compliance with site license conditions and the setting of a fixed penalty notice fine.

We heard that currently within Monmouthshire there were 2 residential mobile home sites operating for commercial gain with a total of approximately 60 pitches; and 2 other known sites of 2 or less pitches.

During discussion we noted the following points:

- It was confirmed that the Act would not have an impact on the Planning Committee, as it was an entirely different area.

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 20th January 2015 at 10.00 a.m.

- Members welcomed the legislation, and felt that the Act would be beneficial as in certain areas, site owners, particularly residential site owners, could try to impose conditions upon owners of mobile homes.
- A Member requested clarity on the planning issue regarding mobile homes.
- A Member requested clarification on the fees outlined in appendix 2.2. It was suggested that the fees should be determined in report to Council either annually or every 5 years. The Principal Licensing Officer confirmed that this would be an annual report.
- It was noted that all existing sites were currently licensed under the Caravan Sites Act 1960, and would have to apply for a license under the new Act. All residential owners would be protected by the new legislation.

The Committee agreed to approve the report for full Council.

6. TIME AND DATE OF NEXT MEETING

The date and time of the next meeting was confirmed as Tuesday 10th March 2015 at 10.00am

The meeting ended at 10.50am.