

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 21<sup>st</sup> April 2015 at 10.00 a.m.

#### Agenda Item 5

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

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

#### **OFFICERS IN ATTENDANCE:**

Mr. D. Jones	-	Head of Public Health and Culture
Mrs. L. O’Gorman	-	Principal Licensing Officer
Mrs S. Winn	-	Senior Licensing Officer
Mrs P. Perkins	-	Legal Assistant
Mrs. S. King	-	Senior Democratic Services Officer

#### **1. APOLOGIES FOR ABSENCE**

We received apologies for absence from County Councillors R. Edwards, M. Hickman, R.J. Higginson and S. Howarth,

The Chair welcomed the committee and noted that Mr G. Perry had left Monmouthshire County Council. We thanked Mr Perry for his work, assistance, contribution to the committee and wished him well for the future.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. MINUTES**

We confirmed and signed the minutes of the Licensing and Regulatory Committee held on Tuesday 10<sup>th</sup> March 2015.

We received an update from the Principal Licensing Officer, in relation to the Annual Licensing Fees for 2015/16. We were advised that some aspects had been reconsidered, this included, Alcohol, which would be removed and would be considered within the Licensing Act and the fee element would be considered for small not for profit organisations.

The Committee agreed that the agenda order would be changed, as follows:

Item 6.	Hackney Carriage/Private Hire Divers Licence
Item 4i.	Gambling Act 2005 – Premises Licence Fees
Item 4ii.	Licensing Act 2003 Policy Statement

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**4. EXCLUSION OF PRESS AND PUBLIC**

We agreed to exclude the press and public from the meeting during consideration of the following item of business as it involved the likely disclosure of exempt information.

**5. HACKNEY CARRIAGE/PRIVATE HIRE DIRVERS LICENCE**

The Chairman welcomed the applicant to the meeting and introduced Members of the Committee and the attending Officers and explained the protocol for the meeting.

The applicant confirmed their name and address to the Committee and confirmed that they were content to proceed without legal representation.

The Principal Licensing Officer presented a report which recommended that members consider and determine whether the applicant for a Hackney Carriage/Private Hire drive was a fit and proper person to continue to hold a licence.

The key issues and details of the application were read out to the Committee.

The applicant was then provided with the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

Following questioning, officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had considered the application and had resolved that the licence would not be revoked, as the applicant for a Hackney Carriage/Private Hire driver was a fit and proper person to continue to hold a licence.

The Chairman added that the issue of accuracy when forms were completed was extremely important and this issue was considered seriously by the committee.

**6. RE-ADMISSION OF PRESS AND PUBLIC**

**7. REPORTS FROM THE PRINCIPAL LICENSING OFFICER**

We received two reports from the Principal Licensing Officer, as follows:

**i) GAMBLING ACT 2005 – PREMISES LICENCE FEES**

We received a report which agreed to set the fees for the Authority in relation to Premises Licences under the Gambling Act 2005 for 21<sup>st</sup> May 2015 – 20<sup>th</sup> May 2016.

There was a statutory duty Under the Gambling Act 2005 for fees to be set by the Authority for Premises Licences in accordance with the Gambling (Premises Licence)(England and

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Wales) Regulations 2007. The fees for licenses were reviewed and set annually on the 21<sup>st</sup> May each year.

Premises Licences included Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment was not carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 22<sup>nd</sup> November 2012.

An assessment of the cost and the maximum amount a local authority can charge for premises licences was undertaken and presented in Appendix B of the report. As a result of the assessment the report proposed that the fees commencing the 21<sup>st</sup> May 2015 were set as stipulated within Appendix A of the report.

In response to a question regarding budget within the department, we were advised that an annual fee assessment was undertaken and fees would be incorporated.

We resolved to agree recommendations that:

- i) The fees and charges detailed in Appendix A of the report be approved and have effect from 21<sup>st</sup> May 2015; and
- ii) The fees subsequently be reviewed annually.

**ii) LICENSING ACT 2003 POLICY STATEMENT**

County Councillor F. Taylor declared a personal non prejudicial interest pursuant to the members' code of conduct as a member of Aneurin Bevan Health Board.

At the Licensing and Regulatory Committee of 20<sup>th</sup> January 2015 Members were informed that before determining its policy for a five year period, a licensing authority must consult with the following:-

- The Chief Officer of Police for the licensing authority's area,
- The Fire Authority for that area,
- Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- Such persons as the licensing authority considers to be representatives of holders of club premises certificates issued by that authority,
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- Such other persons as the licensing authority considers to be representatives of businesses and residents in its area.

Consultation had been conducted and responses received referred to typographical errors which had been rectified within the Policy. Heddlu Gwent Police requested an addendum in 17.1 to include the Anti-Social Behaviour, Crime and Policing Act 2014 and to remove Designated Public Places Orders, which has changed to Public Space Protection Orders under this Act, which has duly been carried out.

At the Licensing and Regulatory Committee held on 20<sup>th</sup> January 2015 it was noted the revised policy was endorsed by the Gwent Authorities and that it had taken into account legal

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changes which affected the Licensing Act 2003 and the preparation of the Statement of Licensing Policy. At this meeting it was recommended that such changes be highlighted in red to assist in the scrutiny of the revised policy, which has been carried out and is attached to this report as Appendix A. The Legal changes that affected the policy included;

- The Police Reform and Social Responsibility Act 2011 was introduced in two stages. The first stage came into force on 25<sup>th</sup> April 2012 and the second phase came into force on 31<sup>st</sup> October 2012. The changes in April 2012 included, extending the review period for the licensing policy from 3 years to 5 years. Licensing Authorities and Local Health Boards were able to make representations. A person no longer had to be in the vicinity to make a representation against a venue. Conditions imposed at a Licensing Sub-Committee against a premises licence no longer have to be 'necessary' but 'appropriate'. Environmental Health are able to make representations along with the Police on Temporary Event Notices (TENs) and if objections are made conditions can be imposed on the Notices. The Notices changed to allow late TENs to be submitted between 5 and 9 working days before an event. Licensing Authorities can suspend a premises licence for non- payment of annual fees. The changes in October 2012 allowed Authorities to introduce Early Morning Restriction Orders (EMROs) and Late Night Levies (LNLs). (It was agreed at Full Council on 26<sup>th</sup> September 2013 that no EMROs and LNLs be introduced for this Authority.)
- The Live Music Act 2012 came into force on 1<sup>st</sup> October 2012 which removed the need for entertainment licences, between 8am and 11pm for a performance of unamplified live music, a performance of live amplified music in a workplace or in an on-licence premises (up to an audience limit of 200 people), provided conditions are met.
- The Licensing Act 2003 (Description of Entertainment)(Amendment) Order 2013 came into force on 27<sup>th</sup> June 2013 which removed the need for entertainment licences, between 8am and 11pm for performances of plays and exhibition of dance (up to an audience limit of 500 people) and indoor sport (up to an audience limit of 1000 people).
- The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014 came into force on 1<sup>st</sup> October 2014 which tightened up and simplified mandatory conditions on premises licences for Supply of Alcohol, Security Activity, Exhibition of Films, Irresponsible Drink Promotions, Age Policies, Drink Measures, Free Drinking Water and The Ban of the Sale of Alcohol below the Cost of Duty plus VAT.

Furthermore, the Licensing Committee recommended that in 3.7 of the policy should include a target time of 3 days in which to provide a result of hearings and the policy had been amended accordingly.

We resolved to agree recommendations:

1. Members consider the proposed updated policy statement and comment accordingly (Attached as Appendix A).
2. Members note that certain other legislative changes will need to be incorporated into the Statement of Licensing Policy 2015 prior to Full Council.

We thanked the officer for presenting the detailed and informative reports.

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**5. TIME AND DATE OF NEXT MEETING**

The date and time of the next meeting was confirmed as Tuesday 9<sup>th</sup> June 2015 at 10.00am

We discussed that Rights of Way Training had been provided and members expected that an item would be included on the agenda, some of the committee expressed disappointment that the item had not been available for the agenda.

Members who had attended the training had found it very beneficial and valuable and thanked officers for the way it had been organised and presented. However, we noted that training had been arranged during the school holidays and some members had been unable to attend.

We agreed that further training sessions would be arranged.

We were informed that the report had not yet been finalised and would be presented to the committee in due course.

**The meeting ended at 11.00am.**

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