

5<sup>th</sup> March 2014**Notice of meeting:****Licensing & Regulatory Committee****Tuesday, 11<sup>th</sup> March 2014 at 10.00a.m.****Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA****AGENDA**

Item No	Item
1.	Apologies for absence.
2.	Declarations of Interest.
3.	To confirm for accuracy the minutes of the Licensing and Regulatory Committee held on Tuesday 11 <sup>th</sup> February 2014 (copy attached).
4.	Presentations from the Public Protection Manager, on the following: <ul style="list-style-type: none"><li data-bbox="288 1518 1054 1554">i) Implementation of Food Hygiene Rating Scheme</li><li data-bbox="288 1554 906 1590">ii) Enforcement Activities during 2013-14</li></ul>
5.	To receive and approve the Review of Annual Licensing Fees for Financial Year 2014/15 from the Public Protection Manager and Principal Licensing Officer (copy attached).
6.	To note the date and time of the next Licensing and Regulatory Committee: <ul style="list-style-type: none"><li data-bbox="316 1957 852 1993">• Tuesday 6<sup>th</sup> May 2014 at 10.00am</li></ul>

**Paul Matthews**  
**Chief Executive**

# MONMOUTHSHIRE COUNTY COUNCIL

## CYNGOR SIR FYNWY

### THE CONSTITUTION OF THE LICENSING & REGULATORY COMMITTEE IS AS FOLLOWS:

County Councillors:	R. Chapman
	R. Edwards
	D.J. Evans
	L. Guppy
	M. Hickman
	R.J. Higginson
	S.G.M. Howarth
	J.I. Marshall
	J. Prosser
	B. Strong
	P. Watts
	A.E. Webb

### *Connecting with people*

#### **Our outcomes**

The Council has agreed five whole population outcomes. These are *People in Monmouthshire will:*

- Live safely and are protected from harm
- Live healthy and fulfilled lives
- Benefit from education, training and skills development
- Benefit from an economy which is prosperous and supports enterprise and sustainable growth
- Benefit from an environment that is diverse, vibrant and sustainable

#### **Our priorities**

- Schools
- Protection of vulnerable people
- Supporting enterprise, job creation and entrepreneurship

#### **Values**

- \* **Openness:** we aspire to be open and honest to develop trusting relationships.
- \* **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- \* **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- \* **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

**Minutes of the meeting of the Licensing and Regulatory Committee held at  
County Hall, Usk on Tuesday 11<sup>th</sup> February 2014 at 9.30 a.m.**

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

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

**OFFICERS IN ATTENDANCE:**

Mr G. Perry	-	Public Protection Manager
Mrs L. O' Gorman	-	Principal Licensing Officer
Mr I. Gealy	-	Assistant Solicitor
Mrs S. King	-	Democratic Services Officer

**APOLOGIES FOR ABSENCE**

1. Apologies for absence were received from County Councillors J.I. Marshall and S.G.M. Howarth.

**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 22<sup>nd</sup> October 2013 were confirmed as a correct record and signed by the Chairman.

Members were reminded that a Licensing Training session had been arranged at Newport City Council on Tuesday 8<sup>th</sup> April 2014.

**REPORTS FROM THE PRINCIPAL LICENSING OFFICER**

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

- i) **Hackney Carriage and Private Hire Licensing Policy – Fitness criteria for Drivers and Operators**

We received a report which considered the Hackney Carriages and Private Hire Licensing Policy – Fitness Criteria for Drivers and Operators.

Officers advised that the report related to the policy adopted by Monmouthshire County Council on 30<sup>th</sup> March 2009. In September 2013 the Directors of Public

## **Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 11<sup>th</sup> February 2014 at 9.30 a.m.**

Protection Wales (DPPW) – Technical Panel, which consists of Licensing Officers for each Welsh Authority, had amended the policy on dealing with convictions and it was recommended that the Council adopts the new policy.

We resolved to agree recommendations as follows:

- 1) To amend the Hackney Carriages and Private Hire Licensing Policy – as set out in Appendix A to this report (Fitness Criteria for Drivers and Operators)
- 2) That a period of 90 days consultation to those licensed under the remit of Private Hire and Hackney Carriage should take place.
- 3) That adverse responses be brought back to the Licensing and Regulatory Committee for consideration but should no adverse representation be made within that time period the policy be adopted.

### **ii) Intended Use Policy for the Licensing of Hackney Carriages**

We received a report which considered the Intended Use Policy for the Licensing of Hackney Carriages.

The report had been through the DPPW Technical Panel, who had recognised that Authorities were received significant number of applications and enquiries from hackney carriage proprietors and drivers who reside outside the Council area.

Enforcement Officers would not be able to carry out enforcement in other Local Authority areas and it would also be difficult to monitor vehicles if they rarely operated within the area and this could have significant safety issues.

During discussion the following points were noted:

- It was recognised that operators within Monmouthshire were also registered with Torfaen. Members asked whether views of the transport department would be obtained regarding the policy. We were advised that the transport department would be consulted on both policies and there is a memo of understanding in place regarding licensed drivers being used for transport contracts.
- It was recognised that the authority had power of investigating vehicles, but this could not be done in another local authority area. However, there was a possibility to liaise for another authority to do it on behalf of Monmouthshire County Council.
- Currently applicants were asked to complete a pro forma, a section could be included to ask where vehicle would be kept. There would be no objection to interview applicants and gather evidence prior to the application. It was suggested that this factor could be included in the policy and that applicants would have the opportunity to demonstrate that they're operating appropriately.
- It was requested that a summary policy could be presented to the committee at a future meeting. Policies and guidance would be included on the website.
- In relation to responses, we agreed that the word 'adverse' would be left out of recommendation 3.

**Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 11<sup>th</sup> February 2014 at 9.30 a.m.**

We resolved to agree recommendations as follows:

- 1) Members consider the implementation of an intended use policy for hackney carriages (attached to this report as Appendix
- 2) That a period of 90 days consultation to those licensed under the remit of Hackney Carriages should take place.
- 3) That responses be brought back to Committee for consideration but should not adverse representation be made within that time period the policy be adopted.

**iii) Scrap Metal Dealers Act 2013 – Statement of Licensing Policy**

We received a report which considered the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy.

Cabinet approved the application process, for those requiring a licence under the Scrap Metal Dealers Act 2013, on 2<sup>nd</sup> October 2013. The Gwent Licensing Forum drafted a policy to deal with scrap metal applicants.

The committee were advised that the matter was currently an executive function, however, the Welsh Government had indicated that there could be an amendment and it would be within the remit of the Licensing and Regulatory Committee.

During discussion the following points were noted:

- Clarification was provided regarding wording within the policy, where ‘Council’ was used it referred to the authority and council in that context would be generic and Gwent was defined by the 5 authorities names stipulated within paragraph 5.2 of the policy.
- It was requested that further clarification was included regarding the process and how issues would be progressed, it was noted that consistency was required. Officers confirmed that paragraph 6.8 could be developed.
- A scrap metal collector would need a license from each authority that was covered.

We resolved to agree recommendations as follows:

1. To endorse the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy (attached as Appendix A) prior to recommendation to Cabinet.
2. That a period of 90 days consultation to those licensed by Monmouthshire County Council under the remit of the Scrap Metal Dealers Act 2013, Heddlu Gwent Police, British Transport Police, National Resource Wales and Industry Associations.
3. That adverse responses be brought back to the Licensing and Regulatory Committee for consideration but should no adverse representation be made within that time period the policy will be deferred to Cabinet for a recommendation to adopt.

**Minutes of the meeting of the Licensing and Regulatory Committee held at  
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**DATE OF NEXT MEETING**

5. Officers advised that in the view of the review of constitution being undertaken then some aspects would need to be included.

There would be an opportunity for additional items to be considered at Licensing and Regulatory Committee meetings, such as public protection matters and food regulations.

The committee would be notified of any policy changes that were required.

We noted the date of the next Licensing and Regulatory Committee as Tuesday 11<sup>th</sup> March 2014, 10am at County Hall, Usk.

**The meeting ended at 10.15am.**

<b>SUBJECT:</b>	<b>Review Of Annual Licensing Fees For Financial Year 2014/2015</b>
<b>DIRECTORATE:</b>	<b>Chief Executives</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>11<sup>th</sup> March 2014</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

**1. PURPOSE:**

- 1.1 To agree the Authority's licence fees for 2014-15.

**2. RECOMMENDATION(S):**

- 2.1 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.
- 2.2 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. KEY ISSUES**

- 3.1 The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some license fees are set by Government, others are locally set at the discretion of the Authority.
- 3.2 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).
- 3.3 Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licenses so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. Members will clearly also need to be mindful of the potential burden on businesses of increasing costs and to weigh that against potential burden of underwriting the costs of administering various licensing functions.
- 3.4 Officers have undertaken significant work to calculate the true costs associated with different licenses based upon up to date financial data. Annexe One provides a summary of these assessments of actual cost along with the current fees.
- 3.5 Members will note that this assessment reveals that whilst a number of fees should now be reduced, some would need to be raised if the full costs associated with them are to be recovered.
- 3.6 When changes to Street Trading licences were introduced in 2005 members agreed that "no fee be charged to those who currently have an established pitch" and the Authority has operated a "grandfather rights" approach to those traders since. This has led to the current position where some street traders pay a fairly significant annual fee whilst others pay no fee at all. Members are asked to

consider whether it remains appropriate to continue that approach. The implications are set out in Annexe Two.

3.7 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire vehicles. It is recommended that any objections to a variation be brought back to Committee for consideration.

3.8 The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21<sup>st</sup> May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 6<sup>th</sup> May 2014 to review the Gambling Act fees to commence 21<sup>st</sup> May 2014.

#### **4 REASONS**

4.1 The fees are set at a level that will recover the costs associated with administering them;

4.2 Duly made objections must be considered.

#### **5. RESOURCE IMPLICATIONS:**

The Schedule of fees in Annexe One are set out to ensure the recovery of reasonable costs. If fees are set below the level indicated, the Authority will be underwriting the cost of some licenses. For the reasons set out in para 3.2, the Authority cannot legally set the fees higher than the cost recovery basis set out in Annexe One.

#### **6. CONSULTEES:**

SLT  
Cabinet Members  
Chairs of Select Committee  
Head of Legal Services  
Head of Finance and Improvement  
Head of Public Health & Culture  
Licensing & Regulatory Committee

Results of consultation has been incorporated in the report.

#### **7. BACKGROUND PAPERS:**

none

#### **8. AUTHOR:**

Graham Perry Public Protection Manager  
Linda O’Gorman Principal Licensing Officer

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## ANNEXE ONE

### SCHEDULE OF LICENCE FEES FOR 2014-15

	<b>Current Fees 2013/2014</b>	<b>Proposed Fees 2014/15</b>
<b>1. LICENSING ACT 2003</b>		
Premises Initial (Dependant on Business Rate)	£100.00 - £1,905.00	Fee Set By Central Government
Premises Annual (Dependant on Business Rate)	£ 70.00 - £1,050	
Personal Licence Holder	£37.00	
Temporary Event Notice	£21.00	
Theft, loss, etc of premises licence or summary	£10.50	
Provisional Statement	£315.00	
Notification of change of name and address	£10.50	
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00	
Application for transfer of premises licence	£23.00	
Interim authority notice following death etc. of licence holder	£23.00	
Theft, loss etc. of certificate or summary	£10.50	
Notification of change of name or alteration of rules of club	£10.50	
Change of relevant registered address of club	£10.50	
Theft, loss etc. of temporary notice	£10.50	
Theft, loss of personal licence	£10.50	
Duty to notify change of name and address	£10.50	
Right of freeholder etc. to be notified of licensing matters	£21.00	
Land without rateable value	Band A	
Land without rateable value – when a building is under construction	Band C	
Application to remove the mandatory condition requiring a DPS at Community Halls	£23.00	
Application for a Minor Variation on a Premises Licence or Club Premises Certificate	£89.00	
<b>2. GAMBLING ACT 2005</b>		
<b>(For Premises and Permit Fees please refer to separate list)</b>		
Lotteries		Fee Set By Central Government
Initial	£40.00	
Renewal	£20.00	
<b>3. STREET / HOUSE COLLECTIONS</b>		
No Fee charged under current legislation.		
<b>4. HACKNEY CARRIAGE / PRIVATE HIRE</b>		
(a) Hackney Carriage Vehicle - New	£179.00	£181.00
Hackney Carriage Vehicle – Renewal	£179.00	£147.00
Hackney Carriage Vehicle - Substitution (Transfer of Vehicle)	£54.00	£181.00
Hackney Carriage Vehicle – Transfer of Owner	£54.00	£52.00
Hackney Carriage Vehicle – Replacement Plate	£32.00	£34.00
Hackney Carriage Vehicle – Replacement Licence	No Fee	£16.00
Hackney Carriage Vehicle – Change of Number Plate	No Fee	£74.00
Hackney Carriage Vehicle – Change Of Address	No Fee	£16.00
(b) Horse Drawn Hackney Carriage Vehicle – As 4(a) above.		
(c) Private Hire Vehicle – New	£179.00	£179.00
Private Hire Vehicle – Renewal	£179.00	£156.00
Private Hire Vehicle - Substitution (Transfer of Vehicle)	£54.00	£179.00
Private Hire Vehicle – Transfer of Owner	£54.00	£52.00
Private Hire Vehicle – Replacement Plate	£32.00	£34.00
Private Hire Vehicle – Replacement Licence	No Fee	£16.00
Private Hire Vehicle – Change of Number Plate	No Fee	£74.00
Private Hire Vehicle – Change Of Address	No Fee	£16.00
(d) Private Hire Operator – New	£160.00	£183.00
Private Hire Operator – Renewal	£160.00	£167.00
Private Hire Vehicle – Replacement Licence	No Fee	£16.00
Private Hire Vehicle – Change Of Address	No Fee	£52.00
(e) Driver Licence (Dual Badge) - New	£62.00	£142.00
Driver Licence (Dual Badge) – Renewal	£62.00	£79.00
Driver Licence (Dual Badge) – Replacement Licence	No Fee	£16.00
Driver Licence (Dual Badge) – Change Of Address	No Fee	£16.00
Driver Licence (Dual Badge) – Replacement Badge	No Fee	£21.00

(f) Basic Literacy/Numeracy Test (MACE)	£7.50	Set By MACE
(g) Disclosure and Barring Service Check (DBS)	£44.00	Set By DBS
<b>5. STREET TRADING CONSENTS</b>		
Street Trading Consent - New	£1,272.00	£592.00
Street Trading Consent – Renewal	£1,272.00	£364.00
Street Trading Consent - Substitution (Replacement Vehicle)	No Fee	£334.00
Street Trading Consent – Replacement Licence	No Fee	£16.00
Street Trading Consent– Change Of Address	No Fee	£24.00
Street Trading Consent – Replacement Badge	No Fee	£21.00
Street Trading Consent – Day Licence for Events (no entrance fee)	No Fee	£41.00
<b>6. BOATS</b>		
(a) Pleasure Boat Licence - New	£55.00	£335.00
Pleasure Boat Licence – Renewal	£55.00	£122.00
Pleasure Boat Licence – Transfer of Boat	No Fee	£335.00
Pleasure Boat Licence – Transfer of Owner	No Fee	£73.00
Pleasure Boat Licence – Replacement Licence	No Fee	£16.00
Pleasure Boat Licence – Change of Address	No Fee	£16.00
(b) Pleasure Boatman’s Licence - New	£55.00	£89.00
Pleasure Boatman’s Licence – Renewal	£55.00	£78.00
Pleasure Boatman’s Licence – Replacement Licence	No Fee	£16.00
Pleasure Boatman’s Licence – Change Of Address	No Fee	£16.00
Pleasure Boatman’s Licence – Replacement Badge	No Fee	£21.00
<b>7. SEX ESTABLISHMENTS</b>		
Sex Establishment - New	£2,773.00	£392.00
Sex Establishment – Renewal	£2,773.00	£135.00
Sex Establishment – Transfer of Premises Usage	£555.00	£392.00
Sex Establishment – Transfer of Owner	No Fee	£73.00
Sex Establishment – Replacement Licence	No Fee	£16.00
Sex Establishment – Change of Address	No Fee	£16.00
<b>8. HYPNOTISM</b>		
No Fee charged under current legislation.		

## ANNEXE TWO

### STREET TRADING FEES

	<b>Current Fees 2013/2014</b>	<b>Proposed Fees 2014/15</b>
Street Trading Consent - New	£1,272.00	£505.00
Street Trading Consent – Renewal	£1,272.00	£276.00
Street Trading Consent – (grandfather rights)(renewal)	No Fee	£276.00
Street Trading Consent - Substitution (Replacement Vehicle)	No Fee	£246.00
Street Trading Consent – Replacement Licence	No Fee	£16.00
Street Trading Consent– Change Of Address	No Fee	£24.00
Street Trading Consent – Replacement Badge	No Fee	£21.00
Street Trading Consent – Day Licence for Events (no entrance fee)	No Fee	£41.00

#### Estimated income comparison:

Currently 7 Street Traders pay an annual fee and 4 do not pay a fee. The following comparison is current income against proposed fees with removal of grandfather rights:

	<b>Current Fees</b>	<b>Proposed Fees</b>
Street Trading Consent – New	£0.00	£0.00
Street Trading Consent – Renewal	£8,904.00	£3,036.00

If proposed fee adopted and the payment policy is changed to all paying there will be a deficit of £5,868 (£8,904-£3,036)