

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th
January, 2019 at 10.00 am**

PRESENT: County Councillor B. Strong (Chairman)
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, D. Evans, R. Edwards, M. Lane, J. Pratt, R. Roden, J. Treharne and A. Webb

OFFICERS IN ATTENDANCE:

David Jones	Head of Public Protection
Linda O'Gorman	Principal Licensing Officer
Leigh Beach	Licensing Officer
Taylor Watts	Licensing Officer
Sheila Parker	Deputy Head of Legal Services
Richard Williams	Democratic Services Officer

APOLOGIES:

None received.

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

The minutes of the Licensing Committee meeting dated 27th November 2018 were confirmed and signed by the Chair.

3. Review of Annual Licensing Fees for the Financial Year 2019/2020

We reviewed the annual licence fees for the financial year 2019/2020.

Key Issues:

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 licence fees are set by Government, others are locally set at the discretion of the Authority.

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).

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Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. There is a 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.

Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data.

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.

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 21st 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 19th February 2019 to review the Gambling Act fees to commence 21st May 2019.

Member comments:

- Members queried how many scrap metal collectors were licensed to operate in the County of Monmouthshire and it was noted that four collectors currently hold this licence.
- The slight increase in fees is sufficient to cover costs. It was noted that an in depth assessment is undertaken through the year.

We resolved:

- (i) to approve the fees as set out in Appendix A to the report, entitled "Schedule of Licence Fees for 2019-20", subject, where relevant, to any required public notice.
- (ii) that 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.

4. Exclusion of the Press and Public

We resolved to exclude the press and public from the meeting during consideration of the following items of business in accordance with section 100A of the Local Government Act, as amended, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 12 of part 4 of Schedule 12A to the Act.

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5. To determine whether the vehicle proprietor should continue to hold three Hackney Carriage Licensed Vehicles

The Chairman welcomed the vehicle proprietor and his representative to the meeting and introduced Members of the Committee and the attending Officers and explained the protocol for the meeting.

The vehicle proprietor confirmed their name and address to the Committee. The vehicle proprietor confirmed receipt of the report.

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

The vehicle proprietor was then given the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the vehicle proprietor and discussion ensued. The vehicle proprietor was then given the opportunity to sum up.

Following questioning, officers, the vehicle proprietor and representative 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 carefully considered the report and evidence of the vehicle proprietor and representative and taking into account the statutory provisions and the Council's conditions, the Committee has decided that the vehicle proprietor is permitted to retain his licences subject to a very strong warning from the Committee.

This is based on concerns over the need to safeguard the public and road users.

Any further consideration of the vehicle proprietor's licence will lead to serious consequences and the consideration of suspension or revocation of the licences.

6. To consider whether the operator is "Fit and Proper" to continue to hold a Private Hire Operators Licence

The Chairman noted that the operator was not in attendance at the meeting but an invitation had been extended to him to attend.

The key issues and details were read out to the Committee by officers.

Members of the Committee put forward questions to officers and discussion ensued.

Following questioning, the Committee then deliberated and discussed the findings.

In doing so, the Committee resolved that the operator's licence should be revoked.

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7. Next Meeting

The next meeting will be held on 19th February 2019 at 10.00am.

The meeting ended at 11.40 am.