

# MONMOUTHSHIRE COUNTY COUNCIL

## Minutes of the meeting of Licensing and Regulatory Committee Remote Meeting on Tuesday, 18th May, 2021 at 10.00 am

**PRESENT:** County Councillor J. Treharne (Chairman)  
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, R. Edwards, D. Evans, S. Howarth,  
M. Lane, R. Roden, B. Strong and A. Webb

County Councillor V. Smith attended the meeting by invitation of the  
Chair.

### **OFFICERS IN ATTENDANCE:**

David Jones	Head of Public Protection
Taylor Watts	Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

None received.

#### **1. Election of Chair**

We elected County Councillor J. Treharne as Chair.

The outgoing Chair, County Councillor B. Strong, thanked the Licensing and Regulatory Committee Members and officers for their support during his time as Chair of the Committee.

#### **2. Appointment of Vice-Chair**

We appointed County Councillor R.J. Higginson as Vice-Chair.

#### **3. Declarations of Interest**

None received.

#### **4. To confirm the following minutes:**

##### **4.1. Licensing and Regulatory Committee Rights of Way Advisory Panel dated 17th December 2020**

The minutes of the Licensing and Regulatory Committee Rights of Way Advisory Panel meeting dated 17<sup>th</sup> December 2020 were confirmed and signed by the Chair.

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#### **4.2. Licensing and Regulatory Committee dated 23rd February 2021**

The minutes of the Licensing and Regulatory Committee meeting dated 23<sup>rd</sup> February 2021 were confirmed and signed by the Chair.

#### **4.3. Licensing and Regulatory Sub Committee dated 8th March 2021**

The minutes of the Licensing and Regulatory Sub Committee meeting dated 8<sup>th</sup> March 2021 were confirmed and signed by the Chair.

### **5. Statement of Gambling Policy and Proposals for Casinos**

We considered a report outlining the draft Statement of Gambling Policy and proposals for Casinos within Monmouthshire prior to submission to Full Council.

In doing so the following points were noted:

- Following consideration of recommendation 1 of the report by the Licensing and Regulatory Committee, should the Committee decide to retain the current resolution not to issue casino licences within the County of Monmouthshire then this matter would also need to be considered at Full Council.
- In response to a question raised regarding the definition of a casino, it was noted that bingo premises are not included in this.
- It was considered that criteria regarding the size of a venue needs to be included in the policy in order to determine what is classed as a casino.

We resolved:

- (i) to retain the current resolution not to issue casino licences within the County of Monmouthshire prior to it being considered at Full Council and that the policy be amended to determine the size of a venue in order to establish what is classed as a casino.
- (ii) to review the proposed updated Gambling policy statement for the period 31<sup>st</sup> January 2022 to 30<sup>th</sup> January 2025 and to approve commencement of the statutory consultation process prior to determining the new statement.

### **6. Green Fleet Taxi Pilot**

We considered a report regarding amendments to the Taxi and Private Hire Policy and Conditions 2020 in order to permit the Welsh Government Green Fleet Pilot scheme.

In doing so the following points were noted:

- Officers had raised issues with Welsh Government regarding how the pilot will operate. Welsh Government will appoint a company to manage the process.

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Council Officers will also liaise with Welsh Government to establish appropriate criteria regarding the management of the vehicles across the trade.

- Officers would check whether the writing on the taxis was bilingual.
- Having sufficient electrical charging points across the County will be key to allowing the trial to take place. When further details are received from Welsh Government, officers will investigate whether the current infrastructure is suitable to allow all operators to take part in the pilot.

We resolved:

- (i) to permit the usage of the livery for Welsh Government and Cardiff Capital Region on vehicle(s) as part of the Green Fleet Pilot scheme;
- (ii) to permit the change of the hackney carriage roof light to state 'taxi' forward facing on vehicle(s) as part of the Green Fleet Pilot scheme.

#### **7. Review of Hackney Carriage and Private Hire Policy and Conditions**

We considered a report regarding the requirements of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards and Welsh Government's Harmonisation Guidance on Taxi and Private Hire Vehicle Licensing in Wales.

In doing so the following points were noted:

- With regard to DBS checks, there are a number of drivers currently on the update service. These drivers would be required to complete their DBS application. Then, within one month they would be eligible to apply via the update service to pay the annual fee. The Authority would then require their certificate number, surname and date of birth and their details would then be online. Officers would then receive an instant notification if there was any new information on an individual's DBS.
- The consultation process will provide more time to provide examples. The process will run until the end of August 2021 and should provide better data to establish how well the process is working. A further report will be presented to the Licensing and Regulatory Committee in September 2021.

We resolved:

- (i) to note the content of the report and the need to review our existing requirements, policies and conditions of licence in order to comply with Statutory Standards and Welsh Government Guidance;
- (ii) to approve the consultation process with the licensed trade on the proposed changes prior to submission of detailed reports to the Licensing and Regulatory Committee for their consideration.

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#### **8. Application for Street Trading Consent - Troy's Van - Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ**

The Licensing and Regulatory Committee considered an application for Street Trading Consent on Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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. The applicant confirmed receipt of the report and was content to proceed with no legal representation.

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

The applicant 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 applicant and discussion ensued.

It was noted that the nearest school to the site was 206 metres away and was a primary school. The secondary school was not located within 500 metres of the site. It was noted that primary schools do not allow children off site during school hours so children would not be able to access the street trading premises should the application be approved.

The applicant was then given the opportunity to sum up.

Following questioning, the Licensing and Regulatory Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Committee had considered the distance of the pitch from the nearest school of 206 metres but had resolved to grant a Street Trading Consent for 12 months on Bulwark Industrial Estate, Bulwark, Chepstow, NP16 5QZ in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The Committee asked that the Licensing Department makes an amendment to the Street Trading Consent Policy with a view to differentiating between primary and secondary schools in their proximity to street trading establishments.

#### **9. Exclusion of the Press and Public**

We resolved to exclude the press and public from the meeting during consideration of the following item of business in accordance with Section 100A of the Local Government Act 1972, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

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#### 10. To consider whether the driver is "Fit and Proper" to hold a Hackney Carriage/Private Hire Drivers Licence

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

The driver confirmed their name and address to the Committee. The driver confirmed receipt of the report and acknowledged that they would proceed without legal representation.

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

The driver 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 driver and discussion ensued. The driver was then given the opportunity to sum up.

Following questioning, the Licensing and Regulatory Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Committee had considered the issues and had come to the view that the driver was not considered to be fit and proper to hold a Hackney Carriage / Private Drivers Licence. The Committee was unwilling to depart from Licensing Policy, the driver's convictions were not spent and that insufficient time had lapsed since the driver's convictions. The Committee did commend the driver for attending the meeting and for indicating that they were progressing with their education, going forward.

#### 11. Next Meeting

Tuesday 29th June 2021 at 10.00am.

**The meeting ended at 1.15 pm.**