

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am

PRESENT: County Councillor B. Strong (Chairman)

County Councillors: R. Chapman, R. Edwards and J. Higginson

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
David Jones	Head of Public Protection
Robert Tranter	Head of Legal Services & Monitoring Officer
Paula Harris	Democratic Services Officer

APOLOGIES:

Councillors D. Evans, L. Guppy, P. Watts, A. Webb and M. Hickman

1. Apologies for absence

County Councillors: L. Guppy, A. Webb, M. Hickman, D. Evans and P. Watts.

2. Declarations of interest

None.

3. To confirm and sign the minutes of the previous meeting

The minutes of the Committee meeting held on the 17th January 2017 were confirmed and signed by the Chairman.

4. Review Of Annual Licensing Fees For Financial Year 2017/2018

Purpose:

To agree the Authority's licence fees for 2017-18.

Recommendations:

Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2017-18", subject, where relevant, to any required public notice.

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.

Key Issues:

1. The Authority has a broad range of licensing responsibilities including the

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am

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.

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. 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. 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.

4. Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. Appendix A provides a summary of these assessments of actual cost along with the current fees.

5. 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.

6. 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 11th April 2017 to review the Gambling Act fees to commence 21st May 2017.

7. Two fee increases are included from the Authority’s Registration service –

(i) Increase charges for marriages at Old Parlour, Usk, from £175 to £196. Added to the £4 certificate cost gives a total of £200, which remains a competitive rate.

(ii) Increase the cost of ‘priority certificates’ from £6 to £10. This is completely discretionary, and is consistent with other Authorities charging for such certificates.

Member’s comments:

In respect to the new landlord licences it was asked if they were included in this report. In response we were told that Rent Smart Wales are the licensing authority for this and this is looked after by Environmental Health, it is a set fee and Cardiff act as the licensing authority, Monmouthshire County Council is the enforcing authority. When landlords register there is a

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am

charge and on the back of the registration there are private sector landlords who will need to be trained also.

A member asked about street trading consent fees and we were told that this had been reduced by seven pounds as the fees are set on a cost recovery basis and assessments are made on how much work is involved.

A question was raised regarding the marriage fees at the Old Parlour and if this was comparable with other local authorities. The officer answered that the charge was benchmarked against other authorities so it is a competitive rate for the use of one of our buildings and that officers look at our costs to ensure the fee is charged on a cost recovery basis. A Member asked what the average number of ceremonies held there in a year. **(ACTION D.J.)**

The Committee unanimously accepted the recommendations and thanked the officers for their work.

5. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

5.1. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers 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. The applicant confirmed receipt of the report.

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.

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 issues and had come to the view that the applicant's licence be suspended for three months. The applicant was advised of their right of appeal via the Magistrates Court.

The committee also asked the Licensing section to write to the taxi firm regarding this matter, reminding them that it is a requirement to let the section know of any offences committed by their drivers.

6. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

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

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am

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

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.

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 issues and had come to the view that the applicant's licence be suspended for three months. The applicant was advised of their right of appeal via the Magistrates Court.

.

7. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

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

This item has been deferred until the next meeting to allow the applicant the opportunity to seek legal representation.

8. To note the date and time of the next meeting

11th April 2017 at 10am

The meeting ended at 11.36 am