

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 5 March 2018

## Notice of meeting

### Licensing and Regulatory Committee

The Council Chamber, County Hall, Usk  
Tuesday, 13th March, 2018 at 10.00 am,

## AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting held on the 30th January 2018	1 - 6
4.	Public Protection 2017/18 (first 9 months) performance report	7 - 28
5.	Gambling Act 2005 - Premises Licence Fees	29 - 34
6.	Application for an Annual Block Street Trading Consent for Usk Town Centre	35 - 58
7.	To note the date and time of the next meeting as 24th April 2018 at 10am	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong  
J. Higginson  
A. Easson  
M.Lane  
J.Pratt  
R.Roden  
J.Treharne  
R. Edwards  
D. Evans  
L. Guppy  
F. Taylor  
A. Webb

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# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.



# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held  
at on Tuesday, 30th January, 2018 at 10.00 am

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

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

### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Leigh Beach	Licensing Officer
David Jones	Head of Public Protection
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

#### **1. Apologies for absence**

County Councillor F. Taylor.

#### **2. Declarations of interest**

None.

#### **3. To confirm and sign the minutes of the previous meeting held on 26th September 2017**

The Head of Public Protection updated the Committee in respect of the item Hackney Carriage and Private Hire Vehicle Conditions - to consider the current licensing requirements for vehicles with 5 - 8 seats.

The Committee was advised that Mr Watkins did not appeal the decision but wrote a letter of complaint to the Leader of the Council, Officers have responded to this letter.

#### **4. Review Of Annual Licensing Fees For Financial Year 2018/2019**

To agree the Authority's licence fees for 2018-19.

### **Key Issues**

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 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

## **MONMOUTHSHIRE COUNTY COUNCIL**

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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 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 13<sup>th</sup> March 2017 to review the Gambling Act fees to commence 21<sup>st</sup> May 2017.

#### **Member Comments**

It was asked if there was a likelihood that those increase can appeal the fees and we were told that Officers would work with those affected to explain how the figure was reached.

It was asked if losses were incurred on the Government set fees.

A Member commented on the lack of fees for hypnotists and asked if we regulated these businesses.

It was asked if mobile vehicles selling food would be subject to fees and were told that they are classed under the heading of street trading.

A question was raised regarding tattoo parlours and we advised that this will be covered under the Public Health Act 2017, with the first provisions coming into force from the 1<sup>st</sup> February 2018.

#### **Members unanimously approved the following recommendations.**

1. Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2018-19", subject, where relevant, to any required public notice.

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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 .

#### **5. Monmouthshire Busking Code of Conduct**

To consider the code of conduct (Appendix A) to be introduced for the County of Monmouthshire. The document has been agreed by a partnership group including Monmouthshire County Council Licensing Section, Heddlu Gwent Police, Retail Premises management and buskers in Monmouthshire.

#### **Key Issues**

1. Gwent Police received a number of complaints regarding buskers who regularly visited Abergavenny town centre for busking purposes on a weekly basis in the summer of 2017. Buskers were reportedly and observed by PC's and PCSO's playing music sometimes all day, often from one location in the street and some repeating a short playlist of songs over and over again. If other buskers appeared on occasions the busker would try to perform close to the other busker increasing the volume of amplification to try and mask the other performer. This caused numerous premises from High Street and even Nevill Street to complain because the music was at a high volume.

2. Gwent Police initially assumed it would be a licensing function. However as detailed in the code of conduct busking is often an incidental form of entertainment and is not regarded a licensable activity under the Licensing Act 2003. The Live Music Act 2012 also enabled any performance of Live Music without the need of a licence from the hours of 08:00am to 11:00pm.

3. Gwent Police PCSO Amanda Yung and Monmouthshire County Council's Licensing Officer, Leigh Beach visited business premises in town for their views. Further meetings was held the shop owners at Abergavenny Police Station to gather an understanding of their complaints, which were mainly;

- Volume
- Poor quality music
- Repetitive music
- Duration of performance
- Distance to shop entrance
- Use of public benches
- Rude when approached

Gwent Police tried to approach some buskers who were reported for nuisance, in order to deal with the complaint. However, later the same day or the following week the busker often returned to cause the same or similar problems.

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4. Licensing conducted research into other Authorities that look to control busking activities mainly large City Centres, whereby busking is a common and daily activity. It became apparent that a code of conduct seems to be the preferred approach to control and offer advice and guidelines to buskers and people who wish to complain about a busking activity. London and Manchester both have a clear and helpful code of conduct in place.

5. We approached some of the buskers to inform them of our intentions and discuss our ideas. The buskers agreed it would be helpful to have set of guidelines for all to follow and also a point of contact should other buskers not follow the code of conduct.

6. One of the charity shops on Frogmore Street informed Licensing and Police that volunteer staff refused to work on certain days because the buskers outside the premises were causing such a nuisance it was unbearable. The charity shop also has a quiet room for people of family members who are struggling with cancer or fatality due to cancer. This room became unusable on certain days if the busker performed outside all day and refused to move away from the premises. As such, the Code of Conduct has recognised this and has refused this area being used for busking purposes.

7. The code of conduct has been approved by the partnership, referred to in point 1 above and Heddlu Gwent Police have agreed to place their logo on the document. The Code of Conduct has also been endorsed by Monmouthshire County Council's Legal Section. The Code of Conduct for Busking is attached to this report as Appendix A and will be available on the Monmouthshire website for everyone to view bilingually.

#### **Members Comments**

A Member asked if there were restrictions that we are able to enforce in areas where there are high levels of traffic.

It was asked if buskers in the County were consulted on this policy.

Members welcomed the policy and hoped that it will provide for guidance for both buskers and shop owners.

It was asked if the performance times were could be limited.

A Member asked if the map in the policy could be made clearer for people who do not know the area well.

It was asked if the policy could be condensed into a bullet point format for ease and if the local shops could hold copies to distribute to buskers.

#### **The Members unanimously agreed to the following recommendation;**

Members consider and provide comments if required before Gwent Police and the Licensing Section implement the code of conduct and distribute to buskers for compliance.

#### **6. Film Classification Policy**



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There is currently no formal policy or procedure for the Licensing Authority to deal with the classification of previously unclassified films, appeals by distributors against the BBFC (British Board of Film Classification) decisions or to reclassify films. This report considers the proposed Film Classification Policy to be adopted.

#### Key Issues

1. Film classification is regulated primarily by means of the Video Recordings Act 1994 and the Licensing Act 2003. All cinemas and premises that show films are required to be licensed under the Licensing Act 2003 unless they are exempt by virtue of being 'community premises' as defined in the Act. Films are normally classified by the British Board of Film Classification (BBFC). However, some films are produced by small, local companies who will not have had their film classified. Added to this, though unlikely, an individual could request a local authority to overrule the classification given to a work by the BBFC.
2. Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences that authorise the exhibition of films. This relates to the restriction on the admission of children to the exhibition of any film either in accordance with the film classification recommended by the BBFC or, if the Licensing Authority does not agree with the recommendation, to such other classification recommended by the Licensing Authority.
3. Ultimately, therefore, it is the local authority that has the final word in relation to the rating given to a film displayed in a cinema but in reality it would almost always be unwise to challenge the decision of the BBFC.
4. The Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the County.
5. A distributor of a film or other party may appeal to the Licensing Authority against the decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.
6. In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of a film or films within the local area without a classification but subject to certain conditions and restrictions.
7. The introduction of the policy will provide greater consistency and transparency when undertaking film classification work. The policy and assessment of films will have due regard to the BBFC guidance.  
[http://www.bbfc.co.uk/sites/default/files/attachments/BBFC%20Classification%20Guidelines%202014\\_0.pdf](http://www.bbfc.co.uk/sites/default/files/attachments/BBFC%20Classification%20Guidelines%202014_0.pdf)

#### Members Comments

A Member asked the frequency of members of the public questioning the film classification.

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It was asked what would happen in the event that a film was unclassified.

The wording of the report was questioned where reference was made to 'the Council', it was suggest this was changed to Monmouthshire County Council.

**The Members unanimously agreed to the following recommendation**

Members approve the policy for Film Classification,

**7. To note the date and time of the next meeting**

13<sup>th</sup> March 2018 at 10am.

**The meeting ended at 10.40 am**

<b>SUBJECT:</b>	<b>PUBLIC PROTECTION 2017/18 PERFORMANCE REPORT, first nine months</b>
<b>MEETING:</b>	<b>Licensing &amp; Regulatory Committee</b>
<b>DATE:</b>	<b>13<sup>th</sup> March 2018</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

**1. PURPOSE:**

- 1.1 To receive and comment on the performance report for Public Protection services. The Public Protection division comprises of Environmental Health, Trading Standards & Animal Health and Licensing.

**2. RECOMMENDATIONS:**

- 2.1 To consider and comment on the contents of the attached report – Appendix A - entitled ‘Public Protection Performance report 2017/18, first 9 months’.

**3. KEY ISSUES:**

- 3.1 Cabinet approved a report in March 2014 recommending budget reductions to Public Protection services for 2014/15 and subsequent years. In January 2015 Cabinet asked for Public Protection performance to be reviewed regularly to assess any negative impacts. As a consequence six monthly reports have been provided to Strong Communities Select committee, together with annual reports to Licensing & Regulatory committee.

- 3.2 The attached report summarises performance over the first nine months of 2017/18, and highlights the following -

- The four service teams, for the vast majority of the services they deliver, meet the Authority’s legal obligations in relation to Public Protection services.
- As detailed in Appendix A, most proactive and reactive work is being carried out professionally, within prescribed response times. There are only a few exceptions, due to increased demand, eg. some slippage in housing, private water inspections and animal health visits.
- Annual reports will continue to be made to this Committee to assess performance over time, and help inform future priorities noting the competing demands.
- Services may struggle to take on any new statutory duties that protect the public and the environment, and therefore funding must be sought to support any new work.
- Future strategies for sustaining Public Protection services will be developed, (to include further income generation and collaboration), locally, regionally and nationally.

- Services will improve linkages to the Authority's Corporate Business Plan 2017/22 – approved by Council last month – and other key drivers, eg. the priorities of the Chief Medical Officer for Wales.

3.3 Members at Strong Communities Select on 15<sup>th</sup> February 2018 were pleased with the levels of performance across Public Protection, particularly in light of new legislative burdens. The contribution to protecting vulnerable people, protecting the environment and reducing anti-social behaviour was recognised.

#### **4. REASONS:**

4.1 The Cabinet decision log from 7<sup>th</sup> January 2015 stated:- 'Noting the continually changing legislative landscape in the future, it was decided Strong Communities Select Committee would receive six monthly performance reports on Public Protection services'. This is supplemented by an annual report to Licensing & Regulatory committee.

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

None as a consequence of this report.

#### **6. WELL-BEING OF FUTURE GENERATIONS IMPLICATIONS:**

Assessments were previously completed for the Cabinet report 7<sup>th</sup> January, 2015. This report only serves to update the position in relation to performance 3 years on, and therefore does not require a further assessment.

#### **7. CONSULTEES:**

Public Protection service managers  
Chief Officer, Social Care & Health

#### **8. BACKGROUND PAPERS:**

Report to Cabinet, 7<sup>th</sup> January 2015, entitled 'Review of Service Delivery in Public Protection Department'.

#### **9. AUTHOR:**

David H Jones, Head of Public Protection

#### **10. CONTACT DETAILS:**

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# **REPORT TO LICENSING & REGULATORY COMMITTEE**

**13<sup>TH</sup> MARCH 2018**

## **PUBLIC PROTECTION 2017/18 (first 9 months) PERFORMANCE REPORT**

### **1. INTRODUCTION**

- 1.1 Three years ago Cabinet requested that Strong Communities Select Committee receive six monthly performance reports on Public Protection services. Members wished to review the impact on performance of budget reductions implemented since April 2014. It was also decided that performance is reported through Licensing & Regulatory committee annually. This report was therefore duly presented to Strong Communities Select on 15<sup>th</sup> February 2018.
- 1.2 The Public Protection division comprises four distinct teams -
- (i) Environmental Health, Commercial
  - (ii) Environmental Health, Public Health
  - (iii) Licensing
  - (iv) Trading Standards & Animal Health

### **2. PURPOSE**

- 2.1 The purpose of Public Protection services can be summarised as follows –
- a. Protect people from harm and promote health improvement.
  - b. Promote a fair and just trading environment for the public and businesses.
  - c. Improve the local environment to positively influence quality of life and promote sustainability.
  - d. Ensure the safety and quality of the food chain to minimise risk to human and animal health.
- 2.2 These four outcomes contribute to Wales' seven well-being goals. They directly help achieve a more prosperous, resilient, healthier and more equal county. It also resonates with this Council's recently approved (February 2018) Corporate Business Plan 2017/22, which sets out our priorities under the current administration to 2022.

### 3. **RESOURCES**

#### 3.1 **Staff resource**

(i) Environmental Health – Commercial:-

- 6 Environmental Health Officers, 5.4 Full Time Equivalents (FTE's)
- 3 Commercial Services Officers, 2.1 FTE's
- 1 Systems Administrator, 1 FTE

(ii) Environmental Health – Public Health:-

- 5 Environmental Health Officers, 5 FTE's
- 2 Enforcement Officers, 1.6 FTE's

(iii) Licensing:-

- 5 Licensing Officers, 4 FTE's

(iv) Trading Standards & Animal Health:-

- 3 Trading Standards Officers, 3 FTE's
- 1 Senior Fair Trading Officer, 1 FTE
- 1 Intelligence & Advice Officer, 0.8 FTE's
- 2 Animal Health Officers, 1.5 FTE's

(v) Support team:-

- 5 Support Officers, 4.1 FTE's

Above staff resource adds up to a total of 34 staff, 29.5 Full Time Equivalents. The Public Protection division also comprises the Authority's Registrar and Corporate Health & Safety services, but this report covers 1.2 services only, as directed by Members in January 2015.

### 3.2. Financial resource

The total budget for 2017/18 across the four services, with Support team costs spread across the professional teams, is just under £1.3 million. This can be broken down as follows –

Budget (net, after income)	
Environmental Health – Commercial	£438,402
Environmental Health – General public health	£383,590
Trading Standards & Animal Health	£331,267
Licensing	£29,976
Management & generic costs (eg software)	£114,129
<b>Total</b>	<b>£1,297,364</b>

The reported budget position at Month 9, (end of 2017), is that the Division will come in on budget for the 2017/18 financial year.

## 4. PERFORMANCE

- 4.1 Internal performance monitoring – the four teams within Public Protection each complete an annual Service Improvement Plan (SIP). These outline annual targets, specific projects etc. and progress is reviewed regularly both by the teams themselves and Departmental Management Team.
- 4.2 External reporting – regular returns are made to the Food Standards Agency, Health & Safety Executive, Chartered Institute of Environmental Health, Drinking Water Inspectorate, Welsh Government and other organisations.
- 4.3 Internal Audit conducted a review of Licensing and their final report is awaited. They reported 'considerable assurance' which is positive and provides valuable independent opinion of how the service is currently performing.

4.4 **2017/18 performance – first 3 quarters** (and comparison to previous years)

The right hand columns summarises current performance during the current 2017/18 year. The left hand columns cover the previous 3 years, to enable comparisons to be made.

The following table summarises performance data from the four service teams.

**Figure One**

<b><u>Service</u></b>	<b><u>2014/15 performance</u></b>	<b><u>2015/16 performance</u></b>	<b><u>2016/17 performance</u></b>	<b><u>2017/18 Performance Q1-3</u></b>	<b><u>2017/18 Prediction</u></b>
<b>Environmental Health (Commercial)</b>					
Food safety inspections (programmed)	394 (348 & 46 ceased trading)=100%	489 (100% of those programmed)	383 (100% of those programmed)	193/326 programmed A – C done	Completion of full programme
And total including other interventions (non- food)			524 total inspections and 343 “other controls” (advice/verification/ surveillance etc.)  Non-food interventions 230	Total inspections done 353 and 323 other interventions. 103 no access visits	
Inspection within 28 days of scheduled date	88%	95%	88.4%	85.4%	Approx. 85%, slight drop due to some sickness absence
Number of new businesses opened	124	138	130	128	140



Broadly compliant food businesses (high risk)	88.5%	89.0%	90.4%	94%	94%
Broadly compliant food businesses – All	93.8%	94.0%	95.2%	97.1%	97%
Service Requests - food safety	503 400 within 3 working days=79.5%	569  Total SR's 1169	718 (86% within target time)  Total SR's 1340	556 (89.2%) within target time  Total SR's 1073	1300 total
Communicable Diseases cases dealt with	194	183	171 (4 outbreaks and one fatality)	141 (4 outbreaks)	180
Health and Safety notifications		NR	63 accident, 33 major events	46 accidents 44 project visits	60 accidents Further project on fishery safety
Notices served		3 notices served	10 notices served	3 notices	
<b>Environmental Health (General public health)</b>					
Housing service requests (SR'S)	153 Total 128 within 3 working days=83.7%	167 Total 135 within 3 working days = 80.8%	138 Total 127 within 3 working days = 92%	104 Total 91 within 3 working days = 87.5%	140 - 150
Noise	341 Total 297 within 3 working days=87.1%	305 Total 277 within 3 working days = 90.8%	363 Total 318 within 3 working days = 87.6%	262 Total 228 within 3 working days = 87%	Complaint level will be slightly lower than 16/17 but similar to previous year.

	221 closed within 3 months= 64.8%	130 closed within 3 months = 42.6%	188 closed within 3 months = 51.8%	131 closed within 3 months = 50%	Response times and case closure rates being maintained.
Statutory nuisance, excluding noise	198 Total 180 within 3 working days=90.9%  140 closed within 3 months=70.7%	148 Total 131 within 3 working days = 88.5%  75 closed within 3 months = 50.7%	179 Total 152 within 3 working days = 84.9%  84 closed within 3 months = 46.9%	109 Total 92 within 3 working days = 84.4%  46 closed within 3 months = 42.2%	As for noise, complaint level similar to 15/16 with closure rates being maintained.
Environmental Protection (fouling, littering, fly tipping etc.)	345 Total 314 within 3 working days=91%  222 closed within 3 months=64.3%	255 Total 233 within 3 working days = 91.4%  174 closed within 3 months = 68.2%	475 Total 448 within 3 working days = 94.3%  341 closed within 3 months = 71.8%	298 Total 271 within 3 working days = 90.9%  189 closed within 3 months = 63.4%	Less complaints expected compared to the peak level in 16/17 but second highest level expected in last 4 years.  Case closure rates being maintained
Pest Control	95 Total 84 within 3 working days=88.4%	Total 104 85 within 3 working days = 81.7%	Total 74. 51 within 3 working days = 69%	Total 63. 47 within 3 working days = 74.5%	Similar complaint levels as 16/17.

Licensing					
Applications dealt with by Licensing	1905 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround.	1945 (this increased figure also includes all monetary transactions).	1645 (which includes 423 Temporary Event Notices (TENs) requiring a 24 hour turnaround	1267 (which includes 347 Temporary Event Notices (TENs) requiring a 24 hour turnaround	Similar level to 2016/17
Inspections carried out	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment)	529 inspections carried out (240 of which were risk rated premises for alcohol, entertainment and late night refreshment)	508 inspections carried out (120 of which were risk rated premises for alcohol, entertainment and late night refreshment)	170 inspections carried out (140 of which were risk rated premises for alcohol, entertainment and late night refreshment)	Inspections are lower and this is due to inspections unable to be carried out as 2 members of staff were on long term sickness.
Service Requests carried out	932 service requests were carried out (847 - 91% - with a 3 day turnaround for first response).	740 service requests were carried out (679 - 92% - with a 3 day turnaround for first response).	879 service requests were carried out (816 - 92% - with a 3 day turnaround for first response).	597 service requests were carried out (537 - 90% - with a 3 day turnaround for first response).	Similar level to 2016/17

Trading Standards and Animal Health					
Trading Standards Visits	192	317	176	83	110
Trading Standards Complaints/Advice	669	540	428	343	457
Citizens Advice Consumer Service	419 Referrals 1158 Notifications	410 Referrals 1069 Notifications	285 Referrals 785 Notifications	n/a	
Animal Health Visits	290	311	411	186	248
Animal Health Complaints/Advice	251	186	298	188	251
Inspections at our: High Risk premises, Upper Medium premises.	92% (13/14) High Risk 46% (12/16) Upper Medium	95% (57/60) Inspection programme intel led	No formal programme of inspection this year. Intel approach with focus on safeguarding in particular medical devices.	23% (25/107)	
Feed Law Enforcement	62% High Risk (116/186)	103% of new externally funded feed programme. 156 Inspections	118% - 223 Inspections	22% - 57 Inspections	100%
Programmed animal health inspections	100%	100% (14 High) 40% Overall Programme	No formal programme of inspection this year	10% (30/294)	

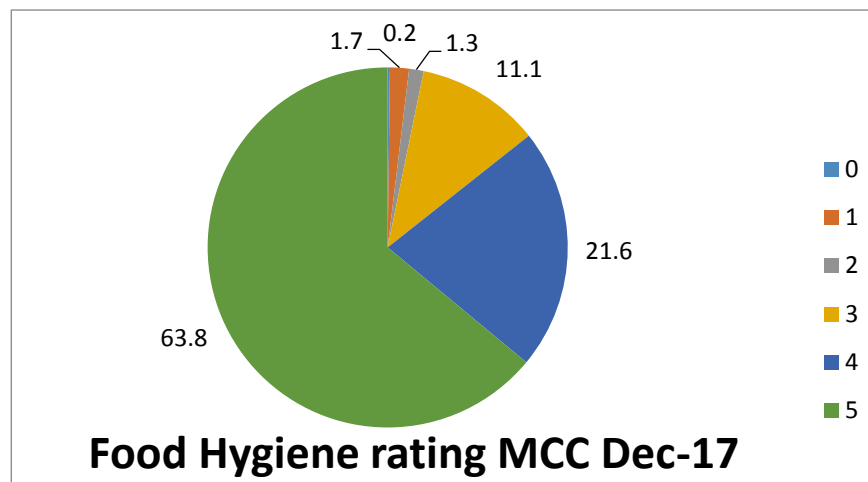
New Business Visits	26% TS 10% AH	76% TS 90% AH	52% TS 58% AH	56% TS 59% AH	
Animal Welfare Complaints	92.5% within target response time	96% within target response time	90.4% within target response time	84% within target response time	84%
Vulnerable Scam Reports	Not reported	35 visits contact with 119 individuals	9 visits contact with 121 individuals	10 visits contact with 135 individuals	Unable to predict
<b>Other</b>					
<b>Freedom of Information Requests (PP Total)</b>	77	85	61	38 FOI's requested from Licensing/TS/AH	51
<b>Events requiring advice via Safety Advisory Group</b>	110	94	102	137	Big increase on previous year

## 5. ANALYSIS AND NOTABLE ACTIVITY IN 2017/18

### 5.1 Environmental Health – Commercial

#### 5.1.1 Food safety (food hygiene and food standards)

The Commercial team has a strong commitment to balancing our statutory work with our innovative income generating work. We are maintaining our record of inspections within target times with minor fluctuations depending on pull on the team's resources. As a result of our interventions, there has been a year on year increase in the number of high scoring premises under the Food Hygiene Rating scheme. We also promote top scoring food businesses on social media. Anecdotal evidence shows a top food hygiene score can increase a small food business income by up to £300 a week.



We have had prosecutions in Food and Health and safety this year. Prosecution is a 'last resort' but sends out a useful signal to all other businesses that action will be taken when advice is not heeded.

Access - this innovative scheme is now in its 5<sup>th</sup> year, whereby a charge is made for supplementary advisory visits. Feedback from business shows that the service is very effective in increasing confidence and having a beneficial effect on the food hygiene rating. The service is particularly effective for new businesses whose owners may not have encountered enforcement officers before. It establishes a better relationship and, through better compliance, the county gets safer food businesses.

Food standards - Officers this year have provided legal advice on the new requirements relating to allergen declarations in food, protecting affected persons. Officers also gave advice on the new requirements relating to nutritional declarations on prepacked food produced in Monmouthshire.

Primary Authority- the demands on Officers carrying out work as contacts for primary authority companies. The legal requirements relating to allergen declarations etc continues to result in more contact with the Officers, including the investigation of reported incidents. The PA with Carillion is now unknown.

Food sampling- the food team carries out regular sampling surveys of food made and sold in Monmouthshire due to the loss of the sampling officer the team has tried to compensate by sharing the load and courier to labs with adjoining LA's but it has resulted in reduced usage of the lab allocation.

### 5.1.2 Communicable disease control

The majority of cases for investigation are Campylobacter and Salmonella and are individual, sporadic cases. Cases of Cryptosporidium and E. Coli have also been notified. The team has investigated a number of viral outbreaks in schools, care homes and a hospital, thus protecting the most vulnerable groups in Monmouthshire. It is necessary to investigate the cause, spread and duration of viral illnesses in order to eliminate other sources of illness such as foodborne illness.

### 5.1.3 Health and Safety at Work

Beverage Gas Safety was a national priority for intervention in 17/18 (HSE). A pilot study conducted by Monmouthshire EH of pub cellars indicated significant risks associated with gas safety management in confined spaces. This pilot study has now informed an All Wales project led by Monmouthshire EH.

The Duty to Manage Asbestos is another national priority for intervention in 17/18. LAs across Wales have been conducting inspections in a range of premises to protect workers, customers and users of commercial premises.

Residential care homes (5 LA enforced) – all premises inspected last year are being revisited to assess progress.

Fisheries (7) - following last year's fatality in Monmouthshire, all fisheries are being visited. Protection of children and vulnerable persons key issues.

### 5.1.4 Income generation

Although a regulatory function, the EH Commercial team are leading the field in Wales for innovative income generation. Further ideas are being developed and implemented, for example our MAPP (Monmouthshire Alternative to Prosecution Policy).

## 5.2 Environmental Health – Public Health

### 5.2.1 Housing

Complaints and requests for advice in the private rented sector are anticipated to continue at a similar rate as in recent years with 140 – 150 requests expected. Officer response times are being maintained with the 30 inspections undertaken up to Q3. This number is expected to rise to 50 – 60 by the year end with the typical flow of complaints associated with seasonal cold / damp conditions. The section is also undertaking a number of proactive inspections on request of Melin Homes of their privately leased properties.

In the 30 inspections to date, 58 adults and 17 children were exposed to significant hazards, with 18 of those adults and 5 children protected by landlords undertaking remedial works identified.

The team is being active in fulfilling the Council's responsibilities in promoting and supporting Rent Smart Wales (RSW) with regard to the registration and licensing of landlords, which has been a requirement in Wales since 23<sup>rd</sup> November 2016. At the end of 2017 there were 4221 registered rental properties in the County, (social landlords not included).

### 5.2.2 Noise

The complaint level is lower than the peak level seen in 16/17 but otherwise similar in number and complaint type to previous years. Dog barking and loud music continue to be the greatest source of annoyance to our residents.

Our initial response times remain high at 87% within 3 working days and the case closure rates within 3 months remains at around 50%.

### 5.2.3 Environmental Protection

Again a reduction anticipated in complaint level from the 16/17 peak level but complaint levels will probably be significantly higher than the preceding 2 years. Abandoned vehicle complaints remain high with 174 complaints to date reflecting the low value of scrap metal.

Initial response times are very high at 90.9% and case closure rates remain at between 60 – 70%.

The 'Give Dog Fouling the Red Card' scheme led by the team together with the Waste and Street Cleaning section, designed to empower local communities to deal with local fouling problems, has progressed into its third year with the number of participating Town and Community councils remaining at 19. Members report that dog fouling has generally reduced in their areas, although 'hot spots' persist, and complaints to the team have shown some reduction since commencement of the scheme:

13/14 – 169 complaints

14/15 – 147 complaints

15/16 – 92 complaints

16/17 – 121 complaints

17/18 – 72 complaints (end Q3) = 96 predicted

Three fixed penalty notices have been served to date, with payment received, for fouling offences.



Two successful fly tipping prosecutions to date resulting in a total of £400 in fines and £2830 costs awarded. This takes the total to 8 prosecutions since the start of 2014 with total fines of £3900, nearly £9000 in costs awarded and 250 hours community service.

#### 5.2.4 Private Water Supplies

The team has the responsibility for fulfilling the Council's duty of risk assessing all 'large' and 'small' private water supplies (PWS), where water is intended for human consumption. Improvements are undertaken where necessary to ensure a wholesome and sufficient water supply is provided. We currently have 113 'small' and 52 'large' supplies, the vast majority of which have received an initial risk assessment. However follow up action is required on over 90 of these to ensure works required are undertaken. In addition each supply must be risk assessed every 5 years. Progress in dealing with these is very slow with 8 supplies having been actioned up to Q3. Progress is likely to continue to remain very slow at current resource levels.

In addition, The Private Water Supplies (Wales) Regulations 2017 which came into force in November 2017, has increased the burden by requiring single supplies which serve a rented dwelling to be risk assessed every 5 years, and requiring improvements where necessary. This equates to approximately 30 more supplies. The team is not currently fulfilling this duty, so will need to prioritise in 2018/19.

#### 5.2.5 Pest Control

Complaint levels remain very similar to 16/17 with 63 to date received compared with 74 in 16/17.

#### 5.2.6 Construction

Engagement with the developers of the A465 dual carriageway and electrification of the South Wales main rail line has continued, and also in progress with the proposed M4 development. Our interest is to ensure that the contractors do all that can be reasonably expected to control noise, dust and air pollution levels. A substantial work commitment is needed in these areas which is generally not reflected in the Service Request statistics, with successful engagement hopefully resulting in low complaint numbers.

#### 5.2.7 Air Quality

The team is on target to complete the 35 visits planned for 17/18 of the industrial permitted sites and petroleum certified sites which we have responsibility for from a pollution legislation perspective.

We continue to monitor traffic related pollution (nitrogen dioxide) in our 4 major towns and provide advice in regular meetings of the steering groups in the Chepstow and Usk Air Quality Management areas.

In addition we have agreed with colleagues in Education to install real time air quality monitors in the Caldicot and Monmouth 21<sup>st</sup> Century schools, on their completion this year, as well as installing a further 2 monitors at our Chepstow and Usk schools. As well as providing valuable data, it is hoped these will provide an excellent educational tool for our young people on air quality issues.

#### 5.2.8 Total Enquiries

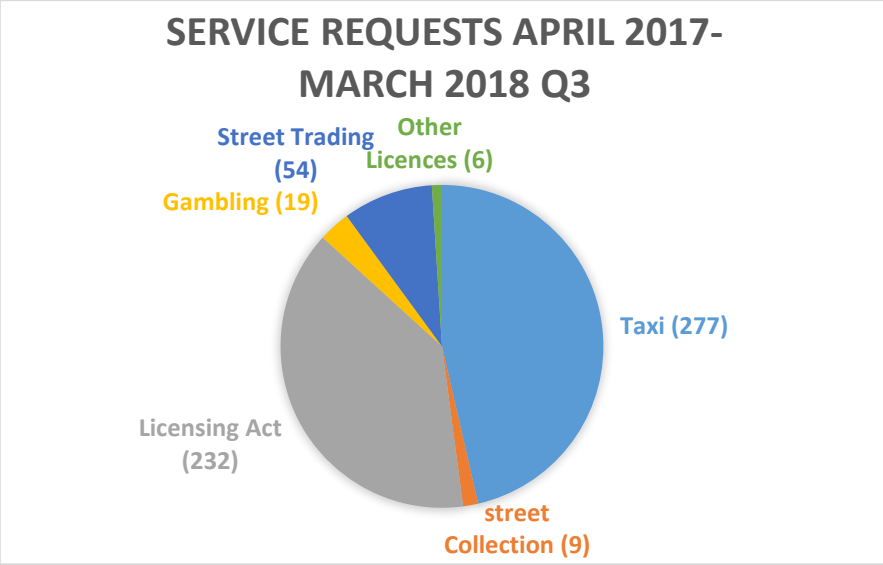
The total number of service requests remains on trend with 1600 to 1700 anticipated for the 17/18 period.

### 5.3 Licensing

#### 5.3.1 General

The Licensing team deals with a variety of licences, dealing with pubs, restaurants, off-licences and takeaways, taxis, street trading (e.g. burger vans), street/house to house collections, (e.g. charity collections in the street or bag drops at homes), gambling (e.g. betting shops, racecourse, one armed bandits in pubs/clubs, raffles etc.), scrap metal collectors and sites. The team are also authorised to deal with sex establishments, boats and hypnotism.

879 requests for service were processed by the Licensing team last year in 2016/17. In the first 3 quarters of 2017/18 the Licensing team processed 597 service requests, a decrease of 112 requests for the same period last year. A breakdown of the 597 requests are shown below:-



1267 applications had been processed to the end of Quarter 3. Some of the work carried out by Licensing since April 2017 includes:-

### 5.3.2 Pubs, Restaurants, Off-licences, Clubs and Takeaways

#### Night Time Economy and Joint Enforcement

Some of the statutory enforcement officers under the Licensing Act 2003 meet monthly, namely Licensing, Police, Environmental Health, Trading Standards, Social Services and Public Health. These meetings raise issues regarding premises that are causing problems and all receive follow up visits by Licensing. During these three quarters, Licensing had to deal with reported incidents of noise issues, violence, anti-social behaviour, drug usage and reports of underage drinking. 140 premises received an inspection during this period. A venue in Monmouth received a joint visit by Licensing and the Police, following complaints that late night revellers leaving the venue taking glasses outside, smashing them in the vicinity, vomiting and causing damage to nearby properties. As a result of our visit all the door-staff were changed as it was felt they did not manage drunk persons both entering and leaving the premises. Further joint visits by Licensing and the Police were conducted in the Abergavenny area. One licensee assaulted a member of staff, and another licensee aggressively assaulted a customer - both have been issued warnings and monitoring is still in place. A club has also been given a final warning for permitting non-members into the premises, which did not comply with legislation and the conditions of their licence. Further incidents will result in a possible review of the licence. An ongoing investigation is underway between Licensing and the Police in the Caldicot area where a complaint has been received about drinking after hours, drug usage on the venue and sexual activity. In December, late night operations took place at Abergavenny, Monmouth, Caldicot and Chepstow by the Police and Licensing at busy venues in the area leading up to the Christmas period.

#### Immigration

Licensing informed Immigration of their concerns in an off-licence/shop in Abergavenny where it was suspected that employed persons were illegal immigrants. A joint operation took place with Licensing and Immigration in November 2017 and it was confirmed that persons were there illegally. A notice was served by Immigration and the person was found guilty and fined £15,000. Legislation recently changed in April 2017 where Immigration are now a consultee when dealing with applications under the Licensing Act. The legislation was changed to prevent those being exploited who have no right to work, who are very often paid low wages and can be linked to modern day slavery. Licensing welcome this change and now work closely with Immigration.

#### Safeguarding

Licensing worked closely with the Newport and Monmouthshire's Multi Agency Sexual Exploitation (MASE) group - which includes the Police, Social Services and other counselling agencies - last July. Information was received from Social Services that a

takeaway venue in Chepstow was possibly grooming teenage girls, with the premises offering them free food. Licensing visited the venue, gathering information of all those that work there, which was later shared with Immigration. Concerns were raised with the owner of the possible safeguarding issues taking place, which were denied. This venue, and a further venue in Caldicot owned by the same person, will continue to be monitored by Licensing working in partnership with MASE and Immigration.

Licensing, working in partnership with Gwent Police launched 'Operation Makesafe', which commenced 13<sup>th</sup> November. This involved visiting takeaways, pubs and clubs, providing posters and beer mats to highlight awareness of safeguarding issues and also providing contact details if anyone has safeguarding concerns.

### 5.3.3 Taxis

During this period, 12 drivers had spot checks, with 1 being issued penalty points for not wearing a badge. 15 vehicles checked with 1 having no spare tyre, 3 with defective lights and 1 with no safety net. All received a warning.

#### Joint Operations

Joint operations took place between Licensing and Police in August in Abergavenny, checking for possible unlicensed vehicles in the area. In December leading up to the Christmas period the Police and Licensing carried out late night operations, spot checking taxis in Abergavenny, Monmouth, Chepstow and Caldicot. A test purchase exercise took place in Abergavenny and Monmouth. Out of the 4 tested, 1 in Abergavenny overcharged and 2 further taxis in Monmouth failed to use the taximeter. Possible further action and prosecutions to be considered.

#### Disability

Licensing took a report to Licensing and Regulatory Committee on 26<sup>th</sup> September 2017 for the Authority to adopt a list of wheelchair accessible vehicles that will be displayed on the Councils internet. By adopting the list it gives Licensing Officers further powers to take action against drivers and owners of vehicles if they fail to carry a passenger while in their wheelchair, or if they make additional charges for wheelchair users using their vehicles.

Information leaflets and guidance was provided to the taxi trade in December, reminding them of their duties and best practice when dealing with passengers travelling with assistance dogs. This followed as a result of a presentation by the Guide Dogs Cymru at the Welsh Institute of Licensing meeting in September where they raised concerns that persons throughout Wales were not being picked up by taxis if they had assistance dogs. Guide Dogs Cymru requested that the top tips leaflet be issued to the taxi trade when assisting blind and partially sighted passengers. This has been duly carried out by Monmouthshire Licensing.

## Safeguarding

In April, 11 taxi drivers had their Hackney Carriage/Private Hire Driver Licence suspended until they carry out the Safeguarding training, as required in the conditions of their licence. 283 drivers have now completed the safeguarding training. This training provides guidance and reporting mechanisms if they feel there are any safeguarding issues when carrying passengers. It also provides further guidance and assistance on how they themselves should conduct themselves towards passengers.

## **5.4 Trading Standards & Animal Health**

### 5.4.1 Feed

Following the successful first two years of the regional approach to Feed Law enforcement, the third year continues to emphasise the key role that Monmouthshire plays in the regional delivery. The temporary additional Officer with vital knowledge and skills (not just in feed), without any cost to the Authority, has proved key in ensuring our share of inspections are achieved. However maternity leave has shown how easily an outside influence significantly impacts on our ability to deliver and would have directly affected the additional funding had other officers not been able to be allocated. The upskilling of other Officers was crucial to this in order to support unforeseeable circumstances but this has had a direct effect on the wider trading standards remit.

### 5.4.2 Animal Health

As previously reported, since the loss of the additional funding animal health is now over 90% reactive. As strategic lead for Wales Heads of Trading Standards in relation to animal health, the Trading Standards team leader continues to be heavily involved in working with Welsh Government to develop a Partnership Delivery Plan with associated additional funding. This is based on a regional approach and mirrors the footprint of the Cardiff Capital Region City Deal. Monmouthshire has approximately 50% of the critical control points and animal related premises within this region, but current capacity, at 1.5 FTE's, limits this opportunity.

### 5.4.3 Fair Trading

Following the successful conviction that was secured against Farhank Ameen, the owner of the European Mini Market, Welsh Street, Chepstow in November 2016, the premises has continued be problematic. This is despite a number of warrants and the Authority's first deployment of a CHIS (Covert Human Intelligence Source). The tactic being used involves an alleged change in ownership each occasion offences are identified.

There has recently been another rogue trading incident where an elderly resident has been charged a considerable amount for some tarmacking work and investigations are ongoing into the company and individuals involved.

#### 5.4.4 Consumer Protection

A priority for the service continues to be dealing with a variety of scams and bringing them to the attention of both the public and businesses whenever possible. The key focus continues to be working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate. Call Blockers have been distributed to the vulnerable who have been targeted by scam calls, and support given to WASP (Wales Against Scams Partnership) on behalf of the Authority and initiatives such as Friends Against Scams and Mail Marshalls.

#### 5.4.5 Weights & Measures

GP practices have been targeted for testing of weighing equipment used for patient treatment, health and wellbeing checks. This follows previous local problems identified and recognition at a national level that there can be significant errors which can directly impact on patient's medication and as a consequence their health.

#### 5.4.6 Air Quality – Lorry Watch

Vehicle spotter reports continue to be followed up with checks that the vehicles are legitimately travelling through the two restricted areas in Usk, as these vehicles contribute significantly to the levels of air pollution.

#### 5.4.7 Income Generation

Feed funding continues to enable additional capacity. Animal Health PDP regional co-ordination and additional project work has generated £8,000 and Primary Authority has brought in £1,860.

### 5.5 Event Safety Advisory Group

A number of Public Protection staff are involved in Monmouthshire's Event Safety Advisory Group, (ESAG). This is a partnership designed to help organisers run safe and successful events. It is recognised a proactive advisory stance is preferable to reacting to problems after events have occurred. A number of large events were held last year including food festivals, music concerts, (eg. Little Mix in Caldicot last July), agricultural shows, cycling events etc. and safety/noise/licensing/other advice was provided. As per

Figure One, 137 events received advice from the group in the first 9 months of 17/18, which is a significant increase from the previous year.

## **6 PERFORMANCE SUMMARY 2017/18, (first 9 months)**

- 6.1 Public Protection teams, with only a small number of exceptions, continue to meet the Authority's legal obligations. However, Officers are typically operating at maximum level and are put under increased pressure when colleagues have any long term absence. Managers will continue to monitor performance, review workloads, etc. to protect Officer well-being as far as possible.
- 6.2 To summarise the performance data in Figure One, the Commercial team and Licensing are maintaining proactive and reactive services well. As outlined in the analyses in Section 5, the Public Health and Trading Standards/Animal Health teams have some pressures, due to work volumes and limited Officer capacity. Joint working such as event support has increased, eg. through providing expert advice on MCC's own organised events. Services have participated in successful initiatives throughout 2017.
- 6.3 Members can gain some assurance that performance is in line with other Authorities via regular monitoring by the external governing bodies referred to in section 4.2, for example, the Food Standards Agency.

## **7 2018/19 AND BEYOND**

- 7.1 Future Monmouthshire principles – the section seeks to progress from predominantly dealing with the 'here and now' needs of residents, visitors and businesses, (though clearly crucial), to activity with greater public health gain, ie. a focus on 'growing' our services. Examples would include more air quality activity, private housing interventions and consumer protection. Our 2108/19 Service Improvement Plans are seeking to better reflect our longer term vision and future planning. This tallies with the Well Being of Future Generations expectations, with Public Protection services contributing directly to a more prosperous, resilient, healthier and more equal county.
- 7.2 Public Protection services will continue to explore further income generation opportunities, building on the good work within the Commercial team.
- 7.3 When new legislative requirements are introduced, via Welsh Government or Westminster, our professional bodies will seek proper funding to implement. Provisions of the Public Health (Wales) Act 2017 are now being implemented, to include licensing of intimate piercing and new age restrictions. The Chief Medical Officer's Annual Report for 16/17 was released in February 2018, with a big focus on 'gambling and health'. Public Protection services will link with other partners, eg. Gambling Commission, to seek to protect 'problem gamblers' noting the public health impacts on individuals, families and communities.

- 7.4 Public Protection services are specifically referred to in the Welsh Government White Paper, 'Reforming Local Government: Resilient and Renewed'. Collaborative opportunities are being considered at regional and national level, and this Authority will play a part in developing future service models.
- 7.5 Noting the role of these services - protecting vulnerable people, reducing anti-social behaviour, improving our environment, ensuring safe food from farm to fork, etc. – the service would welcome actively engaging with Members. The service, together with delivering statutory responsibilities, acts on local intelligence and welcomes input from local Councillors, other stakeholders, etc. to improve outcomes for our citizens. The services enjoy an excellent reputation, due to the commitment of the Officers, and will continue to contribute to the wider agendas and our core purposes, as provided in 2.1.

DHJ/06.02.2018



## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Gambling Act 2005 – Premises Licence Fees

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing & Regulatory Committee

**Date to be considered:** 13<sup>th</sup> March 2018

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21<sup>st</sup> May 2018 – 20<sup>th</sup> May 2019.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21<sup>st</sup> May 2018; and
- (ii) The fees are subsequently reviewed annually.

### 3. KEY ISSUES

- 3.1 This Authority has a statutory duty under the Gambling Act 2005 to set fees for Premises Licences in accordance with the Gambling (Premises Licence)(England and Wales) Regulations 2007. The fees for these licences are to be reviewed and set annually on the 21<sup>st</sup> May each year. Premises Licences will include Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment has not been carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 19<sup>th</sup> November 2015.
- 3.2 The general functions of the licensing authority in dealing with Gambling Premises Licences has been delegated to the Licensing and Regulatory Committee. This was agreed in the Gambling Act 2005 Statement of Licensing Policy approved at Full Council on 19<sup>th</sup> November 2015.
- 3.3 Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.
- 3.4 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provided for the following types of fees to be determined by licensing authorities:
- Licence application fee
  - First annual fee
  - Annual fee
  - Notification of change of circumstances fee
  - Application to vary a licence fee
  - Application to transfer a licence fee
  - Fee for a copy of a licence
  - Application for re-instatement of a licence fee
  - Provisional statement application fee

The Authority currently licence fifteen premises under the Gambling Act 2005 consisting of nine betting premises, one track betting and five adult gaming centre all of whom will be required to pay an annual fee.

- 3.5 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). However, The Regulations referred to in 3.4 above has stipulated a maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005.
- 3.6 An assessment of the cost and the maximum amount a local authority can charge for premises licences has been undertaken and this is shown in Appendix B attached to this report. As a result of this assessment this report proposes that the fees commencing the 21<sup>st</sup> May 2018 be set as stipulated in Appendix A.

#### **4. REASONS:**

- 4.1 The Authority has a duty to set fees and the charges set out represent a cost recovery within the Government’s maximum levels.

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

- 5.1 The fees in Appendix A are set out to ensure the recovery of reasonable costs.

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

None

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

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

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

Linda O’Gorman

Principal Licensing Officer

#### **CONTACT DETAILS:**

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## APPENDIX A

### Gambling Act 2005 – Premises Licence Fees 21<sup>st</sup> May 2018 - 20<sup>th</sup> May 2019

<b>Application Fee</b>		
	Bingo Premises Licence	£1353
	Adult Gaming Centre Premises Licence	£1300
	Betting Premises (Track) Licence	£1890
	Family Entertainment Centre Premises Licence	£1230
	Betting Premises (Other) Licence	£1530
<b>Application Fee for Premises with a Provisional Statement</b>		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
<b>Annual Fee</b>		
	Bingo Premises Licence	£1000
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1000
	Family Entertainment Centre Premises Licence	£ 750
	Betting Premises (Other) Licence	£ 600
<b>Transfer Application Fee</b>		
	Bingo Premises Licence	£1110
	Adult Gaming Centre Premises Licence	£1119
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
<b>Variation Application Fee</b>		
	Bingo Premises Licence	£1315
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1250
	Family Entertainment Centre Premises Licence	£1000
	Betting Premises (Other) Licence	£1493
<b>Provisional Statement Application Fee</b>		
	Bingo Premises Licence	£1349
	Adult Gaming Centre Premises Licence	£1297
	Betting Premises (Track) Licence	£1887
	Family Entertainment Centre Premises Licence	£1226
	Betting Premises (Other) Licence	£1527
<b>Application for Reinstatement Fee</b>		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
<b>Change of Circumstances Fee</b>		£ 50
<b>Duplicate Licence Fee</b>		£ 25

APPENDIX B

	MAXIMUM PERMITTED FEES ALLOWED	MON C.C. EXISTING FEES ENDING 20 <sup>TH</sup> MAY 2018	MON C.C. FEE CALCULATION	MON C.C. PROPOSED FEE FROM 21 <sup>ST</sup> MAY 2018
<b>Application Fee</b>				
Bingo Premises Licence	£3,500	£1,507	£1,353	£1,353
Adult Gaming Centre Premises Licence	£2,000	£1,633	£1,300	£1,300
Betting Premises (Track) Licence	£2,500	£1,874	£1,890	£1,890
Family Ent Centre Premise Licence	£2,000	£1,223	£1,230	£1,230
Betting Premises (Other) Licence	£3,000	£1,733	£1,530	£1,530
<b>Application Fee where Provisional Statement Previously Issued</b>				
Bingo Premises Licence	£1,200	£1,200	£1,254	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,201	£1,200
Betting Premises (Track) Licence	£950	£950	£1,826	£950
Family Ent Centre Premise Licence	£950	£950	£1,131	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,431	£1,200
<b>Annual Fee</b>				
Bingo Premises Licence	£1,000	£1,000	£1,138	£1,000
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,086	£1,000
Betting Premises (Track) Licence	£1,000	£1,000	£1,710	£1,000
Family Ent Centre Premise Licence	£750	£750	£1,016	£750
Betting Premises (Other) Licence	£600	£600	£1,315	£600
<b>Transfer Application Fee</b>				
Bingo Premises Licence	£1,200	£1,200	£1,110	£1,110
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,119	£1,119
Betting Premises (Track) Licence	£950	£950	£1,682	£950

Family Ent Centre Premise Licence	£950	£950	£1,048	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,280	£1,200
<b>Variation Application Fee</b>				
Bingo Premises Licence	£1,750	£1,472	£1,315	£1,315
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,263	£1,000
Betting Premises (Track) Licence	£1,250	£1,250	£1,897	£1,250
Family Ent Centre Premise Licence	£1,000	£1,000	£1,192	£1,000
Betting Premises (Other) Licence	£1,500	£1,500	£1,493	£1,493
<b>Provisional Statement Application Fee</b>				
Bingo Premises Licence	£3,500	£1,504	£1,349	£1,349
Adult Gaming Centre Premises Licence	£2,000	£1,630	£1,297	£1,297
Betting Premises (Track) Licence	£2,500	£1,870	£1,887	£1,887
Family Ent Centre Premise Licence	£2,000	£1,220	£1,226	£1,226
Betting Premises (Other) Licence	£3,000	£1,730	£1,527	£1,527
<b>Application for Reinstatement Fee</b>				
Bingo Premises Licence	£1,200	£1,200	£1,202	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,203	£1,200
Betting Premises (Track) Licence	£950	£950	£1,774	£950
Family Ent Centre Premise Licence	£950	£950	£1,141	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,380	£1,200
<b>Change of Circumstances Fee</b>	£50	£50	£119	£50
<b>Duplicate Licence Fee</b>	£25	£25	£32	£25

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Application for an Annual Block Street Trading Consent for Usk Town Centre

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing and Regulatory Committee

**Date to be considered:** 13<sup>th</sup> March 2018

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider an application for a Block Street Trading Consent to trade in Usk Town Centre. (Application and Plan attached to this report as Appendix A and Appendix B respectively)

### 2. RECOMMENDATION(S):

It is recommended that:-

- 2.1 Members consider and determine the application form attached to this report as Appendix A.

### 3. KEY ISSUES

- 3.1 An application was received on 22<sup>nd</sup> February 2018 from Tracey Huxley, on behalf of Usk Town Council for Usk Town Centre, which is attached to this report as Appendix A. The application request is to trade on Sunday to Thursday between the hours of 09:00hrs until 18:00hrs and Friday to Saturday between the hours of 09.00hrs until 23.00hrs. The location and number of pitches requested in the application form for Usk Town Centre are as follows:-
- Twyn Square, Usk – Subject to road closure (2 pitches)
  - New Market Street, Usk (4 pitches)
  - Bridge Street, Usk (4 pitches)
  - Twyn Square Car Park, Usk (12 pitches)
  - Owain Glyndwr Field, Maryport Street, Usk (10 pitches)
  - Maryport Street, Usk – park area next to number 3 (2 pitches)
  - Sitting Area Outside Coop (2 pitches)
  - Legion Car Park, New Market Street, Usk (2 pitches)
  - Conigar, riverbank next to Usk Bridge (4 pitches)

The total pitches requested for Usk Town Centre is 42 pitches.

- 3.2 The applicant has further stated that if the consent is granted they will ensure pitch holders will comply with the Council's conditions for the consent. The applicant has stated within Section 2 of the application form that each person requesting a pitch will be required to complete an "Application for a Day Market Pitch", which will be issued by Usk Town Council, attached as Appendix C.

- 3.3 A Block Street Trading Consent was previously granted by the Licensing and Regulatory Committee on 3<sup>rd</sup> May 2016 for Usk Town Centre, to a different organisation, who subsequently surrendered the Consent on 14<sup>th</sup> November 2017. The changes to this application as opposed to the previous consent granted are as follows:  
Owain Glyndwyr Field, Maryport Street Usk – 10 pitches (previously 2 pitches)  
Car Park in Twyn Square, no longer required (Previously 18 pitches)  
Number of pitches 42 pitches (previously 52 pitches)
- 3.4 The application was forwarded to the consultees (Appendix A), these being Heddlu Gwent Police, Monmouthshire Planning Department, Monmouthshire Environmental Health Department and the Local Ward Member. No objections were received on this application.
- 3.5 Section 13 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> February 2016 states;  
An Authorised Officer will approve the application if it:-
- Meets the criteria and
  - There are no reasonable and appropriate objections.
- And further states, “Except where objections are received for safety reasons the Head of Public Protection can determine the application or defer the matter to the Licensing and Regulatory Committee.”  
The Head of Public Protection has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the application being a new application for a permanent consent, which will include a number of pitches with wider potential impact.
- 3.6 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
- 3.7 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.
- 3.8 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

#### **4. REASONS**

- 4.1 To determine the application for a Block Street Trading Consent for Usk Town Centre.

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

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.



**6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

6.1 The 'Future Generations' template is attached as Appendix D.

**7. CONSULTEES:**

Heddlu Gwent Police  
Planning Department, Monmouthshire County Council.  
Environmental Health Department, Monmouthshire County Council  
Local Ward Member

**8. BACKGROUND PAPERS:**

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III  
Monmouthshire Street Trading Policy, approved 9<sup>th</sup> February 2016

**9. AUTHOR:**

Samantha Winn  
Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644221  
Email: [samanthawinn@monmouthshire.gov.uk](mailto:samanthawinn@monmouthshire.gov.uk)



MONMOUTHSHIRE COUNTY COUNCIL,  
LICENSING SECTION, THE MELVILLE  
CENTRE, PEN-Y-POUND ROAD,  
ABERGAVENNY NP7 5UD.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**APPLICATION FOR A BLOCK STREET TRADING  
CONSENT**

<b>1. APPLICANT DETAILS</b>	
Full Name:	Tracey Huxley (Clerk to Usk Town Council)
Current Residential Address:	43 Maryport Street Usk Mon NP151AD
Telephone Number:	
Mobile Number (optional):	
Email (optional):	Clerk.usk@btconnect.com
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Are you entitled to work in the UK	
Do you have any unspent convictions? (If yes please state details)	
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	No

2. TRADING DETAILS	
Please state number of pitches	62 max. on any one day
Address of the precise location of where the pitches will be located: (Please include names of streets)	Twyn Square, Usk (2) – subject to road closures. New Market Street, Usk (4) Bridge Street, Usk (4) Twyn Square Car Park, Usk (12) Owain Glyndwr Field, Maryport Street, Usk (10) Maryport Street, Usk (park area next to No. 3) (2) Sitting Area Outside Coop (2) Royal British legion Legion Car Park, New Market Street, Usk (2) Conigar, river bank next to Usk Bridge (4)
Do you have permission from the owner of the land where you wish to trade? (If yes please ensure that you submit a copy of the written permission)	No
Please provide contact details for the owner of the land: (Please include name, address and telephone number )	Monmouth County Council
Please provide details of the type of articles which you propose the pitches will sell:	Local Produce inc. Breads, Pies, Pastries, Cakes, Preserves, Oils, Vinegars, Fruit, Vegetables, Plants and Flowers, Meat, Fish. Local crafts inc. pottery, jewellery, prints and paintings. Wooden goods, needlecraft, knitted and fabric goods. Vintage goods inc. china and clothing. Other goods deemed appropriate in line with street trading policy and conditions.

<p>Please provide details on how you will ensure compliance of pitch holders with the Council's Street Trading Conditions. (Use a separate sheet if necessary). See enclosed Monmouthshire County Council's Street Trading Policy.</p>	<p>Individual stall holders will be required to complete the <u>Usk Town Council</u> "Application for Day Market Pitch" which has been designed with the County Council's Street Trading Conditions in mind.</p> <p>Compliance with all conditions set out in the "Application for a Day Market Pitch" will be verified and confirmed prior to consent being granted.</p> <p>Market setup and trading to be checked daily <u>by a Nominated Town Council officer</u></p>
--	--

3. TYPE OF CONSENT BEING APPLIED FOR	
<p>Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Block Street Trading Consents will take a <b>maximum of 60 days</b> to be determined and will normally be heard at the Licensing and Regulatory Committee for determination)</p>	<p>Block Annual Street Trading Consent <input type="checkbox"/></p> <p><input type="checkbox"/></p>

Are there any other consent holders in the vicinity? (If yes please give further details)	No
--	----

4. TRADING DATES AND TIMES	DAY	TIMES From/To
Please give details of day and times in which you wish to trade: (Trading in Alcohol will require an additional licence under the Licensing Act 2003, as will Hot Food and Drink after 11p.m. up to 5a.m.). If a day consent please state the date you require : _____	Monday:	9am – 6pm
	Tuesday:	9am – 6pm
	Wednesday:	9am – 6pm
	Thursday:	9am – 6pm
	Friday:	9am – 11pm
	Saturday:	9am – 11pm
	Sunday:	9am -6pm

5. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£705.00 The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

6. ADDITIONAL DOCUMENTATION
<p>To apply for a Street Trading Consent you <b>MUST</b> submit the following documents to support your application</p> <ul style="list-style-type: none"> <li>• 10% of the full fee</li> <li>• Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary line with a red line. Available online including from <a href="http://www.planningportal.gov.uk/planning/applications/plans">www.planningportal.gov.uk/planning/applications/plans</a> (Google or bing style maps are not acceptable )</li> <li>• Written permission from the land owner (If applicable)</li> <li>• Proof of Food Registration (If applicable). Information available at <a href="http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/">http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/</a></li> <li>• Licence under the Licensing Act 2003 (If applicable)</li> </ul>

- One Passport-type photograph of the applicant.

**7. DECLARATION**

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:  
 A person who engages in street trading in a consent street without being authorised to do so or being authorised by a consent, trades in that street

- (i) From a van, cart, barrow or other vehicle, or
- (ii) From a portable stall.

Without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence. It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence. Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

PLEASE NOTE: The Council's Licensing Committee is, with specific exceptions, a public forum. Not all applications require consideration by the Committee. Where our processes, as defined by relevant legislation, policies and guidance, require your application for a licence/permit/consent to be considered by the Licensing Committee, the identifying details you provide in your application may appear on documents which are considered by the Committee and are therefore available to the public. The personal information you provide will be used only for purposes related to the assessment of your application and future management of any licence/permit/consent granted. If you believe there is a legitimate reason for non-publication of your personal data, please provide those reasons with your application so that they can be considered in advance of preparation of Committee papers.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [NFI information on MCC website](#) or contact the Audit Manager on 01633 644258

**I declare that I have read and understood the Standard Conditions and any additional conditions which may apply. I believe that all of the above particulars are correct and to the best of my knowledge. I understand that the 10% administration fee I pay will not be refundable if the application is withdrawn or if the consent is granted and I do not take it up.**

Applicant Signature: .....  
 Print Name:.....  
 Date:.....22/02/18.....

**GENERAL**

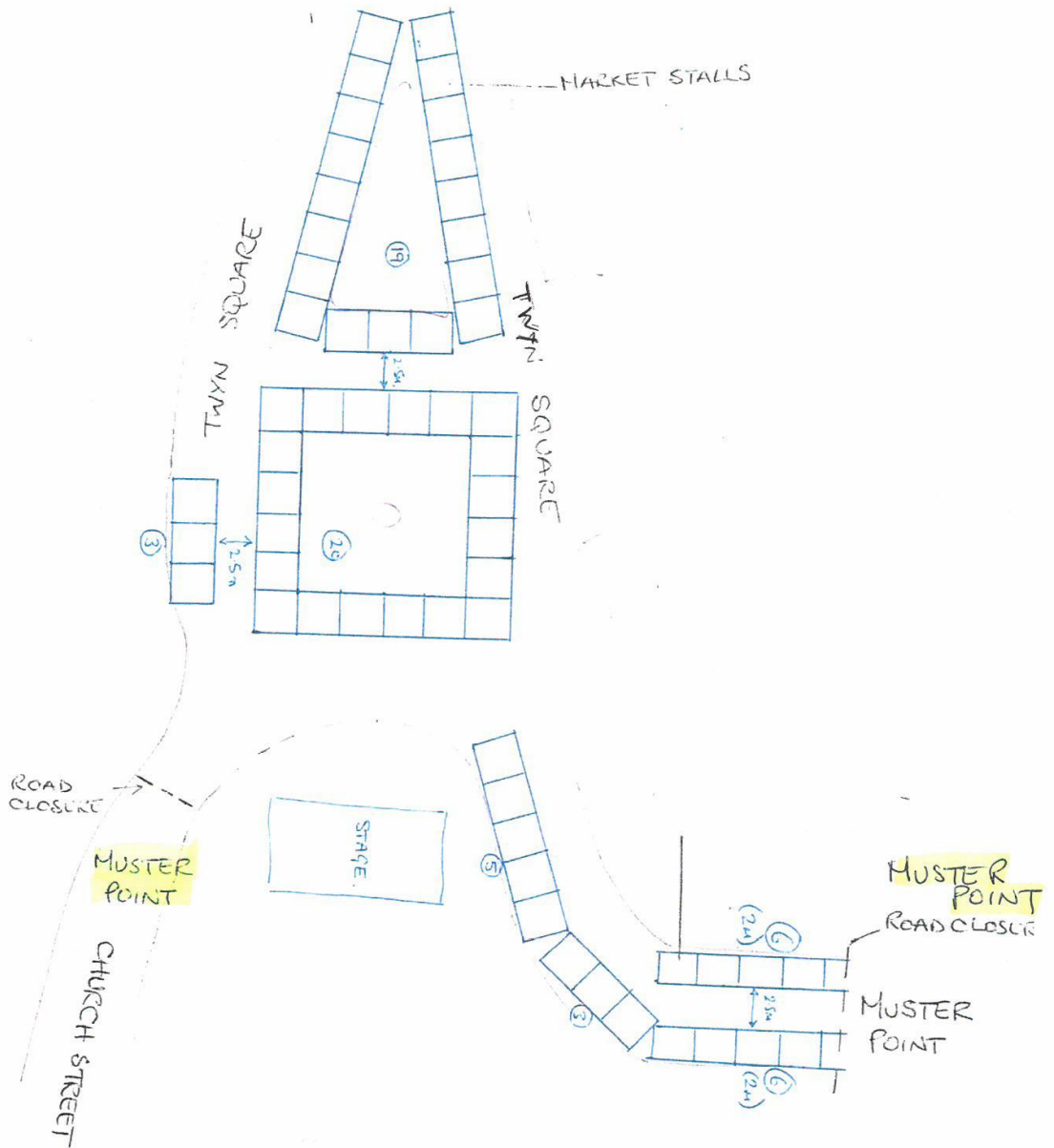
Where an application has been approved the following also will be required prior to the issue of Street Trading Consent:-

# WSK FESTIVAL + MARKET SITE PLAN

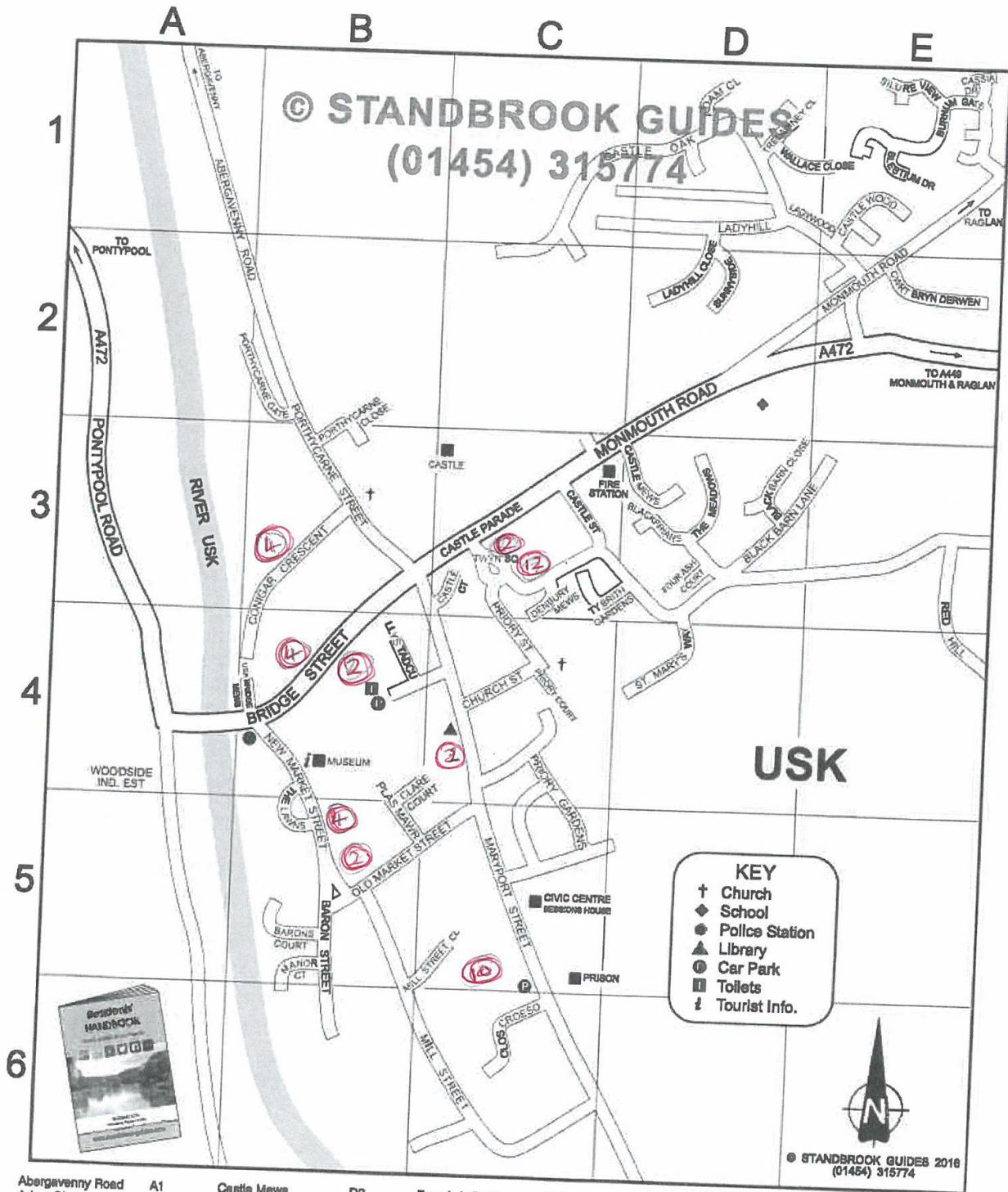
BRIDGE STREET

EMERGENCY  
ACCESS

Road closure barrier



USK 2018



Abergavenny Road	A1	Castle Mews	D3	Four Ash Court	D3	New Market Street	B4	Silure View	E1
Adam Close	D1	Castle Oak	D1	Four Ash Street	D3	Old Market Street	B5	St. Mary's Way	D4
Baron Street	B5	Castle Street	C3	Ladyhill	D1	Pias Mawr	B5	Sunnyside	D2
Barons Court	B5	Castle Wood	E1	Ladyhill Close	D1	Pontypool Road	A3	The Lawne	B5
Black Barn Close	D3	Chapatow Road	E3	Ladywood	D1	Porthycame Close	B3	The Meadows	D3
Black Barn Lane	D3	Church Street	C4	Llys Taddu	B4	Porthycame Gate	B2	Trelawney Close	D1
Blackfriars	D3	Clare Court	B4	Manor Court	B5	Porthycame Street	B3	Twyn Square	C3
Bleatlum Drive	E1	Cloes Croeso	C6	Maryport Street	C5	Priory Court	C4	Ty Brith Gardens	D3
Bridge Street	B4	Conlgar Crescent	B3	Mill Street	C6	Priory Gardens	C5	Uak Bridge Mews	B4
Burnum Gate	E1	Cwt Bryn Derwen	E2	Mill Street Close	C5	Priory Street	C4	Wallace Close	D1
Casala Drive	E1	Denbury Mews	C3	Monmouth Road	D2	Red Hill	E3	Woodside Ind. Est.	A4
Castle Court	C3								



**APPENDIX C**

**Usk Town Council**

**Application for Day Market Pitch**

Surname of Applicant (BLOCK CAPITALS) (Mr//Ms/Mrs/Miss)_____		
Forename(s) _____		
Current Address: _____ _____		
Tel No: _____	Mobile No: _____	Email: _____
Trading Name: _____		
Pitch Location: _____		Ref. No: _____
Council Stall(s): _____	Council Tables: _____	Power supply required: Yes/No
Alcohol Licence Required YES/NO		If Yes, Checked Licence in place by (initials):
Electrical Safety Certificates/Periodic Inspection Reports		Checked by (initials):
Own power supply: Yes/No	Gas Safety Certificates	Checked by (initials):
Traders own Stall:	Length:___ Width___ Height:___	Condition checked by (initials)
Trading from vehicle: Yes/No	Reg No: _____ Length:_____ Width_____ Height:_____	
Date of Trading: _____	Hours of Trading: _____ to _____	
Names and Addresses of Assistants: _____ _____ _____		

**APPLICANTS DECLARATION**

- a) I declare to the best of my knowledge and belief, the answers given are true.
- b) If a day market pitch agreement is granted I undertake to pay the appropriate fee and comply with the conditions attached to the agreement and also comply with applicable legislation and to any orders made thereunder. I understand that failure to comply by me or any of my assistants employed by me, with or without payment, will render both me and my assistants liable to prosecution and may result in the revocation of my agreement.

**APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.**

DATE ____/____/____	Signature of applicant_____
---------------------	-----------------------------

DATE ____/____/____	Signature of applicant_____
---------------------	-----------------------------

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**OFFICE:**

Current Insurance Certificate checked	Checked (initials)
---------------------------------------	--------------------

Risk Assessment received	Checked (initials)
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**Food Stalls**

(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)
--	----------------------

<b>Day Market Pitch authorised:</b> _____ <b>Date</b> _____
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# Usk Town Council

## Day Market Pitch Conditions

### Introduction

The following conditions shall apply to all traders/stall holder applicants and have been designed to ensure compliance with the policies and priorities of Usk Town Council and the terms of the Block Street Trading Consent granted by Monmouthshire County Council's Licensing and Regulatory Committee on 13<sup>th</sup> March 2018.

### Standard Conditions for all traders/stall holders

#### General Conditions

1. The holder of this market pitch/stall Agreement (hereinafter referred to as 'the trader', which expression where appropriate, includes joint holders of this Agreement) and any person employed by him/her to assist him/her in his/her trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Usk Town Council (hereinafter referred to as 'the Town Council')
2. A market pitch/stall does not relieve the Trader, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.
3. A Trader shall not assign, underlet or part with his interest or possession of this market pitch/stall agreement.
4. Under the terms of this agreement no person under the age of 18 shall engage in street trading activities.
5. Trading may only take place on the days and during the times specified in the market pitch/stall agreement.
6. Traders shall not trade outside the designated trading area.
7. The Trader shall pay the market pitch/stall agreement fee determined by the Town Council.
8. The Trader shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million and must produce a valid certificate for this insurance at any time on the request of an authorised officer of the Town Council.
9. The sale of the following goods are not permitted firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Town Council has the right to refuse the sale of any goods.

(Where alcohol is to be sold, no sale will be permitted to anyone under the age of 18. The trader will also be required to obtain separate prior permission under the Licensing Act 2003.

10. The trader not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him/her or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
11. The trader shall not do or suffer anything to be done in or on the street which in the opinion of the Town Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Town Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The trader shall indemnify and save harmless the Town Council and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Town Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this agreement.
13. The trader shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
14. The trader shall not place on the street any advertisement, furniture or equipment other than as permitted by this agreement and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
15. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.
16. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
17. A trader trading in hot foods shall at all times carry on the vehicle a 4.5 kilo Dry Powder Fire Extinguisher.
18. Where the trader trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
19. The trader will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the trader for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
20. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
21. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of the Town Council.
22. The trader shall keep his vehicle or other mode used for trading, and trading location and the immediate area in a clean and tidy condition during the permitted

hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.

23. The trader shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.
24. The trader shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it lawfully elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
25. The trader shall comply with all requirements of the Town Council in respect of street trading.
26. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of Monmouthshire County Council shall be complied with in respect of such matters.
27. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer of the Town Council.
28. The trader shall not assign, underlet or part with his interest or possession under this agreement or any part thereof.
29. This agreement may be revoked by the Town Council at any time and the Town Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
30. Monmouthshire County Council may vary, amend or add to the conditions of this agreement at any time.
31. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
32. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
33. Traders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
34. Traders and their employees shall not trade under the influence of any illegal or intoxicating substance.





monmouthshire  
sir fynwy

## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<b>Name of the Officer</b> completing the evaluation Samantha Winn  <b>Phone no:</b> 01633 644221 <b>E-mail:</b> samanthawinn@monmouthshire.gov.uk	<b>Please give a brief description of the aims of the proposal</b>  Application for an Annual Block Street Trading Consent for Usk Town Centre
<b>Name of Service</b>	<b>Date Future Generations Evaluation form completed</b>  13/03/2018

Page 51

***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***





1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	This Block Consent puts the onus on Usk <b>Town Council</b> to ensure trading conditions are adhered to. Hope is, to encourage more events and trading.	
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
can adapt to change (e.g. climate change)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Consent should increase usage of outside space, encouraging outdoor activity.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The block consent will seek to encourage more use of Usk Town Centre.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The application if granted will allow greater use for community events and encourage local participation.	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances		

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?



Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Block trading consents provide a mechanism for others to take responsibility of certain trading, which provides a longer term solution to enforcement.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>Block trading would be administered by Usk <b>Town Council</b>, demonstrating the service's willingness to work with others.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Consultation conducted with various Council departments and Gwent Police.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Should a consent be granted the traders will be provided with conditions and this will be monitored by Usk <b>Town Council</b>.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Street Trading can have a very positive impact on the community.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk)

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Non applicable		
Disability			
Gender reassignment			
Marriage or civil partnership			

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Pregnancy or maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Welsh Language			

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A		
Corporate Parenting	N/A		

**5. What evidence and data has informed the development of your proposal?**

Block street trading applications allow community events to take place without the need of applying for individual applications. It allows the organiser to manage all stall holders within their event.

**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

As 5 above.

**7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to be considered by the Licensing and Regulatory Committee	13 <sup>th</sup> March 2018	Samantha Winn	

**8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

The impacts of this proposal will be evaluated on:	13 <sup>th</sup> March 2018
--	-----------------------------

**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

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