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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 7 January 2019

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 15th January, 2019 at 10.00 am,
The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for absence.	
2.	Declarations of interest.	
3.	To confirm and sign the minutes of the previous meeting.	1 - 2
4.	Review of Annual Licensing Fees for the Financial Year 2019/2020.	3 - 14
5.	To consider whether to exclude the press and public from the meeting during consideration of the following items of business in accordance with section 100A of the Local Government Act, as amended, on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 12 of part 4 of Schedule 12A to the Act.	15 - 16
6.	To consider whether the operator is "Fit and Proper" to continue to hold a Private Hire Operators Licence.	17 - 30
7.	To determine whether the vehicle proprietor should continue to hold three Hackney Carriage Licensed Vehicles.	31 - 46
8.	To note the date and time of the next meeting. 19 th February 2019 at 10.00am.	

Paul Matthews

Chief Executive

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

Public Information

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Welsh Language

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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
on Tuesday, 27th November, 2018 at 10.00 am

PRESENT: County Councillor Jim Higginson (Vice Chairman as Chair)

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
Nicola Perry	Senior Democracy Officer

APOLOGIES:

Councillors B. Strong

1. Apologies for absence

2. Declarations of interest

There were no declarations made by Members.

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

The Committee resolved to exclude press and public from the meeting.

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

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

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

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

The driver was then given the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the driver and discussion ensued. The driver's representative was then given the opportunity to sum up, on behalf of the driver.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held on Tuesday, 27th November, 2018 at 10.00 am

Following questioning, officers, the driver and representative left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Vice-Chairman advised that the Committee had considered the issues and had come to the view that the applicant should be granted an initial licence for the standard 3 years.

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

The minutes of the meeting of Licensing and Regulatory Committee held on 16th October 2018 were confirmed and signed by the Vice-Chair.

6. To note the date and time of the next meeting as 15th January 2019 at 10:00am

Noted.

The meeting ended at 10:30am

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Review Of Annual Licensing Fees For Financial Year 2019/2020
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	15th January 2019
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To agree the Authority's licence fees for 2019-20.

2. RECOMMENDATION(S):

- 2.1 Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2019-20", subject, where relevant, to any required public notice.
- 2.2 Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration .

3. KEY ISSUES

- 3.1 The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.
- 3.2 The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).
- 3.3 Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering 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.
- 3.4 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.
- 3.5 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.
- 3.6 The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment

Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21st May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 19th February 2019 to review the Gambling Act fees to commence 21st May 2019.

4 REASONS

- 4.1 The fees are set at a level that will recover the costs associated with administering them.
- 4.2 Duly made objections must be considered.

5. RESOURCE IMPLICATIONS:

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

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

- 6.1 An evaluation has been provided in Appendix B to consider the effect of the schedule of Fees proposed for 2019-20.
- 6.2 It should be noted that Council tax receipts and Revenue Support Grants are insufficient to fund the full extent of Council services so increasing fees and charges helps sustain our services into the future for customers, as opposed to potentially withdrawing services.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

Linda O’Gorman Principal Licensing Officer

CONTACT DETAILS: Tel: 01633 644214
Email: lindaogorman@monmouthshire.gov.uk

APPENDIX A

SCHEDULE OF LICENCE FEES FOR 2019-20

	Current Fees 2018/2019	Proposed Fees 2019/20
1. LICENSING ACT 2003		
Premises Initial (Dependant on Business Rate)	£100.00 - £1,905.00	Fee Set By Central Government
Premises Annual (Dependant on Business Rate)	£ 70.00 - £1,050	
Personal Licence Holder	£37.00	
Temporary Event Notice	£21.00	
Theft, loss, etc of premises licence or summary	£10.50	
Provisional Statement	£315.00	
Notification of change of name and address	£10.50	
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00	
Application for transfer of premises licence	£23.00	
Interim authority notice following death etc. of licence holder	£23.00	
Theft, loss etc. of certificate or summary	£10.50	
Notification of change of name or alteration of rules of club	£10.50	
Change of relevant registered address of club	£10.50	
Theft, loss etc. of temporary notice	£10.50	
Theft, loss of personal licence	£10.50	
Duty to notify change of name and address	£10.50	
Right of freeholder etc. to be notified of licensing matters	£21.00	
Land without rateable value	Band A	
Land without rateable value – when a building is under construction	Band C	
Application to remove the mandatory condition requiring a DPS at Community Halls	£23.00	
Application for a Minor Variation on a Premises Licence or Club Premises Certificate	£89.00	
2. SAFETY AT SPORTS GROUND CERTIFICATE		
Sports Ground Safety Certificate/Safety Certificate for a Regulated Stand SGSC/SCRS	£1,307.00	£1340
The Amendment, Replacement, Transfer of a SGSC/SCRS	£78.00	£150
3. GAMBLING ACT 2005		
(For Premises and Permit Fees please refer to separate list)		
Lotteries		Fee Set By Central Government
Initial	£40.00	
Renewal	£20.00	
4. STREET / HOUSE COLLECTIONS		
No Fee charged under current legislation.		
5. HACKNEY CARRIAGE / PRIVATE HIRE		
(a) Hackney Carriage Vehicle - New	£222.00	£230
Hackney Carriage Vehicle – Renewal	£159.00	£167
Hackney Carriage Vehicle - Substitution (Transfer of Vehicle)	£222.00	£230
(b) Horse Drawn Hackney Carriage Vehicle – As 5(a) above.		
(c) Private Hire Vehicle – New	£214.00	£224
Private Hire Vehicle – Renewal	£165.00	£175
Private Hire Vehicle - Substitution (Transfer of Vehicle)	£214.00	£224
(d) Private Hire Operator – New	5yr £765.00	5yr £772
Private Hire Operator – Renewal	5yr £754.00	5yr £768
(e) Driver Licence (Dual Badge) – New	3yr £194.00	3yr £215
Driver Licence (Dual Badge) – Renewal	3yr £159.00	3yr £180
(f) Knowledge Test – Torfaen Training (TT)	£60.00	Set By TT
(g) Resit of Knowledge Test – Torfaen Training (TT)	£30.00	Set By TT
(h) Safeguarding Children and Vulnerable Persons Training – Torfaen Training (TT)	£35.00	Set By TT
(i) Disclosure and Barring Service Check (DBS)+£6 Processing Fee	£50.00	Set By DBS
6. STREET TRADING CONSENTS		
Annual Street Trading Consent - New	£456.00	£457
Annual Street Trading Consent – Renewal	£376.00	£387
Annual Block Street Trading Consent - New	£770.00	£773
Annual Block Street Trading Consent - Renewal	£505.00	£507
Street Trading Consent– Substitution (Replacement Vehicle)	£345.00	£346
Day Street Trading Consent – For Events (no entrance fee)	£46.00	£46
Day Block Street Trading Consent – For Events (no entrance fee)	£134.00	£135

7. SCRAP METAL DEALERS

(a) Site Licence - New	3yr	£381.00	3yr	£419
Site Licence – Renewal	3yr	£307.00	3yr	£346
Site Licence – Change of Details		£35.00		£35
(b) Collectors Licence – New	3yr	£411.00	3yr	£436
Collectors Licence - Renewal	3yr	£273.00	3yr	£297
Collectors Licence – Change of Details		£35.00		£35

8. BOATS

(a) Pleasure Boat Licence - New		£366.00		£367
Pleasure Boat Licence – Renewal		£141.00		£141
Pleasure Boat Licence – Transfer of Boat		£366.00		£367
(b) Pleasure Boatman's Licence - New		£101.00		£101
Pleasure Boatman's Licence – Renewal		£97.00		£97

9. SEX ESTABLISHMENTS

Sex Establishment - New		£427.00		£429
Sex Establishment – Renewal		£154.00		£155
Sex Establishment – Transfer of Premises Usage		£427.00		£429

10. HYPNOTISM

No Fee charged under current legislation.



monmouthshire
sir fynwy

Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation David H Jones</p> <p>Phone no: 01633 644100 E-mail: davidhjones@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Slight uplift in discretionary fees (though some remain static), to fully meet the costs of service provision.</p>
<p>Name of Service</p>	<p>Date Future Generations Evaluation form completed</p> <p>07/01/2019</p>

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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?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Fee levels are set on a cost recovery basis, minimising costs to the trade.</p>	
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and</p>		

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)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The revised fee structure provides for separate safeguarding of children and vulnerable persons training, with the aim of improving awareness and service standards.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Fee revenue ensures sustainable Licensing Service maintained, providing public reassurance Licensing standards are complied with.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Fee recovery will ensure certificate and badges displayed to the public is bilingual.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Fee levels should not preclude anyone to undertake their business in a fair and safe manner.	

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>Slight fee increases, ensure the Licensing Service provides sustainable provision into the future.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>MCC Licensing have ensured reduced cost of additional training – knowledge test and safeguarding – by collaborating with Torfaen Training.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Schedule of fees advertised and any legitimate objections can be brought back to Committee for final decision.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Slight increases in discretionary Licensing fees will ensure a continuing service, incorporating preventative measures where necessary (CCTV provision etc).</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>	Key service aim is to ensure safe venues, vehicles, drivers, etc.	

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

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	Sustainable fee levels will ensure quality service maintained, protecting vulnerable customers.		
Disability	As above.		
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	Fee set – see schedule 5(h) – to cover training of Licensed drivers in safeguarding issues.	Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.	
Corporate Parenting			

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

All Licensing fees and charges are reviewed annually, to ensure cost recovery in service delivery.

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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?

The slight increases proposed will ensure the Licensing service can meet customer expectations, and continue to protect the public.

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
Comments from taxi trade to be considered. Return to	March 2019	Linda O’Gorman	

Licensing and Regulatory Committee if required.			

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:	7 th October 2019
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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.

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Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	L&R Committee Report	15/01/2019	

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**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: To consider whether the proprietor is "Fit and Proper" to continue to hold three Hackney Carriage licences

AUTHOR: Leigh Beach

MEETING AND DATE OF MEETING: Tuesday 15th January 2019
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public

Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 16th October 2018 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of not disclosing outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 24th December 2018

Signed: 

Post: Licensing Officer

I accept/do not accept the recommendation made above.



Proper Officer

Date: 3/1/2019

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

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

AUTHOR: Leigh Beach

MEETING AND DATE OF MEETING: Tuesday 15th January 2019
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public
Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 16th October 2018 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of not disclosing outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 24th December 2018

Signed: 

Post: Licensing Officer

I accept/do not accept the recommendation made above.



Proper Officer

Date: 3/1/2019.

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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