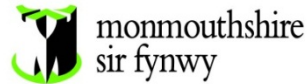


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 11 February 2019

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 19th February, 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.	Gambling Act 2005 - Premises Licence Fees.	1 - 14
4.	Welsh Government White Paper - Improving Public Transport.	15 - 24
5.	To confirm and sign the following minutes:	
5.1.	Licensing and Regulatory Committee dated 15th January 2019.	25 - 28
5.2.	Licensing and Regulatory Sub Committee dated 15th January 2019.	29 - 34
5.3.	Special Meeting - Rights of Way Advisory Panel, Licensing and Regulatory Committee dated 29th January 2019.	35 - 38
6.	Next Meeting. <ul style="list-style-type: none">Licensing and Regulatory Sub Committee – Tuesday 5th March 2019 at 11.00am.Licensing and Regulatory Committee - Tuesday 9th April 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

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

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.

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: 19th February 2019

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 21st May 2019 – 20th May 2020.

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 21st May 2019; 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 21st 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 25th October 2018.
- 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 25th October 2018.
- 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 fourteen premises under the Gambling Act 2005 consisting of eight betting premises, one track betting and five adult gaming centres 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 21st May 2019 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. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

An evaluation has been provided in Appendix C to consider the effect of the schedule of Fees proposed for Gambling Premises Licence Fees for 2019-20.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

Gambling Act 2005.

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

9. AUTHOR:

Linda O’Gorman

Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214

Email: lindaogorman@monmouthshire.gov.uk

APPENDIX A

Gambling Act 2005 – Premises Licence Fees 21st May 2019 - 20th May 2020

Application Fee		
	Bingo Premises Licence	£1655
	Adult Gaming Centre Premises Licence	£1343
	Betting Premises (Track) Licence	£2190
	Family Entertainment Centre Premises Licence	£1532
	Betting Premises (Other) Licence	£1715
Application Fee for Premises with a Provisional Statement		
	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
Annual Fee		
	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
Transfer Application Fee		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1161
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Variation Application Fee		
	Bingo Premises Licence	£1617
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1250
	Family Entertainment Centre Premises Licence	£1000
	Betting Premises (Other) Licence	£1500
Provisional Statement Application Fee		
	Bingo Premises Licence	£1652
	Adult Gaming Centre Premises Licence	£1339
	Betting Premises (Track) Licence	£2187
	Family Entertainment Centre Premises Licence	£1529
	Betting Premises (Other) Licence	£1711
Application for Reinstatement Fee		
	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
Change of Circumstances Fee		£ 50
Duplicate Licence Fee		£ 25

APPENDIX B

	MAXIMUM PERMITTED FEES ALLOWED	MON C.C. EXISTING FEES ENDING 20 TH MAY 2019	MON C.C. FEE CALCULATION	MON C.C. PROPOSED FEE FROM 21 ST MAY 2019
Application Fee				
Bingo Premises Licence	£3,500	£1,353	£1,655	£1,655
Adult Gaming Centre Premises Licence	£2,000	£1,300	£1,343	£1,343
Betting Premises (Track) Licence	£2,500	£1,890	£2,190	£2,190
Family Ent Centre Premise Licence	£2,000	£1,230	£1,532	£1,532
Betting Premises (Other) Licence	£3,000	£1,530	£1,715	£1,715
Application Fee where Provisional Statement Previously Issued				
Bingo Premises Licence	£1,200	£1,200	£1,556	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,243	£1,200
Betting Premises (Track) Licence	£950	£950	£2,125	£950
Family Ent Centre Premise Licence	£950	£950	£1,433	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,615	£1,200
Annual Fee				
Bingo Premises Licence	£1,000	£1,000	£1,440	£1,000
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,127	£1,000
Betting Premises (Track) Licence	£1,000	£1,000	£2,009	£1,000
Family Ent Centre Premise Licence	£750	£750	£1,317	£750
Betting Premises (Other) Licence	£600	£600	£1,499	£600
Transfer Application Fee				
Bingo Premises Licence	£1,200	£1,110	£1,412	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,119	£1,161	£1,161
Betting Premises (Track) Licence	£950	£950	£1,981	£950

Family Ent Centre Premise Licence	£950	£950	£1,351	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,464	£1,200
Variation Application Fee				
Bingo Premises Licence	£1,750	£1,315	£1,617	£1,617
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,305	£1,000
Betting Premises (Track) Licence	£1,250	£1,250	£2,187	£1,250
Family Ent Centre Premise Licence	£1,000	£1,000	£1,494	£1,000
Betting Premises (Other) Licence	£1,500	£1,493	£1,677	£1,500
Provisional Statement Application Fee				
Bingo Premises Licence	£3,500	£1,349	£1,652	£1,652
Adult Gaming Centre Premises Licence	£2,000	£1,297	£1,339	£1,339
Betting Premises (Track) Licence	£2,500	£1,887	£2,187	£2,187
Family Ent Centre Premise Licence	£2,000	£1,226	£1,529	£1,529
Betting Premises (Other) Licence	£3,000	£1,527	£1,711	£1,711
Application for Reinstatement Fee				
Bingo Premises Licence	£1,200	£1,200	£1,505	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,246	£1,200
Betting Premises (Track) Licence	£950	£950	£2,073	£950
Family Ent Centre Premise Licence	£950	£950	£1,443	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,564	£1,200
Change of Circumstances Fee	£50	£50	£119	£50
Duplicate Licence Fee	£25	£25	£32	£25

This page is intentionally left blank



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 some discretionary fees (though some remain static if they have reached the threshold in accordance with The Gambling (Premises Licence Fees (England and Wales) Regulations 2007), .</p>
<p>Name of Service</p>	<p>Date Future Generations Evaluation form completed</p> <p>11/02/2019</p>

Page 7





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</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?
Maintain and enhance biodiversity and ecosystems that support resilience and 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 includes Licensing Officers providing guidance on awareness and service standards of vulnerable persons.	
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 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 by working in partnership with the All Wales Licensing Expert Panel, Gwent Licensing Forum, which includes Local Government Licensing Officers, Police, Public Health and the Gambling Commission.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Schedule of fees advertised.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Slight increases in discretionary Gambling Premises fees (where applicable) will ensure a continuing service, incorporating preventative measures where necessary.</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>Key service aim is to ensure safe venues, preventing problem gambling, etc.</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

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 – to include guidance and policy promotion/risk assessments of venues to prevent harm from problem gambling and those who are vulnerable.	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 Gambling Premises fees and charges are reviewed annually, to ensure cost recovery in service delivery.

Page 12

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
Work with Gambling Premises licence holders, namely, Adult	21 st May 2019	Linda O’Gorman	

Gaming Centres, Betting Shops and Racecourse			

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:	19 th November 2019
--	--------------------------------

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.

Page 13

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	L&R Committee Report	19/02/2019	

This page is intentionally left blank

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Welsh Government White Paper – Improving Public Transport
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	19th February 2019
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To consider and agree the consultation response to the Welsh Government White Paper – Improving Public Transport.

2. RECOMMENDATION(S):

- 2.1 To provide information to Members in respect of Welsh Government's White Paper "Improving Public Transport".
- 2.2 To approve the consultation response, attached as Appendix A on behalf of Monmouthshire County Council in respect of Part 2 of the White Paper "taxis and private hire vehicles".

3. KEY ISSUES

- 3.1 The commencement of the relevant provisions of the Wales Act 2017, licensing of taxis and private hire vehicles will be a matter within the legislative competence of the National Assembly for Wales.
- 3.2 It is under this new devolved settlement that in September 2017 Welsh Government published a consultation paper "Taxi and Private Hire Vehicle Licensing in Wales" [WG31865] with the proposals to introduce new primary legislation for the purpose of bringing new arrangements for taxi and private hire vehicle into effect in relation to Wales.
- 3.3 Following on from that consultation, on 10th December 2018, Welsh Government published a White Paper on proposals to legislate for reforming local bus services (part 1) and licensing of taxis and private hire vehicles (part 2). The link for this consultation is as follows:-
https://beta.gov.wales/sites/default/files/consultations/2018-12/improving-public-transport_0.pdf
- 3.4 As decisions and matters with regards to taxi and private hire licensing is deferred to the Licensing and Regulatory Committee, this report will consider part 2 of this consultation only. Part 1, regarding the bus service is an Executive function and this will need to be considered at Cabinet level. Part 2 of the White Paper makes the following 4 proposals:

National Standards

Welsh Government is proposing to set national standards for taxi and private hire vehicle licensing ensuring that these standards would have to be met in order to obtain a licence

Enforcement

Welsh Government is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.

Information Sharing

Welsh Government is proposing to allow the creation of a mechanism by which relevant information can be shared, for the purposes of safeguarding.

Joint Transport Authority

Welsh Government is proposing to redirect all of the existing taxi and private hire licensing functions away from the Local Authority and into a national licensing authority, a JTA.

- 3.5 A draft response to Part 2 of the White Paper has been developed by a working group on behalf of the All Wales Licensing Expert Panel. This group consisted of officers from Monmouthshire, Cardiff, Neath Port Talbot, Swansea, Pembrokeshire and Flintshire. It is proposed that the response submitted by Monmouthshire County Council replicates the response approved by the All Wales Licensing Expert Panel. The draft response is attached to this report as Appendix A for consideration.

4 REASONS

- 4.1 Information contained in this report and the consultation response attached as Appendix A, are in respect of part 2 of the White Paper only. A report and consultation response in respect of part 1 will be brought to Cabinet in due course by the Passenger Transport Unit.
- 4.2 The White Paper was issued by Welsh Government on the 10th December 2018 and responses are required by the 29th March 2019.
- 4.3 To seek approval of Monmouthshire County Council's response to part 2 of the White Paper attached as Appendix A.

5. RESOURCE IMPLICATIONS:

Monmouthshire County Council currently licence approximately 251 drivers, 132 Hackney Carriage Vehicles, 94 Private Hire Vehicles and 33 Private Hire Operators. There could be a potential loss of income of approximately £58,649 per year if the licensing regime is taken from the Authority.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

This report is a response to a consultation document from Welsh Government and are proposals to change certain aspects relating to the licensing of taxis and hackney carriages. When proposals are firmed up and/or agreed, then a full evaluation will be undertaken to assess impacts.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

Welsh Government Consultation "Taxi and Private Hire Vehicle Licensing in Wales [WG31865][September 2017]

Welsh Government White Paper – Improving Public Transport [WG36240][December 2018]

9. AUTHOR:

Linda O’Gorman, Principal Licensing Officer.

CONTACT DETAILS: Tel: 01633 64444

Email: lindaogorman@monmouthshire.gov.uk

Part 2 – Welsh Government White Paper – Improving Public Transport

National Standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the Licensing Expert Panel and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]” and the Law Commission review “Reforming the Law of Taxi and Private Hire Services” [2012].

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils. It is important to also consider the English standards due to a number of Welsh Authorities including Monmouthshire County Council being so close to the border.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. The Panel believe that anyone taking or holding an individual’s personal information should have to be vetted to ensure that that person is safe and suitable (“fit and proper”).
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant’s full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).
- Foreign driving licences

In addition, Monmouthshire County Council would recommend the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.

- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
- The information which should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taxi Meter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”. The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.
<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.
- Record Keeping including the retention period required. The Panel believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

In addition the Panel would recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, councillors and Magistrates’ legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

The All Wales Licensing Expert Panel consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and would without question need to be heavily involved in the development of national standards.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that Monmouthshire County Council would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard.

Enforcement

Q28. Should a Local Authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Monmouthshire County Council believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees

associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

Monmouthshire County Council believe however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

Q29. Should a Local Authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Monmouthshire County Council consider this of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. penalty points / improvement notice / advisory / warning. For example introducing a system of issuing a Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, some local authorities have Byelaws in place and the Panel would recommend incorporating any relevant component of these into national standards

Monmouthshire County Council would recommend other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

In addition Monmouthshire County Council would recommend mandatory training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information Sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. **Page 20** must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. Monmouthshire County Council has agreed in principle to use this database and at the time of this consultation response, all local authorities in Wales were progressing this as agreed in the the All Wales Licensing Expert Panel.

In addition any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the All Wales Licensing Expert Panel previously. These proposals do not cover this issue. Monmouthshire County Council would suggest the current disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

Monmouthshire County Council appreciate that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Joint Transport Authority (JTA)

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national Licensing Authority (Option A)? Yes/No? Please explain your answer.

Monmouthshire County Council would **not** support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. Monmouthshire County Council feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work. Monmouthshire County Council feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local Authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

Monmouthshire County Council would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

Yes, Monmouthshire County Council believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst Monmouthshire County Council appreciate that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Monmouthshire County Council believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

Ideally, a single tier legislation would be more appropriate to avoid confusion to the public on what is a hackney or private hire vehicle. The changes in technology (mobile phone bookings and apps) has meant there is less and less distinction differences between Hackney Carriage and a Private Hire Vehicle in particular the speed of undertaking a booking. A private hire vehicle can now be booked legally via a mobile phone device just as quickly as flagging down a Hackney Carriage and certainly quicker than waiting at Hackney Carriage rank late at night. The single tier legislation will prevent unnecessary enforcement by Licensing Officers proving the use of the two different vehicle types.

Monmouthshire County Council are disappointed that the radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been abandoned. A viable alternative however is readily available by considering in more detail adopting the recommendations of the "Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]" which builds on the work undertaken by the Law Commission "Reforming the Law of Taxi and Private Hire Services [2012]".

These recommendations would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased? or negative effects be mitigated?

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

Monmouthshire County Council have no further comments to make.

This page is intentionally left blank

Public Document Pack Agenda Item 5a

MONMOUTHSHIRE COUNTY COUNCIL

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

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

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

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

None received.

1. Declarations of Interest

There were no declarations of interest made by Members.

2. Confirmation of Minutes

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

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

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

Key Issues:

The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.

The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).

MONMOUTHSHIRE COUNTY COUNCIL

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

Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. There is a need to be mindful of the potential burden on businesses of increasing costs, and to weigh that against potential burden of underwriting the costs of administering various licensing functions.

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

In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire vehicles. It is recommended that any objections to a variation be brought back to Committee for consideration.

The Gambling Act 2005 allowed authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21st May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 19th February 2019 to review the Gambling Act fees to commence 21st May 2019.

Member comments:

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

We resolved:

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

4. Exclusion of the Press and Public

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

MONMOUTHSHIRE COUNTY COUNCIL

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

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

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

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

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

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

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

Upon re-commencement, the Chairman advised that the Committee had carefully considered the report and evidence of the vehicle proprietor and representative and taking into account the statutory provisions and the Council's conditions, the Committee has decided that the vehicle proprietor is permitted to retain his licences subject to a very strong warning from the Committee.

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

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

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

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

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

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

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

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

MONMOUTHSHIRE COUNTY COUNCIL

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

7. Next Meeting

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

The meeting ended at 11.40 am.

Public Document Pack Agenda Item 5b

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th
January, 2019 at 12.15 pm

PRESENT: County Councillor: B. Strong (Chair)

County Councillors: A. Easson and J. Pratt

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Taylor Watts	Licensing Officer
Sheila Parker	Deputy Head of Legal Services
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

There were no declarations of interest received.

2. Application for a Premises Licence for Chepstow Store, 4-5 Beaufort Square, Chepstow, NP16 5LG

We received an application to consider an application for a Premises Licence under the Licensing Act 2003 for Chepstow store, 4-5 Beaufort Square, Chepstow, NP16 5LG.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee and officers present.

The Licensing Officer presented the key issues, which summarised:

A new application for a premises licence under the Licensing Act 2003 was received from Mr. Alpesh Patel for the Chepstow Store, 4-5 Beaufort Square, Chepstow, NP16 5LG for the following:

- Supply of Alcohol (Off sales) Monday to Sunday 06.00hrs – 24.00hrs.
- Hours Open to the Public Monday to Sunday 06.00hrs – 24.00hrs.

If granted the licence would also be subject to Mandatory Conditions, which are attached to the report as Appendix C.

A representation was received against the application from Heddlu Gwent Police of the 'Responsible Authorities'. Representations were also received from four other persons.

Gwent Police would not object to this application if the following amendments were made to the application:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th January, 2019 at 12.15 pm

- CCTV cameras shall be installed both inside and outside the premises and these cameras shall be operational at all times the premises is trading. All recordings shall be retained for a minimum of 28 days and shall be made available for inspection by an Authorised Officer on request.
- A Challenge 21 policy shall be operated at the premises at all times. If operating a Challenge 21 policy, all staff shall check the identification of all persons who appear to be less than 21 years old. This check shall be made by examining either a passport, photographic driving licence. No other form of identification shall be accepted.
- Publicity materials notifying customers of the operation of the Challenge 21 schemes shall be displayed at the premises.
- The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a week ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003.
- Employees shall be instructed not to serve anyone behaving in a drunk or disorderly manner.

The applicant had agreed to the Police recommendations via email.

In relation to the other objectors. An email was issued by the Licensing Section to the four persons, advising them of the amended application. The email requested the objectors to confirm if they wished to pursue their objection in view of the change to the original application. Three persons stated they wished to continue with the objection to the application and the Licensing Section received no response from the remaining person who made the original objection. The objections are summarised as follows:

- The area already has two corner shops where their amenities have caused issues for the local area.
- St Marys Street should be pedestrianised and should not be open to traffic between 10:00-16:00 but it has vehicles speeding and driving dangerously. Vehicles also park illegally to collect coffee and use the street as a cut through to avoid traffic congestion.
- Shop owners are constantly cleaning up beer bottles, cigarette ends and vomit from outside their stores after the weekend and so it's believed having this type of premises will exacerbate this issue further.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th January, 2019 at 12.15 pm

- Concerned that customers will loiter in the street causing anti-social behaviour.
- There are on-going issues with refuse in the street and traffic issues which may get worse if this premises opens.

It was noted that representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely:

- The prevention of crime and disorder.
- Public Safety.
- The prevention of public nuisance.
- The protection of children from harm.

Having received the report of the application and the views expressed, the following points were noted:

- All persons making representations, as well as the applicant had been invited to attend the meeting. However, the applicant had advised that he was unable to attend the hearing and asked to be made aware of the outcome of the hearing. Of the four persons who had made representations, two had advised that they were unable to attend the hearing. No response had been heard from the remaining two persons.
- Additional photographs had been submitted after the agenda had been published and had been forward to the Committee.
- The Planning Department has no objection to the application.
- In response to a question raised regarding the opening hours for the sale of alcohol, it was noted that all applications have to be treated on their own merits and the nature of the objections received and whether they comply with the four key licensing objectives.
- It was considered that the issues raised by the objectors don't refer to the shop itself but refer to traffic and police issues.
- Concern was expressed regarding the licensing hours - Monday to Sunday 06.00hrs – 24.00hrs. Crime and disorder issues need to be considered, as well as public safety, prevention of public nuisance and protection of children from harm. Concern was expressed regarding the sale of alcohol during these hours.
- It was noted that the Committee could consider reducing the hours of permissions available in respect of the sale of alcohol.
- In response to a Member's question, it was noted that a supermarket in the area was permitted to sell alcohol over a 24 hour period.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th January, 2019 at 12.15 pm

- The Police have put in extra measures to ensure that the sale of alcohol is monitored and the applicant concurs with the recommendations outlined by the Police.
- In addition to the conditions outlined, it was noted that the Committee has powers to add further conditions should it be deemed necessary.

The Committee retired in accordance with procedure in order to deliberate on the information provided and make its decision.

The Panel returned and the Chair announced the decision.

The Sub Committee has considered the application for a premises licence for 4/5 Beaufort Square, Chepstow.

We have considered the written application and written objections as neither applicant nor objectors were present today.

In reaching the decision we have had regard to:

- The Licensing Act 2003.
- The licensing objectives.
- The Council's statement of licensing policy.
- The guidance issued by the Home Office.

In taking into account all of the above matters and all the relevant circumstances of the application, we discussed the following points.

- We were pleased to note the conditions suggested by Gwent Constabulary and that the applicant had agreed these, and confident these will assist in running the premises safely.
- We were particularly pleased to note that CCTV would be in place.
- We are aware that it is possible to purchase alcohol locally from supermarkets, and public houses.
- We are mindful of the local economy, and the night time economy.
- The application will mean that empty premises are put into use.
- A number of the objections are better dealt with elsewhere and some are police matters.

Having carefully considered all of the above, we have therefore decided to agree the application with the additional conditions agreed following the police recommendations, being aware that there will be ongoing monitoring of the premises.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held
at The Council Chamber, County Hall, Rhadyr, Usk, NP15 1GA on Tuesday, 15th
January, 2019 at 12.15 pm**

The meeting ended at 1.00 pm.

This page is intentionally left blank

Public Document Pack Agenda Item 5c

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held
at on Tuesday, 29th January, 2019 at 2.00 pm

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

County Councillors: A. Easson, J.Pratt, D. Evans, A. Webb and
S.B. Jones

OFFICERS IN ATTENDANCE:

Wendy Barnard	Democratic Services Officer
Mandy Mussell	Definitive Map Officer
Claire Williams	Legal Officer
Ruth Rourke	Principal Officer - Countryside Access

APOLOGIES:

There were no apologies for absence.

1. Declarations of interest

No declarations of interest were made.

Four members of the public were present.

2. DEFINITIVE MAP MODIFICATION ORDERS, PRICES BRIDGE, WHITELYE, TRELLECH

We received a report and presentation from the Principal Officer, Countryside Access and Definitive Map Officer in order for Members to consider, under Section 53 of the Wildlife and Countryside Act 1981 whether or not to add the alleged restricted byways to the Definitive Map & Statement for Monmouthshire for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382) and for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381). The routes to be added are shown on the draft consultation map (Appendix 1), in the community of Trellech, Whitelye.

Following the presentation, Members were invited to discuss and comment, during which time the following points were noted:

Members commended officers on an excellent, clear and detailed presentation which had provided them with sufficient detail to reach their conclusions.

It was confirmed that the claim was for restricted byways which would allow for horse drawn vehicles. However, the usage of horse drawn vehicles was rare as only 3 people report seeing horse drawn vehicles. For this reason the Routes are to be registered as bridleways. In this case the Natural Environment and Rural Communities Act 2006 does not apply and has stopped the recording of any public vehicular rights.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at on Tuesday, 29th January, 2019 at 2.00 pm

It was confirmed that in the User Evidence there were comments about seeing forestry workers during their use of the path.

In response to a question, it was surmised that the area is ancient woodland since 1881.

It was acknowledged that Mrs. Greatorex-Davies was acting on behalf of Tintern Community Council.

The Principal Officer read out an email received from the register owners before the meeting. This stated that they had Absolute Title to the parcel of land since they purchased Moor Farm in September 1988. That they never dedicated any Open Access over their land. A map was shown to Members on which The Talbots showed the existing permissive footpath and other highways. The Talbots believe that the tracks are not ancient rights of way as described in the report but believe they were access to a derelict cottage and outbuildings which they say are still evident on their parcel of land 8968. Additionally they stated "the large boulders and trees mentioned in the evidence reports, as placed across private tracks on our land, (Boulders placed at points B & A felled tree at F) were first placed by us in 1990 after discussion with the Forestry Commission. The boulders, although moved, are still present and visible."

In response to a question it was confirmed that Users did not report any obstacles that they felt impeded their access, or made them think they had no right to be on the paths until 2013 when larger boulders and obstructions were installed and the routes became blocked and remain so.

A member asked if the path was of good standard. It was confirmed that it was open and clear; an easy to follow route before 2013.

A Footpath was established in late 19th Century. It was speculated that a recording error had occurred as Tintern and Trellech surveyors had recorded the routes differently.

The Committee withdrew with the Legal Assistant and Democratic Services Officer to consider the recommendations and returned to announce its decision.

It was explained that the legal framework was outlined in the report with an explanation of how the rights of way had been established. The Chair advised Members that the recommendation in the report stated that:

1. Members are invited to consider evidence provided and to advise the Cabinet Member for Operations Management whether they agree that rights of way that are not shown on the Definitive Map and Statement subsists, or is reasonably alleged to subsist, over the Routes and that the status of those ways are not restricted byways but instead bridleways.
2. If this is agreed then to advise the Cabinet Member for Operation Management to make two Definitive Map Modification Orders as detailed. Order One: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, A-B-C-C1, to classify them as bridleways, numbers 503, 504 and 505 Trellech (382). Order Two: Under section 53(2)(b), subsection (3)(c)(i) of the Wildlife and Countryside Act 1981 for the Routes, B-E-F, C-E and C1-D, to classify them as bridleways, numbers 501A, 501 and 501B, Trellech (382) and 506 Tintern (381).

Upon taking into account the evidence presented, Members unanimously agreed to approve the recommendations.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at on Tuesday, 29th January, 2019 at 2.00 pm**

The meeting ended at 3.40 pm

This page is intentionally left blank