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Y Rhadyr
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NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Monday, 2 November 2015

Notice of meeting / Hysbysiad o gyfarfod:

Licensing and Regulatory Committee

**Tuesday, 10th November, 2015 at 10.00 am,
Council Chamber, County Hall, The 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 meetings <ul style="list-style-type: none">• 21st July 2015• 21st July 2015 (subcommittee)• 20th August 2015 (subcommittee)• 15th September 2015• 21st September 2015 (subcommittee)	1 - 14
4.	To Consider whether to Continue, Suspend or Revoke a Hackney Carriage/Private Hire Drivers Licence. 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 1972 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, having regard to the certificates prepared under Schedule 12A of the Local Government Act 1972 – Exemption From Disclosure of Documents (Proper Officer's view attached).	15 - 26
5.	Public Protection Performance Report for the 2014/15 year and quarter one 2015/16	27 - 42
6.	Training - Taxi Licensing and Safeguarding of Children and Vulnerable Adults.	

7.

To note the date and time of the next meeting

Tuesday 15th December 2015 at 10am

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Chapman
R. Edwards
D. Evans
L. Guppy
J. Higginson
J. Marshall
J. Prosser
B. Strong
F. Taylor
P. Watts
A. Webb
M. Hickman

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Welsh Language

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Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 21st July 2015 at 10.00 a.m.**

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Chapman, D.J. Evans, M. Hickman, R.J. Higginson, B. Strong and P. Watts.

OFFICERS IN ATTENDANCE:

Mrs. L. O’Gorman	- Principal Licensing Officer
Mrs. S. Winn	- Senior Licensing Officer
Mrs. P. Perkins	- Legal Assistant
Mrs. T. Harry	- Head of Democracy and Regulatory Services
Mrs. N. Perry	- Democratic Services Officer

1. APOLOGIES FOR ABSENCE

We received apologies for absence from County Councillors R. Edwards, F. Taylor and A. Webb.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

We confirmed and signed the following minutes of the Licensing and Regulatory Committee:

- Tuesday 9th June 2015.
- Thursday 25th June 2015 – Special Meeting

4. EXCLUSION OF PRESS AND PUBLIC

We agreed to exclude the press and public from the meeting during consideration of the following item of business as it involved the likely disclosure of exempt information.

5. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

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

The applicant confirmed their name and address to the Committee and confirmed that they were content to proceed without legal representation.

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 21st July 2015 at 10.00 a.m.

The Principal Licensing Officer explained the procedure of the meeting to the applicant.

The Senior Licensing Officer presented a report which recommended that members consider and determine whether the applicant for a Hackney Carriage/Private Hire Drivers Licence was a fit and proper person to hold a licence.

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

The applicant was then provided with the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

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

Upon re-commencement, the Chairman advised that the Committee had considered the application and had resolved that the licence would be issued, but issued a stern warning to the applicant.

6. TIME AND DATE OF NEXT MEETING

The date and time of the next meeting was confirmed as Tuesday 15th September 2015 at 10.00am

The meeting ended at 10.25am.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 15th September, 2015 at 10.00 am

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Chapman, D. Evans, J. Higginson, J. Prosser,
F. Taylor, P. Watts, A. Webb and M. Hickman

OFFICERS IN ATTENDANCE:

Sam Winn	Senior Licensing Officer
Sarah King	Senior Democratic Services Officer
Leigh Beach	Enforcement Officer
Ioan Gealy	Solicitor

1 Apologies for absence

Apologies for absence were received from Councillors R. Edwards, M. Hickman and A. Webb.

The Chairman confirmed that item 5. Training – Hearing and Licensing Act 2003, would be moved to after the meeting had ended.

2 Declarations of interest

There were no declarations of interest received.

3 To confirm and sign the minutes of the previous meetings

The minutes of the previous meetings were confirmed and signed by the Chairman:

- 21st July 2015 – Licensing and Regulatory Committee
- 21st July 2015 – Licensing Sub Committee
- 20th August 2015 – Licensing Sub Committee

4 Draft Statement of Gambling Policy and Proposal for Casinos - Gambling Act 2005.

The Principal Licensing Officer presented the Draft Statement of Gambling Policy and Proposal for Casinos – Gambling Act 2005. The purpose was for the Licensing and Regulatory Committee to consider the proposed 'Draft Statement of Gambling Policy 2015' prior to it being submitted to Full Council.

The report had previously been considered at the Licensing and Regulatory Committee meeting on 9th June 2015. Consultation had been conducted and a response was received from a firm of solicitors requesting definitions of the term 'vulnerable person' and 'track' in Appendix C and to amend 'Parish Council' to 'Community Council' in paragraph 1.7 of the Policy, which had been duly carried out.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 15th September, 2015 at 10.00 am

No comments were received opposing the resolution not to permit casinos within Monmouthshire.

The revised policy must be published and in place for commencement on 31st January 2016.

We resolved to agree recommendations:

To support:-

- (a) Monmouthshire's Draft Statement of Gambling Policy 2016 attached to this report as Appendix A before the final draft is submitted to Full Council on 19th November 2015.
- (b) A continuation of the resolution not to permit casinos within the County of Monmouthshire before it is submitted to Full Council.

5 To note the date and time of the next meetings

We agreed the date and time of next meetings as:

- Monday 21st September 2015 at 2.00pm – Sub Committee meeting
- Tuesday 10th November 2015 at 10.00am

6 Training - Hearing and Licensing Act 2003.

The Chairman confirmed that the training would not be live streamed.

The meeting ended at 10.10 am

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of the Licensing Sub Committee held at County Hall, Usk on Tuesday 21st July 2015 at 2.00 p.m.

PRESENT: County Councillor: B. Strong (Chairman)

County Councillors: R.J. Higginson and J. Prosser.

OFFICERS IN ATTENDANCE:

Mrs. L. O’Gorman - Principal Licensing Officer
Mr. I. Gealy - Solicitor
Mrs. S. King - Senior Democratic Services Officer

1. ELECTION OF CHAIRMAN

We elected County Councillor B. Strong as the Chairman of the Licensing Sub Committee meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. REVIEW OF PREMISES LICENCE – THE BRIDGEND INN, GILWERN

The Chairman welcomed the committee and officers to the meeting.

The Principal Licensing Officer requested an adjournment of the meeting, the reasons were provided as follows:

- Legal requirement for matter to be heard 20 working days after consultation ended.
- Changeover of Police Licensing Officers resulted in further information being delayed in relation to the hearing.
- All necessary information should be received before the matter is considered by the Licensing Sub Committee.
- Two items within the review: 1) remove designated premises supervisor and 2) CCTV.

We were informed that the Licensing Sub Committee would be asked to consider and determine the application which recommended installation of CCTV and removal of the current Designated Premises Supervisor.

In considering the applications powers will be exercised under Section 52 of the Licensing Act 2003, members could:

**Minutes of the meeting of the Licensing Sub Committee held at
County Hall, Usk on Tuesday 21st July 2015 at 2.00 p.m.**

- Take no action
- Exclude the licensable activity from the scope of the licence.
- Modify the conditions on the licence, which include modifying the hours, adding new conditions, altering or removing existing conditions.
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence.

It was proposed that the meeting be adjourned, in order for all relevant information to be received and for training to be provided to the Licensing and Regulatory Committee members.

Training would be held on Tuesday 15th September 2015.

We resolved to agree that the meeting be adjourned.

The meeting would be reconvened on **Monday 21st September 2015 at 2.00pm.**

The meeting ended at 2.15pm.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of the Licensing Sub Committee held at County Hall, Usk on Thursday 20th August 2015 at 10.00 a.m.

PRESENT: County Councillor: L. Guppy (Chair)

County Councillors: R.J. Higginson and D. Evans

OFFICERS IN ATTENDANCE:

L. O’Gorman	-	Principal Licensing Officer
S. Winn	-	Senior Licensing Officer
J. Chase	-	Assistant Solicitor
S. King	-	Senior Democratic Services Officer
P. Harris	-	Democratic Services Officer

ALSO IN ATTENDANCE:

J.Gaunt	-	Solicitor for Whitbread Group plc
D. Ingham	-	Whitbread Group plc

1. APOLOGIES FOR ABSENCE

There were apologies from the objector (objector did not wish to attend the hearing but happy for it to continue.)

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A PREMISES LICENCE – PREMIER INN, MONMOUTH

We received an application for a Premises License under the Licensing Act 2003 for Premier Inn (Proposed), Portal Road, Monmouth by Whitbread Group plc, Whitbread Court, Porz Avenue, Dunstable, Bedfordshire LU5 5XE.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present.

The Principal Licensing Officer presented the key issues, which summarised:

- The application is for the sale of alcohol Monday – Sunday 10.00hrs -00.30hrs, and Late Night Refreshment Monday – Sunday 23.00hrs – 00.30hrs
- The Live Music Act 2012 came into force in October 2012 which permits live music in on licensed and workplace premises for 200 persons, which was later amended to 500 persons under the Legislative Reform (Entertainment Licensing) Order 2014.
- It further allows live music between 08.00hrs – 23.00hrs without the need for a licence.

**Minutes of the meeting of the Licensing Sub Committee held at
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- The Legislative Reform (Entertainment Licensing) Order 2014 also permits recorded music for 500 persons between the 08.00hrs – 23.00hrs in on licensed premises without the requirement of a licence.
- The applicant has not indicated they intend to have live or recorded music but this is an option they are allowed to take if they so wish without the need of a licence
- The applicant within the operating schedule has stated the following under the four licensing objectives, The Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance and The Protection Children from Harm.

No objection had been received from Police or Environmental Health. Representation had been received from one resident, main concerns from the representation were:-

- Potential to cause a nuisance from its customers during the early hours of the night for every night of the week
- Increase in disturbance and calls to the police
- Fear of reprisals from offenders of disturbance

Chair informed the meeting that the objector did not wish to attend the hearing. However, the representation was presented.

Chair invited applicant to address the Sub Committee and we were presented with information that had been provided to the objector. The Solicitor for the applicant responded as follows:

- This is an application for a Premier Inn, principally a hotel operation of which there are some 700 around the country, many in noise sensitive locations and all of which – without material exception – operate without difficulty or negative impact on their immediate vicinity.
- Even if, which is not accepted, these premises were to be a source of noise or disturbance, those most affected would be the hotel residents themselves whose amenity is our clients' paramount consideration and concern.
- In any event our clients operating statement offers a condition that noise or disturbance shall not emanate from the premises so as to cause a nuisance to neighbouring property
- Most materially there is only one representation to this application. It is particularly significant that the police who have a responsibility for preventing possible crime and disorder and general nuisance and Environmental Health (ditto in respect of noise nuisance) have raised no concerns.

The Members were invited to ask questions based on the evidence provided. During discussion we noted:

- Clarification regarding off-sales.
- Hours
- Planning and local area

**Minutes of the meeting of the Licensing Sub Committee held at
County Hall, Usk on Thursday 20th August 2015 at 10.00 a.m.**

- Security and site access
- Safety

The committee was advised that guests would not be permitted to take drinks off site, however the licence would enable drinks to be taken to rooms by guests. The ground floor area would include a seated restaurant (60 covers) where drinks would be available with or without food. The Committee were reassured that there would not be a bar area as this would not be in keeping with The Premier Inn brand.

In terms of hours, a query was raised why the Premises required a license till 00.30 and extended hours on New Year's Eve. In response we were advised that the application contained generic Premier Inn hours.

A question was asked regarding the security and site access. It was advised that there was no intention to employ door staff. The building could will only be accessible via one entrance with a 24 hour manned reception. The main doors would also be locked during the night.

Concerns were expressed regarding safety of residents, children and staff. We were reassured that staff would be fully trained in all topical issues.

Following questioning Officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 and resolved to grant a license. In advising the applicant of reasons, the Assistant Solicitor highlighted:

In reaching the decision we have had regard to:

- the Licensing Act 2003
- the licensing objectives,
- the Council's licensing policy,
- the Guidance issued by the Home Office

Taking into account all of the above matters, any other relevant legislation, for example, the Human Rights Act 1998 and all the relevant circumstances of the application we have decided to:

Grant the application for a premises licence for the licensable activity applied for

Reasons:

The sub committee has received 1 written objection which they have considered but found no evidence that would suggest that those in charge of the Premier Inn would not act responsibly in running this hotel.

**Minutes of the meeting of the Licensing Sub Committee held at
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Considering the location of the hotel, we do not believe it will be frequented by passer-bys or those who are not already guests of the hotel.

The hotel has a reputation to uphold and prides itself on offering a guaranteed good night's sleep and therefore any anti-social behaviour, noise nuisance would have a direct effect on the hotel.

The objector may appeal to a magistrates' court against this decision within 21 days of being notified of the decision.

The applicant and objector will receive written confirmation of this decision within 5 working days.

The meeting ended at 11.05 a.m.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of the Licensing Sub Committee held at County Hall, Usk on Monday 21st September 2015 at 2.00 p.m.

PRESENT: County Councillor: B. Strong (Chair)
County Councillors: R.J. Higginson and J. Prosser

OFFICERS IN ATTENDANCE:

L. O’Gorman	-	Principal Licensing Officer
S. Winn	-	Senior Licensing Officer
L. Beach	-	Enforcement Officer
I. Gealy	-	Assistant Solicitor
H. Owen	-	Specialist Environment Health Officer
P. Harris	-	Democratic Services Officer

ALSO IN ATTENDANCE:

N. Hilton	-	Gwent Police
M. Phipps	-	TLT Solicitors for Felin Foel Brewery
D. Rowley	-	Felin Foel Brewery
N. Curtis	-	Resident
S. Curtis	-	Resident

1. APOLOGIES FOR ABSENCE

No apologies received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR THE BRIDGEND INN, 49 MAIN ROAD, GILWERN, ABERGAVENNY.

To consider an application for a review against The Felinfoel Brewery Company Ltd, The Brewery, Felinfoel, Llanelli, Carmarthenshire of a Premises Licence under the Licensing Act 2003 for The Bridgend Inn, 49 Main Road, Gilwern, Abergavenny. The application is being made by a Responsible Authority (Licensing).

At the Licensing and Regulatory Sub Committee held on the 21st July 2015 members agreed to defer the hearing. The hearing was deferred to enable Gwent Police to provide additional information in support of the evidence presented on the 21st July 2015. It was agreed by all parties to hold this hearing and then defer until the information could be submitted.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present.

The Principal Licensing Officer presented the key issues, which summarised:

- The current licence held by the premises authorises the carrying out of the following licensable activities:- Live Music, Recorded Music, provision of late night refreshment and the supply of alcohol. (A copy of the Licence is attached at Appendix A). However, it must be noted that a licence is not required for live and recorded music between the hours of 08.00hrs and 23.00hrs for an audience of less than 500 people.

Minutes of the meeting of the Licensing Sub Committee held at County Hall, Usk on Monday 21st September 2015 at 2.00 p.m.

- Since the Licensing Sub Committee hearing on the 21st July 2015, the Designated Premises Supervisor (DPS) Mr Keith Wright has stated that he no longer wishes to act as the Designated Premises Supervisor for the Bridgend Inn (please see Appendix B, email dated 1st September 2015 confirming this). Therefore, the review application that was heard on the 21st July 2015 with a recommendation to remove the DPS no longer stands. However, the recommendation of the review to install CCTV still remains in force.
- Furthermore, Felinfoel Brewery has informed the Licensing Section by letter dated 28th May 2015 that the premises would be closing on the 23rd June 2015 (Attached as Appendix C). However, the licence referred to in 3.2 above still remains in force. If the brewery reopens the premises they would legally be required to have a DPS in order to sell alcohol. No application has been received to vary the DPS.
- The premises licence was first applied for and granted back in 2005. Since then there has been one minor variation to alter the plan in September 2010.
- An application has been received from Leigh Beach, Licensing Enforcement Officer for a review of the current premises licence for The Bridgend Inn, 49 Main Road, Gilwern, Abergavenny. The grounds for the application are that the premises has undermined the licensing objectives prescribed by the Licensing Act 2003, in particular, "Prevention of Crime and Disorder" and "Prevention of Public Nuisance". (A copy of this application is attached at Appendix D)
- Under a statutory duty, copies of the application to review the Premises Licence were sent to the remaining 'Responsible Authorities' namely, Heddlu Gwent Police, Brecon Beacons National Park Planning Department, Director of Public Health, and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, and Trading Standards Department.
- A notice was displayed at the premises to enable other persons to make representations. An entry was also made on the Monmouthshire County Council web site. These duties were duly carried out.

No objections were received from the following Responsible Authorities, being, Social Services, Planning, and Trading Standards, should this application to review the licence proceed.

Representation was made from one resident, main concerns from the representation were:-

- That residents were fearful for themselves and their property.
- Fear of reprisals from offenders of disturbance
- A letter from the Brewery requesting local residents comments was hand delivered to residents by the DPS in a threatening manner.

Chair invited applicant to address the Sub Committee. The Solicitor for the applicant responded as follows:

The Brewery appreciated that they had failed to promote the licensing objectives with four particular failings:-

- Garden space being used after 10 p.m. in breach of conditions.
- Customers poorly behaved.
- Noise nuisance (predominately music) escaping.
- Lock-in's

**Minutes of the meeting of the Licensing Sub Committee held at
County Hall, Usk on Monday 21st September 2015 at 2.00 p.m.**

Felinfoel have since removed the DPS, entire management team and closed the premises. It was felt that CCTV was unnecessary as the issues had been dealt with.

The Members were invited to ask questions based on the evidence provided. During discussion we noted:

- Removal of DPS and management team.
- The Brewery's reaction to complaints.
- Potential of Premises from a tourist perspective.
- Security and safety.

The committee was advised that the Brewery was experienced at running Public Houses with great emphasis on getting the correct DPS in place, as they felt their Public Houses should be at the heart of the Community. The potential new DPS had catering experience which would hopefully change the ambiance and clientele of the premises.

Concerns were expressed regarding the speed of which the Brewery reacted to complaints received and the committee were assured that the Brewery had taken the most severe action available to them in removing the DPS and closing the premises.

It was mentioned that CCTV costs may prove to be a beneficial addition to the Premises.

Following questioning the Members left the meeting to allow them the opportunity to deliberate and discuss the findings.

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 and issued the statement below;

The sub-committee have considered the application to review application a premises licence for the Bridgend Inn, Gilwern, Abergavenny.

We have heard representations from the applicant Monmouthshire County Council Licensing Officer Mr Leigh Beach P.C. Nick Hilton of Gwent Police, Mr Huw Owen Monmouthshire County Council Environmental Health Department, Mr Phipps of TLT solicitors and a residents.

We have also taken into account any other written representations and objections received.

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, any other relevant legislation, for example, the Human Rights Act 1998 and all the relevant circumstances of the application.

The following points were discussed and it was felt that:-

Given that the DPS who ran the public house is no longer in situ, there is an opportunity for the brewery to run the pub in a more appropriate manner, and therefore we are giving the brewery a chance to get it right.

**Minutes of the meeting of the Licensing Sub Committee held at
County Hall, Usk on Monday 21st September 2015 at 2.00 p.m.**

we have decided to:

Take no action. However, any further problems at the pub will no doubt lead to a further review and appropriate action would no doubt be taken.

The applicant and objector may appeal to the Magistrates Court against this decision within 21 days of being notified of the decision.

The applicant and objector will receive written confirmation of this decision within 5 working days.

The meeting ended at 15.35 p.m.

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

REPORT: To consider the suitability of a Hackney Carriage/ Private Hire drivers licence holder

AUTHOR: Christopher Rann

MEETING AND DATE OF MEETING: Tuesday 10th November 2015
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 10th November 2015 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: 8th October 2015

Signed:



Post: Senior Licensing Officer

I accept/do not accept the recommendation made above.


Proper Officer

Date: 2/11/15

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

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of the Local Government Act 1972.

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SUBJECT:	PUBLIC PROTECTION PERFORMANCE REPORT
MEETING:	Licensing & Regulatory Committee
DATE:	10th November 2015
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

- 1.1 To inform Members of service delivery and performance across the Public Protection division, which comprises Environmental Health, Trading Standards and Licensing.

2. RECOMMENDATIONS:

- 2.1 To consider and comment on the contents of the accompanying report entitled 'Public Protection Performance report for the year 2014/15 and Quarter One 15/16'

3. KEY ISSUES:

- 3.1 Strong Communities Select Committee received a performance report covering Public Protection services on 14th September 2015. This was in response to a Cabinet report in January 2015 recommending this Committee monitors any changes in our performance, further to budget reductions implemented for 2014/15.
- 3.2 On 7th January 2015 Cabinet requested regular six monthly reports to Strong Communities Committee to monitor performance over time. In this way, any negative impacts could be assessed and acted upon if necessary. To widen Member involvement and understanding of the range of Public Protection services delivered, it will assist to also report on performance via Licensing & Regulatory Committee.
- 3.3 The attached report summarises recent performance and highlights the following:-
- The four service teams, for the vast majority of services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
 - Some proactive work, for example animal health visits and housing inspections, has decreased as a consequence of prioritising reactive work. 3145 new requests for service were responded to in the 2014/15 year.

- Line managers will need to monitor workloads, prioritise and respond as necessary. Team performance is highly dependent upon the continued hard work, professionalism and good health of its staff.
- Six monthly reports will be made to both Strong Communities and this Committee, to review the impact of budget reductions on Public Protection performance.
- Recent audits, by Wales Audit Office and Food Standards Agency Wales, indicate current performance is satisfactory within Environmental Health, but the service would struggle to take on any new statutory duties that protect the public and the environment.

4. REASONS:

- 4.1 The Cabinet decision log from 7th January 2015 states:- 'Noting the continually changing legislative landscape in the future, it was decided Strong Communities Select Committee would receive six monthly performance reports on Public Protection services'. This will be supplemented by also reporting performance to the Licensing & Regulatory Committee.

5. RESOURCE IMPLICATIONS:

None as a consequence of this report.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 The 'Equality Challenge' was completed for Cabinet on 7th January 2015, together with the 'Equality Impact Assessment' and 'Sustainable Development Checklist' forms. This report only serves to update the position in relation to performance, and hence does not require a further assessment.
- 6.2 As per 3.2 above, the impact on Public Protection service recipients will be reviewed and reported to Strong Communities Select committee every six months. The same half yearly reports will also be submitted to the Licensing & Regulatory Committee.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

There are no implications in this report concerning safeguarding and corporate parenting.

8. CONSULTEES:

Previously circulated to SLT, Cabinet Membres, Chairs of Select Committees, Head of Legal Services prior to Strong Communities Select on 14th September 2015.

9. BACKGROUND PAPERS:

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

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REPORT TO LICENSING AND REGULATORY COMMITTEE,

10th November 2015

PUBLIC PROTECTION PERFORMANCE REPORT

FOR THE 2014/15 YEAR & QUARTER ONE 15/16

1. Introduction

1.1 In January 2015 Cabinet requested that Strong Communities Select Committee receive six monthly performance reports on Public Protection services. Members expressed interest in reviewing performance across this Division noting budget reductions implemented since April 2014. To supplement this report, it would be useful to also keep Licensing and Regulatory Committee advised on performance every 6 months.

1.2 The Public Protection division comprises four distinct teams,

- (i) Environmental Health, Commercial
- (ii) Environmental Health, Public Health
- (iii) Licensing
- (iv) Trading Standards & Animal Health

1.3 The Strong Communities Committee welcomed the report presented to them on 14th September 2015. Further comments from Licensing & Regulatory Committee would also be beneficial to the services within the Public Protection division.

2. Resources

2.1 Staff resource

(i) Environmental Health – Commercial:-

- 6 Environmental Health Officers, 5.6 Full Time Equivalents (FTE's)
- 3 Commercial Services Officers, 2.1 FTE's
- 1 System Support Officer, 1 FTE

(ii) Environmental Health – Public Health:-

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

(iii) Licensing:-

- 5 Licensing Officers, 4.5 FTE's

- (iv) Trading Standards & Animal Health:-
- 3 Trading Standards Officers, 3 FTE's
 - 1 Fair Trading Officer, 1 FTE
 - 1 Intelligence & Advice Officer, 0.8 FTE's
 - 2 Animal Health Officers, 1.5 FTE's
- (v) Support team:-
- 6 Support Officers, 4.7 FTE's

Above staff resource adds up to a total of 35 staff, 30.8 Full Time Equivalents.

2.2. Financial resource

The actual budget spend in 2014/15, noting the Support Team costs are split across the professional disciplines, was as follows:-

NET figures –

(i)	EH, Commercial	= £415,516
(ii)	EH, Public Health	= £418,100
(iii)	Licensing	= £91,703
(iv)	Trading Stds, Animal Health	= £310,504

Giving a total of £1,235,823

This actual spend 14/15, against the 14/15 budget of £1,271,016, was £35,193 under budget, a variance of 2.8%. Under spends are encouraged in year to offset overspends in other Departments.

3. Performance

- 3.1 Various performance reports are completed internally and externally to the Authority. Internally each service completes Service Improvement Plans (SIP's), which are regularly reported to Departmental Management Team. Externally returns are made to the Food Standards Agency, Health and Safety Executive, Chartered Institute of Environmental Health, Department of Environment, Food & Rural Affairs (DEFRA), Welsh Government and other organisations.
- 3.2 For the purposes of this report, two reporting periods are summarised, the 2014/15 year and the most recently completed 'quarter', for the period 1st April 2015 to 30th June 2015. For comparative purposes these are compared back to the same periods in the previous year.
- 3.3 2014/15 annual performance

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

Table One

<u>Service</u>	<u>2013/14 performance</u>	<u>2014/15 performance</u>
i. Environmental Health (Commercial)		
Food safety inspections (programmed)	601 (471 & 129 ceased trading/no 2 nd visit required)=99.8% (1 inspection not done due to obstruction)	394(348 & 46 ceased trading)=100%
Inspection within 28 days of scheduled date	95%	88%
Broadly compliant food businesses (high risk)	85.6%	88.5%
Broadly compliant food businesses - All	91.2%	93.8%
Service Requests food safety	439 348 within 3 working days=79.2%	503 400 within 3 working days=79.5%
Communicable Diseases Cases dealt with	209	194
ii. Environmental Health (General public health)		
Housing (service requests (SR))	167 Total 147 within 3 working days=88%	153 Total 128 within 3 working days=83.7%
Noise	388 Total 314 within 3 working days=80.9% 240 closed within 3 months=61.9%	341 Total 297 within 3 working days=87.1% 221 closed within 3 months= 64.8%
Statutory nuisance ex noise	195 Total 174 within 3 working days=89.2% 137 closed within 3 months=70.3%	198 Total 180 within 3 working days=90.9% 140 closed within 3 months=70.7%
Environmental Protection (fouling, littering, fly tipping etc.)	360 Total 314 within 3 working days=87.2% 306 closed within 3 months=85%	345 Total 314 within 3 working days=91% 222 closed within 3 months=64.3%
Pest Control	34 Total 28 within 3 working days=82.6%	95 Total 84 within 3 working days=88.4%

iii. Licensing		
Applications dealt with by Licensing	1640 (which includes 402 Temporary Event Notices requiring a 24 hour turnaround)	1374 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround).
Inspections carried out	774 inspections carried out (353 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)
Service Requests carried out	Not recorded	931 service requests were carried out (847 (91%)) with a 3 day turnaround for first response).
Licensing and Regulatory Committee, Cabinet and Full Council Reports	<p>4 x Policies introduced (2 x Taxi Licensing : Hackney intended use and conviction policy for drivers) (1 x Scrap Metal Policy following control of Licensing taken over by Local Authorities)(1 x revision of licence fees, cost recovery)</p> <p>.....</p> <p>1 x Street Trader application refused as it was felt dangerous to trade on a layby between Llanellen and Llanover as an accident blackspot. (13 other traders processed)</p>	<p>1 x Gambling Fee approval 1 x Introduction of Block Street Trading and day licences introduced to encourage business growth in the area and new policy introduced to accommodate this to ensure public safety.</p> <p>3 x Policies given final approval on previous year i.e. Hackney intended use, convictions and scrap metal policy.</p> <p>1 x Consultation and approval of Licensing Act Policy.</p> <p>1 x revision of fees</p> <p>.....</p> <p>1 x Scrap Metal Collector heard at Cabinet under new licensing regime (16 other collectors processed). Applicant refused as considered not a fit and proper person.</p> <p>.....</p>

		1 x Block Street Trader granted for Chepstow (the first under new licensing regime) ***** 1 x taxi driver (new driver) granted a licence as it was felt the person was fit and proper to hold a licence (24 new applications processed without the need to attend Committee)
iv. Trading Standards and Animal Health		
Trading Standards Visits	322	192
Trading Standards Complaints/Advice	659	669
Animal Health Visits	472	290
Animal Health Complaints/Advice	351	251
Inspections at our: High Risk premises, Upper Medium premises.	87% (7/8) High Risk 42% (8/19) Upper Medium	92% (13/14) High Risk 46% (12/16) Upper Medium
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	No programme in place	62% High Risk
Programmed animal health inspections	100%.	100%
New Business Visits	32% TS 87% AH	26% TS 10% AH
Animal Welfare Complaints	Not Reported.	92.5% within target response time
Freedom of Information Requests (PP Total)	60	77
Events requiring advice via Safety Advisory Group	Not reported	110

3.4 Notable activity in 2014/15

(i) EH - Commercial

394 food safety inspections were carried out in this year and EHO's work with these businesses to secure improvements. Very occasionally, however, it is necessary to take formal action. In July 2015 Wigmore's Bakery in Monmouth was prosecuted for five breaches of food safety regulations. Magistrates fined the proprietor £2000 and ordered him to pay £1000 costs. Two other separate prosecutions involved possession of unsafe meat and the condemnation of 3 tons of meat.

Training courses in food hygiene continue to prove popular and a specific course was provided for butchers in November 2014. 'Access' enhanced visits are also provided voluntarily to businesses which, on a re-charge basis, provide specialist advice. Finally, other businesses – for example Marriott, Brains, Aneurin Bevan Health Board and Welsh Water – have Primary Authority Partnerships with this Authority.

(ii) EH - Public Health

In 14/15 the team visited most of the takeaways in the county and undertook 17 full inspections of flats above. Significant risks were often found, notably regarding fire safety, and standards raised to protect vulnerable tenants.

Risk assessments were carried out to all known large and small shared domestic supplies (164 in total) of private water. EHO's worked with supply users to ensure they carried out appropriate remedial measures to provide safe water supplies.

Two prosecutions were taken for fly tipping incidents, with fines and costs totalling £2000. There was also a prosecution for breach of a noise abatement notice with a £2000 fine and £1760 costs.

(iii) Licensing

A number of new policies were introduced in the year, to guide informed decision making. Two successful prosecutions were completed (1) against a licensed operator who used an unlicensed driver and vehicle on a school run. The company was found guilty and fined £1000 with £660 costs. (2) Against an illegal street trader selling ice creams in Abergavenny. Fined £300 and ordered to pay £100 costs.

(iv) Trading Standards & Animal Health

A car dealer was prosecuted for the sale of unroadworthy car to a Monmouthshire resident. B E Baker & Sons, near Abergavenny, were found guilty of numerous Animal Health and Tuberculosis offences, including the illegal movement of cattle. The company were subject to a Proceeds of Crime Order for £112,000 and ordered to pay £13,000 costs.

The service has adopted the 'Intelligence Operating Model' which should generate the level of intelligence that could make a significant impact on organised criminal activity.

Other

Freedom of Information requests continue to increase year on year, which places an added burden on members of the team, (77 in 14/15 year).

A number of staff are involved in Monmouthshire's Event Safety Advisory Group, (ESAG). This is a partnership designed to help organisers run safe and successful events. It is recognised a proactive advisory stance is preferable to reacting to problems after events have occurred. A number of large events – food festivals, music concerts, agricultural, cycling etc – are held each year and benefit from safety advice provided by ESAG.

In December 2014 the Wales Audit Office (WAG) published its report 'Delivering with less – the impact on Environmental Health Services and citizens'. The WAG report concluded 'The Council is generally delivering environmental health services at above minimum levels and, despite significant budget cuts, stakeholders are mostly positive about current services but have a low awareness of future plans. The Council will find it difficult to take on new statutory duties that protect the public and the environment'.

3.5 Latest 3 month performance, Quarter One 2015/16

Table 2

<u>Service</u>	<u>Quarter 1: 14/15</u>	<u>Quarter 1 15/16</u>
i) Environmental Health (Comm)		
Food safety inspections (programmed)	101	89
Inspection within 28 days of scheduled date	100%	92.3%
Broadly compliant food businesses – High Risk	85.4%	88.4%
Broadly compliant food businesses – All	91.2%	93.8%
Service Requests food safety	121 96 within 3 working days=79.3%	148 119 within 3 working days=80.4%
Communicable Diseases Cases dealt with	53	49
ii) Environmental Health (General public health)		
Housing (service requests) SR)	24 23 within 3 working days=95.8%	24 17 within 3 working days=70.8%
Noise	99 89 within 3 working days=89.9%	95 86 within 3 working days=90.5%

	42 closed within 3 months=42.4% Nb 3 month period not expired for some	33 closed within 3 months=34.7% Nb 3 month period not expired for some
Statutory nuisance ex noise	59 53 within 3 working days=89.8% 37 closed within 3 months=62.7% Nb 3 month period not expired for some	42 37 within 3 working days=88.1% 18 closed within 3 months=42.9% Nb 3 month period not expired for some
Environmental Protection (fouling, littering, fly tipping etc)	85 79 within 3 working days=92.9% 67 closed within 3 months=78.8% Nb 3 month period not expired for some	47 42 within 3 working days=89.4% 34 closed within 3 months=72.3% Nb 3 month period not expired for some
Pest Control	20	30
iii) Licensing		
Applications dealt with by Licensing	316 (which includes 107 Temporary Event Notices requiring a 24 hour turnaround)	338 (which includes 98 Temporary Event Notices requiring a 24 hour turnaround). Pressure on staff as all licences are legally bound to be processed in order for activities to take place.
Inspections carried out	190 inspections carried out (125 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	161 inspections carried out (122 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)
Service Requests carried out	250 service requests carried out (236 (94%) were carried out with a 3 day turnaround for first response	208 service requests carried out. (181 (87%) were carried out with a 3 day turnaround for first response

Licensing and Regulatory Committee, Cabinet and Full Council Reports	1 x Gambling Fees heard in this period and approved.	1 x Commencement of Gambling Policy and Casino consultation (3 year policy) 1 x Gambling Fees heard and approved. 3 Current holders of driver licences brought before Committee following information received.
iv) Trading Standards and Animal Health Team		
Trading Standards Visits	47	43
Trading Standards Complaints/Advice	157	141
Animal Health Visits	55	58
Animal Health Complaints/Advice	64	54
Inspections at our: High Risk premises, Upper Medium premises	0% (0/14) High Risk 4% (1/26) Upper Medium	0% (0/9) High Risk 5% (1/20) Upper Medium
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	Programme was still in development in Q1	New regime in place as explained below 7% (11/151) inspections
Programmed animal health inspections	0% Most due in final quarter	0% Most due in final quarter
New Business Visits	21% (9/42) TS 66% (2/3) Ah	100% (32/32) TS 60% (3/5) AH
Animal Welfare Complaints	96% within target response time	98% within target response time

4. Assessment

4.1 2014/15 performance (reference Table One)

- (i) EH – Commercial – 100% of food safety visits scheduled for inspection in the year were completed. There is a slight decline in undertaking inspections within 28 days of scheduled date, to 88%. More food businesses are broadly compliant, in part due to the introduction of the Food Hygiene Rating Scheme. In January 2014 66% were rated 4 or 5 (highest scores) which rose to 77% by January 2015. A notable increase in requests for service with nearly 80% responded to within three days. A recent Food Standards Agency re-audit indicated a satisfactory standard of overall performance.
- (ii) EH - Public Health a slight decrease in response time for Housing requests (to 84%), but an improvement in noise and other statutory nuisance response times to 65% and 71%, and 91% of environmental protection requests responded to in three days. Members are aware our Pest Control service was withdrawn from 1st April 2014. This has resulted in a significant increase in EH complaints to 95 in 2014/15, up from 34 in 2013/14. The small team continues to deal with a large number of complaints, 1132 in total for 2014/15, but this does limit their capacity to undertake any proactive work.
- (iii) Licensing – the team dealt with a large number of applications (1374) and undertook 624 inspections. Requests for service from Licensing are now recorded and 931 were received over this 12 month period. Licensing works with Gwent Police in targeting more problematic premises and respond swiftly to any incidents. Licensees are regularly reminded of their responsibilities, eg to minimise nuisance to local residents, outlined in their Licensing conditions. Certain decisions are made by the Licensing & Regulatory committee as outlined in the table.
- (iv) Trading Standards & Animal Health – whole year comparisons between 2013/14 and 2014/15 show a decrease in overall visits, both for Trading Standards and Animal Health. DEFRA grant funding has been withdrawn resulting in only 1.5 FTE's delivering our animal health service. Inevitably the service then becomes reactive. Both services have been more selective when making decisions on what to investigate, and non-statutory duties (eg civil advice provision) are sign posted to those providers funded to deliver. Higher risk inspections were prioritised in 2014/15 and a programme is now in place for feed law enforcement. New business advice visits declined but this has been rectified for 2015/16.

4.2 2015/16 Quarter One Performance (reference Table 2)

An assessment of the first 3 months of 15/16 shows whether the teams are on target to achieve their targets for 2015/16. In summary (i) on target, (ii) some decline in closure of service requests, (iii) slight decline in response times, (iv) inspections are typically undertaken later in year. Contact with new businesses and feed work improved.

5. Next Steps

- Compliance - Public Protection teams, with only a small number of exceptions, continue to meet the Authority's legal obligations. However, Officers are typically operating at maximum level and are put under increased pressure when colleagues have any long term absence. Managers will monitor performance, review workloads, etc to protect Officer wellbeing as far as possible.
- Further income generation opportunities will be explored, noting the financial pressures of the Authority.
- Member comments are welcomed, via both the Scrutiny process and regular reporting to Licensing & Regulatory Committee. The next report to Strong Communities Select will focus on our Environmental Health sections. Noting this Committees scrutiny role relating to crime and disorder, particular attention will be made on EHs contribution to reducing crime and anti-social behaviour. It would be helpful for the six month reporting cycle to coincide with other reporting timescales. So reporting twice a year, early November and May would avoid repetition.
- Forthcoming legislation – Public Protection officers will need to respond to a range of new Acts and regulations. These include the Public Health (Wales) Act, covering e-cigarettes and proposed minimum unit pricing of alcohol; Consumer Rights Act which enhances measures to resolve consumer problems; various Licensing changes to rented housing, mobile homes and dog breeding. Relevant professional bodies to lobby to ensure any new expectations are fully funded.
- Responding to audits – the Food Standards Agency will report the findings of its re-audit in November 2015. The section will respond accordingly.
- Evidence of effectiveness is provided to Senior Leadership Team, noting the significant savings required for 2016/17 and beyond.

DJ/MM/29.10.15

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