

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 22nd March, 2016 at 10.00 am**

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

County Councillors: R. Chapman, R. Edwards, D. Evans,
J. Higginson, J. Prosser and A. Webb

OFFICERS IN ATTENDANCE:

Pat Perkins	Legal Assistant
Linda O'Gorman	Principal Licensing Officer
Nicola Perry	Democratic Services Officer
Sam Winn	Senior Licensing Officer
Leigh Beach	Enforcement Officer

APOLOGIES:

Councillors F. Taylor, P. Watts and M. Hickman

1. Declarations of interest

There were no declarations of interest made by Members.

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

The minutes of the meeting held on Tuesday 9th February were confirmed and signed by the Chairman.

In doing so the Head of Public Health and Culture advised the Committee that in terms of Abergavenny Thursdays ground, contact had been made with the Community Infrastructure Coordinator and it was confirmed it was half way through a 25 year lease. As Landlords, we continued to work to provide improvements. It was noted that the information had been forwarded to the Committee.

3. To consider the proposal for Taxi and Private Hire Policy and Conditions 2016

We welcomed members of the public representing the taxi and private hire services. The Legal Assistant explained to the public that the meeting was not a hearing on the issue of the age of vehicles. There had been a consultation period and the end of the period all had had access to the information. The Chair had agreed to invite the public to comment, via one representative, relating to issues raised in the objection letters.

The Principal Licensing Officer presented a report in order for Members to consider the proposal for Taxi and Private Hire Policy Conditions 2016, further to the recently completed consultation with the trade.

Members were required to consider the following recommendations:

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1. Members approve the new policy and conditions to come into force on 1st April 2016 for hackney carriage / private hire except for the age policy of vehicles, whereby a decision is to be made as per below.
2. Members determine and approve one of the following options in relation to age policy of vehicles;
 - a) The proposed age policy: New vehicle to be granted a licence if under 5 years and will not be relicensed over 10 years. Older vehicles may be licensed in exceptional circumstances e.g. specialist, stretched limousines and historic vehicles. Vehicles currently licensed with MCC during the period 1/4/2015 – 31/3/16 which are 8 years or over may continue with their licence to up until to 2 years with effect from 1st April 2016. Testing of the vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 8 years to be tested three times a year.
 - b) As 2(a) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - c) As 2(a) above with the addition that Wheelchair Accessible vehicles will not be relicensed over an extended period than the proposed 10 years – to be agreed.
 - d) As 2(c) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - e) As 2(a) above with a longer period (greater than 10 years) before a vehicle will not be relicensed – to be agreed.
 - f) As 2(e) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - g) As 2(a) above but with no limitation on relicensing i.e. new vehicles to be granted a licence if under 5 years.
 - h) To retain the existing licensing regime with no age restrictions, with testing of vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 10 years to be tested three times a year.

The Chair introduced Tracy Tanner and Mike Horner who agreed to speak on behalf of the members of public. The following points were highlighted:

- It was necessary to keep costs down to ensure the costs of service were kept to a minimum.
- Increase in costs would make the service unaffordable for many service users.
- Home to school vehicles used a very low amount of mileage, often less than a family car.
- It was questioned if there had been a quality assessment and had all public been consulted.
- Often disabled vehicles were only used in morning and afternoon for SEN.
- Cost of a new SEN vehicle could be £52,000, and would take over seven years to recoup the investment unless the price of contract was doubled.
- VOSA considers three MOTs per year for a vehicle with mileage of 6000 per year excessive.
- Clarification was requested regarding badges and MOTs on trailers.
- There was a policy to keep a spare vehicle to ensure service could be carried out at all times. Costs covered the spare vehicle.

With regards to the comment regarding trailers, the Principal Licensing Officer explained that where a trailer was attached to a vehicle which was always plated, eg. a taxi, the recommendation was that the trailer also be plated. If the trailer was used with a private vehicle the plate could be removed, as it was not being used as a hackney carriage or private hire at that stage.

We were advised that the Equalities Impact Assessment had been carried out at the last hearing, and was referred to in the main report.

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Members were invited to discuss.

Members noted the cost to purchase a new vehicle and the difficulty of selling the used vehicle.

Members agreed that as the taxis were regularly examined in accordance with regulations there were no issues of safety

It was noted that as a tourist County it was important to maintain minimum standards and present a good image.

We were advised that it was not appropriate to set the criteria per mileage rather than age due to administrative reasons as we could only test a vehicle three times per year. Where a vehicle was suspected to be below standard a suspension notice could be issued.

Members discussed the use of banners and flags and agreed that there should be controls but should not be disallowed. Therefore it was agreed that banners should be accepted subject to approval by the Licensing Department.

In terms of the recommendations the Committee unanimously agreed the following:

- To approve the new policy and conditions to come into force on 1st April 2016 for hackney carriage / private hire licensees
- To retain the existing licensing regime with no age restrictions, with testing of vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 10 years to be tested three times a year.

4. To agree fees in relation to Premises Licences under the Gambling Act 2005 for 21st May 2016 - 20th May 2017.

Context:

Members received a report in order to agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2016 – 20th May 2017.

Key Issues:

Monmouthshire County Council 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 19th November 2015.

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

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- Fee for a copy of a licence
- Application for re-instatement of a licence fee
- Provisional statement application fee.

Recommendations:

The report recommended that:-

- The fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2016.
- The fees are subsequently reviewed annually.

Committee Conclusion:

The Committee resolved to accept the recommendation made in the report.

5. To consider an application for a Block Street Trading Consent to trade in Caldicot Castle and Country Park

The Committee were asked to consider an application for a Block Street Trading Consent to trade in Caldicot Castle and Country Park.

The Principal Licensing Officer introduced the applicant, Mr. Michael Booth and highlighted the key issues of the report.

- An application was received on 3rd March 2016 from Mr Michael Booth, Castle Manager for Caldicot Castle and Country Park.
- A further request was made by Mr Booth to amend the application to increase the number of trading pitches inside the castle wall to 70 pitches (Block I) by e-mail on the 7th March 2016. As such, the application request is to trade on Monday to Sunday between the hours of 08:00hrs until 22:00hrs. The total pitches requested for Caldicot Castle and Country Park is 680 pitches.
- The applicant has further stated that if the consent is granted he will ensure pitch holders will comply with the Council's conditions for the consent. The applicant has stated within Section 2 of the application form that each person requesting a pitch will be required to complete an "Application for a Day Market Pitch", which will be issued by Caldicot Castle and Country Park.
- The application was forwarded to the consultees, these being Heddlu Gwent Police, Monmouthshire Planning Department, Monmouthshire Environmental Health Department and the Local Ward Member. No objections were received on this application.
- No objections were received against this application, however a query was raised with the applicant as to the type of goods that would be sold when selling re-enactment equipment, which he stated in part 2 of his application form, in order to assess whether the type of goods meet the criteria of the Street Trading Policy. The applicant informed Licensing by e-mail on the 3rd March 2016 that re-enactment equipment could include, knives, swords, bayonet, replica weapons, armour & associated clothing and further stated that when they host food festivals that have a number of trade stands that may have chef's knives for sale. Again, the purpose of use for these knives is a specialist market.

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Members discussed the application and concerns were expressed regarding the sale of knives and such equipment, but acknowledged the age restrictions.

There were no objections to the block booking but Members were satisfied with the level of supervisions at events held at Caldicot Castle.

Mr Booth advised that these items were on sale currently at paid entry events, and the application under discussion related to sale of items at non-paid events also. We heard that traders would be invited to submit an application which would then be accepted or rejected in terms of suitability for the event.

The report advised that Members were recommended to:

- Consider and determine the application form attached to the report.
- Consider and determine the permission to allow the sale of "Re- Enactment Equipment."
- Consider and determine the permission to allow the sale of knives.

Following discussion Members unanimously agreed to grant the application, noting the change of recommendation to include 'to allow the sale of Re-Enactment Equipment at **appropriate events**'.

6. To note the date and time of the next meeting as Tuesday 3rd May 2016 at 10.00am

We noted the date and time of the next meeting as Tuesday 3rd May 2016 at 10.00am.

The meeting ended at 11.35 am