

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
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NP15 1GA

County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 25 April 2016

**Notice of meeting / Hysbysiad o gyfarfod:**

## **Licensing and Regulatory Committee**

**Tuesday, 3rd May, 2016 at 10.00 am,  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting held on 22nd March 2016	1 - 6
4.	Application for Annual Block Street Trading Consent for Usk Town Centre	7 - 32
5.	Application to waiver the fee for a charitable, non-commercial event for Magor Benefice Churchmen	33 - 46
6.	To note the date and time of the next meeting  14 <sup>th</sup> June 2016 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

## Public Information

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### Watch this meeting online

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### 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

## 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.

# Public Document Pack Agenda Item 3

## 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 9<sup>th</sup> 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:

## 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**

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.

## 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**

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

## 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

- 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 3<sup>rd</sup> 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.



## 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**

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 3<sup>rd</sup> May 2016 at 10.00am.

**The meeting ended at 11.35 am**

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Application for an Annual Block Street Trading Consent for Usk Town Centre</b>
<b>DIRECTORATE:</b>	<b>Chief Executives</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>3<sup>rd</sup> May 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

### 1. PURPOSE:

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

### 2. RECOMMENDATION(S):

It is recommended that:-

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

### 3. KEY ISSUES

- 3.1 An application was received on 13<sup>th</sup> April 2016 from Mr Phillip Mungeam, on behalf of Usk Markets and Festivals Committee for Usk Town Centre, which is attached to this report as Appendix A. The application request is to trade on Sunday to Thursday between the hours of 09:00hrs until 18:00hrs and Friday to Saturday between the hours of 09.00hrs until 23.00hrs. The location and number of pitches requested in the application form for Usk Town Centre are as follows:-

- Twyn Square, Usk – Subject to road closure (2 pitches)
- New Market Street, Usk (4 pitches)
- Bridge Street, Usk (4 pitches)
- Twyn Square Car Park, Usk (12 pitches)
- Owain Glyndwr Field, Maryport Street, Usk (2 pitches)
- Maryport Street, Usk – park area next to number 3 (2 pitches)
- Sitting Area Outside Coop (2 pitches)
- Legion Car Park, New Market Street, Usk (2 pitches)
- Conigar, riverbank next to Usk Bridge (4 pitches)
- Car Park in Twyn Square (18 pitches)

The total pitches requested for Usk Town Centre is 52 pitches.

- 3.2 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 Usk Markets and Festivals Committee, attached as Appendix C.

- 3.3 The application was forwarded to the consultees (Appendix A), these being Heddlu Gwent Police, Monmouthshire Planning Department, Monmouthshire Environmental Health Department and the Local Ward Member. No objections were received on this application.

- 3.4 Section 13 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> February 2016 states;  
An Authorised Officer will approve the application if it:-
- Meets the criteria and
  - There are no reasonable and appropriate objections.
- And further states, "Except where objections are received for safety reasons the Head of Regulatory Services can determine the application or defer the matter to the Licensing and Regulatory Committee."
- The Head of Regulatory Services has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the application being a new application for a permanent consent, which will include a number of pitches with wider potential impact.
- 3.5 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
- 3.6 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.
- 3.7 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

#### **4. REASONS**

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

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

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

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

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

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

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

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

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

**9. AUTHOR:**

Linda O’Gorman  
Principal Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644214

Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

**APPENDIX A**



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR A BLOCK STREET TRADING  
CONSENT**

<b>1. APPLICANT DETAILS</b>	
Full Name:	Phillip Mungeam
Current Residential Address:	[REDACTED]
Telephone Number:	[REDACTED]
Mobile Number (optional):	[REDACTED]
Email (optional):	[REDACTED]
Date of Birth: (DD/MM/YYYY)	[REDACTED]
National Insurance Number:	[REDACTED]
Are you entitled to work in the UK	Yes
Do you have any unspent convictions? (If yes please state details)	No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	No

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2. TRADING DETAILS	
Please state number of pitches	62 max. on any one day
Address of the precise location of where the pitches will be located: (Please include names of streets)	<p>Twyn Square, Usk (2) – subject to road closures.</p> <p>New Market Street, Usk (4)</p> <p>Bridge Street, Usk (4)</p> <p>Twyn Square Car Park, Usk (12)</p> <p>Owain Glyndwr Field, Maryport Street, Usk (2)</p> <p>Maryport Street, Usk (park area next to No. 3 (2)</p> <p>Sitting Area Outside Coop(2)</p> <p>Legion Car Park, New Market Street, Usk (2)</p> <p>Conigar, river bank next to Usk Bridge (4)</p> <p>Car Park in Twyn Square (18)</p>
Do you have permission from the owner of the land where you wish to trade? <b>(If yes please ensure that you submit a copy of the written permission)</b>	No
Please provide contact details for the owner of the land: (Please include name, address and telephone number )	Monmouth County Council
Please provide details of the type of articles which you propose the pitches will sell:	<p>Local Produce inc. Breads, Pies, Pastries, Cakes, Preserves, Oils, Vinegars, Fruit, Vegetables, Plants and Flowers, Meat, Fish.</p> <p>Local crafts inc. pottery, jewellery, prints and paintings. Wooden goods, needlecraft, knitted and fabric goods.</p> <p>Vintage goods inc. china and clothing.</p> <p>Other goods deemed appropriate in line with street trading policy and conditions.</p>

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

3. TYPE OF CONSENT BEING APPLIED FOR	
<p>Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Block Street Trading Consents will take a <b>maximum of 60 days</b> to be determined and</p>	<p>Block Annual Street Trading Consent</p> <p style="text-align: center;">✓</p>



will normally be heard at the Licensing and Regulatory Committee for determination)	
Are there any other consent holders in the vicinity? (If yes please give further details)	No

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

5. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£700.00 The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

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

<http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/>

- Licence under the Licensing Act 2003 (if applicable)
- One Passport-type photograph of the applicant.

#### 7. DECLARATION

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:

A person who engages in street trading in a consent street without being authorised to do so or being authorised by a consent, trades in that street

- From a van, cart, barrow or other vehicle, or
- From a portable stall.

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

PLEASE NOTE: The Council's Licensing Committee is, with specific exceptions, a public forum.

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

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

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

Applicant Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: 10/09/16

## GENERAL

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

- **An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5million.**
- **Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports.**

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.

The granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

The Council reserves the right to revoke a Street Trading Consent at any time without compensation.

Please send completed application to:-

Licensing Section  
Monmouthshire County Council  
The Melville Centre  
Pen-y-Pound Road  
Abergavenny  
NP7 5UD

Telephone: 01873 735420

Email: [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)

## Street Trading Fees

Type of Street Trading Consent	Full Fee	10% Admin Fee
Block Annual Street Trading Consent  (Please invoice 'Usk Town Council, Sessions House, 43 Maryport Street, Usk. NP151AD	£700	£70
Block Street Trading Consent	£122 per day	£12.20

Payment can be made as follows:-

cheque/postal order should be made payable to Monmouthshire County Council and returned to, Licensing Section, Monmouthshire County Council, Melville Theatre, Pen-y-Pound, Abergavenny, NP7 5UD.

If you wish to pay by BACS you may do so by using the following information (quoting your licence number as a reference)

Bank: Barclays Bank plc

Sort Code: 20-18-15

Account Number: 13996565

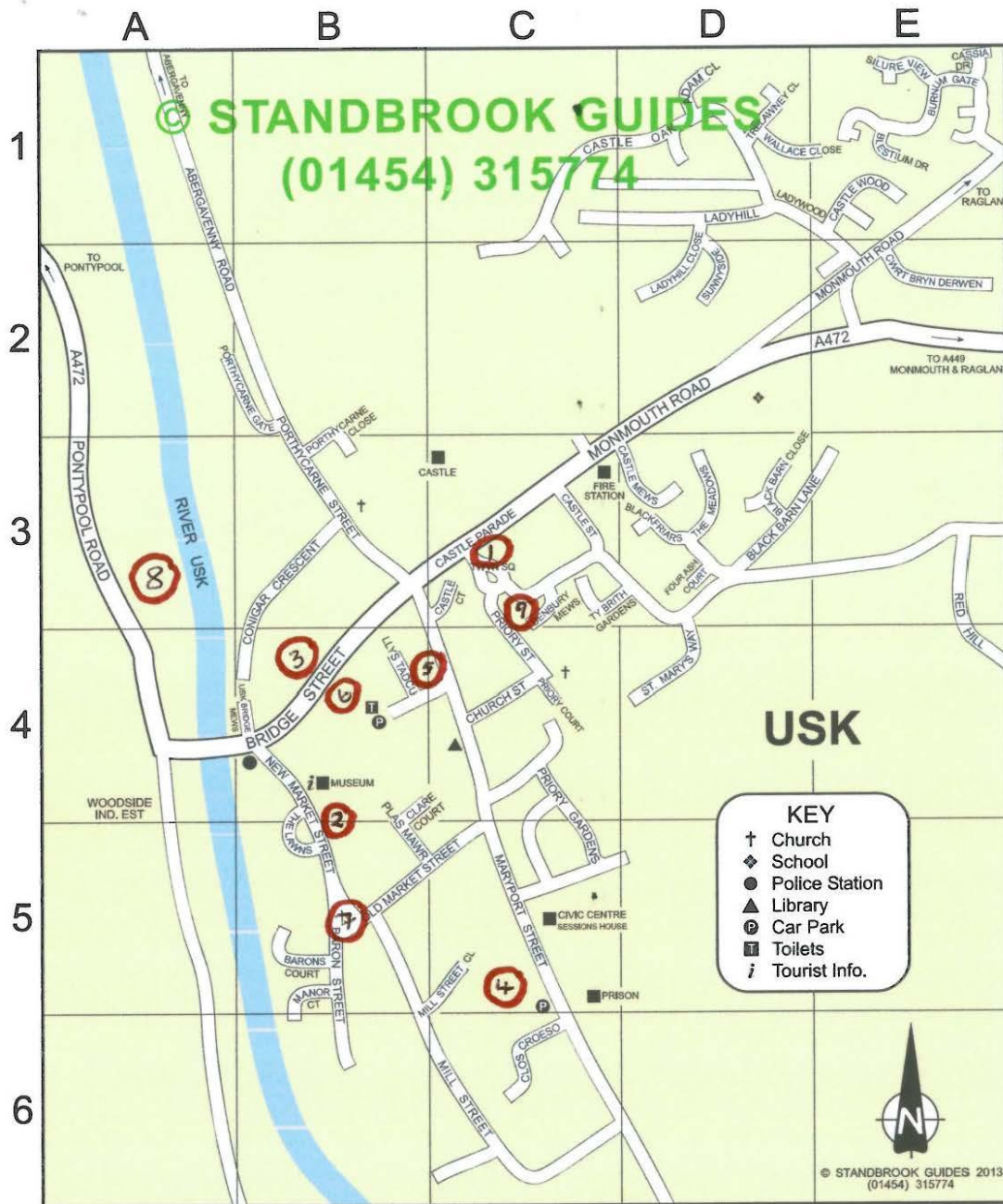
Account Name: Monmouthshire Main ACC

**(If you do pay by BACS you will need to inform the licensing office that the payment has been made, you can do so by emailing [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk) quoting your licence number)**

You can also make a payment by telephoning our payments line on 01873 735420 (quoting your licence number as a reference).

APPLICANT CHECKLIST
Signed Street trading application form
10% Administration Fee
Copy of a map, site position marked by red line
Permission from the land owner (if applicable)
Food Registration (if selling food)
Licence under the Licensing Act 2003 (if applicable)
One passport type photograph of you

APPENDIX B



Abergavenny Road	A1	Castle Mews	D3	Four Ash Court	D3	New Market Street	B4	Silure View	E1
Aiam Close	D1	Castle Oak	D1	Four Ash Street	D3	Old Market Street	B5	St. Mary's Way	D4
Baron Street	B5	Castle Parade	C3	Ladyhill	D1	Plas Mawr	B5	Sunnyside	D2
Barons Court	B5	Castle Street	C3	Ladyhill Close	D2	Pontypool Road	A3	The Lawns	B5
Black Barn Close	D3	Castle Wood	E1	Ladywood	D1	Porthycame Close	B3	The Meadows	D3
Black Barn Lane	D3	Chepstow Road	E3	Liys Tadcu	B4	Porthycame Gate	B2	Trelawny Close	D1
Blackfriars	D3	Church Street	C4	Manor Court	B5	Porthycame Street	B3	Twyn Square	C3
Blestium Drive	E1	Clare Court	B4	Maryport Street	C5	Prory Court	C4	Ty Brith Gardens	D3
Bridge Street	B4	Clos Croeso	C6	Mill Street	C6	Prory Gardens	C5	Usk Bridge Mews	B4
Burnum Gate	E1	Conigar Crescent	B3	Mill Street Close	C5	Prory Street	C4	Wallace Close	D1
Cassia Drive	E1	Cwrt Bryn Derwen	E2	Monmouth Road	D2	Red Hill	E3	Woodside Ind. Est.	A4
Castle Court	C3	Denbury Mews	C3						

- ( 1 ) Twyn Square
- ( 2 ) New Market Street
- ( 3 ) Bridge Street
- ( 4 ) Owain Glyndwr Field
- ( 5 ) Maryport Street ( Area next to No 3 )
- ( 6 ) Seating area outside Co-op stores
- ( 7 ) Legion car park. Newmarket Street
- ( 8 ) Conigar walk area adjacent to River Usk
- ( 9 ) Car Park Twyn Square

**APPENDIX C**

**Usk Markets & Festivals Committee**

**Application for Day Market Pitch**

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

<p>APPLICANTS DECLARATION</p> <p>a) I declare to the best of my knowledge and belief, the answers given are true.</p> <p>b) If a day market pitch agreement is granted I undertake to pay the appropriate fee and comply with the conditions attached to the agreement and also comply with applicable legislation and to any orders made thereunder. I understand that failure to comply by me or any of my assistants employed by me, with or without payment, will render both me and my assistants liable to prosecution and may result in the revocation of my agreement.</p> <p><b>APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.</b></p>							
DATE ____/____/____	Signature of applicant_____						
DATE ____/____/____	Signature of applicant_____						
<p><b>OFFICE:</b></p> <table border="1"> <tr> <td>Current Insurance Certificate checked</td> <td>Checked (initials)</td> </tr> <tr> <td>Risk Assessment received</td> <td>Checked (initials)</td> </tr> </table> <p><b>Food Stalls</b></p> <table border="1"> <tr> <td>(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"</td> <td>Confirmed (initials)</td> </tr> </table>		Current Insurance Certificate checked	Checked (initials)	Risk Assessment received	Checked (initials)	(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)
Current Insurance Certificate checked	Checked (initials)						
Risk Assessment received	Checked (initials)						
(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)						
<p><b>Day Market Pitch authorised:</b>_____ <b>Date</b> _____</p>							



# Usk Markets & Festival Committee

## Day Market Pitch Conditions

### Introduction

The following conditions shall apply to all traders/stall holder applicants and have been designed to ensure compliance with the policies and priorities of Usk Markets & Festival Committee and the terms of the Block Street Trading Consent granted by Monmouthshire County Council's Licensing and Regulatory Committee on 3<sup>rd</sup> May 2016.

### Standard Conditions for all traders/stall holders

#### General Conditions

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

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

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

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





monmouthshire  
sir fynwy

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

<b>Name of the Officer</b> completing the evaluation Linda O’Gorman  <b>Phone no:</b> 01633 644214 <b>E-mail:</b> lindaogorman@monmouthshire.gov.uk	<b>Please give a brief description of the aims of the proposal</b>  Application for an Annual Block Street Trading Consent for Usk Town Centre
<b>Name of Service</b>	<b>Date Future Generations Evaluation form completed</b>  25/04/2016

Page 25





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


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

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

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)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Consent should increase usage of outside space, encouraging outdoor activity.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The block consent will seek to encourage more use of Usk Town Centre.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The application if granted will allow greater use for community events and encourage local participation.	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances		

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

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

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

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

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



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

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

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

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

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

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

As 5 above.

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

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to be considered by the Licensing and Regulatory Committee	3 <sup>rd</sup> May 2016	Linda O’Gorman	

**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:	3 <sup>rd</sup> May 2016
--	--------------------------

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

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

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Application to waiver the fee for a charitable, non-commercial event(s) for Magor Benefice Churchmen</b>
<b>DIRECTORATE:</b>	<b>Chief Executives</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>3<sup>rd</sup> May 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

### 1. PURPOSE:

- 1.1 Information of the approved waiver of fee for the day block street trading event on 2<sup>nd</sup> May 2016 at Magor Square, submitted by Magor Benefice Churchmen, and approved by the Chair of the Licensing & Regulatory Committee. (Request to waiver the fee attached as Appendix A and authorisation of fee waiver attached as Appendix B)
- 1.2 To consider the waiver of fees for future applications submitted by Magor Benefice Churchmen for day block street trading consents.

### 2. RECOMMENDATION(S):

It is recommended that:-

- 2.1 Members consider the waiver of fees for future applications submitted by Magor Benefice Churchmen for day block street trading consents.

### 3. KEY ISSUES

- 3.1 An application was received on 28<sup>th</sup> March 2016 for a day block street trading consent from Mr Kevin Gunn, on behalf of Mr Robert Ollerton of Magor Benefice Churchmen for Magor Square. The application was for a day block street trading consent for the Magor Mayfayre event for stalls on 2<sup>nd</sup> May 2016.
- 3.2 The applicant on submitting the application referred to in 3.1 above further requested by e-mail on 28<sup>th</sup> March 2016 the fee be waived for this event stating *"it is run on an entirely voluntary basis, and all events are put on to raise money for local charities and charitable causes."* (attached as Appendix A)
- 3.3 Item 9 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> April 2016 states:-
  - A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each application will be treated on its own merit.
- 3.3 The request was unable to go to the full Licensing and Regulatory Committee for a decision as the Committee following submission of the application would not be heard until 3<sup>rd</sup> May 2016 and the event is on 2<sup>nd</sup> May 2016.
- 3.4 As such, an urgent request was made by the Licensing Section with the Chair of the Licensing and Regulatory Committee on 20<sup>th</sup> April 2016 to decide whether the fee should be waived. The request was made following consultation of the

application, of which no responses against the grant of the consent was received. The Chair, on behalf of the Licensing and Regulatory Committee agreed to waive the fee by e-mail on 20<sup>th</sup> April 2016, and the consent has been duly processed. (attached as Appendix B)

- 3.5 Magor Benefice Churchmen hold a similar event in December in Magor Square, referred to as Magor Frost Fayre. The report request Members consider the waiver of fees for all future events organised by Magor Benefice Churchmen who run non-commercial charitable events.
- 3.6 Magor Benefice Churchmen will still be required to apply for a consent for each event and the Licensing Section will request they confirm the event on each application is processed is of a similar nature.
- 3.7 If Members approve the waiver of fees as mentioned in 3.5 above for future events. The Licensing Section will assess each application made for a consent and if there is any element of doubt as to the nature of the event the matter will be deferred to the Licensing and Regulatory Committee for a decision.

#### **4. REASONS**

- 4.1 To determine the application to waive the fee for future charitable, non-commercial events for day block street trading events for Magor Benefice Churchmen.

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

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

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix C.

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

Nil

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

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

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

Linda O'Gorman  
Principal Licensing Officer

#### **CONTACT DETAILS:**

Tel: 01633 644214  
Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

## APPENDIX A

Hello Linda and Chris

I have attached the two applications in PDF format as I know sometimes the word documents can be distorted. If there are any queries please let me know. If Nia has any queries regarding the stalls could she contact Dave as he has organised those and has all the details required.

I am also attaching below a request for the waiver of the fee for the Block Trading Licence from Rob Ollerton our Chairman for consideration at your next meeting.

To whom it may concern:

We wish to request a waiver of all licence fees for our event, the May Fayre in Magor Square on May 2nd.

Magor Churchmen is run on an entirely voluntary basis, and all events are put on to raise money for local charities and charitable causes.

Any expenses that we incur (such as licence fees) reduces the amount we can donate. I would ask that all those concerned with the decision to allow a waiver of licence fees to consider this.

The Fayre has its 30th Anniversary this year, and is a major part of the community's calendar

Thank You

Rob Ollerton

Chairman

Kind Regards

Kevin  
Secretary

**From:** O'Gorman, Linda [mailto:LindaO'Gorman@monmouthshire.gov.uk]

**Sent:** Monday, March 14, 2016 4:12 PM

**To:**

**Cc:** Rann, Chris W. <[ChrisRann@monmouthshire.gov.uk](mailto:ChrisRann@monmouthshire.gov.uk)>

**Subject:** Magor Frost Fayre

F.A.O. Kevin Gunn

With reference to our conversation today, please find attached your application for a Block Street Trading Consent for Magor Frost Fayre. I refer you to item 9 of the Street Trading Policy as follows:-

- A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each application will be treated on its own merit.

As you have indicated in the past that your event is a non-commercial event, you may qualify for the fee to be waived. However, the decision on this rests with the Licensing and Regulatory Committee and upon submission of your application form I would request you put in writing a request for the waiver of fees and your reasons for this request in order for Licensing to submit a report to Committee for a decision.

I have also attached the Temporary Event Notice application form for the alcohol sales at the event.

I have copied in Chris Rann, the Senior Licensing Officer for that area who will be dealing with your applications. His telephone number is 01644 644835.

Many thanks

**Linda O'Gorman**

Principal Licensing Officer / Prif Swyddog Trwyddedu  
Monmouthshire County Council / Cyngor Sir Fynwy  
Tel / Ffôn: 01633 64 (4214)  
Mobile / Symudol: 07887 641229  
Email / Epost: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)  
Website / Gwefan: [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

## APPENDIX B

Thank you for this I welcome that the fee is waived, thanks for the detailed email.

**LINDA GUPPY**

Monmouthshire County Councillor  
Rogiet Ward

**From:** O'Gorman, Linda  
**Sent:** 20 April 2016 14:23  
**To:** Guppy, Linda; Strong, Brian  
**Cc:** Jones, David H; Rann, Chris W. <[ChrisRann@monmouthshire.gov.uk](mailto:ChrisRann@monmouthshire.gov.uk)>  
**Subject:** FW: Magor Frost Fayre (STR027)

Councillor Guppy and Councillor Strong

Licensing has received an application for a block street trading consent. The consent is ready to be issued as no objections have been received against this application. However, before we are able to issue the consent I need clarification if we can waive the fee as requested below. I refer you to item 9 of the Street Trading Policy (attached) which was adopted by this Authority which states:-

- A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each application will be treated on its own merit.

Unfortunately, we are unable to defer this to the full Licensing and Regulatory Committee as the next Committee is to be held on 11<sup>th</sup> May 2016 and they wish to have the consent to be able to operate on the 2<sup>nd</sup> May 2016.

David Jones is aware of this application and I have discussed the matter with him and he has instructed me to contact yourselves as Chair and Vice-Chair of the Licensing and Regulatory Committee to request a decision on whether you agree to waive the fee for this event. The applicant has stated it is a non-commercial event and proceeds are for local charities and charitable causes.

Should you agree to a waiver on this occasion. I will present a report at the next Licensing and Regulatory Committee on the 11<sup>th</sup> May regarding the waiver of fee for the event of 2<sup>nd</sup> May but will also request that the fee is waived for this organisation for future events, thus relieving Licensing from submitting a report to Committee on every occasion Magor Benefice Churchmen submit an application. We have asked for clarification with the applicant on how many events the Churchmen hold at Magor Square each year and I will clarify this within the report. They are required to apply for a block street trading consent with Licensing on each event they organise of this nature and Licensing will monitor if there are any change in circumstances with the applicant. Should such changes occur the matter will then be deferred back to the Licensing and Regulatory Committee for a decision whether to continue to allow a waiver of fee. Licensing are aware this organisation tend to operate a Christmas Fayre in December.

I await your decision for the 2<sup>nd</sup> May event.

Regards

**Linda O'Gorman**

Principal Licensing Officer / Prif Swyddog Trwyddedu  
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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation Linda O’Gorman</p> <p><b>Phone no:</b> 01633 644214 <b>E-mail:</b> lindaogorman@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>Application to waiver the fee for a charitable, non-commercial event(s) for day block street trading consents for Magor Benefice Churchmen.</p>
<p><b>Name of Service</b></p>	<p><b>Date Future Generations Evaluation form completed</b></p> <p>25/04/2016</p>





**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><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>The Block Day Street Trading Consent puts the onus on Magor Benefice Churchmen to ensure trading conditions are adhered to and the event is non-commercial, with proceeds going towards Charities. Hope is, to encourage more events and trading.</p>	
<p><b>A resilient Wales</b></p>		

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

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

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

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

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

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

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

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

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

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

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

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

As 5 above.

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

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to waiver the fees be considered by the Licensing and Regulatory Committee	3 <sup>rd</sup> May 2016	Linda O’Gorman	

**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:	3 <sup>rd</sup> May 2016
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

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

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