

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 10 January 2022

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 18th January, 2022 at 10.00 am
County Hall, Usk - Remote Attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm the following Minutes:	
3.1.	Licensing and Regulatory Sub Committee dated 7th September 2021.	1 - 6
3.2.	Licensing and Regulatory Committee dated 14th September 2021.	7 - 12
3.3.	Licensing and Regulatory Sub Committee dated 12th November 2021.	13 - 16
4.	Review of Annual Licensing Fees for Financial Year 2022/2023.	17 - 28
5.	Next Meeting: Tuesday 8th March 2022 at 10.00am.	

Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Jamie Treharne	Overmonnow;	Welsh Conservative Party
County Councillor Jim Higginson	Severn;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Ruth Edwards	Llantilio Crossenny;	Welsh Conservative Party
County Councillor David Evans	West End;	Welsh Labour/Llafur Cymru
County Councillor Linda Guppy	Rogiet;	Liberal Democrats
County Councillor Simon Howarth	Llanelly Hill;	Independent Group
County Councillor Bryan Jones	Goytre Fawr;	Welsh Conservative Party
County Councillor Malcolm Lane	Mardy;	Welsh Conservative Party
County Councillor Richard Roden	Dixton with Osbaston;	Welsh Conservative Party
County Councillor Brian Strong	Usk;	Welsh Conservative Party
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

Public Document Pack Agenda Item 3a

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held
at County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 10.00 am

PRESENT: County Councillors: J.Treharne, J. Higginson and A. Easson

OFFICERS IN ATTENDANCE:

Taylor Watts	Licensing Officer
Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Nicola Perry	Senior Democracy Officer

APOLOGIES:

None

1. Declarations of Interest.

No declarations of interest were made.

2. Application for a Premises Licence for The Old Station, Tintern, Chepstow.

The Chairman welcomed everyone to the meeting and introduced Members of the Sub Committee and the attending officers and explained the protocol for the meeting.

All confirmed sight of the report and the committee procedure. A reminder was provided that all objections being made and any discussion must be under the four Licensing objectives of:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

The Sub Committee heard concerns from objectors 1) representing residents of Tintern Parva and Brockweir and 2) representing Tintern Community Council, and took the opportunity to ask questions and seek clarification.

The applicant provided responses. The Sub Committee asked questions of the applicant.

It was pointed out that the Sub Committee had the following options:

- Grant the licence;
- Grant the license with conditions;
- Exclude any licensable activity; or
- Refuse the application.

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The objectors and applicant summed up. The Sub Committee withdrew to deliberate and returned to deliver the following decision:

The Licensing and Regulatory Committee has considered an application for a Premises Licence under the Licensing Act 2003 from Ms Katie Burton for The Old Station, Tintern, Chepstow, NP16 7NX. A copy of the application and plan is attached as Appendix A. The application is for the following:

- Supply of Alcohol (On & Off sales): Monday to Sunday 10.00hrs – 23.00hrs
- Open Hours (Standard timings): Monday to Sunday 10.00hrs – 17.00hrs

The applicant has stated within the application that the premises is a visitor attraction, comprising of a tearoom and carriages. The site also has a green area where people can explore and walk.

The tearoom and shop within the carriages will both sell alcohol as gifts to visitors. Alcohol would also be sold for consumption within the café area and picnic seating area. Alcohol may also be consumed within the carriages if there is a wedding or event.

The Committee has considered a map showing the layout and location of the premises at Appendix B.

The Committee has considered the information provided by the applicant describing the steps intended to be taken to promote the licensing objectives, at paragraph 3.4 – in summary:

Generally

The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol which shall be available for inspection.

The Premises Licence Holder shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place.

These will be monitored by the Designated Premises Supervisor.

The Prevention of Crime and Disorder

CCTV equipment shall be maintained and will continually record when licensable activity takes place. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.

If the CCTV equipment breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall also be contemporaneously recorded in the incident report register and shall include to whom the information was reported.

The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.

Public Safety

The premises will conduct a suitable risk assessment and implement the necessary control measures.

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Arrangements are in place at the premises to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.

Adequate and appropriate First Aid equipment and materials are available on the premises.

The designated premises supervisor or a responsible person nominated by them, shall be in charge of and be present in the premises at all times during events where the public are on the premises and there shall also be during that time a sufficient staff of attendants in the building for the purpose of securing safety.

Prevention of Public Nuisance

Signage shall be displayed requesting customers to leave the premises quietly and to have regard for neighbouring premises. Staff shall ensure that all litter is collected from outside the premises.

Protection of Children from Harm

The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation.

Fully documented staff training

The Committee note that if granted, the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C – which the committee have considered.

The Committee note that if the sale of alcohol is granted the licence will also benefit from the Live Music Act 2012 and have considered appendix D in relation to this.

The Committee has considered paragraph 3.6 of the report which outlines that the Premises application has been sent to the 'Responsible Authorities' namely Gwent Police, South Wales Fire Service, The Local Health Board and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, Planning, Licensing and Trading Standards Department.

No representations were received by any statutory consultee.

A notice was also circulated in a newspaper within the area, as well as a notice displayed at the premises to enable businesses and residents to make a representation.

The application was also advertised via the Council's website, with details on how a person can make a representation.

Representations were received from members of the public. As a result of these representations Licensing mediated with the applicant.

On 13th August 2021 the applicant e-mailed the Licensing Authority to confirm they wish to amend their original application to change the hours for the sale of alcohol from 10.00hrs till 23.00hrs to 12.00hrs till 17.00hrs as a result of the objections raised.

The committee note that this change of hours would also change the relaxation hours for the live music if the licence is granted. It would now permit amplified live/recorded music between the hours of 12.00hrs – 17.00hrs without the need of a further licence.

As a result of the amended application, Licensing informed the members of the public of the new hours proposed. Licensing enquired with the objectors if they still wished to continue with their representation in light of the amended hours for the sale of alcohol.

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14 objectors still wished to proceed and their objections are summarised at paragraph 3.10 of the report.

The Committee have carefully considered the representations in full at Appendix E.

The Committee have also noted the message of support for the premises licence at Appendix F.

The Committee understand that representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely: -

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

The Committee have considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003.

In particular, the Committee have considered Sections 2.1 – 2.32 of this guidance in relation to Licensing Objectives, for today's hearing.

The Committee note that section 9.4 of the Guidance, the Secretary of State recommends that, a representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

The Committee have considered Monmouthshire County Council's Statement of Policy 2015, in particular:

Prevention of Nuisance set out in Section 11 -

The Committee recognises that Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances.

The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

The Committee consider that the applicant has demonstrated that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance and ensure public safety along with the prevention of crime and disorder and protection of children from harm.

The Committee recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Policy on Public Safety set out in Section 12.

The applicant has satisfactorily addressed issues concerning public safety in the conditions attached to their licence.

The Committee has carefully considered documentation provided by the Applicant to evidence it can meet the Licensing Objectives, which is highlighted in the conditions to be attached to the licence.

The Committee refers to legislation that an application is to be considered in accordance with Section 18 of the Licensing Act 2003.

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The Committee has considered Home Office Revised Guidance together with Monmouthshire County Council's Statement of Policy 2015

The committee has considered the report prepared by Taylor Watts, Licensing Officer and the annexed documents and the oral evidence provided to the Committee.

The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives relevant in respect of this application are:

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

The Committee have considered the information provided by the applicant within the report and have noted the representations from the Applicant at today's meeting.

The Committee have been able to ask the questions they felt relevant.

The Committee have carefully considered the objections made at Appendix E in detail and the representations made at today's hearing and have taken very seriously the concerns raised and the feeling in the community.

In particular, the Committee considered the issues raised in respect of the sale of alcohol changing the nature of the area, potential for anti-social behaviour, noise pollution, potential risks to children in an environment where alcohol is being consumed, concerns regarding the potential for increased road use and road safety and litter.

The Committee have also been able to ask any questions they felt were relevant to their decision.

In reaching the decision, the Committee have had regard to the following as key issues:

- The licensed hours between 12 – 5pm, which were considered to be limited.
- There are sufficient measures in place to meet the licensing objectives.

In taking into account all of the above matters, relevant legislation and guidance and all the relevant circumstances of the application.

On the basis that the Committee considered there were no licensing reasons to refuse the grant of a licence. The committee decided, to grant the application for a licence.

The Committee noted that should any of the concerns raised by the objectors become apparent at this site as a result of the licence, there is a review process that can be followed where applicable.

There may be an appeal against this decision within 21 days of being notified of the decision.

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

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**Minutes of the meeting of Licensing and Regulatory Sub Committee held
at County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 10.00 am**

The meeting ended at 12.05 pm

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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee County Hall, Usk - Remote Attendance Tuesday, 14th September, 2021 at 10.00 am

PRESENT: County Councillor J.Treharne (Chairman)
County Councillor J. Higginson (Vice Chairman)

County Councillors: A. Easson, R. Edwards, D. Evans, S. Howarth,
M.Lane, R.Roden, B. Strong and A. Webb

OFFICERS IN ATTENDANCE:

David Jones	Head of Public Protection
Linda O'Gorman	Principal Licensing Officer
Taylor Watts	Licensing Officer
Leigh Beach	Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of interest

None.

2. To confirm the following minutes:

2.1. Licensing and Regulatory Committee dated 18th May 2021

The minutes of the Licensing and Regulatory Committee dated 18th May 2021 were confirmed and signed by the Chair.

2.2. Licensing and Regulatory Sub Committee dated 24th May 2021

The minutes of the Licensing and Regulatory Sub Committee dated 24th May 2021 were confirmed and signed by the Chair.

2.3. Special Meeting of the Licensing and Regulatory Committee dated 2nd August 2021

The minutes of the Special Meeting of the Licensing and Regulatory Committee dated 2nd August 2021 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee County Hall, Usk - Remote Attendance Tuesday, 14th September, 2021 at 10.00 am

3. Application to waiver the fee for a charitable, non-commercial event(s) for The Hood Memorial Hall

The Licensing and Regulatory Committee considered an application to waiver fees for future applications submitted by The Hood Memorial Hall Committee, for day block street trading consent at The Hood Memorial Hall.

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. The applicant confirmed receipt of the report and was content to proceed with no legal representation.

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

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. In doing so, the following points were noted:

- The Hood Memorial Hall is a successful local charity with a good stream of income to cover costs.
- A number of headline events are run via the Hood Memorial Hall. Some of these events charge for entry whilst others are free to enter.
- Over the years the management of events has been improved. This includes risk management and providing medical facilities for larger events.
- With regard to the fete, the cost of consent would result in a tax on the income raised from this event. In the region of 20% of the profits would be taken by the fees. Hence, the request to waive the fees.

Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

It was noted that:

- There is a mixture of non-commercial and commercial stall holders. Commercial stall holders are charged more.
- It is important to keep fees low for non-commercial traders.
- Going forward, applications should be considered on a case by case basis.

Following questioning, the Licensing and Regulatory Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Committee had resolved to grant the application submitted by the Hood Memorial Hall to waive the fee for non-

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Minutes of the meeting of Licensing and Regulatory Committee County Hall, Usk - Remote Attendance Tuesday, 14th September, 2021 at 10.00 am

commercial and charitable events but it would continue to be considered on a case by case basis and should the nature of events change to commercial and non-charitable status then it should be brought back to the Licensing and Regulatory Committee for further consideration.

4. Application to Amend the Block Street Trading Consent for Chepstow High Street

The Licensing and Regulatory Committee considered an application to consider the amendments requested to the current block street trading consent held by the Clerk of Chepstow Town Council (Consent Number STR016). The initial consent was granted on 30th September 2014. The Consent lasts for a 12 month period and the consent holder has renewed the consent each year since that date.

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. The applicant confirmed receipt of the report and was content to proceed with no legal representation.

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

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. In doing so, the following points were noted:

- In recent years Chepstow Town Council handed over responsibility to a Community Interest Company (CIC) and the market has grown over this period.
- The CIC had requested an increase in the number of pitches due to there being a waiting list of traders.

Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

It was noted that:

- Chepstow Town Council does not gain financially from the Block Street Trading Consent.
- Initially, the Chamber of Commerce was consulted on regarding the Block Street Trading Consent.
- With regard to disabled access, Chepstow Town Council works closely with the organisers to alleviate any issues. There is also a full road closure in place for the market.
- Disabled access and parking provision is available.

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Minutes of the meeting of Licensing and Regulatory Committee County Hall, Usk - Remote Attendance Tuesday, 14th September, 2021 at 10.00 am

- There is adequate space available to accommodate the additional stalls.
- A one-way system is in operation through the High Street and a full risk assessment is in place.

Following questioning, the Licensing and Regulatory Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Committee had resolved to grant the application and the amendments to the current consent and amended trading hours, namely:

- Beaufort Square – Currently 4 pitches to be amended to 8 pitches.
- Bank Square – Currently 2 pitches to be amended to 6 pitches.
- Cormeilles Square – Currently 5 pitches to be amended to 10 pitches.
- Manor Way – Currently 3 pitches to be amended to 15 pitches.
- To amend the trading hours for Fridays from 09:00-18:00 to 09:00-19:00.

5. Statement of Gambling Policy and Proposals for Casinos

We considered the approach to be adopted by Monmouthshire County Council with regard to casino premises applications within the County and the proposed 'Draft Statement of Gambling Policy 2022' prior to submission to Full Council.

We resolved:

- (i) to support the retention of the current resolution not to issue casino licences within the County of Monmouthshire prior to it being considered at Full Council in November 2021.
- (ii) to support the proposed updated Gambling policy statement for the period 31 January 2022 to 30 January 2025. This Policy will be considered at Full Council in November 2021.

6. Review of Hackney Carriage and Private Hire Policy and Conditions

We received a report regarding the review of Hackney Carriage and Private Hire Policy and Conditions.

In doing so it was noted that the update service will accommodate DBS checks, resulting in no delay in applications.

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We resolved to amend Monmouthshire's Taxi and Private Hire Policy and Conditions 2020, to change the medical and Disclosure and Barring Service checks. The amendment to the policy to be approved as follows:

- The changes to come into force on 1st October 2021.
- The transition of such changes, referred to in Section 3.10 of the report, be approved.

7. Exclusion of the Press and Public

We excluded the press and public from the meeting during consideration of the following item of business in accordance with Section 100A of the Local Government Act 1972, as amended, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

8. To determine the application to re-instate Hackney Carriage / Private Hire Drivers Licence following the decision to revoke the licence in July 2021

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

The driver confirmed their name and address to the Committee. The driver confirmed receipt of the report and Committee procedure. The driver also confirmed that they were content to proceed without legal representation.

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

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

Following questioning, the Committee and the Committee's legal representative left the meeting to deliberate and discuss findings.

Upon re-commencement, the Chairman advised that the Committee had considered the issues and had come to the view that the driver is deemed fit and proper to hold a licence with the licence re-instated.

9. Next Meeting:

Tuesday 19th October 2021 at 10.00am.

The meeting ended at 12.33 pm.

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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee
County Hall, Usk - Remote Attendance on Friday, 12th November, 2021 at 10.00 am

PRESENT: County Councillor J. Higginson (Chair)

County Councillors: R. Roden and B. Strong

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor R. Roden declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct as he knows the objector present at today's meeting. Councillor Roden and the objector attend the same church.

2. Application for a Premises Licence for "The Club" 15 Whitecross Street, Monmouth, Monmouthshire, NP25 3BY

The Licensing and Regulatory Committee considered an application under the Licensing Act 2003 for a Premises Licence for "The Club" 15 Whitecross Street, Monmouth, Monmouthshire, NP25 3BY.

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

The applicant and the objector confirmed receipt of the report and were content to proceed with no legal representation.

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

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

In doing so, the following points were noted:

- Before the Covid-19 pandemic, the Monmouthshire Conservative Club was on the verge of closure due to a failing business model and was not financially viable to remain open.

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- During the pandemic the premises were renovated.
- It was difficult to attract new member applications across the board due to the club's political persuasions.
- The applicant disassociated himself from the Conservative Party and re-named the premises 'The Club'.
- There was a need to attract a greater number of new members in order that the renovations and the new business model would be viable.
- The Club re-opened in May 2021 with 195 new applications received for membership.
- The business model is to create a private members' club.
- During this period a complaint had been made anonymously by a member that non-members were being admitted and that they were misbehaving. Advice from the Licensing officers stated that the applicant had to adhere to the premises licence currently in place and ensure that there was a guest signing in book for non-members visiting the premises. If more non-members were to be encouraged to visit the Club, with a view to becoming members, then the applicant would need to apply for a licenced premises licence.
- The Club is open from Midday to 11.00pm seven days a week.
- As a Conservative Club, Members are allowed to use the premises from 8.00am for non-alcohol related activities in the Club, such as use of the snooker tables.
- The club has a newly refurbished kitchen with a view to providing Sunday lunches.
- Local groups are encouraged to continue to access the Club as they have always done.
- The stewardess lives at the premises and is the licence holder.
- Any misbehaviour occurring within the Club is dealt with appropriately.
- The premises has a beer garden and has been open for as long as the Club has been open.
- The beer garden has been refurbished which has encouraged more people to use this area of the Club during the summer months.
- Non-members are required to be signed in by a member of the Club.

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- Bar staff and the licence holder are aware of, via staff training, the need to regularly visit the beer garden to ensure that noise levels are kept to a minimum.
- The applicant has taken the advice of Gwent Police and HSE and installed CCTV cameras in the beer garden which also records sound.
- Signage has been erected in the beer garden outlining the Club's zero tolerance to drugs. Signage in this location also requests members to be mindful of neighbours with a view to keeping noise levels to a minimum whilst in the beer garden and also when leaving this area.

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

In doing so, the following points were noted:

- Since the Club opened and 'all welcome' notices were erected, the noise in the beer garden, through the summer months, has been consistent and has caused considerable distress to neighbours in the area.
- Concern was expressed that the opening hours proposed in the new application would exacerbate the noise levels in the beer garden during the summer months.
- The main concern raised by the objector relates to the noise generated in the beer garden late at night. Concern was expressed that this matter would not be properly monitored by the Club.
- It was considered that it would be difficult for busy bar staff in an indoor venue to regularly monitor the beer garden outside the premises.
- The objector suggested that all aspects of the application be accepted but that there should be a limitation on serving alcohol and use of the beer garden at 9.30pm.

The applicant responded to the objector by stating that he would be in favour of a condition being added to the licence that the beer garden would be closed at 10.00pm every evening.

Following the statements made by the applicant and the objector, Members were given the opportunity to ask questions. In doing so, the following points were noted:

- In time, the applicant would like to move towards an over 25s members only policy.
- With regard to club members' behaviour, members cannot be excluded until they give good reason to be excluded.
- The size of the beer garden remains the same.

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- The Club operates a zero-tolerance policy to members and guests regarding poor behaviour.
- The objector stated that he would prefer a 'hard closure' of the beer garden at a designated time, whereby it would be closed club members.

The objector and the Applicant were then given the opportunity to sum up.

Following questioning, the Licensing and Regulatory Sub Committee and the Legal representative left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair advised that the Committee had decided to grant the licence with the following conditions:

- Licensable activities to take place between the hours of 08:00 – 12:00am – reduced from 12:30am.
- The Club's Beer Garden shall be subject to a 'hard' closure at 10:00pm.

The meeting ended at 11.57 am.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Review Of Annual Licensing Fees For Financial Year 2022/2023
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	18th January 2022
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To agree the Authority's licence fees for 2022-23.

2. RECOMMENDATION(S):

- 2.1 Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2022-23", subject, where relevant, to any required public notice.
- 2.2 Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration .

3. KEY ISSUES

- 3.1 The Authority has a broad range of licensing responsibilities including the regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.
- 3.2 The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).
- 3.3 Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. Members will clearly also need to be mindful of the potential burden on businesses of increasing costs, and to weigh that against potential burden of underwriting the costs of administering various licensing functions.
- 3.4 Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. Appendix A provides a summary of these assessments of actual cost along with the current fees.
- 3.5 In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire vehicles/operators. It is recommended that any objections to a variation be brought back to Committee for consideration.
- 3.6 The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment

Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21st May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 8th March 2022 to review the Gambling Act fees to commence 21st May 2022.

4 REASONS

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

5. RESOURCE IMPLICATIONS:

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

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

- 6.1 An evaluation has been provided in Appendix B to consider the effect of the schedule of Fees proposed for 2022-23.
- 6.2 It should be noted that Council tax receipts and Revenue Support Grants are insufficient to fund the full extent of Council services so increasing fees and charges helps sustain our services into the future for customers, as opposed to potentially withdrawing services.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

None

9. AUTHOR:

Linda O’Gorman Principal Licensing Officer

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APPENDIX A

SCHEDULE OF LICENCE FEES FOR 2022-23

	Current Fees 2021/2022	Proposed Fees 2022/23
1. LICENSING ACT 2003		
Premises Initial (Dependant on Business Rate)	£100.00 - £1,905.00	Fee Set By Central Government
Premises Annual (Dependant on Business Rate)	£ 70.00 - £1,050	
Personal Licence Holder	£37.00	
Temporary Event Notice	£21.00	
Theft, loss, etc of premises licence or summary	£10.50	
Provisional Statement	£315.00	
Notification of change of name and address	£10.50	
Application to vary licence to specify individual as designated premises supervisor (DPS)	£23.00	
Application for transfer of premises licence	£23.00	
Interim authority notice following death etc. of licence holder	£23.00	
Theft, loss etc. of certificate or summary	£10.50	
Notification of change of name or alteration of rules of club	£10.50	
Change of relevant registered address of club	£10.50	
Theft, loss etc. of temporary notice	£10.50	
Theft, loss of personal licence	£10.50	
Duty to notify change of name and address	£10.50	
Right of freeholder etc. to be notified of licensing matters	£21.00	
Land without rateable value	Band A	
Land without rateable value – when a building is under construction	Band C	
Application to remove the mandatory condition requiring a DPS at Community Halls	£23.00	
Application for a Minor Variation on a Premises Licence or Club Premises Certificate	£89.00	
2. SAFETY AT SPORTS GROUND CERTIFICATE		
Sports Ground Safety Certificate/Safety Certificate for a Regulated Stand SGSC/SCRS	£1,340.00	£1,375
The Amendment, Replacement, Transfer of a SGSC/SCRS	£150.00	£155
3. GAMBLING ACT 2005		
(For Premises and Permit Fees please refer to separate list)		
Lotteries		Fee Set By Central Government
Initial	£40.00	
Renewal	£20.00	
4. STREET / HOUSE COLLECTIONS		
No Fee charged under current legislation.		
5. HACKNEY CARRIAGE / PRIVATE HIRE		
(a) Hackney Carriage Vehicle - New	£230.00	£236
Hackney Carriage Vehicle – Renewal	£169.00	£172
Hackney Carriage Vehicle - Substitution (Transfer of Vehicle)	£230.00	£236
(b) Horse Drawn Hackney Carriage Vehicle – As 5(a) above.		
(c) Private Hire Vehicle – New	£224.00	£227
Private Hire Vehicle – Renewal	£175.00	£177
Private Hire Vehicle - Substitution (Transfer of Vehicle)	£224.00	£227
(d) Private Hire Operator – New	5yr £788.00	5yr £792
Private Hire Operator – Renewal	5yr £784.00	5yr £789
(e) Driver Licence (Dual Badge) – New	3yr £224.00	3yr £245
Driver Licence (Dual Badge) – Renewal	3yr £185.00	3yr £196
(f) Knowledge Test – Torfaen Training (TT)	£60.00	Set By TT
(g) Resit of Knowledge Test – Torfaen Training (TT)	£30.00	Set By TT
(h) Safeguarding Children and Vulnerable Persons Training – Torfaen Training (TT)	£35.00	Set By TT
(i) Disclosure and Barring Service Check (DBS)+£6 Processing Fee	£46.00	Set By DBS
6. STREET TRADING CONSENTS		
Annual Street Trading Consent - New	£459.00	£463
Annual Street Trading Consent – Renewal	£378.00	£380
Annual Block Street Trading Consent - New	£782.00	£795
Annual Block Street Trading Consent - Renewal	£511.00	£516
Street Trading Consent– Substitution (Replacement Vehicle)	£346.00	£347
Day Street Trading Consent – For Events (no entrance fee)	£47.00	£48
Day Block Street Trading Consent – For Events (no entrance fee)	£138.00	£142

7. SCRAP METAL DEALERS

(a) Site Licence - New	3yr	£442.00	3yr	£448
Site Licence – Renewal	3yr	£367.00	3yr	£373
Site Licence – Change of Details		£36.00		£38
(b) Collectors Licence – New	3yr	£448.00	3yr	£451
Collectors Licence - Renewal	3yr	£309.00	3yr	£312
Collectors Licence – Change of Details		£36.00		£38

8. BOATS

(a) Pleasure Boat Licence - New		£376.00		£388
Pleasure Boat Licence – Renewal		£145.00		£149
Pleasure Boat Licence – Transfer of Boat		£376.00		£388
(b) Pleasure Boatman’s Licence - New		£104.00		£107
Pleasure Boatman’s Licence – Renewal		£99.00		£103

9. SEX ESTABLISHMENTS

Sex Establishment - New		£440.00		£453
Sex Establishment – Renewal		£159.00		£164
Sex Establishment – Transfer of Premises Usage		£440.00		£453

10. HYPNOTISM

No Fee charged under current legislation.



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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation David H Jones</p> <p>Phone no: 01633 644100 E-mail: davidhjones@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Slight uplift in discretionary fees (though some remain static), to fully meet the costs of service provision.</p>
<p>Name of Service</p> <p>Licensing Public Protection Social Care, Safeguarding and Health</p>	<p>Date Future Generations Evaluation form completed</p> <p>07/01/2022</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>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Fee levels are set on a cost recovery basis, minimising costs to the trade.</p>	
<p>A resilient Wales</p>		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The revised fee structure provides for separate safeguarding of children and vulnerable persons training, with the aim of improving awareness and service standards.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Fee revenue ensures sustainable Licensing Service maintained, providing public reassurance Licensing standards are complied with.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Fee recovery will ensure certificate and badges displayed to the public is bilingual.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Fee levels should not preclude anyone to undertake their business in a fair and safe manner.	

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

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Slight fee increases, ensure the Licensing Service provides sustainable provision into the future.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>MCC Licensing have ensured reduced cost of additional training – knowledge test and safeguarding – by collaborating with Torfaen Training.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Schedule of fees advertised and any legitimate objections can be brought back to Committee for final decision.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Slight increases in discretionary Licensing fees will ensure a continuing service, incorporating preventative measures where necessary (CCTV provision etc).</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	Key service aim is to ensure safe venues, vehicles, drivers, etc.	

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

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Sustainable fee levels will ensure quality service maintained, protecting vulnerable customers.		
Disability	As above.		
Gender reassignment			
Marriage or civil partnership			

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

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

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

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

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

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

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

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

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

What are you going to do	When are you going to do it?	Who is responsible	Progress
Comments from taxi trade to be considered. Return to	March 2022	Linda O’Gorman	

Licensing and Regulatory Committee if required.			

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	18 th October 2022
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

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Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	L&R Committee Report	18/01/2022	

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