

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, Rhadyr, Usk - Remote Attendance Tuesday, 8th March, 2022 at 10.00 am

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

County Councillors: D. Blakebrough, R. Edwards, D. Evans, R. Roden and B. Strong

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

County Councillors: A. Easson, M. Lane and A. Webb

1. Chair's announcement

Before commencing proceedings, the Chair thanked Members of the Licensing and Regulatory Committee who will be standing down as elected Members in May 2022 for their support during this administration. The Chair also thanked officers for their support and guidance during this period.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Licensing and Regulatory Committee dated 18th January 2022 were confirmed and signed by the Chair.

4. Gambling Act 2005 - Premises Licence Fees

We received a report in which Members were asked to consider the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2022 – 20th May 2023.

Having considered the report, the following points were noted:

- Fees relating to premises licences under the Gambling act 2005 are similar across all local authorities subject to the number of meetings held, policy work undertaken and enforcement measures having to be undertaken by each authority.

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- It was noted that the level of track events is set at £2086 whilst the recommended figure equates to £950. This figure relates to how often a premises is inspected. However, it is likely that the figure would exceed the £950 banding. The Gambling Act would need to be changed in order for the Authority to set a higher maximum figure.
- The maximum fees are set by the Gambling Commission and are statutory fees.
- The Authority does not receive many new applications for a premises licence which has minimal effect on the authority's finances. The level of fees has remained unchanged in previous years.

We resolved that:

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2022.
- (ii) the fees be subsequently reviewed annually.

5. Approved Testing Stations for Inspection of Hackney Carriage and Private Hire Vehicles

We received a report regarding the replacement of contracts with an approval scheme for garages to carry out inspections of Hackney Carriage and Private Hire Vehicles within the County of Monmouthshire.

Having considered the report, the following points were noted:

- In response to a question raised, it was confirmed that customers can conduct a renewal test no more than three weeks ahead of the expiry date.
- It was noted that there is only one garage owner who also owns a taxi business that is registered with the Licensing Department. This matter had been taken up with the Authority's legal department when the applicant applied for a contract. The legal view was that the applicant was governed by VOSA and would therefore be required to adhere to the criteria set by VOSA.
- It was noted that if a vehicle is roadworthy then it should be allowed to be used as a Hackney carriage / private hire vehicle, irrespective of the age of the vehicle. However, older vehicles require more frequent testing to ensure roadworthiness.
- The Licensing Department is looking to review the Taxi and Hackney Carriage Private Hire Policy in line with Welsh Government and the Department of Transport to make it more uniform across Wales. Further reports in respect of the matter will be presented to the Licensing and Regulatory Committee in due course.

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We resolved to agree to the Approved Testing Station Scheme, which will be subject to the specified Terms and Conditions before approval is granted, to commence on 1st April 2022. The approved testing stations are for the purposes of Hackney Carriage and Private Hire vehicle inspections within the County of Monmouthshire.

6. 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.

7. To consider an application for a hackney carriage/ private hire driver's licence and to consider if the licensed private hire operator and hackney carriage proprietor should continue to hold such a licence.

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

The applicant confirmed their name and address to the Committee. The applicant confirmed receipt of the report and acknowledged that they would proceed without 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. The applicant was then given the opportunity to sum up.

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 considered the issues and had resolved that:

- The renewal of the Hackney Carriage / Private Hire Drivers Licence be refused.
- The Private Hire Operator licence be revoked.
- The Hackney Carriage Vehicle Licence be revoked.

8. Next Meeting

Tuesday 12th April 2022 at 10.00am.

The meeting ended at 12.17 pm.