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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 5 June 2023

Notice of meeting

Licensing and Regulatory Committee

Tuesday, 13th June, 2023 at 10.00 am
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with
remote attendance

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	Application for Block Street Trading Consent for Tintern Village Hall.	1 - 12
6.	To confirm and sign the minutes of the previous meeting.	13 - 14
7.	Next Meeting: Tuesday 25th July 2023 at 10.00am.	

Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillor Lisa Dymock	Portskewett;	Welsh Conservative Party
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Christopher Edwards	St. Kingsmark;	Welsh Conservative Party
County Councillor Simon Howarth	Llanelly Hill;	Independent Group
County Councillor Jane Lucas	Osbaston;	Welsh Conservative Party
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Alistair Neill	Gobion Fawr;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Jackie Strong	Caldicot Cross;	Welsh Labour/Llafur Cymru
County Councillor Tudor Thomas	Park;	Welsh Labour/Llafur Cymru
County Councillor Armand Watts	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru

Public Information

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

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.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Application for Block Street Trading Consent for Tintern Village Hall
DIRECTORATE:	Social Care, Safeguarding & Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	13th June 2023
DIVISION/WARDS AFFECTED:	St Arvans/Tintern

1. PURPOSE:

- 1.1 To consider an application for block street trading consent for Tintern Village Hall, Quayside, Tintern, NP16 6SZ. Where pitches will be based in the car park, garden and play area of the premises.

2. RECOMMENDATION(S):

It is recommended that:

- 2.1 Members consider the application made by Lindsay Cobb, Treasurer for Tintern Village Hall Management Committee for a block street trading consent at Tintern Village Hall for the car park, garden and play area of the premises.

3. KEY ISSUES

- 3.1 An application was received by the Licensing Authority on 13th April 2023 from applicant Lindsay Cobb, Treasurer for Tintern Village Hall Management Committee for block street trading consent at Tintern Village Hall. The application can be viewed as Appendix A and a map of area for consent can be viewed as Appendix B.
- 3.2 The days and times requested by the applicant are as follows:
 - Monday – 10:00–16:00
 - Saturday – 10:00–16:00
 - Sunday – 10:00–16:00
- 3.3 The application was sent to the statutory consultees for consultation, these included: Police Licensing, Police Traffic, Local Ward Member and various departments within Monmouthshire County Council namely, Estates, Highways, Planning and Environmental Health. No representations were received by any statutory consultee.
- 3.4 Section 7 of Monmouthshire County Council's Street Trading Policy 2015 states: *The use shall not be located within 100 meters of an existing shop, restaurant, hot food takeaway those holding a street trading consent and market place (which includes block consents).* Appendix C shows the distance between Tintern Village Hall and premises which sell similar goods. Further to this, Tintern Fete takes place annually on Leyton's Field which is of close proximity to Tintern Village Hall.

4. REASONS

- 4.1 To determine the application for block street trading consent at Tintern Village Hall for the car park, garden and play area of the premises.

5. RESOURCE IMPLICATIONS

- 5.1 Nil

6. CONSULTEES:

- 6.1 Police Licensing, Police Traffic, Local Ward Member. Departments within Monmouthshire County Council; Estates, Highways, Planning and Environmental Health.

7. BACKGROUND PAPERS:

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

8. AUTHOR:

Taylor Watts
Licensing Officer

CONTACT DETAILS:


Tel: 01633 644835
Email: Licensing@monmouthshire.gov.uk

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**APPLICATION FOR A BLOCK STREET TRADING
CONSENT**

1. APPLICANT DETAILS	
Full Name:	Lindsay Clare Cobb
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	[REDACTED]
Do you have any unspent convictions? (If yes please state details)	[REDACTED]
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	[REDACTED]

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2. TRADING DETAILS	
Please state number of pitches	Maximum 12
Address of the precise location of where the pitches will be located: (Please include names of streets)	TINTERN VILLAGE HALL TINTERN CHEPSTOW MONMOUTHSHIRE NP16 6SZ Pitches will be in the car park and/or garden/ play area.
Do you have permission from the owner of the land where you wish to trade? (If yes please ensure that you submit a copy of the written permission)	Yes This application is made on behalf of Tintern Village Hall Management Committee.
Please provide contact details for the owner of the land: (Please include name, address and telephone number)	Tintern Village Hall Management Committee 
Please provide details of the type of articles which you propose the pitches will sell:	At Local Produce Market: pitches will sell food, drink and/or flowers (primarily locally grown/ produced in Monmouthshire or Wye Valley) At Craft Market: pitches will sell homemade craft items (e.g. knitted items, woodwork, artwork etc)
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.	This application is made specifically for pitches in respect of events (e.g. Local Produce Markets and Craft Fairs) which are organised and run by Tintern Village Hall Committee on our own site (Tintern Village Hall). All pitch holders will be provided with a copy of the conditions prior to the event upon booking and will be required to confirm that they will comply as a condition of their attendance. If they are non-compliant and do not remedy, they will be required to leave the event. Members of our committee will be personally present on site throughout the events and will require that pitch holders comply with the MCC's street trading conditions.

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3. TYPE OF CONSENT BEING APPLIED FOR					
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 maximum of 60 days to be determined and will normally be heard at the Licensing and Regulatory Committee for determination)	<table style="width: 100%;"> <tr> <td style="width: 80%;">Block Annual Street Trading Consent</td> <td style="text-align: right;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Block Daily Street Trading Consent</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Block Annual Street Trading Consent	<input checked="" type="checkbox"/>	Block Daily Street Trading Consent	<input type="checkbox"/>
Block Annual Street Trading Consent	<input checked="" type="checkbox"/>				
Block Daily Street Trading Consent	<input type="checkbox"/>				
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:	10am – 4pm
	Tuesday:	NA
	Wednesday:	NA
	Thursday:	NA
	Friday:	NA
	Saturday:	10am – 4pm
	Sunday:	10am – 4pm

5. FEES			
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	<table style="width: 100%;"> <tr> <td style="width: 30%;">£ 79.50</td> <td>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.</td> </tr> </table>	£ 79.50	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.
£ 79.50	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
To apply for a Street Trading Consent you MUST submit the following documents to support your application <ul style="list-style-type: none"> • 10% of the full fee

- 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 www.planningportal.gov.uk/planning/applications/plans (Google or bing style maps are not acceptable)
- Written permission from the land owner (If applicable)
- Proof of Food Registration (If applicable). Information available at <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

- (i) From a van, cart, barrow or other vehicle, or
- (ii) 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 Signature: [REDACTED]

Print Name:.....LINDSAY CLARE COBB Date:.....12th April 2023.....

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
Abergavenny Community Education Centre,
Old Hereford Road,

Abergavenny
NP7 6EL
Telephone: 01873 735420

Email: licensing@monmouthshire.gov.uk

Street Trading Fees

Type of Street Trading Consent	Full Fee	10% Admin Fee
Block Annual Street Trading Consent	£795	£79.50
Block Daily Street Trading Consent	£142 per day	£14.20

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, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, NP7 6EL

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: 20-18-23

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

Tintern Village Hall, Quayside, Tintern, Monmouthshire, NP16 6SZ



Location Plan shows area bounded by: 352946.49, 200055.86 353146.49, 200255.86 (at a scale of 1:1250), OSGridRef: SO5304 15. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Tintern Village Hall to Abbey Mill – 69.40 metres



Tintern Village Hall to Leyton's Field (Site of Tintern Fete) – 75.03 metres



Public Document Pack Agenda Item 6

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 25th April, 2023 at 10.00 am

PRESENT: County Councillor Tony Easson (Chairman)
County Councillor John Crook (Vice Chair)

County Councillors: Christopher Edwards, Jane Lucas, Alistair Neill, Sue Riley, Dale Rooke, Jackie Strong and Ann Webb

OFFICERS IN ATTENDANCE:

David Jones	Head of Public Protection
Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Wendy Barnard	Democratic Services Officer

APOLOGIES:

County Councillors Lisa Dymock and Armand Watts

1. Declarations of Interest.

No declarations of interest were made.

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

2.1. Licensing and Regulatory Committee - Rights of Way Panel, 30th January 2023

The minutes were approved as an accurate record.

2.2. Licensing and Regulatory Committee - 31st January 2023

The minutes were approved as an accurate record.

3. Gambling Act Fees

The Principal Licensing Officer presented the Gambling Act Fees report. Following presentation of the report, Members were invited to ask questions:

- In response to a question, the Principal Licensing Officer explained that the fee level reflects the cost to the authority of the application process adding that the County's economic position is not a criteria. The premises currently licensed have strict guidelines to follow and complete a risk assessment for each venue considering e.g. problem gambling and how it affects customers. The Head of Public Protection advised that there is a resolution not to permit casinos in the County that is subject to three yearly review. This decision reflects the detrimental impact on health, particularly those falling into the lower socio-economic groups and efforts are made to address problem gambling on the high street. The Gambling Commission covers online gambling.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 25th April, 2023 at 10.00 am

- A Member asked about the poor condition of some venues and queried if license renewal is related to reasonable premises maintenance. It was confirmed that individual license holders must comply with several criteria for the operation of the premises. It was clarified that it is an annual fee not a renewal. When the license is agreed under the Gambling Act, it is a lifetime license and can only be reviewed if there is e.g. a breach of the conditions. In terms of disrepair, intervention would depend on potential risk to public safety. Outside signs e.g. inviting under 18s to an over 18s venue would be permitted. There is close liaison with the Gambling Commission if there are concerns and venues are regularly monitored by Licensing Officers.
- Noting that Monmouthshire does not provide a gambling counselling service, a Member questioned welfare provision. It was suggested that by not accepting the drop in fees, there would be more funding to contribute to a level of counselling service. The Principal Licensing Officer referred to the sections of the Policy addressing problem gambling e.g. venues must display details of where advice is available. Each venue must have a unique risk assessment bespoke to its locality. Crime statistics are monitored. It was explained that the Citizens Advice Bureau counselling service in Newport also covers Monmouthshire.
- As fee levels are restricted to the recovery of costs, a Member sought clarification if full costs are recovered, and, if not, if full recovery was possible to provide funding to support those with gambling issues in Monmouthshire. The Officer explained that there is an all-Wales formula to determine fees, based on a number of factors and the maximum permitted is charged.
- A Member expressed concerns about young people using high street gambling questioning the appropriateness of the location of betting shops e.g. next to outdoor cafes. The Officer explained that decisions on all new licensing applications are decided by Licensing Committee and assessed against the Policy e.g. not near schools, not affecting children or vulnerable adults. Businesses in the vicinity are not necessarily a consideration.

It was agreed to review fees and recovery of costs in time for next year's fee review (May 2024) and to consider the potential to employ a counsellor.

The report recommendations were as follows:

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2023; and
- (ii) The fees are subsequently reviewed annually.

Upon being put to a vote, it was resolved to approve the fees and charges detailed in Appendix A effective from 21st May 2023.

4. Next Meeting: 13th June 2023

The meeting ended at 10.35 am