

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 12 May 2025

## Notice of meeting

### Licensing and Regulatory Committee

**Tuesday, 20th May, 2025 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.      | To confirm the following minutes:                             |         |
| 5.1.    | Licensing and Regulatory Sub Committee dated 12th March 2025. | 1 - 4   |
| 5.2.    | Licensing and Regulatory Sub Committee dated 19th March 2025. | 5 - 8   |
| 5.3.    | Licensing and Regulatory Committee dated 25th March 2025.     | 9 - 10  |
| 6.      | Separation of Licensing Functions.                            | 11 - 24 |
| 7.      | Next Meeting: Tuesday 8th July 2025 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 |

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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

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## **Objectives we are working towards**

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

## 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 5a**

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Wednesday, 12th March, 2025 at 10.00 am**

**PRESENT:** County Councillor Tudor Thomas (Chair)

County Councillors: Tony Easson and Dale Rooke

### **OFFICERS IN ATTENDANCE:**

|                |                             |
|----------------|-----------------------------|
| Samantha Winn  | Licensing Officer           |
| Julian Sanders | Solicitor                   |
| Wendy Barnard  | Democratic Services Officer |
| Emma Watkins   | Licensing Officer           |

Matthew Phipps, TLT Solicitors  
Jane Gulliver, Personal License Holder, representing the applicant  
Nigel Webb, Objector

### **APOLOGIES:**

None.

#### **1. Declaration of Interests**

None.

#### **2. Application to vary a Premises Licence - 57 Bridge Street, Usk**

We met to consider an application to vary the premises licence under the Licensing Act 2003 for 57 Bridge Street, Usk.

The Chair welcomed the applicant's solicitor and representative, and a local resident, to the meeting. He introduced Members of the Sub Committee, the attending Officers and explained the protocol for the meeting.

<https://www.youtube.com/live/hKmyqZcdwSc?si=947WEXWTvPp7P0OH>

The Applicant's solicitor and the local resident confirmed they had sight of the report and the committee procedures.

The Licensing Officers presented the report noting that there is a numbering error contained therein. The key issues and details were read out to the Sub Committee and the licensing objectives were referred to.

It was noted that due to suggestions received from Gwent Police and Environmental Health, the applicant had agreed to some changes from those originally proposed and the application now concerned the hours of selling alcohol only:

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Wednesday, 12th March, 2025 at 10.00 am

| <u>Existing Hours</u>                                  | <u>Proposed Hours</u>                                                                                             |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <u>Sale of Alcohol</u><br>Monday-Sunday: 09.00 - 22.00 | <u>Sale of Alcohol:</u><br>Sunday – Monday: 10.00hrs – 23.30hrs,<br><br>Thursday-Saturday: 10:00hrs - 00:45hrs    |
|                                                        | <u>Late Night Refreshment</u><br>Sunday-Monday: 23:00hrs – 24:00hrs<br><br>Thursday-Saturday: 23:00hrs – 01:15hrs |
| <u>Opening Hours</u><br>Monday-Sunday: 09.00 - 22.30   | <u>Opening hours</u><br>Sunday-Monday: 09:00hrs – 24:00hrs<br><br>Thursday-Saturday: 09:00hrs – 01:15hrs          |

The Applicant's solicitor was given the opportunity to address the Sub Committee, to put forward any relevant explanations. Following this, Members of the Sub Committee and the objectors had the opportunity to put forward questions to the applicants. The Applicant's solicitor was given the opportunity to sum up.

A local resident presented objections to the application, providing information and examples. Following this, Members of the Sub Committee and the Applicant's solicitor had the opportunity to put forward questions to the applicants. The local resident was given the opportunity to sum up.

Following questioning, the Licensing Sub Committee Members and the Monmouthshire County Council Solicitor left the meeting to deliberate and discuss the findings.

**Upon re-commencement, the Chair advised that the Sub Committee unanimously allowed the application but imposed a condition that no alcohol is to be consumed in the outside area of the premises including the footprint of the marquee after 12am.**

**The reasons for the decision are that:**

- **There are no current objections from the EHO or the Police. The MCC Planning Department have confirmed that Marquee requires Listed Building Consent.**
- **The Committee has taken into consideration the points raised by the three Objectors**
- **The condition of no consumption of alcohol in the outside area of the premises after 12am is a reasonable condition to impose. The outside space includes the footprint of the Marquee.**
- **The Committee acknowledged the amendments and concessions made by the Applicant throughout the process.**

Additional conditions covering the following areas were imposed by the statutory consultees and agreed by the applicant, and included:

## **MONMOUTHSHIRE COUNTY COUNCIL**

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- Staff Training
- Signage indicating that CCTV equipment is in use and recording at the premises during operating hours.
- Incident / refusals' logbook.
- Signage to respect the needs of local residents at entry/exit points.
- Rowdy and/or disorderly customers will be asked to leave the premises
- Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.
- Proof of age such as Challenge 25 shall be adopted, implemented and advertised.
- Doors and windows will be kept closed when regulated entertainment takes place. A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months

**The meeting ended at 11.42 am**

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# Public Document Pack Agenda Item 5b

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Wednesday, 19th March, 2025 at 10.00 am**

**PRESENT:** County Councillor Tudor Thomas (Chair)

County Councillors: Tony Easson and Jackie Strong

### **OFFICERS IN ATTENDANCE:**

|                  |                             |
|------------------|-----------------------------|
| Samantha Winn    | Licensing Officer           |
| Geraint Edwards  | Solicitor                   |
| Taylor Watts     | Licensing Officer           |
| Richard Williams | Democratic Services Officer |

### **APOLOGIES:**

None.

#### **1. Declarations of Interest**

None received.

#### **2. Application for a temporary Premises Licence - Devauden Festival, Upper Meend Farm, Penalt, Monmouth**

We considered an application for a temporary premises licence under the Licensing Act 2003 from Devauden Festival, Devauden Hall, Devauden on the 23<sup>rd</sup> January 2025 for the following:

|                                                          |                                                                                         |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Plays (indoors and outdoors)                             | Friday: 18.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                             |
| Films (indoors and outdoors)                             | Friday: 18.00hrs – 21.00hrs<br>Sat/Sun: 10.00hrs – 21.00hrs                             |
| Live and Recorded Music (indoors and outdoors)           | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                             |
| Performance of Dance (indoors and outdoors)              | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                             |
| Anything of a similar description (indoors and outdoors) | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                             |
| Late Night Refreshment                                   | Friday – Sunday: 23.00hrs – 00.30hrs                                                    |
| Alcohol Sales (consumption on premises)                  | Friday: 16.00hrs – midnight<br>Saturday: midday – midnight<br>Sunday: midday – 23.30hrs |

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Wednesday, 19th March, 2025 at 10.00 am**

|               |                                                                                            |
|---------------|--------------------------------------------------------------------------------------------|
| Opening Hours | Friday: 09.00hrs – midnight<br>Sat/Sun: 09.30hrs – midnight<br>Monday: 09.00hrs – 17.00hrs |
|---------------|--------------------------------------------------------------------------------------------|

<https://www.youtube.com/live/699pNkEDJJ8?si=HqPAvXYJMS8N7DsL&t=58>

The Chair welcomed the applicants to the meeting and introduced Members of the Sub Committee and the attending Officers and explained the protocol for the meeting.

The applicants confirmed their name and address to the Sub Committee. The applicants confirmed receipt of the report and hearing procedure and acknowledged that they would proceed without legal representation.

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

The objectors had provided written evidence but were not present at the meeting. Two local residents presented concerns that granting the licence would result in an increase in incidences of gatecrashing and illegal drug use as a result of inadequate monitoring of the large perimeter; an increase in burglaries and drunken, disorderly behaviour; an increase in traffic on unsuitable roads with limited visibility; an increase in raw sewage; and an increase in noise nuisance disturbance in a rural location with residential properties nearby. Concern was also raised that the festival was an unsuitable environment for young children. No supporting evidence was provided to substantiate these concerns. It was also noted that traffic management issues did not fall within the remit of the Licensing and Regulatory Sub Committee meeting.

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

Following questioning, the Licensing and Regulatory Sub Committee Members and the Monmouthshire County Council Solicitor left the meeting to deliberate and discuss the findings.

Upon re-commencement, the Chair and Monmouthshire Solicitor advised that the Sub Committee had granted a temporary premises licence under the Licensing Act 2003 for Devauden Festival, Upper Meend Farm, Penalt, Monmouth, for the following during the period: The evening of Friday 23<sup>rd</sup> May 2025, and all day on Saturday 24<sup>th</sup> and Sunday 25<sup>th</sup> May 2025, and in respect of opening hours, Monday 26<sup>th</sup> May 2025.

|                              |                                                             |
|------------------------------|-------------------------------------------------------------|
| Plays (indoors and outdoors) | Friday: 18.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs |
| Films (indoors and outdoors) | Friday: 18.00hrs – 21.00hrs<br>Sat/Sun: 10.00hrs – 21.00hrs |

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote  
attendance on Wednesday, 19th March, 2025 at 10.00 am**

|                                                          |                                                                                            |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------|
|                                                          |                                                                                            |
| Live and Recorded Music (indoors and outdoors)           | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                                |
| Performance of Dance (indoors and outdoors)              | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                                |
| Anything of a similar description (indoors and outdoors) | Friday: 17.00hrs – 23.00hrs<br>Sat/Sun: 10.00hrs – 23.00hrs                                |
| Late Night Refreshment                                   | Friday – Sunday: 23.00hrs – 00.30hrs                                                       |
| Alcohol Sales (consumption on premises)                  | Friday: 16.00hrs – midnight<br>Saturday: midday – midnight<br>Sunday: midday – 23.30hrs    |
| Opening Hours                                            | Friday: 09.00hrs – midnight<br>Sat/Sun: 09.30hrs – midnight<br>Monday: 09.00hrs – 17.00hrs |

In addition to the above, the Sub-committee resolved that the matters listed in the Operating Schedule of the applicant's application, and the conditions proposed by the Police and Environmental Health, be incorporated as conditions on the licence.

**The meeting ended at 10.56 am.**

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# Public Document Pack **Agenda Item 5c**

## 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 March, 2025 at 10.00 am**

**PRESENT:** County Councillor Tudor Thomas (Chair)  
County Councillor Jayne McKenna (Vice Chair)

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

### **OFFICERS IN ATTENDANCE:**

|                  |                                                        |
|------------------|--------------------------------------------------------|
| Jane Rodgers     | Chief Officer for Social Care, Safeguarding and Health |
| Samantha Winn    | Licensing Officer                                      |
| Julian Sanders   | Solicitor                                              |
| Richard Williams | Democratic Services Officer                            |

### **APOLOGIES:**

None.

#### **1. Declarations of Interest**

None received.

#### **2. Confirmation of Minutes**

The minutes of the meetings held on the following dates were approved as an accurate record:

- Licensing and Regulatory Sub Committee Minutes dated 24th January 2025.
- Licensing and Regulatory Committee Minutes dated 28th January 2025.

#### **3. Licensing Act 2025 Policy Statement**

We considered the proposed 'Draft Licensing Policy 2025' prior to submission to full council to agree adoption. The report was presented by the Chief Officer, Social Care and Health. Following presentation of the report, Members were invited to ask questions.

In doing so, a member asked whether a 5<sup>th</sup> licensing objective could be added to the Policy. The Country Council Solicitor advised that this would be considered following the hearing and a response provided.

[https://www.youtube.com/live/XQn\\_xF7CWQU?si=hHBdiu2Ztg7c0au3&t=82](https://www.youtube.com/live/XQn_xF7CWQU?si=hHBdiu2Ztg7c0au3&t=82)

## **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 March, 2025 at 10.00 am**

In line with the report recommendations, Members reviewed the proposed updated Licensing Act policy statement for the period 1<sup>st</sup> July 2025 to 30<sup>th</sup> June 2030 and considered that this policy be presented to Full Council for approval.

#### **4. Next Meeting**

Tuesday 20th May 2025 at 10.00am.

**The meeting ended at 10.25 am.**



**SUBJECT: Separation of licensing functions**

**MEETING: Licensing and Regulatory Committee**

**DATE: 20 May 2025**

**DIVISION/WARDS AFFECTED: All**

## **1. PURPOSE**

- 1.1 To provide members with details of the proposed arrangements to reconfigure the functions of the existing Licensing and Regulatory Committee as set out in the report to this Committee dated 28 January 2025.
- 1.2 To provide members with an opportunity to seek advice from the Law and Governance Directorate on the proposed arrangements
- 1.3 To seek the Committee's endorsement of those proposals before they are reported to Council for approval.

## **2. RECOMMENDATION**

- 2.1 It is recommended that members:
  - a) approve that the functions of the existing Licensing and Regulatory Committee be divided between two separate Committees, comprising of the same members, to be titled the Licensing and Gambling Committee and the Taxi and Regulatory Committee ("the Committees") respectively;
  - b) note and approve that the functions of the Committees and their respective Sub-committees shall be as set out in the terms of reference for each, attached to this report at Appendices 1-2;
  - c) refer the recommendations to Council for approval.

### **3. KEY ISSUES**

- 3.1 At a meeting of the Licensing and Regulatory Committee held on 28<sup>th</sup> January 2025, a report was submitted to gain approval of this Committee to be divided into two separate Committees. A copy of that report and draft terms of reference for each proposed new Committee are attached as appendices to this report.
- 3.2 At that meeting, members requested a referral before considering the recommendations of this report in order to seek clarification from the Authority's Law and Governance Directorate on the following:
- Will the Chair and Vice Chair be the same for both committees?
  - How does the two committees improve governance?
  - Advice on whether complex taxi cases should be heard at full committee or a sub committee consisting of 3 members.
- 3.3 As requested, an officer of the Law and Governance Directorate will attend the meeting of this Committee on 20<sup>th</sup> May 2025 to answer any enquiries from members on the proposals.
- 3.4 Following consideration of advice, members are invited to endorse the recommendations set out at paragraph 2.1 above.

### **4. RESOURCE IMPLICATIONS**

None. See report 28 January 2025.

### **5. CONSULTEES**

James Williams (Chief Officer Law & Governance and Monitoring Officer)  
Geraint Edwards (Head of Litigation and Deputy Monitoring Officer)

### **6. AUTHOR AND CONTACT DETAILS**

Linda O'Gorman (Principal Licensing Officer)

### **7. BACKGROUND PAPERS**

Appendix 1 – Report to Licensing and Regulatory Committee 28 January 2025  
Appendix 2 - Licensing and Gambling Committee and Sub-Committee  
Terms of Reference  
Appendix 3 – Taxi and Regulatory Committee and Sub-Committee  
Terms of Reference

**SUBJECT: Separation of licensing functions**

**MEETING: Licensing and Regulatory Committee**

**DATE: 28<sup>th</sup> January 2025**

**DIVISION/WARDS AFFECTED: All**

**1. PURPOSE**

- 1.1 To provide members with details of the proposed arrangements to reconfigure the functions of the existing Licensing and Regulatory Committee as set out in the report.
- 1.2 To seek the Committee's endorsement of those proposals before they are reported to Council for approval.

**2. RECOMMENDATION**

- 2.1 It is recommended that members:
  - a) approve that the functions of the existing Licensing and Regulatory Committee be divided between two separate Committees, comprising of the same members, to be titled the Licensing and Gambling Committee and the Taxi and Regulatory Committee ("the Committees") respectively;
  - b) note and approve that the functions of the Committees and their respective Sub-committees shall be as set out in the terms of reference for each, attached to this report at Appendices 1-2;
  - c) refer the recommendations to Council for approval.

**3. KEY ISSUES**

- 3.1 The Council currently discharges all of its licensing and regulatory functions via the Licensing and Regulatory Committee and its Sub-committee. The arrangements have been reviewed following consideration of legal advice and guidance that in order to strengthen our governance arrangements, the functions under the Licensing Act 2003 and the Gambling Act 2005 should be discharged by the Licensing Committee (or a Sub-committee of the Licensing Committee where appropriate), and that all other functions should be discharged by a separate committee, albeit with the same members.
- 3.2 By operating separate Committees as proposed below, the Council will be able to maintain its effective governance arrangements.
- 3.3 Having considered the Council's existing arrangements it is proposed that two separate Committees, with respective Sub-committees are set up as follows.

### Licensing and Gambling Committee

- 3.4 The Licensing and Gambling Committee will be responsible for all matters regulated by the Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and which do not fall within the responsibility of full Council or of a committee other than itself. It is proposed that the statutory Licensing Committee be named the Licensing and Gambling Committee. The terms of reference for this Committee can be found at Appendix 1.
- 3.5 The following licensing functions are reserved to full Council:
- (a) any function conferred on the licensing authority by **section 5** of the Licensing Act 2003 (statement of licensing policy);
  - (b) the functions of making, and varying or revoking, an order under **section 172A** of the Licensing Act 2003 (early morning alcohol restriction order);
  - (c) any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence)
  - (d) the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
  - (e) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005, in accordance with section 284 of the Gambling Act 2005;
  - (f) the designation of authorised persons in accordance with section 304 of the Gambling Act 2005;
  - (g) prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
  - (h) any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).
- 3.6 Where the Authority has referred to a committee other than the Licensing and Gambling Committee a matter which relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function, the licensing function is to be discharged by that other committee (section 7(5)(a) of the Licensing Act 2003).
- 3.7 The functions that go to the full Licensing and Gambling Committee will be the recommendation of policies fee setting under the Licensing Act 2003 and training.
- 3.8 The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer as appropriate.
- 3.9 The Sub-committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters are to be delegated to authorised officers in accordance with current delegations.
- 3.10 The Licensing and Gambling Committee may regulate its own procedure and that of Sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.

## Taxi and Regulatory Committee

- 3.11 The Taxi and Regulatory Committee will be responsible for discharging those licensing activities which are not governed by the Licensing Act 2003 or Gambling Act 2005, and which do not fall within the responsibility of full Council. The terms of reference for this Committee can be found at Appendix 2.
- 3.12 The functions that go to the full Taxi and Regulatory Committee will be the adoption of policies, fee setting and training. The Committee may delegate the exercise of functions in relation to individual applications to a Sub-committee or to an officer as appropriate. The Sub-committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters are to be delegated to authorised officers in accordance with current delegations.
- 3.13 The Taxi and Regulatory Committee may regulate its own procedure and that of sub-committees, subject to any regulations in relation to the conduct of hearings, access to public and publicity.
- 3.14 Whilst the two Committees will be separately constituted, the proposed Licensing and Gambling Committee does not need to be politically balanced (although it can be) as it is not a committee created under the Local Government Act 1972. However, the Taxi and Regulatory Committee does have to be politically balanced. For the sake of continuity, it is proposed that the Committees be comprised of the same members. The effect of this will be that both committees will be politically balanced.
- 3.15 The proposals will not increase the frequency of committee or sub-committee meetings. If there are items relevant to both Committees arising on the same day, this can be dealt with both Committees (or their Sub-committees) meeting on the same day, one after the other, with separate agendas being published.

## **4. RESOURCE IMPLICATIONS**

None. See paragraph 3.9 above.

## **5. CONSULTEES**

Chief Officer, Law & Governance (Monitoring Officer)  
Senior Solicitor & Deputy Monitoring Officer

## **6. AUTHOR AND CONTACT DETAILS**

Linda O’Gorman – Principal Licensing Officer

## **7. BACKGROUND PAPERS**

Appendix 1 – Licensing and Gambling Committee and Sub-Committee Terms of Reference  
Appendix 2 – Taxi and Regulatory Committee and Sub-Committee Terms of Reference

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## APPENDIX 1

### LICENSING AND GAMBLING COMMITTEE

#### Terms of Reference

1. To discharge the functions of a Licensing and Gambling Committee as required by the Licensing Act 2003, the Gambling Act 2005 and Part 4 Public Health (Wales) Act 2017 and not otherwise reserved to full Council or to another committee, and to authorise, approve or determine any enforcement matters under the said Acts;

#### POWERS DELEGATED TO THE COMMITTEE

All those matters referred to in paragraph 1 above, including a power to delegate to a Sub-committee or officer the power to determine matters within the Committee's Terms of Reference.

The following licensing functions are reserved to full Council:

- any function conferred on the licensing authority by section 5 of the Licensing Act 2003 (statement of licensing policy);
- the functions of making, and varying or revoking, an order under section 172A of the Licensing Act 2003 (early morning alcohol restriction order);
- any function conferred on the licensing authority under section 166 of the Gambling Act 2005 (resolution not to issue a casino licence);
- the prescribing of gambling licensing fees under section 212 of the Gambling Act 2005;
- making an order disapplying section 279 or section 282(1) of the Gambling Act 2005, in accordance with section 284 of the Gambling Act 2005;
- the designation of authorised persons in accordance with section 304 of the Gambling Act 2005
- prosecutions by the licensing authority in accordance with section 346 of the Gambling Act 2005;
- any function conferred on the licensing authority by section 349 of the Gambling Act 2003 (three-yearly gambling licensing policy).

Where the Authority has referred to a committee other than the Licensing and Gambling Committee a matter which relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function, the licensing function is to be discharged by that other committee (section 7(5)(a) of the Licensing Act 2003).

The functions that go to the Full Licensing and Gambling Committee will be the recommendation of policies , fee setting under the Licensing Act 2003 and training.

The Committee may delegate all other licensing functions within its remit to its Sub-committee or to officers as appropriate.

The Sub-Committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters to be delegated to authorised officers.

The Licensing and Gambling Committee may regulate its own procedure and that of sub-committees, subject to any regulations, in relation to the conduct of hearings, access to public and publicity.

The quorum for the Licensing and Gambling Sub-committee (which deals with Licensing Act 2003, Gambling Act 2005 and Part 4 Public Health (Wales ) Act 2017) is two. Every effort will be made to maintain the sub-committee at three members present when dealing with an application but there will inevitably be some circumstances where a member is unable to attend at the last minute and a substitute cannot be found or a member part way through needs to declare an interest and withdraw from the hearing. In accordance with our Standing Orders, the chairman will have a casting vote. The Licensing and Gambling Committee does not need to be politically balanced.

Members serving on the Licensing and Gambling Sub-committee will be drawn in rotation from the whole of the Licensing and Gambling Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;

The chair and vice-chair of the Licensing and Gambling Committee are not automatically on the Licensing and Gambling Sub-committee but will be part of the normal rotation;

The current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing and Gambling Committees or its Sub-committee, subject to a requirement on the Committee or Sub-committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

#### **POWERS DELEGATED TO OFFICERS**

| <b>Power</b>                                                                                                                                                                                                                                                                                   | <b>Delegated to</b>                  |
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| <b>Licensing Act 2003</b><br><br>(i) to consider and, where appropriate, determine the following applications:<br><br>(1) application for personal licence with unspent convictions;<br>(2) application for a Minor Variation;<br>(3) request to be removed as designated premises supervisor; | Chief Officer Social Care and Health |

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| <p>(ii) to consider and, where appropriate, determine the following applications where no police or other relevant representation is made:</p> <ul style="list-style-type: none"> <li>(1) application for personal licence;</li> <li>(2) application to dis-apply the requirement for a designated premises supervisor at community premises;</li> <li>(3) application for premises licence/club premises certificate;</li> <li>(4) application for provisional statement;</li> <li>(5) application to vary premises licence/club premises certificate;</li> <li>(6) application to vary designated premises supervisor;</li> <li>(7) application for transfer of premises licence;</li> <li>(8) application for interim authorities</li> </ul> <p><b>Gambling Act 2005</b></p> <p>(No delegations have been made to specific officers under the Gambling Act 2005)</p> <p><b>Public Health (Wales) Act 2017</b></p> <p>Section 61(1) - Power to designate an individual performing a special procedure to be licensed.</p> <p>Section 65(2) - Power to issue a refusal notice for a special procedure licence</p> <p>Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 66(3&amp;6) - Power to issue a refusal notice for a special procedure licence (in the case of a relevant offence)</p> <p>Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.</p> <p>Section 68 - Power to issue a revocation notice for a special procedure licence</p> | <p>Chief Officer Social Care Health<br/>Head of Public Protection<br/>Principal EHO<br/>Principal Licensing Officer</p> <p><i>The officers specified are authorised officers for the purposes of Sections 98 to 107, Public Health (Wales) Act 2017 and shall have the power to nominate any supplementary officers as appropriate.</i></p> |
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| <p>Section 70(1) - Power to issue an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to renew an approval certificate for a premises or vehicle.</p> <p>Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.</p> <p>Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.</p> <p>Section 77(2) - Power to issue a stop notice.</p> <p>Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence.</p> <p>Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.</p> <p>Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.</p> <p>Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing.</p> <p>Schedule 3 Paragraph 15(3) - Power to issue a warning notice.</p> |  |
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## **APPENDIX 2**

### **TAXI AND REGULATORY COMMITTEE**

#### **TERMS OF REFERENCE**

1. To discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits and without prejudice to the generality of the foregoing to discharge these functions.

The functions that go to the full Taxi and Regulatory Committee will be the adoption of policies, fee setting and training.

The Committee may delegate the exercise of its functions to a Sub-committee or officers as appropriate.

The Sub-Committee will hear those applications that have relevant representations/objections and any information that may affect the continuation of a licence/permit already granted. All other matters are to be delegated to authorised officers.

The Taxi and Regulatory Committee may regulate its own procedure and that of sub-committees, subject to any regulations, in relation to the conduct of hearings, access to public and publicity.

The functions referred to in 1 above are in respect of:

Private Hire Operators.

Private Hire and Hackney Carriage Drivers.

Private Hire Vehicles.

Hackney Carriage

Hypnotism

Lottery Registrations

Street Collections.

House-to-House Collections.

Street Trading.

Sex Shops & Sexual Entertainment Venues.

Burials in Public Cemeteries.

Reservoirs.

Dangerous Wild Animals.

Animal Boarding Establishments.

Guard Dogs.

Performing Animals.

Zoos.

Camping Sites.

Caravan Sites.

Pleasure Boats.

Filling Materials.

Riding Establishments.

Charities for Disabled Persons and War Charities.

Explosives.

Fireworks.

Petroleum.

Marriage & Civil Partnerships.

Those matters set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 , Part 4 Public Health (Wales ) Act 2017 Special Procedure Practitioner licences or delegated separately under Part 3 of the Council's Constitution.

Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.

#### POWERS DELEGATED TO THE COMMITTEE

All those matters listed above, including a power to delegate to a Sub-committee the power to determine matters within the Committee's Terms of Reference.

#### POWERS DELEGATED TO OFFICERS

| Power                                                                                                                                                                                                                                                                                                                      | Delegated to                     |
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| In relation to the hackney carriage and private hire licensing functions, the determination of applications for drivers' licences where they are unproblematic and/or reveal minor traffic offences and/or the applicants had not received any additional convictions/endorsements since the previous licences were issued | Chief Officer Social Care Health |
| To determine (including imposition of conditions) application for a Pleasure Boat Licence pursuant to s 94 Public Health Amenities Act 1907;                                                                                                                                                                               | Chief Officer Social Care Health |
| The authority to grant, refuse or vary licenses in respect of riding establishments                                                                                                                                                                                                                                        |                                  |
| Under the Mobile Homes (Wales) Act 2013, to issue site licences with conditions, as necessary; to serve the site owner a fixed                                                                                                                                                                                             | Chief Officer Social Care Health |

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| penalty notice and/or compliance notice; to take emergency action; and the power to enter the site;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                            |
| Under the Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) and Regulations made under the 1984 Act to enter premises (Sections 61 and 62) and to sign any notice, order or other document which the authority are authorised or required by or under this Act to give, make or issue (Section 59);                                                                                                                                                                                                                                        | Chief Officer Social Care Health                                                                                                                                                                                                                                           |
| Under the Petroleum Consolidation Act 1928 to grant or vary petroleum licences;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Chief Officer Social Care Health                                                                                                                                                                                                                                           |
| To approve applications and issue licences under the Scrap Metal Dealers Act 2013 in cases where no relevant information needs to be considered.                                                                                                                                                                                                                                                                                                                                                                                                                                         | Chief Officer Social Care Health<br>Principal Licensing Officer<br><br><i>This power to approve applications and issue licences may be exercised by a deputy or other persons duly authorised by the Principal Licensing Officer, including Senior Licensing Officers.</i> |
| In consultation with appropriate member, to authorise the issue of the following licences and, where necessary, enforce the legislation relating to licences:<br>(i) for the breeding of dogs;<br>(ii) for caravan sites;<br>(iii) for milk and dairies;<br>(iv) for pet animals (other than dogs);<br>(v) under the Animal Boarding Establishment Act 1963 for riding stables;<br>(vi) for scrap metal dealers;<br>(vii) for hairdressers;<br>(viii) under the Poultry Meat (Hygiene) Regulations;<br>(ix) for performing animals;<br>(x) for dangerous wild animals;<br>(xi) for zoos; | Chief Officer Social Care Health                                                                                                                                                                                                                                           |
| In consultation with the local member, where appropriate, to authorise the issue of licences and permits etc., under, and where necessary enforce, the following Acts or the legislation relating to the specified matters:<br>(i) Street Collection Permits;<br>(ii) Licences for House to House Collections;<br>(iii) Public Collections under the Charities Act 1992;                                                                                                                                                                                                                 | Chief Officer Social Care Health                                                                                                                                                                                                                                           |

The quorum for the Taxi and Regulatory sub-committee is two. Every effort will be made to maintain the sub-committee at three members present when dealing with an application but there will inevitably be some circumstances where a member is unable to attend at the last

minute and a substitute cannot be found or a member part way through needs to declare an interest and withdraw from the hearing. In accordance with our Standing Orders, the chairman will have a casting vote. The Taxi and Regulatory Committee needs to be politically balanced.

Members serving on the Taxi and Regulatory Sub-committee will be drawn in rotation from the whole of the Taxi and Regulatory Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit.

The chair and vice-chair of the Taxi and Regulatory Committee are not automatically on the Taxi and Regulatory sub-committee but will be part of the normal rotation.

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