

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 13th September, 2016 at 10.00
am**

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Chapman, R. Edwards, J. Higginson,
A. Webb and M. Hickman

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer
David Jones	Head of Regulatory Services
Sam Winn	Senior Licensing Officer

1. Apologies for absence

We received apologies from County Councillors D. Evans, J. Prosser and F. Taylor.

2. Declarations of interest

County Councillor R. Chapman declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of item 7 as the taxi driver was known to him. He left the meeting during the discussion of this item.

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

The following minutes of the Committee were confirmed and signed by the Chairman.

L&R Committee

14th June 2016

8th July 2016

19th July 2016

L&R Subcommittee

14th June 2016

4. Public Protection performance report 2015/16

We received a report from the Head of Regulatory Services to inform Members of service delivery and performance across the Public Protection division, which comprises Environmental Health, Trading Standards and Licensing.

Strong Communities Select Committee received a performance report covering Public Protection Services on 21st July 2016. This was in response to a Cabinet report in January 2015 recommending this Committee monitors any changes in our performance, further to budget reductions implemented for 2014/15.

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On 7th January 2015 Cabinet requested regular six monthly reports to Strong Communities Committee to monitor performance over time. In this way, any negative impacts could be assessed and acted upon if necessary. To widen Member involvement and understanding of the range of Public Protection services delivered, it also assists to report on performance via Licensing & Regulatory Committee.

The report summarised the recent performance and highlights the following:-

- The four service teams, for the vast majority of services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
- There has been some decline in closing complaints within Public Health, for example concerning noise and other statutory cases. It should be noted that this small team (5.5 FTE's) dealt with 1,559 new service requests (1,667 clients) in 2015/16.
- Six monthly reports will continue to be made to this Committee to assess the impact of budget reductions on Public Protection performance.
- Recent audits, by Wales Audit Office and Food Standards Agency Wales, indicate current performance is satisfactory within Environmental Health, but the service would struggle to take on any new statutory duties that protect the public and the environment.

In response to a question regarding staffing challenges within the department as the department takes on more statutory duties, we were advised that we will lobby Welsh Government for funding to meet any new burdens and that ensure that resources match expectations.

A Member asked about a specific issue of noise at a local public house in a residential area created by early morning deliveries. Officers advised that although a fixed noise source (i.e. Karaoke) was easier to monitor there are steps that can be taken to address the issue and will speak to the Member for further details.

A Member asked what was being done to address the areas of the County suffering from air pollution. We were told that there is an action plan in place and that Huw Owen from Environmental Health chairs a group who are working on this issue.

We would told that Amy Lawton will be providing Members training on the new legislation regarding landlord responsibilities.

It was asked where the money from food hygiene fines went and the officer from legal explained that the money from the fines go to Central Government and the court costs come to the Local Authority.

The Chair thanked The Head of Public Health & Culture for the report and asked that thanks were passed back to the team for their hard work and commitment.

5. Amendment to Taxi and Private Hire Policy and Conditions 2016

We received a report from The Principal Licensing Officer to consider the proposed amendment to the Taxi and Private Hire Policy and Conditions 2016.

The Authority approved the Taxi and Private Hire Policy and Conditions 2016 that came into force on 1st April 2016.

Appendix D item 6 of this Policy requested that vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless an Individual Vehicle Approval to M1 or M2

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has been issued by VOSA. It has now become apparent that the Driver and Vehicle Standards Agency (previously VOSA) will not change a category of vehicle from N category (goods vehicles) to M category (passenger vehicles) vehicles following a vehicle approval check. However, they have stipulated that N category vehicles will be suitable to carry passengers providing this type of vehicle has either a British Single Vehicle Approval or a British Individual Vehicle Approval certificate. As such it is recommended the wording of Appendix D item 6 be amended to accommodate this.

3.3 Appendix D item 21 requested a fully serviced fire extinguisher (preferably with a gauge), shall be fitted in such a position to be readily available for use. The registration number of the vehicle shall be marked upon the extinguisher at all times. The extinguisher must be serviced in accordance with manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer. Only use the fire extinguisher for minor fires. In all other circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.

Concerns have been raised with regard to the safety of the driver and their passengers if they tried to tackle a fire with an extinguisher. It is therefore recommended that instead the driver ensure safe exit from a vehicle. If a vehicle is installed with a fire extinguisher the driver or a passenger may be tempted to remain with the vehicle and try and use the extinguisher, putting themselves at risk if the vehicle ignites quickly. As such it is recommended the wording of Appendix D item 21 be amended to accommodate this.

Consultation is not required on the amendments of the Taxi and Private Hire Policy and Conditions 2016 recommended in 3.2 and 3.3 above. 3.2 is a requirement of the DVSA and 3.3. is the removal of a condition to ensure the safety of the driver and passengers of a vehicle.

Members were told that fire extinguishers would not be subject to annual tests as the emphasis is now on the driver & passengers to remove themselves from the vehicle and not attempt to fight a fire.

It was explained that larger vehicles, such as minibuses would be subject to extra conditions.

The Committee voted unanimously to accept the two conditions as below;

1. Members approve the amendment of Appendix D item 6 of the Taxi and Private Hire Policy and Conditions 2016 to state the following:-

Before being licensed a vehicle must meet the technical standard of either;

- (i) A European Whole Vehicle Type approval
- (ii) A British National Type Approval or
- (iii) A British Single Vehicle Approval pre 31st December 2009
- (iv) A British Individual Vehicle Approval from 1st January 2010

Only vehicles in category M1 or M2 (passenger carrying vehicles), will be licensed by MCC. Vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless the vehicle has been issued with either a British Single Vehicle Approval or a British Individual Vehicle Approval from the Driver and Vehicle Standards Agency to ensure the vehicle is suitable to carry passengers. More information on vehicle categories can be found at www.dft.gov.uk.

2. Members approve the amendment of Appendix D item 21 of the Taxi and Private

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Hire Policy and Conditions 2016, namely: In the instances of fire in a vehicle, in all circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.

6. Application for an Annual Block Street Trading Consent for Abergavenny Town Centre

We received an application from the Estates Manager and the Abergavenny Market Manager to consider an application for a Block Street Trading Consent to trade in Abergavenny Town Centre.

An application was received on 30th August 2016 from Ms Sharon Hutchinson, on behalf of Facilities and Market, Monmouthshire County Council for Abergavenny Town Centre, which is attached to this report as Appendix A. The application request is to trade on Monday to Sunday between the hours of 07.00hrs until 23.00hrs. The location and number of pitches requested in the application form for Abergavenny Town Centre are as follows:-

- Plan 1 : Abergavenny Castle (50 pitches)
- Plan 2 : Linda Vista Gardens (50 pitches), St Johns Square (26 pitches), Flannel Street (7 pitches), Nevill Street (23 pitches), High Street (32 pitches), Cross Street (70 pitches), Brewery Yard (50 pitches), Baker Street (10 pitches)
- Plan 3 : Pen-y-Pound (50 pitches), Bailey Park (50 pitches)

The total pitches requested for Abergavenny Town Centre is 418 pitches.

The applicant has stated the pitches will be subject to the following:

- Trading will not be permitted in any area that contravenes Traffic Regulation Orders / Highway Law.
- Facilities and Markets to notify the Licensing Section when events other than regular markets are taking place.
- Trading is subject to road closure where applicable.
- Trading on certain areas is subject to approval from relevant departments.

The applicant has further stated that if the consent is granted she will ensure pitch holders will comply with the Council's conditions for the consent. The applicant has stated within Section 6 of the application form that each person requesting a pitch will be required to complete an "Application for a Day Market Pitch", which will be issued by Facilities and Market, Monmouthshire County Council.

The application was forwarded to the consultees (Appendix A), these being Heddlu Gwent Police, Monmouthshire County Council's Highways, Planning, Environmental Health, Car Park Manager and Community Hub. Local Ward Members and Abergavenny Town Council.

It was noted that the Town Council have not responded to the Licensing department regarding this application.

A question was asked about car parking and the impact on residential parking, in answer we were told that car parking plays a large part of the consultation process and in all cases MCC will try to avoid taking away parking permits.

Members unanimously agreed to the recommendations as outlined in appendix A.

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- 7. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information**
- 8. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence**

Members of the Committee unanimously endorsed the actions of the Chair and Vice Chair.

- 9. To note the date and time of the next meeting**

October 18th 2016 at 10am

The meeting ended at 11.20 am