

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

County Hall  
Rhadyr  
Usk  
NP15 1GA

Thursday, 5 September 2002

**Notice of meeting / Hysbysiad o gyfarfod:**

## **Licensing and Regulatory Committee**

**Tuesday, 13th September, 2016 at 10.00 am,**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	<b>Apologies for absence</b>	
2.	<b>Declarations of interest</b>	
3.	<b>To confirm and sign the minutes of the previous meeting</b>	1 - 20
	<b>L&amp;R Committee</b>	
	14 <sup>th</sup> June 2016	
	8 <sup>th</sup> July 2016	
	19 <sup>th</sup> July 2016	
	<b>L&amp;R Subcommittee</b>	
	14 <sup>th</sup> June 2016	
4.	<b>Public Protection performance report 2015/16</b>	21 - 34
5.	<b>Amendment to Taxi and Private Hire Policy and Conditions 2016</b>	35 - 38
6.	<b>Application for an Annual Block Street Trading Consent for Abergavenny Town Centre</b>	39 - 66
7.	<b>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</b>	67 - 68
7.1.	<b>To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence</b>	69 - 74
8.	<b>To note the date and time of the next meeting</b>	

18<sup>th</sup> October 2016 at 10am

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Chapman  
R. Edwards  
D. Evans  
L. Guppy  
J. Higginson  
J. Marshall  
J. Prosser  
B. Strong  
F. Taylor  
P. Watts  
A. Webb  
M. Hickman

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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

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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# Public Document Pack **Agenda Item 3**

## 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 on Tuesday, 14th  
June, 2016 at 2.00 pm**

**PRESENT:** County Councillor: L. Guppy (Chair)

County Councillors: D.J. Evans and R.J. Higginson

### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Samantha Winn	Senior Licensing Officer
Huw Owen	Principal Environment Health Officer
Alun Thomas	Specialist Environmental Health Officer
Kristian Williams	Specialist Environmental Health Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **ALSO IN ATTENDANCE:**

Elfed Roberts	-	Chief Executive, National Eisteddfod
Huw Aled Jones	-	Head of Technical Services for the National Eisteddfod
John Walsgrove	-	Solicitor for the National Eisteddfod
Roderick Jones	-	Objector to the application

### **APOLOGIES:**

None.

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

There were no declarations of interest made by Members.

#### **2. Application for a Temporary Premises Licence for Eisteddfod Genedlaethol Cymru, Castle Meadows, Land at Racecourse Farm and Land at Llanofar.**

We received an application for a Temporary Premises Licence under the Licensing Act 2003 for the Eisteddfod Genedlaethol Cymru.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present. It was recommended that Members consider and determine the application, on the basis of the information provided.

The Principal Licensing Officer presented the key issues, which summarised:

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
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The application is for the following:

<b>Supply of Alcohol (On and Off Sales):</b> Monday to Sunday	<b>Start</b>	<b>Finish</b>
Esiteddfod Maes Maes B Caravan Site	11.00hrs 11.00hrs 11.00hrs	00.00hrs 01.30hrs 23.00hrs
<b>Recorded Music (Indoors and Outdoors)</b>  Sunday to Tuesday  Wednesday to Saturday  29 <sup>th</sup> July – 6 <sup>th</sup> August on the Maes and Maes B music will be amplified. No entertainment on the caravan site  Wednesday 3 <sup>rd</sup> to Saturday 6 <sup>th</sup> Maes B will operate until 02.00hrs  Performances on the Maes will end at 23.30hrs on these nights	08.00hrs  08.00hrs	23.00hrs  02.00hrs
<b>Late Night Refreshments (Indoors and Outdoors)</b>  Monday to Sunday  Mobile units on the Eisteddfod Maes and one unit on the Caravan Site till 01.00hrs  On Maes B, “Y Gorlan” will provide hot food for people staying at the Maes B campsite as part of their 24 hour counselling and support service. July 30 <sup>th</sup> – August 6 <sup>th</sup> 2016 only.	23.00hrs	01.00hrs
<b>Live Music (Indoors and Outdoors)</b>  Sunday to Tuesday  Wednesday to Saturday  29 <sup>th</sup> July – 6 <sup>th</sup> August on the Maes and Maes B music will be amplified. No entertainment on the caravan site.	08:00hrs  08.00hrs	23:00 hrs  02.00hrs



**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
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June, 2016 at 2.00 pm**

<p>Wednesday 3<sup>rd</sup> to Saturday 6<sup>th</sup> only Maes B will operate until 02.00hrs (Sunday 7<sup>th</sup>) Performances on the Maes will end at 23.30hrs on these nights.</p>		
<p><b>Performances of Dance (Indoors and Outdoors)</b></p> <p>Monday to Sunday</p> <p>Range of dance performances and competitions as part of the 2016 Eisteddfod July 29<sup>th</sup> – August 6<sup>th</sup>. Eisteddfod Maes only. No entertainment on Caravan Site.</p>	08.00hrs	23.00hrs
<p><b>Plays (Indoors and Outdoors)</b></p> <p>Monday to Sunday</p> <p>Drama performances by amateur and professional companies July 29<sup>th</sup> – August 6<sup>th</sup> 2016 only on the Eisteddfod Maes.</p>	08.00hrs	23.00hrs
<p><b>Films (Indoors and Outdoors)</b></p> <p>Monday to Sunday</p> <p>Showing of various videos and films as part of the activities on the Eisteddfod Maes July 29<sup>th</sup> – August 6<sup>th</sup></p> <p>Maes B will also show films and videos on Wednesday 3<sup>rd</sup> to Saturday 6<sup>th</sup> until 02.00hrs.</p>	08.00hrs	23.00hrs
<p><b>Indoor Sporting Events</b></p> <p>Monday to Sunday</p>	08.00hrs	18.00hrs
<p><b>Hours open to the Public</b></p> <p>Monday and Tuesday Wednesday to Saturday Sunday</p> <p>Eisteddfod Maes 08.00 – 01.00</p>	08.00hrs 08.00hrs 08.00hrs	01.00hrs 02.30hrs 00.00hrs

## 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 on Tuesday, 14th June, 2016 at 2.00 pm

Maes B entertainment open Wed 3 <sup>rd</sup> – Sat 6 <sup>th</sup> August inclusive hence the later hours from Wednesday		
The Sunday refers to July 31 <sup>st</sup>		
Caravan site will be open from 14.00 on Thursday 28 <sup>th</sup> July until 14.00 Sunday 7 <sup>th</sup> August		

The Legislative Reform (Entertainment Licensing) Order 2014 permits live and recorded music for 500 persons between the 08.00hrs – 23.00hrs on licensed premises without the requirement of a licence. The payment received by the Licensing Section for the application referred to above was for a capacity level between 10,000 and 14,999. Therefore, this Order will not be applicable in this instance as the capacity level will exceed 500 people.

The Chair invited other representatives to address the Sub Committee:

The solicitor representing the Eisteddfod Committee outlined the following points:

- The public notice has been displayed at the site and has been properly advertised.
- There has been no objection to the grant of a licence for the Eisteddfod Maes or the caravan site. The objection only relates to Maes B over the four day period.
- Good public consultation has been undertaken in respect of the Eisteddfod. Very few complaints have been received. Instead, considerable support for the Eisteddfod has been received.
- The Secretary of State's Guidance sits alongside local policy. Relevant paragraphs within the guidance supported the local policy.
- The licence, if granted, will run for a short period (four days). Therefore, the Sub-Committee needs to determine whether this will be proportionate or disproportionate.
- Officers have put in a considerable amount of work in preparation for the Eisteddfod.
- The Eisteddfod is a valuable event for Wales and beyond.
- Consider the views of the responsible authorities as they have visited other Eisteddfod events and worked with Eisteddfod Staff. All statutory requirements have been assessed and they have not objected to this application.

## MONMOUTHSHIRE COUNTY COUNCIL

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- There is significant legislation in place to address any health and safety issues. It will be a safe event.
- With regard to the path, measures are in place i.e., stewarding and the shuttle buses taking visitors between the two sites. These measures will deter visitors from walking along the riverbank. Therefore, there will be no need to build a bridge across the river, as requested by the objector.

Mr. Roderick Jones, objecting to the application, outlined the following points:

- The dark blue notices in respect of Maes B have been erected on a private road and could not have been seen by the public.
- The Eisteddfod plan indicates that people will be informed by notices, the drop in session, the press and by leaflet. However, the leaflet states that Maes B will be on the Castle Meadows site.
- The noise issue is probably tolerable.
- The main issue is the safety aspect of the Meas B site. Meas B tends to be frequented by young people consuming alcohol. The location of the Maes B site is therefore unsafe, as it is likely that young people, potentially intoxicated with alcohol, will try to walk across Llanfoist Bridge late at night rather than use the shuttle bus.
- The website for Maes B does not state that anyone with an electronic pacemaker / electronic medical device, should not visit the site. Neither does the website state that the flying of kites / drones or fishing at the site should be prohibited.
- The safety aspect of Meas B and the lack of pedestrian access is a serious problem. Removal of the alcohol licence or the provision of safe pedestrian access should be considered.

Having considered the views expressed, the following points were noted:

- Officers will liaise with the Eisteddfod Committee with a view to checking noise levels and agreeing appropriate sound levels.
- Music levels will be reasonable and proportionate which will be agreed on the first night. An acoustic consultant will be on site on the first night.
- Shuttle buses are being provided to transport visitors to the sites on either side of the river.
- It was noted that the Maes B event was established in 1996. Tickets for this event are required. An alcohol licence for the event is in place which will regulate alcohol availability on the site.

## 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 on Tuesday, 14th June, 2016 at 2.00 pm

- A risk assessment has been carried out. Shuttle buses and stewarding have been established.
- 24 hour security will be available on the site.
- All issues relating to electricity on the site have been dealt with via the risk assessment.
- If the application is granted, an event safety management plan will ensure that safety conditions are adhered to.
- It was noted that there is no legal requirement to contact the Nation Grid. The pylons on the site will be taken into account via the risk assessment.

Following questioning, officers, the objector, the applicant and the applicant's representatives left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chair advised those present that the sub-committee had considered the application under the Licensing Act 2003 for a temporary premises licence for the Eisteddfod Genedlaethol Cymru and had reached the following decision:

The sub-committee had heard representations from the applicant and the objector and we had also taken note of all the written representations before it.

In reaching the decision the sub-committee had regard to:

- the Licensing Act 2003.
- the licensing objectives.
- the Council's statement of licensing policy.
- the Guidance issued by the Home Office.

and any other relevant legislation, such as the Human Rights Act 1998 and all the issues raised before it today.

The sub- committee felt that the following issues were relevant:

- Noise levels and monitoring at Maes B.
- The public's safety at Maes B including the safety of the public leaving the site.

Therefore the sub-committee had decided to:

Grant the application for a temporary premises licence, and for the licensable activities as applied for.

The applicant and objector were informed that they may appeal to a magistrates' court against this decision within 21 days of being notified of the decision.

**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 on Tuesday, 14th  
June, 2016 at 2.00 pm**

The applicant and objector will receive written confirmation of this decision within five working days from today.

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## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 14th June, 2016 at 10.00 am

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

County Councillors: R. Chapman, R. Edwards, D. Evans,  
J. Higginson, J. Prosser, F. Taylor, A. Webb and M. Hickman

### **OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Sam Winn	Senior Licensing Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Debbie McCarty	Whole Place Manager
Ben Winstanley	Estates Manager
Paula Harris	Democratic Services Officer

#### **1. To elect a Chair**

County Councillor L. Guppy was elected as Chairman of the Licensing and Regulatory Committee.

#### **2. To appoint a Vice Chair**

County Councillor B. Strong was appointed as Vice Chairman of the Licensing and Regulatory Committee.

#### **3. Apologies for absence**

We received apologies from County Councillor J. Marshall.

#### **4. Declarations of interest**

There were no declarations of interest.

#### **5. To confirm and sign the minutes of the previous meeting**

The minutes on meetings held on the 3rd May 2016, 22nd March 2016 and 11th May 2016 were signed as accurate by the Chair.

#### **6. 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**

#### **7. To consider whether the driver is 'fit and proper' to continue to hold a Hackney Carriage/Private Hire Drivers 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.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 14th June, 2016 at 10.00 am

The applicant confirmed their name and address to the Committee and confirmed that they were content to proceed without legal representation.

The Principal Licensing Officer presented a report which recommended that members consider and determine whether the applicant for a Hackney Carriage/Private Hire drive was a fit and proper person to continue to hold a licence.

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

The applicant was then provided with 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.

Following questioning, officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had considered the application and had resolved that the licence would not be revoked, as the applicant for a Hackney Carriage/Private Hire driver was a fit and proper person to continue to hold a licence.

#### **8. To consider whether the driver is 'fit and proper' to continue to hold a Hackney Carriage/Private Hire Drivers 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 and confirmed that they were content to proceed without legal representation.

The Principal Licensing Officer presented a report which recommended that members consider and determine whether the applicant for a Hackney Carriage/Private Hire drive was a fit and proper person to continue to hold a licence.

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

The applicant was then provided with 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.

Following questioning, officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had considered the application and had resolved to defer the decision until the September meeting, subject to the result of further tests. It was also decided that the licence would not be revoked at present.

#### **9. Application for an Annual Block Street Trading Consent for Monmouth Town Centre**

We received a report from the Principal Licensing Officer to consider an application for a Block Street Trading Consent to trade in Monmouth Town Centre.

An application was received on 2nd June 2016 from Ms Sharon Hutchinson, on



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 14th June, 2016 at 10.00 am

behalf of Facilities and Market, Monmouthshire County Council for Monmouth 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 Monmouth Town Centre are as follows:-

- Plan A: A-D St Marys Churchyard (119 pitches), E Pavement area outside Chinese in Priory Street (4 pitches), F Church Street (small barrow stalls on wheels) (45 pitches), G Car park behind Market Hall (11 pitches), H Curved area top of Priory Street beginning of Agincourt Square (12 pitches), I Agincourt Square leading into top end of Agincourt Street (17 pitches)
- Plan B: Q Car park area and green by Rowing Club (58 pitches)
- Plan C: Chippenham (100 pitches)
- Plan D: J-K Monnow Street (22 pitches), L Pavement area by toilet block bottom of Monnow Street (3 pitches), M Pavement area opposite toilet block bottom of Monnow Street (3 pitches), N Over old Monnow Bridge (13 pitches), O Cattle Market car park including grassed area (74 pitches)
- Plan E: R proposed new car park and area around Duck Pond in Drybridge Park off Rockfield Road (56 pitches).

The total pitches requested for Monmouth Town Centre is 537 pitches.

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, attached as Appendix C.

Members asked if local traders had been consulted over the loss of car parking facilities and we were told that MCC run a market in a section of the car park already and this application is for special events only.

The Committee praised the Officers for their forward planning and agreed that it would be good for Monmouthshire.

It was proposed that the application was accepted with the highway objections being taken into account.

#### **10. DEFINITIVE MAP MODIFICATION ORDER, CLEDDON SHOOT, LLANDOGO, TRELLECH (41Mod)**

Deferred to a later meeting.

#### **11. To note the date and time of the next meeting**

19<sup>th</sup> July 2016 at 10am and 1pm.

**The meeting ended at 1.30 pm**

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MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Committee – Rights of Way  
Advisory Panel held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA  
on Tuesday, 19th July, 2016 at 10.00 am**

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

County Councillors: R. Chapman, D. Evans, J. Higginson and  
A. Webb

County Councillor P.A.D. Hobson, Cabinet Member for Community  
Development attended the meeting by invitation of the Chair.

**OFFICERS IN ATTENDANCE:**

Paul Keeble	Traffic and Network Manager
Ruth Rourke	Principal Officer - Countryside Access
Claire Williams	Legal Officer
Richard Williams	Democratic Services Officer

**ALSO IN ATTENDANCE:**

Robin Carr – Robin Carr Associates

**APOLOGIES:**

Councillors R. Edwards, M. Hickman, J. Prosser and F. Taylor

**1. Declarations of interest**

There were no declarations of interest made by Members.

**2. DEFINITIVE MAP MODIFICATION ORDER (DMMO). WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53 (3)(C)(i): FOR A RESTRICTED BY-WAY 53-16 TO BE ADDED TO THE DEFINITIVE MAP & STATEMENT OF PUBLIC RIGHTS OF WAY**

We received a report in which the Committee was asked to consider if proposed restricted by-way 53-16 should be added to the Definitive Map and Statement.

The Traffic and Network Manager informed the Committee that the Authority was acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. The Committee was not required to resolve conflicts in the evidence and there might well be evidence on both sides of the issue. The Committee must weigh up the evidence using the test of the “balance of probabilities”, and, if on this balance it was reasonable to conclude that the evidence showed that change should be made, the Authority must do so. Although officers have considered the evidence, and made a recommendation based on their appraisal, the Committee must consider the evidence and reach its own conclusions. If a modification order was to be made anyone has a

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Licensing and Regulatory Committee – Rights of Way Advisory Panel held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 19th July, 2016 at 10.00 am**

right to object. The matter would then be determined by the Planning Inspectorate for Wales.

Members were informed that a number of routes in the Monmouthshire County Council area had been recorded on Highway Authority records as Unclassified County Roads, but were subsequently struck off these records for reasons which had not yet been determined. As a result of this there was some ambiguity over their status. Additionally, these routes would now be subject to the Natural Environment and Rural Communities Act 2006 (NERC Act). This removed vehicular status unless one of the conditions in the act applied.

The status of one such route (Route 53-16) in the Devauden area has been the subject of an ongoing dispute for some years and has been added back to the List of Streets. The List of Streets was not regulated at the current time by any process which allowed for challenge and this led to an ombudsman complaint by the landowner. The ombudsman was satisfied that the Council would reconsider the issue via the Definitive MAP Modification process.

The Highway Authority therefore appointed Robin Carr Associates to undertake the necessary investigations and consultation with a view to producing an advisory report to assist them in determining whether or not the route should be added to the Definitive Map.

The evidence included historical documents, no witness statements and no evidence forms. Two public consultations had been carried out including a public participation meeting and comments had been received.

In addition to the advisory report, Robin Carr provided the Committee with a thorough and detailed presentation into the Status of Monmouthshire Lanes Community of Devauden: Route 53-16.

In response to a question raised by the Cabinet Member, it was noted that the route had most likely fallen out of use over time due to more modern methods of transport / routes being used by the public. However, if vehicular rights of way existed historically, then the rights would still exist today.

Having received the report, the advisory report by Robin Carr Associates and the detailed presentation, Members considered that the evidence presented to the Committee had weighed in favour of making a Modification Order.

The Legal Adviser informed the Committee that the evidence had been clearly presented to Members and that they needed to be satisfied with the evidence received before making a decision.

Having considered all views expressed, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor D.J. Evans that the Committee should accept the advice provided by Robin Carr Associates and that the Licensing and Regulatory Committee – Rights of Way Advisory Panel should advise the Cabinet

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Licensing and Regulatory Committee – Rights of Way Advisory Panel held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 19th July, 2016 at 10.00 am**

Member for Community Development to make a Modification Order (under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the map in Appendix 1 of the report, and to seek confirmation of the order.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	6
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that the Rights of Way Advisory Panel advise the Cabinet Member for Community Development to make a Modification Order (under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the map in Appendix 1 of the report, and to seek confirmation of the order.

**The meeting ended at 11.35 am**

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**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Committee – Rights of Way  
Advisory Panel held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA  
on Tuesday, 19th July, 2016 at 10.00 am**

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

County Councillors: R. Chapman, D. Evans, J. Higginson and  
A. Webb

County Councillor P.A.D. Hobson, Cabinet Member for Community  
Development attended the meeting by invitation of the Chair.

**OFFICERS IN ATTENDANCE:**

Paul Keeble	Traffic and Network Manager
Ruth Rourke	Principal Officer - Countryside Access
Claire Williams	Legal Officer
Richard Williams	Democratic Services Officer

**ALSO IN ATTENDANCE:**

Robin Carr – Robin Carr Associates

**APOLOGIES:**

Councillors R. Edwards, M. Hickman, J. Prosser and F. Taylor

**1. Declarations of interest**

There were no declarations of interest made by Members.

**2. DEFINITIVE MAP MODIFICATION ORDER (DMMO). WILDLIFE AND  
COUNTRYSIDE ACT 1981 SECTION 53 (3)(C)(i): FOR A RESTRICTED BY-WAY  
53-16 TO BE ADDED TO THE DEFINITIVE MAP & STATEMENT OF PUBLIC  
RIGHTS OF WAY**

We received a report in which the Committee was asked to consider if proposed restricted by-way 53-16 should be added to the Definitive Map and Statement.

The Traffic and Network Manager informed the Committee that the Authority was acting in a quasi-judicial capacity and must reach a decision based on the evidence presented. The Committee was not required to resolve conflicts in the evidence and there might well be evidence on both sides of the issue. The Committee must weigh up the evidence using the test of the “balance of probabilities”, and, if on this balance it was reasonable to conclude that the evidence showed that change should be made, the Authority must do so. Although officers have considered the evidence, and made a recommendation based on their appraisal, the Committee must consider the evidence and reach its own conclusions. If a modification order was to be made anyone has a

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right to object. The matter would then be determined by the Planning Inspectorate for Wales.

Members were informed that a number of routes in the Monmouthshire County Council area had been recorded on Highway Authority records as Unclassified County Roads, but were subsequently struck off these records for reasons which had not yet been determined. As a result of this there was some ambiguity over their status. Additionally, these routes would now be subject to the Natural Environment and Rural Communities Act 2006 (NERC Act). This removed vehicular status unless one of the conditions in the act applied.

The status of one such route (Route 53-16) in the Devauden area has been the subject of an ongoing dispute for some years and has been added back to the List of Streets. The List of Streets was not regulated at the current time by any process which allowed for challenge and this led to an ombudsman complaint by the landowner. The ombudsman was satisfied that the Council would reconsider the issue via the Definitive MAP Modification process.

The Highway Authority therefore appointed Robin Carr Associates to undertake the necessary investigations and consultation with a view to producing an advisory report to assist them in determining whether or not the route should be added to the Definitive Map.

The evidence included historical documents, no witness statements and no evidence forms. Two public consultations had been carried out including a public participation meeting and comments had been received.

In addition to the advisory report, Robin Carr provided the Committee with a thorough and detailed presentation into the Status of Monmouthshire Lanes Community of Devauden: Route 53-16.

In response to a question raised by the Cabinet Member, it was noted that the route had most likely fallen out of use over time due to more modern methods of transport / routes being used by the public. However, if vehicular rights of way existed historically, then the rights would still exist today.

Having received the report, the advisory report by Robin Carr Associates and the detailed presentation, Members considered that the evidence presented to the Committee had weighed in favour of making a Modification Order.

The Legal Adviser informed the Committee that the evidence had been clearly presented to Members and that they needed to be satisfied with the evidence received before making a decision.

Having considered all views expressed, it was proposed by County Councillor R.J. Higginson and seconded by County Councillor D.J. Evans that the Committee should accept the advice provided by Robin Carr Associates and that the Licensing and Regulatory Committee – Rights of Way Advisory Panel should advise the Cabinet



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Member for Community Development to make a Modification Order (under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the map in Appendix 1 of the report, and to seek confirmation of the order.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	6
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that the Rights of Way Advisory Panel advise the Cabinet Member for Community Development to make a Modification Order (under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement a restricted byway, from point A to J shown on the map in Appendix 1 of the report, and to seek confirmation of the order.

**The meeting ended at 11.35 am**

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<b>SUBJECT:</b>	<b>PUBLIC PROTECTION PERFORMANCE REPORT 2015/16</b>
<b>MEETING:</b>	<b>Licensing &amp; Regulatory Committee</b>
<b>DATE:</b>	<b>13<sup>th</sup> September 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

## 1. PURPOSE:

- 1.1 To inform Members of service delivery and performance across the Public Protection division, which comprises Environmental Health, Trading Standards and Licensing.

## 2. RECOMMENDATIONS:

- 2.1 To consider and comment on the contents of the accompanying report entitled 'Public Protection Performance report 2015/16'

## 3. KEY ISSUES:

- 3.1 Strong Communities Select Committee received a performance report covering Public Protection Services on 21<sup>st</sup> 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.
- 3.2 On 7<sup>th</sup> 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.
- 3.3 The attached report summarises 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.

#### **4. REASONS:**

- 4.1 The Cabinet decision log from 7<sup>th</sup> January 2015 states:- 'Noting the continually changing legislative landscape in the future, it was decided Strong Communities Select Committee would receive six monthly performance reports on Public Protection services'. This will be supplemented by also reporting performance to the Licensing & Regulatory Committee.

#### **5. RESOURCE IMPLICATIONS:**

None as a consequence of this report.

#### **6. WELL-BEING OF FUTURE GENERATIONS IMPLICATIONS:**

- 6.1 Assessments were previously completed for the Cabinet report 7<sup>th</sup> January 2015. This report only serves to update the position in relation to performance, and therefore does not require a further assessment.

#### **7. CONSULTEES:**

Previously circulated to SLT, Cabinet Membres, Chairs of Select Committees, Head of Legal Services prior to Strong Communities Select on 21<sup>st</sup> July 2016.

#### **8. BACKGROUND PAPERS:**

Report to Cabinet, 7<sup>th</sup> January 2015, entitled 'Review of Service Delivery in Public Protection Department'.

#### **9. AUTHOR:**

David H Jones, Head of Community Protection

#### **10. CONTACT DETAILS:**

**Tel:** 01633 644100

**E-mail:** [davidhjones@monmouthshire.gov.uk](mailto:davidhjones@monmouthshire.gov.uk)

# **REPORT TO STRONG COMMUNITIES SELECT COMMITTEE,**

**21<sup>st</sup> July 2016**

## **PUBLIC PROTECTION PERFORMANCE REPORT**

**2015/16**

### **1. Introduction**

1.1 In January 2015 Cabinet requested that Strong Communities Select Committee receive six monthly performance reports on Public Protection services. Members expressed interest in reviewing performance across this Division noting budget reductions implemented since April 2014.

1.2 The Public Protection division comprises four distinct teams,

- (i) Environmental Health, Commercial
- (ii) Environmental Health, Public Health
- (iii) Licensing
- (iv) Trading Standards & Animal Health

1.3 The last Public Protection performance report was provided to Strong Communities Select Committee on 14<sup>th</sup> September 2015. Particular focus was given to Licensing and Trading Standards/Animal Health, so this time the work of Environmental Health will be reviewed, (though the full data is provided)

### **2. Resources**

#### **2.1 Staff resource**

**(i)** Environmental Health – Commercial:-

- 6 Environmental Health Officers, 5.6 Full Time Equivalents (FTE's)
- 3 Commercial Services Officers, 2.1 FTE's
- 1 System Support Officer, 1 FTE

**(ii)** Environmental Health – Public Health:-

- 5 Environmental Health Officers, 5 FTE's
- 2 Enforcement Officers, 1.6 FTE's

**(iii)** Licensing:-

- 5 Licensing Officers, 4.5 FTE's

(iv) Trading Standards & Animal Health:-

- 3 Trading Standards Officers, 3 FTE's
- 1 Fair Trading Officer, 1 FTE
- 1 Intelligence & Advice Officer, 0.8 FTE's
- 2 Animal Health Officers, 1.5 FTE's

(v) Support team:-

- 6 Support Officers, 4.7 FTE's – dropped to 5 (4.1 FTE's) from 1.9.15

Above staff resource adds up to a total of 35 staff, 30.8 Full Time Equivalents.

## 2.2. Financial resource

The actual budget spend in 2015/16, noting the Support Team costs are split across the professional disciplines, was as follows:-

	Budget	Actual	Outturn
Environmental Health – general public health	415,640	377,115	- 38,525
Environmental Health - commercial	437,584	421,926	- 15,658
Management & Generic Costs (eg software)	115,667	117,290	1,623
Trading Standards & Animal Health	326,636	45,385	- 6,354
Licensing	44,799	45,385	586
<b>Total</b>	<b>1,340,326</b>	<b>1,281,998</b>	<b>-58,328</b>

The actual total spend of £1,281,998 was £58,328 under budget last year, a variance of 4.4%.

## 3. Performance

3.1 Internal performance monitoring – the four teams within Public Protection each complete an annual Service Improvement Plan (SIP). These outline annual targets, specific projects etc and progress is reviewed regularly both by the teams themselves and Departmental Management Team.

3.2 External reporting – regular returns are made to the Food Standards Agency, Health & Safety Executive, Chartered Institute of Environmental Health, Drinking Water Inspectorate, Welsh Government and other organisations.

### 3.3 2015/16 performance, (and comparison to previous years)

The right hand column summarises team performance over the 2015/16 year. The middle column covers 2014/15, the first year when the cost reductions were introduced. The left column outlines the 2013/14, the year prior to implementing the savings.

The following table summarises performance data from the four service teams.

**Figure One**

<b><u>Service</u></b>	<b><u>2013/14 performance</u></b>	<b><u>2014/15 performance</u></b>	<b><u>2015/16 performance</u></b>
<b>i. Environmental Health (Commercial)</b>			
Food safety inspections (programmed)	601 (471 & 129 ceased trading/no 2 <sup>nd</sup> visit required)=99.8% (1 inspection not done due to obstruction)	394(348 & 46 ceased trading)=100%	489 (100% of those programmed)
Inspection within 28 days of scheduled date	95%	88%	95%
Broadly compliant food businesses (high risk)	85.6%	88.5%	89.0%
Broadly compliant food businesses - All	91.2%	93.8%	94.0%
Service Requests food safety	439 348 within 3 working days=79.2%	503 400 within 3 working days=79.5%	569
Communicable Diseases Cases dealt with	209	194	183
<b>ii. Environmental Health (General public health)</b>			
Housing (service requests (SR))	167 Total 147 within 3 working days=88%	153 Total 128 within 3 working days=83.7%	167 Total 135 within 3 working days = 80.8%
Noise	388 Total 314 within 3 working days=80.9%	341 Total 297 within 3 working days=87.1%	305 Total 277 within 3 working days = 90.8%

	240 closed within 3 months=61.9%	221 closed within 3 months= 64.8%	130 closed within 3 months = 42.6%
Statutory nuisance ex noise	195 Total 174 within 3 working days=89.2%	198 Total 180 within 3 working days=90.9%	148 Total 131 within 3 working days = 88.5%
	137 closed within 3 months=70.3%	140 closed within 3 months=70.7%	75 closed within 3 months = 50.7%
Environmental Protection (fouling, littering, fly tipping etc.)	360 Total 314 within 3 working days=87.2%	345 Total 314 within 3 working days=91%	255 Total 233 within 3 working days = 91.4%
	306 closed within 3 months=85%	222 closed within 3 months=64.3%	174 closed within 3 months = 68.2%
Pest Control	34 Total 28 within 3 working days=82.6%	95 Total 84 within 3 working days=88.4%	Total 104 85 within 3 working days = 81.7%
<b>iii. Licensing</b>			
Applications dealt with by Licensing	1640 (which includes 402 Temporary Event Notices requiring a 24 hour turnaround)	1374 (which includes 382 Temporary Event Notices requiring a 24 hour turnaround.	1945 (this increased figure also includes all monetary transactions).
Inspections carried out	774 inspections carried out (353 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	624 inspections carried out (274 of which were risk rated premises for alcohol, entertainment and late night refreshment houses)	774
Service Requests carried out	Not recorded	931 service requests were carried out (847 (91%)) with a 3 day turnaround for first response).	741 service requests Within 3 working days 92%
<b>iv. Trading Standards and Animal Health</b>			
Trading Standards Visits	322	192	317



Trading Standards Complaints/Advice	659	669	540
Animal Health Visits	472	290	311
Citizens Advice Consumer Service	432 Referrals 1198 Notifications	419 Referrals 1158 Notifications	410 Referrals 1069 Notifications
Animal Health Visits	472	290	311
Animal Health Complaints/Advice	351	251	186
Inspections at our: High Risk premises, Upper Medium premises.	87% (7/8) High Risk 42% (8/19) Upper Medium	92% (13/14) High Risk 46% (12/16) Upper Medium	95% (57/60) Inspection programme intel led
Feed Law Enforcement: In particular, deliver: a) 186 High Risk Feed Inspections; b) 96 Medium Risk inspections	No programme in place	62% High Risk	103% of new externally funded feed programme. 156 Inspections
Programmed animal health inspections	100%.	100%	100% (14 High) 40% Overall Programme
New Business Visits	32% TS 87% AH	26% TS 10% AH	76% TS 90% AH
Animal Welfare Complaints	Not Reported.	92.5% within target response time	96% within target response time
Vulnerable Scam Reports	Not reported	Not reported	35 visits to 119 individuals
<b>Other</b>			
<b>Freedom of Information Requests (PP Total)</b>	60	77	85
<b>Events requiring advice via Safety Advisory Group</b>	Not reported	110	94

## **4. Analysis and notable activity in 2015/16**

### **4.1 Environmental Health - Commercial**

As per figure 1, 489 food safety inspections were carried out over the year. All premises scheduled for inspection during the year were completed, as per the hazard rating system. There is a steady improvement regarding 'broad compliance', in part due to the introduction of the 'Food Hygiene Rating Scheme' (FHRS). In 15/16, 75% of food businesses were rated 4 or 5 (highest scores).

1169 service requests were responded to by the team, 569 of which were food related. The others would include responding to event notifications, temporary event notices etc.

44 'ACCESS' visits were conducted. These are cost-recovered visits, arranged to help new and existing food businesses with compliance issues. It promotes a better relationship with the enforcing authority and helps businesses improve their FHRS.

88 people were trained by our Officers through food hygiene courses, generating £14,000 in income.

The Commercial team has several Primary Authority Partnerships, (PAP's). These are set up to work in partnership with businesses who operate throughout the UK, eg Marriotts, by advising on such matters as their food safety and health and safety policies and procedures. This work is rechargeable and generates £5,000 of income.

183 cases of communicable disease, eg Campylobacter and Salmonella, were investigated within the target time.

2 prosecutions were taken. Wigmore's Bakery in Monmouth were fined £2000 (+ £1000 costs) for 5 breaches of food safety regulations. More recently the Kings Head Hotel in Usk was prosecuted after a routine visit in January 2016 found unacceptable conditions. Fines and costs amounted to £4,000 and the business closed voluntarily while improvements were carried out.

Our food safety, food standards and animal feedstuff services were re-audited by the Food Standards Agency in August 2015. Further to their initial audit in 2013, the FSA concluded 17 of the original recommendations were fully completed, with the remaining 11 recorded as being progressed satisfactorily. The overall conclusion was positive, a reflection of all the good work done by the Commercial team.

Their view is the service is coping within the resources available.

### **4.2 Environmental Health - Public Health**

#### **(a) Housing**

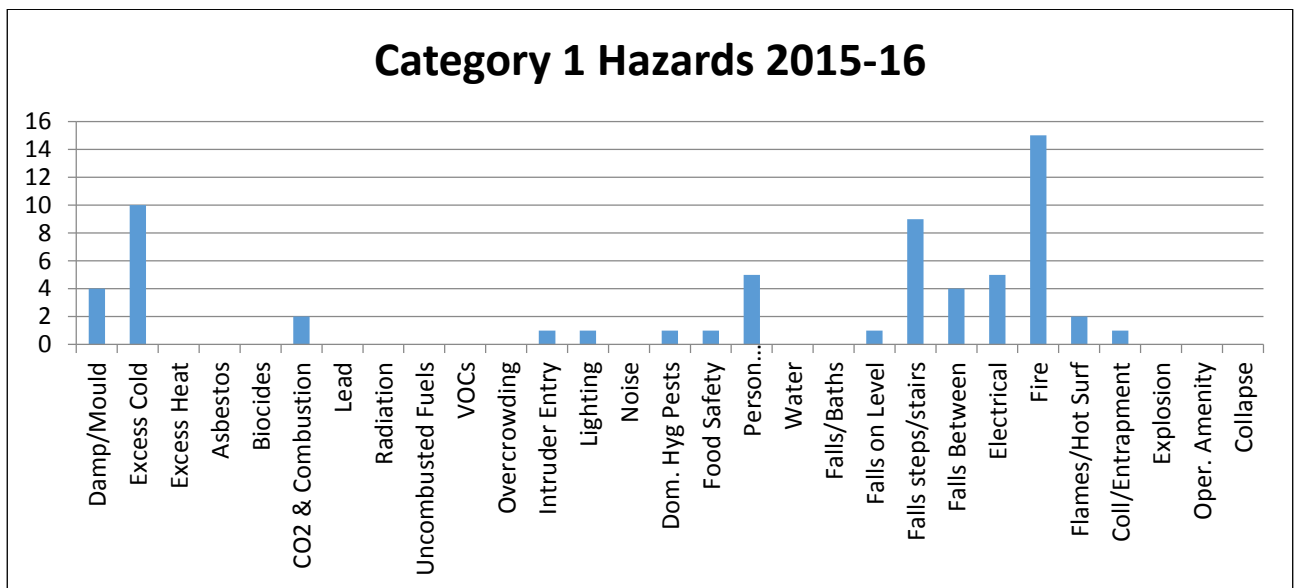
In 15/16 the team continued to progress inspections of living accommodation above takeaway type commercial premises which provide some of the poorest conditions affecting some of the most vulnerable persons in our community. The scheme (since its commencement in 2013) has resulted in over 43 full inspections with 72 Class 1

hazards (most serious) identified and 38 Class 2 hazards. Remedial works completed to date have protected 60 adults and 17 children living in the dwellings.

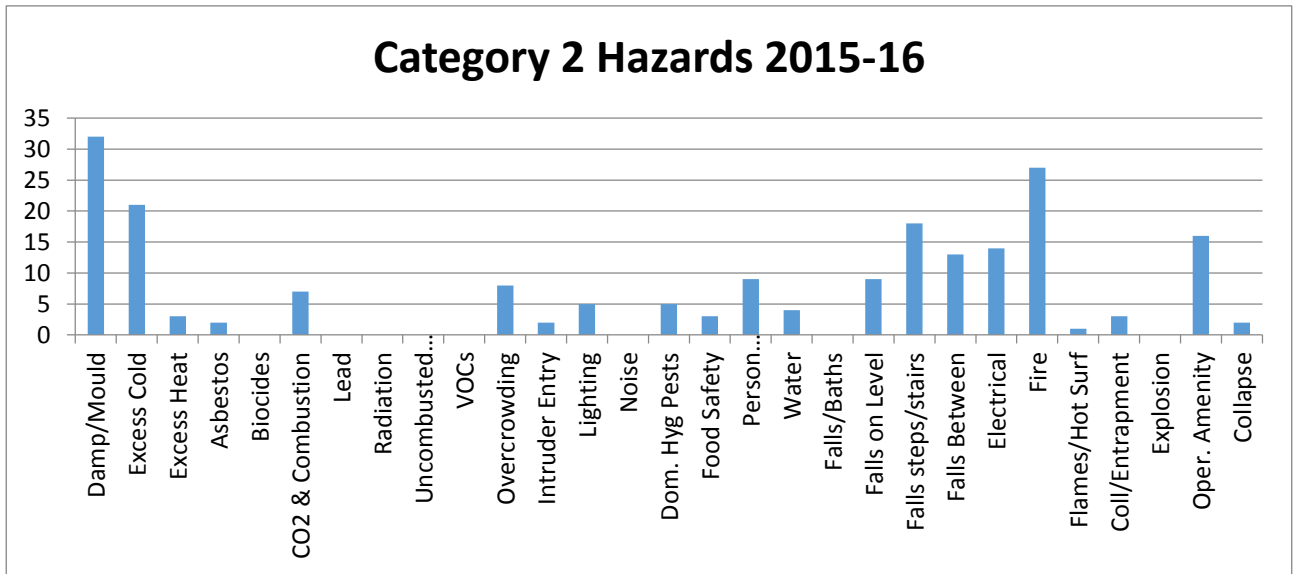
In view of its success in targeting inspections to high priority need the scheme has been expanded to include living accommodation above cafes / restaurants which is to be progressed in 16/17. Through this scheme and by responding to tenants complaints the team is working hard to identify the poorest living conditions in rented property. During 15/16, a total of 62 Class 1 and 204 high Class 2 hazards were identified in 104 inspections. The hazards most frequently found relate to damp/mould growth, excess cold and fire safety as highlighted in Figures 2a and 2b below. Category 1 hazards concern higher level risk assessment scores whereby the Council has a duty to act. Category 2 hazards are lower level risk assessment scores where we have the power to act.

The team endeavour to get these issues addressed through effective engagement with the landlords (35 informal improvement notices) but on occasions the situations merit stronger enforcement action (4 Prohibition Orders and 4 Improvement Notices served).

**Figure 2a**



**Figure 2b**

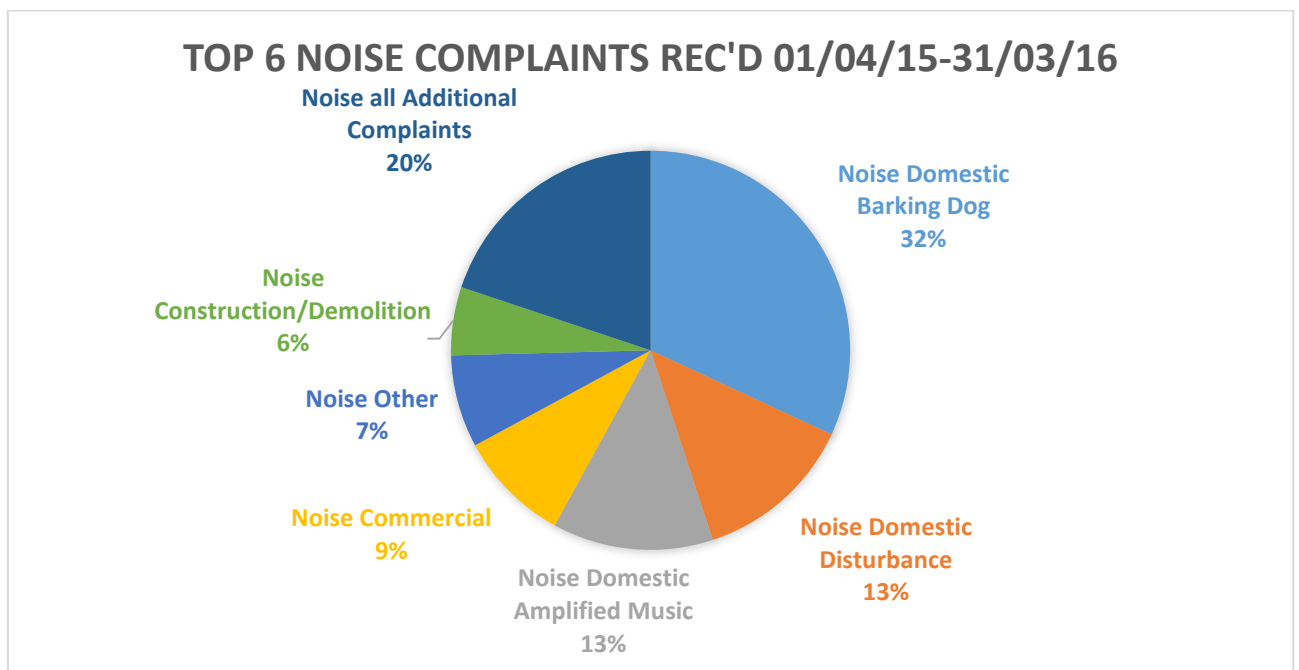


As per figure 1, the number of requests for housing services has remained consistent over 3 years, with a slight drop in responding within 3 days.

(b) Noise

There has been a decline in total number of noise complaints and our response within 3 days has improved to over 90% of cases. A breakdown of the most common sources of noise is provided below, Figure 3.

**Figure 3**



32% of the complaints refer to barking dogs, 98 in the year. General domestic noise and amplified music accounted for 13%, 40 cases in each category. The rest were a

combination of noise from construction, etc as illustrated, giving a total of 305 for the year.

Of the 305, 130 were closed within 3 months, 42.6%. This is a decline in previous performance and due to staff shortages in 2015. A similar picture is evident regarding other statutory nuisance, as shown in Figure 1.

(c) Environmental Protection

There has been a drop in total number of complaints regarding fouling, littering etc to 255.

The team continued with the robust approach developed in 14/15 regarding fly tipping investigations, including prosecutions where there is sufficient evidence. Two successful prosecutions resulting in £4900 in fines/costs awarded plus 250 hours of community service for a convicted fly tipper.

'Give Dog Fouling The Red Card', led by the team together with the Waste and Street Cleaning section, designed to empower local communities to deal with local fouling problems completed its first year with 12 participating Town and Community Councils. Positive feedback, with hopes to increase involvement in 16/17.

(d) Pest Control

There was a slight increase to 104 complaints in 2015/16, with 81% responded to within 3 working days.

(e) Construction

Substantial extra work generated for the section by the electrification of the South Wales main rail line and the A465 dual carriageway projects. Engagement needed with the developers to ensure that noise levels are properly considered and best practice is taken to ensure disturbance of the persons living and working in the localities is kept to a minimum. Continuing engagement needed with the developers in 16/17 and beyond.

(f) Air Quality

The team continues to monitor air quality in the 4 major towns and in particular nitrogen dioxide which is traffic related pollution. The County has 2 Air Quality Management Areas (in Usk and Chepstow) where levels consistently exceed the limits set in legislation. Officers from the section provide advice in regular meetings of the steering groups set up for each area to attempt to provide a coordinated approach to tackle the nitrogen dioxide problem. In addition the team engages with the many industrial related businesses in the County ensuring compliance with pollution legislation – in total there are 24 permitted sites and 18 petroleum certified sites.

### 4.3 Licensing

1,945 applications and monetary transactions were processed by the Licensing team in 2015/16. Inspection levels are back up to 2013/14 levels, having dipped in 2014/15, as shown in Figure 1.

In 2015-16 a review of the licensing conditions and application requirements for Hackney Carriage / Private Hire Drivers, vehicles and Operators took place. The new policy was approved by the Council in March 2016. The review amended the existing policy to introduce the following:-

(a) Update knowledge tests for new drivers - Knowledge test prior to a person getting a licence in the taxi trade ensures conditions of the licence have been understood as to their duties to protect the public from harm.

(b) Implement a training programme for safeguarding children / vulnerable persons for new and existing licence holders. Safeguarding training is essential for the taxi trade as very often a driver is carrying passengers on a one to one bases. The training assists them on how they should conduct themselves and also what to look out for and how to report matters if they feel someone is in danger.

(c) Disabled access to vehicles - Disability awareness was essential. The policy gives guidance to drivers on how they should conduct themselves when a passenger has a disability.

(d) Restricting Operator bases licensed by MCC to be within the County. Restricting Operator bases will ensure Officers has the authority to inspect records.

The following taxi enforcement took place:-

All Private Hire Operator bases were inspected. 13 out of the 28 inspected had minor record keeping infringements and advice given. 110 drivers received spot checks of themselves and their vehicles. 23 schools were used to inspect the taxi trade on schools runs by Licensing and Passenger Transport Unit and a Joint Operation was conducted by the Police and Licensing in Abergavenny. Of those inspected 2 were given penalty points for not having a cargo net in the vehicle to prevent luggage falling onto passengers; 2 were given penalty points for defective tyres; 1 received penalty points for not having a fire extinguisher in the vehicle, and 2 were given penalty points for not wearing their Licensed driver badge. Latter needed as a means of identification that the person has been duly licensed and received the required checks as to their suitability.

Constant monitoring will prevent the use of unlicensed drivers, who would not have had the required check as to their suitability by means of a check with the Disclosure and Barring Service and medical requirements. The driver would also not have received Safeguarding training if unlicensed and the vehicles insurance would be invalid.

A prosecution is ongoing against a vehicle owner who used an unlicensed driver on a school run he had as a contract from Monmouthshire County Council

#### 4.4 Trading Standards & Animal Health

The performance figures in Figure 1 are self-explanatory. Total visits have increased from the previous year and Feed Law enforcement has significantly improved.

On 3rd August 2015 a car dealer based in Rhondda Cynon Taff pleaded guilty to three offences under the Consumer Protection from Unfair Trading Regulations 2008. Following a complaint from a family in Caldicot an expert brought in by Trading Standards found that the vehicle was in a dangerous and un-roadworthy condition when it was examined and that the structural and mechanical corrosion potentially placed the whole family at risk of an accident and/or injury due to the unsafe condition. Newport Magistrates Court fined One Direction Cars Ltd £500 for each offence and awarded Monmouthshire County Council £2200 in costs and the family £900 compensation.

An ongoing joint investigation with Gwent Police has had a significant effect on the team with one Officer spending a large proportion of their time in the first nine months of the year. This is due to be brought to court in the near future through the Crown Prosecution Service.

A priority for the service has been dealing with a variety of scams and bringing them to the attention of both the public and businesses whenever possible. The key focus being on working with vulnerable victims through priority referrals and ensuring they are given the advice and assistance required and/or referred as appropriate.

There were a number of projects and surveys that fed into problems at a national level, these included; Weighing Equipment used for patient treatment, health and wellbeing, Self-storage, Unfair Contract Terms, Hover boards, Dressing-up Costume Safety and Plasticisers in Toys, some undertaken with wider stakeholders and partner agencies.

Regional Feed delivery and animal health work enabled additional resource to be brought in to ensure assurances given to Food Standards Agency Wales that commitments they gave to Welsh Government Ministers were achieved, contributing to increased income.

There was participation in Rogue Trader week and related multi-agency activity, Scam awareness month and national safeguarding day. Consumer Rights Act changes continue to progress and new legislation in relation to New Psychoactive Substances will impact on future work.

#### 4.5 FOI Requests

Freedom of Information requests continue to increase year on year, which places an added burden on members of the team. 85 requests were received in 15/16 year.

#### 4.6 Event Safety Advisory Group

A number of staff are involved in Monmouthshire's Event Safety Advisory Group, (ESAG). This is a partnership designed to help organisers run safe and successful events. It is recognised a proactive advisory stance is preferable to reacting to problems after events have occurred. A number of large events were held last year including food festivals, music concerts, agricultural shows, cycling events etc and advice was provided. 94 events received advice from the group.

## 5. **Summary**

Public Protection teams, with only a small number of exceptions, continue to meet the Authority's legal obligations. However, Officers are typically operating at maximum level and are put under increased pressure when colleagues have any long term absence. Managers will continue to monitor performance, review workloads, etc to protect Officer well-being as far as possible.

Although published 18 months ago, (December 2014) it is worth noting the Wales Audit Office report's conclusion – reference 'Delivering with less – the impact on Environmental Health Services and citizens' – that stated – 'The Council is generally delivering environmental health services at above minimum levels and, despite significant budget cuts, stakeholders are mostly positive about current services but have a low awareness of future plans. The Council will find it difficult to take on new statutory duties that protect the public and the environment'.

The FSA re-audit findings in February 2016 concluded good progress made on our action plan. The service was coping with expectations within the existing resources available.

## 6. **Next Steps**

- 6.1 Public Protection services are now part of the Social Care & Health Directorate. Future performance, resources etc will be monitored through SCH arrangements and the SIP process, together with oversight from Governing bodies. How our services contribute to health and well-being, protecting vulnerable people, safeguarding, etc will be emphasised.
- 6.2 'Future Monmouthshire' work will commence 16/17, seeking ways of reducing costs or increasing income.
- 6.3 Public Protection will need to respond to new challenges, for example the requirement for all private landlords to be licensed from November 2016.
- 6.4 We will respond to the current national Government Red Tape Review into Regulatory Services, which includes public protection, planning and building control.
- 6.5 The services will link to wider agendas, for example the Well-being of Future Generations (Wales) Act 2015. The principles of well-being, early intervention and prevention (to reduce future ill-health or other problems) are embedded within Public Protection.

And finally .....

The Chief Medical Officer for Wales, in October 2015, within her annual report noted – 'I have highlighted the importance of the work of environmental health practitioners in dealing with public health concerns as diverse as cancer, obesity, infectious diseases, asthma, falls and excess winter deaths. I have also highlighted the growing public health importance of alcohol control, sunbeds, body piercing, air pollution, housing standards and food hygiene. Environmental health contributes to the wider national agenda of health, wellbeing and public service improvement and plays an important direct and indirect preventative role.'

DJ/MM/07/07/2016



## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Proposed amendment to the Taxi and Private Hire Policy and Conditions 2016

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing and Regulatory Committee

**Date to be considered:** 13<sup>th</sup> September 2016

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider the proposed amendment to the Taxi and Private Hire Policy and Conditions 2016.

### 2. RECOMMENDATION(S):

- 2.1 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 31<sup>st</sup> December 2009
- (iv) A British Individual Vehicle Approval from 1<sup>st</sup> 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](http://www.dft.gov.uk)

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

### 3. KEY ISSUES

- 3.1 The Authority approved the Taxi and Private Hire Policy and Conditions 2016 that came into force on 1<sup>st</sup> April 2016.

- 3.2 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 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, (see 2.1 above for the proposed amendment).

- 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.
- 3.4 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 (see 2.2 above).
- 3.5 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.

#### **4. REASONS**

- 4.1 To ensure vehicles licensed as a Hackney Carriage / Private Hire Vehicle is suitable to carry passengers.
- 4.2 To ensure the safety of the driver and passengers in instances of fire in a licensed Hackney Carriage / Private Hire Vehicle .

#### **5. RESOURCE IMPLICATIONS**

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template was previously submitted on the introduction of the Taxi and Private Hire Policy and Conditions 2016.

#### **7. CONSULTEES:**

Driver and Vehicle Standards Agency.

#### **8. BACKGROUND PAPERS: Page 36**

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976.

**9. AUTHOR:**

Linda O’Gorman  
Principal Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644214  
Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT:** Application for an Annual Block Street Trading Consent for Abergavenny Town Centre

**DIRECTORATE:** Social Care, Safeguarding and Health

**MEETING:** Licensing and Regulatory Committee

**Date to be considered:** 13<sup>th</sup> September 2016

**DIVISION/WARDS AFFECTED:** All Wards

### 1. PURPOSE:

- 1.1 To consider an application for a Block Street Trading Consent to trade in Abergavenny Town Centre. (Application and Plan attached to this report as Appendix A and Appendix B respectively)

### 2. RECOMMENDATION(S):

It is recommended that:-

- 2.1 Members consider and determine the application attached to this report as Appendix A.

### 3. KEY ISSUES

- 3.1 An application was received on 30<sup>th</sup> 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.

- 3.2 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.
- 3.3 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, attached as Appendix C.

- 3.4 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. The following responses were received:

Environmental Health

*No objections to this application.*

Car Parks

*The Linda Vista stalls closes off the Byefield Lane Car park and Tudor Street car park, this has a loss of 326 car parking spaces.*

*Pen Y Pound & Bailey Park, on Plan 3 this is the Fairfield Car park, which has 473 car parking spaces.*

*Brewery Yard car park has 85 Car Parking spaces. Also, we have a 11 residents permit parking in this car park. In addition to this we have a number of paid season permit parking holders to consider.*

*Out of the 1365 available car parking spaces in the Abergavenny Car parks 1024 will be lost, this leaves a total of 341 car parking spaces.*

*Also, 26 of the 48 disabled spaces will be lost.*

Traffic Management – Gwent Police

*The concern which you may wish to note is the trading times 7 days a week 0700 to 2300hrs. I appreciate that this is a cover all time but possibly 2300hrs is a little late with other night time use of the town centre.*

Licensing – Gwent Police

*No objections to this application.*

- 3.5 In view of the comments submitted by the Transport Section in relation to car parks mentioned in 3.4 above, the applicant amended the application to include "Trading on certain areas is subject to approval from relevant departments." (see 3.2 above)
- 3.6 Section 13 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> February 2016 states;  
An Authorised Officer will approve the application if it:-
- Meets the criteria and
  - There are no reasonable and appropriate objections.
- And further states, "Except where objections are received for safety reasons the Head of Regulatory Services can determine the application or defer the matter to the Licensing and Regulatory Committee."  
The Head of Regulatory Services has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the application being a new application for a permanent consent, which will include a number of

pitches with wider potential impact. Furthermore, Section 7 of the Policy states that trading is not permitted on any Council owned pay and display car parks and the applicant has requested such trading in car parks.

- 3.7 It must be drawn to the attention of Members that the policy adopted by Monmouthshire County Council at the Licensing and Regulatory Committee referred to in 3.4 above is for guidance and is not legally binding.
- 3.8 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
- 3.9 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.
- 3.10 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

#### **4. REASONS**

- 4.1 To determine the application for a Block Street Trading Consent for Abergavenny Town Centre.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix D.

#### **7. CONSULTEES:**

Heddlu Gwent Police  
Highways Department, Monmouthshire County Council  
Planning Department, Monmouthshire County Council.  
Environmental Health Department, Monmouthshire County Council  
Car Park Manager, Monmouthshire County Council  
Community Hub, Monmouthshire County Council  
Local Ward Members  
Abergavenny Town Council

#### **8. BACKGROUND PAPERS:**

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

#### **9. AUTHOR:**

Linda O’Gorman  
Principal Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644214

Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)





MONMOUTHSHIRE COUNTY COUNCIL,  
 LICENSING SECTION, THE MELVILLE  
 CENTRE, PEN-Y-POUND ROAD,  
 ABERGAVENNY NP7 5UD.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**APPLICATION FOR A BLOCK STREET TRADING**  
**CONSENT**

1. APPLICANT DETAILS	
Full Name:	Sharon Hutchinson
Current Residential Address:	Facilities & Market Officer Monmouthshire Council
Telephone Number:	
Mobile Number (optional):	
Email (optional):	
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Are you entitled to work in the UK	Yes
Do you have any unspent convictions? (If yes please state details)	No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	No

--	--

2. TRADING DETAILS	
Please state number of pitches	418 max. on any one day
Address of the precise location of where the pitches will be located: (Please include names of streets)	<p><u>Plan 1</u> Abergavenny Castle 50 stalls</p> <p><u>Plan 2</u> Linda Vista Gardens 50 stalls St Johns Square 26 stalls Flannel Street 7 stalls Nevill Street 23 stalls High Street 32 stalls Cross Street 70 stalls Brewery Yard 50 stalls Baker Street 10 stalls</p> <p><u>Plan 3</u> Pen-y-Pound 50 stalls Bailey Park 50 stalls</p> <ol style="list-style-type: none"> <li>1. Trading will not be permitted in any area which contravenes Traffic Regulation Orders / Highway Law</li> <li>2. Facilities and Markets to notify the Licensing Section when events other than regular markets are taking place.</li> <li>3. Trading is subject to road closure where applicable.</li> <li>4. Trading on certain areas is subject to approval from relevant departments.</li> </ol>
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
Please provide contact details for the owner of the land: (Please include name, address and telephone number )	Monmouthshire Council Estates Department
Please provide details of the type of articles which you propose the pitches will sell:	Local Produce inc. Breads, Pies, Pastries, Cakes, Preserves, Oils, Vinegars, Fruit, Vegetables, Plants and Flowers, Meat, Fish.

	<p>Local crafts inc. pottery, jewellery, prints and paintings. Wooden goods, needlecraft, knitted and fabric goods.</p> <p>Vintage goods inc. china and clothing.</p> <p>Other goods deemed appropriate in line with street trading policy and conditions.</p>
<p>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.</p>	<p>Individual stall holders will be required to complete the Monmouth Town Council's "Application for Day Market Pitch" (attached) which has been designed with the County Council's Street Trading Conditions in mind.</p> <p>Compliance with all conditions set out in the "Application for a Day Market Pitch" will be verified and confirmed prior to consent being granted.</p> <p>Market setup and trading to be checked daily by a Nominated Monmouth Town Council member</p>

3. TYPE OF CONSENT BEING APPLIED FOR	
<p>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 <b>maximum of 60 days</b> to be determined and will normally be heard at the Licensing and Regulatory Committee for determination)</p>	<p>Block Annual Street Trading Consent <input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Are there any other consent holders in the vicinity? (If yes please give further details)</p>	<p>No</p>

4. TRADING DATES AND TIMES	DAY	TIMES From/To
<p>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</p>	Monday:	7am to 11pm
	Tuesday:	7am to 11pm
	Wednesday:	7am to 11pm
	Thursday:	7am to 11pm

2003, as will Hot Food and Drink after 11p.m. up to 5a.m.). If a day consent please state the date you require : _____	Friday:	7am to 11pm
	Saturday:	7am to 11pm
	Sunday:	7am to 11pm

5. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£700.00 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
<p>To apply for a Street Trading Consent you <b>MUST</b> submit the following documents to support your application</p> <ul style="list-style-type: none"> <li>• 10% of the full fee</li> <li>• 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 <a href="http://www.planningportal.gov.uk/planning/applications/plans">www.planningportal.gov.uk/planning/applications/plans</a> (Google or bing style maps are not acceptable )</li> <li>• Written permission from the land owner (If applicable)</li> <li>• Proof of Food Registration (If applicable). Information available at <a href="http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/">http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/</a></li> <li>• Licence under the Licensing Act 2003 (If applicable)</li> <li>• One Passport-type photograph of the applicant.</li> </ul>

7. DECLARATION
<p>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</p> <ul style="list-style-type: none"> <li>(i) From a van, cart, barrow or other vehicle, or</li> <li>(ii) From a portable stall.</li> </ul> <p>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</p>



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  
Print Name:.....

#### 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:-

<p>Licensing Section Monmouthshire County Council The Melville Centre Pen-y-Pound Road Abergavenny NP7 5UD</p> <p>Telephone: 01873 735420</p> <p>Email: <a href="mailto:licensing@monmouthshire.gov.uk">licensing@monmouthshire.gov.uk</a></p>
--

### **Street Trading Fees**

Type of Street Trading Consent	Full Fee	10% Admin Fee
Block Annual Street Trading Consent (Please invoice XXXXX)	£700	£70
Block Street Trading Consent	£122 per day	£12.20

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, Melville Theatre, Pen-y-Pound, Abergavenny, NP7 5UD.

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: 20-18-15

Account Number: 13996565

Account Name: Monmouthshire Main ACC

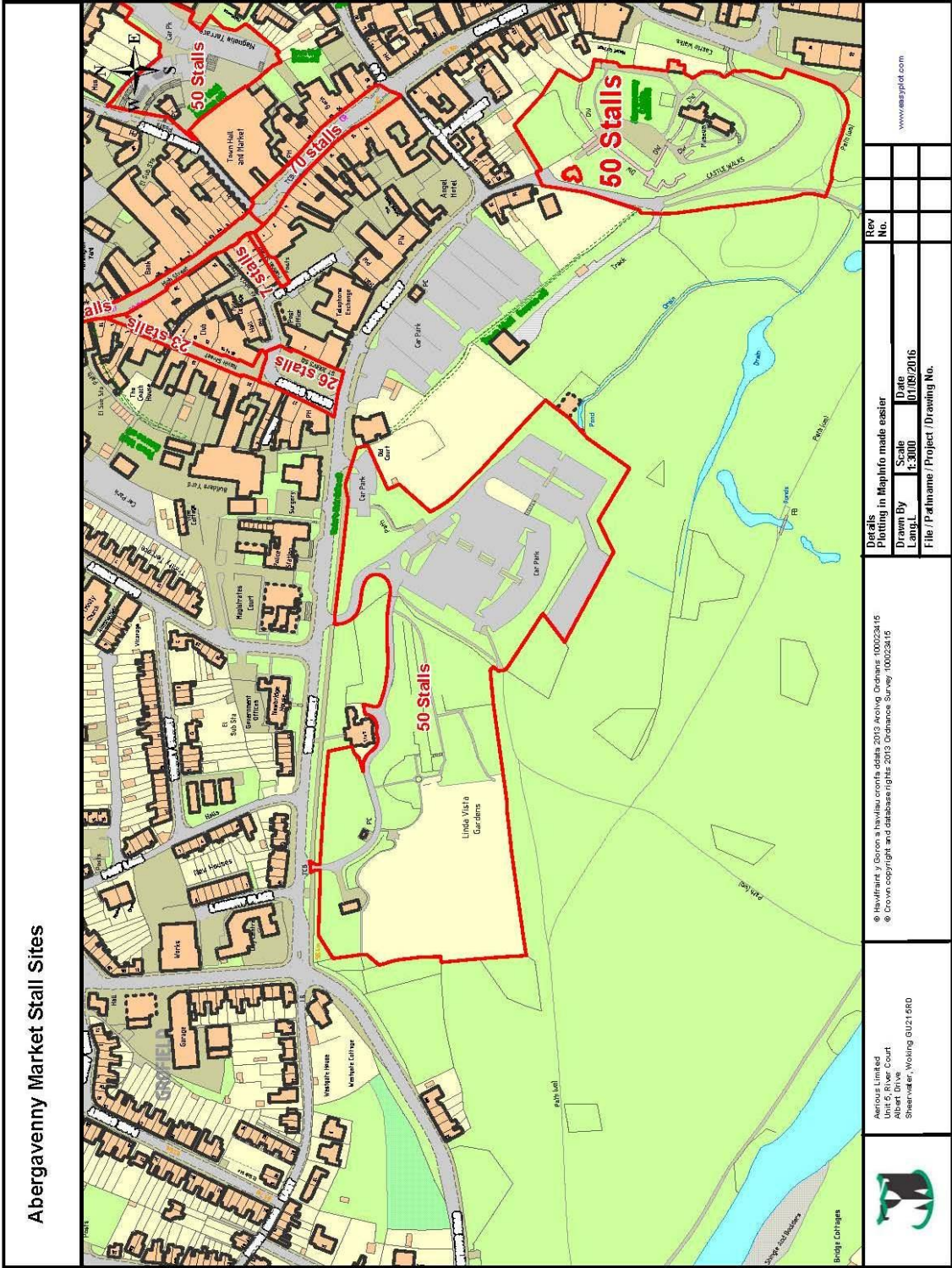
**(If you do pay by BACS you will need to inform the licensing office that the payment has been made, you can do so by emailing [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk) quoting your licence number)**

You can also make a payment by telephoning our payments line on 01873 735420 (quoting your licence number as a reference).

**APPLICANT CHECKLIST**

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







Abergavenny Market Stall Sites



Asstons Limited Unit 20, Five Court Albert Drive Sheerwater, Woking GU24 5RD	© Newfrontiers Geomatics, 2015. All rights reserved. 000202415 © Crown copyright and database rights 2015. Ordnance Survey 100023415		Details Plotting in MapInfo made easier		Rev
	Linda Vista Gardens 50 Stalls		Drawn By Lang.L		No.
10 Stalls		Scale 1:3000		Date 01/09/2016	
25 Stalls		File / Pathname / Project / Drawing No.		www.mapplot.com	



Abergavenny Market Stall Sites



© Newfrontiers / Geomatics / Newfrontiers / Maps 2015. All rights reserved. Ordnance Survey Licence No. 100023415 © Crown copyright and database right 2015. Ordnance Survey 100023415	Details Plotting in MapInfo made easier		Rev
	Drawn By Lang.L	Scale 1:2000	Date 12/08/2016
Authors / Listed Unit 20, Pinner Court Albert Drive Shearnwater, Woking GU24 0SR	File / Pathname / Project / Drawing No.		

**APPENDIX C**

**Facilities & Market  
Monmouthshire County Council, P O Box 106, Caldicot NP26 9AN.**

**Application for Day Market Pitch**

Surname of Applicant (BLOCK CAPITALS)  (Mr//Ms/Mrs/Miss) _____		
Forename(s) _____		
Current Address: _____ _____		
Tel No: _____	Mobile No: _____	Email: _____
Trading Name: _____		
Pitch Location: _____		Ref. No: _____
Council Stall(s): _____	Council Tables: _____	Power supply required: Yes/No
Alcohol Licence Required YES/NO		If Yes, Checked Licence in place by (initials):
Electrical Safety Certificates/Periodic Inspection Reports		Checked by (initials):
Own power supply: Yes/No	Gas Safety Certificates	Checked by (initials):
Traders own Stall:	Length:___ Width___ Height:___	Condition checked by (initials)
Trading from vehicle: Yes/No	Reg No: _____ Length:_____ Width_____ Height:_____	
Date of Trading: _____	Hours of Trading: _____ to _____	
Names and Addresses of Assistants: _____ _____		

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/>	
<p><b>APPLICANTS DECLARATION</b></p> <p>a) I declare to the best of my knowledge and belief, the answers given are true.</p> <p>b) If a day market pitch agreement is granted I undertake to pay the appropriate fee and comply with the conditions attached to the agreement and also comply with applicable legislation and to any orders made thereunder. I understand that failure to comply by me or any of my assistants employed by me, with or without payment, will render both me and my assistants liable to prosecution and may result in the revocation of my agreement.</p> <p><b>APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.</b></p>	
DATE ____/____/____	Signature of applicant_____
DATE ____/____/____	Signature of applicant_____
<b>OFFICE:</b>	
Current Insurance Certificate checked	Checked (initials)
Risk Assessment received	Checked (initials)
<b>Food Stalls</b>	
(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)
<b>Day Market Pitch authorised:</b> _____ <b>Date</b> _____	

**Facilities & Market**  
**Monmouthshire County Council, P O Box 106, Caldicot NP26 9AN.**

**Day Market Pitch Conditions**

**Introduction**

The following conditions shall apply to all traders/stall holder applicants and have been designed to ensure compliance with the policies and priorities of Facilities & Market and the terms of the Block Street Trading Consent granted by Monmouthshire County Council's Licensing and Regulatory Committee on 3<sup>rd</sup> May 2016.

**Standard Conditions for all traders/stall holders**

**General Conditions**

1. The holder of this market pitch/stall Agreement (hereinafter referred to as 'the trader', which expression where appropriate, includes joint holders of this Agreement) and any person employed by him/her to assist him/her in his/her trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Monmouthshire County Council's (hereinafter referred to as 'the Council')
2. A market pitch/stall does not relieve the Trader, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.
3. A Trader shall not assign, underlet or part with his interest or possession of this market pitch/stall agreement.
4. Under the terms of this agreement no person under the age of 18 shall engage in street trading activities.
5. Trading may only take place on the days and during the times specified in the market pitch/stall agreement.
6. Traders shall not trade outside the designated trading area.
7. The Trader shall pay the market pitch/stall agreement fee determined by Facilities and Market of the Council.
8. The Trader shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million and must produce a valid certificate for this insurance at any time on the request of an authorised officer of the Council.
9. The sale of the following goods are not permitted firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Committee has the right to refuse the sale of any goods.

(Where alcohol is to be sold, no sale will be permitted to anyone under the age of 18). The trader will also be required to obtain separate prior permission under the Licensing Act 2003.

10. The trader not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him/her or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
11. The trader shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The trader shall indemnify and save harmless the Council and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this agreement.
13. The trader shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
14. The trader shall not place on the street any advertisement, furniture or equipment other than as permitted by this agreement and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
15. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.
16. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
17. A trader trading in hot foods shall at all times carry on the vehicle a 4.5 kilo Dry Powder Fire Extinguisher.
18. Where the trader trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
19. The trader will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the trader for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
20. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
21. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of Facilities and Market of the Council.
22. The trader shall keep his vehicle or other mode used for trading, and trading location and the immediate area in a clean and tidy condition during the permitted

hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.

23. The trader shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.
24. The trader shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it lawfully elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
25. The trader shall comply with all requirements of the Council in respect of street trading.
26. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of Monmouthshire County Council shall be complied with in respect of such matters.
27. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer of Facilities and Markets of the Council.
28. The trader shall not assign, underlet or part with his interest or possession under this agreement or any part thereof.
29. This agreement may be revoked by the Facilities and Markets of the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
30. Monmouthshire County Council may vary, amend or add to the conditions of this agreement at any time.
31. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
32. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
33. Traders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
34. Traders and their employees shall not trade under the influence of any illegal or intoxicating substance.

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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<b>Name of the Officer</b> completing the evaluation Linda O’Gorman  <b>Phone no:</b> 01633 644214 <b>E-mail:</b> lindaogorman@monmouthshire.gov.uk	<b>Please give a brief description of the aims of the proposal</b>  Application for an Annual Block Street Trading Consent for Abergavenny Town Centre
<b>Name of Service</b>	<b>Date Future Generations Evaluation form completed</b>  02/09/2016





***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***


1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs	This Block Consent puts the onus on Facilities and Markets, Monmouthshire County Council to ensure trading conditions are adhered to. Hope is, to encourage more events and trading.	
<b>A resilient Wales</b>		

<b>Well Being Goal</b>	<b>Does the proposal contribute to this goal? Describe the positive and negative impacts.</b>	<b>What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?</b>
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Consent should increase usage of outside space, encouraging outdoor activity.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	The block consent will seek to encourage more use of Abergavenny Town Centre.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The application if granted will allow greater use for community events and encourage local participation.	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances		

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

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Long Term</b></p> <p>Balancing short term need with long term and planning for the future</p>	<p>Block trading consents provide a mechanism for others to take responsibility of certain trading, which provides a longer term solution to enforcement.</p>	
 <p><b>Collaboration</b></p> <p>Working together with other partners to deliver objectives</p>	<p>Block trading would be administered by Facilities and Market, Monmouthshire County Council, demonstrating the service's willingness to work with others.</p>	
 <p><b>Involvement</b></p> <p>Involving those with an interest and seeking their views</p>	<p>Consultation conducted with various Council departments and Gwent Police.</p>	
 <p><b>Prevention</b></p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Should a consent be granted the traders will be provided with conditions and this will be monitored by Facilities and Markets, Monmouthshire County Council.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Street Trading can have a very positive impact on the community.</p>	

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

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Non applicable		
Disability			
Gender reassignment			
Marriage or civil partnership			

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

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

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

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

Block street trading applications allow community events to take place without the need of applying for individual applications. It allows the organiser to manage all stall holders within their event.

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

As 5 above.

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

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to be considered by the Licensing and Regulatory Committee	13 <sup>th</sup> September 2016	Linda O’Gorman	

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

The impacts of this proposal will be evaluated on:	13 <sup>th</sup> September 2016
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

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**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972  
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

**REPORT:** Update report on a revocation of a hackney carriage/private hire driver's licence

**AUTHOR:** Samantha Winn

**MEETING AND DATE OF MEETING:** 13<sup>th</sup> September 2016  
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

**Exemptions applying to the report:**

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

**Factors in favour of disclosure:**

Openness and transparency in matters concerned with the public  
Not applicable at this time (see below)

**Prejudice which would result if the information were disclosed:**  
Applicable Not applicable at this time

**My view on the public interest test is as follows:**

Factors in favour of not disclosing outweigh those against.

**Recommended decision on exemption from disclosure:**  
Maintain exemption from publication in relation to report.

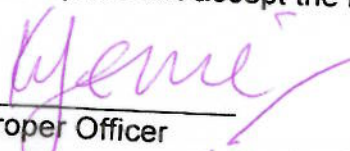
Date: 5<sup>th</sup> September 2016

Signed: 

Post: Senior Licensing Officer

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I accept/do not accept the recommendation made above.

  
Proper Officer

Date: 5/9/16

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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