

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 11th April, 2017 at 10.00 am**

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

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

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
David Jones	Head of Public Protection
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

1. Apologies for absence

County Councillors R. Chapman, J. Prosser, F. Taylor and P. Watts

2. Declarations of interest

None received.

3. To confirm and sign the minutes of the previous meeting held on the 7th March 2017

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

The Chair welcomed committee member County Councillor D. Evans back to the chamber and wished him good health.

As it was the last meeting of the current administration the Chair took the opportunity to thank members of the committee and the officers for their work.

The Head of Public Protection answered an action from the meeting from the 7th March 2017 and advised the committee that the Old Parlour held 60 wedding last year.

County Councillor J. Higginson commented on the Citizenship ceremonies he had attended in his year as Chairman of the Council and ask the officers to relay his thanks and compliments to the staff who conduct these ceremonies.

4. Gambling Act 2005 - Premises Licence Fees

PURPOSE:

To agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2017 – 20th May 2018.

2. RECOMMENDATION(S):

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1. It is recommended that:-

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2017; and
- (ii) The fees are subsequently reviewed annually.

3. KEY ISSUES

1 This Authority has a statutory duty under the Gambling Act 2005 to set fees for Premises Licences in accordance with the Gambling (Premises Licence)(England and Wales) Regulations 2007. The fees for these licences are to be reviewed and set annually on the 21st May each year. Premises Licences will include Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment has not been carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 19th November 2015.

2. The general functions of the licensing authority in dealing with Gambling Premises Licences has been delegated to the Licensing and Regulatory Committee. This was agreed in the Gambling Act 2005 Statement of Licensing Policy approved at Full Council on 19th November 2015.

3. Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.

4. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provided for the following types of fees to be determined by licensing authorities:

- Licence application fee
- First annual fee
- Annual fee
- Notification of change of circumstances fee
- Application to vary a licence fee
- Application to transfer a licence fee
- Fee for a copy of a licence
- Application for re-instatement of a licence fee
- Provisional statement application fee.

The Authority currently licence eleven premises under the Gambling Act 2005 consisting of nine betting premises, one track betting and one adult gaming centre all of whom will be required to pay an annual fee.

5. The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a "reasonable" cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years). However, The Regulations referred to in 3.4 above has stipulated a maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005.

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6. An assessment of the cost and the maximum amount a local authority can charge for premises licences has been undertaken and this is shown in Appendix B attached to this report. As a result of this assessment this report proposes that the fees commencing the 21st May 2017 be set as stipulated in Appendix A.

MEMBERS COMMENTS:

The Chair asked since the cost of producing some licence renewals is higher than the fee we can charge can the department sustain the difference. An officer advised that it is not too much of a problem as we have not received many new applications and it tends to be the annual fees at issue rather than the setting up fees which is less of a pressure on the council in terms of cost recovery.

The Head of Public Protection answered that officers spend a lot of time ensuring we decipher what the correct costs are as if not we could receive a legal challenge as happened in Cardiff and other authorities. Unfortunately due to the non-discretionary fees there is a net cost to the authority of £70,000.

The members unanimously agreed the recommendations;

(i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2017; and

(ii) The fees are subsequently reviewed annually.

5. 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

6. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence

The Principal Licensing officer advised the committee that the driver had withdrawn his application for reasons given but reserves the right to apply again at a future date.

If this is the case the application will be brought to the committee.

The committee accepted the withdrawal of application.

7. To note the date and time of the next meeting as 23rd May 2017

Next Committee Meeting;
23rd May 2017 at 2pm

Licensing and Regulation Committee training;
23rd May 2017 at 10am

Environmental Health training;
15th June 2017 at 2pm

The meeting ended at 10.25 am

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