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Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Wednesday, 3 April 2002

Notice of meeting / Hysbysiad o gyfarfod:

Licensing and Regulatory Committee

Tuesday, 11th April, 2017 at 10.00 am,

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting held on the 7th March 2017	1 - 4
4.	Gambling Act 2005 - Premises Licence Fees	5 - 10
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6.	To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence	13 - 26
7.	To note the date and time of the next meeting as 23rd May 2017 Licencing Committee Training 23 rd May 2017 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

Public Information

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Welsh Language

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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.

Public Document Pack **Agenda Item 3**

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am**

PRESENT: County Councillor B. Strong (Chairman)

County Councillors: R. Chapman, R. Edwards and J. Higginson

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
David Jones	Head of Public Protection
Robert Tranter	Head of Legal Services & Monitoring Officer
Paula Harris	Democratic Services Officer

APOLOGIES:

Councillors D. Evans, L. Guppy, P. Watts, A. Webb and M. Hickman

1. Apologies for absence

County Councillors: L. Guppy, A. Webb, M. Hickman, D. Evans and P. Watts.

2. Declarations of interest

None.

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

The minutes of the Committee meeting held on the 17th January 2017 were confirmed and signed by the Chairman.

4. Review Of Annual Licensing Fees For Financial Year 2017/2018

Purpose:

To agree the Authority's licence fees for 2017-18.

Recommendations:

Approve the fees set out in Appendix A to this report, entitled "Schedule of Licence Fees for 2017-18", subject, where relevant, to any required public notice.

Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration.

Key Issues:

1. The Authority has a broad range of licensing responsibilities including the

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Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th March, 2017 at 10.00 am

regulation of licensed premises, taxis and hackney carriages, gambling, street trading, street collections and scrap metal dealers. Whilst some licence fees are set by Government, others are locally set at the discretion of the Authority.

2. 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).

3. Given the current resource pressures on the Authority, there is a need for clarity about the true costs of administering licences so that fees can be set, if considered appropriate, at a level sufficient to recover those costs. Members will clearly also need to be mindful of the potential burden on businesses of increasing costs, and to weigh that against potential burden of underwriting the costs of administering various licensing functions.

4. Officers have undertaken significant work to calculate the true costs associated with different licences based upon up to date financial data. Appendix A provides a summary of these assessments of actual cost along with the current fees.

5. In accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the Authority is obliged to give notice of any intention to vary the fees for the grant of licences for hackney carriage and private hire vehicles. It is recommended that any objections to a variation be brought back to Committee for consideration.

6. The Gambling Act 2005 allowed Authorities to set their own fees for Premises Licences under this Act for Casinos, Bingo, Betting, Tracks, Family Entertainment Centres and Adult Gaming Centres. The fees for these types of licences are to be reviewed and set annually on the 21st May each year. These fees have a limit on how much they can be set and an assessment of those fees must also be set to recover costs only. A further report will be submitted to the Licensing and Regulatory Committee on 11th April 2017 to review the Gambling Act fees to commence 21st May 2017.

7. Two fee increases are included from the Authority’s Registration service –

(i) Increase charges for marriages at Old Parlour, Usk, from £175 to £196. Added to the £4 certificate cost gives a total of £200, which remains a competitive rate.

(ii) Increase the cost of ‘priority certificates’ from £6 to £10. This is completely discretionary, and is consistent with other Authorities charging for such certificates.

Member’s comments:

In respect to the new landlord licences it was asked if they were included in this report. In response we were told that Rent Smart Wales are the licensing authority for this and this is looked after by Environmental Health, it is a set fee and Cardiff act as the licensing authority, Monmouthshire County Council is the enforcing authority. When landlords register there is a

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charge and on the back of the registration there are private sector landlords who will need to be trained also.

A member asked about street trading consent fees and we were told that this had been reduced by seven pounds as the fees are set on a cost recovery basis and assessments are made on how much work is involved.

A question was raised regarding the marriage fees at the Old Parlour and if this was comparable with other local authorities. The officer answered that the charge was benchmarked against other authorities so it is a competitive rate for the use of one of our buildings and that officers look at our costs to ensure the fee is charged on a cost recovery basis. A Member asked what the average number of ceremonies held there in a year. **(ACTION D.J.)**

The Committee unanimously accepted the recommendations and thanked the officers for their work.

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

5.1. 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. The applicant confirmed receipt of the report.

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

The applicant was then given 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 issues and had come to the view that the applicant's licence be suspended for three months. The applicant was advised of their right of appeal via the Magistrates Court.

The committee also asked the Licensing section to write to the taxi firm regarding this matter, reminding them that it is a requirement to let the section know of any offences committed by their drivers.

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MONMOUTHSHIRE COUNTY COUNCIL

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

This item has been deferred until the next meeting to allow the applicant the opportunity to seek legal representation.

8. To note the date and time of the next meeting

11th April 2017 at 10am

The meeting ended at 11.36 am

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Gambling Act 2005 – Premises Licence Fees

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 11th April 2017

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 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):

- 2.1 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

- 3.1 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.
- 3.2 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.
- 3.3 Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.
- 3.4 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.

- 3.5 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.
- 3.6 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.

4. REASONS:

- 4.1 The Authority has a duty to set fees and the charges set out represent a cost recovery within the Government’s maximum levels.

5. RESOURCE IMPLICATIONS:

- 5.1 The fees in Appendix A are set out to ensure the recovery of reasonable costs.

6. CONSULTEES:

None

7. BACKGROUND PAPERS:

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

8. AUTHOR:

Linda O’Gorman

Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214

Email: lindaogorman@monmouthshire.gov.uk

APPENDIX A

Gambling Act 2005 – Premises Licence Fees 21st May 2017 - 20th May 2018

Application Fee		
	Bingo Premises Licence	£1507
	Adult Gaming Centre Premises Licence	£1633
	Betting Premises (Track) Licence	£1874
	Family Entertainment Centre Premises Licence	£1223
	Betting Premises (Other) Licence	£1733
Application Fee for Premises with a Provisional Statement		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Annual Fee		
	Bingo Premises Licence	£1000
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1000
	Family Entertainment Centre Premises Licence	£ 750
	Betting Premises (Other) Licence	£ 600
Transfer Application Fee		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Variation Application Fee		
	Bingo Premises Licence	£1472
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1250
	Family Entertainment Centre Premises Licence	£1000
	Betting Premises (Other) Licence	£1500
Provisional Statement Application Fee		
	Bingo Premises Licence	£1504
	Adult Gaming Centre Premises Licence	£1630
	Betting Premises (Track) Licence	£1870
	Family Entertainment Centre Premises Licence	£1220
	Betting Premises (Other) Licence	£1730
Application for Reinstatement Fee		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Change of Circumstances Fee		£ 50
Duplicate Licence Fee		£ 25

APPENDIX B

	MAXIMUM PERMITTED FEES ALLOWED	MON C.C. EXISTING FEES ENDING 20 TH MAY 2017	MON C.C. FEE CALCULATION	MON C.C. PROPOSED FEE FROM 21 ST MAY 2017
Application Fee				
Bingo Premises Licence	£3,500	£2,168	£1,507	£1,507
Adult Gaming Centre Premises Licence	£2,000	£1,629	£1,633	£1,633
Betting Premises (Track) Licence	£2,500	£1,867	£1,874	£1,874
Family Ent Centre Premise Licence	£2,000	£1,221	£1,223	£1,223
Betting Premises (Other) Licence	£3,000	£1,822	£1,733	£1,733
Application Fee where Provisional Statement Previously Issued				
Bingo Premises Licence	£1,200	£1,200	£1,411	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,537	£1,200
Betting Premises (Track) Licence	£950	£950	£1,809	£950
Family Ent Centre Premise Licence	£950	£950	£1,127	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,636	£1,200
Annual Fee				
Bingo Premises Licence	£1,000	£1,000	£1,296	£1,000
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,422	£1,000
Betting Premises (Track) Licence	£1,000	£1,000	£1,694	£1,000
Family Ent Centre Premise Licence	£750	£750	£1,012	£750
Betting Premises (Other) Licence	£600	£600	£1,521	£600
Transfer Application Fee				
Bingo Premises Licence	£1,200	£1,200	£1,268	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,455	£1,200
Betting Premises (Track) Licence	£950	£950	£1,666	£950

Family Ent Centre Premise Licence	£950	£950	£1,045	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,494	£1,200
Variation Application Fee				
Bingo Premises Licence	£1,750	£1,750	£1,472	£1,472
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,598	£1,000
Betting Premises (Track) Licence	£1,250	£1,250	£1,870	£1,250
Family Ent Centre Premise Licence	£1,000	£1,000	£1,188	£1,000
Betting Premises (Other) Licence	£1,500	£1,500	£1,698	£1,500
Provisional Statement Application Fee				
Bingo Premises Licence	£3,500	£2,164	£1,504	£1,504
Adult Gaming Centre Premises Licence	£2,000	£1,625	£1,630	£1,630
Betting Premises (Track) Licence	£2,500	£1,864	£1,870	£1,870
Family Ent Centre Premise Licence	£2,000	£1,218	£1,220	£1,220
Betting Premises (Other) Licence	£3,000	£1,819	£1,730	£1,730
Application for Reinstatement Fee				
Bingo Premises Licence	£1,200	£1,200	£1,360	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,547	£1,200
Betting Premises (Track) Licence	£950	£950	£1,758	£950
Family Ent Centre Premise Licence	£950	£950	£1,137	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,585	£1,200
Change of Circumstances Fee	£50	£50	£118	£50
Duplicate Licence Fee	£25	£25	£32	£25

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

REPORT: To consider the application for a hackney carriage/private hire driver licence

AUTHOR: Samantha Winn

MEETING AND DATE OF MEETING: 11th April 2017
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 The applicant will be attending the Committee meeting on the Tuesday 11th April 2017 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

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: 7th March 2017

Signed:



Post: Principal Licensing Officer

I accept/~~do not accept~~ the recommendation made above.

 Proper Officer

Date: 08/03/17

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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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