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Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643132
Ask for / Gofynnwch am: Mark Galvin

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: Friday, 15 May 2015

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 21 May 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 6
To receive for approval the public minutes of the Licensing Committee of 19 March 2015..
4. Appointment of Licensing Sub-Committee(s) 7 - 8
5. Appointment of Licensing Act 2003 Sub- Committee(s) 9 - 12
6. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

7. Exclusion of the Public

The minutes relating to the following item are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Public Document Pack Act to consider this item in private, the public will be excluded from the meeting during such consideration.

8. Approval of Exempt Minutes

13 - 14

To receive for approval the exempt minutes of the Licensing Committee of 19 March 2015.

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

GW Davies MBE
PA Davies
E Dodd
CJ James
P James

Councillors

RD Jenkins
PN John
B Jones
DRW Lewis
JE Lewis

Councillors

HE Morgan
DG Owen
E Venables
R Williams

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 19 MARCH 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

P A Davies
E Dodd
R D Jenkins
P N John

Councillors

D R W Lewis
J E Lewis
H E Morgan
E Venables

Officers:

L Jones - Head of Regulatory Services
A Lee - Legal Officer
A Rees - Senior Democratic Services Officer - Committees

56 APOLOGIES FOR ABSENCE

Apologies were received from the following Members for the reasons so stated:

Councillor G W Davies MBE - Holiday
Councillor C J James – Unwell
Councillor P James - Unwell

57 DECLARATIONS OF INTEREST

Councillor R D Jenkins declared a prejudicial interest on agenda item no. 4 – Licensing Functions: Discretionary Licence Fees and Charges 2015/16 as his daughter and her partner are employed by a taxi operator. Councillor Jenkins withdrew from the meeting during consideration of this item.

58 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 20 May 2014 be approved as a true and accurate record.

59 LICENSING FUNCTIONS: DISCRETIONARY LICENCE FEES AND CHARGES 2014/15

The Head of Regulatory Services presented a report, the purpose of which was to determine licensing fees and charges for 2015/2016. He explained that the Licensing Committee had the power to determine fees and charges in respect of those licensing functions within the purview of the Committee and to hear and determine objections relating to proposed fee revisions.

The Head of Regulatory Services reported that fees for many of the licensing functions were currently set by statute and the Council had no discretion to vary licence fees for Licensing Act 2003 activities. However, the Council was able to set fees for taxi licensing and gambling premises. He stated that the Local Government Association had issued to local authorities in relation to locally set fees, which outlines the full breadth of issues that should be taken into account when setting local fees. The

Guidance highlighted one legal challenge in respect of fee setting on the ongoing Hemming v Westminster Case.

The Head of Regulatory Services reported that a recent judicial review against a Welsh local authority had made specific rulings which relate to the consideration of surpluses and deficits generated from fees levied in previous years in respect of taxi licensing.

The Head of Regulatory Services informed the Committee that a Statement of Accounts had been produced for the Licensing service in its entirety for the period 2009/10 to 2013/14, which showed a deficit of income on the service each year. He stated that work was underway to embed within the authority good practice principles and changes were being made to time recording systems and the creation of separate financial codes for each regime would mean that over the course of the 2015/16 financial year, the exact cost of issuing the various types of licence could be determined and the origin of deficits pinpointed.

The Head of Regulatory Services reported that in order to inform future fee setting in light of the Court Judgments it was proposed that licence fees are held at the current 2013/14 levels over the course of 2015/16 and remain unchanged until they are set for the 2016/17 financial year. He stated that the Council at its meeting on 25 February 2015 had as part of the Medium Term Financial Strategy increased fees and charges by CPI at the prevailing rate of 0.5% plus 1%. The Head of Regulatory Services informed the Committee applying a 1.5% increase to discretionary fees would have yielded additional income of £3,240 in 2014/15. He stated that this potential increase in licensing income was outweighed by the potential risk to the authority of future challenge if it did not fully embrace best practice recommendations and recent case law in determining its fees.

The Committee expressed concern at the deficit of income on the service each year from 2009/10 to 2013/14. The Head of Regulatory Services informed the Committee that the authority was trying to get to a position where the service is cost neutral, or as close as reasonably possible.

The Committee questioned the impact the Regulatory Services collaboration would have on the licensing function in terms of fee setting. The Head of Regulatory Services informed the Committee that fee setting was a Council function and each of the three authorities involved in the Regulatory Services collaboration would have to retain separate Licensing Committees.

RESOLVED: That the Committee approved the proposals in respect of discretionary licence fees for 2015/16 as follows:

- (1) That in line with service requirements, there is no increase in licence fees for the 2015/16 financial year;
- (2) That the work currently ongoing to develop a framework for the precise costing of licence fees is used for fee determination in future years, taking into account any surpluses or deficits prevailing at that time;
- (3) That the administrative costs of replacement licence / photocard badges and for the transfer of vehicle ownership which have been charged separately are incorporated into the licence application fee with effect from 2015/16.

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider this item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicant.

<u>Minute No.</u>	<u>Summary of Item:</u>
61	Exempt minutes of the Meeting of the Licensing Committee of 20 May 2014.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

21 MAY 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPOINTMENT OF LICENSING SUB-COMMITTEE(S)

1. Purpose of Report.

1.1 To propose the membership of the Licensing Sub-Committees.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The proposals are required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which will relate to taxi licensing. The range of functions is set out within the Council's Constitution in Part 3 Responsibility for Functions relating to the Licensing Committee and Sub-Committees. These functions include taxi licensing, street trading, and other general licensing regimes as required. A separate report is being submitted in respect of Licensing Act 2003 and Gambling Act 2005 functions.

3. Background.

3.1 At their meeting on 13 May 2015 Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

4. Current situation / proposal.

4.1 It is proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible.

4.2 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

5. Effect upon Policy Framework & Procedure Rules.

5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications.

7.1 There are no financial implications to the proposals.

8. Recommendations

8.1 The Committee is recommended to:

8.2 Approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance. These Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

15 May 2015

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Background documents

Report to Council 13 May 2015
Council Constitution
Licensing Act 2003 and statutory guidance
Gambling Act 2005 and statutory guidance

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO LICENSING ACT 2003 COMMITTEE

21 MAY 2015

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND
REGULATORY SERVICES**

APPOINTMENT OF LICENSING ACT 2003 SUB- COMMITTEE(S)

1. Purpose of Report.

- 1.1 To propose the membership of the Licensing Act 2003 Committee Sub-Committees.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposals are required to effectively discharge the functions of the authority to comply with the Licensing Act 2003 and Gambling Act 2005.

3. Background.

- 3.1 At their meeting on 13 May 2015 Council received a report establishing the membership of the Licensing Act 2003 Committee and Licensing Committee.

4. Current situation / proposal.

- 4.1 Under Sections 6 and 7 of the Licensing Act 2003 all matters relating to the discharge by a licensing authority of its licensing functions are by virtue of Section 7 (1) referred to the Licensing Act 2003 Committee. This means that the majority of decision making is referred to this Committee but in the interests of efficiency provision is made for the formation of further Sub-Committees to deal with individual applications.
- 4.2 In addition, by virtue of Section 154 of the Gambling Act 2005, gambling functions are delegated to this Committee.
- 4.3 A report relating to the setting up of the general sub-committees has already been tabled. This report asks the Committee to approve the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. The Committee is asked to note that approval of both the

licensing and gambling policy statements must, by statute, be determined by Council.

- 4.4 It is proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible. In the event that the Chair or Vice Chair are not able to attend, a chair person will be elected.
- 4.5 The functions to be delegated to the Licensing Act 2003 Sub-Committees are set out in the Constitution within Part 3 Responsibility for Functions.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications.

- 7.1 There are no financial implications to the proposals.

8. Recommendations

- 8.1 The Committee is recommended to:
- 8.2 Approve the formation of Licensing Act 2003 Sub-Committees consisting of three Licensing Act 2003 Committee Members sitting on a rota basis; to be chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible.
- 8.3 Approve that the relevant functions set out in the Constitution Part 3 Responsibility for Functions are delegated to the Licensing Act 2003 Sub-Committees and officers.

P A Jolley
Assistant Chief Executive Legal and Regulatory Services

15 May 2015

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By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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