

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE
(SITTING IN ITS ROLE UNDER THE LICENSING ACT 2003)

Minutes of the meeting held at the County Borough Council Offices, the Pavilions, Clydach Vale on Wednesday, 13th July 2016 at 4:30p.m.

PRESENT

County Borough Councillor A. Fox – in the Chair

County Borough Councillors

J. Bunnage	B. Morgan
(Mrs) J. Cass	S. Powderhill
(Mrs) S. J. Jones	G. Smith

Officers in Attendance

Mr P.J. Mee – Service Director, Public Health & Protection

Mrs R. Smith –Solicitor

Mr L. Morgan – Assistant Licensing Manager

1. APOLOGY

An apology of absence was received from County Borough Councillors S. A. Bradwick, K. Montague, I. Pearce, L. Walker, E. Webster, C. J. Williams, T. Williams and W. D. Weeks

2. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct County Borough Councillor A. S. Fox declared a personal interest in relation to Item No. 4, Temporary Events Notice Reference 421692 –'Part of the organising Committee. Gave advice as local Member.'

3. HUMAN RIGHTS ACT 1988 AND CRIME & DISORDER ACT

RESOLVED to note, that when Members determine the licensing and registration matters before them they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

4. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee (sitting in its role under the Licensing Act 2003) held on the 12th April 2016.

REPORT OF THE SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION

5. REVIEW OF THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005

The Service Director, Public Health & Protection presented the Committee with his quarterly report on relevant issues with regard to the Licensing Act 2003 and the Gambling Act 2005, together with ancillary matters arising from the responsibilities charged to the Committee.

Members of the Committee were informed that the large number of Temporary Events Notices before Members was not unusual for the time of year as the period included two Bank Holidays.

The Service Director Public Health & Protection updated committee with details of the four contested applications, one review application and one appeal which had taken place since the last report. More detailed information was provided in relation to the appeal which had subsequently been withdrawn by the Appellant, the consequences of this were relayed to the Licensing Committee.

Members of the Committee were reminded that details of compliance and enforcement were now broken down by area, Rhondda, Cynon and Taff which Members had previously found useful.

In conclusion, the Service Director Public Health & Protection presented the current position with regard to the recovery of annual fees under the Licensing Act 2003 before presenting issues under the Gambling Act 2005.

Further to questions posed by Committee and the responses received from the Service Director Public Health & Protection it was **RESOLVED:-**

- I. To note the contents of the report in respect of the **Licensing Act 2003** which has been provided for information;
- II. To note the contents of the report in respect of the **Gambling Act 2005** which has been provided for information;

6. GAMBLING ACT 2005 REVIEW OF FEES OF DESIGNATED PREMISES

The Service Director Public Health & Protection presented his report with the purpose of appraising Members of a recent fees review conducted under the Gambling Act 2005, where the Licensing Authority is charged with such responsibility.

It was reported that this is the first review conducted in Rhondda Cynon Taf since the fees were previously approved by members on the 14th May 2007. The Service Director Public Health & Protection stressed the importance of all Licensing Authorities setting their fees at the appropriate level and on a recovery basis only and how this is achieved by implementing the Institute of Licensing (IOL) Fees Toolkit.

Specific details were provided in relation to how the proposed fee structure for gambling premises licence is set within Rhondda Cynon Taf. Members were directed to Appendix 2C which set out the revised proposed Gambling Act fees structure.

In conclusion the Service Director, Public Health & Protection advised that although the review will result in a reduction in fees and income for the Local Authority Committee, there needs to be compliance with the legal requirements of the Gambling Act 2005 in order to avoid a potential legal challenge of the fees charged.

Following consideration of the report and questions posed by members of the Committee it was **RESOLVED** to:-

- I. . Note the findings of the review of discretionary fees under the Gambling Act 2005 undertaken by the Service Director of Public Health & Protection
- II. Accept the recommendation that the revised Fees are set out in Appendix 2C be amended and request the Service Director, Public Health & Protection make the necessary arrangements to implement the decision.

7. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 13 of Schedule 12A of the Act, namely, information relating to a particular individual. Transparency in the conduct of Local Authority business is desirable, however, personal data relating to the conduct and capabilities of individuals will be discussed and considered. Consequently, it is considered the public interest in maintaining the exemption outweighs the public interest in disclosing information.

REPORT OF THE SERVICE DIRECTOR, PUBLIC HEALTH AND PROTECTION CONTAINING EXEMPT INFORMATION

8. LICENSING ACT 2003 – LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS

In his report, the Service Director, Public Health & Protection provided details of licences and registrations issued during the period the 21st March 2016 to the 26th June 2016 in respect of Personal Licences and Premises Licences and it was **RESOLVED** to note the report.

**A. FOX
CHAIRMAN**

The meeting terminated at 4.55pm