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## CENTRAL LICENSING COMMITTEE, 05.03.12

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillor Evie Morgan-Jones (Vice-chairman).

Councillors: Elin Walker Jones, Dewi Llewelyn, W. Tudor Owen, Peter Read, Ieuan Roberts, Gwilym O. Williams.

**Also Present:** John Reynolds (Senior Public Protection Manager), Amlyn ab Iorwerth (Licensing Manager), Siôn Huws (Propriety Officer), Gwenan M. Williams (Public Protection Manager) and Gwyn Parry Williams (Committee Officer).

**Apologies:** Councillors Louise Hughes and John G. Jones

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

### 2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 21 November 2011 as a true record.

### 3. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted, for information - the minutes of the following meetings of the Central Licensing Sub-committee:-

- (a) 10 November 2011
- (b) 12 and 23 January 2012

**RESOLVED to accept the information.**

### 4. AMEND THE COUNCIL'S LICENSING POLICY

Submitted – the report of the Head of Regulatory Department on amending the Council's Licensing Policy.

The Senior Public Protection Manager reported that Licensing authorities had to 'have regard to' guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and they recommended the level of delegation of certain licensing functions under the Act.

The officer noted that a revised Licensing Policy had been adopted in December 2010 and chapter 12 of the Policy specified to which level of committee and officer certain licensing functions should be delegated. The delegation arrangements specified in the Policy did not accord with the

recommendations contained in the guidance, in that certain functions retained by the Central Licensing Committee should have been delegated to a Sub-Committee. Under Section 10(1) of the Licensing Act 2003, the Licensing Committee was empowered to delegate the discharge of any functions exercisable by it to a sub-committee established by the committee.

It was proposed that the delegation arrangements be amended to accord with the recommendations made in the guidance that had been issued by the Secretary of State. The effect of adopting this proposal would be that any application where representations have been received would be considered by a Sub-Committee that had been established by the Committee and that officers would continue to approve applications where no observations were received. He was of the opinion that the "officers" term was not clear enough and that such functions should be delegated firstly to the Head of the Regulatory Department and that he would then authorise other members of his staff to deal with the applications as required.

#### **RESOLVED**

**a) To delegate the functions in respect of licence applications, other applications, decisions and determinations to the Licensing Sub-Committee established by the committee in accordance with the guidance issued by the Secretary of State.**

**b) To delegate the function to approve applications when observations are not sent directly to the Head of Regulatory Department and that he then authorises other members of his staff to deal with the applications as required.**

The Public Protection Senior Manager referred to the discussion that had been held in the two previous meetings regarding abolishing the hackney zones within Gwynedd. He reminded the members that the three areas shared the same conditions apart from one special additional condition which was relevant to the Arfon Area namely that the number of licences were restricted to 98 with the exception of licences for vehicles between new and three years old and was a side loading wheel chair accessible vehicle. He noted that numerous objections had been received by the industry to operate as one zone from 1 January 2012 and in the previous meeting it had been decided to adhere to the current procedure of operating the three zones until there would be a legal/legislative requirement to make amendments and to seek legal advice on the current procedure. However, two applications for licences had been received by hackney vehicle operators in the Arfon Area, who had not adapted their vehicles for disabled access and in accordance with the Licensing Policy these applications had been refused and an appeal had been made against the decision. It was understood that the Crown Court would listen to the appeals in June 2012 and there would be costs for the Council attached to these appeals.

The Public Protection Senior Manager referred to another matter that derived from an administrative error when a hackney vehicle was licensed

but unfortunately the license holder had not inherited the grandfather rights, but as this license was legal it had not been possible to abolish. However, by now the period of the license had come to an end and the application for renewal should be refused as it did not correspond with the Licensing Policy. As a result, it was anticipated that an appeal would be made.

**RESOLVED to accept the information.**

At the end of the meeting, the Chairman noted that this would be the last meeting of this committee for him to chair prior to the local government elections in May 2012. He thanked members and officers for their co-operation during his period as Chairman. He wished Councillors Evie Morgan Jones and Ieuan Roberts, who were retiring, well and also those who would be standing for re-election. Amlyn ab Iorwerth Licensing Manager was wished a happy retirement who was retiring at the end of the month and the Chairman thanked him for his cooperation during the years.

The meeting commenced at 10:00am. and concluded at 10.30am.