
CENTRAL LICENSING COMMITTEE, 17.09.12

Present: Councillor W.Tudor Owen (Chairman)

Councillors: Eddie Dogan, Annwen Hughes, Chris Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Eryl Jones-Williams, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams

Also Present: Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager), Sheryl Le Bon Jones (Operational Systems Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer)

Apologies: Councillor Huw Edwards

1. DECLARATION OF PERSONAL INTEREST

Councillor Christopher O'Neal noted that he had worked for Chubb Taxis, Bangor previously.

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 25 June 2012 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) 23 and 27 July 2012
- b) 1 August 2012

In relation to the application by The Venue, Pavilion Buildings, Barmouth that had been considered by the sub-committee on 27 July 2012, the local member asked to add to the record that he supported the observations made by the police on the application.

RESOLVED to accept the information.

4. REVIEW ARRANGEMENTS FOR MAKING REPRESENTATIONS ON APPLICATIONS FOR A PREMISES LICENCE

Submitted – the report of the Head of the Regulatory Department on reviewing the arrangements for making representations on applications for a premises licence.

The Licensing Manager reported that this report was submitted at the request of Councillor Eryl Jones Williams.

The officer noted that there had been several examples recently of premises licence applications being referred to the Central Licensing Sub-committee for a decision because of correspondence received from community/town Councils objecting to the applications.

When an application to vary, review or permit a premises licence was submitted to the Licensing Authority, the procedure in accordance with the guidelines issued under section 182 of the Licensing Act 2003 was followed. If an application was submitted in a proper, correct and complete manner, it was not required to refer the application for a decision to a hearing of the sub-committee unless relevant observations or objections had been received from a responsible authority or any other person. In these cases, the Licensing Authority's officers may permit applications in accordance with what was requested; and in accordance with the conditions that were relevant to the Operating Schedule and the relevant mandatory conditions of the Licensing Act 2003. If relevant representations were made by a responsible authority or individuals, the Licensing Authority was required to use its discretion to determine whether or not the decision should be referred to a hearing by the sub-committee. To ensure fairness and transparency of the process, applications where observations/objections had been received were usually referred to the Sub-committee.

She noted that the Home Office provided guidance on making representations in respect of premises licence applications in the guidelines made under section 182 of the Licensing Act 2003. Representations made within the consultation period were required to specifically relate to the likely effect of permitting a licence in relation to at least one of the licensing objectives, namely-

- a) Crime and disorder prevention
- b) Public safety
- c) Prevention of public nuisance
- ch) Protection of children from harm

It would be necessary to ensure that an application to review a premises licence was also made in relation to the way the licensable activities undermined at least one of the licensing objectives. Any representations made should be supported with evidence wherever possible for example, evidence of a number of criminal incidents associated with the licensed premises; CCTV images etc. Making representations on an application, or applying for a review of a licence was a serious matter; it was important that they were factually correct. She noted that it was an offence to intentionally make an incorrect statement in relation to an application for a licence; the maximum fine following a summary conviction was £5,000.

She further noted that the Licensing Authority was required to disregard representations if they were frivolous, vexatious or repetitive. When representations were received on applications that did not contain much explanation or supporting evidence, it was very difficult to expect the Council's officers and members of the Sub-committee to determine the validity and significance of the representations in relation to the application.

Any person or responsible authority making representations or objections in respect of an application was invited to attend a hearing of the Sub-committee to support and expand on their representations. If an objector did not take advantage of the opportunity to attend the hearing, the task of considering the significance of the representations was difficult if the evidence base and the relevance to licensing objectives were not obvious. This was the situation this sub-committee had faced on several occasions recently.

She provided details on the different options to consider to ensure the effectiveness of the process of making representations.

A member referred to a number of cases recently where only community/town councils had objected to an application for a licence but they did not have a representative present in the sub-committee when the application had been considered to elaborate on their objection.

The Compliance and Language Manager notified the committee that it was the responsibility of those who submitted the representations to ensure that they were associated with the property in question and relevant to the licensing principles. Perhaps some of the community/town councils did not realise the implications that would accrue from objecting to applications for a license and it was not possible to force them to send representation to the meetings of the sub-committee. Therefore they missed the opportunity to elaborate on their observations.

A member suggested that community/town councils should be encouraged to send representatives to the meetings of the sub-committee when complex or contentious applications were considered. The member also asked whether it would be possible for county councillors who were also members of community/town councils to make representations on their behalf in the meetings of the sub-committee.

In response the Licensing Manager informed the committee that it was evident from the guidelines that consistency was needed when inviting representations etc. She noted that when the letters were sent asking for representations on applications from the different bodies, then it could be noted whether or not they were complex applications.

The Compliance and Language Manager noted that he did not anticipate opposition for county councillors who were also members of community/town councils to make representations on their behalf in the meeting of the sub-committee, but there would be a need to look at the legislation to confirm this.

He also drew attention to the fact that local members had to submit observations in writing on applications before they had the right under the legislation to speak in the sub-committee.

A member supported the suggestion to hold a training session for the community/town councils.

In response the Licensing Manager was of the opinion that the first step would be to send a letter to the community/town council clerks on the matter with guidelines on making representations on applications and that further consideration should be given to the need for training.

The Compliance and Language Manager referred to the annual meetings that were arranged with representatives of the community/town councils and he suggested that training could be presented in those meetings.

RESOLVED

- a) To send letters to community/town council clerks and the county councillors on the matter, with guidelines on making representations in respect of applications**
- b) To send a specific form for recording reasons for objecting or providing observations on an application to community/town councils and the county councillors or any person or body once they have made representations.**
- c) To further consider the need to hold a training session for the community/town councils.**

The meeting commenced at 10:00am. and concluded at 10.40am.