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Gwasanaeth Democraidd
Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Cyfarfod / Meeting

PWYLLGOR TRWYDDEDU CANOLOG
CENTRAL LICENSING COMMITTEE

Dyddiad ac Amser / Date and Time

10:00yb DYDD LLUN, 9 MAWRTH 2015

10:00am MONDAY, 9 MARCH 2015

Lleoliad / Location

SIAMBR HYWEL DDA
SWYDDFEYDD Y CYNGOR / COUNCIL OFFICES
CAERNARFON

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PWYLLGOR TRWYDDEDU CANOLOG

CENTRAL LICENSING COMMITTEE

Aelodaeth/Membership (15)

Plaid Cymru (7)

Y Cynghorwyr/Councillors

Craig Ab Iago Eddie Dogan

Sedd wag / vacant seat Annwen Hughes Chris Hughes

W. Tudor Owen Ann Williams

Annibynnol/Independent (4)

Y Cynghorwyr/Councillors

Eryl Jones-Williams Christopher O'Neal

Angela Russell Elfed Williams

Llais Gwynedd (3)

Y Cynghorwyr/Councillors

Llywarch Bowen Jones Dilwyn Lloyd

Peter Read

Aelod Unigol / Individual Member (1)

Louise Hughes

Aelod Ex-officio/Ex-officio Member

Is-gadeirydd y Cyngor/Vice-chairman of the Council

AGENDA

1. WELCOME AND APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL CONNECTION

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

The Chairman shall propose that the minutes of the meeting of this Committee, held on 8th of December 2014, be signed as a true record.

(copy herewith – **white** paper)

5. LICENSING SUB-COMMITTEE MINUTES

To submit, for information, minutes of the Licensing Sub-committee meetings held on the following dates:-

- (a) 08.12.2014
- (b) 17.12.2014

(copy herewith – **blue** paper)

6. AMEND THE COUNCIL'S LICENSING POLICY

To submit the report of the Head of Regulatory Department

(copy herewith – **pink** paper)

7. AMENDMENT TO THE LICENSING ACT 2003: THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

To receive, for information only, the report of the Head of Regulatory Department

(copy herewith – **yellow** paper)

8. CCTV

To receive the opinion of the Committee

9. INFORMAL TRAINING

Session updating Members on their responsibilities in serving on licensing sub-committees.

It is essential that all members of the Licensing Committee attend the session before serving on future sub-committee meetings.

CENTRAL LICENSING COMMITTEE, 08.12.14

Present: Councillor Eryl Jones-Williams (Chairman)

Councillors, Annwen Hughes, Llywarch Bowen Jones, Dilwyn Lloyd, W.Tudor Owen, Peter Read, Angela Russell, Ann Williams, Elfed W Williams

Also in attendance: Siôn Huws (Senior Solicitor), Gwenan Mai Williams (Public Protection Manager (Health and Safety and Licensing)), Sheryl Le Bon Jones (Licensing Manager) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. WELCOME AND APOLOGIES

The Chairman, Councillor Eryl Jones Williams, welcomed everyone to the Committee. Apologies were received from Councillors Huw Edwards and Louise Hughes. It was noted that Councillor Huw Edwards was very ill and that the Committee members sent him their best wishes.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

Closed Circuit Television (CCTV)

An incident in Barmouth was referred to where the Police had reported to Councillors Eryl Jones Williams and Annwen Hughes that the CCTV was not working or had been turned off at some sites. The Public Protection Manager (Health and Safety Licensing) reported that she had discussed the matter with Mr Ian Williams from the Police and it had appeared that there were problems with faulty equipment or that staff were unaware of how to download / collect information.

The CCTV conditions that had been included on a number of licensing applications were referred to. The need to monitor and penalise if the condition was not implemented had to be considered. It was explained that the condition's wording had to be comprehensive in order to penalise.

The members were reminded that if a condition was breached, the Councillors or the Police also had the right to apply for a review of the licence.

RESOLVED to include the matter as an item on the next Committee (9.3.15) and to invite Mr Ian Williams from the Police to attend as it is the Police that normally impose CCTV conditions.

4. MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee held on 15 September 2014 as a true record subject to;

- i. Correcting the Chairman's name - Eryl Jones Williams, not Eryl Lloyd Williams, in item 1. Welcome and Apologies.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of the Central Licensing Sub-committee meetings held on 03.09.2014 and 25.9.2014.

The Solicitor was asked if a member had the right to represent an applicant in a hearing if that member had a personal interest. If the member had a personal interest, should they be a member of the Licensing Committee?

In response, it was noted that it was the political parties' responsibility to appoint an individual to a committee – the seat was offered to the group.

The meeting commenced at 10.40a.m and concluded at 10.55am

CENTRAL LICENSING SUB-COMMITTEE 08.12.14

Present: Cllr. Tudor Owen, Cllr. Angela Russell, Cllr. Dilwyn Lloyd

Also in attendance: Geraint B Edwards (Senior Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing), Eirlys Jones (Licensing Officer) a Lowri H Evans (Members Support and Scrutiny Officer)

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Cllr Tudor Owen. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

APPLICATION FOR A PREMISES LICENCE – MCDONALD'S RESTAURANTS, BRITANNIA SHOPPING CENTRE, CAERNARFON ROAD, BANGOR, GWYNEDD.

On behalf of the premises: Mr Phillip Loundes, Mr Anthony Gill (solicitor representing the applicant)

Local Members: Not present

Others in attendance: Councillor Derek Hainge (Bangor City Council), Councillor Eve Butler (Bangor City Council), Constance Bell (observing - Kings Chambers)

Apologies: None to note

The report and recommendation of the Licensing Section.

- a) Submitted – the report of the Licensing Manager giving details of the application for a variation to a premises licence for McDonalds Restaurant, Caernarfon Road, Bangor. The application was submitted for an extension of the hours of standard licensable activities of providing late night refreshments only, to be consumed on and off the premises. Details were given about the hours that the premises would be open to the public and the times that it would provide late night refreshments. It was noted that the drive-thru closed at 24:00 every night.

The panel was notified of the steps that the applicant intended to take to promote the four Licensing objectives -

- Operate a CCTV system
- Shift managers receiving training regarding safety and protection
- Conform to regulatory requirements in terms of fire safety, health and safety and food safety
- All staff to receive comprehensive safety training
- A no carrying open containers policy, including alcohol
- Emergency contact points for staff

- Litter patrol outside the restaurant
- Noise control measures in place – self-closing doors, customers being encouraged to leave quietly.

b) Neither North Wales Police nor the Fire and Rescue Service had any objections to the application. It was noted that the Police had noted that there was no evidence for them to refuse the application and that the proposed closing hours were a lot earlier than similar fast food restaurants in Bangor City centre.

c) Following an appropriate consultation period, an objection to the application had been received from Bangor City Council highlighting its concerns regarding the licensing objective of preventing public nuisance. It was noted that Bangor City Council was of the opinion that the proposed hours would lead to an increase in noise generated from customers late at night, impairing on neighbouring residents. Concerns were also expressed that an extension to the hours would lead to an increase in litter on the street. A letter had been received from local residents objecting to the application on the grounds of public nuisance, and concerns regarding anti-social behaviour. The resident noted that they were already being affected by the noise of loud music, and car noises relating to the licensable activities of the premises.

ch) While considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given an opportunity to ask questions to the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

Everyone was reminded that they had 10 minutes to speak.

d) While elaborating on the application, the solicitor representing the applicant noted that the application was a reasonable one. The applicant had been responsible for the restaurant for over eight years and had a good relationship with the community, and employed over 100 local people. Observations had not been received from the Police, and no noise problems had been referred to the Council's Environmental Health Department. It was reported that the restaurant was taking part in the Keep Wales Tidy campaign, with two daily detailed litter collection sessions being arranged along with hourly collecting sessions. It was also intended to put noise control measures in place. In response to the observations from residents, disappointment was expressed that the residents had not expressed their complaints to the applicant.

In response to a question regarding why the proposed hours needed to include Sunday, it was noted that this was an opportunity to offer service to customers who expected the same service that was available in every McDonalds.

dd) In response to the application, Bangor City Councillors who were present at the meeting noted that they were expressing concern on behalf of the neighbouring residents. It was explained that the area was a quiet, residential area and that it was not necessary to create a situation where there would be an increase in noise and litter. It was inevitable that customers would arrive in cars that would add to noise. The councillors did not have any concerns regarding how the restaurant was run.

It was highlighted that the Local Member had not submitted any observations.

A letter that had been received from local residents, namely Mr Elwyn and Medwyn Jones, was acknowledged.

- e) While summarising his application the solicitor noted that the applicant accepted and understood the concerns of the city councillors but that no evidence had been submitted. It was highlighted that the applicant supported several local events and fundraised towards maintaining the nearby community hall. Consideration could be given to a procedure of stopping cars from going through the 'drive thru' after it closed at midnight.
- f) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely -

- Prevention of Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

The Sub-committee was of the opinion to approve the variation of the licence in accordance with the application. The Sub-committee was of the opinion that the application was in accordance with the licensing objectives.

- ff) Having considered the observations of Bangor City Council and Mr Elwyn and Medwyn Jones' letter (55 Bryn Llwyd Bangor) noting their concerns regarding alleged noise and crime and disorder, the Sub-committee was not satisfied that adequate evidence had come to hand to testify that a real problem of noise, crime and disorder existed, or was likely to exist, by approving the application.
- It was specifically noted, that no evidence of crime and disorder had come to hand from the Police, or any evidence of noise disturbance from the Council's Environmental Health Department.

RESOLVED TO APPROVE THE VARIATION OF THE LICENCE IN ACCORDANCE WITH THE APPLICATION.

The Solicitor reported that he would aim to send a letter within five working days, formally confirming the Sub-committee's decision to all present, and informing them of their right to appeal against the decision within 21 days of receiving the letter.

The meeting commenced at 2:00pm and concluded at 3:30pm.

CENTRAL LICENSING SUB-COMMITTEE 17.12.14

Present: Councillor W. Tudor Owen (Chairman)
Councillors Angela Russell and Ann Williams

Also in attendance: Sion Huws (Senior Solicitor), Gwenan M Williams (Public Protection Manager - Health and Safety and Licensing) and Bethan Adams (Member Support and Scrutiny Officer).

Apologies: Councillor Llywarch Bowen Jones

1. WELCOME

The Chair welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

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

3. APPLICATION FOR PREMISES LICENCE – BETHEL COMMUNITY HALL, BETHEL, CAERNARFON, LL55 1YE

On behalf of the premises: Mr Cledwyn Pierce Jones and Mr Sion Jones

Others in attendance: Councillor Geraint Elis (Llanddeiniolen Community Council)

Submitted - the Licensing Manager's report with the details of the application for a premises licence. The application related to the licensable activities of showing films, live music, dance performances and the supply of alcohol 7 days a week.

Following a suitable consultation period, observations on the application had been received from Llanddeiniolen Community Council stating that due to lack of evidence, the Community Council had been unable to reach a decision and that it was a matter for the village of Bethel whether or not to approve the licence. Two letters were received objecting to the application on grounds of the licensing objectives of preventing public nuisance and crime and disorder.

It was reported that one of the letters had been submitted anonymously. The letter had been written as a representation of the people of the village and referred to the fact that it was not appropriate to use a Community Hall as a licensed premises. It was explained that there was no reference in the Licensing Act 2003 or in the guidelines of Section 182 of the Act on how to deal with observations received from anonymous commentators. It was noted that in accordance with the Act, the licensing authority was permitted to consider representations relevant to the four licensing objectives, provided they were not frivolous or vexatious.

Neither North Wales Police nor the Fire and Rescue Service had any objections to the application.

When considering the application, the following procedure was followed:-

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.

- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

In elaborating on the application, the applicant noted that submitting applications for temporary event licences was costly and that a permanent licence would be advantageous owing to the building's high running costs.

In response to a question, he noted that there would be a door supervisor present for large events in order to ensure the protection of children from harm. It was noted that they worked with the Police on large events, and that this would continue.

In response to the application, the Llandeiniolen Community Councillor noted that having received additional information on the application, the Community Council was satisfied with the proposal but it was felt that changing the location of the bar should be considered. He added that consultation with the community prior to submitting the application would have been an advantage.

In response to the observation, the Senior Solicitor noted that he accepted the point in terms of consultation prior to submitting the application, however the applicant had complied with the statutory procedure and any further consultation would take place outside of statutory procedure.

The applicant noted that it would not be possible to move the location of the bar as there was no other suitable location for it to be moved.

Referring to the letters of objection, the applicant noted that the individuals had misunderstood the proposal.

A member expressed disappointment that one of the letters of objection was anonymous. In response, the Public Protection Manager – Health and Safety and Licensing noted that the matter for the members was to consider whether or not the observations were valid and whether or not they were in line with the Licensing Act objectives.

The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely -

- Prevention of Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

The Sub-committee was of the opinion that the licence should be approved in accordance with the application as the application was consistent with the four licensing objectives.

RESOLVED to approve the application on the basis of the written and verbal representations received subject to the following conditions (as volunteered by the applicant) being incorporated into the licence:

- 1. Door supervisors for large events;**
- 2. The community hall complying with the statutory requirements following substantial renovation work;**
- 3. No licensable outdoor activities;**
- 4. Compliance with hours of licensed activities;**
- 5. Ask those attending to leave the premises quietly;**

- 6. Children to be under the supervision of parents / guardians and will not be allowed access to the bar area;**
- 7. Implement the challenge 21 policy.**

Everyone was thanked for their contribution.

The Senior Solicitor reported that he would send a formal letter within five working days, confirming the Sub-committee's decision to all those in attendance, and informing them of their right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 10.00am and concluded at 11.05am.

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	9 MARCH 2015
TITLE:	AMEND THE COUNCIL'S LICENSING POLICY
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

I. BACKGROUND INFORMATION

- 1.1 Licensing authorities must 'have regard to' guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. The latest Guidance (October 2014) recommends the level of delegation of certain licensing functions under the Act. These are shown in Appendix 1.
- 1.2 The Council adopted a revised Licensing Policy in December 2010 and updated Chapter 12 of the Policy which specifies to which level of Committee and officer certain licensing functions will be delegated, in March 2012. These are shown in Appendix 2.
- 1.3 The delegation arrangements specified in the latest Guidance confirm the delegation arrangements for three additional matters which are not contained in the Policy.

2. PROPOSAL

- 2.1 It is proposed that the delegation arrangements be amended to accord with the recommendations made in the Guidance issued by the Secretary of State.
- 2.2 Adopting this recommendation will result in the determination of an application to vary premises licence at community premises to include alternative licence condition if a police objection is received will be made by the Sub-Committee, and by Officers where no Police objection has been received.
- 2.3 Adopting this recommendation will result in the decision whether to consult other responsible authorities on minor variation application, and the determination of a minor variation application will be made by Officers.

3. RECOMMENDATION

- 3.1 That the Committee approves amending chapter 12 of the Policy in accordance with the Guidance issued by the Secretary of State.

Appendix 1 – Current Guidance

Table: Recommended Delegation of Functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premise supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	

Appendix 1 – Current Guidance

Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

12. Delegation of Functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	9 MARCH 2015
TITLE:	AMENDMENT TO THE LICENSING ACT 2003: THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014
PURPOSE:	FOR INFORMATION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

1.0 BACKGROUND INFORMATION

1.1 Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

1.2 The types of regulated entertainment under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

1.3 The Legislative Reform (Entertainment Licensing) Order will amend Schedule 1 and section 177A of the Licensing Act 2003 so that, in certain circumstances, the provision of regulated entertainment may no longer need to be authorised under the Act.

2.0 THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

2.1 The Legislative Reform Order will come into force on 6 April 2015. It will deregulate certain types of regulated entertainment in defined circumstances.

2.2 No licence permission will be required for the following activities:

- Performances of Dance and Drama for audiences of up to 500 people between 8am and 11pm
- A 'not for profit' film exhibition in a community premises for audiences of up to 500 people between 8am and 11pm providing consent to use the premises is given and the screening abides by age classification ratings.
- Indoor sporting events, Boxing and Wrestling entertainment for audiences of up to 1,000 people between 8am and 11pm
- Performance of **unamplified** live music between 8am and 11pm on any day, on any premises.
- Performance of amplified live music for an audience of up to 500 people, between 8am and 11pm on any day in a workplace, on premises authorised to sell alcohol for consumption on those premises, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the organiser gets consent for the

- performance from a person who is responsible for the premises.
- Performance of amplified live music for an audience of up to 500 people between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the organiser gets consent for the performance on the relevant premises.
 - Playing of recorded music for an audience of up to 500 people, between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the organiser gets consent for the performance from a person who is responsible for the premises.
 - Playing of recorded music for an audience of up to 500 people between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that the organiser gets consent for the performance on the relevant premises.
 - Cross activity exemptions: no licence is required between 8am and 11pm on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3.0 LICENSING CONDITIONS

- 3.1 Licence conditions relating specifically to activities that are no longer licensable will be **suspended** between the hours of 8am and 11pm.
- 3.2 A licence holder who wishes to remove conditions relating to activities that are no longer licensable may apply to the licensing authority for a licence variation. In the course of considering such applications, licensing authorities should remove such conditions unless there are sufficiently serious and specific concerns about the effects of hosting deregulated entertainment activities along with the remaining licensable activities taking place in the premises.
- 3.3 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live and recorded music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live and recorded music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music.

4.0 RECOMMENDATION

- 4.1 That the Committee note the forthcoming changes to the Licensing Act 2003.