
CENTRAL LICENSING SUB-COMMITTEE 20.02.14

Present: Cllr Eryl Jones-Williams, Cllr Louise Hughes, Cllr Ann Williams

Also present: Mr Ian Williams (North Wales Police Licensing Coordinator), Geraint Edwards (Solicitor), Gwenan M. Williams (Licensing Manager), Heilyn Williams (Licensing Officer) and Lowri H. Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. The Panel and officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note.

3. URGENT ITEMS

Nothing to note.

4. APPLICATION TO VARY A PREMISES LICENCE – Y CWRT, BALA

On behalf of the premises: Mr Maesoud Anafcheh and Ms Moira Mai

Others: Mr Martin Tranter (S A Brains), Mr M Phipps (S A Brains), Mr Paul Grainge (Local Resident), Ms Valerie Floyd (Local Resident)

Apologies: None to note

The Chairman noted that concern had arisen regarding the panel's right to consider the application in question since the advertising process did not comply with the requirements of the Licensing Act 2003.

On legal advice, the Sub-committee decided that it would not be possible to make a decision regarding the application:

1. The power of the Sub-committee to consider an application to vary a premises licence was derived from section 35 of the Licensing Act 2003 ("the Act"). That section only applied if the authority had received an application to vary a licence under section 34 and were satisfied that the applicant had complied with the requirements stipulated in section 34(5) of the Act.
2. Section 34(5) stated that the duty to produce regulations under section 17(5) of the Act was also appropriate for applications under section 34.
3. Section 17(5) stated that it was a requirement for the Secretary of State to produce regulations which made it a requirement for the applicant to advertise an application in a specific manner.
4. Under regulation 25 of the Licensing Act 2003 Regulations (Premises Licences and Club Premises Certificates) 2005, amongst other things, the applicant must publish a notice of the application (i) in a newspaper or similar publication, circulating in the vicinity of the premises, and (ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

5. **The date when the application form was submitted to the Council was 8 July 2013. Therefore, the applicant would have had to publish an advertisement on any date between 9 July 2013 and 18 July 2013.**
6. **In relation to this application, it had been given to understand that no advertisement had been published during the above period. There was no evidence that the application had been advertised during the statutory period.**
7. **In these circumstances, the Sub-committee was not satisfied that the application complied with the requirements of section 34(5) of the Act. Consequently, the Sub-committee had no authority to determine the application under section 35. If the applicant wished to vary his licence then he had to submit a new application to vary the licence.**

Disappointment was expressed that it would not be possible to continue with the hearing as weekly correspondence had been held with the relevant parties and the Licensing Unit. It was suggested that the information regarding the shortcomings of the advertising process should be resolved prior to convening a hearing.

It was also expressed that it was the practice for Licensing Authorities to extend the consultation period on an application in circumstances where the applicant had not succeeded in advertising the application in accordance with the requirements of the regulations.

However, it was decided to keep to the procedure. The result of the hearing was likely to be open to challenge and, therefore, there was a need to ensure that the requirements of the law were addressed.

The Solicitor reported that he would aim to send out a letter formally confirming the Sub-committee's decision to all present.

The applicant was notified that he needed to submit a new application.

The meeting commenced at 11.00pm and concluded at 11.55pm.