
GENERAL LICENSING COMMITTEE 6/12/21

PRESENT:

Councillors: Annwen Hughes (Chair), John Brynmor Hughes, Elin W Jones, Gareth Morris Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Owen, Angela Russell, Elfed Williams and Gareth Williams

Officers:

Iwan G Evans (Head of Legal Services / Monitoring Officer), Gwenan M Roberts (Public Protection Manager) and Lowri Haf Evans (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillor Roy Owen.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of a meeting of this Committee, that took place on 13 September 2021, as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

Accepted, for information, the minutes of the Sub-committees held on 5th October 2021 and 1st November 2021

6. REGULATION OF SEX ESTABLISHMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Submitted - a report by the Head of Environment highlighting the need for the Licensing Authorities that wish to regulate sex establishments in their area, to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Crime and Policing Act 2009.

The unanimous decision of this Committee (13 September 2021) was to recommend to the Full Council to adopt the powers and on 7 October 2021 the Full Council decided to approve the adoption of the regulatory system for sex establishments as follows

- To adopt, county-wide, the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Crime and Policing Act 2009, to become operational no earlier than 1 December 2021.
- To instruct the Head of Legal Services to publish the statutory notices associated with the decision to adopt for two consecutive weeks, with the first no later than 28 days before the date when the decision to adopt comes into force.
- To delegate the matters of determining fees, setting standard conditions and a plan for processing applications to the General Licensing Committee.

In accordance with the Full Council's instruction and legal requirements it can be confirmed that a Statutory Notice had been published in the press associated with the decision to adopt, for two consecutive weeks, with the first appearing no later than 28 days before the date when the decision came into force.

It was explained that the Council considers each application for a licence on its own merits to ensure consistency, fairness and transparency. The Members were reminded that the Licensing Service and the General Licensing Committee over the years, have adopted many policies and general principles for the purpose of offering guidance in its consideration for licensing applications. Consequently, a policy document has been formulated for the approval of this Committee, which encompasses the processes adopted in relation to Sex Establishments. It was added that the Policy details the process of applying for a licence, renewal, variation and transfer of sex establishment licences in relation to a premises that operates within the Gwynedd Council area.

Reference was made to the licensing process together with the standard conditions and the fees to pay. It was highlighted that the legislation sets permissions to charge a fee for sex establishments' licences and that the Council has set a fee that is sufficient to recoup costs only. The aim is to revise the licensing fees yearly.

Thanks was given for the report.

Responses to questions raised in the discussion that followed:

In response to an observation regarding the need to consider a suitable location for any sex establishment, avoiding, for example, proximity to schools, it was noted that the policy was robust and comprehensive and gave consideration to every possible scenario.

In response to a suggestion to include the Local Health Board in the list of consultees (paragraph 4.3 of the report, 3.4 of the policy), this was considered as reasonable and it is possible to add the Health Board to the list if this is the Committee's wish.

In response to a question regarding the application form for a licence, it was noted that the application form is a standard form (such as the one for a property licence) and is consistent with the forms of other authorities.

In response to a question regarding how the fees compare to the fees of other counties, it was noted that Arfon Borough Council when adopting Schedule 3 had specified the highest possible fees under the statutory provisions of the Act. However, the Council fees were challenged and in accordance with the Court judgement the Council was forced to set fees to only recover costs. Consequently,

it was explained that the fees recommended in the report reflect the costs of establishing a new system and the costs of processing applications only with the intention to review the fees yearly.

In response to a supplementary question regarding the fact that Gwynedd's fees appear comparatively lower than the fees of some other counties, it was noted that the fees have to reflect the current costs as a starting point based on the process. It was emphasised that it would be possible to review the fees annually if an assessment of a more detailed nature was needed or to add additional steps to the process.

Proposed and seconded to approve the recommendation subject to including the Local Health Board in paragraph 3.4 of the Policy (list of consultees).

RESOLVED

- **Approve the county-wide adoption of the Sex Establishments Licensing Policy Statement, which will set procedures and conditions in order to allow for the regulation of sex establishments via the licensing procedure; is effective from the 6 December 2021 subject to including the Local Health Board in paragraph 3.4 of the Policy (list of consultees).**
- **Approve setting the fee noted, which reflects the administration and processing of applications for sex establishment licences and approve an annual review of those fees.**

The meeting commenced at 10.00 am and concluded at 10.30 am

CHAIRMAN