



Complete Agenda

Democracy Service
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

Meeting

ANNUAL MEETING OF THE COUNCIL

Date and Time

1.30 pm, THURSDAY, 9TH MAY, 2024

*** NOTE ***

This meeting will be webcast

https://gwynedd.public-i.tv/core//en_GB/portal/home

Location

Multi-location meeting
Siambwr Dafydd Orwig, Swyddfeydd y Cyngor, Caernarfon LL55 1SH /
Virtually on Zoom

Contact Point

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(DISTRIBUTED 30/04/24)

Ian Jones
Head of Democracy Service

www.gwynedd.llyw.cymru

TUESDAY, 30 APRIL 2024

Dear Councillor,

MEETING OF CYNGOR GWYNEDD – THURSDAY, 9 MAY 2024

YOU ARE HEREBY SUMMONED to attend a multi-location meeting of **CYNGOR GWYNEDD** which will be held at **1.30 pm** on **THURSDAY, 9TH MAY, 2024** in **SIAMBR DAFYDD ORWIG, SWYDDFEYDD Y CYNGOR, CAERNARFON LL55 1SH / VIRTUALLY ON ZOOM**, to consider the matters mentioned in the following agenda.

Yours faithfully,



Head of Democracy Services

The following rooms will be available for the political groups during the morning: -

Plaid Cymru - Siambr Dafydd Orwig
Independent – Siambr Hywel Dda
Lib / Lab – Ystafell Gwyrfai

AGENDA

1. CHAIR

To appoint a Chair for 2024/25.

2. VICE-CHAIR

To appoint a Vice-chair for 2024/25.

3. APOLOGIES

To receive any apologies for absence.

4. MINUTES

6 - 36

The Chair shall propose that the minutes of the previous meeting of the Council held on 7th March, 2024 be signed as a true record.

5. DECLARATION OF PERSONAL INTEREST

To receive any declarations of personal interest.

6. THE CHAIR'S ANNOUNCEMENTS

To receive any Chair's announcements.

7. URGENT ITEMS

To note any items which are urgent business in the opinion of the Chair so they may be considered.

8. QUESTIONS

To consider any questions the appropriate notice for which have been given under Section 4.18 of the Constitution.

9. ANNUAL REVIEW OF THE COUNCIL'S POLITICAL BALANCE

37 - 40

To submit the report of the Head of Democracy Services.

10. APPOINTMENT OF CHAIR OF THE DEMOCRACY SERVICES SUB-COMMITTEE

To appoint a Chair of the Democratic Services Committee for 2024/25.

[In accordance with the requirements of Section 14 of the Local Government Bill (Wales) 2011, the Chair of the Democratic Services Committee shall be appointed by the Full Council and it cannot

appoint a member of a political group which is represented on the executive.]

11. REVIEW OF A DRAFT STATEMENT OF POLICY - LICENCING ACT 2003 41 - 109

To submit the report of the Cabinet Member for Environment.

12. NOTICES OF MOTION

(A) NOTICE OF MOTION BY COUNCILLOR GWYNFOR OWEN

In accordance with the Notice of Motion received under Section 4.19 of the Constitution, Councillor Gwynfor Owen will propose as follows:-

The Cambrian Coast Railway is of immense importance to the economy of Gwynedd, with thousands of visitors using it, but more importantly, the people of Gwynedd themselves use this Railway on a daily basis to go to school, work, to shop or for leisure purposes.

Transport for Wales have recently stated that they want to cut the number of trains running along the line.

The way to improve train use is by increasing the number of trains and definitely not cutting them.

This Council makes it clear to Transport for Wales and to the Welsh Government, who are the owners of Transport for Wales, that any cut in the number of trains on the Cambrian Railway is not acceptable, and instead they should look at how to increase the number of trains throughout the year.

(B) NOTICE OF MOTION BY COUNCILLOR ELFED WYN AP ELWYN

In accordance with the Notice of Motion received under Section 4.19 of the Constitution, Councillor Elfed Wyn ap Elwyn will propose as follows:-

Cyngor Gwynedd believes that no house should be anything but a home until everyone has a warm home which is fit for purpose. This is the objective of this Council. We call on the Welsh Government to enable this Council to act in order to put the people of Gwynedd first by creating a Property Act which will offer a statutory and local framework to support communities, housing providers and local authorities to respond to the current crisis.

(C) NOTICE OF MOTION BY COUNCILLOR LLIO ELENID OWEN

In accordance with the Notice of Motion received under Section 4.19 of the Constitution, Councillor Llio Elenid Owen will propose as follows:-

The decision by the Welsh National Health Service Joint Commissioning Committee and health boards to close and centralise the Welsh Air Ambulance centres of Caernarfon (Dinas Dinlle) and Welshpool is a devastating blow to the whole of Gwynedd and another example of how Wales's central services ignore the aspirations and demands of rural Wales. I ask the Council to oppose the decision, and to ask for full intervention and investigation into the decision by the Welsh Government.

13. RESPONSES / UPDATES TO PREVIOUS NOTICES OF MOTION 110 - 111

Letter from the Welsh Government in response to Councillors Gruffydd Williams and Dewi Jones' notices of motion to the 7th March, 2024 Council meeting regarding support for farmers.

THE COUNCIL THURSDAY, 7 MARCH 2024

Present: Councillor R. Medwyn Hughes (Chair)
Councillor Beca Roberts (Vice-chair)

Councillors:- Craig ab Iago, Menna Baines, Beca Brown, Stephen Churchman, Glyn Daniels, Dafydd Owen Davies, Elwyn Edwards, Elfed Wyn ap Elwyn, Alan Jones Evans, Dylan Fernley, Delyth Lloyd Griffiths, Jina Gwyrfai, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Iwan Huws, Elin Hywel, Nia Wyn Jeffreys, Anne Lloyd Jones, Berwyn Parry Jones, Dawn Lynne Jones, Dewi Jones, Elin Walker Jones, Elwyn Jones, Gwilym Jones, Gareth Tudor Jones, Huw Wyn Jones, Linda Ann Jones, June Jones, Eryl Jones-Williams, Cai Larsen, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Dewi Owen, Edgar Wyn Owen, Gwynfor Owen, Llio Elenid Owen, Gareth Coj Parry, Nigel Pickavance, John Pughe, Rheinallt Puw, Arwyn Herald Roberts, Elfed P Roberts, John Pughe Roberts, Meryl Roberts, Richard Glyn Roberts, Huw Llwyd Rowlands, Paul Rowlinson, Angela Russell, Dyfrig Siencyn, Ioan Thomas, Peter Thomas, Menna Trenholme, Rob Triggs, Rhys Tudur, Hefin Underwood, Einir Wyn Williams, Elfed Williams, Gareth Williams, Gruffydd Williams, Sasha Williams and Sian Williams.

Officers: Dafydd Gibbard (Chief Executive), Geraint Owen (Corporate Director), Dylan Owen (Corporate Director and Statutory Director of Social Services), Dewi Morgan (Statutory Finance Officer), Iwan Evans (Monitoring Officer), Sion Huws (Propriety and Elections Manager), Ian Jones (Head of Democracy Services), Ffion Madog Evans (Assistant Head of Finance Department - Accountancy and Pensions), Eurig Huw Williams (Human Resources Advisory Services Manager), Dewi Jones (Council Business Support Services Manager), Gwern ap Rhisiart (Head of Education Department), Gareth Jones (Assistant Head of Environment Department), Vera Jones (Democracy and Language Service Manager) and Sioned Mai Jones (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillors Anwen J. Davies, Kim Jones, Beth Lawton and Gareth Roberts.

2. MINUTES

The Chair signed the minutes of the previous meeting of the Council, held on 7 December 2023 as a true record.

3. DECLARATION OF PERSONAL INTEREST

1. The Monitoring Officer, on behalf of the chief officers who were present, as the report related to their salaries.

He was of the opinion that the officers had a substantial interest and, along with the two Corporate Directors, the Head of Finance and the Head of Democracy Services, the Monitoring Officer withdrew from the meeting during the discussion on the item, as they did not need to be in attendance to advise. The Chief Executive remained in the meeting to advise.

2. Members had received a guidance note from the Monitoring Officer in advance regarding item 19(a) on the agenda - Notice of Motion from Councillor Gruffydd Williams and item 19(b) - Notice of Motion from Councillor Dewi Jones.

The following members declared a personal interest in item 19(a) and 19(b) on the agenda - Notices of Motion:-

Councillors Dafydd Davies, Elfed Wyn ap Elwyn, Anwen Hughes, Anne Lloyd Jones, Elwyn Jones, Dewi Owen and Richard Glyn Roberts as they were farmers.

The members were of the opinion that they were prejudicial interests, and they withdrew from the meeting during the discussion on the item.

4. THE CHAIR'S ANNOUNCEMENTS

Condolences were extended to the following:-

- Councillor Dewi Owen and the family following the loss of his mother;
- Councillor Dylan Fernley on the loss of his father.
- The family of Dylan Jones, Housing and Property Department who had died recently, particularly his brother, Steffan Jones, the Head of Highways, Engineering and YGC, and the Chief Executive paid tribute to him.

It was noted that several other families in Gwynedd had lost loved ones recently and the Council wished to express its sincerest condolences to these families.

The Council stood in silence as a mark of respect and remembrance.

- Congratulations were extended to the new Councillor, Sian Williams, from the Cricieth ward, and she was welcomed to her first meeting of the Council today.
- The work of Bangor University in the field of public health was acknowledged after the university was recently awarded the Queen's medal and certificate.

5. URGENT ITEMS

None to note.

6. QUESTIONS

(The Cabinet Members' written responses to the questions had been published in advance.)

(1) Question by Councillor Gruff Williams

How did this Council's Cabinet reach a joint-agreement with Cyngor Môn not to make the Welsh language an objective in the new Joint Well-being Plan?

Reply – Leader of the Council – Councillor Dyfrig Siencyn

Firstly, it should be noted that the Welsh language has been a permanent priority for the Board since its establishment back in 2015. As noted in the Board's terms of reference...*'The main administrative language of the Public Services Board, orally and in writing, will be Welsh. Every member will prepare bilingual reports.'*

There is a statutory requirement for the Board to publish a Well-being Plan and establish well-being objectives every 5 years. This means that the new Well-being Plan (2023-28) for Gwynedd and Ynys Môn sets objectives for the next 5 years only. You will recall that this Plan was approved by this Council on 4 May last year. Three objectives were identified for the period in question, based on the outcomes of the well-being assessments completed in 2022. Whilst Well-being Objectives

change over time, the Board's commitment to the prioritisation of the Welsh language is unwavering.

The objectives were developed jointly with all members of the Board, and the Well-being Plan has been formally approved by all statutory members, namely Cyngor Gwynedd, Cyngor Sir Ynys Môn, Betsi Cadwaladr Health Board, Natural Resources Wales and the North Wales Fire and Rescue Authority.

Here is a quote from the Board's 2023/24 Delivery Plan which sets out the priority for the Welsh language and the objectives for the five years in question:

Here is our permanent priority:

The Welsh language is a permanent priority for the Board and we will promote it in all aspects of our work

Here are our Well-being Objectives for the 2023-28 period:

- *We want to work together to mitigate the impact of poverty on the well-being of our communities*
- *We want to work together to prioritise the well-being and success of our children and young people to enable them to realise their full potential.*
- *We want to work together to support our services and communities to shift towards Zero Net Carbon.*

We as a Board have agreed to follow the Whole System and Healthy Weight/Healthy Wales methodology as a golden thread throughout this work.

Reference was made to the image published in the written response which set out the above with the Welsh language in the centre, filtering through all of the Board's work.

Supplementary Question by Councillor Gruff Williams

Considering what you have noted, can you therefore confirm whether the Welsh language is too important to be a well-being objective, or not important enough to be a well-being objective?

Reply – Leader of the Council – Councillor Dyfrig Siencyn

The Welsh language is at the centre of everything we do in the Council and it does not fit into one specific box. I do not believe that this is a question that can be answered with a yes or a no, I will just note that the Welsh language filters through the entire Council.

(2) Question from Councillor Angela Russell

The late-night bus service from Pwllheli to rural areas of Llŷn has been a blessing for many people here in Dwyfor over the decades and a way for lonely people to go and socialise in town once a week. Since lockdown, this service has not been re-started.

I would like to ask the cabinet member what steps have been taken by the Transport Department to persuade the bus companies to re-start the late-night service from Pwllheli to Aberdaron / from Pwllheli to Nefyn?

Reply - Cabinet Member for the Environment, Councillor Dafydd Meurig

Thank you for the question and I sympathise, I also miss seeing such arrangements. On a national basis, it is a very challenging time for the bus industry for many reasons.

The costs of providing services have risen significantly, there is a premium on resources and it is difficult to generate sufficient and continuous use to make some

services viable. Unfortunately, but inevitably, this means that providing services, especially outside of core times, including at night, has become increasingly difficult which in some cases, is due to a lack of drivers to undertake the work.

The Transport Unit works closely with providers, together with other key stakeholders such as Transport for Wales and the Welsh Government, with the intention of maximizing travel opportunities and providing services that are financially and environmentally sustainable. An extended review of the local bus services provided on behalf of the Council has been carried out. Following this work and despite the challenges and significant increase in costs, services in their new form have been commissioned and are now operating in the Caernarfon, Dyffryn Nantlle and Meirionnydd areas. A procurement process for services in the Dwyfor area is ongoing and the focus, in the first place, is to maintain a level of provision for core purposes and at core times.

Unfortunately, in some areas of Wales, there has been a significant and general reduction and rationalisation of bus services with more likely to come. The hope is that we will be able to continue to withstand this from happening in Gwynedd.

The Council has no direct influence on the operation of services that bus companies choose to provide on a commercial basis. The timetables of the services that the Council commissions are based on optimising resources in order to meet core needs, in the first place, whilst taking into account the constraints and budgetary challenges.

Bus networks are dynamic and subject to change. Officers will continue in their efforts to maximise travel opportunities for Gwynedd residents with the budgets and resources available. Although very unlikely in the current climate, if there was an opportunity to restore an evening service between Pwllheli and areas in Pen Llŷn then we would look positively at this. The reasons for maintaining as many travel opportunities for as many different reasons as possible are numerous and strong but unfortunately, despite the best efforts and endeavours, it will not be possible to meet every need, want and desire.

Supplementary Question by Councillor Angela Russell

Thank you for the response. Today, we are discussing the importance of keeping the people of Gwynedd at the centre of everything we do. I wish to note that this bus used to be full. I am pleading with you to revisit this issue since we are talking here about people's mental health due to their inability to socialise. There is a duty on us to help people. If you compare the situation of Pen Llŷn with Bangor or Caernarfon, you will see that much fewer buses run here. I ask Dafydd Meurig to revisit this.

Reply - Cabinet Member for the Environment, Councillor Dafydd Meurig

I sympathise. The Dwyfor services are currently out to tender, we will see what emerges from that process.

(3) Question by Councillor Rhys Tudur

I have recently come to understand that a Cemetery Committee has received notice from the Council setting out regulations for commercial waste to divide waste within the bins. Given that members of such committees operate on an unpaid basis and with elderly members/trustees and that there is a big difference between the nature of a cemetery committee activity and high street business, I

wonder if this Council has a plan in place to facilitate or mitigate these requirements for them?

Reply - Cabinet Member for the Environment, Councillor Dafydd Meurig

Thank you for the question, which is a fair enough question following a change in legislation. From April 2024, the Welsh Government's new Workplace Recycling Regulations will come into force. All non-domestic properties will need to separate recyclables from other waste. These new rules apply to all businesses and both the public and charitable sectors. We have received confirmation that cemeteries fall under these Regulations as well.

The purpose of the Regulations is to improve the quality and quantity of commercial recyclable waste collected and separated across Wales. The property owner will be responsible for all waste on site; this includes waste produced by visitors.

The Council will have the right to refuse to collect the general waste if it contains recyclable waste. The new legislation is being enforced by Natural Resources Wales, and we as a Council could be fined £500 if we are caught collecting waste containing recyclable materials.

We have raised this issue with Natural Resources Wales, but they did not anticipate that the different types of the items that are mandatory for recycling would end up in these bins. However, there is an expectation for the bin owner to make an effort to ensure that recyclable items, such as paper, plastics and metal cans are not disposed of in the general bin. It would be sufficient and reasonable to place a sign on the bin stating that only general waste from the cemetery should be disposed of in the bin.

Supplementary Question by Councillor Rhys Tudur

Considering that the Cemetery Committee which is local to me was shocked to receive a set of regulations without any explanation, I ask whether it is possible for the Council to correspond further with Cemetery Committees and recommend what they can do to satisfy the new rules, e.g. installation of signage.

Reply - Cabinet Member for the Environment, Councillor Dafydd Meurig

I agree with what you note and I acknowledge that technical language may not be suitable in some cases. I am happy to ask the Department to write again to the Cemetery Committees explaining exactly what they need to do and how.

(4) Question by Councillor Jina Gwyrfa

How many posts are currently vacant in Cyngor Gwynedd Departments, and what measures are in place to ensure

- That the public does not receive a poorer service due to a shortage of staff;
- That current staff do not have to bear an additional burden to meet Department staffing shortfalls, creating personal stress and low morale;
- That a strategy is in place to reduce staff turnover (including possibly looking at employment scales and job descriptions)?

Reply – Cabinet Member for Corporate Support, Councillor Menna Trenholme

Overall, the level of staff turnover in this Council has been stable and relatively low for many years, and lower than other sectors of the economy. For example, the level was 8.5% in 2021/22 and then 8.1% in 2022/23. That said, there are variations within departments, which means that some parts of the Council are experiencing retention issues.

It is no easy task to reach a conclusion on the number of vacancies in such a large and complex organisation as the Council, but we do know about the main areas of work that have been experiencing problems over the past year. For example, there have been challenges in social work and caring more broadly, administration, finance and engineering. It is a matter of fact that other local authorities across Wales are experiencing the same kind of problems, and in addition to that we of course want all our staff to be able to carry out their work through the medium of Welsh. All of this poses a major challenge for the local government sector at the moment.

We as a Council are already taking steps to understand more about the situation and to respond. We have introduced a process of giving staff the opportunity to complete exit questionnaires and interviews, when they resign from their post. A number of departments have also taken the opportunity to review structures and job descriptions. In some situations, this has led to pay scales being changed to ensure that what is being paid reflects the level of responsibilities. For example, last year this Council approved a financial package which led to increasing the salaries of those staff who work as carers in our residential homes and in the community. We must remember of course that we have pay systems that protect us in relation to equal pay legislation, but changes can be introduced within that system.

It is also important to remember of course that there are all sorts of possible reasons why staff choose the Council as their employer, or otherwise leave. Those factors include the salary, but also the wider benefits package; the number of leave days for example, the robust and attractive pension scheme that is available, and the flexible working arrangements that are potential options. The responsibilities of the job, workload and work pressures can also influence individuals' decisions. We also believe that the well-being of our staff is important and this is reflected in the emphasis we as an employer have placed on that for years now.

There are many factors at play within this picture, and in that regard there has recently been a survey of the views of staff on the Council as their employer, titled 'Staff Voice Questionnaire'. The results have already been published among the departments, and overall it is clear that the majority of our staff see the Council as a caring employer that provides opportunities for staff to develop and puts well-being at the forefront of the agenda. That said, there are in the results a number of important messages for us to consider going forward.

Any recruitment and retention problems can inevitably lead to disruption to service delivery for a period of time. The financial pressures, and the potential impact on jobs, contribute to this too, of course. We are also fully aware that the goodwill of staff who give their best to deliver services cannot be taken advantage of; that is why there is such an emphasis on supporting the well-being of our staff and why it is also more important than ever to strike the right balance between doing so but also delivering the essential services to the highest possible standard for the residents of the county.

Supplementary Question from Councillor Jina Gwyrfai

Thank you for an honest answer, acknowledging that there are staffing problems and that work needs to be done. I note that 8.1% was the average job turnover rate last year. I would like to know which Department currently has the highest staff turnover and ask what is being done to improve the situation in that Department, whilst ensuring staff well-being and services for the public?

Reply – Cabinet Member for Corporate Support, Councillor Menna Trenholme

As noted in the response to the first question, the turnover level varies from department to department. Up to the end of February, the departments with the highest levels were Economy and Regeneration, Corporate Support and Adults, Health and Well-being.

Those department are proactively seeking to understand the reasons for the turnover percentages, and are using various techniques to attract and appoint staff. This includes making use of the Apprenticeships and Trainee Schemes in order to plan ahead to fill the gaps in key posts.

We know that people move on for various personal reasons, including career development, returning to education, retirements and work contracts ending, either because the contracts are grant-funded or because they are seasonal posts.

Furthermore, we are reviewing the types of long-term risks that are facing our services in relation to the staffing issues. This analysis will form the basis to our staffing plans for years to come. The need to establish long-term staffing plans are more important than ever, in light of the financial squeeze and the impact of that on jobs. This is why the Workforce Planning Project is a priority for this Council.

As a part of that project, the work of developing and raising awareness of the complete employment package is ongoing, in order to ensure that we continue to be an attractive employer for prospective candidates but also to those staff who have remained loyal to the Council for years. Although it is essential in the current climate, it appears from the recent Voice of Staff Questionnaire that the salary alone is not what matters, having a happy and caring work environment with opportunities for job and career development are also as important. Our plans encompass all of these areas.

(5) Question by Councillor Gareth Williams

The unannounced cuts to provision for apprenticeships are a concern for many year eleven pupils in Llŷn and Eifionydd. Given that this chipping away at the provision is far from consistent with the aspirations in the Cyngor Gwynedd Plan about giving our children and young people the best start, did Grŵp Llandrillo-Menai consult with the Council before making this change to the provision and what discussions are currently ongoing between the Council and Grŵp Llandrillo-Menai to rectify the situation?

Reply - Cabinet Member for Education, Councillor Beca Brown

Grŵp Llandrillo Menai did not consult with the Council regarding a change to the provision for apprenticeships. Nevertheless, talks have recently been held to enable the Council to understand the background and context behind the cuts.

In order to provide a complete answer to the question, I now refer to a response received from Aled Jones-Griffiths, Head of Coleg Meirion Dwyfor and Coleg Menai. I will not read the entire response. The first paragraph refers to the large number of apprenticeships available, which is over 1300. It was noted that the

second paragraph details the decision made between Qualifications Wales and Welsh Government and the changes that the Councillor refers to in his question.

I will read the rest of the response. "We recognize that the above model does not work for all learners, especially some from rural areas. To respond to this, we intend to offer a part-time route (one day a week) in the Construction field using Further Education funding rather than apprenticeship funding for those who have already had a place with an employer. This means that a part-time route to Construction will be available in September alongside the full-time route and both routes lead towards the new level 3 apprenticeship.

The Welsh Government's final budget was announced on 27 February and therefore we did not want to make statements on our curriculum proposal until we were clear on our financial situation. It is unfortunate that a misinterpretation of changes has taken place in the meantime and incorrect information is being put on social media without understanding the full picture.

There is no requirement to consult the Council as the provision that is offered above reflects the provision that has historically been available to 16-year-old pupils. It would also be useful if we were members of the Gwynedd Secondary Heads' Group so that we could keep them up to date with changes in further education.

In all other areas that have an apprenticeship at level 2 as an entry point, those who leave school will be able to gain entry directly from school as has always been the case. Engineering is in this category.

I hope this allays the fears of the young people and parents of Llŷn. A number of parents have been discussing with us during this week and we have calmed their fears by fully explaining the situation to them. Anyone is welcome to contact Grŵp Llandrillo Menai if they want to discuss further."

That is the College's response. I wish to add a response to the clause about not being a member of the Secondary Headteachers' Group. The College does receive an invitation to the Secondary Strategic Planning Group as required and there is an opportunity for them to contact us to request to present to the Headteachers as they wish. The Department and the Schools work in partnership with the College through the Education consortium.

Supplementary Question by Councillor Gareth Williams

Thanks to the Councillor for the response. It is good to hear that this matter has been resolved in the short-term. It would be nice to obtain assurances regarding the situation next year and the following year. Will the Education Department press for these apprenticeships to be available after this year?

Reply - Cabinet Member for Education, Councillor Beca Brown

I am happy to be involved in any talks about this and I am aware that the Education Department is very willing to discuss with the College in terms of planning for the future. Obviously, the financial element is a discussion between the Government and the College.

7. ANNUAL REVIEW - COUNCIL'S PAY POLICY 2024-25

The Chair of the Chief Officer Appointment Committee, Councillor Menna Trenholme, presented a report recommending that the Council approve the recommendation of the Chief Officer Appointment Committee to adopt the Pay Policy Statement for 2024/25.

Reference was made to the substantial delay in 2023 before reaching an agreement on the increase in the salaries of all Council staff as a result of the current bargaining process. This process had contributed to the discussions on setting budgets and sought to give Councils assurances on salary levels. Lengthy discussions had been held between the Unions and the Council regarding how much the Council could afford, which had led to a delay before a decision was made. It was added that the discussions for 2024/25 salaries had not yet commenced and that months would pass again before a decision would be made on this.

Members were given an opportunity to make observations and ask questions. The following matters were raised:-

- It was noted that page 30 of the report referred to the Hutton Review of Fair Pay in the Public Sector and recommended a ratio of no more than 1:20 between the highest and lowest salary (full-time). It was reiterated that the report noted that this ratio in Cyngor Gwynedd was 1:5.6. It was added that many posts at the lowest level were not full-time posts and that it would be good to ascertain what the ratio would be if part-time posts were considered, e.g. 23 hour-a-week contracts or a School Classroom Assistant who worked during term-time only.
- Reference was made to part 5 of the table (Appendix 1) on page 34, noting that the table would be clearer if every post was noted there one under the other, despite the fact that they were on the same scale. It was believed that the use of punctuation did not make it clear in its current format.
- It was noted that the Cabinet Member for Corporate Support, in response to a member's question earlier on, had noted that staff turnover levels were low in this Authority, noting that there were exceptions such as in Social Services and Engineering. An enquiry was made about the scenarios where a market supplement to the salary level would be justified.

In response, the Chief Executive noted:-

- That this was a pro-rata ratio in order to provide a fair comparison of both salary levels. It was proposed to provide the figure based on staff who did not work full-time hours to the member after the meeting, if he was interested to receive this information.
- He accepted the member's comment on the table in the report, and noted that the punctuation would be amended in the future in order to make it neater.
- It was noted that market supplements were rarely used as this was not customary in any fixed circumstances.

RESOLVED to approve the recommendation of the Chief Officers Appointment Committee to adopt the Pay Policy for 2024/25.

8. CYNGOR GWYNEDD PLAN - 2023-28: 2023-24 REVIEW

The Leader, Councillor Dyfrig Siencyn, submitted the report, inviting the Council to approve the review of the Council Plan 2024/25. It was noted that a year had passed since the Cyngor Gwynedd Plan 2023-2028 had been adopted, noting that this was a soft review but that important changes had been made to the Plan.

Attention was drawn to some matters such as Priority Area: Tomorrow's Gwynedd, noting that the Free School Meals project had now been introduced to all Cyngor Gwynedd Schools, ahead of the Government's schedule. It was added that the Education Strategy was now outdated, therefore a new Strategy would be drawn up to ensure that the best Education was offered to the children of the County. It was noted that a current and robust Strategy was needed to attempt to attract grant money to invest in School buildings. The inclusion provision would also be reviewed to look at the

increase in emotional behavioural needs among children, which was a side-effect of the pandemic.

It was noted under Priority Area: A Welsh Gwynedd, that a review of the Education Language Policy would be carried out, as well as an appraisal of the immersion system. It was expressed that this confirmed the Authority's desire to address both fields and they would be involved in the Council Plan for the year to come. It was shared that Meirion Prys Jones, one of the most experienced linguistic planners in Wales, was being commissioned to lead on the work of revisiting the Gwynedd Education Language Policy. Everyone was encouraged to participate in this important conversation when the engagement period commenced. It was added that other minor changes had been included in the report and pride was expressed in the ability to propose to the Council to adopt these changes.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:-

Reassurances were sought that Ysgol Tywyn would not fall off the waiting list for improvements, noting that the report referred to modernising buildings and learning environments specifically in the Bangor and Cricieth areas. It was noted that Ysgol Tywyn was one of the oldest schools in the county and that refurbishment works were needed. Concern was expressed that Tywyn was being neglected geographically.

- In response, the Leader noted that the Dysynni area was not being neglected and that the representatives in the ward were doing a good job in drawing the Council's attention to the area's issues. It was reported that the Education Department were pleased to hear the comments.
- The Chief Executive added that the report was referring to School buildings and not School maintenance, but he hoped that there would be a new phase in the programme, should the financial situation allow for that.

It was expressed that this Plan and the Well-being Act were based on the United Nations' sustainable development goals and that this is the subject and root of all the conflict in Europe and in Wales between the farmers and the Authorities. It was also noted that there had been conflict between trying to realise net zero and poverty due to the costs associated with net zero. The member expressed that he could not vote in favour of the Plan because of this.

It was noted that the report referred to A Green Gwynedd, which included public transport. It was reported that the people in the County wanted convenient, reliable and reasonably priced transport, which reiterated why having a night bus service was essential to rural areas. The Council was asked to revisit the bus situation in the Llŷn area urgently, particularly due to mental health problems due to loneliness.

Reference was made to a part of the report which referred to improving the County's existing walking and cycling paths and pride was expressed for this since the member had been asking for a cycle path from Llanbedrog to Pwllheli for years. It was believed that now was the time to act.

- In response to a comment, the Leader noted that internal discussions had been held recently on the difficulties in obtaining sufficient money from Welsh Government for rural areas. It was reported that the issue had been raised at the Rural Forum very recently and that the message was being forwarded to the Welsh Government.
- It was added that the entire plan was subject to receiving sufficient money and it was believed that the Welsh Government provided grants on its own terms, which made it difficult for the Council to be able to plan in the long-term. Sympathy was expressed along with reassurances that he would continue to press for the situation to be improved.

It was noted that according to the Census, the population of Gwynedd had reduced by 5,400. It was asked whether this had been included in the report.

- In response, the Leader noted that he was unsure whether this matter had been included in the Plan. It was agreed that it was a matter of concern as fewer people living in the County had an impact on funding and services from many directions. Reference was made to the numbers in small rural Schools, which were disastrous, and had seen a marked reduction over the past years. The Leader reported that he had asked for birth figures for Gwynedd, but that it was difficult to obtain the actual figure. He believed that it was essential to try and increase the population in Gwynedd.

Members expressed pride since the review of the Gwynedd Education Language Policy and an appraisal of the immersion system were included in the report. Enquiries were made on the time-scale for this. Also, enquiries were made as to whether a formal consultation would be held on the review of the Schools Language Policy or whether it would be discussed with prominent stake-holders only.

- It was noted that the work of reviewing the Gwynedd Education Language Policy had already commenced and that the Department hoped to be in a position to complete the work by the Autumn term. It was noted that this was subject to how many would participate in the discussion and how much input would be given, but the Autumn term was the aim.
- It was believed that work on the immersion system would also be completed in October/November and would commence very soon.
- It was explained that engagement was the intention and that the steps to hold the conversations and obtain information were currently being planned. It was noted that the intention was for everyone to have an opportunity to have their say in various ways. It was added that the engagement would be as extensive as they would wish for it to be, subject to how prepared people would be to participate in it. Anyone with an interest in the field were invited to contribute.

A member expressed pride at the comments to improve Schools, particularly adaptations for children with physical or visual disabilities. There was concern that some of the County's buildings were not good enough to meet needs and that there was a need to consider what buildings needed to be improved and what could be done. It was believed that this was a historical problem which needed to be addressed at all of the County's Schools and that it was essential not to differentiate. The importance of ensuring an opportunity for all children in the County to remain at their chosen school was emphasised.

Reference was made to autism and that Schools needed to adapt to meet the needs of the children by offering quiet places and other relevant adjustments. It was also believed that there was a need to improve the training of School staff in order to raise awareness since the number of autistic children was increasing. It was asked for more consideration to be given to such needs in Schools.

- The Leader agreed with the member, noting that he did not wish for any child in the County to be left behind. It was noted that the Plan in question mainly referred to new buildings. It was believed that it would be a good idea to visit the new school in Cricieth so that everyone could see the standard expected within the County's Schools when the School would be completed.
- The Chief Executive gave thanks for the member's comments. He asked the member or anyone else who was aware of a situation where a child could not gain access to School to bring the example to the attention of the Education Department.
- Reference was made to Additional Learning Needs grants which had reached the Council in the past two years. It was noted that the money, which currently total £1 million, was being targeted for Schools to meet the needs of children currently at those Schools.
- The Chief Executive noted that the Council had a team of specialist autism teachers who go out to train School staff. It was noted that a broad range of

training was available to School staff. In addition, reference was made to the fact that a Scrutiny investigation was being conducted to the autism field at present and it was hoped that very positive conclusions would emerge from the investigation.

RESOLVED to adopt the Cyngor Gwynedd Plan 2023-28 - 2023-24 Review.

9. 2024/25 BUDGET

The Chair noted, according to the Council Constitution, that the Head of Finance must accept any amendment to this item in writing in advance, and this amendment must lead to a balanced budget, if it was to be discussed. All Council members had been reminded of this last week, and the Head of Finance did not receive any notice of an amendment before the allocated closing date. Consequently, no notice of amendment to the budget could be considered.

The Cabinet Member for Finance, Councillor Ioan Thomas submitted the following:-

- A report and presentation recommending the budget to the Council for approval for 2024/25;
- The draft decision on the Council Tax based on the Cabinet's recommendation to the Council (based on an increase of 9.54%), along with tables showing the Council Tax level and the increase per community.

The officers of the Finance Department were thanked for all their work in preparing the budget. He added that it did not give him any pleasure whatsoever to propose raising the Council Tax at a time when so many of the County's residents were battling against substantially increased costs-of-living.

He emphasised that if anyone was experiencing problems to pay their Council Tax or needed support with the costs-of-living, that it was important for them to contact the Council. It was noted that Councillors needed to convey this information to their electors. The relevant contact details which included the telephone number for Galw Gwynedd and the e-mail address as well as the e-mail address for the Council Tax service.

The Head of Finance reminded the members of some of the main risks in Appendix 10 of the report, and he confirmed, having considered all risks and mitigation steps, that he was of the opinion that the Council Budget for 2024/25 was sound, sufficient and deliverable.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:-

- It was expressed that Cyngor Gwynedd's expenditure was being led by the needs of the people of Gwynedd and that the members were here to respond to those needs. It was noted that the existing financial situation was already serious. They asked how much of the overspend derived from the lack of intentional financing and the lack of acknowledgement of the basic need by the British Government.
- In response, it was noted that the problem was substantial underfunding by the Labour Government in Cardiff. It was acknowledged that the situation was problematic because Councils received their money via Cardiff only, as well as through Council Tax payments. It was emphasised that the Council was in a situation of being underfunded.
- One member noted that he would vote in favour of the budget, but that he would be doing so with a heavy heart. He expressed that we had been pushed and forced into this position over a period of 10 years under the Westminster

Government's austerity policy. It was noted that Westminster were cutting national insurance payments but were underfunding public services, which forced Councils to increase Council Tax.

- It was believed that it was important to express discontent at the situation that the Council had been forced into. It was reiterated that the well-being of future generations of children would ultimately suffer.
- Reference was made to individual heartbreaking cases which members had come across, e.g. a homeless family living in a hotel without any cooking facilities and the resulting uncertainty and the impact this had on the child. It was noted that this case was no exception and that over 300 people in Gwynedd were living in emergency accommodation, which included 55 children. Reference was made to the numbers who were homeless, living in poverty, facing an increase in their bills and relying on food bank parcels. It was expressed that nobody could have imagined such a situation 10 years ago.
- It was reported that the Conservatives had generated very high inflation which led to expensive goods and services. It was believed that 15 years of austerity and hardship had been forced on us. This led to less money for Councils at a time when there is a greater demand on public services.
- It was believed that the choice of either increasing Council Tax or cutting services, which would affect people, was a difficult and unfair one.
- Clarity was sought on page 98 of the Agenda and the reference to £50,000 of money to improve the Dinas Dinlle car park. The Head of Finance Department explained that the report referred to bids and had come from capital funding which had been earmarked to improve and upgrade the car park.
- A member remarked that this was the most difficult budget decision that he had been asked to make in his 29 years as a Councillor where a decision had to be made between cutting services for the most vulnerable in the County or increase Council Tax by almost 10%. He added that there was a risk of creating a new tier of poverty in Gwynedd. He felt that he was being forced to vote for the budget with a gun pointed at his head as he was not prepared to cut services for vulnerable people. He reiterated that this was not a criticism of the Council's work.
- The Westminster Government and those in power there were criticised.
- Attention was drawn to the Prime Minister's personal wealth, which was allegedly approximately £700 million.
- It was questioned whether the Council had been too good at making efficiency savings and cuts and whether this had led to it receiving the worst percentage of the settlement in the whole of Wales. The member believed that the more realistic answer to that was because we were a rural County.
- It was believed that there was a duty on the Council to try and retain young people in our communities and in the County and it was questioned whether more of an effort should be made to achieve this.
- The Cabinet Member for Finance and the Head of Finance were thanked for their presentations.

A member took the opportunity to send an important message to the residents of the County and to reiterate what was said by the Cabinet Member for Finance. It was hoped that everyone was aware of their rights and claimed what they were owed. It was reiterated that eligibility for Council Tax benefit or credit made people eligible for further financial support. Those who found it difficult to cope financially were encouraged to contact the Council by calling the Galw Gwynedd number or visit the Council's website. Reference was made to community Hubs and Cost-of-living events being held across the County. It was reiterated that the public could also contact organisations such as Citizens Advice or contact their local Councillor for advice. The member noted that she was aware of people who found it difficult across the County, which included people working two jobs, but that advice was available.

It was questioned why Gwynedd had received the worst settlement in Wales, and whether there was an opportunity to ask for more money. Concern was expressed for those who worked and were paid minimum wage, but still fell into poverty as a result of all these costs. Pride was expressed that there was now a phone number for people to call for further advice; it was asked whether this number was open from 9:00 until 17:00 every day of the week. It was also asked whether money would be available to the Council as a result of the reduction in national insurance payments.

In response to the above, the Leader noted:

- That the money is being distributed to Local Authorities on the grounds of a formula which is based on 160 factors. It was noted that parts of the formula were reviewed annually.
- That Gwynedd had received the lowest settlement in Wales, mainly because of the drop in the County's population.
- The formula may be changed and other ways to distribute the money found, but this could lead to other substantial changes of which we are unaware.
- That it would take around 10 years to completely overhaul the system because there would be a need to design a new procedure and follow a statutory process.
- That the original settlement was 1.8%; however, a message had been sent to the Local Government Association, asking for a minimum of 2.0%. Some benefit had derived from this effort.
- It was believed that some Councils in London were in a worse position.
- It was reiterated that there was a need to protect services for the vulnerable as much as possible and that this was a responsibility on everyone.

The Head of Finance Department added:

- That the Galw Gwynedd phone number that would provide information on the advice available would be open from 9:00 until 17:00 during weekdays, as well as the Council Tax phone number.
- That the employee national insurance contributions were being reduced, and not the employer's contributions, therefore there would be no financial benefit to the Council.

A request was made for a registered vote.

In accordance with Procedural Rules, the following vote on the motion was recorded:-

In favour (46) Councillors:- Craig ab Iago, Menna Baines, Beca Brown, Stephen Churchman, Dafydd Owen Davies, Elwyn Edwards, Elfed Wyn ap Elwyn, Alan Jones Evans, Delyth Lloyd Griffiths, Jina Gwyrfai, Annwen Hughes, R. Medwyn Hughes, Iwan Huws, Elin Hywel, Nia Wyn Jeffreys, Berwyn Parry Jones, Dawn Lynne Jones, Dewi Jones, Elin Walker Jones, Gwilym Jones, Gareth Tudor Jones, Huw Wyn Jones, Linda Ann Jones, June Jones, Cai Larsen, Dafydd Meurig, Dilwyn Morgan, Linda Morgan, Edgar Wyn Owen, Llio Elenid Owen, John Pughe, Rheinallt Puw, Arwyn Herald Roberts, Beca Roberts, Elfed P Roberts, Meryl Roberts, Richard Glyn Roberts, Huw Llwyd Rowlands, Paul Rowlinson, Dyfrig Siencyn, Ioan Thomas, Menna Trenholme, Einir Wyn Williams, Elfed Williams, Sasha Williams and Sian Williams.

Against (13) - Councillors:- Dylan Fernley, John Brynmor Hughes, Louise Hughes, Anne Lloyd Jones, Elwyn Jones, Eryl Jones-Williams, John Pughe Roberts, Angela Russell, Peter Thomas, Rob Triggs, Hefin Underwood, Gareth Williams and Gruffydd Williams.

Abstentions (3) – Councillors:- Glyn Daniels, Dewi Owen and Nigel Pickavance.

The Chair noted that the motion had been carried.

RESOLVED

1. To approve the recommendations of the Cabinet, namely:-

- (a) Set a budget of £331,814,710 for 2024/25, to be funded by £233,316,780 of Government Grant and £98,497,930 Council Tax income (which is an increase of 9.54%).
- (b) To establish a capital programme of £85,224,800 in 2024/25 to be funded from the sources set out in Appendix 4 of the report.
2. To note that the Cabinet Member for Finance, in a decision notice dated 23 February 2024, approved the calculation of the following amounts for 2024/25 in accordance with regulations made under Section 33 (5) of the Local Government Finance Act 1992 (“The Act”):
- (a) 56,109.27 being the amount calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 as amended, as its Council Tax Base for the year.

(b) Part of the Council’s area - Community Tax Base -

Aberdaron	607.86	Llanddeiniolen	1,879.99
Aberdyfi	1,199.84	Llandderfel	513.67
Abergwyngregyn	127.25	Llanegryn	170.33
Abermaw (Barmouth)	1,279.39	Llanelltyd	316.11
Arthog	686.30	Llanengan	2,611.78
Y Bala	805.81	Llanfair	365.02
Bangor	4,216.67	Llanfihangel y Pennant	251.26
Beddgelert	342.39	Llanfrothen	237.05
Betws Garmon	146.14	Llangelynnin	469.59
Bethesda	1,729.69	Llangywer	154.76
Bontnewydd	470.78	Llanllechid	362.98
Botwnnog	470.80	Llanllyfni	1,485.90
Brithdir	a		
Llanfachreth	470.72	Llannor	931.18
Bryncrug	348.73	Llanrug	1,148.76
Buan	239.47	Llanuwchllyn	335.02
Caernarfon	3,689.58	Llanwnda	848.52
Clynnog Fawr	489.48	Llanycil	211.80
Corris	323.38	Llanystumdwy	929.25
Criccieth	1,004.64	Maentwrog	328.15
Dolbenmaen	656.05	Mawddwy	377.08
Dolgellau	1,284.66	Nefyn	1,656.10
Dyffryn Ardudwy	861.12	Pennal	238.42
Y Felinheli	1,192.74	Penrhyndeudraeth	822.80
Ffestiniog	1,816.64	Pentir	1,300.06
Y Ganllwyd	90.89	Pistyll	306.53
Harlech	852.33	Porthmadog	2,268.75
Llanaelhaearn	482.64	Pwllheli	1,834.49
Llanbedr	373.86	Talsarnau	364.36
Llanbedrog	855.68	Trawsfynydd	517.21
Llanberis	797.48	Tudweiliog	512.69
Llandwrog	1,066.90	Tywyn	1,779.66
Llandygai	1,022.19	Waunfawr	577.90

namely the amounts calculated as the Council Tax Base amounts for the year for dwellings in those parts of its area to which one or more special items relate.

3. That the following amounts now be calculated by the Council for the year 2024/25 in accordance with Sections 32 to 36 of the Act:-

- (a) £570,459,760 Being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act (gross expenditure).
- (b) £236,024,890 Being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3)(a) to (c) of the Act (income).
- (c) £334,434,870 Being the sum that corresponds to the difference between the aggregate at 3 (a) above and the aggregate at 3 (b) above calculated by the Council, in accordance with Section 32(4) of the Act, as its budgetary requirement for the year (net budget).
- (ch) £232,821,120 Being the aggregate of the sums which the Council estimates will be payable for the year into its fund in respect of redistributed Non-domestic Rates and Revenue Support Grant, less the estimated cost to the Council of discretionary Non-domestic rate relief granted.
- (d) £1,811.00 Being the amount in 3(c) above, less the amount in 3(ch) above, all divided by the amount noted in 2(a) above, calculated by the Council in accordance with Section 33(1) of the Act, which is the basic amount of its Council Tax for the year (Cyngor Gwynedd tax and the average community council tax).
- (dd) £3,115,816.72 Being the aggregate amount of all special items referred to in Section 34 (1) of the Act (community council precepts).
- (e) £1,755.47 Being the sum in 3(d) above, less the result of dividing the amount in 3(dd) above by the amount in 2(a) above, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (Band D for Cyngor Gwynedd Tax only).

(f) For parts of the Council's area -

Aberdaron	1,782.61	Llanddeiniolen	1,771.96
Aberdyfi	1,792.32	Llandderfel	1,780.78
Abergwyngregyn	1,786.90	Llanegryn	1,797.45
Abermaw (Barmouth)	1,807.17	Llanelltyd	1,787.10
Arthog	1,775.87	Llanengan	1,778.44

Y Bala	1,788.98	Llanfair	1,804.78
Bangor	1,889.13	Llanfihangel	y
Beddgelert	1,791.98	Pennant	1,803.23
Betws Garmon	1,776.00	Llanfrothen	1,803.14
Bethesda	1,815.91	Llangelynnin	1,783.50
Bontnewydd	1,794.77	Llangywer	1,786.00
Botwnnog	1,769.28	Llanllechid	1,801.53
Brithdir	a	Llanllyfni	1,789.12
Llanfachreth	1,780.96	Liannor	1,777.49
Bryncrug	1,793.75	Llanrug	1,829.46
Buan	1,774.26	Llanuwchllyn	1,803.23
Caernarfon	1,863.35	Llanwnda	1,792.59
Clynnog Fawr	1,816.76	Llanycil	1,776.72
Corris	1,792.58	Llanystumdwy	1,776.99
Criccieth	1,805.24	Maentwrog	1,775.41
Dolbenmaen	1,782.91	Mawddwy	1,789.15
Dolgellau	1,815.41	Nefyn	1,809.81
Dyffryn Ardudwy	1,813.53	Pennal	1,830.97
Y Felinheli	1,797.89	Penrhyndeudraeth	1,794.77
Ffestiniog	1,882.08	Pentir	1,797.78
Y Ganllwyd	1,791.23	Pistyll	1,794.62
Harlech	1,837.60	Porthmadog	1,784.98
Llanaelhaearn	1,807.27	Pwllheli	1,812.71
Llanbedr	1,811.64	Talsarnau	1,815.85
Llanbedrog	1,784.69	Trawsfynydd	1,794.14
Llanberis	1,805.13	Tudweiliog	1,774.97
Llandwrog	1,829.14	Tywyn	1,812.73
Llandygai	1,793.04	Waunfawr	1,776.23

being the amounts given by adding the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above, to the amount given in 3(e) above, divided in each case by the amount of 2(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

- (ff) In respect of part of the Council's area, the figures noted in Appendix 1, being the amounts given by multiplying the sums specified in 3(f) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36 (1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2024/25 the North Wales Police and Crime Commissioner has stated the following amounts in a precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Band I
233.10	271.95	310.80	349.65	427.35	505.05	582.75	699.30	815.85

5. Having calculated the aggregate in each case of the amounts at 3(ff) and 4 above, the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts noted in Appendix 2 for the Council Tax for the year 2024/25 for each of the categories of dwellings shown in the Appendix.

10. REVIEWING SCRUTINY ARRANGEMENTS

The Head of Democracy Services submitted the report which asked the Council to adopt Option 1 following the review of Scrutiny arrangements. He reported that he was submitting the report on behalf of the Governance and Audit Committee, which had approved this option at its meeting in January, subject to work being done to improve the efficiency and operations of the Scrutiny Committees.

The members were thanked for their attendance and their contribution at the workshops held last year and reference was made to the report which summarised the messages deriving from the workshops before the Scrutiny Forum had met. Councillor Paul Rowlinson, on behalf of the Scrutiny Forum, was invited to elaborate on the considerations of the Scrutiny Forum.

Councillor Paul Rowlinson reported that there was no clear consensus at the workshops or at the Scrutiny Forum, with different members favouring different options. He also noted that the input of Audit Wales had been positive on the whole; reference was made to examples where Scrutiny input had improved the Cabinet's decisions.

He expressed that Audit Wales did not suggest changing the current structure or the workload of the Scrutiny Committees. Nevertheless, it was noted that some members had referred to the workload of the Education and Economy Scrutiny Committee, noting that it was excessive. After summarising the comments, a proposal was made on behalf of the Scrutiny Forum to adopt option 1.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:-

Reference was made to the last action in the appendix where it referred to reporting back. It was asked whether this would mean that a report was created which showed members how Scrutiny observations relating to wording changes in reports were considered and accepted or refused. The member wished to see a process of reporting on this in existence so that members were informed as to whether observations were accepted or not.

- In response, the Head of the Democracy Services noted that attention should be drawn to this provision regularly.

One member noted that he had been a member of the Communities Scrutiny Committee for 12 years and of the 13 items that he had submitted, he did not believe that any of the items had been resolved. He questioned whether the Scrutiny Committees were needed at all since they scrutinised the work of the Cabinet members and it was believed that there was no point to that because Plaid Cymru members had the majority of seats on the Scrutiny Committees.

- In response Councillor Paul Rowlinson noted that the members did not act as a party or specific political group when scrutinising. He noted that it was a statutory requirement on every Council to have a Scrutiny system and that the purpose of Scrutiny was to seek to improve the decisions of the executive. He believed that there were many examples where the decision of the Scrutiny Committee had had a positive effect on the Cabinet's decision. He added that it was illegal to operate based on a political group.

A member and former chair of the Care Scrutiny Committee for four years commented; he wished to express that Scrutiny worked. He reported that he had worked very closely with a member of a different political group as vice-chair of the Care Scrutiny Committee and that this working relationship had been successful. He wished to take the opportunity to thank the members of the Care Scrutiny Committee for their work and expressed a desire to continue with the existing Scrutiny procedure. He believed that the system worked and referred to a positive relationship with the Cabinet Member for Adults, Health and Well-being and the Cabinet Member for Children and Families, who were supportive of the work of the Care Scrutiny Committee and the Committee were supportive of them. He believed that many good things were being done as a result of the Care Scrutiny Committee and that it was a good example of cross-party collaboration.

RESOLVED to adopt Option 1 – which is to adhere to the current scrutiny committee arrangements and approve the actions to improve efficiency contained in Appendix 2 of the report.

11. CONSULTATION PROCESS - SINGLE TRANSFERABLE VOTE FOR CYNGOR GWYNEDD ELECTIONS

The Cabinet Member for Corporate Support, Councillor Menna Trenholme, submitted the report which provided a concept of the arrangement to commence a process which could lead to the adoption of a single transferable vote system for Cyngor Gwynedd elections. It was reported that there would be a need to approve the consultation process and the decision-making timetable and then after the consultation a meeting of the Full Council would need to be called for this decision alone.

There were no observations or questions.

RESOLVED

- 1. That the Council approves the proposed timetable and process for holding the consultation on a change to a Single Transfers Vote regime for elections to Cyngor Gwynedd from 2027.**
- 2. That the Council delegates the preparation and conduct of the consultation to the Head of Legal Services in consultation with the Cabinet Member for Corporate Support and Legal and the Head of Corporate Support Department (Head of Democratic Services).**
- 3. That the consultation document be prepared in consultation with the leaders of the Council's political groups.**

12. CAPITAL STRATEGY 2024-25 (INCLUDING INVESTMENT AND BORROWING STRATEGIES)

The Cabinet Member for Finance, Councillor Ioan Thomas, submitted the report which addressed the statutory requirement on Councils and provided a long-term context to capital expenditure and investment decisions by Councils. It was noted that the report also provided an overview of how the associated risks were managed and the implications for future financial sustainability.

The Head of Finance added that the report referred to 3 appendices but unfortunately the appendices had not been included in the Agenda papers. It was noted that these appendices provided further details but that sufficient information had been included in the report.

A table entitled "Approved Investment Counterparties and limitations" was shown to members and it was reported that the table being shown provided the information that was missing in the appendices. Apologies were expressed for the failure to include the appendices and it was added that they had been included in the Agenda papers of the Governance and Audit Committee and that they had been considered there in full.

Please find enclosed a copy of the table.

Table 3: Approved investment counterparties and limits

Sector	Time limit	Counterparty limit	Sector limit
The UK Government	50 years	Unlimited	n/a
Local authorities & other government entities	25 years	£10m	Unlimited
Secured investments *	25 years	£10m	Unlimited
Banks (unsecured) *	13 months	£5m	Unlimited
Building societies (unsecured) *	13 months	£5m	£10m
Registered providers (unsecured) *	5 years	£5m	£25m
Money market funds *	n/a	£10m	Unlimited
Strategic pooled funds	n/a	£10m	£50m
Real estate investment trusts	n/a	£10m	£25m
Other investments *	5 years	£5m	£10m

The Monitoring Officer gave assurance that the report in the Agenda papers was comprehensive, along with the above table that was shown and that it placed members in a position where they were able to vote and adopt the strategy.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:-

Members expressed gratitude for the report as well as to Arlingclose for their presentation to Council members back in February. It was noted that the field was very technical but that Arlingclose had made it easier to understand. Appreciation was expressed that this presentation had been available to every Councillor and not just to members of the Governance and Audit Committee as usually was the case.

It was confirmed that the members were in a position to make a decision since the report was comprehensive.

RESOLVED to accept the report and approve the Capital Strategy for 2024/25.

13. DELIVERY AGREEMENT - GWYNEDD LOCAL DEVELOPMENT PLAN

The Cabinet Member for Environment, Councillor Dafydd Meurig, submitted the report which asked for the Full Council's approval to the Delivery Agreement and an agreement to be submitted to the Welsh Government for approval. It was explained that the report related to the lengthy process of creating a Local Development Plan and that this was the first step in this process, i.e. adopting the Delivery Agreement.

It was noted that the Delivery Agreement could be seen in full in the Agenda papers as well as the context and reference to the process of creating the contract, as well as a timetable and steps.

Details were provided of the journey of the Delivery Agreement to date, which included a public consultation and reference was made to some of the observations received. It was noted that specific comments had been made about the impact and the robustness tests and the possibility of amending them to consider the impact on the Welsh language as a part of the tests. A summary was provided of the robustness steps relating to the suitability of the Plan, propriety of the Plan and the Plan's ability to deliver. Reference was made to the response to the comment which was included on page 169 of the Agenda.

It was noted that the Planning Policy Working Group and the Cabinet had considered the observations from the consultation in full; concern was expressed at the low number of responses. It was reported that the work of creating the Local Development Plan would commence after it was approved by the Government; this could take around four weeks.

Members were given an opportunity to make observations and ask questions.

A member commented that no changes had been made to the Plan following the consultation observations and he believed that this tended to happen often after consultations. The explanation from the Cabinet Member for Environment regarding why the comments had not been accepted was appreciated, but it was believed that there was a need to consider the reliability of the Government's assessments when dealing with the impact on the Welsh language.

RESOLVED that the Council:-

- 1. Approve the final version of the Delivery Agreement – Gwynedd Local Development Plan (which has incorporated the amendments following the public consultation period).**
- 2. Agree to submit the Delivery Agreement to the Welsh Government for their approval.**
- 3. Delegate the right to the Head of Department to make editorial changes for accuracy as required.**

14. ANNUAL REPORT OF THE STRATEGIC SAFEGUARDING PANEL 2022-23 AND INTRODUCE THE REVIEW OF CYNGOR GWYNEDD'S SAFEGUARDING POLICY

The Cabinet Member for Corporate Support, Councillor Menna Trenholme, submitted the Annual Report of the Strategic Safeguarding Panel 2022-23 and noted that the Department had already started to prepare the 2023-34 report. It was noted that the report provided an overview of the work that had taken place by the Strategic Safeguarding Panel.

Advantage was taken of the opportunity to raise awareness of the amended Safeguarding Policy which had been adopted during the past fortnight. It was noted that the Policy was included in appendix 2 of the report and as a result of the amended Policy, there had also been a change in the Terms of Reference seen in appendix 3.

Reference was made to one major change in the Policy, namely the difference between Protection and Safeguarding, whilst noting that the definitions could be seen in the Policy.

There were no observations or questions.

RESOLVED

1. To accept the report which reported on the work of the Strategic Safeguarding Panel for the 2022-23 year.
2. To note the revised Safeguarding Policy (Appendix 2) together with the revised Terms of Reference for the Safeguarding Strategic Panel (Appendix 3).

15. AMENDING THE CONSTITUTION

The Monitoring Officer submitted the report which proposed amendments to the Internal Resolution Procedure and Scrutiny and to report on delegated amendments to the Constitution. It was reported that three elements to the report included how to deal with low-level complaints between members as a result of the statutory duty which was now on Group Leaders. It was noted that the second aspect derived from a decision in the Scrutiny review to amend the Constitution which encompassed minor changes and finally changes to the delegation schemes.

There were no observations or questions.

RESOLVED that the Council:-

1. Adopts the amendments to the Internal Resolution Procedure (Appendix 1 of the report).
2. Adopts the amendments to Section 7 - Scrutiny (Appendix 2)
3. Accepts the report on the delegated amendments (Appendix 3).

16. COMMUNITY REVIEWS UNDER THE LOCAL GOVERNMENT (DEMOCRACY) (WALES) ACT 2013

The Cabinet Member for Corporate Support, Councillor Menna Trenholme, submitted the report which reported on the statutory duty on Cyngor Gwynedd, under the Local Government (Democracy) (Wales) Act 2013 to monitor communities in the County, and the electoral arrangements of those communities.

It was reported that there were two types of community surveys that the Council should consider conducting, namely a Review of community boundaries (section 25 of the Act) and a Review of electoral arrangements (section 31 of the Act). It was emphasised that it was not intended to review every community, only those that highlighted a need for change due to specific circumstances.

The four essential steps in the process were reported upon, i.e. Initial publicity, Initial investigation and consultation, Draft proposals and Final recommendations. The Council was asked to approve the outlined process. It was noted that this would allow for the consultation process to be conducted.

Members were given an opportunity to make observations and ask questions. The following matters were raised by individual members:-

A comment was made on the date included in the table on page 297 of the pack, which referred to Consultation 2, and the member asked whether the date of January/February 2024 was correct. The Monitoring Officer confirmed that January/February 2025 was the correct date and that the table would be corrected.

It was noted that changes to the boundaries had already occurred where a reduction was seen in the number of Councillors in Gwynedd from 75 to 69. It was asked whether changes would be made to the Community Councils.

The Propriety and Elections Manager confirmed that the County Council operated within the same role as the Boundary Commission did with us as a County Council. This meant that the Council was responsible for the Community Councils. The survey of community boundaries would be carried out to coincide with the Democracy Commission when they would come to look at County boundaries.

RESOLVED that the Council approves the holding of community reviews under sections 25 and 31 of the Local Government (Democracy) (Wales) Act 2013 and the Terms of Reference.

17. REVIEW OF THE COUNCIL'S POLITICAL BALANCE

The Head of Democracy Services submitted the report which asked the Council to adopt the new seat allocation after one member changed their political group and following the recent by-election. He noted that this had led to changes to seat allocations on Committees, namely the Plaid Cymru group gaining one seat on the Communities Scrutiny Committee, Care Scrutiny Committee, Democratic Services Committee, Planning Committee and SACRE. Reference was made to the full details of the new seat allocations which could be seen in appendix A of the report.

It was added that Councillor Elwyn Jones had now been nominated to represent the Council on the Police and Crime Panel for the Council term. The Full Council was asked to approve that nomination, as well as adopt the seat allocation as noted in the report. It was confirmed that a single vote would be held on both proposals.

There were no observations or questions.

RESOLVED

- To adopt the allocation of seats as noted below, delegating powers to the Head of Democracy Services to make appointments to the committees on the basis of political balance, and in accordance with the wishes of the political groups.**

A	Plaid Cymru	Independent	Labour Liberal	Total
Education and Economy Scrutiny Committee	12	6	0	18
Communities Scrutiny Committee	12 44	5 6	1	18
Care Scrutiny Committee	12 44	5 6	1	18
Governance and Audit	8	4	0	12

B	Plaid Cymru	Independent	Labour Liberal	Total
Democratic Services	10 9	4 5	1	15
Planning	10 9	4 5	1	15
Central/General Licensing	10	5	0	15
Language	10	5	0	15
Chief Officers Appointment	10	5	0	15
Employment Appeals	5	2	0	7

Number of seats	99	45	4	148
C	Plaid Cymru	Independent	Labour Liberal	Total
Pensions	4	2	1	7
Local Joint Consultative Committee	7	4	0	11
SACRE	5 4	2 3	0	7
Total seats	115	53	5	173

2. To nominate Councillor Elwyn Jones (Independent Group) to represent the Council on the Police and Crime Panel for the duration of this Council's term.

18. 2024/25 COMMITTEES CALENDAR

The Head of Democracy Services submitted the report which asked the Council to adopt the Committees Calendar for 2024/25 as a result of detailed work that had taken place in the background to choose dates and avoid clashes with other meetings.

Members of the Democratic Services Committee were thanked for their comments and detailed work in discussing the Calendar and an agreement had been reached on improvements following that discussion. Attention was drawn to an extraordinary meeting of the Full Council that would be held in September.

Members were given an opportunity to make observations and ask questions.

A member expressed the desire of the independent group to establish a Shadow Cabinet and asked about how this could be done. The member elaborated that since the Board had been dissolved, that there was a strong feeling and desire amongst the independent group to establish a Shadow Cabinet to challenge the Cabinet's decisions since no independent group member served on the Cabinet. The member also expressed that many members of the Plaid Cymru group served on the Scrutiny Committees.

The Monitoring Officer confirmed that this matter was not a matter to be discussed by the Full Council today. He suggested that the member should discuss with the Democracy Service as a starting point.

A member took the opportunity to pay tribute to the Chair of the Council, praising the way that he had chaired the meeting today.

RESOLVED to adopt the Committees Calendar for 2024/25.

19. NOTICES OF MOTION

(A) NOTICE OF MOTION FROM COUNCILLOR GRUFFYDD WILLIAMS

Submitted - the following notice of motion by Councillor Gruffydd Williams, under Section 4.19 of the Constitution, and it was seconded:-

Given that Cyngor Gwynedd has already passed a notice of motion in September calling on the Welsh Government to re-consider demanding that 10% of agricultural land is given to woodland as part of the Sustainable Farming Scheme, I call on Cyngor Gwynedd:-

To call on the Welsh Government to take a step back and re-consider (in light of the cumulative impact on the agricultural industry), before demanding under the Sustainable Farming Scheme (SFS), that 10% of farming land is given to Cynefin/Biodiversity land together with the changes to the statutory requirements and policies such as Nitrate Vulnerable Zones (NVZ).

The member set out the context to his motion, noting that:-

- Significant damage would be caused to the agriculture industry if Welsh Government adopts the SFS and NVZ.
- That there were associated costs for farmers should they lose 20% of their land from giving 10% to biodiversity and 10% of their land to plant trees; this would lead to an unsustainable farming industry and many farmers would leave the industry.
- That there was huge expenditure for the agriculture unit in order to comply with the new rules, which would squeeze small farms out of business.
- The nitrogen going on the land would lead to a reduction in the crops, which would lead to less produce. He added that if there were food shortages for the public, then prices would rise.
- That there was a need to stand with the farmers or people would leave the countryside and the population diminished.

The proposal hoped to receive support from all members to ensure the prosperity of the agriculture industry and prosperity in the countryside.

Strong support was expressed to the motion by several members on the grounds of:-

- That there was a moral duty on us in Gwynedd to support the farmers in our communities, which represented the culture, history and language of our communities. The slogan, No Farmers, No Food, No Future, was quoted.
- That the current prices of sheep was proof of the shortages and it was believed that there would be food shortages - growing trees would not resolve this.
- That agriculture was very important in Pen Llŷn. He asked for the support of all members, emphasising that the Government's plans needed to be stopped.
- That the problem of planting 10% trees was huge in Pen Llŷn, compared with Meirionnydd. It was believed that insufficient targeting had been undertaken by the Government and instead they had treated every area in the same way.
- That there was a need to thank both agricultural Unions which had worked hard to support the farmers. It was expressed that the Council needed to support and strengthen their request.
- It was noted that agriculture was the foundation of the countryside and it was at the core of our culture. It was noted that without agriculture there would be no Schools or young people in the countryside; it was believed that it was essential to support the proposal.
- That what was proposed by the Government was harmful and inconsiderate of the mental health and emotional well-being of the industry, which in reality was a culture of individuals. It was believed to be a threat to agriculture and endangered agricultural succession.

Consideration was given to amending the proposal but following a discussion between the member and the Monitoring Officer, it was decided not to propose an amendment as it affected the clarity of the original proposal and it did not coincide with the proposal.

To close, the proposer expressed his gratitude for the support. He referred to the research of the Unions which supported farmers who noted that adopting the SFS and

NVZ would mean that 5,500 jobs would be lost. He believed that major companies would be the only ones to benefit.

RESOLVED to adopt the motion, namely:-

Given that Cyngor Gwynedd has already passed a notice of motion in September calling on the Welsh Government to re-consider demanding that 10% of agricultural land is given to woodland as part of the Sustainable Farming Scheme, I call on Cyngor Gwynedd:-

To call on the Welsh Government to take a step back and re-consider (in light of the cumulative impact on the agricultural industry), before demanding under the Sustainable Farming Scheme (SFS), that 10% of farming land is given to Cynefin/Biodiversity land together with the changes to the statutory requirements and policies such as Nitrate Vulnerable Zones (NVZ).

(B) NOTICE OF MOTION FROM COUNCILLOR DEWI JONES

Submitted - the following notice of motion by Councillor Dewi Jones, under Section 4.19 of the Constitution, and it was seconded:-

Cyngor Gwynedd declares its support to the agricultural sector and the farmers of Wales.

The Council believes that Welsh farmers make an invaluable contribution to our country's economy, the Welsh language, our culture and heritage, and we need to support this important sector.

The Council calls on the Welsh Government to listen to the views and concerns of farmers - and the farming unions - as they consult on new legislation.

The member set the context to his proposal, and noted:-

- That what was happening to the agriculture industry affected everyone. He noted that we were reliant on farmers every day for our milk, bread and meat. He believed that receiving quality food and local food was essential.
- He referred to the largest ever protest that had reached the Senedd last week, with over 3,000 farmers travelling to Cardiff. He believed that the scheme in its current form was not accessible or sustainable.
- That the Government needed to reconsider its intention to ask every farmer to give 10% of their land in order to grow trees on it. It was expressed that trees would not promote culture or the language. It was believed that flexibility was needed in the proposal and that Welsh Government needed to redesign the proposal. It was added that there was a need to amend the schemes to reflect the landscape, the weather and the environment in which the farmers worked.

Members expressed strong support to the proposal and noted:-

- That farmers had been farming for generations, which proved the sustainability of the industry.
- That the Council had responded to the consultation and called on the Government to co-discuss with the industry and to draw up appropriate plans for Wales and the countryside. The Leader added that he had been involved in the discussions at the Rural Forum, Local Government Association and that they had also responded in the same way. The Leader expressed pride that the Council had already responded robustly.

- That this was a lesson to the Welsh Government who did not understand the meaning of co-planning and co-production.
- That farmers were prepared to contribute to the agenda to reduce carbon emissions and prepared to contribute to biodiversity and already did so to a great degree.
- That farmers knew their lands better than anyone, and that the farmers had knowledge of what was happening on their own landscape.
- That the Senedd had failed to mention the very strong possibility of losing 5,500 jobs in the agriculture industry.
- He reminded members of the nightmare encountered during lockdown when some shelves were empty in supermarkets. It was noted that NFU Cymru had recently noted that there was a need to produce 25% more food by 2050.
- That the agriculture industry had used only a little more land to produce food than what they had used in 1960. It was believed that this showed that farmers had done their best and had developed what they had.
- That what had happened in the Senedd was good in comparison to what had happened in France - everyone was calm and respectful at the Senedd.
- That families with small farms would suffer most.

To close, the proposer took the opportunity to thank the farmers for the work they already did to support the environment. He emphasised that the role of farmers was essential as we continued to address the climate change emergency. It was believed essential for the Government to work with farmers when drawing up any new plans and the Welsh Government was called upon to slow down and listen to farmers.

Criticism was expressed towards the Welsh Government under the leadership of the Labour Party who created these plans; these were not Senedd or devolution plans.

RESOLVED to adopt the motion, namely:-

Cyngor Gwynedd declares its support to the agricultural sector and the farmers of Wales.

The Council believes that Welsh farmers make an invaluable contribution to our country's economy, the Welsh language, our culture and heritage, and we need to support this important sector.

The Council calls on the Welsh Government to listen to the views and concerns of farmers - and the farming unions - as they consult on new legislation.

(C) NOTICE OF MOTION FROM COUNCILLOR CRAIG AB IAGO

The proposer expressed his desire to withdraw the following proposal submitted under Section 4.19 of the Constitution:-

We call on the Welsh Labour Government to do everything within its powers to demand assurance from its counterparts at the Labour Party's Headquarters in London that if they are victorious at the next General Election that they immediately stop the Conservative Government's austerity policies that have been so destructive to communities in Gwynedd and Wales over the past 13 years.

The Monitoring Officer confirmed that if the proposer did not propose his motion that the motion fell and it would need to be reintroduced to a meeting in the future if that was the member's wish.

The member confirmed that he would not be proposing his motion.

14. RESPONSES / UPDATES TO PREVIOUS NOTICES OF MOTION

Submitted, for information -

- (a) A letter from the Welsh Government in response to Councillor Gruffydd Williams's notice of motion to the Council meeting on 28 September 2023 in respect of supporting the Welsh family farm and converting agricultural lands into forests.
- (b) A letter from the Welsh Government in response to Councillor John Pughe Roberts's notice of motion to the Council meeting on 7 December 2023 regarding their measures to control TB.
- (c) A letter from the Foreign, Commonwealth and Development Office in response to a notice of motion from Councillor Elin Hywel at the meeting of the Council on 7 December 2023, calling for a permanent ceasefire in Gaza.
- (d) A letter from the Welsh Government in response to Councillor Elin Hywel's notice of motion to the Council meeting on 7 December 2023, calling for a permanent ceasefire in Gaza.

The meeting commenced at 1.30 p.m. and concluded at 5.50 p.m.

CYNGOR GWYNEDD

Report to a meeting of Cyngor Gwynedd

Date of Meeting: 9 May 2024

Title of Item: Annual Review of the Council's Political Balance

Contact Officer: Ian Jones, Head of Democratic Services
(Head of Corporate Support Department)

1. THE DECISION SOUGHT

The Council is asked to:

- adopt the list of committees and sub-committees to be established for the municipal year, as noted in **Appendix A**, and adopt the allocation of seats and senior salaries as noted in the appendix.
- delegate the power to the Head of Democratic Services to make appointments to the committees on the basis of the political balance and in accordance with the wishes of the political groups.
- allocate the chairpersonships of scrutiny committees on the basis of the political balance as follows:

Education and Economy Scrutiny Committee	Plaid Cymru Group
Communities Scrutiny Committee	Plaid Cymru Group
Care Scrutiny Committee	Independent Group

2. BACKGROUND AND RATIONALE

2.1. INTRODUCTION

2.1.1 In accordance with statutory requirements, it is required to undertake an annual review of the Council balance, and this is completed at the annual meeting.

2.1.2 At the meeting of the full Council on **7th March, 2024** it was reported that the Council's political balance was as follows:

<u>Group</u>	<u>Number</u>
Plaid Cymru	46
Independent	21
Labour Democrats	2
Total	69

2.1.3 There have been no changes in the meantime.

2.2 ALLOCATION OF SEATS ON COMMITTEES

- 2.2.1 To remind members, the four main rules included in the Local Government and Housing Act 1989 in relation to the allocation of seats are noted here:-
- (a) Every seat on a committee cannot be allocated to the same political group;
 - (b) The majority of seats on a committee must be allocated to a political group if the number of persons who are members of that group constitute a majority of the Council's members;
 - (c) Subject to paragraphs (a) and (b) above, the number of seats on ordinary committees allocated to each political group will be the same as the number of total seats the members of that group have on the Council;
 - (ch) Subject to paragraphs (a), (b) and (c) above, the number of seats on a committee allocated to each political group will be the same proportion of seats on the committee as the number of seats the members of that group have on the Council.
- 2.2.2 In order to ensure that these rules are adhered to, the Council has been dealing with committees in different blocks in the past. Also, this makes it easier to ensure that rule (c) in paragraph 2.2.1 above is adhered to.

2.3 CHANGES TO THE ALLOCATION OF SEATS ON COMMITTEES

- 2.3.1 The table in **Appendix A** confirms which committees are to be established for the municipal year. There are no changes since the allocation adopted on 7th March, 2024.
- 2.3.2 The Council is required to adopt the seating allocation in accordance with the political balance as noted in **Appendix A**.

2.4 CHAIRPERSONSHIPS AND VICE-CHAIRPERSONSHIPS

- 2.4.1 In order to respond to the requirements of the Local Government Measure (2011) in terms of allocation of chairpersonships and vice-chairpersonships the committees are divided into separate blocks.
- 2.4.2 In accordance with the requirements of sections 66-75 of the Local Government (Wales) Measure 2011 it is a requirement to allocate the chairpersonships of scrutiny committees in order to ensure, as far as possible, that political balance is reflected in those chairpersonships and that the groups that are not represented on the executive are given a fair proportion of the chairpersonships.
- 2.4.3 The only committees in which the chairs are to be allocated on the basis of political balance are the Scrutiny Committees. The annual review confirms that the **Chairpersonship of two of the scrutiny committees are to be allocated to the Plaid Cymru Group and one of the Chairpersonships to be allocated to the Independent Group.**
- 2.4.4 In accordance with the agreement of the Council Business Group, it is suggested that the Chairpersonships are allocated as follows:

Education and Economy Scrutiny Committee
Communities Scrutiny Committee
Care Scrutiny Committee

Plaid Cymru Group
Plaid Cymru Groups
Independent Group

- 2.4.5 There are no statutory or constitutional provisions to control the appointments to the vice-chairpersonships or to the chairpersonships of the remaining committees (other than a member of the executive cannot chair the Licensing Committee or the Democratic Services Committee).
- 2.4.6 The committees themselves will elect their chairpersons in these cases subject to the procedural rules limiting the term of a Chairperson to two years.

3. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 3.1 As noted above, the Council's Business Group was consulted.

3.2 STATUTORY OFFICERS' OBSERVATIONS:

Monitoring Officer:

I have advised on this matter and I am satisfied with the propriety of the recommendation.

Statutory Finance Officer:

Nothing to add from the perspective of financial propriety.

APPENDIX A - ALLOCATION OF SEATS ON COMMITTEES

A	Plaid Cymru	Independent	Lab/ liberal	Total
Education and Economy Scrutiny Committee	12	6	0	18
Communities Scrutiny Committee	12	5	1	18
Care Scrutiny Committee	12	5	1	18
Audit and Governance	8	4	0	12

B	Plaid Cymru	Independent	Lab/ liberal	Total
Democratic Services	10	4	1	15
Planning	10	4	1	15
Central Licensing	10	5	0	15
Language	10	5	0	15
Chief Officers Appointment	10	5	0	15
Employment Appeals	5	2	0	7
Number of seats	99	45	4	148

C	Plaid Cymru	Independent	Lab/ liberal	Total
Pensions	4	2	1	7
Local Joint Consultative Committee	7	4	0	11
SACRE	5	2	0	7

Total seats	115	53	5	173
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Senior Salaries

In accordance with a previous Council decision, senior salaries will be paid as follows:

- Leader
- Deputy Leader
- 8 Members of the Cabinet
- Leader of the main opposition group
- Committee Chairs
 - Scrutiny Committees (x3)
 - Planning Committee
 - Licensing Committee (Central and General to be included as one Committee)
 - Pensions Committee

- Civic Head (Chair of the Council)
- Deputy Civic Head (Vice-chair of the Council)

COMMITTEE:	FULL COUNCIL
DATE:	9 May 2024
CABINET MEMBER	DAFYDD MEURIG (ENVIRONMENT)
TITLE:	REVIEW OF A DRAFT STATEMENT OF POLICY - LICENSING ACT 2003
PURPOSE	FOR DECISION
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1. BACKGROUND INFORMATION

- 1.1 In accordance with Section 5 of the Licensing Act 2003, every licensing authority is required to publish a Statement of Licensing Policy every five years.
- 1.2 During the five-year period, the licensing authority must adhere to the policy in question and carry out such amendments that are considered appropriate. At the end of the five-year period the licensing authority must review its policy and change it as required.
- 1.3 The current statement of policy was approved by the Full Council in December 2015, and it came into force in 2016. The five-year period has come to an end since 2021, and there was a delay in reviewing the policy in 2021 because of the Service's enforcement work priorities during covid lockdown periods at the time.

2. THE PURPOSE OF THE STATEMENT OF LICENSING POLICY

- 2.1 Cyngor Gwynedd has a responsibility to implement and enforce the Licensing Act 2003; placing a responsibility on local Authorities for licensing sale and the supply of alcohol, regulated entertainment, and provision of late-night refreshments.
- 2.2 Licensing Authorities in accordance with the requirements of the Licensing Act are required to publish the Statement of Licensing Policy for their area to guide them when considering applications for a licence and regulating licensed premises.
- 2.3 The Licensing Policy Statement is submitted in response to this duty, and it is relevant to every application, notice, representations, and requests for information received under the Licensing Act.
- 2.4 The Policy also aims to give guidance to applicants, objectors and residents who have an interest; businesses and the wider community in relation to the direction that we will be following as a Licensing Authority.
- 2.5 This Statement of Policy has been drawn up in accordance with the provisions of the Licensing Act 2003 and the latest version of the Home Office's guidelines produced under section 182 of the Act.

3. COLLABORATION

3.1 Before the review period of the current policy, the six North Wales counties decided to establish a Task Group to collaborate and draw-up a statement of Licensing Policy that reconciled general elements across the region.

3.2 The Task Group decided to collaborate once again for consistency of structure and content; however, due to different economic and social factors that affect every authority, each statement has been worded slightly different and continues to be relevant to its specific area.

3. AMENDMENTS TO THE STATEMENT OF LICENSING POLICY

3.1 Please see a copy of the new draft statement of policy in the Appendix. The changes to the existing policy appear in red in the document. The draft policy contains minor changes only; for example, the wording in the policy has been amended to refer to the Well-being of Future Generations Act 2015.

3.2 There is also reference to the role of Public Health Wales and the Health Board in the process of forming a policy and responding to applications for a premises licence.

3.3 Despite these changes, neither the spirit nor the vision of the policy have changed.

3.4 The draft statement of policy was approved in 2021 for a statutory public consultation.

4.0 CONSULTATION

4.1 In accordance with the Act, the new draft licensing Policy has been the subject of a formal consultation with:

- North Wales Police
- North Wales Fire and Rescue Service
- Betsi Cadwaladr Health Board
- People/Bodies that represent the county's businesses and residents
- People/Bodies that represent current licence/certificate holders

4.2 In addition to the above, the draft policy document was available for inspection at every Siop Gwynedd and was available to be seen online.

4.3 The consultation was open for six weeks. The responses to the previous consultations have been low; and there were no responses to the consultation this time; it could be because the new draft policy does not include any contentious changes to the current policy.

4.4 The results of the consultation was reported Central Licensing Committee on 4 March 2024; and the Statement of Licensing Policy was approved with the recommendation that the Full Council adopts it in its next meeting.

5. EQUALITY IMPACT ASSESSMENT

5.1 The Council is subject to public sector duties under the Equality Act 2010 (including Welsh public sector duties). In accordance with these legal duties when making decisions, Councils must pay due regard to the need (1) to eliminate unlawful discrimination (2) advance equality of opportunity and (3) encourage good relations based on the protected characteristics and pay due attention to the socio-economic duty under Section 1 of the Act. An equality impact assessment was prepared and is attached in Appendix 1. The Cabinet is asked to pay attention to its findings when deciding. The assessment does not identify any specific negative impact resulting from the decision; and no observations have been received following the public consultation.

6 THE WELL-BEING OF FUTURE GENERATIONS ACT.

6.1 The Well-being of Future Generations (Wales) Act 2015 involves improving the social, economic, environmental, and cultural well-being of Wales. The act places a well-being duty on public bodies which is aimed at delivering the seven well-being goals, namely a prosperous, resilient, healthier, more equal Wales with cohesive communities and a vibrant culture and thriving Welsh language which is globally responsible. The Policy has been prepared by considering these requirements and in accordance with the five ways of working noted in the Act.

7 VIEWS OF THE STATUTORY OFFICERS

7.1 Observations of the Monitoring Officer

The adoption of a Statement of Licencing Policy is a matter for the Full Council. As explained in the report, a statutory process has been followed to reach this recommendation. I am satisfied with the propriety of the recommendation.

7.2 Observations of Head of Finance Department

I am satisfied that the decision sought will not create an additional spending commitment, and I support the intention to update the policy.

8. RECOMMENDATION

The Council is asked to approve the adoption of the draft Statement of Licensing Policy, and to delegate the right to the Head of Department to make editorial changes for accuracy as required.

Statement of Licensing Policy 2024 - 2029

LICENSING ACT 2003



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1. INTRODUCTION

1.1 BACKGROUND

- 1.1.1 Under the provisions of the Licensing Act 2003, Gwynedd Council is the **Licensing Authority** (and is referred to in this document as “the licensing authority”) responsible for granting Premises Licences, Club Premises Certificates, and Personal Licences in the county of Gwynedd.
- 1.1.2 The Licensing Act 2003 (“the Act”) requires a licensing authority to determine and publish a statement of licensing policy (“the policy”) at least every five years. This policy is made under Section 5 of the Act and in accordance with the guidance issued by the Secretary of State, under Section 182 of the Act (“the Guidance”), to licensing authorities on the discharge of their functions under the Act.
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must ‘have regard to’ the Guidance issued by the Secretary of State. If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 As required by the Act, the draft Licensing Policy was subject to formal consultation with North Wales Police, North Wales Fire & Rescue Service, Betsi Cadwaladr University Health Board, Persons/bodies representative of businesses and residents in the county and Persons/bodies representative of current licence/certificate holders.
- 1.1.5 In adopting this policy, the licensing authority recognises both the needs of residents for a safe, healthy and sustainable environment in which to live and work and the importance of well-run entertainment and leisure premises to the economy and tourism industry in Gwynedd.
- 1.1.6 The policy was adopted by Gwynedd Council on **xxxxxxxxxx** having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.7 The policy will normally apply to any licence application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.
- 1.1.8 Key policy statements are presented in shaded boxes.

1.2 AUTHORITY PROFILE

- 1.2.1 The county of Gwynedd is located in North West Wales and has a population of over 122,000 residents.
- 1.2.2 Gwynedd has over 1000 premises licensed under the Licensing Act 2003. Over 75% of these premises supply alcohol for consumption on and/or off the premises, many providing entertainment too. There are over 350 premises authorised for the provision of late night refreshment. On average, the authority receives 330 temporary event notices each year to hold temporary events for regulated entertainment and/or sale of alcohol.
- 1.2.3 The licensing authority has also issued over 5000 personal licences since 2005 and currently receives an average of 100 personal licence applications per year.

2. SCOPE AND EXTENT

- 2.1 The purpose of this statement of licensing policy is to set out the policies the licensing authority will apply when carrying out its licensing function, i.e. when regulating the licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law. A glossary of the terms used in the Act and in this policy can be found in [Appendix 1](#).
- 2.2 The Act defines **licensable activities** as:-
- 2.3 **Sale by retail of alcohol** - The “sale by retail” of alcohol is defined in Section 192 of the Act. Alcohol means spirits, wine, beer, cider or any fermented, distilled spirituous liquor. A sale by retail is any sale of alcohol except those made to a business or club to be sold on to customers, i.e. wholesale of alcohol.
- 2.4 **The supply of alcohol by or on behalf of a club, or to the order of, a member of the club** - A club’s supply of alcohol is the property of all of the members and a supply to a member is therefore a separate licensable activity.
- 2.5 **The provision of regulated entertainment** - Schedule 1 of the Act sets out what activities are to be regarded as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime.
- 2.6 The descriptions of entertainment activities licensable under the 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.
- 2.7 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must either
- take place in the presence of a public audience, or
 - where the activity takes place in private, be the subject of a charge made with a view to profit.

2.8 The Deregulation Act 2015 made considerable changes to the definition of regulated entertainment. Further information regarding these changes along with the changes made following the Live Music Act 2012 can be found in [Appendix 2](#).

2.9 **The provision of late night refreshment** - Schedule 2 of the Act sets out what activities are to be treated as the provision of late night refreshment and those that are not. The Deregulation Act 2015 provides a licensing authority may exempt the supply of hot food or hot drink if it takes place in a designated area, on or from designated premises and during designated times.

2.10 The licensing authority has NOT designated an area within the county of Gwynedd for the exempt supply of late night refreshment.

2.11 It is a criminal offence under Section 136 of the Act to carry on any of the above licensable activities other than in accordance with a licence or other authorisation under the Act.

2.12 The **types of authorisation or permission** the Act requires the licensing authority to regulate are:-

- Premises licence – to use premises for licensable activities.
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
- Temporary event notice – to carry out licensable activities at a temporary event.
- Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.

2.13 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.14 The licensing authority will carry out its licensing functions in a way that

- ensures public safety,
- supports well managed premises where licence holders show sensitivity to the potential impact of licensable activities on local residents and other businesses,
- supports premises that promote healthier lifestyles and responsible alcohol consumption, and
- protects residents from detrimental effects.

- 2.15 The licensing process can only seek to control those measures within the control of the licensee and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, focus on:-
- Matters within the control of individual licensees and others who are granted any relevant authorisations.
 - The premises and places being used for licensable activities and their vicinity.
 - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 2.16 Every application considered by the licensing authority under this policy will be considered on its individual merits. Nothing in the policy will undermine the rights of any individual to apply for a variety of permissions under the Act and to have any such application considered on its individual merits.
- 2.17 Nothing in this policy shall override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act. However, this will not include applications or representations which are considered to be frivolous, vexatious or repetitious.
- 2.18 If it considers it appropriate, the licensing authority may depart from its statement of licensing policy if the individual circumstances of the case merit such a decision in the interests of the promotion of the licensing objectives.

3. LICENSING OBJECTIVES

3.0.1 When carrying out its functions under the Act the licensing authority must seek to promote, with equal importance, the four **licensing objectives** contained in the Act. The four objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3.0.2 The licensing objectives are paramount considerations to be taken into account by the licensing authority in determining an application made under the Act, and any conditions attached will be ones appropriate and proportionate to achieve the licensing objectives.

Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community.

3.0.3 **Each objective is of equal importance.** They will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the carrying on of that business has on the vicinity.

3.0.4 In undertaking its licensing functions, the licensing authority will use a full range of measures including its planning controls, transport control and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-

- **The Immigration Act 2016**
- **The Well – being of Future Generations Act 2015**
- Anti-Social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Security Act 2010
- Policing and Crime Act 2009
- Health Act 2006
- Violent Crime Reduction Act 2006
- Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Health and Safety at Work etc Act 1874
- European Union Services Directive
- The Regulators’ Compliance code
- Gwynedd Council’s Public Protection Service Enforcement Policy
- Gwynedd Council’s Strategic Equality Scheme
- **North Wales Alcohol Harm Reduction Strategy, Calling Time for Change**

Note: - Where existing law already places statutory obligations on applicants the Council will not impose the same or similar duties by way of condition on the premises licence, holder or club.

- 3.0.5 The licensing authority will continue to work in partnership with the **health board**, police and fire authorities, local businesses, pub watch schemes, community representatives and local people, in meeting these objectives.
- 3.0.6 The licensing authority recognises that the entertainment industry in Gwynedd is a contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the licensing authority has a duty to protect.
- 3.0.7 The Council will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the county's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

3.1 THE PREVENTION OF CRIME AND DISORDER

3.1.1 The prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of Gwynedd Council under the Crime and Disorder Act 1998.

3.1.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. It is therefore important that an applicant for a premises licence or club premises certificate is able to demonstrate to the licensing authority the practical steps which will be taken to promote this objective.

3.1.3 The licensing authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent/reduce crime and disorder in the area.

3.1.4 The licensing authority will consider the representations of North Wales Police Service as the main source of advice on crime and disorder.

3.1.5 This Licensing Authority expects all premises to adopt an age verification policy such as Challenge 21 or Challenge 25.

DRUGS

3.1.6 Applicants should consider that special conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs.

3.1.7 Drugs alter the way people behave, so their distribution and possession is controlled by the law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

3.1.8 The licensing authority recognises that drug use by people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as night clubs and dance venues can be popular both with drug users and suppliers.

3.1.9 The licensing authority will expect licensees to take all reasonable steps to prevent the entry of drugs into licensed premises, take all reasonable steps to prevent drugs changing hands and to take appropriate steps to prevent the misuse of drugs within the premises . Licensees are expected to train staff to recognize and understand the signs of drug misuse in people so that practical steps can be taken to deal with instances and to prevent tragedies as a result of drug misuse. Appropriate drug safety awareness information should be displayed to customers. A first aid room equipped with appropriate first aid equipment should be provided

including a defibrillator in large venues; and staff should be trained to assist with medical incidents.

- 3.1.10 The licensing authority will require the applicant to identify any particular issues (having regard to the particular type of premises and/or activities) relating to the entry of and use of drugs on their premises, and set out in their operating schedule how such issues will be dealt with. Licensees are also expected to adopt and implement an appropriate banning policy.

DOOR SUPERVISORS (LICENSED SECURITY PERSONEL)

- 3.1.11 The licensing authority considers that certain premises may require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises.

- 3.1.12 The licensing authority may impose a condition, if relevant representations are received, that door supervisors (approved by the Security Industry Authority) be employed at the premises either at all times or at such times as certain licensable activities are being carried out, and at a number and ratio to be determined by the licensing authority.

PUBLIC SPACES PROTECTION ORDERS

- 3.1.13 The authority supports the use of Public Spaces Protection Orders (PSPO) as a tool to prevent alcohol related crime and disorder in the streets.

- 3.1.14 The authority expects premises that operate in areas where PSPO's have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

PERSONAL LICENCES

- 3.1.15 The licensing authority recognises it has very little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification approved by Department for Culture Media and Sport (DCMS) and does not have certain serious criminal convictions; the application has to be granted.

- 3.1.16 If an applicant has a relevant conviction, North Wales Police can oppose the application. If the police lodge an objection, a hearing the licensing authority's Central Licensing Sub-committee will be held.

- 3.1.17 At any hearing, members will consider carefully whether the grant of the licence will be in the interests of the crime and disorder objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The sub-committee will only grant the application if it is satisfied that doing so will promote this objective.

INDUSTRY PARTNERSHIP SCHEMES

3.1.18

The Licensing Authority would encourage active participation in schemes such as Pubwatch, Off-Watch, Best Bar None (if available in the area) as contributing to the prevention of crime and disorder licensing objective.

3.2 PUBLIC SAFETY

3.2.1 The public safety licensing objective is concerned with the physical safety of the people using the relevant premises. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption. For further information regarding effects of alcohol on health in Wales, see [Appendix 3](#).

3.2.2 Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the Act. These include but are not restricted to fire safety, access for emergency services, appropriate and frequent waste disposal, use of CCTV etc.

3.2.3 The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

3.2.4 The licensing authority will expect premises to be constructed, maintained and managed to recognised standards of safety, and will expect the applicant to have addressed the requirements of health and safety at work and fire safety legislation.

3.2.5 The licensing authority will have particular regard to representations from North Wales Fire and Rescue Service, North Wales Police and Gwynedd Council's Environmental Health Unit, to determine whether measures proposed are suitable to ensure the safety of the public.

3.2.6 Where the licensing authority considers that general health and safety duties do not adequately cover licensable activities, it may attach conditions to promote public safety if it is appropriate to do so following representations.

3.2.7 Where activities are organised by volunteers or by a committee of a club or society the licensing authority considers it good practice that the same level of health and safety protection is provided as if an employer/employee relationship existed.

3.2.8 The licensing authority expects the organisers of any large scale event, where licensable activities are to take place, to prepare an event management plan incorporating appropriate risk assessments. Organisers of large scale events where licensable activities are to take place are advised to contact the Gwynedd Safety Advisory Group at the initial planning stage for the event.

3.2.9 The licensing authority will include in a Premises Licence/Club Premises Certificate an occupant capacity, where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service following representations from them.

PUBLIC HEALTH

3.2.10

Betsi Cadwaladr University Health Board is responsible for making representations and observations on licence applications. Public health is not yet a licensing objective however, the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol-related health needs. Public health teams have unique access to data not available to other responsible authorities which may inform licensing decisions. Public health is useful in providing evidence of alcohol-related health harms particularly in relation to cumulative impact policies.

Public health data reveals that:

- 16 percent of adults in Gwynedd drink above the recommended average weekly consumption of alcohol (National Survey for Wales, 2019).
- In 2019 - 2020, there were 294.3 alcohol-specific hospital admissions per 100,000 population for individuals resident in Gwynedd. This represents a 25 percent decrease in alcohol specific admissions since 2015 (Public Health Wales, 2020).

3.2.11

In March 2020, following a major consultation with professional stakeholders, individuals and families affected by alcohol harm, the first alcohol harm reduction strategy for North Wales was launched. Calling time for Change (2020) was produced on behalf of the North Wales Area Planning Board and in collaboration with partners across North Wales. The strategy demonstrates a commitment to reducing harm from alcohol through collaborative working over the next five years.

The North Wales Alcohol Strategy Group, chaired by Betsi Cadwaladr University Health Board Public Health Team was established to implement a supporting action plan that contributes towards the six priorities of the Calling time on change strategy –

- Safe and supporting environments
- Changed attitudes and social norms
- Reduced affordability
- Reduced availability
- Behaviour change
- Children, young people and families

Licensed premises are encouraged to work with the Licensing Authority and North Wales Alcohol Strategy Group by supporting local and regional initiatives that prevent and reduce alcohol related harms and contribute towards safe, vibrant and diverse night time economies that can be enjoyed by all parts of society.

Calling Time for Change Strategy (2020) : www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy

National Survey for Wales (2020) [Adult lifestyles by local authority and health board, 2016-17 to 2019-20 \(gov.wales\)](http://gov.wales)

Public Health Wales (2020), *Data mining Wales, the annual profile for substance misuse* <https://phw.nhs.wales/publications/publications1/data-mining-wales-the-annual-profile-for-substance-misuse-2019-20/>

3.3 THE PREVENTION OF PUBLIC NUISANCE

3.3.1 Public nuisance is given a statutory meaning in many pieces of legislation however it is narrowly defined in the Act and retains its broad common law meaning.

3.3.2 Public nuisance may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

3.3.3 Public nuisance concerns include:

- Noise from premises
- Litter
- Car Parking
- Light pollution
- Noxious odours
- Behaviour/Disorder

3.3.4 The licensing authority is committed to ensuring that the living and working amenity and environment of other persons living and working in the area of the licensed premises is not compromised.

3.3.5 When considering the potential impact of licensed premises on the surrounding locality, the licensing authority will consider

- the licensable activities applied for
- the hours of operation applied for
- the capacity of the premises
- the character of the area, and
- proximity to local residents.

3.3.6 The licensing authority will not impose conditions on licensed premises that the licence holder cannot directly control, or on matters not related to the immediate vicinity of the premises.

- 3.3.7 North Wales Police have powers under the Act to control noise from premises. In the event that they have to invoke these powers they shall liaise, where practicable, with the licensing authority in accordance with the protocol regarding shared enforcement attached as [Appendix 4](#).
- 3.3.8 Noise and disturbance arising from the behaviour of patrons entering or leaving the premises are matters for personal responsibility and are subject to Police enforcement of the legislation concerning disorder and anti-social behaviour.
- 3.3.9 The licensing authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.

3.4 THE PROTECTION OF CHILDREN FROM HARM

3.4.1 The protection of children from harm objective is concerned with the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also protecting children from sexual exploitation and wider harms such as exposure to strong language and exposure to adult entertainment.

3.4.2 The licensing authority recognises that the Act allows for the free access of children to all licensed premises, subject to the licensee's discretion and any conditions applied to the licence.

3.4.3 Access by children to all types of premises will not be restricted unless it is considered necessary to do so in order to protect them from harm.

3.4.4 The licensing authority will not wish to impose conditions positively requiring the admission of children to licensed premises, which should remain a matter of discretion for the licensee of those premises, subject to there being no conflict with the licensing objective of protecting children from harm.

3.4.5 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises, and the nature of activities proposed to be provided, for example:-

- Where there have been convictions for serving alcohol to minors or premises with a reputation for underage drinking;
- Where premises have a known association with drug dealing or taking;
- Where there is a strong element of gambling on the premises; (this does not include premises which only contain a small number of cash prize gaming machines);
- Where entertainment of an adult or sexual nature is provided.

3.4.6 In such instances, the licensing authority may attach conditions to any licence to:-

- Limit the hours when children may be present
- Restrict the age of persons allowed on the premises
- Require an accompanying adult
- Limiting or prohibiting access when certain activities are taking place

3.4.7 Where equal chance gaming or gaming machines are present at a licensed premises the presence of children will have to be monitored by the licensing authority and the Designated Premises Supervisor (DPS).

3.4.8 Where large numbers of children are likely to be present on any licensed premises or where child performers are present in licensed premises, the licensing authority may require the presence of an appropriate number of responsible adults (who will have provided a satisfactory Disclosure and Barring Service certificate) to ensure their safety and protection from harm.

- 3.4.9 Where the exhibition of films is permitted, the licence or certificate must include a condition which will restrict access only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or in specific cases.
- 3.4.10 No film shall be exhibited in licensed premises which is likely to:
- Lead to disorder;
 - Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.
- 3.4.11 Applicants seeking a licence to supply alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over 18;
 - That alcohol is only delivered to a person over 18; and
 - That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer.

ADULT ENTERTAINMENT

- 3.4.12 Where the activities proposed under the licence include those of a sex related nature (e.g. striptease, topless waitresses, and table dancing) the licensing authority will take into account the potential for an increased risk to the licensing objectives.

3.4.13 The licensing authority will not normally grant licences which involve a sex related element near schools, nurseries, places of worship, hospitals, youth clubs or other sensitive premises where significant numbers of children are likely to attend.

3.4.14 Where such licences are granted, conditions will be imposed if necessary which are designed to ensure that children are not admitted to and cannot witness either these activities or advertisements for them, as well as those conditions necessary to prevent crime and disorder problems.

3.4.15 If a premises licence or club certificate application does not specifically refer to adult entertainment of any kind, the licence or certificate will specify that adult entertainment is not authorised.

3.4.16 Any premises used for more than 12 occasions within a 12 month period for any relevant sexual entertainment, must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

4. CUMALATIVE IMPACT, EARLY MORNING RESTRICTION ORDERS AND LATE NIGHT LEVY

4.1 CUMULATIVE IMPACT

4.1.1 The concentration of licensed premises by number, type or density in a particular area and the cumulative impact it has on the promotion of the licensing objectives is a matter that the licensing authority will consider when carrying out its licensing function.

4.1.2 Where there is evidence that a particular area of the county is already suffering adverse effects arising from the concentration of late night premises, or those residential areas are under stress, consideration will be given to adopting a 'Saturation Policy'.

4.1.3 The effect of such a policy is that the licensing authority could refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it received relevant representation, unless an applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact already being experienced.

4.1.4 The 'Saturation Policy' would not be absolute however, and any application would be considered on its own merits and would be given proper consideration. In addition, the policy will not seek to limit the number of licensed premises which will be permitted, simply because the licensing authority considers that there are already enough licensed premises to satisfy the demand.

4.1.5 In determining whether to adopt a 'Saturation Policy' for a particular area the licensing authority may, among other things-

- Gather evidence or identification of serious and chronic concern from a responsible authorities and interested parties about nuisance and disorder
- Identify the area from which problems are arising and the boundaries of that area
- Make an assessment of the causes
- Conduct a consultation exercise

4.1.6 If a 'Saturation Policy' is adopted, it will be reviewed regularly to assess if it is necessary and proportionate.

4.1.7 Before establishing a 'Saturation Policy' the licensing authority will consider the number of existing measures available relevant to tackling unlawful and antisocial behaviour associated with licensed premises.

Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas.	Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise.	Powers of the police, responsible authorities, local residents or businesses, or councillors to seek a review of a premises licence or club certificate.
Prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk.	Police enforcement of the general law concerning disorder and antisocial behaviour.	Participation in local trade liaison schemes e.g. Pub watch.
Planning controls.	Provision of CCTV.	Use of trained security and other staff.
Drug control policies.		

4.2 EARLY MORNING ALCOHOL RESTRICTION ORDER

- 4.2.1 The licensing authority has the power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.
- 4.2.2 Early Morning Alcohol Restriction Orders (EMROs) are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 4.2.3 An EMRO must specify:
- the days on which it is to apply and the time period of those days,
 - the area in relation to which it is to apply,
 - if it is to apply for a limited or unlimited period, and
 - the date from which it is to apply
- 4.2.4 The effect of an EMRO is that Premises Licences or Club Premises Certificate granted by the licensing authority, and Temporary Event Notices given to the licensing authority do not have effect in the area specified and during the period specified in the order.

4.2.5 Where there is evidence that there are recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises, consideration will be given to making an EMRO.

4.2.6 Before making an EMRO the licensing authority will consider the number of existing measures available to tackling public nuisance and anti-social behaviour which is not directly attributable to specific premises.

Introducing or widening a Cumulative Impact Policy	Reviewing the licenses of specific problem premises	Police enforcement of the law concerning disorder and anti-social behaviour
Power to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)	Planning controls	Positive measures to create safe and clean town centres by working in partnership with others

4.2.7 If the licensing authority proposes to make an EMRO it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

4.3 LATE NIGHT LEVY

- 4.3.1 The licensing authority has the power under section 125 of the **Police Reform and Social Responsibility Act 2011** to introduce a levy payable by the holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am, in order to cover the additional costs associated with late night alcohol trading.
- 4.3.2 The holders of premises licences and club premises certificates that supply alcohol between the hours of 12am and 6am benefit from the existence of a late night economy. However, alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies.
- 4.3.3 Where the licensing authority decides under section 125 that the late night levy requirement is to apply in its area, it must also decide—
- a. the date on which the late night levy requirement is first to apply, and
 - b. for the first levy year and each subsequent levy year—
 - i. the late night supply period;
 - ii. the permitted exemption categories (if any) that are to apply in its area;
 - iii. the permitted reduction categories (if any) that are to apply in its area;
 - iv. the proportion of the net amount of levy payments that is to be paid to the North Wales Police
- 4.3.4 Any income raised by the levy must be split between the licensing authority and North Wales Police. The police will receive at least 70% of the net levy revenue and the licensing authority will receive up to 30% of the net levy revenue.

4.3.5 Where there is evidence that alcohol-related crime and disorder in that night time economy give rise to costs for the police, local authorities and other bodies; the licensing authority will consider whether the late night levy requirement is a desirable means of raising revenue in relation to these costs.

4.3.6 If the licensing authority proposes to introduce a late night levy it will follow the procedural requirements specified in the Police Reform and Social Responsibility Act 2011.

5. PLANNING AND BUILDING CONTROL

- 5.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.
- 5.2 There are two Local Planning Authorities with statutory planning responsibilities within the county of Gwynedd, namely:
Gwynedd Council – which operates within the areas of Arfon, Dwyfor and Meirionnydd that fall outside the Snowdonia National Park.
Snowdonia National Park - which is an independent Planning Authority and responsible for the whole area falling within its boundaries.
- 5.3 Gwynedd Council’s planning policies are set out in the ‘Gwynedd Unitary Development Plan’ and ‘Supplementary Planning Guidance’. The Snowdonia National Park planning policies are set out in the ‘Eryri Local Development Plan’ and ‘Supplementary Planning Guidance’.
- 5.4 The two Planning Authorities work together during the preparation of their respective plans to:
- develop complementary and compatible policies,
 - ensure effective and sustainable long term planning, and
 - optimise economic, social and environmental benefits.
- 5.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.
- 5.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted.
- 5.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.
- 5.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.

- 5.9 It is recognised that in certain circumstances, a provisional statement may be sought alongside planning permission.
- 5.10 The licensing authority will encourage licence holders to provide facilities enabling the admission of people with disabilities, having due regard to the Equality Act 2010. No conditions will be applied which could be used to justify exclusion on the grounds of public safety.

6. APPLICATIONS

- 6.0.1 The Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises which has a premises licence.
- 6.0.2 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 6.0.3 All applications must be made on the prescribed form and be accompanied by the prescribed fee.
- 6.0.4 Applicants may submit applications electronically to the licensing authority via email to Licensing@gwynedd.llyw.cymru or by hardcopy. All application forms, in both the Welsh and English language, are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01766 771000.
- 6.0.5 The licensing authority will issue bilingual premises licences, club premises certificates and personal licences.

6.1 PREMISES LICENCE

- 6.1.1 The prescribed application form for a premises licence contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the premises, the times when the activities will take place, the time period the licence is required for, whether any alcohol that is to be sold is for consumption on or of the premises or both and critically, the steps they propose to take to promote the four licensing objectives.
- 6.1.2 A plan of the premises and a form of consent from the designated premises supervisor (for applications where the sale of alcohol will be a licensable activity) must be provided with the application.
- 6.1.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An

application for a premises licence may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.

6.1.4 Once a premises licence is granted further applications may be made in its respect, these include:-

- Application to vary a premises licence
- Application for a minor variation to a premises licence
- Application to vary a premises licence to specify an individual as a designated premises supervisor
- Application to transfer a premises licence
- Interim authority notice
- Application for the review of a premises licence

PROVISIONAL STATEMENTS

6.1.5 The licensing authority recognises that in certain situations, businesses and developers need to have security that a premises licence is likely to be granted following construction of new premises or alteration of existing unlicensed premises. The licensing authority will issue provisional statements in accordance with the Act and Guidance.

DESIGNATED PREMISES SUPERVISORS

6.1.6 All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.

6.1.7 Responsible Authorities will typically consider developing constructive working relationships with Designated Premises Supervisors, and the licensing authority expects this to be reciprocated to promote effective partnership working relations with the trade.

6.1.8 In exceptional circumstances, North Wales Police may object to the appointment of an individual as a Designated Premises Supervisor.

6.1.9 Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the prevention of crime and disorder licensing objective; the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

TRANSFER OF PREMISES LICENCE

6.1.10 The Act provides for any person who may apply for a premises licence, to apply for a premises licence to be transferred to them. An application to transfer a premises licence changes the identity of the holder of the licence and does not alter the licence in any other way.

6.1.11 North Wales Police must receive notice of the application in accordance with the requirements of the Act. If they believe the transfer may undermine the prevention of crime and disorder licensing objective, they may object to the transfer by giving notice to the licensing authority within 14 days.

6.1.12 Where the consent of the holder of the licence to transfer the premises licence is required but has **not** been obtained, the applicant must provide evidence to satisfy the licensing authority that **ALL** reasonable steps have been taken to obtain the consent. Reasonable steps includes allowing a reasonable amount of time for the holder of the licence to respond/give consent.

6.2 CLUB PREMISES CERTIFICATE

- 6.2.1 The prescribed application form for a club premises certificate contains the operating schedule where the applicant is required to specify amongst other information, the proposed licensable activities to take place at the club premises, the times when the activities will take place, the time period the licence is required for, whether alcohol will be supplied to members and most critically, the steps they proposed to take to promote the four licensing objectives.
- 6.2.2 A plan of the premises and a declaration for a club premises certificate must be provided with the application.
- 6.2.3 Applicants are required to advertise their application in the prescribed way and within the prescribed period in accordance with Section 17 of the Act. An application for a club premises certificate may only be determined when the licensing authority is satisfied that the applicant has complied with these requirements.
- 6.2.4 Once a club premises certificate is granted further applications may be made in its respect, these include:-
- Application to vary a club premises certificate
 - Application for a minor variation to club premises certificate
 - Application for the review of a club premises certificate

REQUIREMENT TO ADVERTISE AND DISPLAY APPLICATIONS

- 6.2.5 When an applicant is required to publish a notice of their application in a local newspaper the licensing authority will require the applicants to provide a copy of that notice to the licensing authority as soon as is reasonably practicable after the notice is published.
- 6.2.6 When an applicant is required to display a notice in a prominent position at or on the premises where it can be conveniently read from the exterior of the premises; where practicable, the licensing authority will visit the premises during the consultation period to check that a notice is displayed prominently at or on the premises.
- 6.2.7 The licensing authority encourages all applicants to publish a bilingual notice of their application in the Welsh and English language.

6.3 TEMPORARY EVENT NOTICES

- 6.3.1 A Temporary Event Notice, commonly referred to as TENs, is intended as a light touch process for the carrying on of temporary licensable activities. Unlike applications for Premises Licences and Club Premises Certificates, the licensing authority does not grant Temporary Event Notices. Instead, the premises user notifies the licensing authority of their intention to hold an event.
- 6.3.2 There are two types of TEN; a standard TEN and late TEN. A standard TEN is given no later than 10 working days before the event and a late TEN is given between 5 – 9 working days before the event. **A late TEN given less than 5 working days before the event will be returned as void and the activities to which the notice relates will not be authorised.**
- 6.3.3 There are a number of limitations imposed on the use of TENs including the number of times a premises user may give a TEN, the number of times a TEN is given for a particular premises, the maximum duration of an event, the maximum number of people that may attend the event at any one time.
- 6.3.4 The role of the licensing authority is to check that the limitations specified in the Act are being observed. When a TEN is not within the defined limits the licensing authority will issue a counter notice to the premises user. Otherwise, the licensing authority will just acknowledge the Notice, which may be done electronically.
- 6.3.5 North Wales Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is made to a late TEN, a counter notice will be issued and the TEN will not be valid. Where an objection is made to a standard TEN the objection notice will be considered at a hearing.
- 6.3.6 Modifications may be made to a standard TEN following consultation and agreement with North Wales Police **AND** Gwynedd Council's Environmental Health Unit; however **there is no scope under the Act to modify a late TEN.**

6.3.7 Although temporary events are not subject to the same degree of control as premises which are the subjects of premises licences, premises users are encouraged to organise the event in such a way that supports all the licensing objectives.

6.3.8 A TEN does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required.

6.3.9 Ten working days is the minimum notice period for a standard TEN, however in the interest of open consultation, **the licensing authority encourage 20 working days notice to be provided.**

6.3.10 A copy of a modified standard TEN should be given to the licensing authority by North Wales Police **or** Environmental Health as proof of the agreement with the premises user, North Wales Police and Environmental Health.

6.4 PERSONAL LICENCE

6.4.1 A Personal licence allows the holder to sell alcohol on behalf of any business that has a premises licence or a club premises certificate. The personal licence is designed to ensure that anybody running or managing a business that sells or supplies alcohol will do so in a professional manner.

6.4.2 A personal licence holder can act as the designated premises supervisor (DPS) for any business that sells or supplies alcohol.

6.4.3 Applications must be sent to the licensing authority for the area where the applicant lives, and not to the authority in which the licensed premise is located.

6.4.4 Where an applicant has an unspent conviction for a relevant or foreign offence, the licensing authority will give a notice to North Wales Police. If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the licensing authority. If the police do not issue an objection notice and the application otherwise meets the requirements of the Act, the licensing authority must grant it.

6.4.5 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.

6.4.6 The holder of a premises licence is required by the Act to notify the licensing authority of any changes to their name or address, any convictions for relevant offences and any convictions for a foreign offence.

6.4.7 The requirement to renew a personal licence was removed from the Act by the Deregulation Act 2015. While personal licences issued before the Deregulation Act 2015 have expiry dates, these licences will remain valid and such dates no longer have an effect.

7. OPERATING SCHEDULE

- 7.1 The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.
- 7.2 When considering how to develop their operating schedules applicants are advised to contact the responsible authorities for guidance.
- 7.3 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.
- 7.4 The licensing authority will expect all applicants to specify the methods by which they will promote the four licensing objectives in their operating schedules, having regard to the type of premises, the licensable activities proposed, the operational procedures, the nature of the location and the needs of the local community.
- 7.5 The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
- 7.6 The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

8. HOURS OF OPERATION

- 8.1 The licensing authority recognises that widespread fixed closing times in certain areas can lead to peaks of disturbance and disorder, when large numbers of people come onto the streets at the same time, potentially causing friction at late night food outlets, taxi ranks and other late night services. Therefore, the licensing authority recognises that flexible licensing hours may be an important factor in reducing such problems.
- 8.2 Each application will be determined on its own merits, but the hours requested by the applicant will normally be approved where the applicant can show to the satisfaction of the licensing authority, that the proposals would not adversely affect the environmental quality, residential amenity and character of any particular area.

- 8.3 When considering applications, the licensing authority will take into account applicants requests for terminal hours (the close of business) in light of the
- Environmental quality
 - Residential amenity
 - Character or function of a particular area and
 - The nature of the proposed activities to be provided.

The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect any of the above.

- 8.4 Where alcohol is sold, applications should include both the times at which sales of alcohol will cease and the time when the premises will close.
- 8.5 Shops and supermarkets will generally be permitted to sell alcohol during the normal hours they intend to open, but individual premises, which are a focus for disorder and disturbance may, subject to representations, be subject to limitations.
- 8.6 Where late hours are requested, particularly involving entertainment, earlier terminal hours may be set and the imposition of conditions may be appropriate to achieve the licensing objectives, should relevant representation be received.
- 8.7 No general limitation on hours, in any area, is imposed by this policy.

9. ENFORCEMENT, REVIEWS AND POWERS

9.1 ENFORCEMENT

- 9.1.1 The licensing authority has established a joint-enforcement protocol with North Wales Police to ensure efficient and targeted enforcement. Meetings are held to monitor compliance with licensing requirements and to ensure appropriate and proportionate action is taken. See [Appendix 4](#).
- 9.1.2 In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Service Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 9.1.3 An amendment to the Licensing Act 2003 under the terms of the Violent Crime Reduction Act 2006 enables the Licensing Authority, on the application of a Senior Police Officer, to attach interim conditions to licences pending a full review of the licence.
- 9.1.4 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 9.1.5 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement is deems necessary to support and promote the licensing objectives.
- 9.1.6 Where conditions have been imposed on a licence, an authorised person of the licensing authority may inspect the premises at any reasonable time for the purpose of checking that those conditions are being complied with.
- 9.1.7 The licensing authority will consider issuing a written informal warning to a licence holders specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

9.2 REVIEWS

- 9.2.1 At any time following the grant of a premises licence or a club premises certificate, a **responsible authority** or any **other person** may ask the licensing authority to review the premises licence or club premises certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 9.2.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises or club.
- 9.2.3 The licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police or if the police have made an application for summary review on the basis that the premises are associated with serious crime and/or disorder.
- 9.2.4 In every case, an application for a review must relate to a particular premises or club and must be relevant to the promotion of one or more of the licensing objectives.
- 9.2.5 The licensing authority will reject an application for a review if the applicant fails to provide evidence that one or more of the licensing objectives are not being met or if the reason for the review does not relate to the licensing objectives.
- 9.2.6 The licensing authority will also reject an application for a review if it is considered frivolous, vexatious or repetitious.
- 9.2.7 The licensing authority considers it good practice for all authorised persons that have concerns about problems identified at premises to give licence holders early warning of their concern and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns.

9.3 POWERS

- 9.3.1 The Act provides a range of statutory powers to the licensing authority which it may exercise on determining applications or following the receipt of a notice.

SUSPENSION FOR NON-PAYMENT OF ANNUAL FEES FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

- 9.3.2 Holders of a premises licence or club premises certificate must pay the licensing authority an annual fee, the amount of which is determined by the non-domestic rateable value of the premises. The annual fee becomes due and payable each year on the anniversary of the date of the grant of the licence/certificate.

- 9.3.3 The fee is payable irrespective of whether the holder of the current licence intends to close the business at some point during the coming year or has taken over mid-year.

- 9.3.4 The licensing authority is required to suspend the Premises Licence or Club Premises Certificate if the annual fee has not been paid.

- 9.3.5 If there is a dispute relating to the amount of the fee and/or a genuine administrative error (made by the holder, the licensing authority or anyone else) before or at the time the fee becomes due, a Statutory Grace Period of 21 days will be given for the dispute to be determined.

- 9.3.6 If the dispute or error is not resolved during the 21 day period then the licensing authority MUST suspend the licence and no licensable activities will be able to take place.

- 9.3.7 The licensing authority will notify the holder of the suspension in writing and specify the date on which the suspension will take effect. The effective date of the suspension will be at least 2 working days after the day the notice of suspension is given.

- 9.3.8 Once payment is received the suspension can be lifted. The suspension ceases to have effect on the day the licensing authority receives payment of the outstanding fee.

10. LICENSING PROCESS

- 10.0.1 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 10.0.2 All applications must be made on the prescribed form and be accompanied by the prescribed fee.
- 10.0.3 Applicants may submit applications electronically to the licensing authority via email to Licensing@gwynedd.llyw.cymru or by hardcopy. All application forms, in both the Welsh and English language, are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01766 771000.

10.1 APPLICATION PATHWAY

- 10.1.1 It is considered that the majority of the licensing function will be administrative in nature, i.e. applications and notices will have few areas of contention. In the interests of speed, efficiency and cost effectiveness, these authorisations will, for the most part, be carried out by officers.
- 10.1.2 For representations to be relevant they must
- relate to the promotion of one of the four licensing objectives;
 - be made by a responsible authority or other person within the prescribed period;
 - not been withdrawn; and
 - in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 10.1.3 Where there are no **relevant representations** to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act.
- 10.1.4 Where relevant representations on an application is made and the application has been made in accordance with the requirements of the Act, the application will be determined in accordance with the requirements of the Act.
- 10.1.5 Representations may be positive as well as negative but if only positive representations are received it is highly unlikely that a hearing will be necessary.

10.2 MEDIATION

10.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authorities or other person, the licensing section will decide whether the representation is relevant.

10.2.2 Where the licensing authority find the representation to be relevant a **mediation meeting** between the relevant parties will be arranged to try and find a reasonable compromise.

10.2.3 If this informal process is unsuccessful a hearing before the licensing committee will follow. All relevant parties will be notified.

10.2.4 The determination of the application will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

10.3 CONDITIONS

10.3.1 The conditions attached to a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

10.3.2 There are three types of condition that may be attached to a licence or certificate; proposed, imposed and mandatory. See **Appendix 5** for current Mandatory Conditions to be included in every licence and/or club premises certificate in the circumstances specified.

10.3.3 The licensing authority acknowledges that where no representations are made to it by responsible authorities or interested parties about an application, its duty is to grant the licence or certificate subject only to conditions which are consistent with the applicant's operating schedule, and any mandatory conditions prescribed by the Act.

10.3.4 With regard to proposed conditions, the licensing authority will not simply replicate the wording from an applicant's operating schedule. The licensing authority will interpret the condition in accordance with the applicant's intention and compose the condition in accordance with the licence conditions principles shown below.

10.3.5 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are

appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.

10.3.6 When imposing conditions the licensing authority will use wording such as “must”, “shall” and “will” and will have regard to the following licence conditions principles.

Licence conditions principles:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the Act or other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

10.3.7 When imposing conditions to a licence, the licensing authority will be aware of the need to avoid, as far as possible, measures which might deter live music, dancing or theatre through the imposition of substantial indirect costs.

10.3.8 The licensing authority will endeavour to ensure that, if a decision is made which is contrary to the statutory Guidance, the applicant will be given a full explanation of that decision.

10.3.9 The licensing authority acknowledges the Guidance in that the views of local minorities must be balanced with the general interests and wider cultural benefits of the community.

10.3.10 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority’s consideration will be balanced against the wider benefits to the community.

10.3.11 Where amendments or additions are made to the mandatory conditions under the Act they will be treated as if they were included in existing licences or certificates on the date that they come into force. The licensing authority is not obliged to re-issue licences or certificate to include the revised mandatory conditions but will do so where the opportunity arises.

11. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

- 11.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee (except those relating to the making of a statement of licensing policy). At Gwynedd Council this committee is referred to as the **Central Licensing Committee** and contains 15 members.
- 11.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.
- 11.3 The Central Licensing Committee of Gwynedd Council have appointed a **Central Licensing Sub-Committee** to deal with
- Applications where there are relevant representations
 - Applications for a personal licence with unspent convictions
 - Applications to review premises licence/club certificate
 - Decision to object when the licensing authority is a consultee and not the relevant authority considering the application
 - Determination of an objection to a temporary event notice.
- 11.4 The majority of decisions and functions will be largely administrative in nature with no perceived areas of contention. In the interests of speed, efficiency and cost effectiveness, these will, for the most part, be carried out by officers.
- 11.5 The licensing authority will delegate licensing matters to be dealt with by the Central Licensing Sub-Committee and to Officers in accordance with the latest recommended Delegation of Functions specified in guidance issued by the Secretary of State, under Section 182 of the Act.

12. LICENSING REGISTER

- 12.1 Under the Act, every licensing authority is required to keep a **licensing register** containing
- a record of each premises licence, club premises certificate and personal licence issued by it,
 - a record of each temporary event notice received by it,
 - a record of every other applications made to it, notices given to it and any counter notice given by it, and
 - such other information as may be prescribed by regulations.
- 12.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 12.3 A summary of the information contained in the licensing register is available to view online at www.gwynedd.llyw.cymru

12.4 Any person wishing to view the licensing register in person should contact the licensing authority by email Licensing@gwynedd.llyw.cymru or via telephone 01766 771000 to arrange an appointment.

12.5 To ensure that the information contained in the register is presented in an appropriate format, any person wishing to view the register in person will be requested to clarify which part of the register they wish to have available during the appointment.

13. THE WELL BEING OF FUTURE GENERATIONS ACT 2015

13.1 This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely, i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs, ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention. Welsh Government has produced a ‘Noise and Soundscape Action Plan for 2018-2023’
<https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

13.2 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences.

APPENDIX 1: GLOSSARY OF TERMS

Authorised Persons – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

Club premises certificate – Authorising a **qualifying club** to carry out ‘qualifying club activities’ under the Licensing Act 2003. This includes time-limited certificates.

Conditions – there are three types of conditions

1. **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – are conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – are conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

Cumulative impact area – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could adversely impact on the statutory licensing objectives.

Designated Premises Supervisor (DPS) – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

Early morning alcohol restriction order – A power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

Expedited/summary review – A chief officer of police can apply for an expedited/summary review of a **premises licence** because of serious crime and/or serious disorder under s.53A of the **Licensing Act 2003**.

Fee bands – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no **multiplier**] (£450); Band D premises licence with **multiplier** (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees

associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

Forfeited (personal licence) – Suspension following a court order under s.129 of the **Licensing Act 2003** specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

Hearing – Used in the context of applications for a **premises licence** or **club premises certificate** that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

Judicial review – Includes only those where the High Court notified parties of its decision in the time period specified.

Lapsed (club certificate) – Where a **club premises certificate** has lapsed because it had effect for a limited period, but that period has since expired.

Lapsed (premises licence) – Where a **premises licence** has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the **Licensing Act 2003**. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

Late night levy order – A discretionary power for **licensing authorities** under section 125 of **the Police Reform and Social Responsibility Act 2011**. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

Late night refreshment – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

Licensing authority – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

Minor variation (to licence or certificate) – Applications made under s.41A or s.86A of the **Licensing Act 2003** to make low-risk changes to the terms of a **premises licence** or **club premises certificate**. The fee for a minor variation is prescribed in the Act.

Multiplier – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a **premises licence (fee bands D and E only)**.

Off-sales – The sale by retail of alcohol for consumption off the premises.

On-sales – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

Other persons – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

Personal licence – Authorising an individual to supply or authorise the supply of alcohol in accordance with a **premises licence** under the **Licensing Act 2003**. The application fee for a personal licence is prescribed in the Act.

Premises licence – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of **late night refreshment**, under the **Licensing Act 2003**. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

Qualifying club – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

Relevant representations – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

Responsible authority – Public bodies that must be notified of certain **premises licence** or **club premises certificate** applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,

- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,
- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

Review – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

Revoked (personal licence) – If the holder of a **personal licence** is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the **Licensing Act 2003**.

Surrender (of licence) – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a **premises licence**), section 81 (for a **club certificate**) and section 116 (for a **personal licence**).

Temporary event notice (TEN) – A notice under s.100 of the **Licensing Act 2003**, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

Variation (to premises licence) – Applications made under s.34 of the **Licensing Act 2003** to change the terms of a **premises licence**, for example the opening hours, the licensable activities or the conditions. The fee for a variation of **DPS** is prescribed in the Act.

Variation (to club premises certificate) – Applications made under s.84 of the **Licensing Act 2003** to change the terms of a **club premises certificate**, for example the qualifying club activities or the conditions.

APPENDIX 2: LEGISLATIVE UPDATES

THE DEREGULATION ACT 2015

The Deregulation Act 2015 provides for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals.

The measures affecting the Licensing Act 2003 are:

- S67 – Sale of alcohol: community events etc and ancillary business sales
- S68 – Temporary event notices: increase in maximum number of events per year
- S69 – Personal licence: no requirement to renew
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence
- S71 – Late night refreshment
- S72 – Removal of requirement to report loss or theft of licence etc to police
- S76 – Exhibition of films in community premises

THE DEREGULATION ACT 2015 (COMMENCEMENT No.1 and Transitional and Savings Provisions) Order 2015 - This order specified which provisions of the Deregulation Act 2015 would come into force on the dates specified. The dates relevant to the measures affecting the Licensing Act 2003 were as follows:-

From 1 April 2015

- S69 – Personal licence: no requirement to renew

From 6 April 2015

- S76 – Exhibition of films in community premises

From 26 May 2015

- S68 - Temporary event notices: increase in maximum number of events per year from 12 to 15. The increased limit will apply for calendar years from 1st January 2016.
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence of selling liqueur confectionery to children under the age of 16.
- S72 – Removal of requirement to report loss or theft of licence etc to police

THE DEREGULATION ACT 2015 (COMMENCEMENT No.3 and Transitional and Savings Provisions) Order 2015

From 1 October 2015

- S71 – Late night refreshment

The following section are yet to come into force.

- S67 – Sale of alcohol: community events etc and ancillary business sales

THE LIVE MUSIC ACT 2012

The Live Music Act 2012 amended the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities.

It:

- removed the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate;
- removed the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- removed the licensing requirement for the provision of entertainment facilities; and widened the licensing exemption for live music integral to a performance of morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

APPENDIX 3: ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences remain a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

- The proportion of adults drinking alcohol above the weekly guidelines (average weekly consumption above 14 units) has remained at a similar level since 2016. Data published by Public Health Wales Observatory in 2019 reveals that 19 percent of adults (aged 16 years and over) drink above the weekly guidelines compared to 20 percent in 2016.
- Rates of alcohol consumption by gender show that 25.8 percent of men drink above weekly guidelines compared to 12.7 percent of women and people aged 45 to 65 drink more frequently than any other age group (Public Health Observatory, 2019).
- Since 2009-10, the percentage alcohol specific hospital admissions involving individuals over the age of 50 has risen by almost 23 percent (Public Health Wales, 2020).
- Alcohol hospital admissions are strongly linked to deprivation. The proportion of all patients admitted for alcohol-specific conditions living in the most deprived areas was 2.7 times higher than those from the least deprived areas (Public Health Wales, 2020).
- Mortality from alcohol specific conditions has steadily increased since 2013. However, the number of admissions fell by 7 percent in 2019 compared to the year before (Public Health Wales, 2020).

Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

DRINKING LEVELS AND PATTERNS

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. It is not only the amount of alcohol consumed that increases the risk of harm.

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident.

People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective. In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol will have implications for both the crime and disorder and protecting children from harm objectives. Public Health Teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body. In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area.

APPENDIX 4: JOINT ENFORCEMENT PROTOCOL WITH NORTH WALES POLICE

A Memorandum of Understanding exists between North Wales Police and all North Wales licensing authorities regarding the operational procedures and a joint enforcement protocol under the Licensing Act 2003.

The purpose of the joint enforcement protocol is to

- ensure efficient and targeted enforcement,
- facilitate co-operation between enforcement agencies, and
- underpin the mutual operational support required to tackle problem licensed premises.

This joint enforcement protocol describes how North Wales Police and the licensing authority will deal with problems arising at premises or club in relation to any of the four licensing objectives. It also describes when commencement of the review process may be deemed necessary.

ENFORCEMENT LADDER

STAGE ONE

Incident of disorder/underage drinking/attempts to purchase alcohol by underage person or on behalf of underage person in/from a licensed premise where the person in charge calls the police for assistance and agrees to work with the police.

More serious offences can trigger stage two or three automatically.

If problems continue on from Stage One

STAGE TWO

Meeting with Police Inspector/Neighbourhood Sergeant, Western Division, Licensed Premises Manager and representative of the Local Authority. Issues will be formally discussed and formal written warning given.

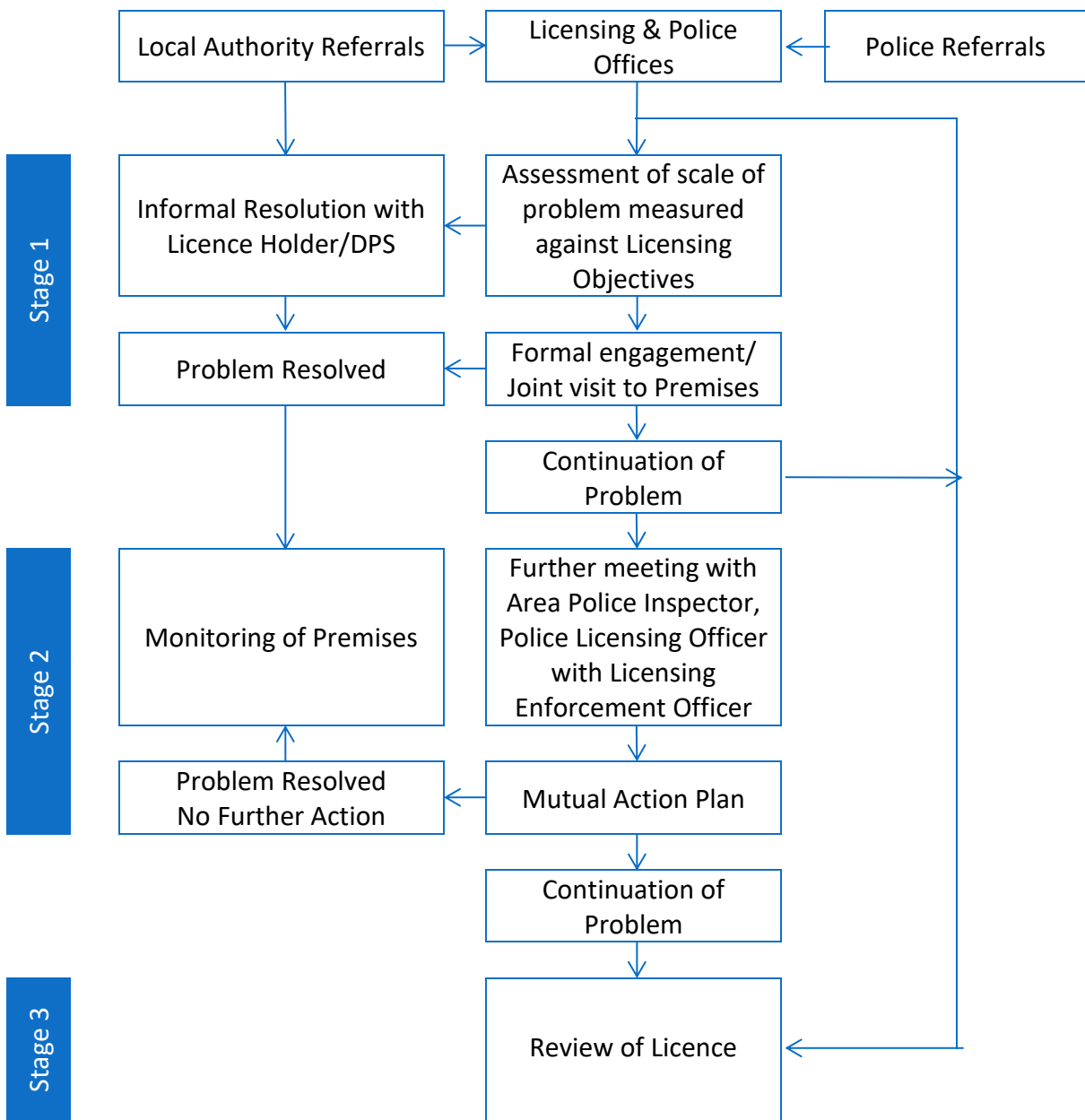
Mutual Action Plan agreed with time span of **three months**. If no further incidents occur then exit from enforcement ladder

If problems continue on from Stage Two

STAGE THREE

Police Inspector/Neighbourhood Sergeant and Western Division or licensing authority will apply for review of Premises Licence, as appropriate to the circumstances.

LICENSED PREMISES REVIEW PROCEDURE INCORPORATING JOINT PROBLEM SOLVING



Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of problem premises.

Depending on the merits of the case, it can be decided to apply for a review of a premises licence at any time.

APPENDIX 5: MANDATORY CONDITIONS

SUPPLY OF ALCOHOL

SECTION 19 (2), LICENSING ACT 2003

No supply of alcohol may be made under this licence

- (a) At a time when there is no designated premises supervisor in respect of it or,
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

SECTION 19 (3), LICENSING ACT 2003

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

SECTION 19 (4), LICENSING ACT 2003 –

Other conditions

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended

1

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2

For the purposes of the condition set out in paragraph 1 -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

EXHIBITION OF FILMS

SECTION 20, LICENSING ACT 2003

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

(a) by the British Board of Film Classification (BBFC), where the film has been classified by that Board, or

(b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b), (Section 74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

DOOR SUPERVISION

SECTION 21, LICENSING ACT 2003

At the specified times when one or more individuals must be at the premises to carry out a security activity, every such individual must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.

For the purposes of this condition —

(a) “security activity” means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ALTERNATIVE LICENCE CONDITION

SECTION 25A (2), LICENSING ACT 2003

Every supply of alcohol made under this licence must be made or authorised by the management committee.

Assessing the Impact on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage

Please see the sheet *How to Make an Equality Impact Assessment* for support to complete this form. You are also welcome to contact Delyth Williams, Policy and Equality Officer on ext 32708, or DelythGadlysWilliams@gwynedd.llyw.cymru for further assistance.

The Council is required (under the Equality Act 2010) to consider the impact that any changes in any policy or procedure (or the creation of a new policy or procedure) will have on people with protected equality characteristics. The Council also has additional general duties to ensure fairness and to foster good relationships. Therefore, a timely assessment must be made before a decision is taken on any relevant change (i.e. that affects people with protected equality characteristics).

The Council is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011), to consider the impact that any change in policy or procedure (or creation of a new policy or procedure) will have on opportunities for people to use the Welsh language and to ensure that the Welsh language is not treated less favourably than English. This document therefore ensures that these decisions safeguard and promote the use made of the Welsh language.

From 1 April 2021 onwards, the Council has a duty to give due attention to addressing socio-economic disadvantage in strategic decisions.

1) Details

1.1 What is the name of the policy / service in question?

The Statement of Licensing Policy 2024 - 2029

1.2 What is the purpose of the policy/service that is being created or amended? What changes are being considered?

There is an expectation under the Licensing Act 2003 for Local Authorities acting as licensing authorities to publish a statement of the principles and objectives that will be in operation as they practice their duties under the Act. The Statement of policy is revised every five years, and the Council has recently consulted on the review of the Policy in accordance with the requirements of the Act.

The purpose of the Statement of Licensing Policy is to ensure that every application for a licence under the Act is considered in a fair and consistent manner, and that guidance is given to everyone on how the Council enforces, administrates, and makes decisions under the Licensing Act 2003 and supports licensed activities in the wider interest of the community.

As a Licensing Authority, Cyngor Gwynedd must consider the licensing objectives, as they are set out in part I of the Act, namely -

1. Prevention of Crime and Disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

The Equality Act 2010 is designated as one of the main acts that should be considered when drawing up the Statement of Licensing Policy. In the recent review of the Statement, consideration has been given to the expectations of the Well-being of Future Generations Act 2015 – that addresses inequalities.

Whilst trying to support communities where there is diversity in culture among cohorts of people in our communities; the Council expects every licence applicant to ensure that they take steps to ensure that no individual is treated unfairly or is the subject of discrimination because of race, colour, religion, ethnic background, age, sex, sexual orientation or disability, and there is an expectation for the licensed premises' operational practices and management to comply with all legislation that is relevant to racial relationships, equal opportunities and anti-discriminatory Legislation.

The Statement of Policy ensures that procedures are in place to ensure that the process of applying for a licence is a fair one and is free from any type of discrimination.

In the policy, every applicant will be treated equally, ensuring consistency in the process; but special consideration will be given to any relevant needs.

1.3 Who is responsible for this assessment?

Public Protection Manager (Licensing and Pollution Control Service)

1.4 When did you commence the assessment? Which version is this?

This is the first version for this review, that commenced in 2023

2) Action

2.1 Who are the stakeholders or partners with whom we will have to work to carry out this assessment?

Responsible Authorities such as North Wales Police, North Wales Fire & Rescue Service, Betsi Cadwaladr University Health Board, People/Bodies that represent the county's businesses and residents, People/Bodies that represent current licence/certificate holders.

2.2 What steps have you taken to engage with people with protected characteristics, regarding the Welsh language or with communities (either due to location or due to need), who are living with a socio-economic disadvantage?

An open public consultation was held during December 2023 and at the start of January 2024.

2.3 What was the outcome of the engagement?

No observations were received – possibly because there have been no significant changes to the current review of the Statement of Licensing Policy

2.4 On the basis of what other evidence are you acting?

Local evidence such as the census, national statistics, Public Health Wales statistics and strategic documents -

Sources of information that were used – not much local information available, but the following resources were used whilst reviewing the policy.

National Survey for Wales 2019
Time for Change 2020

National Survey for Wales (2020) Adult lifestyles by local authority and health board, 2016-17 to 2019-20 (gov.wales) -

[Adult lifestyles by local authority and health board, 2016-17 to 2019-20 \(gov.wales\)](#)

Public Health data highlights that:- 16% of adults in Gwynedd drink more than the recommended weekly average of alcohol (National Survey for Wales, 2019)

The rate of alcohol consumption according to sex shows that 25.8% of men drink more than the weekly guidelines, compared to 12.7% of women; and that people between 45 and 65 years old drink more frequently than any other age group (Public Health Observatory, 2019)

[Alcohol-specific deaths in the UK - Office for National Statistics \(ons.gov.uk\)](#)

Deaths related to conditions which are specific to alcohol have increased consistently since 2013

- Since 2009-10, the percentage of admissions to Hospitals of individuals over 50 years old, specifically because of alcohol; have increased by nearly 23% (Public Health Wales 2020)

bipbc.gig.cymru/cyngor-iechyd/alcohol-cyffuriau-ac-ysmygu/strategaeth-lleihau-niwed-alcohol-gogledd-cymru/north-wales-alcohol-harm-reduction-strategy/alcohol-harm-reduction-strategy-cymraeg-pdf/

The Strategy shows that 60% of alcohol-specific admissions to the hospital for children under 18 years old in the Betsi Cadwaladr University Health Board (BCUHB) were Girls. The statistics in the document also show that there is a higher level of harmful drinking, more than the guidelines, among men. The alcohol drinking level is similar across the income groups; but it appears that there is a higher rate of alcohol-related admissions to hospital among groups who live in deprivation.

2.5 Are there any gaps in the evidence that needs to be gathered?

We are aware that no local data is available.

3) Identifying the Impact

3.1 The Council must duly address the impact that any changes will have on people with the following equality characteristics. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics? It is also necessary to consider the impact on Socio-Economic disadvantage and on the Welsh Language.

Characteristics	What type of impact? *	In what way? What is the evidence?
Race (including nationality)	positive	The policy promotes consistency and fairness when making decisions, considering any specific needs. Also, the policy encourages licensed premises owners to offer a safe environment for all their customers, without discriminating, through the powers of the licensing objectives.
Disability	Positive	The purpose of the policy is to reduce any negative impact, as equality is core to the policy's considerations. The Council and the Policy promotes considerations of the needs of disabled individuals in relation to accessing the licensed premises. The policy promotes the need for a licensed premises applicant to consider the impact of noise on neighbours, and this could have a positive impact on the well-being of individuals in relation to neurodiversity conditions. The policy encourages licensed premises owners to offer a safe environment for all their customers, without discriminating, through the powers of the licensing objectives.

Sex	Positive	<p>A positive impact in terms of sexual equality, as the licensing objectives promote safety, and that licensed premises are being encouraged to promote personal safety matters, such as preventing violence against women, and anti-spiking campaigns.</p> <p>The policy states that the licensing authority needs to be robust in terms of limiting / preventing adult entertainment at a licensed premises, so that there is no risk for women to be exploited.</p> <p>Men are more likely to be victims of violence in situations where excessive drinking of alcohol occurs. The policy encourages promoting moderate drinking; and licensing conditions which prohibit drinking games which encourage irresponsible drinking.</p>
Age	Positive	<p>Positive impact in terms of individuals under 18 – the licensing objectives and the objectives of the policy promote the safety of individuals under 18 from alcohol harm.</p> <p>The policy also promotes the health of working age people and older people as there is a need to consider the cumulative impact of locating several licensed premises in a small area, and also promotes restricting the time during which alcohol is for sale late at night and early in the morning. A licensed premises that offers a safe and comfortable environment also encourages older people to congregate to socialise.</p>
Sexual orientation	Positive	<p>A small positive impact – as the policy promotes licensed premises that are a safe and fair place without discrimination.</p>
Religion or belief (or non-belief)	Positive	<p>The policy has a small positive impact as it encourages consideration of the suitability of locating a licensed premises – for example considering if there are places of worship nearby. Also, the policy promotes licensed premises that are welcoming with a safe and fair environment for all. The Policy encourages licensed premises to offer a variety of non-alcoholic drinks and encourages the use of licensed premises where someone can feel comfortable on the premises without drinking alcohol.</p>
Gender reassignment	Positive	<p>The policy encourages licensed premises owners to offer a safe environment for all their customers, without discriminating, through the powers of the licensing objectives.</p>
Pregnancy and maternity	Positive	<p>The Policy encourages licensed premises to offer a variety of non-alcoholic drinks and encourages the use of licensed premises where someone can feel comfortable on the premises without drinking alcohol.</p>

Marriage and civil partnership	none	None
The Welsh language	Positive	The use of the Welsh Language is promoted, and applicants are encouraged to provide bilingual signs and service. (See 3.3)
Socio-Economic Disadvantage	Positive	<p>The licensing authority recognises that the entertainment industry in Gwynedd is a contributor to the local economy. It attracts tourists and visitors, makes vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population – there is a duty on the licensing authority to ensure that developments in the hospitality and entertainment sector do not have a negative impact on the area's amenities and population.</p> <p>The Council through the Policy will also have regard to wider considerations affecting the amenities of any area. These include littering and fouling, noise, street crime and the capacity of the county's infrastructure, resources, and police resources to cope with the influx of visitors, particularly at night.</p> <p>The Policy encourages licensed business owners to be aware of individuals who are addicted to drugs or alcohol; or who have mental health problems that need support, and business are encouraged to promote campaigns and connections where customers can seek support.</p> <p>If there is evidence that a specific area of the county already suffers from detrimental impacts as a result of a concentration of late-night premises, or that those residential areas are under pressure, consideration is given to adopting a 'Saturation Policy' under this policy.</p> <p>The impact of such a policy is that the licensing authority could refuse applications for a new Premises Licence, unless an applicant could show how the operation of the premises in question would not add to the negative cumulative impact and the socio-economic factors that are already being experienced.</p>

* Delete as required

3.2 The Council has a duty under the Equality Act 2010 to contribute positively to a fairer society through advancing equality and good relations in its activities in the fields of age, gender, sexual orientation, religion, race, transgender, disability and pregnancy and maternity. The Council must duly address the way any change impacts on these duties.

General Duties of the Equality Act	Does it have an impact?*	In what way? What is the evidence?
Eliminate unlawful discrimination, harassment and victimisation	Yes	A small positive impact as licensed premises owners are encouraged to create an inclusive environment by complying with the licensing objectives, and welcoming everyone in a community, without discriminating.
Promote equal opportunities	Yes	A small positive impact as the Policy and the industry promotes equal opportunities
Building good relationships	possible	The Policy promotes licensed business owners to encourage a welcoming environment for people to socialise in a safe environment.

* Delete as required

3.3 How does your proposal ensure that you work in accordance with the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English, and that every opportunity to promote the Welsh language is taken (beyond providing bilingual services) and increase opportunities to use and learn the language in the community?

The Licensing Authority encourages licensed businesses owners, and big events organisers to work with their communities to promote principles that are important in that community, such as social activities through the medium of Welsh. Support and encouragement (but not preference) is given to applications for a premises license from community enterprises where local people fund and commit to maintain, keep and run local pubs that have closed, to promote socialising, and Welsh culture.

3.4 What other measures or changes could you include to strengthen or change the policy / practice to have a positive impact on people's opportunities to use the Welsh language, and to reduce or prevent any detrimental impacts that the policy/practice could have on the Welsh language?

None identified.

3.5 How does the proposal show that you have given due regard to the need to address inequality due to socio-economic disadvantage? (Please note that this relates to closing the inequality gap, rather than just improving outcomes for everyone).

See the socio-economic disadvantage box in section 3.1

There is flexibility within the policy, and in every review of the policy to consider any socio-economic characteristics or any inequalities that are unique to the county, and this is addressed during the 5-year review cycle.

3.6 What other measures or changes can you include to strengthen or change the policy / practice to demonstrate that you have given due regard to the need to reduce disproportionate outcomes because of socio-economic disadvantage, in accordance with the Socio-Economic Act?

The Policy is based on a regional template used by North Wales councils, a significant departure from the template would create inconsistencies which could lead to inequality.

4) Analysing the results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the above? What is the reason for this?

Although the impact is not significantly positive; there is a small positive impact overall compared to the negative small impact that would exist if there was no policy in place.

4.2 Is the policy therefore likely to have a significant, negative impact on any of the above? What is the reason for this?

See above

4.3 What should be done?

Select one of the following:

Continue with the policy / service as it is robust	YES
Revise the policy to remove any barriers	
Suspend and abolish the policy as the harmful impacts are too great	
Continue with the policy as any harmful impact can be justified	
No further steps at present, it is premature to decide, or there is insufficient evidence	

4.4 If you continue with the plan, what steps will you take to reduce or mitigate any negative impacts?

The policy and its impact assessment will be regularly reviewed, and to ensure that the industry gives valid consideration to the policy.

4.5 If you are not taking any further action to remove or reduce the negative impacts, please explain why here.

No negative impacts were identified.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

The policy is reviewed every 5 years, and there is a statutory public consultation at the end of the review cycle, with the opportunity to change any aspects which have a negative impact. We will review the impact assessment as required.



Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

Ein cyf/Our ref HIDCC/05039/24
Cab net Secretary for Climate

Councillor R. Medwyn Hughes
Chair of the Council
Cyngor Gwynedd

eirianroberts3@gwynedd.gov.wales

22 April 2024

Dear Councillor Hughes,

Thank you for your letter of 26 March regarding the proposals adopted by Cyngor Gwynedd.

Farming is very important to Wales, our economy, landscape and culture and we want a successful future for Welsh farming.

The proposed Sustainable Farming Scheme is designed to support all Welsh farmers through a Universal Baseline Payment, based on the completion of a set of Universal Actions. The General Scheme provides farmers with a level of certainty and stability as they will know their predicted level of income each year.

The Scheme is designed to support farmers to produce food in a way that also helps tackle the climate and nature crisis. Food production is **essential, however, the climate crisis is the main risk to long-term food production, and our natural ecosystems such as planting additional trees are one of the best protections** we have for adapting and mitigation climate change.

We want to see trees incorporated into the farming system and continue to **explore where planting additional trees can be an asset to the farm as shelter belts against increasingly inconsistent weather conditions, so that it is not a choice between trees or food production.** We will provide financial support to those who may need it to plant additional trees.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

This is a genuine consultation, and no decisions will be made on any element of the proposal, including how we fulfil the habitat and tree requirement, until we have undertaken a full analysis of the responses to the consultation. I fully expect some changes to be made to the proposals as a result of the consultation.

Yours sincerely

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

Huw Irranca-Davies MP/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs