
CENTRAL LICENSING COMMITTEE 4 December 2023

Present: Councillor Elfed Williams (Chair)
Councillor Gwynfor Owen (Vice-chair)

Councillors: Anwen Davies, Alan Jones Evans, Annwen Hughes, Linda Ann Jones, Gareth Tudor Jones, Eryl Jones-Williams, Edgar Wyn Owen, Huw Rowlands, Angela Russell and Gareth Williams

Officers: Gareth Jones (Assistant Head - Environment), Gwenan Mai Roberts (Licensing Manager), Nia Grisdale (Legal) and Lowri Haf Evans (Democracy Services Officer).

Others invited:

Lyndsey Thomas, Sioned Lind, Sara Mackay Williams, Nicola Williams and Deiniol Jones (Environment Officers)

1. APOLOGIES

Apologies were received from Councillor John Brynmor Hughes and Arwyn Herald Roberts

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this committee, that took place on 25 September 2023, as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted and received, for information, the minutes of the General Licensing Sub-committees held on 30 August 2023, 13 September 2023, 25 September 2023, 27 October 2023 as true records.

6. NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES

A report was submitted by the Licensing Manager giving details for a new licensing scheme for 'Special Procedures' that would be presented by Welsh Government June 2024 under Part 4 of the Public Health (Wales) Act 2017. It was explained that the Special Procedures included tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis. Reference was made to the main requirements of the system as well as implications of the scheme.

It was reported that Welsh Government's intention through the introduction of this scheme is to reduce the health risks associated with these procedures. The local authorities are to be responsible for enforcing the licensing requirements of these practices and for keeping a register of special procedures licences issued by them. There is an expectation from Welsh Government that much of this additional work will be absorbed into existing work programmes within Environmental Health and Licensing. It was added that this may impact other areas of service delivery.

In the context of implications for the Licensing Committee, the Welsh Government has indicated that it expects this regime to sit under licensing committee structures and have been formulating a consultation document for consideration which outlines its expectations in terms of governance. It had been added that the licensing committee, in terms of making decisions on licensing applications under the new system had not been incorporated in specific Hearings Regulations.

Following discussions with the Legal Department, it was noted that the licensing hearings mechanism would fall under the Central Licensing Committee's provision. It was highlighted that the Members would receive information about any developments / further instructions on the matter from Welsh Government and a training session with Dr Sarah Jones (Senior Environmental Health Adviser, who has been leading on the development of the licensing scheme for the Welsh Government) had already been organised for Members, Council Environment, Legal and Democracy Officers. After receiving clarity of the Central Licensing Committee's role, the Monitoring Officer would review what mechanisms would be required to be adopted in to the Council's constitution, as well as determining delegated powers required for officers.

Gratitude was expressed for the report.

During the ensuing discussion, the following observations were made by Members:

- Concern that responsibilities would fall between two fields within the Environment Department (Public Protection and Licensing) - this would make things hard to scrutinise.
- The need for management and a licensing regime for this field was welcomed.
- Concern that there would not be any additional finance / investment presented by Welsh Government to incorporate the additional arrangements.
- Concern that the work would place excessive work pressures on a service that faced challenges to maintain a service in a rapidly changing world.
- That any public protection provision would be a good thing

In response to an observation regarding the Environment Department's responsibilities, it was highlighted that the Head of Environment Department would be responsible for Public Protection and Licensing's whole work elements and that the services' staff were aware and clear of their responsibilities and accountability. It was added that the staff had relevant skills and qualifications and there was good collaboration between the two services. In terms of the roles of Members, the work would be scrutinised by the Communities Scrutiny Committee and once the constitutional changes have been changed, the order would become clearer. In response, a suggestion was made to invite the Cabinet Member for the Environment to the committee's next meeting.

In response to an observation regarding receiving additional resources to complete the work, it was noted that an application would have to be submitted for funding by either submitting a bid through the Council's bids procedure or from the Cabinet directly. It was added the services would try their best to follow the requirements of the act and ensure that the statutory work would be accomplished. In terms of work to qualify staff to identify risks / infections in the field it was noted that Public Protection Staff had expertise and qualifications in the field already and a registration scheme had been run by Gwynedd for years. Despite this, no powers were in place to control the situation. It was highlighted that services' staff would receive further training and that they had been a part of the process to develop this procedure with Welsh Government - staff awareness and understanding of the procedure from the offset was key.

Resolved to accept the report and note the information.

The meeting commenced at 10.35am and concluded at 11.30am.