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## CENTRAL LICENSING COMMITTEE, 27.04.09

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**Present:** Councillor W Tudor Owen (Chairman)

Councillors: Robert Anderson, Louise Hughes, Evie Morgan Jones, J R Jones, Eryl Jones-Williams, Peter Read, Gareth Roberts and Gwilym Williams.

**Also present:** Emyr Searell Jones (Senior Public Protection Manager), Amlyn ab Iorwerth (Licensing Manager), Bleddyn Davies (Public Protection Manager (Food and Health and Safety) and Eleri Parry (Senior Committee Officer)

**Apologies:** Councillor Ieuan Roberts

### 1. DECLARATION OF PERSONAL INTEREST

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

### 2 URGENT ITEMS

The matters noted below had not been included on the committee's agenda; however, the Chairman agreed their inclusion under Section 100B, Local Government Act 1972, because he was of the opinion that the matters in question needed to be solved quickly.

#### (a) CASE IN BARMOUTH

A members reported that he was visited by the Police recently because a kebab shop in Barmouth was open until 3:00am and that there were a lot of problems as a result. It was expressed that an error had been made when the licence had been prepared.

The matter would be before Barmouth Town Council the following evening and the member was eager to have information before hand so as to report on the matter.

The Licensing Manager reported that he was not in a position to respond to the matter at the meeting, however, he vowed to investigate the case so as to resolve the situation, and contact the member prior to the Town Council meeting.

**RESOLVED to ask the Licensing Manager to investigate the matter and contact the member prior to the next meeting of Barmouth Town Council so as to ensure that he would be in a position to report on the matter.**

#### (b) PARKING TAXIS ON CASTLE SQUARE, CAERNARFON

A member expressed great discontent because taxis parked everywhere on Castle Square, Caernarfon.

He reported that he had been given to understand that the plan had been agreed by now, which designated parking spaces for taxis, and he could not fathom why the taxis did not park in the designated areas.

It was noted that it should be ensured that the Caernarfon local members were aware of the arrangements.

The member reported further that it appeared that different Council departments were responsible for different aspects of the work, and that one person was needed to co-ordinate all the work. It was noted that it was important to ensure that the Caernarfon local members were aware of the arrangements.

The Licensing Manager explained that the matter was not in the Terms of Reference of the Central Licensing Committee, however, he had a meeting with the taxi industry that morning and he vowed to express the committee's concerns at the meeting.

**RESOLVED to express concern to the Head of Regulatory Department that taxis are parking everywhere on Castle Square, Caernarfon, and to ask him to go about resolving the situation without delay.**

#### **4 MINUTES**

The Chairman signed the minutes of the previous meeting of the Sub-committee held on 26 January 2009 as a true record.

##### **Arising**

##### **Item 3 – Minutes of Central Licensing Sub-committees**

Councillor Evie Morgan Jones thanked officers for the effective manner in which an enforcement issue arising from a case in the past, had been dealt with at the Lion Hotel, Barmouth.

#### **3. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES:**

Submitted, for information, the minutes of the previous meetings:-

30 January 2009

13 March 2009

16 March 2009

**RESOLVED to accept and note the information.**

#### **4. HEALTH AND SAFETY SERVICE INTERVENTION PLAN 2009/10**

- (a) The Senior Public Protection Manager reported that it was a statutory requirement for the Council to provide a Health and Safety Service Intervention Plan and a Food Safety Service Delivery Plan. He explained

that the Public Protection Service worked with central agencies, namely the Health and Safety Executive (HSE) and Food Standards Agency (FSA).

- (b) Submitted, for the committee's approval – the Health and Safety Service Intervention Plan for 2009/10.
- (c) It was reported that a section within the Public Protection Service dealt with enforcing health and safety in workplaces outside the Council, such as shops, caravan sites, hotels etc.

It was noted that it was mandatory for the Council to ensure that sufficient arrangements were in place in order to enforce the relevant statutory provisions and to put an annual service plan in place.

The Senior Manager emphasised that the section, in addition to enforcement and prosecution, also worked with businesses in Gwynedd and that this was a means of promoting businesses, strengthening the economy and protecting the health and safety of the public.

- (ch) The Public Protection Manager reported that the Intervention Plan noted the detailed work of the section for the year and he outlined the content of the Plan for 2009/2010.
- (d) Members were given an opportunity to ask questions of the officers and make observations.  
The main issues in the committee's remit were noted, namely:-
  - (i) In relation to smoke free legislation, a member referred to public nuisance problems as a result of customers of public houses going out to the street to smoke. The member was of the opinion that public houses should provide suitable areas at the rear of the premises and suggested that the licensing sub-committee should include a condition to that end. The Senior Public Protection Manager reported that the act noted that smoking was prohibited in enclosed public spaces, therefore, it was not relevant to people who smoked outdoors. He was of the opinion that it was not possible for the Council to go further than this.

The officer emphasised that compliance with the act was high in Gwynedd and that there was good co-operation from the public and businesses on the whole, and that positive steps had been taken by means of the Act in order to improve public health.

Members referred to possible examples of breaches of the Act, and they were asked to contact the enforcement officers, in order for members to investigate the matter, and take appropriate steps.

- (ii) A member expressed concern that there were numerous cases of contractors falling off agricultural shed roofs, and that specific attention needed to be given to the matter in order to reduce the number of accidents.

The Public Protection Manager reported that falling from height was one of the most common fatal accidents in Britain and that the Health and Safety Executive and Council were giving a lot of attention to the field. He agreed that there was a need to target this cohort further and educate those who dealt with the field, so as to reduce the number of accidents. He vowed that he would draw the attention of the Health and Safety Executive to the committee's observations.

- (iii) In response to an observation that the legislation in the Health and Safety field was excessive, the Senior Manager reported that the section's service plan was balanced and sensible. He emphasised that the section sought to target the main risks, rather than the peripheral matters.
- (iv) In relation to the clause, "Services to be provided by Health and Safety Enforcement Team" in the Plan, a member expressed concern and worry as the section did not intend to investigate every dangerous occurrence. The member was of the opinion that a dangerous occurrence could lead on to further problems, also there were lessons to be learnt from investigating the matter. The member asked for the procedure to be changed so that the service investigated every dangerous occurrence in full.

**RESOLVED to approve the Health and Safety Service Intervention Plan for 2009/10, subject to amending the Plan to note that the Health and Safety Enforcement Team investigates every dangerous occurrence (clause 6.2(a) – page 19).**

## **5 FOOD SAFETY SERVICE DELIVERY PLAN 2009/10**

- (a) Submitted, for the committee's approval – the Food Safety Service Delivery Plan for 2009/10.
- (b) The Senior Public Protection Manager noted that there was a section within the Public Protection Service which enforced food safety legislation and promoted food safety within food businesses located in Gwynedd.

It was reported that the Food Standards Agency made it mandatory for local authorities to produce a food safety service delivery plan in order to comply with framework agreements.

It was emphasised that the Council had a large number of food businesses in Gwynedd and that there was excellent joint working between the Council and the businesses.

- (c) The Public Protection Manager reported that the Food Safety Service Delivery Plan noted the detailed work of the section for the year and he outlined the content of the Plan for 2009/2010.

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

In relation to Monitoring and Review – Areas for Improvement, and the observation made by a member that "attempt to improve level of food hygiene intervention of high risk premises to 100%" was insufficient, as it was a very important matter. The Manager explained that the Council had approximately 1000 premises in this category and that it was very difficult to reach 100%. It was noted that they had failed to reach approximately 20 businesses last year because they were seasonal businesses and he explained his intention to change their arrangements this year in order to achieve the work and reach them.

Members were thanked for the observations and they were encouraged to contact the Public Protection Manager should any matter cause them concern.

**RESOLVED to approve the Food Safety Service Delivery Plan for 2009/10 and thank the officers of the section for their work and commitment to maintain the standards with limited resources.**

The meeting commenced at 10:30am and concluded at 11:50am.