
CENTRAL LICENSING COMMITTEE, 21.11.11

Present: Councillor Eryl Jones-Williams (Chairman)
Councillor Evie Morgan Jones (Vice-chair).

Councillors: Louise Hughes, Elin Walker Jones, Dewi Llewelyn, Dilwyn Lloyd, W. Tudor Owen, Peter Read, Ieuan Roberts, Gwilym O. Williams and Stephen Churchman (Senior Portfolio Leader)

Also Present: John Reynolds (Senior Manager Public Protection), Amlyn ab Iorwerth (Licensing Manager), Siôn Huws (Propriety Officer), Gwenan M. Williams (Public Protection Manager) and Gwyn Parry Williams (Committee Officer).

Apologies: Councillor W. Gareth Roberts

1. DECLARATION OF PERSONAL INTEREST

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

2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 19 September 2011 as a true record.

3. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of a meeting of the Central Licensing Sub-committee held on 23 August 2011.

RESOLVED to accept the information.

4. TO ABOLISH THE HACKNEY ZONES WITHIN GWYNEDD

Submitted – report of the Head of Regulatory Department on the proposal to abolish the hackney zones within Gwynedd.

The Senior Public Protection Manager reported that the issue had been discussed at the previous meeting of the committee when it had been decided to inform the industry that the three hackney vehicle zones would be abolished and that Gwynedd would act as one zone from 1 January 2012 onwards. This decision had not been welcomed by some members of the industry.

He noted, if the committee's decision to operate as one zone from 1 January 2012 was implemented then the committee's approval would need to be received to change the licence conditions and licence terms relating to hackney vehicles.

The following would need to be abolished-

- a) The general condition (d) of the Licence Conditions namely "*The ZONES of Arfon, Dwyfor, Meirion will be retained as at present.*"
- b) The restriction upon working outside the Area zone of issue, which is currently imposed by a term contained Hackney Vehicle licences, namely "to ply for hire within the xxxx area of the council" where either the word Arfon, Dwyfor or Meirionnydd is inserted in place of xxxx.

The effect of this will be to allow Hackney Vehicles licensed in any of the three Areas to operate across the whole of Gwynedd. This change would resolve the inconsistent situation which arises where a licensed hackney driver can operate in every area but must use vehicles licensed in the relevant area. It could also help to relieve shortages of hackney vehicles which might arise in one area at times when a large event were being held as hackney vehicles from across Gwynedd could ply for hire at the event.

He further noted, if the decision was made to proceed with the abolition of the current restriction regarding vehicles operating across Gwynedd on 1 January 2012 the existing differences between the hackney vehicle licence conditions applicable in the three areas would need to be considered. The three areas shared the same conditions, except the additional special conditions which apply in the Arfon Area, namely -

- a) That the number of licences be restricted to 98 except in the case of licences for vehicles that are between new and three years old and are side loading wheelchair accessible vehicles.
- b) That in the event of any of the existing 98 licences being surrendered or revoked, the licence will only be re-issued to a vehicle that is between new and three years old and is a side loading wheel chair accessible vehicle.

In Arfon, the existing 98 licences could be transferred by the exiting licensee to replacement vehicles which do not have to be vehicles adapted for disabled access. An existing vehicle licence which is exempt from disabled access requirements i.e. one of the existing 98, may also be transferred from a current licensee to another person, who "inherits the grandfather rights" of that licence and is therefore not required to provide a vehicle with disabled access.

He provided details of the options in terms of implementation that were open for the committee to decide upon, namely -

- a) To delete the current special licence conditions which apply in Arfon. Considering the terms of the Equalities Act 2010, the Committee may find its decision challenged if it attempts to withdraw an exiting provision of services for disabled persons. He was of the opinion that the committee should not proceed with deleting this provision.
- b) To extend the current special licence condition restricting the issue of additional licences and the re-issue of any of the existing licences upon them being surrendered or revoked to vehicles adapted for disabled access which currently only applies in Arfon to the other Areas of Gwynedd. This would extend the existing provision of services for disabled persons across all parts of the County. It would however impose the additional cost of providing a vehicle adapted for disabled access on

persons wishing to enter the industry unless they were able to purchase a licensed vehicle from an existing licensee and have that licence transferred to them.

- c) To retain the current Area differences in the Licence Conditions. This option would not impose any additional costs upon the industry nor remove the provisions with regard to disabled access vehicles would not be in keeping within the spirit of the decision to abolish the zones. He was of the opinion that the committee should not proceed with deleting this provision.

He recommended that the abolition of the zones should be postponed to allow consultation with the industry and submit a further report on the outcome of the consultation.

The Senior Portfolio Leader noted that the decision made in the previous meeting was premature that there should be consultations with the industry and some of the users, in particular disabled persons and also to obtain legal advice on the matter. In light of this, he was of the opinion that the matter should be deferred.

Another member was also unhappy with the decision made at the previous meeting to abolish the three hackney vehicle zones and to operate as one zone from 1 January 2012 onward. He noted that it was important to consult with the industry and other bodies such as the police, disability groups etc. before taking any active steps. He also noted that there was no reference to the differences in the three zones in the report. He also referred to the report submitted at the previous meeting that noted that the current procedure was not sustainable and that it was time to do away with the three zones so that everyone in Gwynedd worked under the same conditions. He further noted that The Government's Industry Department recommended good practice by councils and those zones should be abolished and limited. He also noted that one of the reasons for having hackney vehicle licences was to ensure the safety of the public. He was of the opinion that the current procedures worked well and currently there was no movement from the Government to legislate on this matter.

In response, the Licensing Manager informed the committee that the Law Commission was currently looking at changes to the legislation of hackney vehicles.

Another member noted that he was satisfied with the current procedure and that they should adhere to that procedure.

RESOLVED to adhere to the current procedure of operating the three zones until there would be a legal/legislative requirement to make amendments and to seek legal advice on the current procedure.

5. PROPOSED CHANGES TO THE LICENSING ACT 2003 – DEREGULATION OF REGULATED ENTERTAINMENT

Submitted – the report of the Head of Regulatory Department on the proposed changes to the Licensing Act 2003.

The Licensing Manager informed the committee that this matter had been raised by a member at the previous meeting regarding the intention of the Westminster Government to make substantial changes to the Licensing Act which would result, should the changes be legislated upon, in the Council losing control over many of the matters where there was control at present, or at least controls would be in a different form. He noted that the Westminster Government's Department of Culture, Media and Sport (DCMS) was currently consulting on the proposed changes, and the Council was required to respond to the consultation by 3 December 2011.

He referred to the following matters -

- a) To remove the licensing requirements for most of the activities currently defined as regulated entertainment in schedule 1 to the Licensing Act 2003.
- b) That the consultation was introduced on the basis that the present regime created difficulties and obstacles for organisations attempting to organise events where the risks were relatively small in venues such as village halls and schools. According to the consultation document that if the restrictions were removed there would be a significant rise in the events held, as a result of which there would be an improvement in quality of life and an increase in social interaction.
- c) The argument made in the consultation document that legislation already existed to regulate problems arising from public entertainment, such as noise nuisance as well as the relevant powers of the Police and the Fire Service.
- ch) The situations referred to in the consultation which appeared to be unreasonable and supported the argument of removing licensing requirements. He noted examples of activities which currently required a licence namely, a brass band performing in a local park; a pianist performing in a restaurant; a concert held in a hospital; school plays and a film exhibition in a village hall.
- d) The inconsistency in terms of the lack of requirement of a licence for a football match with 50,000 present and a live televised broadcast in a village hall.
- dd) The proposal to remove licensing requirements for live music, recorded music, plays, dance performances and film exhibitions for events where no more than 5,000 people were expected. However, those licensing requirements would remain for events where more than 5,000 people were expected, boxing or wrestling matches, dance performances classed as sexual entertainment as well as retaining the requirements in respect of alcohol and hot food.
- e) That the deregulated activities could be automatically removed from an existing licence and that the licence holder could apply to remove any condition of the licence which related to entertainment. For example this could mean conditions which prohibit live or recorded music from being played in a beer garden.

He drew the committee's attention to the fact that a licence was not required if an activity was held in a chapel or church; whether or not the activity was religious in nature.

He noted that the proposed changes signified that schools, community halls etc. would not require a licence in respect of entertainment; but there was a concern that this was also true in respect of nightclubs, pubs and occasional

events where entertainment could be provided without the need for a licence.

He gave details on the observations made by the Licensing Unit and the Environmental Health Unit on the consultation.

He referred to a suggestion in the consultation document, namely that the proposed changes would result in a reduction in the costs involved in processing and responding to licence applications. However, it was anticipated that there was a significant potential for a rise in noise nuisance complaints as well as increased costs resulting from having to resort to formal action and prosecution to resolve complaints.

RESOLVED that the relevant officers seek all Council members' observations on the consultation and then to prepare a formal response in a consultation with the Chairman and Vice-chair of the Committee and Portfolio Leader before submitting the final observations to the Westminster Government.

At the end of the meeting, a member referred to a discussion at the previous meeting on "Fees for Holding Amusement Fairs" when it was agreed to submit a report on the matter to committee. The officer pledged that he would submit a report on the matter to committee.

The meeting commenced at 10:00am. and concluded at 10.40am.