
CENTRAL LICENSING COMMITTEE, 19.09.11

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

Councillors: Elin Walker Jones, Dilwyn Lloyd, W. Tudor Owen, Peter Read, Ieuan Roberts, W. Gareth Roberts and Gwilym O. Williams.

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

Apologies: Councillors Louise Hughes and Dewi Llywelyn.

Welcome

The Chairman welcomed Councillor Elin Walker Jones to her first meeting of this committee.

1. CHAIRMAN

RESOLVED to re-elect Councillor Eryl Jones-Williams as Chairman of the Committee for 2011/12.

The member thanked the committee for the honour and he took advantage of the opportunity to thank his fellow members for the good wishes that he had received during his recent illness.

2. VICE-CHAIRMAN

RESOLVED to re-elect Councillor Evie Morgan Jones as Vice-chairman of the Committee for 2011/12.

3. DECLARATION OF PERSONAL INTEREST

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

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 22 October 2010 as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of the following meetings of the Central Licensing Sub-committee:-

(a) 7 October 2010

- (b) 5 November 2010
- (c) 15 December 2010
- (ch) 18 January 2011
- (d) 24 January 2011
- (dd) 3 February 2011
- (e) 16 March 2011
- (f) 10 May 2011
- (ff) 25 May 2011
- (g) 8 June 2011
- (ng) 6 July 2011

RESOLVED to accept the information.

6. MAXIMUM HACKNEY CARRIAGE FEES

Submitted – the report of the Head of Regulatory Department on the review of the hackney carriage fees.

The Licensing Manager reported that the Council had received a request from the Meirionnydd Hackney Vehicles Carriage Association asking it to review the hackney carriage fees, mainly due to the increase in fuel prices, and they recommended increasing only the fees that related specifically to travelling.

It was explained that the fees would be advertised in the local press and unless objections were received, they would become operational within a month's time. However, if objections were received, they would be referred back to the committee for consideration.

RESOLVED to approve the following fees:-

First mile	3.00
Every subsequent mile	2.50
Waiting time	0.25
Extra luggage	0.25
Additional person	0.40
Carriage of animals	1.20
Soiling of vehicles	45.00

7. LICENSING FEES FOR 2011/12

Submitted – the report of the Head of Regulatory Department on the review of the licensing fees for 2011/12.

The Licensing Manager reported that it was a requirement for the Council to review the fees annually. He noted that a review of the Public Protection fees, including the licensing fees, contributed towards the Council's £16m savings programme. The proposal to review these fees and to contribute towards this savings figure was approved on 10 December 2010. In consultation with the Portfolio Leader, the fees were increased and for this there was a need for this committee's approval.

Licensing Act 2003

The Licensing Manager noted that these fees were statutory and there was no discretion for individual councils to amend them. However, this could change during the next few months as the government would be reviewing the law and suggested that individual councils would have a right to amend fees. A further report would be submitted on this matter when more information was received in due course.

Gambling Act 2005

The Licensing Manager informed the committee, that unlike the Licensing Act, individual councils had discretion to set their own fees in so far as they did not exceed the maximum set by the government. When the legislation came into force in 2007, the Council decided not to increase the maximum permitted in all cases but to follow the same route as the remainder of north Wales counties and to set a fee on the annual fees of 80% of the maximum.

«He was of the opinion that the fee should be increased to the maximum permitted on those fees that were not originally at 100%. It was anticipated that other authorities were likely to follow a similar route.

Hackney Vehicle / Private Hire Vehicle Licences

The Licensing Manager reported that the fees charged by the Council for this service had been amongst the lowest in Wales. There was a substantial variation in the fees charged by the different councils even across north Wales. He noted that the fees had been set at the level of the average fees that existed across north Wales during 2010/11.

Sex Establishments

The Licensing Manager noted that one establishment held a licence as a Sex Establishment in Gwynedd and he was of the opinion that the current fees were sufficiently high.

Markets and Fairs

The Licensing Manager recommended that the Council should not increase these fees. He noted that Gwynedd markets were generally successful in terms of numbers attending and this was partly because the fees charged had been reduced some years ago. Evidence showed that reducing fees had succeeded in protecting the income for the Council and had been a means of keeping the markets viable.

With regard to fairs, the Licensing Manager informed the committee that the situation was rather different as the income received by the Council was decreasing. He was of the opinion that increasing fees would lead to a further weakening in performance and therefore produce a further income fall. He recommended not to increase these fees.

A member enquired whether the fees for holding amusement fairs had increased. In response, the Licensing Manager informed the committee that the Council was not responsible for determining these fees but rather this service was put out to tender and the highest tender was accepted. The officer agreed to submit a report on the matter.

A member referred to an amusement fair held on Castle Square, Caernarfon, and he enquired who was responsible for providing permission for it to be held. In response, the Licensing Manager informed the committee that it was the Transportation Unit, in consultation with Cyffro, namely the organisers, were responsible for approving the fair. Again, the fee charged for holding this activity was determined by the Transportation Unit and the organisers. It was noted that the Environment Scrutiny Committee had established a Market and Fairs Working Group to consider the arrangements of markets and fairs and specific attention was given to the arrangements for the market in Castle Square, Caernarfon. The report of the working group would be submitted in due course to the Environment Scrutiny Committee. It was agreed that the Senior Portfolio Leader would discuss the matter of the amusement fair in Castle Square, Caernarfon with the Transportation Department.

RESOLVED to approve the fees for 2011/12 in accordance with Appendix 1 of the report.

8. TO ABOLISH THE HACKNEY VEHICLE ZONES WITHIN GWYNEDD

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

The Licensing Manager reported that it was the responsibility of the district / borough Councils to licence hackney vehicles prior to the local government reorganisation in 1996. This gave permission for the hackney vehicles to work as hackney vehicles in that area only. There was no legal right for a hackney vehicle to work as a hackney vehicle outside the area for which it was licensed. Therefore, a vehicle that was licensed as a hackney vehicle in Arfon could only work as a hackney vehicle in Arfon, and similarly, in Meirionnydd and in Dwyfor.

Prior to 1996, the conditions in Arfon were different from the other two councils because a survey showed that there was no need for more hackney vehicles and a cap was placed on the numbers approved of 96. There was no such restriction on the numbers in the other two councils. In 1996, with the creation of Gwynedd Council, it was decided to retain the three areas and retain the different conditions. There was a cap on the number of vehicles approved in Arfon but not on the remainder of the county. To justify retaining the specific condition in Arfon, a survey was required to establish the demand every three years. Following discussions with the industry, this committee decided in 2006 to abolish the numbers restriction but to impose new conditions in Arfon only. The 96 owners, or the 98 by then, would receive protection with regard to the conditions and any new applicant for a licence would have to have a vehicle that was less than three years old that was also suitable for carrying a wheelchair.

The officer was of the opinion that it was time to abolish these three zones so that everyone within Gwynedd operated under the same conditions. The officer noted that the Best Practice Guidance published by the

Government's Ministry of Transport in 2010 encouraged councils to abolish any zones on the basis of fairness, conformity and to facilitate enforcement.

The officer noted that because of a recent court judgement, hackney vehicles, by working as a private hire vehicle, could operate anywhere within or outside the county. As a consequence of this, it was nearly impossible to carry out enforcement work within the county with regard to controlling hackney vehicles and their zones. Therefore, it was possible to have a hackney vehicle that was licensed as a hackney vehicle in the Arfon area, working totally legally in Dwyfor and Meirionnydd in so far as it worked as a private hire vehicle and conformed to the rules relating to private hire vehicles in terms of pre-booking the vehicle and agreeing to the fare in advance.

A member was of the opinion that the response of the owners of hackney vehicles should be received prior to making a final decision on the issue.

RESOLVED to inform the industry that the three hackney vehicles zones will be abolished and Gwynedd will operate as one zone from 1 January 2012 onward.

(Councillors Elin Walker Jones, W. Tudor Owen and Gwilym Williams asked for it to be minuted that they had voted against the application).

At the end of the meeting, a member referred to the fact that he had seen a statement in the press recently by the Assembly noting that it would not be a requirement from now on for pubs to submit applications for an entertainment licence. In response, the Licensing Manager informed the committee that the Assembly was consulting on the proposal to cancel the requirement for establishments that accommodated an audience that was fewer than 5,000 for imposing conditions such as noise levels etc. However, conditions would have to be imposed if events such as boxing and indoor wrestling were held.

RESOLVED that the relevant officers consult with the Chairman and Vice-chairman of this committee and the Portfolio Leader after receiving the results of the consultation and if time allows to submit it for the consideration of the committee.

The meeting commenced at 10:00am. and concluded at 10.45am.