
CENTRAL LICENSING COMMITTEE, 04.03.13

Present: Councillor W. Tudor Owen (Chairman)

Councillors: Eddie Dogan, Annwen Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Eryl Jones-Williams, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams

Also Present: Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer).

Apologies: Councillors Huw Edwards, Chris Hughes, Gethin G. Williams, Gruffydd Williams

Chairman's Announcements:

- a) He wished Amlyn ab Iorwerth, the former Licensing Manager, a speedy recovery following his recent illness.
- b) Alwyn Thomas, Licensing Enforcement Manager, was also wished well on his retirement at the end of the month.

1. DECLARATION OF PERSONAL INTEREST

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

2. URGENT BUSINESS

A member referred to an incident in Pwllheli in relation to the alcohol test purchase campaign. It was noted that a young person, accompanied by a Police Community Support Officer, had visited the town's public houses in order to test whether licence holders in licensed premises ensured that staff took appropriate steps to check a young person's age, prior to serving them alcohol. It was noted that the test purchases had been conducted using a local young person, who was under the age of eighteen. When the young person attempted to purchase alcohol in a public house in Pwllheli, the licence holder did not question the action, although he was aware that the person was possibly under eighteen, as a police officer was present. No request was made for an identity card as proof of age. The licence holder felt that the circumstances of the purchase test were unfair, as the young person was local and in the presence of a police officer.

In response, the Licensing Manager stated that there were aspects of the purchase test process that needed consideration, one of which was the health and safety of the young person. In relation to proof of age, the licence holder was responsible for requesting to see the young person's identity card irrespective of the circumstances.

RESOLVED to draw the matter to the attention of the police.

3. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 10 December 2012, as a true record.

4. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of meetings of the Central Licensing Sub-committee held on 29 November and 12 December 2012.

Matters Arising – Members' attendance at the Licensing Sub-committees

The Chair referred to the difficulties encountered in the sub-committee held on 22 February 2013 as one member had not been present. Due to this, another member had to fetch a substitute member which caused a considerable delay before starting the meeting. In future, it was suggested that it could be useful for a substitute member to be present at the meeting, in case such a situation arose again. However, the view was expressed that the current arrangements had worked well for years and that this type of situation was exceptional.

The Compliance and Language Manager responded by stating that having a substitute member present at the meeting would be useful, especially if a member was unable to participate at short-notice e.g. due to illness or if he or she realised during the meeting that they had an interest that could prejudice the application in question.

Local Members' Observations:

A member referred to cases where the local member had not submitted written observations on a licence application, but after receiving the sub-committee agenda, had attended the meeting under the assumption that he or she had the right to present their observations verbally.

In response, the Licensing Manager suggested that it might be possible to review the arrangements to remind local members. It was noted that when an application for a licence was received, the Licensing Department invited local members to submit relevant observations.

RESOLVED to accept the information.

5. LIVE MUSIC ACT 2012

Submitted – the Head of Regulatory Department's report on the Live Music Act 2012.

The Licensing Manager reported that the above-named act came into force on 1 October 2012 and consequently amended the Licensing Act 2003 by

partly deregulating the performance of live music and deleting the need to license the provision of facilities for entertainment.

She summarised the main changes as follows –

- Live music without an amplifier would not need to be licensed between 8am and 11pm anywhere.
- Live music with an amplifier would not need to be licensed between 8am and 11pm in premises that had been licensed to sell alcohol for an audience of no more than 200 people.
- Live music with an amplifier would not need to be licensed between 8am and 11pm for an audience of no more than 200 people in workplaces.
- The need to license the provision of facilities for entertainment would be abolished.
- The exemption to permit live music would be extended when it was part of a performance of a traditional dance; so that the exemption would also include music with an amplifier and recorded music.

She noted that live music (including music with an amplifier and recorded music) would continue to be licensed under various circumstances, of which she gave further details to the committee.

In relation to protecting residents from the negative effects of live music, she noted that conditions could be imposed in relation to live music even between 8.00 and 23.00 in a licensed premises that was subject to a review due to complaints regarding noise. Also, if a current premises licence did not permit live music it would be possible to add conditions to the licence that would have the same impact if the live music in the premises were to continue to be a regulated entertainment, even between 8.00 and 23.00.

The Licensing Authority could also decide that live music in the premises was a licensed activity; and that live music could not be permitted without permission on the premises licence or through a Temporary Event Notice.

The legislation regarding managing noise nuisance - namely the Environment Protection Act 1990 would continue to be relevant in situations where there was evidence that noise was a statutory nuisance. The Live Music Act 2012 was not intended to permit licensed premises to create noise nuisance.

Following the consultation of the Government's Department of Culture, Media and Sport in 2011, the Government intended to submit further measures to deregulate entertainment, commencing in April this year. There was an intention to deregulate the following –

- Dance and drama performances for audiences of up to 500 people between 8.00 and 23.00.
- Indoor sports for audiences of up to 1,000 people between 8.00 and 23.00.
- Live music in licensed premises and workplaces for audiences of between 200 and 500 people.
- Recorded music to be treated in the same way as live music in licensed premises between 8.00 and 23.00.

- Performances of films, dramas, indoor sports, live music and recorded music in premises owned by the Local Government, hospitals, nurseries and schools (with the exception of higher education establishments) with no restriction on audience numbers between 8.00 and 23.00.
- Exclude the establishments noted above from licensing requirements in relation to live and recorded music for audiences of up to 500 people.
- Exclude community premises such as village and church halls and community centres from the licensing requirements for live and recorded music for audiences of up to 500 people.
- Circuses would be excluded for performances of live and recorded music, drama, dance and indoor sport performances between 8.00 and 23.00, with no restriction on audience numbers.

RESOLVED to accept the report.

The meeting commenced at 10:00a.m. and concluded at 10.40a.m.