
CENTRAL LICENSING COMMITTEE, 24.06.13

Present: Councillor W. Tudor Owen (Chairman)
Councillor Eryl Jones-Williams (Vice-chairman)

Councillors: Eddie Dogan, Huw Edwards, Annwen Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams

Also Present: Aled Davies (Head of Regulatory Department), Dafydd Edwards (Head of Finance Department), John Reynolds (Senior Public Protection Manager), Siôn Huws (Language and Compliance Manager), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer)

Apologies: Councillor Chris Hughes

Welcome

Councillor W. Tudor Owen was welcomed back to the committee following his recent surgery.

1. CHAIRMAN

RESOLVED to re-elect Councillor W. Tudor Owen as Chairman of the Committee for 2013/14.

2. VICE-CHAIRMAN

RESOLVED to elect Councillor Eryl Jones-Williams as Vice-chairman of the Committee for 2013/14.

3. DECLARATION OF PERSONAL INTEREST

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

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 4 March 2013, as a true record.

5. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES

Submitted - for information, the minutes of meetings of the Central Licensing Sub-committee held on 22 February, 8 March, 27 March and 22 April 2013.

RESOLVED to accept the information.

Matter arising – Chairing the Central / General Licensing Sub-committees

RESOLVED in addition to the Chairman and Vice-chairman of the Central/ General Licensing Sub-committees that Councillor Peter Read continues to chair the abovementioned sub-committees.

6. PROPOSED FEES AND CHARGES 2013/14 – PUBLIC PROTECTION DEPARTMENT

Submitted – the report of the Head of Regulatory Department on the Proposed Fees and Charges 2013/14 – Public Protection Department.

The Licensing Manager reported that many of the fees were to remain unchanged. They were statutory and there was no local control over the levy of them and they included fees relevant to the Gambling Act 2005 and the Licensing Act 2003. Some of the proposed fees would increase slightly in line with inflation. She noted that the only fees where significant changes were to be seen were -

- a) Fees for registering a person and premises for tattooing, body piercing, electrolysis and acupuncture
- b) Fees for sex establishments
- c) Fees for markets and fairs

In relation to tattooing, body piercing, electrolysis and acupuncture, those activities were controlled in accordance with the provisions of Part VIII, Local Government (Miscellaneous Provisions) Act 1982, sections 14 and 15. The act allowed authorities to charge “such reasonable fees as they may determine” to register persons and business premises for the purpose of those activities. The primary objective of registration was to protect the health of the public and avoid transmission of infectious diseases. The fees set for this purpose must not be prohibitive. Previously, the same fee had been charged for registration of premises and persons. Officers had taken the decision based on experience that the charge per person was prohibitive and it discouraged new persons opening at a business premises from registering. She recommended that the fee for certificate of registration of premises be increased from £76 to £100 and to reduce the fee for registration of a person from £76 to £35.

She noted that sex establishments (sex shops) were licensed by virtue of Part 11, Schedule 3 and section 6 of the Local Government (Miscellaneous Provisions) Act 1982. Many Local Authorities in the past had set relatively high fees for the administration of the grant, renewal or transfer of the fees. In 2012/13, the fees for sex establishments in Gwynedd were as follows -

- New application – £2,972
- Renewal - £1,486
- Transfer - £1,486

An assessment of the costs of processing those licences indicated that the fees charged were higher than the costs to the service. Section 19, Local Government (Miscellaneous Provisions) Act 1982 stated that Local Authorities may determine a fee which was reasonable. A recent ruling in a high profile case brought against Westminster City Council by the proprietors of seven

sex shops meant that Local Authorities could not continue to charge in excess of the actual cost of processing the licences for such establishments. She recommended that the fees payable for the application, renewal and transfer of a licence for 2013/14 be in accordance with the actual costs incurred by the Council as follows -

- New application – £268.07
- Renewal - £268.07
- Transfer - £268.07

In relation to markets and fairs, the officer noted that they had been located historically in some areas of Gwynedd, that it was important to maintain them and that high fees and payments would not prohibit them. However, the costs to the Council in respect of safe cash collection, refuse arrangements and market supervision duties were increasing. Consequently, she recommended to levy an increase of 10% in the fees for all licensed and casual stalls as well as fair stalls. She noted that a reduced fee had been introduced for fees paid annually electronically or by direct bank payment, as costs incurred by the Council for processing such payments were considerably less.

RESOLVED to approve the fees and payments for 2013/14.

The meeting commenced at 10:45am and concluded at 11:00am.