
GENERAL LICENSING COMMITTEE EXTRAORDINARY MEETING 19/07/21

Present:

Councillors: Annwen Hughes (Chair), John Brynmor Hughes, Gareth Morris Jones, Elin Walker Jones, Eryl Jones-Williams, Edgar Owen, Dafydd W Owen, Angela Russell, Elfed Williams and Gareth Williams

Officers:

Geraint Brython Edwards (Solicitor), Gareth Jones (Assistant Head - Environment), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Councillor W Roy Owen and Councillor Jason W Parry

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of a meeting of this Committee, that took place on 7 June 2021, as a true record.

5. REGULATION OF SEX ESTABLISHMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

A report was submitted by the Head of Environment highlighting the need to commence a public consultation on the adoption of powers to regulate sex establishments in the County. It was explained that Licensing Authorities who wish to regulate sex establishments in their area are required to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) 1982 ("1982 Act"), as amended by the Crime and Policing Act 2009 ("2009 Act"). Adopting Schedule 3 of the 1982 Act was optional and usually happened when a proposal to open such a business was submitted for the first time.

Historically, Bangor was the only place where a licence was issued to open a business of this type and therefore only Arfon Borough Council had resolved to adopt Schedule 3, which became operational on 1 August 1983. (There was no

evidence that the Dwyfor District Council or Meirionnydd District Council had resolved to adopt Schedule 3). It also appeared, as a result of the reorganisation of Local Government in 1996, that Gwynedd Council had not resolved to adopt Schedule 3 either. Therefore, Arfon was the only area of the county where the Council had the right to issue a licence under Schedule 3 (namely the former Arfon Borough Council area). In addition, since Arfon Borough Council had adopted the schedule in 1983, this schedule had been amended by section 27 of the 2009 Act to include the ability to licence sex entertainment premises. As the amendment was optional and had been introduced following the decision made to adopt, the Council's regulation powers in Arfon under Schedule 3 did not currently include the ability to regulate sex entertainment premises.

The Licensing Manager referred to the formal process and the key measures attached to the process of adopting Schedule 3, together with the risks to the Council from not adopting the said schedule. In accordance with the 2010 Equality Act, reference was also made to the completed equality assessment that considered the equality impact of the proposal. It was reported that the proposal would give the Licensing Authority an opportunity to promote equal opportunities and the socio-economic duty, by establishing a procedure where establishments are regulated and operated lawfully.

Thanks was given for the report

During the ensuing discussion, the following observations were made by members:

- That having a system in place would ensure management and order
- That suitable wording needed to be ensured for public advertisement
- That some clauses within the impact assessment needed to be reviewed again
- There was a need to ensure input from the Police and other Partners
- There was a need to work jointly with the planning service
- Not adopting a procedure would highlight risks and raise concerns

In response to a question regarding appropriate fees, it was noted that although the Shop in Bangor had by now closed, Arfon Borough Council when adopting Schedule 3 had specified the highest possible fees under the statutory provisions of the Act. However, the Council fees were challenged and in accordance with the Court ruling, the Council was forced to set fees to only recover costs. In considering the adoption of Schedule 3 in the future and arrangements for setting fees, it was suggested that the fees should reflect the costs of establishing a new system and the costs of processing applications.

In response to an observation regarding extending the consultation period (28 days appeared to be short with the consultation to be commenced over the Summer Holidays), it was noted that the Act did not set a specific period for consultation. It was considered that the period proposed for consultation regarding establishing a system was sufficient. It was argued that any delay with establishing a process would highlight risk.

In response to a question why the shop in Bangor had closed, it was noted that there had been a reduction in demand for sales from the shop situated on the high street and there had been an increase in on-line retail.

RESOLVED:

- to approve undertaking the process to consider adopting Schedule 3 of the 1982 Act, as amended by section 27 of the 2009 Act, so that a system is in place for the regulation and licensing of sex establishments across the county;
- to authorise the Head of the Environment Department to undertake a 28-day consultation process, commencing on 26 July 2021, and return the matter to this Committee for a decision regarding recommending to the Full Council to adopt, as well as associated recommendations on the statutory notice, the date when the adoption comes into force, and to delegate powers to this Committee to determine fees, standard conditions and an application processing plan.

The meeting commenced at 10.00 am and concluded at 10.50 am

CHAIRMAN