



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

**GENERAL LICENSING COMMITTEE
EXTRAORDINARY MEETING**

Date and Time

10.00 am, MONDAY, 19TH JULY, 2021

Location

Virtual Meeting

Contact Point

Lowri Haf Evans

01286 679 878

lowrihafevans@gwynedd.llyw.cymru

(DISTRIBUTED 13 July 2021)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Steve Collings
Dafydd Owen
Elfed Williams
W. Gareth Roberts

Annwen Hughes
Edgar Wyn Owen
Gareth Tudor Morris Jones
Elin Walker Jones

Independent (4)

Councillors

John Brynmor Hughes
Jason Wayne Parry

Eryl Jones-Williams
Angela Russell

Llais Gwynedd (1)

Councillor Gareth Williams

Gwynedd United Independents (1)

Councillor W Roy Owen

Individual Member (1)

Vacant Seat - Individual Member

Ex-officio Members

Chair and Vice-Chair of the Council

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 7th June 2021 be signed as a true record.

5. REGULATION OF SEX ESTABLISHMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 6 - 10

To approve the commencement of a public consultation on the adoption of powers to regulate sex establishments

Agenda Item 4

GENERAL LICENSING COMMITTEE 07-06-21

Attendance:

Councillors: Steve Collings, Annwen Hughes, Elin W Jones, Gareth Morris Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Owen, Roy 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. ELECTION OF CHAIR FOR 2021/22

RESOLVED TO ELECT COUNCILLOR ANNWEN HUGHES AS CHAIR FOR 2021/22

Councillor Elfed Williams was thanked for his work as Chair of the Committee over the past two years, and also for his support to the Licensing Sub-committees.

2. ELECTION OF VICE-CHAIR FOR 2021/22

RESOLVED TO ELECT COUNCILLOR EDGAR OWEN AS VICE-CHAIR FOR 2021/2022

3. APOLOGIES

Apologies were received from Councillor John Brynmor Hughes and Councillor Jason W Parry

4. DECLARATION OF PERSONAL INTEREST

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

5. URGENT ITEMS

- An application had been received from the Local Licensing Authority to adopt Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 following an application to open a Sex Shop in Barmouth. The Council would need to consider adopting the right to consider the application, ensuring there were fit-for-purpose regulatory arrangements in place. The officer reiterated the need to conduct an extraordinary meeting of the General Licensing Committee in order to receive the Committee's approval to begin a statutory consultation on the matter.
- Attention was drawn to a Individual Member's seat that had been vacant for some time now on the Committee's Membership list. It was suggested that the matter be referred to the Business Group

6. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the meeting of the committee held on 15 March 2021 as a true record.

7. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE

Accepted, for information, the minutes of the Sub-committee held on 2 March 2021.

The meeting commenced at 10.25am and concluded at 10.30am.

Agenda Item 5

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	19 July 2021
TITLE:	REGULATION OF SEX ESTABLISHMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PURPOSE:	TO APPROVE THE COMMENCEMENT OF A PUBLIC CONSULTATION ON THE ADOPTION OF POWERS TO REGULATE SEX ESTABLISHMENTS
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 Licensing Authorities wishing 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").
- 1.2 Adopting Schedule 3 of the 1982 Act is optional and usually happens when a proposal to open such business is submitted for the first time. Historically, Bangor was the only place where an application was received and a licence was issued to open such a business.
- 1.3 The 1982 Act came into force in 1982. Between 1982 and 1996, deciding whether to adopt Schedule 3 was a matter for the former district and borough councils. Evidence from the minutes of the former councils shows that only Arfon Borough Council decided to adopt Schedule 3, with the decision becoming operational on 1 August 1983. There is no evidence that Dwyfor District Council or Meirionnydd District Council decided to adopt Schedule 3 between the 1982 Act coming in to force and the dissolution of those authorities at the time of local government reorganisation in 1996.
- 1.4 It also appears that there is no evidence that Gwynedd Council, since its establishment in 1996, has ever decided to adopt Schedule 3 either. The only area in the county where the Council is permitted to license under Schedule 3 is the Arfon area (namely the area of the former Arfon Borough Council). This is as a result of powers inherited by the Council from the former Arfon Borough Council at the time of reorganisation, powers that derive from the decision made by the former authority to adopt within the boundaries of Arfon.
- 1.5 In addition, since Arfon Borough Council decided to adopt in 1983, Schedule 3 has been amended by section 27 of the 2009 Act to include the ability to license sexual entertainment venues. As the amendment is optional and has been introduced after the decision made to adopt, the Council's regulatory powers in Arfon under Schedule 3 do not include the ability to regulate sexual entertainment venues at present.
- 1.6 A formal process is associated with the adoption of Schedule 3. Initially, approval will be needed from this Committee to: (i) proceed to undertake a process to consider adopting Schedule 3, as amended by the 2009 Act, so that a system is in place for the regulation and licensing of sex establishments across the County; and (ii) to authorise the Head of Environment Department to undertake a 28-day consultation process, commencing on 26 July 2021, with the aim of returning the matter to this Committee for a decision regarding recommending to the Full Council for decision in the autumn 2021 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.

2 WHAT ARE THE RISKS TO THE COUNCIL FROM NOT ADOPTING SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

2.1 As noted, the decision to adopt schedule 3 of the Act is optional. If a decision is made not to adopt the schedule, the Council will not have any powers in the Dwyfor and Meirionnydd areas to regulate and license sex establishments. It will not have powers to regulate sexual entertainment venues in the Arfon area either.

2.2 'Sex establishments' can include -

- sex shops (selling goods of a sexual nature)
- sex cinema (showing films with substantial content of a sexual nature)
- sexual entertainment venue (business premises that offers live entertainment of a sexual nature, often and regularly)

3 KEY STAGES OF THE ADOPTION PROCESS

3.1 If this committee approves commencement of consultation process for the purposes of adopting the Schedule 3 regime; following the 28 day consultation period which comes to an end on August the 23rd; any comments from the consultation will be reported to this Committee in a meeting on the 13th of September.

3.2 This Committee will at this time have the opportunity to consider any comments made during the consultation; before deciding if the recommendation to adopt the provisions is approved, before the matter is considered for decision by the Full Council on the 7th of October.

3.3 If Council members approve adoption of the provisions; it will come in to force in December 2021; following further consideration by the General Licensing Committee at a meeting in November in respect of fees setting; standard licencing conditions and licence application processing arrangements.

4. EQUALITY IMPACT ASSESSMENT

The proposal will give the Licensing Authority an opportunity to promote equal opportunities and the socio-economic duty, by establishing a procedure where establishments are regulated and have to operate lawfully.

As no negative impact has been identified, it is recommended to proceed with the proposal. However, this equality assessment will be reviewed and updated following the consultation and before the matter is referred to this Committee for the second time. The equality impact assessment can be seen in the appendix to this report.

RECOMMENDATION

That the Committee:

- approves 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 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.

EQUALITY IMPACT ASSESSMENT – PROVISIONS FOR REGULATING SEX ESTABLISHMENTS

In accordance with the 2010 Equality Act, this report has considered the equality impact of the proposal as follows:

Race:

No impact identified

The Welsh Language:

No impact identified

Disability:

No impact identified

Gender:

Positive impact identified. In general, women would account for the majority of performing workers in sex entertainment premises. The licensing procedure will mean that these establishments are regulated, which will assist to tackle any immoral or illegal employment practices (e.g. modern slavery), that this cohort of workers would be more likely to be exposed to in these posts.

Age:

Positive impact identified. In general, young adults would be most likely to work as performers in sex entertainment premises. The licensing procedure will mean that these establishments are regulated, which will assist to tackle any immoral or illegal employment practices (e.g. modern slavery), that this cohort of workers would be more likely to be exposed to in these posts. In addition, a licensing procedure will enable the Licensing Authority to prevent such establishments in sensitive locations (e.g. near schools), thus helping to protect children from harm.

Sexual orientation:

No impact identified.

Religion or belief:

Positive impact identified. A licensing procedure will enable the Licensing Authority to prevent such establishments in sensitive locations (e.g. near places of worship), thus helping to reduce a detrimental impact on the religious practices of individuals.

Gender reassignment:

No impact identified.

Pregnancy and maternity:

No impact identified.

Marriage and civil partnership:

No impact identified.

The proposal will give the Licensing Authority an opportunity to promote equal opportunities and the socio-economic duty, by establishing a procedure where establishments are regulated and have to operate lawfully.

As no negative impact has been identified, it is recommended to proceed with the proposal. However, this equality assessment will be reviewed and updated following the consultation and before the matter is referred to this Committee for the second time.

Well-being:

In accordance with the recommendations of the Well-being of Future Generations (Wales) Act 2015, this report has considered the principles of the legislation, and specifically the concept of the five ways of working as shown below:

Long term - Once a decision is made to adopt, a permanent procedure will be in place that will enable the licensing and regulation of sex establishments across the county. In the long term, this will contribute to the responsible planning of such establishments, and thus contribute to more responsible attitudes and respect towards the protection of our communities and an understanding of the need to consider the impact on others.

Prevent - Adoption will enable the Council to keep control of establishments of this nature, helping to prevent any social harm deriving from them or activities that would enable modern slavery.

Integration - The consultation process addresses the features of a number of organisations (Gwynedd Council, the Police, community and town councils, the county's residents in general, the sex establishment industry). It will also contribute towards the objectives of the Police in terms of tackling modern slavery and the Council's ambition of seeing communities that succeed and thrive.

Collaboration - Any decision to adopt would be as a result of a consultation with the above.

Inclusion - A public consultation will take place before a final decision is made on the matter.

This equality assessment will be reviewed and updated following the consultation and before the matter is referred to this Committee for the second time.