



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 11TH NOVEMBER, 2024

TO FOLLOW ON FROM GENERAL LICENSING COMMITTEE

Location

Virtual Meeting

NOTE

*** For public access to the meeting, please contact us***

Contact Point

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(DISTRIBUTED Friday, 1 November 2024)

CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Annwen Hughes
Linda Ann Jones
Huw Rowlands
Alan Jones Evans
Arwyn Herald Roberts

Gareth Tudor Jones
Edgar Wyn Owen
Elfed Williams
Gwynfor Owen
Vacant Seat

Independent (5)

Councillors

Gareth Williams
John Brynmor Hughes
Hefin Underwood

Angela Russell
Anwen J. Davies

Ex-officio Members

Chair and Vice-Chair of the Council

AGENDA

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

The Chairman shall propose that the minutes of the meeting of this Committee, held on 10th June 2024 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

5 - 27

To submit, for information, minutes of the Central Licensing Sub-committee meetings held on the following dates –

- a) 10-06-24
- b) 25-07-24
- c) 06-09-24

6. NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES 28 - 52

To consider the report and approve the sub-delegation of the functions delegated to the Central Licensing Committee under the Public Health (Wales) Act 2017 to the Central Licensing Sub-committee.

CENTRAL LICENSING COMMITTEE 10-06-2024

Present:

Attendance:

Councillors: Anwen Davies, Annwen Hughes, John Brynmor Hughes, Gareth Tudor Jones, Linda Ann Jones, Edgar Wyn Owen, Huw Rowlands, Elfed Williams, Gwynfor Owen, Arwyn Herald Roberts, Angela Russell, Gareth Williams and Hefin Underwood

Officers:

Gareth Jones (Assistant Head – Environment), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

1. ELECTION OF CHAIR FOR 2024/25

RESOLVED TO RE-ELECT COUNCILLOR ELFED WILLIAMS AS CHAIR FOR 2024/25

2. ELECTION OF VICE-CHAIR FOR 2024/25

RESOLVED TO RE-ELECT COUNCILLOR GWYNFOR OWEN AS VICE-CHAIR FOR 2024/25

3. APOLOGIES

None to note

4. DECLARATION OF PERSONAL INTEREST

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

URGENT ITEMS

None to note

5. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this committee, that took place on the 4th of March 2024, as a true record

The meeting commenced at 10:25am and concluded at 10:30am.

CENTRAL LICENSING SUB-COMMITTEE

10th June 2024

Attendance:

Councillors: Elfed Williams (Chair), Annwen Hughes and Edgar Owen

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Moira Duell Parri (Environmental Health Officer)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. PREMISES LICENCE APPLICATION:

The Vaults, 334 High Street, Bangor LL57 1YA

Others invited:

- Mr James Chinery (the applicant)
- Lis Williams (North Wales Police)

The Chair welcomed everyone to the meeting. It was highlighted that observations about the application had been published in the press and that those observations were premature considering that the application had not been before the Sub-committee.

a) **The Licensing Department's Report**

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for The Vaults, 334 High Street, Bangor pub and restaurant. The application was submitted in relation to live music and recorded music indoors, late-night refreshment on and off the premises and the supply of alcohol on the property.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to the responses received during the consultation period. It was noted that North Wales Police had no objection to the application, but they had presented

conditions and observations regarding the principles of Preventing Public Nuisance and Public Safety. Although supporting a new business enterprise in Bangor, attention was drawn to the need to ensure consultation with nearby residents of the property and that the area under question was a busy area at night. It was suggested that opening another venue in this area would increase the number of visitors and as a result would increase the risk of trouble / serious injury / death. Observations were also submitted by the Environmental Health Service who were concerned about the impact of the noise from the premises on nearby residents, and about the lack of information relating to a plan on the use of outdoor facilities.

The Licensing Authority recommended that the Committee considered the Police's observations and conditions, alongside the Environmental Health Service's additional conditions as agreed with the applicant, and approve the application in accordance with the requirements of the Licensing Act 2003.

- b) In considering the application, the following procedure was followed:
- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant, or his representative to ask questions to the Council's representative.
 - The applicant and/or his representative to be invited to expand on the application and to call witnesses.
 - Members of the Sub-committee to be given the opportunity to ask questions of the applicant and/or his representative.
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his representative.
 - Every Consultee to be invited to support any written representations.
 - The Council's representative and the applicant or his representative to be given the opportunity to summarise their case.
- c) Elaborating on the application, the applicant noted:
- That the pub was one of Bangor's old pubs - over 150 years old.
 - The intention was to provide a pub/restaurant for mature people - the enterprise was not targeted for students/young people.
 - Food and live entertainment would be provided alongside late-night refreshment on and off the premises (this would avoid more people gathering outside the kebab shop).
 - That he accepted North Wales Police Inspector's observations about the busy nature of the area - he did not foresee that his customers would cause trouble.
 - His wish was to give something back to the Bangor community.
- d) In response to a question regarding CCTV and the assurance that the system would be effective to collect data, the Licensing Manager noted that the applicant had completed a detailed active schedule detailing the use of CCTV. He had also agreed with the Police's CCTV conditions.
- e) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them. Attention was drawn to the observations submitted by the consultee who was not in attendance.

Lis Williams (North Wales Police)

- A beneficial meeting was held with the applicant to discuss the application.
- The applicant was very willing to collaborate and had agreed with the Police's conditions.

- The Inspector, due to the busy nature of this area of Bangor in the evening, had highlighted concerns and drawn attention to potential problems that could arise from the increase in the area's visitors.
 - It was accepted that late-night refreshments would be served from the premises - this would reduce the number that would gather outside the premises of a nearby late-refreshment premises.
 - She was happy with the application subject to reducing the hours for the sale of alcohol and the inclusion of proposed conditions on the licence.
- f) In the absence of the Environmental Health Officer, the Licensing Manager confirmed that Environmental Health had no objection to the application following an agreement by the applicant to the observations and the conditions that were proposed regarding noise management.
- g) The applicant had no further observations.
- h) Tacking advantage of the right to summarise her case, the Licensing Manager noted that she was happy with the applicant's willingness to collaborate and adapt the application.

Everyone was thanked for their observations.

The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application as presented, subject to amending the hours of selling alcohol.

Supply of Alcohol Amended Hours - On the premises only

10:00 – 00:00 Sunday to Thursday

10:00 – 02:00 Friday to Saturday

Conditions:

- **Non-standard times will remain as they are on Bank Holiday weekends, with additional permission to allow up to ten events every year (Sunday to Thursday) where the premises can operate until 02:00 with the knowledge and agreement of the Local Authority and the Police beforehand.**
- **Include proposed CCTV conditions.**
- **Employ door staff who are registered with the SIA from 21:00 onwards at times where the premises is open for business later than 23:00 (Friday and Saturday nights).**
- **The licence holder to undertake a risk assessment to see whether Door**

Supervisors are needed and to employ Door Supervisors who are registered with the SIA if needed.

- **Include measures for the purpose of noise management.**
- **Include the additional measures submitted in part M of the application, as conditions on the licence.**

Consideration was given to the following.

In the context of **Preventing Crime and Disorder** the Police had no objection to the application, but they proposed conditions to the applicant. The police's representative confirmed at the hearing that the applicant had agreed to those conditions. It was also explained that the Inspector's observations did not specifically involve the premises or the application in question but it was felt that the information should be submitted to the Sub-committee. No further evidence had been submitted that related to this principle.

In the context of **Public Safety**, no evidence had been submitted highlighting that there were problems relating to this principle with the premises.

In the context of **Preventing Public Nuisance**, and because of the concerns raised by the Environmental Health Officer, the applicant agreed in writing to include additional measures in the operating schedule for noise management purposes. As a result, the officer's objection was withdrawn.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle. The application also included an explanation of the measures to ensure that alcohol would not be sold to those underage, and the licence would include conditions to this end.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10:30 and concluded at 11:15

CENTRAL LICENSING SUB-COMMITTEE

25 July 2024

Attendance:

Councillors: Elfed Williams (Chair), Linda Ann Jones and John Brynmor Hughes

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Ffion Muscroft – Public Protection Officer and Mared Llwyd – Public Protection Team Leader (Pollution and Licensing Control)

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. PREMISES LICENCE APPLICATION: Jac y Do, Caernarfon, Gwynedd

Others invited:

Non Edwards – Applicant
Siân Astley – Applicant's Business Partner

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for the Jac Y Do pub and restaurant, the Conservative Club, Caernarfon. The application was submitted in relation to Live and Recorded Music Indoors, Late Night Refreshments and the Supply of Alcohol on and off the Premises.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to a response that had been received during the consultation period from Environmental Health indicating that noise control considerations had not been adequately addressed. They had suggested that a noise assessment, noise insulation and mitigation measures needed to be undertaken to ensure that noise from the premises did

not cause a statutory nuisance to residents of nearby residential properties. As a result, they recommended refusing the application.

In the absence of the Public Protection Officer, the Licensing Manager reiterated that since the publication of the Sub-committee agenda, a noise assessment had been received and the officer now recommended approval of the application subject to including the noise and light conditions submitted by the Environmental Health Department.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
 - The applicant and / or his representative to be invited to expand on the application and to call witnesses
 - Members of the Sub-committee to be given the opportunity to ask questions of the applicant and / or his representative
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his representative
 - Every Consultee to be invited to support any written representations
 - The Council's representative and the applicant or his representative to be given the opportunity to summarise their case.
- c) In response to a question about the Public Protection Department's handling of a planning application for the property to be used as a pub, and that adequate considerations had not been given to noise control, the Legal Officer noted that while noise was a relevant matter to the planning and licensing system it was the licensing context that needed to be considered here.
- ch) Elaborating on the application, the applicant stated:
- That it was intended to play background music – nothing noisy. That there was no intention to play live music every day – perhaps once every two weeks.
 - The premises had opened temporarily during the Caernarfon Food Festival and it had emerged at the time that a planning application was needed. The landlord had not submitted an application.
 - A noise assessment had now been submitted.
- d) The consultee in attendance took the opportunity to expand on the observations that had been submitted in writing by them.

In the absence of the Environmental Health Officer, the Licensing Manager confirmed that a noise assessment had now been received and that the officer was satisfied that this assessment complied with the requirements. She also expressed gratitude for the good co-operation between the Public Protection Department and the applicant.

Everyone was thanked for their observations.

The applicant, the respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave

due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application as submitted, subject to including the noise and light conditions submitted by the Environmental Health Department.

- **The internal LAeq 15 min sound level and the LAeq 15 min sound level for the 31.5, 63 and 125Hz frequency third octave band frequencies shall not be increased inside any residential property (which has been measured with the windows open or closed) as a result of noise emanating from the licensed premises. For the purpose of this condition LAeq is defined in BS4142: 2019**
- **To prevent noise or vibration emanating from the premises, doors and windows at the premises shall be kept closed during entertainment, except for access in and out of the premises.**
- **Should Cyngor Gwynedd obtain evidence following the issuing of this licence that noise condition (i) is not being adhered to, then the premises owner shall carry out the following:**
 - **Carry out noise insulation / abatement works to ensure compliance with a noise condition and / or**
 - **Install a noise control device in the room(s) where the entertainment is held. The device will be set so as to cut the electricity supply of any amplification system or to withstand an increase in the noise level above what has been established as the permitted maximum.**
- **Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Environmental Health Officer (Pollution), Cyngor Gwynedd.**
- **The disposal of waste bottles or cans into containers outside of the licensed building is prohibited between 22:00 – 08:00. Empty bottles shall be stored in a lidded skip/bin within the curtilage of the premises.**
- **Clear and legible notices shall be displayed at exits requesting patrons to leave the premises having regard to local residents, in particular emphasising the need to refrain from shouting, slamming vehicle doors or sounding vehicle horns.**
- **No music is permitted to be played outside the premises.**
- **Internal and external lighting provided for the purpose of staff safety or for the security of the premises shall be positioned so as not to cause nuisance to neighbouring properties.**

Additional conditions to be included

- **A report will be submitted to the Council detailing the potential for noise from amplified music in the property to affect neighbouring noise-sensitive properties on Market Street, High Street, Caernarfon, and the flats above the building.**
- **If the assessment indicates that noise from the premises is likely to affect neighbouring noise-sensitive properties then it should include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise-sensitive properties by noise from the licensed premises.**
- **All recommended works to be completed prior to the commencement of the premises licence and the Licensing Authority to be notified at least 5 days in**

- **advance of the works being completed and the premises being used.**
- **A noise limiting device shall be installed to control and measure noise**
- **Include the additional measures submitted in part M of the application, as conditions on the licence.**

Particular consideration was given to the following.

In the context of **Preventing Crime and Disorder** no evidence had been submitted that related to this principle.

In the context of **Public Safety**, no evidence had been submitted that related to this principle.

In the context of **Public Nuisance Prevention**, the Environmental Health Service was satisfied with the application provided the conditions they proposed in response to the application, along with the further conditions recommended in the Noise Assessment Report, were included on the licence. No further observations had been submitted in relation to this principle, so the Sub-Committee was willing to approve subject to the conditions.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. No comments / objections had been received from the public or from the Local Member. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellants receive the letter (or a copy of the letter) confirming the decision.

5: Motocamp Wales Premises Licence Application, Dolgellau

Others invited:

- Stephanie Jeavons – Applicant
- Elizabeth Williams – Licensing Officer, North Wales Police

- a) Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Moto Camp Wales, Pen y Cefn Road, Dolgellau, Gwynedd. The application was submitted in relation to a premises licence to: Sell alcohol to customers who are staying with them on the site (on the premises) from 14:00 - 02:00, Monday to Sunday. Live music during weekend activities (indoors and outdoors) between 12:00 and 23:30 on Fridays, Saturdays and Sundays. Recorded music (indoors and outdoors) again from 12:00 until 23:30 on Fridays, Saturdays and Sundays.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended

by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

Attention was drawn to a response that had been received during the consultation period highlighting that North Wales Police had requested for additional conditions to be included on the licence relating to collaboration with the Safety Advisory Group. It was highlighted that neither the Fire Service nor the Public Protection Department had any objection to the application despite highlighting noise complaints that had been received following a temporary event held at the site in 2023. Although site staff had dealt with the complaints effectively, it was considered that allowing live music until 23:30 every Friday to Sunday would cause a public nuisance to nearby residents, and therefore, following discussions with the applicant, it was noted that a compromise to allow up to four events per calendar year for outdoor music had been agreed.

The Licensing Authority recommended that the Committee considered the observations received and approved the application provided that the applicant was satisfied with a compromise agreed with Public Protection and agreed with the conditions of the Police.

b) In considering the application, the following procedure was followed:-

- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
- At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
- The applicant and/or his representative to be invited to expand on the application and to call witnesses
- Members of the Sub-committee to be given the opportunity to ask questions of the applicant and/or his/her representative
- At the Chair's discretion, the Council's representative to ask questions to the applicant or his/her representative
- Every Consultee to be invited to support any written representations
- The Council's representative and the applicant or his/her representative to be given the opportunity to summarise their case.

c) Elaborating on the application, the applicant noted:

- That she was happy with the compromise to reduce the number of events with outdoor music to four in a year – this gave them a good opportunity to prove themselves of managing events without interruption.

ch) The consultee in attendance took the opportunity to expand on the observations that had been submitted in writing by them.

Elizabeth Williams, North Wales Police

- That the applicant was requested to complete a simple questionnaire relating to managing safety.
- That the compromise with Public Protection was a wise one, but all events would require the approval of North Wales Police and Cyngor Gwynedd – a proper risk assessment and management plan would have to be submitted for these events.

In the absence of the Public Protection Team Leader, the Licensing Manager stressed the need for the applicant to complete the questionnaire relating to safety management, and

submit it to the Safety Advisory Group for discussion. It was reiterated that if the Police and Council were pleased with the management of the premises during events with outdoor music, and there were no negative experiences, then options such as varying the licence or serving a temporary event notice could be considered. She noted that Police conditions were part of the practicality of the process.

Everyone was thanked for their observations.

The applicant, the respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To approve the application as submitted, subject to amending outdoor music conditions to 4 events per calendar year during the requested period of 12:00 – 23:30.

Additional conditions to be included

- **Create detailed event safety management plans for each individual event which shall be discussed with North Wales Police and Cyngor Gwynedd, and agreed with each member of the Safety Advisory Group (SAG) and implemented by the Event Organisers.**
- **Each event to seek approval from North Wales Police and Cyngor Gwynedd by submitting appropriate Risk Assessments for events and a Management Plan.**
- **Measures to prevent crime and disorder and crowd management shall be agreed with the police and other members of the SAG and incorporated in the Events Management Plan and implemented by the event organisers.**
- **Each event shall have a specific event safety management plan. Measures to ensure public safety shall be discussed with members of the SAG and incorporated in the Events Management Plan and implemented by the Event Organisers.**
- **Include the additional measures submitted in part M of the application, as conditions on the licence.**

Particular consideration was given to the following.

In the context of **Crime and Disorder Prevention**, observations had been submitted by the Police recommending specific conditions to be included on the licence in relation to holding events. The applicant was concerned that having to submit a plan for each event would be burdensome, but it was explained that a questionnaire would have to be

completed for each event, but that the requirements, in terms of preparing a plan would be proportionate to the nature of the particular event. The Sub-Committee was of the opinion that the conditions should be kept as they were. Despite concern about traffic and land use, it was noted that the applicant would have to comply with the requirements.

In the context of **Public Safety**, no evidence had been submitted that related to this principle.

In the context of **Public Nuisance Prevention**, the Public Protection Service had submitted observations expressing concerns that outdoor music could undermine this principle particularly as noise complaints had been received following an event in 2023. However, the service was satisfied that staff had dealt with those complaints as soon as they had been made aware of them. A compromise had been agreed with the applicant that 4 events per calendar year for outside music (live and recorded) for the requested hours would be acceptable.

In the context of **Protecting Children from Harm**, no evidence had been submitted that related to this principle.

Under the circumstances, the Sub-committee was satisfied that the application was in keeping with the four licensing objectives, and therefore the application was approved. On a general note, it was explained that the Sub-committee was making its decision based on evidence and that the legislation provided a review procedure where a request could be made for the authority to review any aspect of the licence if necessary.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10.00 and concluded at 11.20

CENTRAL LICENSING SUB-COMMITTEE

6 September 2024

Present:

Councillors: Gwynfor Owen (Chair), Arwyn Herald Roberts and Gareth Tudor Jones

Officers: Siôn Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

See below

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY A PREMISES LICENCE: Gwesty Dolbadarn, High Street, Llanberis

- Sarah Hopwood Representing the Applicant
- Arwel Huw Thomas Cyngor Gwynedd Planning Service
- Louise Woodfine Public Health
- Moira Duell Pari Environmental Health, Cyngor Gwynedd
- Elizabeth Williams North Wales Police

Apologies were received from residents who had submitted observations - Lesley Wilson, Adrian Roberts, Dylan Davies and Dylan Wyn Jones.

The Chair welcomed everyone to the meeting.

a) The Licensing Department's Report

Submitted – the report of the Licensing Manager giving details of the application to vary a premises licence for Gwesty Dolbadarn, High Street, Llanberis. The application was submitted to vary the premises licence to include the sale of alcohol from the garden outside the hotel, separated by an entrance junction.

It was noted that the Licensing Authority Officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. Reference was made to the measures recommended by the applicant to promote the licensing objectives, and it was highlighted that these measures would be included on the licence.

She drew attention to the responses that had been received during the consultation period.

- A number of nearby residents objected to the application and highlighted concerns regarding several cases of public order offences that had recently occurred in the area; concerns regarding the lack of CCTV provision and poor lighting that was likely to increase the likelihood of criminal activity and disorder with an extension; concerns regarding the welfare of people staying in the Hotel with alcohol dependency issues, as the availability of alcohol at the premises would increase temptation.
- The Planning Service objected the application as there was insufficient information regarding whether the unit was mobile or not; with the unit situated on the site for a number of months perhaps planning permission would be required; concerns regarding the proposed location of the unit, as the plan indicated that the location was beyond the public house's curtilage.
- The Public Health Service, Betsi Cadwaladr University Health Board had submitted observations to oppose in the context of the licensing aims to protect children from harm and public safety and the risks associated with the sale of alcohol close to a property that provided temporary accommodation to homeless persons.
- Public Protection (Pollution Control) objected on the grounds of insufficient measures to control public nuisance with complaints being received regarding cooking odours.
- North Wales Police did not object the application; however, they required amendments to the present licence conditions as there was room for improvement as some conditions had dated and/or had been duplicated according to the law or were inevitable.

The Officer recommended that the Sub-committee carefully considered all the objections received, prior to coming to a decision based on the opinion that the applicant could comply with the licensing objectives or otherwise, and the 2003 Licensing Act.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
 - At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
 - The applicant and/or his representative to be invited to expand on the application and to call witnesses
 - Members of the Sub-committee to be given the opportunity to ask questions of the applicant and/or his/her representative
 - At the Chair's discretion, the Council's representative to ask questions to the applicant or his/her representative
 - Every Consultee to be invited to support any written representations
 - The Council's representative and the applicant or his representative to be given the opportunity to summarise their case.
- c) In response to questions from the sub-committee,
- regarding toilets on the site, it was noted that there were no permanent toilets with the premises as Gwesty Dolbadarn was not open to the public as it was being used to provide temporary accommodation for homeless persons. It was added that the application was uncommon - a licensed hotel that had not registered.
 - with 'Pubwatch', it was noted that the Hotel was not open to the public and the owner did not attend meetings, but the designated responsible person would commit to attending meetings.

- regarding the site, it was noted that the intention was to locate a food caravan in the beer garden that had been operating there occasionally over the last few months under TENS arrangements.
- why had the Officers not made a definite recommendation, it was noted that the application was unique and the Sub-committee had the freedom to make its own decision given the nature and the grounds and evidence submitted.

ch) Elaborating on the application, Sarah Hopwood, the applicant's representative and the owner of the food caravan, stated:

- That the application would control the beer garden better as the area was currently used as a public area - it was not a safe area, and no one adhered to the licensing objectives.
- Although she sold food and offered a place for customers to sit in the garden of Gwesty Dolbadarn, the public could buy alcohol from a nearby shop or pub and drink this in the garden - this was not suitable for her business with glass and waste being left on the floor.
- The proposal was family friendly with tables set out in the garden - open until 20:00. No alcohol would be served without food and groups would not have access
- She understood the concerns and welfare of nearby residents, but that the hotel residents were entitled to use the garden. Although it was a difficult situation, it was not her responsibility to say no, but she could refuse to serve alcohol to them. That the situation required better control.
- It was intended to make the area safe with better lighting, CCTV and toilets - should the application be approved, it would be possible to provide a mobile toilet unit.
- In response to noise concerns, that they had operated TENS for 21 days and that no issues had arisen. However, a noise control scheme had been drawn-up.
- The complaints about odours had been resolved with measures and site management had been implemented - no oil, no frying and the ventilation fan had been moved.
- Drinking water was available.

In response to questions from the sub-committee, it was noted:

- regarding the concerns about 'poor lighting' and 'dark places' and if CCTV was sufficient to protect public safety, customers and staff, it was noted that it was intended to improve the lighting and introduce more lights - however, it was proposed to open the business during the summer when there would be natural lighting in the evening. It was added that three CCTV cameras kept an eye on the area with a camera on the food trailer, the serving bar and in the seating area.
- regarding how it would be possible to prevent the public from using the garden, it was noted that currently some did purchase food from the caravan and alcohol from a nearby shop or pub. Should the application be approved, it must be stated that the area was licensed and that it was not possible to drink alcohol from another premises in the garden.
- regarding the number of tables, it was noted that there was room for approximately 20 people to sit by the tables and there was no intention to add more tables.
- regarding how the owner of the Hotel would keep an eye on how the licence was administered (bearing in mind that the owner did not live locally), it was noted that a designated officer would be appointed for the site and she, as the manager of the food business had agreed to this.
- Regarding the lack of control and limiting customers to 6 units of alcohol, it would be possible to control form where the alcohol came and what was consumed - alcohol would only be served with food. In response to a supplementary question

that this could place additional pressure on staff in the food caravan, it was noted that there was a sufficient team for the work with three serving food, one to serve alcohol and one security officer at busy times.

- d) The consultee in attendance took the opportunity to expand on the observations that were submitted in written form by them.

Arwel Huw Thomas (Cyngor Gwynedd Planning Service)

- That there were initial concerns with the application for a licence - a site plan had been submitted only indicating an outline of the site boundary
- No information had been submitted indicating the exact location nor any information about the whole food unit.
- On the grounds of a lack of information submitted as part of the application, the Planning Service could not come to a conclusion when assessing the proposal against the Council's planning and enforcement policies.
- That Saint Padarn's Church, which was a listed building, was situated parallel to the south of the site - without information it was not possible to assess the proposal against planning policies that involved listed buildings within the LDP.
- Not enough information had been submitted to ensure that proposal was for a fully mobile unit or otherwise. On the grounds of a lack of information about the nature of the unit and its exact location, insufficient information had been submitted to determine if planning permission was required for the unit.
- On the grounds of insufficient information submitted, the Planning Service objected to the application for a licence.

Louise Woodfine (Public Health Wales)

- The proposal would increase accessibility to the site that already caused some issues.
- the homeless and other persons who resided in the hotel were vulnerable persons - providing alcohol would create a very challenging situation to those who had left hospital with complex mental health requirements and problems relating to alcohol and/or other substances.
- Homeless persons used alcohol as a coping mechanism; that the homeless population had more cases of health problems than the general population.
- Where a licensed premises was being used as temporary accommodation - this could lead to a rapid deterioration in mental condition leading to hospital admission.
- Concern regarding how preventing residents from buying alcohol would be managed
- There was concern regarding the proximity of the garden to the local school - 4 minutes' walk.
- They did not support the application.

Moira Duell Pari (Environmental Health, Cyngor Gwynedd)

- She accepted the need to expand the business, but it was a historical site for anti-social behaviour.
- Drinking water - confirmation was required whether it would be served from a pipe or a bottle?
- There were toilets inside the hotel!
- Noise scheme - an e-mail had been received, however, more information was required.
- More information was required about the PIR lighting when they were not in use
- Was this an application for a licence over the summer only or throughout the year - details were needed

Elizabeth Williams (North Wales Police)

- It was necessary to ensure that drinking water was available
- The site was part of the public house and therefore the right to refuse already existed.

Everyone was thanked for their observations

dd) Taking advantage of the right to conclude her case, the Licensing Manager noted:

- That her concerns remained - insufficient control measures had been submitted
- Although there were sufficient staff - there were several aspects to be controlled

Taking advantage of the right to conclude her case, the applicant's representative noted:

- That the caravan was mobile and used for events - if planning permission was required then it was possible to submit an application
- It would be possible to control the site well as a licence holder
- Too much alcohol would not be served
- They would operate in accordance with the licensing objectives - would keep the area safe.

e) The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision, the Sub-committee considered the applicant's application form along with written observations submitted by interested parties, the Licensing Officer's report, and the verbal representations from each party at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: To refuse the application

Reason: Insufficient regulation measures to comply with the licensing objectives

Particular consideration was given to the following.

That nearby residents had objected the application by referring to anti-social behaviour issues that included the hotel's residents convening to drink. Reference was also made to the fact that the Police and the Ambulance Service were often called to the hotel and expressing concern that granting the licence would offer further temptation to the residents and would make the situation worse. However, the Sub-committee considered that the Police did not object to the application, but recommended CCTV conditions to the licence as a means of preventing the person(s) who insist on behaving in an anti-social manner and cause problems.

The Health Board's Public Health Service had objected the application on the grounds of the licensing objectives of public safety and the protection of children from harm. Their concerns were attributable to this specific premises due to the use made of the hotel

building to accommodate homeless persons including persons discharged from Uned Hergest in Bangor. In their opinion providing alcohol would create a very challenging situation to those who left hospital with complex mental health requirements and problems relating to alcohol and/or other substances. Without a filtering process for the most vulnerable persons this could lead to an increase in harm while they were at the site, but this would be very difficult at the moment due to the level of need. The Sub-committee was of the opinion that these comments were significant. In terms of the concerns raised regarding the proximity of the premises to a school, the sub-committee did not believe that there was sufficient evidence to support this argument.

The Public Protection Service, Pollution Control submitted comments objecting on the grounds of insufficient measures to control public nuisance. Complaints had been received regarding cooking odours and they had not responded to the concerns by the hearing date. They also had concerns regarding toilet provision and drinking water as the hotel's facilities were not open to the public. More information was required about the type of lighting to be used on the site and that a noise management scheme was required to get to grips with any noise from customers. The Applicant explained that measures would be taken to prevent the odours from impeding neighbours including cooking off the site. It was explained that portable toilets would be used on the site. The Applicant admitted that people left litter including glasses on the site and getting a licence would be a means to control this.

The sub-committee understood the reasoning behind the application i.e. briefly, that getting a licence to sell alcohol on the site would be a means to prevent people from bringing alcohol from other places, as was currently the case, and to control the type of alcohol that would be consumed there. However, it had to be borne in mind that the site was in private ownership and as the owner and licence holder the Applicant had a responsibility to manage the site responsibly and could already take measures to get to grips with problems if she so wished.

Evidence demonstrated to the Sub-committee that the applicant did not currently do this and this caused them concern. The applicant's representative also noted that the business would only operate from the garden for specific hours and times of the year and therefore she could not get to grips with the problems outside those hours. In addition, it was noted that the food caravan had already been operating on the site and supplying alcohol under the TENS arrangements.

The Sub-Committee considered the practicality of keeping the site under control as the Applicant intended while the caravan was in operation. The Sub-committee had not been persuaded that it would be possible to sufficiently manage the site taking into consideration the open and public nature of the site and the number of staff who would be present at any time. Neither would it be practical for staff to be able to identify all the hotel's temporary residents to differentiate them from other customers and to refuse serving them. It was evident to the Sub-committee from what everyone, including the Applicant had said, that issues already existed on the site.

Overall, the application intended to get to grips with these issues by getting a licence for the sale of alcohol with food in the garden from the caravan. However, the Sub-committee had not been persuaded that this would be sufficient in itself to control all the issues and that it was not practical to implement the control measures proposed. The specific use made of the hotel and the vulnerable nature of the residents meant that this could exacerbate the situation. The sub-committee therefore resolved to refuse the application.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had

the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

5: Premises Licence Application Becws Melyn, 41b, High Street, Llanberis

- Sarah Hopwood Applicant
- Heather Jones Llanberis Community Council
- Arwel Huw Thomas Cyngor Gwynedd Planning Service
- Moira Duell Pari Environmental Health, Cyngor Gwynedd

Apologies were received from Jen Owen (a local resident who had submitted observations) and Elizabeth Williams (Licensing Officer, North Wales Police who had lost connection due to technical issues.

- a) Submitted – the report of the Licensing Manager giving details of the application to vary the premises licence of Becws Melyn, 41 B High Street, Llanberis. It was explained that Becws Melyn operated as a restaurant and small bar, with drinks served with food. The applicant was of the view that an extension to the opening time would be beneficial, and that the business had been licensed for a year and had been successfully managed over the summer without any issues. Alcohol sales were limited and therefore there was no potential for noise or unruly behaviour.

Permission was sought to extend the sale of alcohol to commence at 09:00am instead of 12pm, and to extend the opening hours from 22:00 at night to 00:00 on Thursday, Friday, Saturday and Sunday nights. Permission was also sought to extend the hours of live and recorded music on Thursday, Friday, Saturday and Sunday nights until 00:00.

It was highlighted that the application's consultation period was extended to 13 August because it had not been advertised correctly, but it was confirmed that the Licensing Authority was satisfied that the application was advertised in line with the requirements of the Licensing Act 2003 and the relevant regulations and was therefore valid.

She drew attention to the responses that had been received during the consultation period.

- Llanberis Community Council objected the application as noise complaints had been received following one of the evenings held at the premises. It was also noted that noise carried when the front doors of the restaurant were open.
- The Planning Service highlighted that an amended Planning consent permitted the premises to be open between 8:00 and 23:30, but the application to vary the licence went beyond those hours on four nights. It was also noted that the enforcement service had received complaints about noise.
- Nearby residents objected and they had highlighted their concerns, mainly in relation to the licensing objective of preventing public nuisance, prevention of crime and disorder and a lack of confidence in the business owner's ability to control noise and anti-social behaviour at the premises.
- The Public Protection Service had received complaints about noise disruption and the business was not adhering to the hours on the Planning consent. Highlighting a concern that insufficient information had been received from the applicant historically or presently on how they intended to operate to ensure that management measures and actions were in place to ensure that the licensing objectives were realised.

- Although North Wales Police did not oppose the application as the proposed hours were no later than other licensed premises in the area, a comment was received that the Police had received a report regarding a music noise complaint following an incident in the premises on 31/5/24 that went on until the early hours of the morning; and disruption as people were standing outside the premises drinking.

The Licensing Authority recommended that the Sub-committee should consider the evidence of a lack of control seen at the premises to date and refuse the application.

b) In considering the application, the following procedure was followed:-

- Members of the Sub-committee to be given an opportunity to ask questions of the Council's representative.
- At the Chair's discretion, the applicant or his representative to ask questions to the Council's representative.
- The applicant and/or his representative to be invited to expand on the application and to call witnesses
- Members of the Sub-committee to be given the opportunity to ask questions of the applicant and/or his/her representative
- At the Chair's discretion, the Council's representative to ask questions to the applicant or his/her representative
- Every Consultee to be invited to support any written representations
- The Council's representative and the applicant or his/her representative to be given the opportunity to summarise their case.

c) Elaborating on the application, the applicant noted:

- That the restaurant was small and sold tapas in the evening - used Welsh produce served with a drink - it was a comfortable area with a warm atmosphere
- The business was approximately 90% restaurant and 10% evening activities
- That closing at 22:00 appeared to be early and it was a shame to have to close with customers wanting to stay - therefore there was an application to consider an extension up to 22:30.
- That other eating places in the village were open until 23:00.
- She apologised for the noise from the party held at the end of May 2024. Following hard work and the success of the business there was an opportunity to celebrate with the local community. It was one incident and there had been no trouble since then. She was not aware that complaints had been submitted. There had been a private party for staff from 22:00 onwards on the night with approximately 15 people - this had been a mistake and should not have happened.
- She was unaware of other noise complaints until a letter had been received from the Council. A meeting was held to discuss noise mitigation measures, but food and planning issues were discussed and no details about noise complaints had been received. Again, she was unaware of the complaints of customers in the patio area - again she apologised for this
- Since the first day, the business had been advertised as a restaurant/bar.
- That events held in the premises included food evenings, Welsh language groups, antenatal classes etc.
- The owner felt frustrated that the issues / noise complaints could not be discussed with neighbours - it was possible to mitigate noise and reduce the impact. The situation could be resolved with key issues
- Noise measuring equipment was available and ready to share noise levels with the Licensing Service
- She did not want to create noise problems for neighbours
- She wished that the concerns had been shared with her

In response to the observations, the owner was thanked for her honest admission of not being aware of the noise concerns and for apologising, however, it was considered that the restaurant, during the day was a positive attraction but was a noisy bar at night. Therefore, how would she control the situation?

The applicant noted that her nearest neighbours had submitted complaints but she was not aware of those complaints. Should the information have been shared with her she would have responded by closing the doors, closing the windows and clearing the patio area. She would have wished to have an open discussion to resolve the issues / concerns. She added that customers from the social club tended to create noise when they came up from the club to the high street, and this was more or less opposite the restaurant / bar. She would not permit access to those customers.

In response to a question regarding how many staff worked in the restaurant / bar and a description of the premises, the applicant noted that the restaurant / bar would be open throughout the year and received support from local people. It was explained that there was a small room upstairs where up to eight people could sit. There were no beer taps in the bar. If she had to close the restaurant / bar at night then the business would not succeed.

In the context of access to the premises, it was noted that the ramp to the premises was used as a patio area, however it was possible to gain access for prams /wheelchairs via the back door of the premises that was on street level.

ch) The consultee in attendance took the opportunity to expand on the observations that had been submitted in writing by them.

Moira Duell Pari (Environmental Health, Cyngor Gwynedd)

A video was shared of some incidents that highlighted the noise from the premises (outside opening hours)

- That complaints had been received regarding the party held on 31-05-24. Although it was mainly a party for staff only, it had been announced on social media.
- That complaints involving licensing, planning and public protection had come to hand and a letter had been sent to the applicant on 06-06-24 drawing attention to the complaints. Although the applicant accepted the blame, she had not responded.
- A meeting had been arranged with the licence holder and the manager of the restaurant / bar where issues were discussed and information had been shared about people convening outside the premises and raising their voices. The response to this had been disappointing.
- Misuse of acoustic / amplified music - they had to behave responsibly and a robust management structure was required.
- As a business person, it was expected that consideration should be given to behaviour and responding responsibly.

Arwel Huw Thomas (Cyngor Gwynedd Planning Service)

- The Planning Service objected to the application. Planning consent permitted the premises to be open between 8:00 and 23:30 at night. Although the opening hours for the public (playing of live and recorded music and the sale of alcohol from Monday to Wednesday) in accordance with the opening restrictions for the premises, extending the hours to midnight between Thursday and Sunday was contrary to the restriction. Permitting the licence to be amended would be contrary to the planning permission that already exists for the premises.

- The Planning Enforcement Unit had received complaints about unacceptable noise levels emanating from the premises in the past, and it was considered that permitting the licence hours would only further highlight this. A complaint had been submitted highlighting that loud music had been played during the early hours of the morning on 1 June 2024.
- These observations were material Planning considerations and proposals are refused if they have a significant detrimental impact on the amenities of local residents.
- Should the hours be extended it would be necessary to re-assess via the Planning procedures and against the Council's Planning policies that would be subject to a new planning application.

Heather Jones (Llanberis Community Council)

- That noise complaints had been received in the area of the premises
- They objected on the grounds of a lack of compliance (31-05-24 incident)
- Although they encouraged businesses on the high street and welcomed the restaurant and its use for community events they had to ensure a balance - too much noise emanated from the premises at night
- It was accepted that noise also came from the social club, but was worried about the impact of noise on residents living between Becws Melyn and the Social Club.

Everyone was thanked for their observations.

Taking advantage of the right to conclude her case, the Licensing Manager noted:

- She welcomed a new, successful business but was not convinced that there was effective management of the site.

Taking advantage of the right to conclude her case, the applicant noted:

- That she was ready to show that she could manage the premises well and respond to the Planning observations
- A request for the Members to consider an additional half hour - up to 22:30.

The respondents and the Licensing Manager withdrew from the meeting while the Sub-committee members discussed the application.

In reaching its decision the Sub-committee considered the applicant's application form, the written observations submitted by the interested parties, the Licensing Officer's report together with the verbal comments of every party present at the hearing. The Council's Licensing Policy and Home Office guidelines were considered. The Sub-committee gave due consideration to all the observations and weighed these up against the licensing objectives under the Licensing Act 2003, namely:

- i. Prevention of crime and disorder
- ii. Prevention of public nuisance
- iii. Ensuring public safety
- iv. Protection of children from harm

Observations submitted which were irrelevant to the above objectives were disregarded.

RESOLVED: TO REFUSE

Reason: Insufficient regulation measures to comply with the licensing objectives

Particular consideration was given to the following.

The comments and objections received related to the licensing objective of **Prevention of Public Nuisance**. No objection was submitted from the Police as the proposed hours were no later than other licensed premises in the area. Nevertheless, it was explained that they received a music noise complaint following an event at the premises on 31/5/24, which went on until the early hours of the morning; and disturbance because people were standing drinking outside the premises. The Public Protection Service explained that the premises was in a noise-sensitive location, and that the hours restriction on the Planning consent had been set as the Local Planning Authority considered that noise nuisance and disturbance needed to be controlled.

Complaints had been received following a party to celebrate the business's birthday on 31/05/24 as well as noise complaints for other nights in 2023 and 2024. Videos taken as evidence by nearby residents were shown. In presenting their comments, the Planning Service also noted that they had also received complaints about noise. The Service explained that a meeting had been held with the Applicant on 07/08/24 to discuss noise control, but they did not feel that their concerns had received the attention expected and that the Applicant had not taken ownership of the issue. Nevertheless, they also felt that the Applicant should have realised that there were issues with the premises and they had written to her. They believed that the applicant had not provided sufficient information historically or with the current application on how they intended to set management measures and actions to ensure that the licensing objectives were realised.

The sub-committee considered the Applicant's comments including the explanation that she was not aware that there were so many complaints made and she believed that only one event on 31/05/24 was the issue. However, they were of the view that better control should be kept at the premises especially given that the premises was in a noise-sensitive area. The Sub-committee appreciated that the Applicant had admitted that she was wrong and apologised for the incidents; and she acknowledged that there was a need to improve the management of the premises. They also appreciated that she had offered in the hearing to take noise control measures by e.g., reducing the hours, ensure that the door as closed and have a noise meter to ensure that the noise did not reach unacceptable levels. However, these conditions and amendments had not been included in the application and neither had they been submitted and discussed with officers prior to the hearing.

In such a case, where there were many concerns expressed, the Sub-committee needed observations from the professional officers after they had been given an opportunity to evaluate them thoroughly and discuss them further with the applicant, if necessary. It was also noted that the Applicant had not reported on the levels measured by her noise meter and this reinforced the impression that sufficient attention had not been given to the matter. It was not possible for the Sub-committee to satisfy itself that what was being proposed was sufficient to get to grips with the concerns regarding the application.

There was clear evidence of noise issues from the premises and the Sub-committee was not satisfied that the Applicant was currently taking sufficient action to control the problem. The Sub-committee would need to be satisfied that any variations to the existing licence would be reasonable in terms of the proposed hours and that there were suitable and sufficient conditions implemented to address the noise issue. For these reasons, the Sub-committee could not approve the application either on the grounds of the hours submitted in the application or a reduction in the additional hours proposed by the applicant in the hearing.

The Solicitor reported that the decision would be formally confirmed by letter to everyone who had submitted written observations. He added that all parties to the application had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-

committee's decision. Any such appeal should be lodged by giving notice of appeal to the Chief Executive, Llandudno Magistrates' Court, Llandudno within 21 days of the date that the appellant receives the letter (or a copy of the letter) confirming the decision.

The meeting commenced at 10:00 and concluded at 15:00.

COMMITTEE	CENTRAL LICENSING COMMITTEE
DATE:	11 NOVEMBER 2024
TITLE:	NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES
PURPOSE :	1. BRIEFING NOTE ON THE ROLE OF LICENSING COMMITTEE AND FEES STRUCTURE 2. TO APPROVE THE DELEGATION OF STATUTORY FUNCTIONS TO THE CENTRAL LICENSING SUB-COMMITTEE
AUTHOR:	HEAD OF ENVIRONMENT

1.0 BACKGROUND

- 1.1 Members will recall that this committee in its meeting on the 4th of December 2023 was informed of the introduction of a new licensing scheme for 'Special Procedures' by Welsh Government in 2024. (previous committee report can be seen in the appendix) .
- 1.2 The current legislative framework for Special Procedures is inadequate. The Local Government (Miscellaneous Provisions) Act 1982 is the primary means of enforcing standards in this sector through the application of a registration scheme. However, the requirement for local authorities to adopt this scheme is voluntary and those that have adopted it cannot refuse registration of the individual or premises unless they have been convicted of an offence under Part VIII of the 1982 Act. Importantly, the 1982 Act does not require a 'competency test' for those performing the procedures to demonstrate an appropriate knowledge of hygiene and infection control
- 1.3 The intention of the licensing scheme is to improve and sustain standards of infection prevention and control in the special procedures industry and assure the safety and health of clients and practitioners alike.
- 1.4 Special Procedures include tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis; and the new licensing scheme will be mandatory. Dr Sarah Jones , Environmental Health presented the principles behind this licensing scheme to the committee in December 2023, and a copy of her presentation can be seen in the appendix .
- 1.5 The date for implementation of this scheme has been confirmed to be the 29th of November; Regulations governing all aspects of the scheme will come in to force on this date, under Part 4 of the Public Health (Wales) Act 2017; including The Special Procedures (Wales) Regulations 2024 and the Special Procedures Licensing Committees (Wales) Regulations 2024

2.0 HOW THE LICENSING SCHEME IS TO BE ENFORCED

- 2.1 The new regime will mean that local authorities are to be responsible for enforcing the licensing requirements and for keeping a register of special procedures licences issued by them.
- 2.2 Special Procedures Practitioners will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Public Protection Officers (Environmental Health Officers.) In addition, they will have to provide a Basic DBS as part of their licence application.
- 2.3 The main requirements of this regime will be as follows:
 - Practitioners must be licensed to carry out special procedures.
 - It will be an offence to carry out special procedures without a licence;
 - Business premises or vehicles must be approved.

- It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved
 - A full licence will last for three years and a temporary licence will last for 7 days (to allow for Events and conferences)
 - The Licence will have to be displayed at the premises where special procedures takes place
 - Licence conditions will cover a practitioner’s competence , the premises , the Equipment and practices used, advice which must be given before and after the special procedure , and records to be kept.
 - Practitioners will be required to undergo specific training
- 2.4 Those practitioners who are currently registered will need to transition to the new system. 3 months will be allowed for them and their premises to be assessed by officers and transferred to the new licensing system

3.0 ROLE OF THE LICENSING COMMITTEE

- 3.1 Under the Local Government Act 2000 any functions that are not specifically delegated by legislation to the Licensing Committee, becomes by default the responsibility of the Cabinet .
- 3.2 Section 76 of Part 4 of the Public Health (Wales) Act 2017 allows local authorities that have issued a Special Procedures Licence or an Approved Premises Certificate to charge a fee. The amount of fee to be charged by a local authority is to be determined having had regard to the costs incurred or expected to be incurred by the authority. All Local Authorities in Wales have been consulted on the proposed fees , which have been calculated in accordance with cost recovery principles by the All Wales Special Procedures Implementation Group and approved by Public Protection Wales. The Cabinet will approve the setting of fees structure and appropriate fees , and the scheme of delegated authority for the Act. Details of the fees to be approved by Cabinet are included in the appendix to this report
- 3.3 The 2017 Act (paragraph 21, Schedule 3) delegates specific functions to the licensing committee of the authority established under the Licensing Act 2003 (i.e. the Central Licensing Committee), and allows the Committee to make decisions in relation to those functions. These functions relate to situations where representations have been received in response to a Warning Notice issued by the Authority.

The Act provides that the licensing authority must issue a Warning Notice when it intends to carry out any of the following actions:

- Refuse an application for a special procedure licence;
- Refuse an application to vary a special procedure licence (in respect of adding a special procedure to the special procedure licence authorising the performance of that procedure);
- Refuse an application to renew a special procedure licence;
- Designate an individual as a person requiring a special procedure licence;
- Revoke a special procedure licence;
- Revoke an approval certificate.

The Warning Notice will be issued by the Public Protection Officers but the recipient will be entitled to make representations to the Authority in response. If representations are made then the Licensing Committee is required to consider those representations and decide whether or not the action set out in the Notice should be taken.

- 3.4 The Special Procedures Licensing Committees (Wales) Regulations 2024 (see appendix) outline the circumstances in which a hearing must be held and make provisions for the procedures to be followed by Licensing Committee.
- 3.5 The Act enables the Licensing Committee to sub-delegate the functions delegated to it, to a sub-committee established by it under Licensing Act 2003 i.e. the existing Central Licensing Sub-committee. A decision of the Committee would be required to do this. The Central Licensing Sub-committee system is well-established and members are experienced in considering and deciding upon applications under the Licensing Act 2003. It is recommended therefore that the functions under the 2017 Act are delegated to the Sub-committee.
- 3.6 Decisions to approve applications for a licence where the appropriate standards are met will be delegated to officers .

Recommendation

To Approve the sub-delegation of the functions delegated to the Central Licensing Committee under the Public Health (Wales) Act 2017 to the Central Licensing Sub-committee.

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	4 DECEMBER 2023
TITLE:	NEW MANDATORY LICENSING SCHEME - SPECIAL PROCEDURES
PURPOSE :	INTRODUCTION TO NEW REQUIREMENTS - AND ROLE OF LICENSING COMMITTEE
AUTHOR:	HEAD OF ENVIRONMENT

1.0 BACKGROUND

- 1.1 A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government around June 2024 (precise date is yet to be confirmed), under Part 4 of the Public Health (Wales) Act 2017. Special Procedures include tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis.
- 1.2 The main requirements of this regime will be as follows:
- Practitioners must be licensed to carry out special procedures.
 - It will be an offence to carry out special procedures without a licence;
 - Business premises or vehicles must be approved.
 - It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved
 - A full licence will last for three years and a temporary licence will last for 7 days (to allow for Events and conferences)
 - The Licence will have to be displayed at the premises where special procedures takes place
 - Licence conditions will cover a practitioner’s competence , the premises , the Equipment and practices used, advice which must be given before and after the special procedure , and records to be kept.
 - Practitioners will be required to undergo specific training
- 1.3 The Welsh Government’s intention through the introduction of this scheme is to reduce the health risks associated with these procedures. Most notably infections can occur at the site of the procedure and also improper and unhygienic practices may result in the spread of infectious diseases, such as blood-borne viruses.

2 CURRENT SITUATION

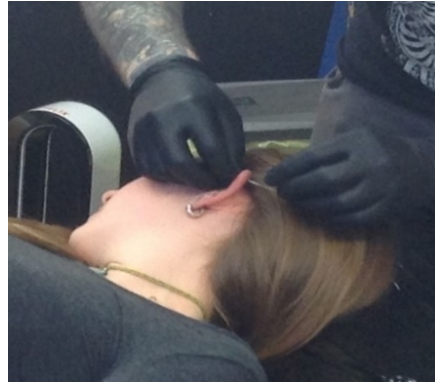
- 2.1 At present, if an individual wishes to practise acupuncture, tattooing, semipermanent skin colouring, cosmetic piercing or electrolysis they are required to apply to be registered with their local authority. The requirement to register is set out within Part 8 of the Local Government (Miscellaneous Provisions) Act 1982 Under the 1982 Act, Welsh Government published model byelaws in respect of certain matters which govern safe hygiene practices in these types of procedures, but enforcement options under these provisions are limited , even in Local Authorities who have wholly adopted the model standards into Local by-laws.
- 2.2 A further consideration is that currently local authorities are only able to refuse an application for skin piercing registration under the Local Government (Miscellaneous Provisions) Act 1982 if the applicant has already had a previous registration cancelled by the courts as a result of being found guilty of an offence (such as breaching a byelaw on hygiene).

3 IMPLICATION OF NEW MANDATORY LICENSING SCHEME

- 3.1 The new regime will mean that local authorities are to be responsible for enforcing the licensing requirement of these practices and for keeping a register of special procedures licences issued by them.
- 3.2 If a local authority is satisfied that a licence holder has failed to comply with a mandatory licensing condition or has been convicted of a relevant offence, it may revoke a special procedure licence, either in full or in so far as it relates to the performance of a particular special procedure. Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual has the right to make representations to the local authority and appeal to a magistrates' court against the decision.
- 3.3 Special Procedures Practitioners will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Public Protection Officers (Environmental Health Officers.) In addition, they will have to provide a Basic DBS as part of their licence application.
- 3.4 Those practitioners who are currently registered will need to transition to the new system. Time will be allowed for them and their premises to be assessed by officers and transferred to the new licensing system
- 3.5 There is an expectation from Welsh Government that much of this additional work will be absorbed into existing work programmes within Environmental Health and Licensing, which may impact other areas of service delivery

4. IMPLICATIONS FOR THE LICENSING COMMITTEE

- 4.1 Welsh Government have indicated that they expect this regime to sit under licensing committee structures and have been formulating a consultation document for consideration which outlines their expectations in terms of governance. Officers will notify Members of this Committee when the consultation document is published. It is anticipated that contentious applications will be subject to sub-committee determination , and that there will be a right of appeal to a licensing sub committee or Magistrates court for applicants refused a practitioner licence
- 4.2 It is also anticipated that Members will be required to undertake training to enable them to determine applications as they could be subject to legal challenge. Dr Sarah Jones, Senior Environmental Health Adviser who has been leading on the development of the licensing scheme for the Welsh Government will be providing committee members with an introduction to the scheme via Zoom during this committee meeting today.
- 4.3 The role of the licensing committee in such Licence application determinations is yet to prescribed within specific Hearings Regulations ; and this committee will be informed of any developments in this respect, as further direction from Welsh Government on this matter.
- 4.4 When the situation becomes clearer in respect of the role of the licensing committees , the Monitoring Officer will review what mechanisms will be required to be adopted in to the Council's constitution , as well as determining delegated powers required for officers.



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Welsh Government

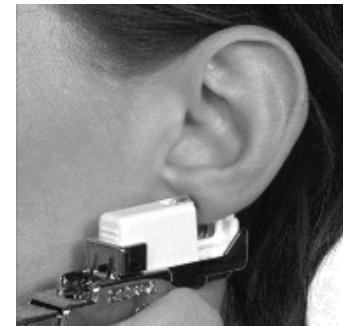
www.cymru.gov.uk

An overview of the mandatory licensing scheme for special procedures in Wales

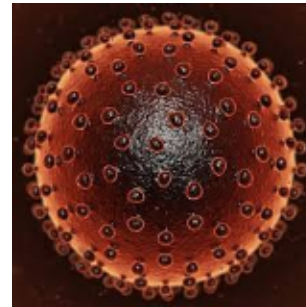
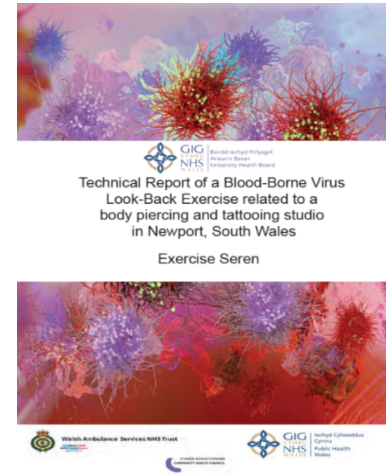
Dr Sarah Jones

Senior Environmental Health Advisor

Welsh Government



Public health risks are well documented and underreported. This is exacerbated by a fragmented regulatory framework



Mandatory Licensing Scheme

- 2 types of 'licence'
 - Special Procedures Licence
 - Premises/Vehicle Approval Certificate
- 3 year or 'no more than' 7 days
- Criteria that are required to be met on application
- Conditions that the person holding the licence/approval certificate
- LAs also required to maintain and publish a register

This will result in an improved approach to enforcement

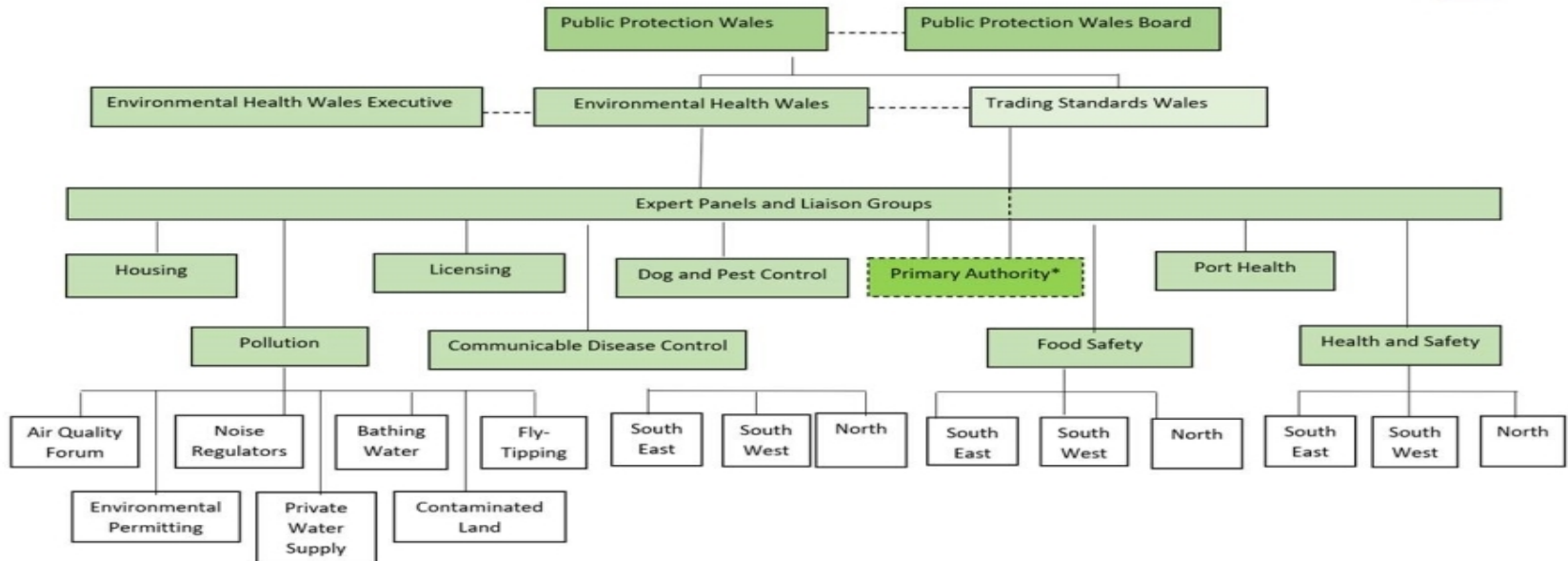
Introduction of the Licensing Scheme

- Coming into force in June 2024
- 5 sets of regulations that require consultation
- Considerable preparation required by local authorities
- Supported by a network of stakeholders
 - Environmental health and licensing colleagues
 - Practitioners
 - Industry representatives and associations
 - Clinicians and public health specialists

Active engagement with local authority and industry stakeholders is critical



Environmental Health Wales Groups



*The Primary Authority Group communicates with EHW and TSW

Local authority preparations

- Registration to licensing
- Are internal structures, procedures and resources 'fit for purpose'?
- Staff competency
- Supporting practitioners
- Start monitoring now (pre/post implementation)
- Minimal funding – 'working outside the box'
- Effective preparation will assure a more efficient and 'stress free' transition

Next Steps

- Response to consultation to be published shortly.
- Next consultation to go live just after Christmas:
 - 5 sets of draft regulations
 - Statutory guidance 'Fitness to perform special procedures'
 - Details of transition
- Programme of training (LAs/industry) begins 5th December.
- Development of a Special Procedures Expert Panel.
- DPPW on behalf of the profession approved national licence and approval fees.



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Welsh Government

Diolch yn fawr
Thank you very much

www.cymru.gov.uk

- **Dr Sarah Jones**
- **Senior Environmental Health Advisor**
- **E mail: Sarah.Jones058@gov.wales**

WELSH STATUTORY INSTRUMENTS

2024 No. 969 (W. 164)

PUBLIC HEALTH, WALES

**The Special Procedures Licensing
Committees (Wales) Regulations 2024**

<i>Made</i>	- - - -	<i>17 September 2024</i>
<i>Laid before Senedd Cymru</i>		<i>19 September 2024</i>
<i>Coming into force</i>	- -	<i>29 November 2024</i>

The Welsh Ministers, in exercise of the powers conferred by paragraph 21(4) of Schedule 3 to the Public Health (Wales) Act 2017⁽¹⁾, make the following Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Special Procedures Licensing Committees (Wales) Regulations 2024.

(2) These Regulations come into force on 29 November 2024.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

“applicant” (“*ceisydd*”) means a person who makes an application;

“application” (“*cais*”) means an application made pursuant to Schedule 3 to the Act for the issue, renewal or variation of a special procedure licence;

“approval certificate” (“*tystysgrif gymeradwyo*”) has the meaning given in section 70(1) of the Act;

“designation” (“*dynodiad*”) means where a local authority has given notice to an individual under section 61(1) of the Act;

“hearing” (“*gwrandawriad*”) means the hearing referred to in column 1 of the table in the Schedule as the case may be;

“licence holder” (“*deiliad trwydded*”) has the meaning given in section 59(8)(b) of the Act;

(1) 2017 anaw 2. See section 124(1) of that Act for the definition of “regulations”.

“local authority” (“*awdurdod lleol*”) means a local authority as defined by section 124(1) of the Act;

“notice of decision” (“*hysbysiad o benderfyniad*”) means a notice given in accordance with paragraph 16 or 17 of Schedule 3 to the Act;

“notice of hearing” (“*hysbysiad o wrandawriad*”) means the notice given to a party in accordance with regulation 5;

“party” (“*parti*”) means—

- (a) a person to whom a notice of hearing is given in accordance with regulation 5(1), and
- (b) the local authority who has issued the warning notice;

“relevant committee” (“*pwyllgor perthnasol*”) means a licensing committee to which functions are delegated by virtue of paragraph 21(1) of Schedule 3 to the Act or a licensing sub-committee empowered to discharge such functions by arrangement under paragraph 21(2)(b) of Schedule 3 to the Act;

“representations” (“*syhwadau*”) means representations made in accordance with paragraph 15 of Schedule 3 to the Act in response to a warning notice issued by a local authority;

“revocation” (“*dirymu*”) is to be interpreted in accordance with section 68 or section 73 of the Act;

“special procedure” (“*triniaeth arbennig*”) has the meaning given in section 57 of the Act;

“special procedure licence” (“*trwydded triniaeth arbennig*”) has the meaning given in section 59 of the Act;

“warning notice” (“*hysbysiad rhybuddio*”) means a notice issued in accordance with paragraph 15(3) of Schedule 3 to the Act.

(2) In these Regulations, a reference to a section, or a paragraph of a Schedule, is a reference to a section of, or the paragraph of the Schedule to, the Act.

(3) In these Regulations, a reference to a hearing of a relevant committee held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).

(4) Except as otherwise provided, a requirement under these Regulations to give a notice (or to notify) is a requirement to give written notice.

(5) A document or notice required by virtue of these Regulations to be “written” includes an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(2).

Scope

3. These Regulations apply to a relevant committee in relation to the exercise of its functions under Part 4 of the Act.

Period of time within which a hearing is to be held

4.—(1) Where a hearing is required to be held in relation to a procedure listed in column 1 of the table in the Schedule, the relevant committee must arrange for the hearing to be held as soon as reasonably practicable after the expiry of any period for representations.

(2) Where a hearing is to be held on more than 1 day, the relevant committee must arrange for the hearing to take place on consecutive working days.

(2) 2000 c. 7; section 15(1) was amended by the Communications Act 2003 (c. 21).

Notice of hearing

5.—(1) A relevant committee must give notice of any hearing which is required to be held in relation to a procedure listed in column 1 of the table in the Schedule, to those listed in the corresponding entry in column 2 of that table.

- (2) A relevant committee must ensure that the notice referred to in paragraph (1)—
- (a) gives details of the date and time of the hearing and how to access it, where the hearing is held through remote means only,
 - (b) gives details of the date, time and place of the hearing and how to access it, where the hearing is held partly through remote means or is not held through remote means,
 - (c) states that the relevant committee will make available the documents listed in the corresponding entry in column 3 of the table in the Schedule (subject to regulation 6(3)), and
 - (d) is sent so that it is received no later than 10 working days before the first day on which the hearing is to be held (as specified in the notice).

Information to accompany a notice of hearing

6.—(1) The notice of hearing must be accompanied by information in writing explaining the following—

- (a) the consequences provided for under regulation 12 where a party—
 - (i) informs the relevant committee that they do not wish to attend or be represented at the hearing, or
 - (ii) fails to inform the relevant committee whether the party wishes to attend or be represented at the hearing,
- (b) the time limit and method by which a party must inform the relevant committee that the party wishes to attend or address the hearing,
- (c) the time limit and method by which a party must inform the relevant committee that the party wishes to be assisted or represented by another person,
- (d) the time limit and method by which a party must inform the relevant committee that the party wishes to request permission to call a witness to give evidence at the hearing, and of the matters in relation to which the party wishes the witness to give evidence,
- (e) the way in which a party must inform the relevant committee if they wish to withdraw any representations in accordance with regulation 9,
- (f) the consequences provided for under regulation 12 where a party has indicated that they wish to attend or be represented at the hearing, but fails to attend or be represented at the hearing,
- (g) the matters on which the relevant committee will require clarification at the hearing from a party (which does not prohibit the relevant committee requiring further clarification on other matters that arise during the course of the hearing),
- (h) the time limit and method by which a party must inform the relevant committee that they consider a hearing is unnecessary and they consent to the application, proposed designation or proposed revocation being determined without a hearing, and
- (i) the procedure to be followed at the hearing.

(2) Subject to paragraphs (3) and (4), in relation to hearings under the provisions listed in column 1 of the table in the Schedule, the notice of hearing given to those listed in column 2 of the table must be accompanied by the documents listed in column 3 of the table.

(3) The relevant committee may determine that any representations made are vexatious, frivolous or will not influence its decision.

(4) Where the relevant committee makes a determination in accordance with paragraph (3), it must notify the party who made those representations of the reasons for its determination at the time of issuing the notice of hearing.

Action following receipt of notice of hearing

7.—(1) A party must give to the relevant committee a notice no later than 5 working days before the day or the first day on which the hearing is to be held stating whether—

- (a) they intend to attend or be represented at the hearing;
- (b) they consider a hearing to be unnecessary as they consent to a hearing not being held.

(2) Where a party wishes any other person (other than the person they intend to represent them at the hearing) to appear at the hearing, the notice referred to in paragraph (1) must contain—

- (a) a request for permission for such other person to appear at the hearing,
- (b) details of the name of that person, and
- (c) a brief description of the point or points on which that person may be able to assist the relevant committee.

Power to postpone or adjourn

8.—(1) A relevant committee may at any time—

- (a) postpone a hearing to a specified date, or
- (b) adjourn a hearing to be held on a date specified by the relevant committee.

(2) A relevant committee may take the actions specified in paragraph (1) if it considers it necessary—

- (a) to enable it to consider any information or documents provided by any party in response to the notice of hearing, or at the hearing, or
- (b) having regard to the ability of any party, person representing a party or witness to attend the hearing.

(3) Where a relevant committee has postponed a hearing to a specified date, it must, as soon as reasonably practicable, notify the parties of—

- (a) the new date and time for the hearing and how to access it, where the hearing is held through remote means only, or
- (b) the new date, time and place for the hearing and how to access it, where the hearing is held partly through remote means or is not held through remote means.

(4) Where a relevant committee has adjourned the hearing to be held on a specified additional date, it must, as soon as reasonably practicable, notify the parties of—

- (a) the additional date and time for the hearing and how to access it, where the hearing is held through remote means only, or
- (b) the additional date, time and place for the hearing and how to access it, where the hearing is held partly through remote means or is not held through remote means.

Withdrawal of representations

9. A party who wishes to withdraw any representations they have made may do so—

- (a) by giving notice to the relevant committee no later than 24 hours before the day or the first day on which the hearing is to be held, or
- (b) orally at the hearing.

Hearing to be public

- 10.**—(1) Subject to paragraph (2), the hearing must take place in public.
- (2) The relevant committee may exclude the public from all or part of the hearing if it is satisfied that it is necessary in all the circumstances of the case, having regard to—
- (a) any unfairness to a party that is likely to result from a hearing in public, and
 - (b) the need to protect, as far as possible, the commercial or other legitimate interests of a party.
- (3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Procedure at hearing

- 11.**—(1) Subject to regulation 10 and paragraph (9), a relevant committee must permit a party to attend a hearing and be assisted or represented by any person whether or not that person is legally qualified.
- (2) At the beginning of the hearing, the relevant committee must—
- (a) explain to the parties the procedure which it proposes to follow at the hearing, and
 - (b) consider any request made by a party under regulation 7(2) for permission for another person to appear at the hearing, and such permission must not be unreasonably withheld.
- (3) In conducting a hearing, the relevant committee must ensure that each party is given the opportunity to—
- (a) address the relevant committee on any matter that is relevant to the warning notice or to any representations made on the warning notice;
 - (b) call witnesses to give evidence on any matter that is relevant to the warning notice or any representations made on the warning notice;
 - (c) provide further information on any matter on which the relevant committee required clarification under regulation 6(1)(g);
 - (d) provide information on any other matters that may arise during the course of the hearing.
- (4) In conducting a hearing, the relevant committee must also—
- (a) permit any party to question any other party or person representing a party on any matter that is relevant to the warning notice, or any representations made on the warning notice, where the relevant committee considers that in all the circumstances it is appropriate to do so, and
 - (b) take into consideration documentary or other information provided in support of the warning notice or representations made by a party—
 - (i) before the hearing, or
 - (ii) at the hearing,with the consent of all the other parties attending the hearing.
- (5) If a party does not provide its consent in respect of paragraph (4)(b), the relevant committee must determine whether said documentary or other information is to be taken into consideration.

(6) Without prejudice to paragraphs (3) and (4), a hearing must be conducted so that it takes the form of a discussion led by the relevant committee.

(7) The relevant committee must not permit any cross-examination unless it considers that cross-examination is required for it to properly consider the warning notice or representations made by any party.

(8) The relevant committee must allow the parties an equal maximum period of time in which to exercise their rights provided for in paragraphs (3) and (4)(a).

(9) The relevant committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing, and may—

- (a) refuse to permit that person to return, or
- (b) permit them to return only on such conditions as the relevant committee may specify.

(10) The relevant committee may allow a person who is attending the hearing and in their opinion is behaving in a disruptive manner, or in breach of conditions specified under paragraph (9)(b), to remain at the hearing only on such conditions as the relevant committee may specify.

(11) Where a person is required to leave the hearing in accordance with paragraph (9), the relevant committee must—

- (a) permit them to submit in writing to the relevant committee, before the end of the hearing, any information which they would have been entitled to give orally had they not been required to leave, and
- (b) take into account that information in reaching its determination.

Failure of parties to attend the hearing

12.—(1) A relevant committee may proceed with a hearing in the absence of a party or a party's representative if the party has—

- (a) informed the relevant committee that they do not intend to attend or be represented at the hearing (and has not subsequently advised the relevant committee otherwise),
- (b) failed to inform the relevant committee whether they intend to attend or be represented at the hearing, or
- (c) left the hearing in circumstances enabling the relevant committee to reasonably conclude that the party does not intend to participate further.

(2) If a party has indicated that they intend to attend or be represented at the hearing, but fails to attend or be represented, the relevant committee may—

- (a) adjourn the hearing to a specified date if it considers it to be in the public interest, or
- (b) proceed with the hearing in the party's absence.

(3) Where the relevant committee adjourns the hearing to a specified date it must, as soon as reasonably practicable, notify the parties of—

- (a) the date and time to which the hearing has been adjourned and how to access it, where the hearing is held through remote means only, or
- (b) the date, time and place to which the hearing has been adjourned and how to access it, where the hearing is held partly through remote means or is not held through remote means.

(4) Where the hearing proceeds in the absence of a party, the relevant committee must consider at the hearing the warning notice or representations made by that party.

Procedure where a hearing is not to take place

13. Where the parties have notified the relevant committee under regulation 6(1)(h) that they consent to the matter being determined without a hearing, the relevant committee must, as soon as reasonably practicable—

- (a) notify all the parties that the hearing has been dispensed with, and
- (b) make a determination and issue a notice of decision.

Notice of decision

14. The relevant committee must make its determination and issue a notice of decision before the end of 5 working days starting with the day after the last day of the hearing.

Record of hearing

15.—(1) The relevant committee must ensure that a record of the hearing is taken in a permanent and intelligible form.

(2) The relevant committee must ensure that any such record is kept for 6 years, after the day on which the relevant committee made its determination or, where an appeal is brought against the determination of the relevant committee, the date of the disposal of the appeal.

Irregularities

16.—(1) Subject to paragraph (2), a relevant committee may disregard any irregularity resulting from a failure to comply with a provision of these Regulations, or with a procedure otherwise decided by the relevant committee, where that irregularity comes to its attention prior to it making a determination.

(2) If the relevant committee considers that any person may have been prejudiced by any such irregularity, it must take such steps that it considers necessary to remedy the consequences of the irregularity, before reaching its determination.

Clerical mistakes

17. A relevant committee may correct clerical mistakes in any document recording a decision of the relevant committee, or errors arising in such a document from an accidental slip or omission.

17 September 2024

Jeremy Miles
Cabinet Secretary for Health and Social Care,
one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulations 4(1), 5(1) and(2)(c) and 6(2)

Column 1	Column 2	Column 3
Procedure in relation to which a hearing is required to be held	Person to whom notice of hearing must be given	Copies of documents to accompany the notice of hearing
Warning notice - intention to designate an individual as a person requiring a special procedure licence pursuant to section 61(1) of the Act	(1) The individual who has been given notice under section 61(1) of the Act (2) Any person who has made representations about the proposed designation (if applicable)	(1) The warning notice (2) Representations made in relation to the proposed designation
Warning notice - refusal to grant an application for a special procedure licence due to not all the applicable licensing criteria being met pursuant to section 65(2) of the Act	(1) The applicant (2) Any person who has made representations about the application (if applicable)	(1) The warning notice (2) Representations made in relation to the application
Warning notice - refusal to grant an application for a special procedure licence due to a conviction for a relevant offence pursuant to section 66(6) of the Act	(1) The applicant (2) Any person who has made representations about the application (if applicable)	(1) The warning notice (2) Representations made in relation to the application
Warning notice - refusal to grant an application to renew a special procedure licence due to not all the applicable licensing criteria being met pursuant to section 67 of the Act	(1) The licence holder who has applied for the renewal (2) Any person who has made representations about the application (if applicable)	(1) The warning notice (2) Representations made in relation to the application to renew
Warning notice - refusal to grant an application to renew a special procedure licence due to a conviction for a relevant offence pursuant to section 67 of the Act	(1) The licence holder who has applied for the renewal (2) Any person who has made representations about the application (if applicable)	(1) The warning notice (2) Representations made in relation to the application to renew
Warning notice - intention to revoke a special procedure licence pursuant to section 68 of the Act	(1) The licence holder (2) Any person who has made representations about the intention to revoke (if applicable)	(1) The warning notice (2) Representations made in relation to the intention to revoke
Warning notice - intention to revoke an approval certificate pursuant to section 73 of the Act	(1) The holder of an approval certificate (2) Any person who has made representations about the intention to revoke (if applicable)	(1) The warning notice (2) Representations made in relation to the intention to revoke

Column 1	Column 2	Column 3
Warning notice - refusal to grant an application to vary a special procedure licence pursuant to paragraph 13(1) (b) of Schedule 3 to the Act	(1) The licence holder who has applied for the variation (2) Any person who has made representations about the application to vary (if applicable)	(1) The warning notice (2) Representations made in relation to the application to vary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 29 November 2024 and make provision about the procedures applicable to local authority licensing committees and sub-committees (“relevant committees”) where they are required to hold a hearing in respect of special procedure licensing under Part 4 of the Public Health (Wales) Act 2017 (“the Act”).

Under Part 4 of the Act, individuals may make an application to a local authority for a special procedure licence and may also apply to vary or renew their special procedure licence. Section 61(1) of the Act enables a local authority to designate an individual as a person requiring a special procedure licence if they intend to perform a specified special procedure. Section 68 of the Act allows a local authority to revoke a special procedure licence in specified circumstances. Section 73 of the Act allows a local authority to revoke an approval certificate in specified circumstances.

Under Part 4 of the Act, a local authority is under a duty to issue a warning notice where it intends to:

- refuse an application for a special procedure licence;
- refuse an application to vary a special procedure licence (in respect of adding a special procedure to the special procedure licence authorising the performance of that procedure);
- refuse an application to renew a special procedure licence;
- designate an individual as a person requiring a special procedure licence;
- revoke a special procedure licence;
- revoke an approval certificate.

A local authority is required to consider representations made after it has issued a warning notice in relation to those applications, proposed designations and proposed revocations.

Paragraph 21(1) of Schedule 3 to the Act delegates specified functions of a local authority to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (“the 2003 Act”), which includes considering such representations.

Paragraph 21(2) of Schedule 3 to the Act applies sections 7(9) (referral back to authority) and section 10 (sub-delegation) of the 2003 Act in relation to the functions delegated to a licensing committee by paragraph 21(1) of Schedule 3 to the Act. By virtue of section 7(9) of the 2003 Act, if a licensing committee is unable to discharge any function delegated to it because of the number of its members who are unable to take part in the consideration or discussion of any matter, the licensing committee must refer the matter back to the local authority to discharge that function. By virtue of

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section 10(1) of the 2003 Act, a licensing committee may delegate its functions in relation to special procedures to a sub-committee. Subject to these Regulations, the relevant committees may regulate their own procedure.

Regulation 4 requires relevant committees to hold hearings as soon as reasonably practicable after the deadline for making representations. Hearings may be held by remote means.

Regulation 5 requires relevant committees to give notice of any hearing to relevant persons listed in the Schedule, and for the notice to contain specified information.

Regulation 6 sets out further information and documents that must accompany the notice provided in accordance with regulation 5. Regulation 7 sets out the action required by a party following receipt of a notice of hearing.

Regulation 8 allows a relevant committee to postpone or adjourn hearings either where it needs to consider information or documents, or if a party, witness or person representing a party is unable to attend.

Regulation 9 allows a party to withdraw representations should they wish to do so.

Regulation 10 requires hearings to be held in public but allows relevant committees to hold them in private if they consider it necessary.

Regulation 11 sets out the procedure a relevant committee is required to follow when conducting the hearing, and the circumstances in which it may allow parties to attend, question and cross-examine persons at the hearing.

Regulation 11(9) and (10) allows relevant committees to exclude persons who are disrupting the hearing or set conditions on their attendance; if a person is excluded, the relevant committee must allow them to make written submissions which it is obliged to take into account in coming to its decision.

Regulation 12 makes provision for cases where a party does not attend the hearing, and allows relevant committees to adjourn the hearing or proceed in a party's absence.

Regulation 13 sets out the applicable procedure where a hearing is not to take place, for example when the parties have notified the relevant committee that they consent to the matter being determined without a hearing.

Under regulation 14 relevant committees are required to make their determination and issue a notice of decision within 5 working days after the last day of the hearing.

Regulation 15 requires relevant committees to ensure that a record of the hearing is taken and kept for 6 years after the hearing or the date of disposal of any appeal.

Regulations 16 and 17 provide for when relevant committees may disregard, or must remedy, the consequences of any irregularities that result from a failure to comply with a procedural requirement, and to correct accidental slips or omissions in any record of their decision.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

FEES – SPECIAL PROCEDURES - Part 4 Public Health (Wales) Act 2017

Each local authority is required to approve fees as per the following table.

Licence Type	New	Renewal
Special Procedures Licence (3yr licence)	£203 (£159 Application £44 Compliance)	£189 (£148 Application £41 Compliance)
Approved Premises Certificate (3yr licence)	£385 (£244 Application £141 Compliance)	£345 (£204 Application £141 Compliance)
Special Procedure Licence Variation (Add Procedure)	£131	
Special Procedure Licence Variation (Change of Detail)	£26	
Replacement Licence	£13	
Temporary Special Procedure licence	£92	
Special Procedure approved premises variation (Add Procedure)	£189	
Approved Premises Variation (Structural Change	£189	
Approved Premises - Change of Detail	£26	
Replacement Licence	£13	
Approved Premises Temporary Approval (Ancillary Event)	£385	
Approved Premises Temporary Approval (Convention / Main Purpose)	£680	