

LICENSING COMMITTEE

6th OCTOBER 2021

Minutes of the meeting of the Licensing Committee of Flintshire County Council held remotely on Wednesday, 6th October 2021.

PRESENT: Councillor Tony Sharps (Chair)

Councillors: Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Mike Lowe, Richard Lloyd, Ralph Small, Martin White and Andy Williams

IN ATTENDANCE:

Licensing Team Manager, Solicitor, Democratic Services Team Leader and Democratic Services Officer

APOLOGY:

Councillor Dave Cox

6. DECLARATIONS OF INTEREST

Councillor Rob Davies declared a personal interest because he was a licensee.

7. MINUTES

The minutes of the meeting held on 7th July 2021 had been circulated with the agenda.

The Chair referred to the last paragraph of the minutes and asked if the department had dealt with any incidents during the pandemic and were any decisions made with under their delegated powers. The Licensing Team Manager confirmed that she had nearly completed a report on this which she would circulate to Members of the Committee. Members with questions were invited to contact her direct so she could provide clarification.

The minutes were moved and seconded by Councillors Richard Lloyd and Rosetta Dolphin.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chair.

8. DRAFT STATEMENT OF LICENSING POLICY

The Licensing Team Manager, when introducing the report, confirmed that it was a requirement under the Licensing Act 2003 to review the Statement of Licensing Policy every 5 years. The last review was undertaken in December 2015. The Draft Policy for 2021-2026 was attached which included responses following a period of consultation. This document, once approved by the Licensing Committee, would then be presented to full Council for final approval.

A thorough review was undertaken with officers from other North Wales Local Authorities taking into account any relevant changes in legislation, guidance and good practice which enabled consistency across the region wherever possible. The Licensing Team Manager explained that the six counties in North Wales were all different but the Licensing Policies were in the same format and could be amended to accommodate the needs of each Local Authority. The Draft Statement of Licensing Policy for the period December 2021 to December 2026 was shown at Appendix A with the original changes prior to consultation shown in red and the changes made following consultation shown in blue. She then provided a summary of the changes which she had made.

The Licensing Team Manager then referred to the consultation process and confirmed that the correct consultation procedure was followed. Two responses had been received from a representative of Public Health Wales and a representative for Premises Licence Holders. The details of the consultation responses and the Licensing Authority's consideration of those responses were shown at Appendix B.

The Chair referred Members to the Statement of Licensing Policy and proceeded to go through the document page by page, asking if Members had any specific questions.

Councillor Lloyd referred to point 3.4 of the Licensing objectives which referred to the provision of first aid equipment and first aid rooms in larger venues and asked should it be made compulsory that defibrillators be available, rather than a consideration. In response, the Licensing Team Manager confirmed that this was highlighted in blue as had been changed following a comment received from a representative of licensed premises. The representative felt it was too onerous as whilst there were defibrillators in the community Flintshire only had one nightclub. She confirmed that the policy would only affect new licences and not existing ones as they were bound by the licensing policies in place when they applied.

In response to a question from Councillor Small, the Licensing Team Manager confirmed there were no proposed changes to the temporary events notice process.

Responding to a question from Councillor White on the consultation timeline, the Licensing Team Manager provided an overview of the process. She explained that the length of time was extended to allow extra time to enable those representatives who had annual shutdowns in August to respond. When the document was circulated, the changes were highlighted in red to make it easier for responses.

The Licensing Team Manager then proceeded to go through each of the Respondents' comments received following the consultation which was shown at Appendix B on the agenda.

Public Health Wales

Comment 1

The Licensing Team Manager confirmed that whilst Public Health Wales was not a responsible authority, all North Wales' authorities felt it was important that they were included because of the correlation between alcohol activity and public health. She then reported on the data response relevant for Flintshire and confirmed the Betsi Cadwaladr 'Calling Time for Change' strategy would be included as a reference in paragraph 3.43.

The Chair referred to the data and the figure of 21% of adults in Flintshire drinking above the national average. The Licensing Team Manager replied that it was not just Flintshire but across the UK as a whole where there was a percentage who drank more. There were mitigations in place in the policy to assist premises licence holders.

Representative of Premises Licence Holders

Comment 2

The Licensing Team Manager confirmed that some of the comments referred to the Policy and some were general comments.

She referred to the point "including links to the other policies would be helpful for parties looking at either coming into the area or making substantial changes to existing licensed premises". When this was considered, she commented that previously reference was made to the Unitary Development Plan (UDP) which was removed when that finished. She added no reference to the Local Development Plan (LDP) was included and confirmed that this had been included at 2.3 as a reference document.

She then referred to their second point "to mitigate the impact their premises may have on the health and wellbeing of their customers, their neighbourhood and wider community". The Licensing Authority felt that the inclusion of Public Health information was relevant to the policy. These were expectations not demands with a request that consideration of the mitigation impacts be given when requests for licences were made. No change was considered for that section of the policy.

Comment 3

This comment expressed concerns that licensed premises were sometimes being unfairly held to a higher standard when it came to prevention of crime and disorder than other public premises. The Licensing Team Manager confirmed that the Police were named within the Licence Act 2003 as a responsible authority and the Policy should not prevent them from providing information or making representations. It would not be in the spirit of the Licence Act 2003 to restrict the Police. It was the Licensing Authority's role to ensure that all representations made from whatever responsibility authority or members of the public were relevant to the licensing objectives. It was not proposed to make any change to the policy.

Councillor Lloyd referred to the positive Pub Watch meetings organised by Licensees within his area. The Police attended these meetings and reported any issues or disturbances raised by residents to the group for discussion and resolution. The Licensing Team Manager added that Flintshire Officers also had an active role in Pub Watch meetings and provided support to groups ensuring they were able to access everything they required from the authority.

Comment 4

This was a general comment which referred to CCTV and GDPR. The Licensing Team Manager read out the Authority's response and confirmed it was proposed not to make any changes to the policy in this regard.

Comment 5

The Licensing Team Manager confirmed this comment related to Paragraph 3.4 and the type of premises where drugs may be an issue, such as nightclubs in comparison with local community pubs or restaurants. Referring to Councillor Lloyd's comments on Defibrillators she commented that the Licensing Policy could not demand that premises install these but could only ask that it was considered, unless it was made a condition of the Licence by one of the responsible authorities. The changes were shown in blue at paragraph 3.2.

The Chair agreed with the Licensing Team Manager's proposed amendment and referred to the collection boxes on display in pubs and clubs raising money to install Defibrillators. Rather than making it a condition or compulsory for licensed premises, or indeed all other venues, should it be encouraged to participate in fund raising events to enable Defibrillators to be installed? He said this could be a condition on the Planning Application for a business premises and that representations could be made to other committees to ask that they encouraged business premises to have these installed.

Councillor Lloyd agreed and commented that if they were placed outside the building they could become more of a community benefit for when the premises were closed.

The Licensing Team Manager sought clarification that the committee was satisfied with the wording provided. She also confirmed she would ask Public Health Wales when considering applications, where appropriate, that they may wish to consider including the installation of Defibrillators as a licence condition on a case by case basis. This was agreed.

Councillor Lloyd agreed with this proposal and reported that Welsh Government (WG) were providing funding for the installation of Defibrillators in the community.

Comment 6

This comment related to public nuisance and the Licensing Team Manager read out the comment made. She confirmed the Licensing Act nominated the Environment Health Section as a responsibility authority and that public nuisance

was a licensing objective. The information provided within the policy was sufficient and it was not proposed to make any change.

Comment 7

This comment referred to Public Health not being a licensing objective and the Licensing Team Manager read out the comment made. She confirmed that the word “yet” had been removed from the sentence “*Concern expressed that the policy refers to public health ‘not yet’ being a licensing objective in paragraph 3.43.* As regards the Public Health Wales data this was not to inform the decision making process but was included for potential licence holders to consider the data available in their operating policy.

Comment 8

This point referred to the introduction of cumulative impact policies. The Licensing Team Manager confirmed that there were no plans to introduce this policy at this time

Comment 9

This was a request to include information on the Agent of Change Principle. This was a requirement for developers to protect against noise nuisance which could occur from existing licensed premises. The Licensing Team Manager agreed the principle was relevant and this was included at paragraph 5.7. This was the responsibility of the developers and not the existing premises.

Comment 10

The comment requested further clarification on what would be considered a minor variation. The Licensing Team Manager confirmed the legislation set out what this entailed and that the information the authority provided was sufficient in this regard. It was not proposed to make any amendment to this.

Comment 11

This comment suggested that links for the Regulator’s Compliance code and the Council’s Enforcement Policy be included. The Licensing Team Manager confirmed that paragraph 2 already referred to the Enforcement Policy and that no further change was required.

Comment 12

This comment suggested that an up to date list of responsible authorities be included in the policy. The Licensing Team Manager confirmed that this information was already provided upon request and with every new application request. It was not proposed to include to this.

Comment 13

This comment referred to tables and chairs outside premises, including garden areas, and for clarification regarding on and off sales. The Licensing Team Manager confirmed that tables and chairs on the highway fell under the remit of Streetscene. She confirmed that each premises had different requirements with regard to the external areas of their premises which would be included in the plan conditions and restrictions of their licence. No change to the policy was required.

Councillor White referred to the positioning of tables and chairs outside premises and asked if there had been an increase in requests for these during the pandemic and recovery. In response the Licensing Team Manager confirmed there had been a temporary relaxation of rules with regard to the outside areas of premises. As long as there was no provision of outdoor sales or regulated entertainment then this was not an issue. The only issues occurred when requests were made for outside bars if these were not included on their plan of the premises. She said Pollution Control had become involved because of the issue of raised voices. Residents had been understanding during the pandemic and recovery but since restrictions had been lifted more calls had been received by the authority on this.

Councillor Lloyd commented that the covered areas were more of a planning issue than a licensing one. He said applications had been received at Planning Committee for these temporary areas to become permanent but that these were areas which could become a nuisance. The Licensing Team Manager confirmed that WG had issued guidance to Planning departments suggesting the relaxation on temporary permitted structures continue until January 2022 to enable the sector to recover.

The recommendations were moved and seconded by Councillors Martin White and Richard Lloyd.

RESOLVED:

- (a) That Members considered and approved the changes made to the Draft Policy following a period of consultation; and
- (b) That Members of the Licensing Committee approved the Draft Policy in preparation for final approval at Full Council.

Prior to closing the meeting, the Chair referred to the comments he had received from members of the public regarding the licensing department. They were full of praise for officers who answered questions and continued to be available right throughout the pandemic. The Licensing Department had one of the finest reputations in North Wales and he asked for these good wishes from members of the public be passed back to the department.

The Licensing Team Manager thanked the Chair and said the department had strived to keep the office open, particularly for taxi drivers as they played such a vital role during the pandemic. Officers had met applicants in the car park and had been in the office, on a rota basis, every day since the start of the

pandemic. She would be pleased to pass on the comments to the members of the team.

9. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

None.

(The meeting commenced at 10.00 a.m. and ended at 10.58 a.m.)

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Chair