Minutes of a Meeting of the Public Works and Planning Committee

held at the Town Hall, Milford Haven

on Monday, 7th September, 2015 at 6:00 pm

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PRESENT

The Mayor (Councillor S. G. Joseph)

The Deputy Mayor (Councillor W. D. Elliott BA)

Councillors: E. R. Harries (Chairman) J. W. Cole

A. W. Eden Mrs. J. Hawkins

M. P. Rickard C. A. Sharp

Mrs. C. Stevens Mrs. C. T. Williams

The Council’s Secretary, Ms. F. K. Galliford, was also in attendance.

95. TO RECEIVE MS. C. MATHIAS, SENIOR LICENSING OFFICER, AND MR. G. GRIFFITHS, LICENSING INSPECTOR, PEMBROKESHIRE COUNTY COUNCIL, TO THE MEETING:

The Chairman, Councillor E. R. Harries, welcomed Ms. C. Mathias, Senior Licensing Officer, and Mr. G. Griffiths, Licensing Inspector, Pembrokeshire County Council, to the meeting.

The Chairman stated that it had been agreed to invite Ms. Mathias to this meeting as a result of her letter to this Council. In this letter, Ms. Mathias wrote that due to a recent review of Pembrokeshire County Council’s Data Protection processes, it was no longer possible for the Licensing Team to consult with the Milford Haven Town Council in relation to licence applications for Premises Licences and Club Premises Certificates located in the town.

Ms. Mathias explained that the Licensing Act 2003 made Pembrokeshire County Council responsible for a single integrated licensed system, bringing together six of the existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment houses and night cafés).

Licensing Objectives are as follows: public safety; the prevention of public nuisance;

the prevention of crime and disorder; and the protection of children from harm. The Objectives are all of equal importance.

Ms. Mathias advised that statutory notices detailing Premises Licences and Club Premises Certificates will still be displayed in the local newspapers and on a blue notice outside the relevant premises, detailing the application. A summary of the application will be listed on the Pembrokeshire County Council’s website, and that is how Town Councils will now be reached.

Any person can make representations or comments to the Pembrokeshire County Council about applications for new licences, variations or reviews.

Comments may be positive or negative, but will only be considered relevant by the Pembrokeshire County Council if they related clearly to the licensing objectives.

Comments will be rejected if considered to be frivolous (not serious or time-wasting) or if they relate to personal disputes between businesses.

Responsible authorities are the police, fire and rescue service, protection of children, environmental health – health and safety, environmental health – pollution control, planning – Pembrokeshire County Council or National Parks, Local Weights and Measures Authority, Maritime and Coastguard Agency (if the application relates to a vessel); local health board and licensing compliance team.

Town and Community Councils are not responsible authorities as defined by the

2003 Act and therefore are not statutory consultees for licensing applications.

However, as bodies representing people living within the vicinity of licensed premises, Town and Community Councils do qualify as ‘other persons’ within the meaning of the Act and therefore are entitled to make relevant representations.

Town and Community Councils can also submit evidence in support of representations made by a responsible authority or ‘other person’.

Mr. G. Griffiths, Licensing Inspector, said that community involvement in licensing is important. He urged the Town Council to look at the Pembrokeshire County Council’s website. In addition, applications can be viewed at County Hall. He emphasised that Town Councils have never been statutory consultees and it was always a goodwill gesture that applications were forwarded to Town Councils.

Ms. Mathias said that if no representations are received the Premises Licence or Club Premises Certificate is granted. If the Authority considers a person’s reasons for making representations or calling for a review are relevant, a Hearing will be arranged to consider the evidence. The person – or his/her representative - will be invited to the Hearing to explain the concerns.

Representations and requests for the review of a licence must be made in writing.

If a representation is made there must be a Hearing unless all parties reach an agreement beforehand or the representation is deemed to be frivolous or vexatious.

The representation must raise reasonable and relevant concerns – preferably specific to the premises and evidence based.

The Chairman expressed disappointed that this Town Council, which represented a very large population, is no longer informed of licence applications for Premises Licences and Club Premises Certificates in its area. He said that this process is insufficient to meet the needs of the Council and the people it represents. It will now be incumbent upon the Clerk to check the Pembrokeshire County Council’s website for licence applications.

The Chairman asked whether it would be possible for the Pembrokeshire County Council to change this process in order that this Council becomes a statutory consultee.

Mr. G. Griffiths responded by stating that the Pembrokeshire County Council is complying with legislation as written in the Licensing Act 2003.

Ms. Mathais was asked why the Licensing Team had stopped informing Town and Community Councils about licence applications in their areas. Ms. Mathias replied that some people had shared information inappropriately.

The Member pointed out that although the Pembrokeshire County Council is concerned that Town Councils could circulate information to the masses, the information is available to the masses on the Pembrokeshire County Council’s website.

Ms. Mathias replied that the Pembrokeshire County Council was complying with the

legislation as per the Licensing Act 2003.

A Member asked whether any other Councils in Pembrokeshire have objected to the Pembrokeshire County Council’s decision not to notify Town and Community Councils of licensing applications in their areas. Ms. Mathias replied that every Town Council has objected, but no Community Councils.

The Chairman stated that if this Council decides to make representation to a higher authority insisting that consideration be given to turning this Council and other like bodies into statutory consultees that is a matter for a future meeting.

Mr. Griffiths pointed out that to become a statutory consultee the Town Council would need to change the Licensing Act of 2003.

Ms. Mathias was asked as an interim measure whether the Clerk could have an email notification when a licensing application goes online so that it is a less of a likelihood that the application would be missed. Ms. Mathias replied that she would investigate this possibility.

The Chairman thanked Ms. Mathias and Mr. Griffiths for attending the meeting. They left the meeting at this point.

RESOLVED THAT this item be put on the Agenda

for discussion at the next meeting of the

Public Works and Planning Committee.

96. MINUTES OF THE MEETING OF THE PUBLIC WORKS AND PLANNING COMMITTEE HELD ON 6TH JULY, 2015:

RESOLVED THAT the Minutes of the Meeting of

the Public Works and Planning Committee held

on 6th July, 2015, be approved as a correct

record and that they be signed by the Chairman.

97. INFORMATION FROM THE MAYOR:

Mayor’s Engagements:

Members were advised of the following engagements undertaken by the Mayor since the 28th July, 2015:-

1st August, 2015 - Priory House Garden Party

9th August, 2015 - Wings over Carew Festival

15th August, 2015 - Open Day at Milford Haven Fire Station

25th August, 2015 - Accompanied Chairman of the Pembrokeshire County

Council and members of the Fire Authority on an

inspection of the Milford Haven Waterway

28th August, 2015 - Launch of ‘Under the Bridge’ Project

3rd September, 2015 - Merchant Navy Day – a ceremony to raise the Red

Ensign Flag

7th September, 2015 - VC Gallery in Haverfordwest

98. CEMETERY:

(a) Report:

RESOLVED THAT the Cemetery Report, as

presented by the Clerk for the months of

July and August, 2015 be accepted.

(b) Acquisition of Cemetery Land:

The Clerk advised that she had contacted the Strategic Property Manager of the Pembrokeshire County Council to ask her to meet the Public Works and Planning Committee to discuss the problem this Council has associated with the acquisition of land to extend Milford Haven Cemetery.

The Strategic Property Manager had replied that she would be happy to meet with the Clerk and a representative of the Town Council.

RESOLVED THAT:

(i) the Mayor, Councillor S. G. Joseph, and

the Chairman, Councillor E. R. Harries,

are to meet with the Strategic Property

Manager, Pembrokeshire County Council;

(ii) a letter be written to the Officer, stating

that it is with great reluctance that this

Council accepts this dictate which Members

find totally unacceptable.

99. PLANS:

RESOLVED THAT the recommendations of

the Chairman of the Public Works and Planning

Committee (which have been made in consultation

with Members of the Public Works and Planning

Committee) in respect of the planning applications detailed on Pages 1, 2 and 3 of the attached report

(see Appendix B) be approved.

(a) Planning Application No. 15/0417/PA – erection of single storey annex at 20 Yorke Street, Milford Haven:

A Member queried why the condition “subject to no objection from neighbours” was placed on this planning application, but not on the others. Another Member advised that this is put in when a proposed new build is overlooking a neighbour’s house so it would be judicious for the applicant to talk to a neighbour.

Another Member said that if there are valid objections from neighbours, the Planning Officers or Planning Committee would act upon it.

It was proposed and seconded that the words “subject to no objection from neighbours” be removed. Five voted in favour of the amendment, with five against. The Chairman used his casting vote to retain the words.

RESOLVED THAT the words “subject to no

objection from neighbours” are retained in

the Milford Haven Town Council’s comments

on this planning application.

100. LICENSING ACT 2003: CONSULTATION ON REVIEW OF LICENSING POLICY:

Members discussed a letter from Ms. S. Johns, Pollution Control and Licensing Manager, Public Protection Division, Pembrokeshire County Council, in which she advised that the laws relating to alcohol sales, public entertainment and late night refreshment radically changed in September 2005 as a result of implementation of the Licensing Act 2003.

As part of that change, Pembrokeshire County Council, as Licensing Authority, assumed responsibility for some 900 licensed premises within the County.

In January 2011, the Pembrokeshire County Council published its current “Licensing Policy” which sets out the policies the Council would apply when exercising its licensing functions under the Act.

The law requires that this licence is reviewed every five years. The Pembrokeshire County Council wishes to hear the views of local business organisations and general members of the public on how they believe the Act has worked in the last five years and whether any changes need to be made to the Policy.

RESOLVED THAT the letter be received.

101. GAMBLING ACT 2005: CONSULTATION ON REVIEW OF LICENSING POLICY:

A letter was received from Ms. S. Johns, Pollution Control and Licensing Manager, Public Protection Division, Pembrokeshire County Council, in which she wrote that the laws relating to Gambling placed a duty on the licensing authority to produce a statement of Gambling policy.

Pembrokeshire County Council as the Licensing Authority, published its latest “Gambling Policy” in January 2013 which sets out the policies the Council would apply when exercising its licensing functions under the Act.

The law requires that this licence is reviewed every three years. The Pembrokeshire County Council wishes to hear the views of local business organisations and general members of the public on how they believe the Act has worked in the last three years and whether any changes need to be made to the Policy.

RESOLVED THAT the letter be received.

102. TRAFFIC CALMING AT GELLISWICK ROAD, HAKIN, MILFORD HAVEN:

The Chairman, Councillor E. R. Harries, said that he had asked for this to be put on the Agenda because his attention was drawn to the fact that Gelliswick Road has been for many years a very busy road bisecting two very highly populated areas. It has also become apparent that traffic is traversing that section of road at speeds which are inappropriate.

A Member pointed out that, in addition, there are insufficient safe crossing points on the Gelliswick Road.

Members agreed that this situation needs to be addressed.

RESOLVED THAT a letter is to be written to the

Highways Authority, indicating that this Council

considers that Gelliswick Road is hazardous,

and the speed at which traffic moves on this Road

increases the danger. Members would like to

meet with the appropriate officer to discuss

ways and means of improving the situation.

Councillor M. P. Rickard left the meeting at this point.

103. AFFORDABLE HOUSING – LOCAL HOUSING MARKET ASSESSMENT (2014)

Members gave consideration to an email from the Principal Planning Officer, Pembrokeshire County Council, in which she stated that the Pembrokeshire County Council has recently published a Local Housing Market Assessment (2014) which assesses the level of need for Affordable Housing across Pembrokeshire. This assessment indicates a need for 1450 affordable rented homes per year between 2014 and 2015.

A Member questioned the need for 1 bedroom apartments. He was informed that there was a great need for 1 bedroom apartments, and that the Pembrokeshire County Council has a huge waiting list for them.

RESOLVED THAT the information be received.

104. NEW CLEAN FUEL REGULATIONS AND THEIR AFFECT ON PORTS AROUND THE WELSH COAST:

The Chairman said that all Councillors had been circulated with a copy of this correspondence from a local resident.

The resident was concerned that since 1st January, Britain’s south and east coasts have been included in Europe’s Sulphur Emission Control Area (SECA), meaning that all ships docking there must use fuel with no more than 0.1% sulphur content or be fitted with “scrubber” devices to reduce their sulphur dioxide emissions. However the control area does not include the Irish Sea where ships can continue to operate using heavy fuel oil until 2020. There is an EU Directive due for introduction in 2020, which will reduce the sulphur content for ships using the Irish Sea, from 1.5% to 0.5%. This is

not as stringent as the 0.1% that has been imposed on the SECA from 1st January, 2015. The EU Sulphur Directive aims to reduce sulphur dioxide emissions, which are poisonous to humans and wildlife and are a principal cause of acid rain.

The resident was concerned at the potential health risks if shipping companies diverted to Welsh ports.

RESOLVED THAT the Milford Haven Town Council

writes to the appropriate authorities to ask why

there is a discrepancy between fuel that can be used

on the east coasts and south coasts and fuel used

on the west coasts.

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