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**CENTRAL LICENSING SUB-COMMITTEE, 08.04.09**

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**Present:** Councillors Eryl Jones-Williams (Chairman); Peter Read, Ieuan Roberts.

**Also present:** Sion Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager) and Ioan Hughes (Committee Officer).

**1. DECLARATION OF PERSONAL INTEREST**

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

**2. APPLICATION TO VARY THE PREMISES LICENCE FOR THE HARBOUR HOTEL, ABERSOCH**

**Others invited to the meeting:**

**Representing the Police:** Mr Ian Williams (Police Licensing Co-ordinator), PC Andy Vowell.

**Applicant:** Mr. Gary Horseman (Licence Holder of the Harbour Hotel), Mr Michael Strain (solicitor for Mr Gary Horseman), Mr. Tom Wittly (representative of Creation Media Company – entertainment company).

**Local Member:** Councillor R.H. Wyn Williams

The report of the Licensing Manager was submitted, providing details of an application from the licence holder of the Harbour Hotel, Abersoch to permit recorded music, dancing and the supply of alcohol until 02.00h from Thursday – Saturday and until 00.30h on Sundays with the property being open for half an hour after that time.

It was reported that observations had been received from the Police expressing concern from the aspect of the times and the activities referred to in the application. The Police believed that the variations, if approved, would have a detrimental effect on local residents and, therefore, would undermine the aims of public nuisance prevention.

No observations had been received from the Fire Authority but the Community Council and the local Councillor had objected to the original application. Further letters had been received from local individuals, objecting to the application in its original form.

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

Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.

The applicant or his representative were invited to ask questions of the Council's representative.

Every Consultee was invited to support any written observations.

The applicant was given an opportunity to expand upon his application and then call witnesses.

Members of the Sub-committee were given an opportunity to ask questions of the applicant.

The Council's representative and the applicant were given opportunities to summarise their case.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and giving appropriate attention to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

Following a discussion with the Police, it was confirmed that the applicant had agreed to amend the application as follows:

- **Recorded Music -**

To cancel the application to extend the hours from Thursdays to Saturdays

To amend the application for Sundays until 00.00h, rather than 00.30h, as noted in the original application.

- **The sale of alcohol -**

To amend the application for Thursdays to Saturdays until 01.00h, rather than 02.00h. To amend the application for Sundays until 00.00h, rather than 00.30h.

- **Opening hours for the public**

To amend the application for Thursdays to Saturdays until 01.30h, rather than 02.30h.

To amend the application for Sundays until 00.30h, rather than 01.00h.

It was further confirmed that there was an agreement regarding dancing and dance performances, with the activities permitted in the premises until 01.00h from Thursdays to Saturdays and up until 00.00h on Sundays.

The Police reported that two incidents had been recorded regarding the premises during 2008. On 7 August 2008, a complaint regarding noise at the premises and 13 August 2008, a complaint regarding under-age drinking. Also, it was noted that the premises would be open at 10am. during the week and at 11am. on Sundays.

The Police called for a condition which had been imposed on the existing licence to continue, namely, entrance to the lowest bar in the premises to be restricted to 22.30h.

The local police officer noted that the changes that would be introduced, should the amended application be approved, would encourage customers to leave the premises gradually, rather than all of them walking to the village at the same time. He added that the licence holder intended to make full use of the taxi rank located near the premises and the police officer was very supportive of this.

A member of the Sub-committee referred to the complaint regarding under-age drinking. The Police officer confirmed that an incident had been recorded but he added that a test purchase had been undertaken recently and there had been no trouble at that time.

From the aspect of Police presence in the village, it was confirmed that two additional Police officers were now working in the area and the working hours of the Police in Abersoch would continue until 3am.

He emphasised that people lived in close proximity to the premises and they should work to ensure that a balance was struck in fairness to both the licence holder and the nearby residents. The councillor also welcomed the additional use that would be made of the taxi service.

The representative of the licence holder referred to the fact that the premises was very busy and he emphasised that there had been no violence involved with the incidents recorded by the Police. Consequently, he believed that the situation regarding behaviour in the premises was exceptionally good.

He added that five door supervisors were employed in the premises. Should there be any doubt regarding age, customers had to provide proof of age that they were over 21 years old.

In response to an enquiry, the representative of the entertainment company confirmed that a new noise limiter had been installed in the premises.

At the end of the discussion, the Chairman thanked everyone associated with the application for the way in which they had collaborated to ensure an acceptable compromise.

**RESOLVED that the amended application, as approved by the Police is approved, namely:**

- i) **No change to the existing licence for recorded music from Thursdays to Saturdays.**
- ii) **To permit recorded music in the premises until 00.00hours on Sundays.**
- iii) **To permit the sale of alcohol until 01.00hours on Thursdays to Saturdays and until 00.00hours on Sundays.**
- iv) **To keep the premises open to the public until 01.30hours from Thursdays to Saturdays and until 00.30 hours on Sundays.**
- v) **To permit dancing and dance performances until 01.00hours on Thursdays to Saturdays and until 00.00hours on Sundays.**
- vi) **Entrance to the lowest bar in the premises is restricted to 22.30hours.**
- vii) **Members of the Sub-committee are encouraging the licence holder to take action so that full use is made of the taxi rank near the premises.**

**2. APPLICATION FOR A PREMISES LICENCE FOR THE ABERSOCH GARDEN CENTRE, TŶ MAWR, ABERSOCH**

**Others invited to the meeting:**

**Representing the Police:** Mr Ian Williams (Police Licensing Co-ordinator), PC Andy Vowell.

**Applicants:** David and Dianne Collins, Paul Collins, (son of the applicants).

**Objectors:** Joyce Jones, Chris Smith, Graham D. Sedgley.

**Local Member:** Councillor R.H. Wyn Williams.

The report of the Licensing Manager was submitted, providing details of the application by the Abersoch Garden Centre for the sale of alcohol with meals between 9.00h and 23.00h.

The officer referred to the written observations of the Fire Service, noting the need to ensure that the number of people sitting at the tables within the licensed section was restricted to 20 and a fire risk assessment was to be undertaken regularly. Several letters had been received objecting to the application along with a letter from the local

councillor who supported the application. The Community Council did not object to the application but they suggested that the opening hours of the premises could be restricted to 10pm.

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

- i. Members of the Sub-committee were given an opportunity to ask questions of the Council's representative.
- ii. the applicant was given an opportunity to ask questions of the Council's representative.
- iii. Every consultee was given an invitation to support any written observations.
- iv. Members of the Sub-committee were given an opportunity to ask questions of the applicant.
- v. The Council representative was given an opportunity to ask questions of the applicant; and
- vi. The Council's representative and the applicant were given an opportunity to summarise their case.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and giving particular attention to the principles of the act, namely:

- Crime and Disorder Prevention
- Public Safety
- Public Nuisance Prevention, and
- Protection of Children from Harm

The Police Licensing Co-ordinator reported that there was no evidence regarding the premises as this was a new application. However, he referred to an allegation made in a letter regarding an incident which took place last year. He confirmed that the Police had no record of the incident. The Police had no objection to the application, which would ensure that the licence to sell alcohol would be ancillary to the meals that would be taken at the premises.

This was endorsed by the local councillor and he noted that the majority of objectors lived outside the area and were in the area around Abersoch for part of the year only. He added that the applicants created jobs for the local community and this was important.

The councillor suggested that it would be advantageous to raise the height of the boundary fence between the Garden Centre and the caravan site where a number of objectors had units.

The objectors were glad to hear that the licence would be ancillary to meals and they suggested that closing the premises at 10pm. would be acceptable. The applicants expressed their willingness to agree to this.

When considering the application, the Chairman expressed his appreciation for the collaboration and understanding between the applicants and those who originally objected to the application.

**RESOLVED:**

- i) To approve a Premises Licence for the Garden Centre, Tŷ Mawr, Abersoch for the sale of alcohol with meals between 09.00hours and 22.00hours and the premises to close at 23.00 hours.**
- ii) The number of people sitting at the tables within the licensed section is restricted to 20.**
- iii) A fire risk assessment is to be undertaken regularly.**
- iv) The Sub-committee encourages the applicants to receive the advice of a specialist about the possibility of raising the height of the fence on the boundary of the property.**