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## CENTRAL LICENSING SUB-COMMITTEE, 05.08.10

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**Present:** Councillor Eryl Jones-Williams (Chairman);  
Councillors Louise Hughes, Peter Reid

**Also present:** Siôn Huws (Propriety Officer), Amlyn ab Iorwerth (Licensing Manager),  
Heilyn Williams (Licensing Officer) and Glynda O'Brien (Committee Officer).

**Others invited to the meeting:**

**On behalf of Farringtons:** Miss Jo Taylor (Personal Licence Training Ltd)  
Mr Lee Hankinson (Applicant)

**Representing the Police:** Mr Ian Williams (Licensing Co-ordinator, North Wales  
Police)

**On behalf of the Fire Service:** Mr Bob Gunton

**1. DECLARATION OF PERSONAL CONNECTION**

Councillor Eryl Jones-Williams, Chairman of the Central Licensing Sub-Committee, reported that he had relations living not far from the property, however, they had not objected to the application. He asked the applicant and his representative if they had any objection to him serving on this Sub-committee. Miss Jo Taylor confirmed that neither she or the applicant had any objection to him serving on the Sub-committee.

**2. APPLICATION TO VARY PREMISES LICENCE - FARRINGTONS, BALMORAL HOUSE,  
1 MARINE PARADE, BARMOUTH**

**Submitted:** The Licensing Manager's report regarding the application for the premises of Farringtons, Balmoral House, 1 Marine Parade, Barmouth to amend the conditions on the current licence to permit the sale of alcohol without the need to purchase food; add the sale of alcohol from a kiosk on the patio and remove 2 conditions in relation to dancing and live music.

**Reported:** By the Licensing Manager that following the appropriate consultation period observations had been received from the Police and the Fire Service. Comments had been received from the Council's Planning Service drawing attention to a planning permission to convert the building from a bar, restaurant and hotel to a bar, restaurant and accommodation that was approved on 19 June 2000 with a condition stating that the bar in the premises would be for restaurant customers only and not for the general members of the public as a public bar. In addition, consent was approved to erect a kiosk for hot food on 18 April 1997 under planning permission ref C97M/0024/00/CL which included conditions limiting the use to the sale of hot food only and to be open only between the hours of 07.00 and 23.00 from Monday to Sunday.

Attention was drawn to the fact that Barmouth Town Council objected to the application as it would cause a public nuisance as any variation from the licence would grant the sale of alcohol from a kiosk and would harm the amenities of residents. This would encourage drinking and possibly anti-social behaviour taking place on the footpaths and roadway outside the premises.

Members of the Town Council felt that the licence should remain the same i.e. that alcohol was to be sold only ancillary to a table meal to be consumed on the premises.

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

- i. Members of the Sub-committee and the Applicant were given an opportunity to ask questions to the Licensing Manager
- ii. The Applicant was invited to expand on the application.
- iii. Consultees were given an opportunity to support their observations.
- iv. The licensee, or his representative, was invited to respond to the observations.
- v. Members of the Sub-committee were given an opportunity to ask questions to the licensee.
- vi. Members of the Sub-committee were given an opportunity to ask questions to the consultees.
- vii. The Applicant or his representative were given an opportunity to summarise their case.

The consultees were invited to support any observations received via letter and Mr Bob Gunton on behalf of the Fire Service stated that the service had no objection subject to the receipt of relevant documentation requested that were essential as part of the Licence namely to provide a suitable and sufficient Fire Risk Assessment

Mr Ian Williams noted on behalf of North Wales Police that they had no evidence to enable them to oppose the removal of the condition that referred to the sale of alcohol ancillary to a table meal. It was understood following a talk with Mr Brian Hennessey on behalf of the premises, that he had agreed not to continue with the application for the sale of alcohol from the kiosk on the external patio.

By supporting the application and responding to some of the above observations, the applicant and his representative stated:

- That they accepted the above observations and that arrangements were in hand to send the relevant documentation to the Fire Service
- It was confirmed that the applicant did not now intend to sell alcohol from the kiosk and whilst they accepted the concerns of the Town Council, it was asked if they were aware that the proposal now was not to use the kiosk
- The purpose of amending the conditions to grant the sale of alcohol without the requirement to purchase food was in order to attract customers such as couples /families to be able to enjoy a drink in a relaxed environment and to remove the 2 conditions regarding dancing and live music that had been inherited on the transfer of the licence to the current owner.
- In the context of live music, it was confirmed that the applicant would ensure that the doors and windows had been closed, where possible in order to take into consideration the amenities of nearby residents.
- It was anticipated that there would be no regular live music, however, there was a condition on the licence to allow this for occasional themed evenings or private functions.

- An assurance was given that dancing would not take place outside the premises.
- An assurance was also given that the sale of alcohol would occur within the premises with a right to eat and drink on the patio and it was confirmed that the patio would be part of the licence for eating and drinking.
- That the flats above the property were currently empty and it was not proposed to let them in the future.

The applicant and his representative, representatives of the Police and the Fire and Rescue Service, the Licensing Manager and Licensing Officer withdrew from the meeting and the application was discussed by Sub-committee members, considering all evidence submitted and giving due consideration to the principles of the act, namely:

#### **Crime and Disorder Prevention**

No evidence had been submitted regarding the problems at the premises. In particular, the Police confirmed that they had not received any complaints relating to the premises. The concerns of the Town Council that selling alcohol from the kiosk would encourage drinking and anti-social behaviour on the footpaths and roadway outside the premises were taken into account. However, the application no longer included the kiosk and the consumption of alcohol would be limited to the patio area.

#### **Public Safety**

No relevant evidence was presented in relation to this licensing objective.

#### **Prevention of Public Nuisance**

The Sub-Committee took into account the fact that live music could create problems for nearby residents. However, it also took into account that there was no evidence of any problems at the premises, nor had there been any objections from nearby residents or from the Environmental Health Service. However, the Sub-committee was of the view that the windows and doors should be closed after 22.30 hours to reduce the noise emanating from the premises.

#### **Protection of Children from Harm**

No relevant evidence was presented in relation to this licensing objective.

Therefore, following detailed consideration of the application, and taking into account all the evidence outlined in the Licensing Act 2003, it was

**RESOLVED to grant the following variations of the premises licence-**

1. **Live music (paragraph E) to take place indoors only on the following days and times :  
11:00 to 23:00 hours Monday to Sunday.**
2. **Performances of Dance (paragraph G) to take place indoors only on the following days and times:  
11:00 to 23:00 hours Monday to Sunday.**
3. **Provisions of Facilities for Making Music (paragraph I) to take place indoors only on the following days and times :-  
11:00 to 23:00 hours Monday to Sunday.**
4. **Provisions of Facilities for Dancing (paragraph J) to take place indoors only on the following days and times :-  
11:00 to 23:00 hours Monday to Sunday.**

5. **Supply of Alcohol (paragraph M) for consumption on the premises only on the following days and times :**  
11:00 to 00:00 hours Monday to Saturday.  
11:00 I 23:00 hours Sunday  
with such supply to take place indoors only.
6. **Hours Premises are Open to the Public (paragraph O) on the following days and times:-**  
06:00 to 00:30:00 hours Monday to Saturday.  
06:00 to 00:00 hours Sunday.
7. **Windows and doors to be kept closed from 22:30 hours until the end of the licensed entertainment when there is live music on the premises.**
8. **The licensed premises to include the patio area.**
9. **The above variations to be conditional upon the requisite information being provided to the North Wales Fire & Rescue Service.**

The Propriety Officer reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and to inform him of the right to appeal against the decision within 21 days of the date of that letter.

The Chairman stated that holding the Central Licensing Sub-Committee in a Meeting Room created an informal atmosphere with all contributing constructively around the table compared to holding the meeting in the more formal environment of the Council Chamber.

The meeting commenced at 10.45am and concluded at 11.30pm.