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## CENTRAL LICENSING SUB-COMMITTEE, 12.12.12

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillors Angela Russell and Gruffydd Williams

**Also present:** Geraint B. Edwards (Solicitor), Gwenan M. Williams (Licensing Manager) and Gwyn Parry Williams (Members' Support and Scrutiny Officer).

### 1. APPLICATION FOR A PREMISES LICENCE – VAYNOL ARMS, ABERSOCH

The Licensing Manager reported that an application for a premises licence had been received by Vaynol Arms, Abersoch to extend the hours for holding licensable activities such as live music, dance performances, recorded music and the sale of alcohol. A number of objections had been received to the application.

Since the application was submitted, the provisions of the Live Music Act 2012 had come into force which meant abolishing the right to regulate live music as a licensed activity in some circumstances. A discussion was held between the Environmental Health Officer and the applicant's solicitor regarding the effect of the new legislation on what was requested in the application in terms of live music. Under the provisions of the new legislation, live music was not an activity that required a licence provided it took place on licensed premises between 08.00 and 23.00. The applicant agreed to amend the application in respect of live music. The right to hold live music outside the property after 23.00 was no longer requested, in line with what was permitted under the Live Music Act 2012. In light of this, a discussion was held between the applicant and the objectors and they were willing to withdraw their objections. The applicant agreed to the noise conditions regarding regulated entertainment held on the licensed premises.

**RESOLVED to accept the report and confirm the steps taken.**

### 2. APPLICATION TO VARY A PREMISES LICENCE – ASDA SUPERMARKET, SAND STREET, PWLLHELI

#### Others invited to the Meeting:

**Representing Asda Supermarket, Sand Street, Pwllheli: Ms Clare Johnson (Solicitor) and Mr Stuart Lee (Supermarket Manager)**

**Local Member: Councillor Michael Sol Owen**

Prior to proceeding to consider the application, the Chairman drew attention to the fact that the local member was present but had not submitted his observations in writing on the application. He noted that the usual procedure was that observations had to be sent to the Licensing Department within a specified period before the local member was entitled to speak. He asked the solicitor if she was willing for the local member to submit his observations orally.

In response, the solicitor notified the committee that she opposed to the local member submitting his observations orally as he had had plenty of time to send them to the Licensing Department within the specified timescale.

Submitted – the report of the Licensing Manager giving details on an application on behalf of Asda Supermarket, Sand Street, Pwllheli to vary the licence to permit extending the hours for

the sale of alcohol, and the hours for opening to the public from 06.00 until 00.00 Monday to Sunday. Permission was also sought to sell late night refreshments between 23.00 and 00.00 on the same days. At present, the premises was permitted to be open between 08.00 and 22.00, Monday to Sunday with the sale of alcohol throughout this period.

It was reported, following the appropriate consultation period, that the Police and the Fire and Rescue Service did not object to the application. No observations had been received from the local member, Pwllheli Town Council, the Local Planning Authority nor the Public Protection Service – Environmental Health. One letter of objection had been received from neighbouring residents.

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 of 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 of the licensee.
- vi. Members of the Sub-committee were given an opportunity to ask questions of the consultees.
- vii. The applicant or his representative was given an opportunity to summarise their case.

In support of the application, the solicitor on behalf of the company noted the following observations –

- That it was requested to extend the hours until 00.00 mainly to be able to sell foods such as hot chicken etc.
- That most of the company's shops opened for the hours requested, and no problems had been encountered with these hours.
- That the company had a measure where it complied with the conditions imposed on any licence.
- That CCTV had been installed on the premises and it worked to such a standard that the police and Local Authority could monitor both inside and outside the premises.
- The police or other bodies had no objection to the application.
- The application would not undermine the licensing objective of preventing crime and disorder.
- That only one letter had been received objecting to the application, and the objectors had not discussed their concerns with the supermarket's manager. She sympathised with the objectors but there was insufficient evidence to prove that the lorries unloaded at 06.00, and that the company's policy was to not unload before 07.00.
- The company had not been prosecuted for selling alcohol to underage children.
- The supermarket was an asset to the community.
- Strong reasons would be needed to refuse the application.

- Should the application be approved, the objectors may request a review.

The objectors were not present at the meeting to reiterate the observations that had been submitted by letter.

The members drew attention to the damage to the barriers on the path which led from the site to the High Street. In response, the solicitor representing the company notified the committee that they did not own the path, but they promised to address the matter.

The relevant parties left the meeting and the application was discussed by the members of the Sub-committee, who considered all the evidence submitted and specifically addressed the principles of the act, namely –

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

**RESOLVED to approve the variation to the licence of Asda Supermarket, Sand Street, Pwllheli, as follows –**

- a) To permit the sale of late night refreshments under paragraph I between 23.00 and 00.00, Monday to Sunday.**
- b) To permit the sale of alcohol under paragraph J between 06.00 and 00.00, Monday to Sunday.**
- c) To permit the premises to be open to the public under paragraph O between 06.00 a 00.00, Monday to Sunday.**

The Solicitor reported that he would aim to send a letter within five working days, informing the applicants of the Sub-committee's decision, and informing them of their right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 11.45am and concluded at 12.30pm.