
CENTRAL LICENSING SUB-COMMITTEE 16.07.14

Present: Cllr Eryl Jones-Williams, Cllr Angela Russell, Cllr Annwen Hughes

Also present: Geraint Brython Edwards (Solicitor), Gwenan M Williams (Public Protection Manager (Health and Safety and Licensing)) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. WELCOME

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

Nothing to note

3. URGENT ITEMS

Nothing to note

4. APPLICATION FOR A NEW PREMISES LICENCE 111 - 113 HIGH STREET, PORTHMADOG

On behalf of the premises: Mr Terry Reid and Miss Leanne Hignett

Local Member: Cllr Jason Humphreys

Apologies: Nothing to note.

The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager, detailing the application for a new premises licence for 111 – 113 High Street, Porthmadog, by Savers Health and Beauty Limited, Hutchinson House, 5 Hester Road, Battersea, London. It was noted that there was sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and relevant regulations. The application was seeking to supply alcohol to be consumed off the premises. Details were submitted of the proposed hours.

The measures recommended by the applicant to promote the licensing objectives were also listed.

Following the appropriate consultation period, objections had been received to the application by the Local Member and Porthmadog Town Council in relation to the licensing objectives of preventing crime and disorder and protecting children from harm. Reference was made to the fact that the Porthmadog East ward had the highest levels of crime and antisocial behaviour in Dwyfor and Meirionnydd and supplying cheap alcohol to be consumed off the premises would contribute to the problem. The need for another shop in the town for selling alcohol was also questioned.

North Wales Police had no objection to the application.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

Elaborating on the application, the applicant noted that the company had started to sell alcohol in their shops since 2010 as a consequence of thorough research. The intention was to sell good wines, cider and beer. It was emphasised that cheap alcohol or individual beer cans would not be sold in the shop. It was noted that the company was very careful of what they sold and of the customer they were trying to attract. It was noted that essential training was offered to staff and one member of staff on the premises was acknowledged as the 'licensee'. If the licensee was not present on the premises, alcohol would not be sold. The situation would be controlled and the alcohol would be located adjacent to the tills. Staff under 18 years of age would not have the right to sell alcohol.

In response to a question, it was reiterated that the company had no intention of selling cheap alcohol although the name of the shop created an impression that it would be possible to purchase cheap alcohol there.

In response to the application, the Local Member noted (who was also speaking on behalf of Porthmadog Town Council), that concerns regarding approving a site to sell alcohol had to be highlighted and would contribute further to the high crime levels that existed in Porthmadog. Disappointment was expressed that the Police had not objected to the application considering that the area had the second highest crime rate in Gwynedd in terms of crime and disorder. There was no need for more establishments to contribute to the problem.

In response to an the observation, the company's representative noted that a good effort was being made to sell goods to customers and not to those who were drunk or drinking on the street - quality wines would not appeal to the above.

In summarising his case, the applicant noted that he would be willing to introduce a labelling system to identify where the alcohol had been purchased. In addition, it was noted that the company was more than ready to collaborate with the Police and join in and contribute to the Pubwatch scheme.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

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

The Sub-committee was of the opinion that the application was in accordance with the licensing objectives.

RESOLVED
TO APPROVE THE APPLICATION ON THE BASIS OF THE WRITTEN AND VERBAL REPRESENTATIONS RECEIVED SUBJECT TO THE FOLLOWING CONDITIONS (AS

VOLUNTEERED BY THE APPLICANT) BEING INCORPORATED INTO THE LICENCE:

- 1. The premises will place unique labels on alcohol products;**
- 2. The premises will join and contribute to the local Pubwatch scheme.**

Everyone was thanked for their contribution.

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

5. APPLICATION FOR A NEW PREMISES LICENCE, PEG AND MALLET, LLWYN FFYNNON, Y FFÔR, PWLLHELI

On behalf of the premises: Mr Chris Newsham, Ms Tocsin Fragua-Newsham, Mr Richard Williams (Solicitor)

Local Member: Councillor Peter Reid

Others in attendance: Mrs Joan Olsen (Nearby Resident), Mr T. Alun Williams (Llannor Community Council Chairman), Mr Richard M Williams (Llannor Community Council Councillor), Mr E Troop (Nearby Resident), Members of Llannor Community.

Apologies: Nothing to note.

Everyone was reminded of the procedure for the hearing and of the four principles of the Licensing Act 2003 which needed to be considered when determining the application.

The Local Member requested permission to submit observations before the Sub-committee. Members of the Sub-committee were referred by the Council solicitor to Regulation 17 and 18 of the Licensing Act Regulations 2003 (Hearings) 2005. All the parties present noted that they agreed to the request and, therefore, permission as given to the Local Member to submit observations during the hearing.

The Council's Solicitor referred the Sub-committee to Regulation 24 of the Licensing Act 2003 (Hearings) Regulations 2005. The Sub-committee decided to allocate a maximum of 10 minutes for each party to submit observations.

The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager, detailing the application for a new premises licence for the Peg and Mallet, Llwyn Ffynnon, Y Ffôr, Pwllheli. It was noted that there was sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations. The application sought to supply alcohol, live music and recorded music. Details were submitted of the proposed hours.

The measures recommended by the applicant to promote the licensing objectives were also listed.

Following an appropriate consultation period, objections had been received to the application from 123 neighbouring residents and from Llannor Community Council expressing concern that the application sought the right to play music both inside and outside the premises which would consequently create a public nuisance. In addition, concern was expressed that approving the

licence would cause more problems in relation to noise pollution and public safety aspects (the site is located by the side of a highway with no pavement).

The Police had no evidence to object to the application; and it was noted that the candidate had confirmed to the Police that the proposed licensed activities would be restricted solely to users of the caravan site.

Observations made by the Fire Service were acknowledged where the suitable capacity figures of the premises were noted.

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

- Members of the Sub-committee and the applicant were given an opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to support their observations.
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

In elaborating on the application, Mr Richard Williams, the applicant's representative noted that the applicant was an experienced manager. The observation was made that the Police and the Fire Service had no objection to the application. No complaints had been referred to the Site Manager or the Environment Department regarding noise levels. There was no evidence to suggest that the licensing principles were being breached and in terms of public safety, it was confirmed that the licensed activities were for users of the site only.

In response to a question from the panel, Mr Williams stated that the caravan site was friendly and the manager was familiar with and/or welcomed everyone to the site. Consequently, there appeared to be no problem as only users of the site would use the bar.

The objectors present at the meeting took advantage of the opportunity to elaborate on their objection and they reiterated the observations that had been submitted by letter. Specifically, the following points were noted by Mrs Joan Olsen (nearby resident), Mr T Alun Williams (Chairman, Llannor Community Council), Mr E Troop (nearby resident), expressing their objection to the application:

- There was no benefit to the area of proposing a pub in a rural area
- Approving the licence would create a disturbance in an area that was peaceful and quiet in nature. The site adjoined an Area of Outstanding Natural Beauty and the visitors coming into the area were testament to that – it was an ideal area that needed to be protected from noise.
- The countryside of Wales must be respected – the development would cause a nuisance and would be distasteful for residents of the area. The noise would affect the amenity rights of residents.
- Local residents should not suffer an inconvenience for eight months of the year for the entertainment of visitors and for the manager to profit.
- Permission for the sale of alcohol would affect the business of the local shop.
- A bar on site would be a temptation for children.
- There was no justification of the need – there were plenty of other places that supplied alcohol.
- Approving the licence could establish a dangerous precedent for other sites in Llŷn,

- The site was located by the side of a dangerous road without a pavement, footpath or street lighting and having patrons wandering on the road after consuming alcohol would be dangerous.

It was acknowledged that only a selection of letters had been submitted with the report along with the names and addresses of all the respondents.

The Police representative reported that there was insufficient evidence under the licensing objectives to object to the application. It was expressed that no calls had been made to the Police in the past and a temporary event notice had been received (August 2013) for a fun day on the site. It was confirmed that the Police had visited the site and they confirmed that in the application licensable activities would be restricted to residents of the caravan park only as noted in the application. It was also noted that the applicant has agreed to a condition on the licence in relation to CCTV.

Taking advantage of the opportunity to speak, the Local Member noted that he had no grounds to object to the application as insufficient evidence had been presented. He expressed that he disagreed with what was being sought but he stated that he would safeguard local people from any inconvenience by intervening and drawing attention should any issue be brought to his attention. It was proposed that a condition should be imposed that only people from the site only could use the pub and the applicant should respect the requests of local people.

Everyone was thanked for their observations.

The Local Authority's solicitor referred the Sub-committee to the case of R (Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 9Admin).

In summarising the case, Mr Williams noted that insufficient evidence had been submitted despite the large number of objections to refuse the application. 'Inconvenience' was not a licensing objective.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, considering all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely

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

The Sub-committee was of the opinion that the application was in accordance with the licensing objectives.

**RESOLVED TO APPROVE THE APPLICATION
ON THE BASIS OF THE VERBAL AND WRITTEN EVIDENCE, THE SUB-COMMITTEE WAS NOT CONVINCED THAT THERE WAS ANY EVIDENCE THAT GRANTING THE LICENCE WOULD BE LIKELY TO UNDERMINE ANY OF THE LICENSING OBJECTIVES. IN THE CIRCUMSTANCES, THE SUB-COMMITTEE IS SATISFIED THAT THE APPLICATION IS IN ACCORDANCE WITH THE LICENSING OBJECTIVES SUBJECT TO THE FOLLOWING CONDITIONS BEING INCORPORATED IN THE LICENCE:**

A Condition relating to CCTV.

- **CCTV will be installed and will work to such a standard that the Police and Local Authority can monitor both the interior and exterior of the premises.**
- **The images will be retained in an unedited format for a period of no less than 31 days and will be available on request to the Police or Local Authority.**

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

The meeting commenced at 1:10pm and concluded at 4:00pm.