



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING COMMITTEE

Date and Time

MONDAY, 12TH DECEMBER, 2016

TO FOLLOW ON FROM THE GENERAL LICENSING COMMITTEE

Location

**Siambr Hywel Dda, Council Offices,
Caernarfon, Gwynedd, LL55 1SH**

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(DISTRIBUTED Friday, 2 December 2016)

CENTRAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Annwen Daniels
Christopher Hughes
W. Tudor Owen
John Wyn Williams

Annwen Hughes
Dilwyn Morgan
Ann Williams
R. H. Wyn Williams

Independent (5)

Councillors

John Brynmor Hughes
Angela Russell
Elfed Williams

Louise Hughes
Eryl Jones-Williams

Llais Gwynedd (2)

Councillors

Anwen J. Davies

Peter Read

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 20.06.16 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

6 - 24

To submit, for information, minutes of the Central Licensing Sub-committee meeting held on the following dates –

- a) 21.07.2016
- b) 09.08.2016
- c) 15.08.2016
- d) 24.08.2016
- e) 07.09.2016
- f) 31.10.2016

6. GAMBLING POLICY UPDATE

Oral update from the Licensing Manager

Agenda Item 4

CENTRAL LICENSING COMMITTEE, 20.06.16

Present :

Councillors Annwen Daniels, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Eryl Jones-Williams, Tudor Owen, Angela Russell, Ann Williams, Elfed W. Williams and John Wyn Williams

Also in Attendance: Gareth Jones (Senior Planning and Environment Manager), Gwenan Mai Roberts (Licensing Manager), Rhun ap Gareth (Senior Services Solicitor), Eirlys Jones (Licensing Officer) and Lowri Haf Evans (Member Support Officer)

Councillor Eryl Jones Williams took the opportunity to thank members and officers for their support during his period as Chair.

1. ELECTION OF CHAIR

Resolved to elect Councillor Tudor Owen as Chair of this Committee for the period of 2016 - 2017.

Councillor Eryl Jones Williams was thanked for his work as Chair of the Committee for 2014 - 2016.

2. ELECTION OF VICE-CHAIR

Resolved to elect Councillor Annwen Hughes as Vice-chair of the Committee for the period of 2016 - 2017.

3. APOLOGIES

Apologies were received from Councillors Peter Read and Wyn Williams and Geraint Brython (Solicitor).

4. DECLARATION OF PERSONAL INTEREST

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

5. URGENT ITEMS

None to note

6. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of the previous meeting of this committee that took place on 7 March 2016, as a true record subject to noting that Councillor Angela Russell was present.

7. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEE

Submitted - for information, the minutes of the meetings of the Central Licensing Sub-committee held on

07.03.16

05.04.16

8. FILM CLASSIFICATION POLICY

- a) Submitted – a report by the Head of Regulatory Department recommending that the Committee adopted the Film Classification Policy and that it approved charging a fee for the classification of films and administering the process for the purpose of cost recovery only.

It was highlighted that Gwynedd Council as the Licensing Authority was responsible for authorising the public exhibition of films and in accordance with Section 20 of the Licensing Act 2003. It was noted that where a Premises Licence or Club Premises Certificate authorised the exhibition of film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (BBFC), or by the Licensing Authority. It was emphasised that the public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

It was noted that the purpose of the Film Classification Policy was to formulate a formal system for the Licensing Authority to classify films. The most relevant main licensing objective was Protecting Children from Harm. Relevant guidelines to classify films as well as different situations where an application could be received were highlighted in the report.

In terms of order, it was noted that the power to authorise film classifications would be delegated by the Central Licensing Committee to the Head of the Regulatory Department. Once authorised by the Licensing Authority, a film would be authorised for a particular showing or festival only subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification was made).

In the context of setting fees, it was highlighted that no statutory fee had been specified in legislation for the purpose of film classifications and that some Local Authorities charged fees for cost recovery only. It was considered reasonable to introduce a fee for the process which would reflect the cost of the time spent by an officer viewing the film as well as the cost of producing and processing the certificate.

- b) In response to a question, it was noted that the fee would vary and measured in the context of the film's duration. In terms of principle, there was no need to set a fee that was too high as there was a need to promote the exhibition of films but the principle of cost recovery must again be considered. It was

suggested to charge a fee of £30 for producing and processing the certificate as well as the time spent by an officer viewing the film.

- c) In response to a question, it was noted that the policy would not have an impact of film nights in community halls provided that the hall had a licence. It was highlighted that it was the licence holder's responsibility to ensure that the licence was valid or to apply for a temporary event licence as well deciding how the event would be managed.
- ch) In response to an observation that there was a need to hold a discussion about managing films / clips of films of digital devices, it was noted that members and officers had a moral responsibility to monitor this. It was noted that the policy allowed for a film to be refused classification (due to contentious reasons, unsuitable for children or causing concern to a society), even if it had been classified by the BBFC.
- d) In response to a suggestion should a decision go to appeal and that a sub-committee was formed to discuss reasons for objecting to seek understanding, it was highlighted that this was a fair suggestion but that there was no statutory system for this. Should a contentious application be submitted, the Solicitor highlighted that the Head of the Regulatory Department would use discretion to submit a report to the Central Licensing Committee as well as a recommendation.
- dd) It was proposed and seconded to adopt the policy
- e) During the ensuing discussion, the following points were highlighted by individual members:
- the capacity of the Licensing Department must be considered should the number of applications increase
 - it would be possible to adapt the policy should several contentious applications be submitted
 - child safety must be ensured
 - a need to refer the decision to the Cabinet Member to ensure approval

RESOLVED to adopt the policy and approve charging a fee for the classification of films for the purpose of cost recovery only

9. GAMBLING POLICY

- a) An oral update from the Licensing Manager was received, highlighting that the Gambling Policy had been completed (draft version). It was highlighted that area profiles had been created and submitted as an appendix to the policy. It was noted that no policy was available to be submitted to members as there was a need to ensure consistency with other councils in north Wales. It was noted that policies would be discussed at a regional meeting in order to ensure consistency and that work moved in the same direction.

- b) In the context of area profiles, it was revealed that these had not highlighted substantial problems such as crime and disorder hotspots as a result of gambling.
- c) During the ensuing discussion, the following points were highlighted by individual members:
- Poor areas witnessed the biggest impact
 - Concern that gambling was easy to access
 - Too much advertisements involved with gambling on television that encouraged people to use their mobile phones to place a bet.
- ch) It was proposed and seconded to place an item on the Committee's agenda to encourage a discussion on gambling concerns with the aim of referring the observations to the Gambling Commission.

The observation was accepted and members were reminded that the minutes of this Committee would be made public. When the policy would be published, it was noted that individual members and/or the Committee would have the opportunity to submit observations.

RESOLVED to accept the information.

The meeting commenced at 10:00am and concluded at 10:50am.

CENTRAL LICENSING SUB-COMMITTEE 21.07.16

Present: **Councillors :** Eryl Jones Williams (Chairman), Annwen Hughes and Louise Hughes
Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Heilyn Williams (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY PREMISES LICENCE - FIRECAT COUNTRY HOUSE B&B, CAMLAN UCHAF, MALLWYD

The panel and the officers were introduced to everyone present.

On behalf of the premises: Mr Robin Worgan (applicant) and Amber Worgan

Local Member: Councillor John Pughe Roberts

Others in attendance: Arfon Hughes (Mawddwy Community Council), Euron Thomas (Senior Environmental Health Officer – Gwynedd Council)

- a) The Chairman noted that the Sub-committee wished to postpone the meeting in order to discuss a site visit for Sub-committee members to consider in full the concerns expressed by those opposed to the application based on access to the site.
- b) The Solicitor highlighted that Public Protection was one of the principles of the Licensing Act 2003. He noted that it would be wise to hold a site inspection as one of the main responsibilities of the Sub-committee was to consider public safety.

RESOLVED to undertake a site visit and re-arrange a hearing

The meeting commenced at 1:15pm and concluded at 1:30pm.

CENTRAL LICENSING SUB-COMMITTEE 09.08.16

Present:

Councillors : W Tudor Owen (Chair), Ann Williams and Annwen Hughes

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), and Lowri H Evans (Member Support Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR A VARIATION TO A PREMISES LICENCE – GLASS BUTTER BEACH, CARREG Y DEFAID, LLANBEDROG, PWLLHELI

The panel and the officers were introduced to everyone present. It was announced that everybody had up to 10 minutes to share their observations on the application.

On behalf of the premises: Mr Mark Roberts (applicant)

Local Members: Councillor Angela Russell (Llanbedrog) and R. H. Wyn Williams – Abersoch.

Others in attendance: Inspector Dewi Owen (North Wales Police), Ian Williams (Licensing Officer - North Wales Police), Euron Thomas (Senior Environmental Health Officer)

The report and recommendation of the Licensing Section.

- a) A report was submitted to the Licensing Manager detailing the application to vary the premises licence for Glass Butter Beach, Carreg y Defaid, Llanbedrog in relation to the sale of alcohol, recorded music, live music, dance performance, showing of films and plays, any other entertainment and the supply of late night refreshment. It was noted that the Licensing Authority was satisfied that the application had been presented in accordance with the Licensing Act 2003 and the relevant regulations.

It was highlighted that an existing licence for the event at the present location had been in place since 2014, and attention was drawn to the details of the proposed hours along with the event hours on the existing licence.

Some background information to the Festival was presented and the main reasons for submitting the application anew were highlighted.

- The intention is to expand the Festival to receive an audience of up to 9,999

- extend the weekend to include managed entertainment and other licensed activities
- begin the licensed activities earlier on the Thursday afternoon, supplying alcohol one hour later on the Thursday evening (until 00:30), but bring other licensed activities (with the exception of the provision of late night refreshments) to an end at midnight, as in the current licence.
- supply alcohol until two hours later on the Friday and Saturday nights until 02:00
- have an extra half an hour for other licensed activities including live and recorded music until 01:30.

It was noted that the applicant had included the appropriate steps to promote the four licensing objectives as part of the application.

It was noted that, following a consultation period, only recommendations and observations to the application had been received and not objections. Reference was made to observations received by Llanbedrog Community Council, North Wales Police, North Wales Fire and Rescue Service and Gwynedd Council's Public Protection Department.

- b) 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 submit 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.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- Outside investors now supported the Festival and therefore a new structure was introduced for the Festival. It was highlighted that a decision had been made to restrict the age of the audience (16+ - 35) and that the Festival was now being tailored for this.
 - A Three-year Business Plan had been submitted - the intention was to expand the Festival to attract an audience of up to 9,999.
 - Professional services would be employed to monitor noise, collect litter, monitor admittance of over 16s, and health and safety
 - Apologise that the communication element had been slow
 - Challenge 21 and Challenge 25 would be supported
 - That he was ready to cooperate in order to ensure success

In response to a question about the site of the Festival, the main location was confirmed along with the events and arrangements for each field.

In response to a question about the historical complaints that had been received with regard to the Festival, it was highlighted that a number of complaints about noise had been submitted over the years by one person. The Licensing Officer highlighted that no official complaints had been received last year, but that a number of people had highlighted concerns about the clearance work, the entrance and the noise of the music.

In response to a question, it was confirmed that 16+ was attendance age for the Festival and that it had not been tailored for families this year. In response to a question about how to ensure that under 16s would not be admitted and how to control behaviour, the applicant

noted that a professional security company would be on site to monitor the audience's behaviour along with the presence of medical staff and well-being resources. It was noted that a robust policy was in place on all bars to sell alcohol to 18+ only and that there would be a 'holding tent' for under 16s who had attempted entry until a responsible adult came to collect them from the site. It was noted that good teams had been recruited to manage each situation and that all preparations had been made in anticipation of a crowd of 5,000 (although the number of tickets currently sold was around 3,500)

ch) Taking advantage of the right to speak, Councillor Angela Russell (Local Member and representative of Llanbedrog Community Council) said that Llanbedrog welcomed the Festival, on the whole, but that concerns had been raised at a recent meeting. The Local Member noted the following observations:

- Application to keep the Coastal Path open
- Place a 30 miles per hour restriction on the road to avoid traffic problems
- That the whole site would need to be cleared after the Festival had ended
- August is a very busy month in the area - how to deal with the expansion
- That the applicant needed to communicate better with the Community Council so that it was possible to hold discussions before presenting observations

In response to a question, it was noted that no complaints had been received by the Community Council or the Local Member

d) On obtaining the right to speak from the Chair, Councillor Wyn Williams (Member for neighbouring ward) noted that he knew the applicant well and was very supportive of the event. Nevertheless, he identified concerns that he would like the applicant to consider in future, such as

- holding the event outside the busy August period
- considering moving the site if the Festival expanded
- respond quicker to the requests of the Police and Public Protection - strengthen collaboration

dd) Taking advantage of his right to speak, Mr Ian Williams, on behalf of North Wales Police, confirmed that he did not object to the application. He, nevertheless, noted that the Police had not been given an opportunity to fully respond to the application as documents had arrived shortly before the closing date for the application. It was confirmed that framework and plans for the Festival were in place

Taking advantage of the right to speak, Inspector Dewi Jones added that the Police were in favour of the Festival and that such an event was important for the local economy. Nevertheless, some concerns and observations were highlighted: in addition to the conditions submitted.

- The priority for the Police is public health and safety and, as such, the relevant documentation must be presented within a reasonable time frame to ensure good collaboration and a successful Festival. It was proposed that a condition be placed on the licence for a three month time notice with regard to the plans for the Festival arrangements. An request was also made for information on anticipated numbers.
- Ticket sales - it was highlighted that the Police had undertaken a sales test with four of the ticket selling organisations. It was reported that all four sites had failed the test by selling tickets to children under 16 years old. As a result, a request was made to impose a condition that the applicant tested other organisations responsible for selling tickets to prove that this was being implemented.
- A request for the applicant to sign up to and collaborate with Pubwatch Gwynedd
- Ensure that the Security Company inform the Police of any crime and disorder at once

- Request to include a condition to hold a debrief meeting within three months following the event in order to learn lessons and prepare for the following year. Request that information from this meeting be coordinated with the Event Safety Consultation Group
- Request that the fairground music be turned off at the same time as the Festival's music
- Request that the applicant undertake alcohol sales tests during the Festival and that the test results be shared with all responsible authorities.

It was confirmed that Extra Police Services had been arranged for the Festival and that the applicant had cooperated fully, although details were late arriving. In response to one question, it was highlighted that, in the event of crime and disorder, custody would be in Caernarfon. A request was made that the Inspector prepare wording for the additional conditions he proposed in order that a decision be reached.

- e) A letter received from the Fire Service was acknowledged. It was once more highlighted that an observation was made about receiving plans / documentation at least a month before the event.
- f) Taking advantage of his right to speak, the Senior Health and Safety Officer highlighted the changes to the current licence along with concerns about the applicant's intention to extend the hours of entertainment. It was noted that, historically, the Festival had provoked noise complaints from local residents and that, furthermore, the organisers had been unable to appoint anyone to manage the issues of noise emanating from the Festival.

Following discussions with the applicant, it was clear that it would be necessary to comply with noise control conditions. It was reported that the applicant had, by now, appointed two companies to develop a Noise Control Plan for the Festival and oversee the issue of noise during the Festival with assurances that noise would be strictly controlled. It was reported that Aria Acoustics was an experienced and qualified company that had shown ability to successfully control noise under challenging circumstances. It was noted that the Department had received a robust noise management plan, reflecting the conditions proposed by the Environmental Health Department.

- ff) In summarising the application, and in response to the comments, the applicant noted that he accepted the observations and acknowledged the necessity of a discussion beforehand. He highlighted the fact that speed restrictions had been discussed with the Highways Department and apologised that the site had not been fully cleared up after the 2015 Festival. He promised that this would not happen again. He also accepted the observations made to hold discussions if there was a significant expansion to the Festival (in terms of the site) and the need to consider moving the Festival outside of the August holiday period. He highlighted that a number of professional companies supported the Festival with clever solutions for waste management and traffic control - he stated that shuttle buses were being used for the first time this year.

He apologised that sharing documentation with the responsible authorities had been delayed and that this had been due to the hard work undertaken to coordinate companies, delegate responsibilities and in concentrating on improving the quality of the information that was to be presented. It was also noted that safety aspects had received full consideration.

As a result of failing the sales tests, he noted that each organisation had received an official letter and that every ticket sold should receive an admission control note. He also reported that he had worked closely with the Senior Environmental Health Officer to ensure a successful Festival.

The relevant parties left the meeting.

Members of the Sub-committee discussed the application, and considered all the evidence submitted, including the written and verbal observations made by the interested parties. Specific attention was given to the Licensing Act 2003, namely

- Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Safeguarding Children from Harm, and Home Office Guidance.

RESOLVED - to approve the application subject to recommendations by the Police and Environmental Health

It was noted specifically that no objections had come from any party that had submitted observations but that concerns had arisen about road safety, under age sales, litter and noise. The Sub-committee was satisfied, however, that the conditions recommended by the applicant in his application form, along with the closed circuit television conditions and conditions on briefing and debriefing as recommended by the Police, and the noise control conditions as recommended by the Environmental Health, were appropriate steps in promoting the four licensing objectives.

The Sub-committee did not consider a need to introduce conditions on the licence in terms of the licensee having to monitor the compliance of outlets that sell tickets on his behalf. In the opinion of the Sub-committee, it is the responsibility of individual shops to ensure compliance with the age restriction.

The Sub-committee did not consider membership of Pubwatch, reporting crime and disorder to the Police or appointing a special policing service to be necessary conditions. The Sub-committee deemed that these things should be arranged voluntarily between the licensee and the Police.

With regard to speed restrictions on the main road, the Sub-committee considered this to be a highways issue that is beyond the scope of the Licensing Act 2003. Similarly, any littering problem on the site would be an issue for the licensee and the land owner, and would not, as such, fall within the Act.

The licence was varied as follows:

1. The permitted hours were varied in relation to licensed activities as requested in the application.
2. That the issues in section M of the application were included as conditions on the licence.
3. That a condition be included on the licence stating that the licensee maintain a closed circuit television system to oversee entrances to the main site and the camping area; that this system is of sufficient quality to be able to record during hours of darkness; that unedited recordings are kept for a period of no less than a month; that recordings are available at once upon the Police or the Licensing Authority's request.
4. That a condition be included stating that the Police must receive a notice of at least three months from the date of the event, and that at the same time plans must be submitted to the responsible authorities including details of the proposed numbers, times and dates.
5. That a condition be added to the licence stating that a debrief meeting be held within three months of any event, to be coordinated with the Event Safety Consultation Group.
6. Include, as a condition to the licence, the prospective noise control conditions as recommended by the Environmental Health.

- 7. Remove from the licence any conditions that already exist and that are not congruent with the new conditions submitted by the Sub-committee in allowing this application.**

The Solicitor reported that the decision would be formally confirmed to everyone present by letter. They were also notified of their right to appeal the decision within 21 days of receipt of the letter.

The meeting commenced at 2:00pm and concluded at 3:50pm.

CENTRAL LICENSING SUB-COMMITTEE 15.08.16

Present: **Councillors :** Eryl Jones-Williams (Chairman), Annwen Daniels and Louise Hughes

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Heilyn Williams (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

An apology was received from Euron Thomas (Senior Environmental Health Officer - Gwynedd Council)

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY PREMISES LICENCE - FIRECAT COUNTRY HOUSE B&B, CAMLAN UCHAF, MALLWYD

The panel and the officers were introduced to everyone present. Councillor Annwen Daniels was congratulated on her appointment as Vice-chair of the Council.

Everyone was reminded that the hearing that was held on 21.7.2016 had been postponed so that the Licensing Sub-Committee could carry out a site visit following objections to the application on the basis of the public's safety. It was confirmed that Members of the Sub-Committee had visited the site on 28 July 2016 with the Licensing Officer.

On behalf of the premises: Mr Robin Worgan (applicant) and Amber Worgan

Local Member: Councillor John Pughe Roberts

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager providing details of the application for a premises licence for The Firecat Country House Bed and Breakfast, Mallwyd in respect of supplying alcohol, recorded music, live music, dance performances, film and drama showings, any other entertainment and the provision of late night refreshments. The right was sought to supply alcohol and provide entertainment inside and outside the premises until 01.00am, seven days a week. It was explained that the premises was run as a small bed and breakfast hotel, with three bedrooms let to guests.

The details of the proposed hours were brought to attention, but it was noted that circumstances had changed since submitting the application and that the application had been amended. It was highlighted that an e-mail had been received from the applicant confirming these amendments.

Measures recommended by the applicant to promote the licensing objectives (as part of the original application) were referred to, along with the responses that had been received during the consultation period. It was noted that the Local Member, the Community Council and nearby residents objected to licensed activities for non-residents. The objections were generally made on the grounds of the licensing objectives of Preventing Public Nuisance and the Public Safety.

It was noted that the Police did not object to the application and, following a visit to the site, it was noted that the applicant had agreed to operate the Challenge 25 Policy. The Fire Service did not object to the application, but a recommendation had been given in terms of total numbers which should be allowed in the public rooms of the building.

The Environmental Health Officer had held discussions with the applicant to obtain more details about the application. The Officer's observations and recommendations were referred to. The frequency of events had been discussed, and it was reported that there were not enough details to determine whether the right precautions would likely be implemented to ensure that the licensing objective of Preventing Public Nuisance would not be undermined. It was highlighted that the Officer's suggestion would be to oppose the original application, but following further discussions and amendments to the original application, it was confirmed that the Officer did not have any objections to the selling of alcohol and the provision of late night refreshments.

The correspondence that had been received from the National Park was referred to (that had not been included in the report), where it was highlighted that planning permission was needed for the business because over 50% of the bedrooms within the premises would be used for letting purposes. It was reiterated that this was not a licensing issue and that the applicant needed to discuss this further with the Park.

Following amendments to the original application, the Licensing Manager highlighted, following discussions with the Licensing Officers and Environmental Health, that by now, the applicant had decided to include alcohol and late night refreshments only and that he/she wished to take advantage of the exemptions of the Live Music Act 2012 for showing films, dance performances, live and recorded music until 11pm only. Attention was drawn to the full details in the report.

- b) In considering the application, the following procedure was followed:-
- Members of the Sub-committee and the applicant were given an opportunity to ask questions to the Licensing Manager.
 - The applicant was invited to expand on the application.
 - Consultees were given an opportunity to submit 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.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- That his only intention was to offer a bottle of wine to his guests with supper
 - That there would be less coming and going from the site with guests staying on-site
 - Discussions had been held with the Police, the Fire Service and the National Park
- ch) Taking advantage of the right to speak, Councillor John Pugh Roberts (Local Member and Mawddwy Community Council representative) made the following comments:

- That he was supportive of new ventures, but he highlighted concern with licensing issues in a rural area
- That the property was within the National Park - a place for people to have tranquillity
- He opposed to the original application, but he had since changed his mind following amendments to the application
- The Community Council also supported the amended application

d) In summarising his application, the applicant noted

- That he accepted the comments
- He highlighted that the residents provided their own alcohol, and if the licence were not permitted, this arrangement would continue
- That it was intended to provide a picnic basket for residents that would include a bottle of wine
- Alcohol would be available for residents only
- That there would be more coming and going with the selling of eggs next door
- There were only three bedrooms available to let so a maximum of six people
- The intention to maybe prepare an evening meal for the residents that used the nearby holiday cottage
- That the road to the site was as wide as a highway
- The hotel had been open for 12 months, and no issues had been raised within this period.

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

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

along with the guidelines of the Home Office and the Council's licensing policy.

RESOLVED to permit the application in accordance with the amended application

Consideration was given to comments from Councillor John Pughe Roberts, Dinas Mawddwy Community Council, Mr Boulton, Mr Negus and Mrs Clarke, that raised concern over the level of noise that was likely to arise from the premises, as well as their effect on the National Park, local people, livestock etc. Whilst the Sub-committee accepts that these comments were made in trust and that the noise could possibly be related to the licensing objective of preventing public nuisance, the Sub-committee was not satisfied with the evidence in front of them that the likely outcome of granting an alcohol and late night refreshments licence would be a noise problem that would be subject to public nuisance. Specifically, no evidence was received about the expected level of noise, the number of noise events, frequency of those events, the duration of every event or the number of people it would affect. Without this objective data, it was impossible for the Sub-committee to say more likely or not that the licence, if it was permitted, would lead to public nuisance. It was noted that the Environmental Health had raised concern about noise, but that those were to be attributed to the original application in terms of entertainment. They did not derive from the alcohol and late night refreshments part of the application, parts that Environmental Health could not object to. For these reasons, the Sub-committee did not consider that the application undermined the licensing objective of preventing public nuisance.

The Sub-committee also considered the comments referring to the condition of the road that led to the premises, that they had benefited from visiting the site. They came to the conclusion, however, that in terms of the intended purpose of the premises - to sell wine to residents during meal times or for a lunch box - that there was barely any evidence that the licence would lead to any significant increase in traffic and any concern in terms of public safety.

In the circumstances, the Sub-committee was satisfied that the licence granted was in accordance with the licensing objectives.

The Solicitor reported that the decision would be formally confirmed to everyone present by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.20pm and concluded at 3.30pm

CENTRAL LICENSING SUB-COMMITTEE 24.08.16

Present: **Councillors:** Tudor Owen (Chair), John Brynmor Hughes and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), and Lowri H Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY A PREMISES LICENCE – D H Convenience Store, 109 High Street, Bangor, LL57 1NS.

The panel and the officers were introduced to everyone that was present and it was announced that everyone had up to 10 minutes to share their observations on the application.

On behalf of the premises: Mr David James Hughes and Carla Cordeiro

Others invited: Donna Evans (Fair Trading Officer - Gwynedd Council)
Ian Williams (North Wales Police)

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for D H Convenience Store, 109 High Street, Bangor, in relation to the sale of alcohol to be consumed off the premises, recorded music (background music in the shop) and showing of films. The right was sought to supply alcohol between 8:00am and 11:00pm, 7 days a week.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period. It was noted that neither the Police nor Gwynedd Council Trading Standards objected to the application, but had submitted observations. It was reported that the applicant had agreed, following a visit to the site from the Police, that there was no need to include some licensable activities, namely the showing of films and recorded music, in the application. The applicant also agreed to operate Challenge 25 along with accepting CCTV conditions on the licence. In the context of the Gwynedd Council Trading Standards' observations and recommendations, it was noted that the applicant was subject to a current investigation by service officers and that this was relevant to the licensing objective of preventing crime and disorder.

- b) 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 submit 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.
- c) In elaborating on the application, Ms Cordeiro noted on behalf of the applicant that she was happy with what had been submitted and corroborated the following observations:
- That they agreed with the observations and recommendations of the Police and would operate Challenge 25 and install CCTV
 - Their intention would be to sell alcohol to drink outside the premises
 - The trading standards service's investigation was related to illegal tobacco
 - There would not be any nuisance behaviour permitted on the premises
 - Anyone under the influence of alcohol would be sent out - no tolerance
 - Satisfied with the content of the application

In response to a question, it was confirmed that they would remove playing films and music from the application. In response to an observation about how to prevent selling alcohol to under age individuals, it was noted that they would monitor regular customers with different buying patterns and ask to see their I.D. that highlights their date of birth.

- ch) Taking advantage of the right to speak, the Licensing Officer noted, on behalf of the Police, the following observations:
- Confirmed that he had discussed the application with the applicant and that the applicant had agreed to the Challenge 25 and CCTV conditions, ensuring that images / recordings of the CCTV would be available if needed.
 - That the background music and films were occasional therefore did not need a licence
 - That the sale of alcohol from 8am was common by now, in terms of hours
 - That the investigation, related to illegal tobacco, had come to the attention of the Police in November 2015. It was related to a significant amount of illegal tobacco

In response to a question, the Officer noted that the Police had investigated the accusation of the possession of illegal tobacco that did not have a warning in English on the packets, and had decided not to proceed with the case. Therefore, from the viewpoint of the Police, the case was closed.

In response, the applicant noted that the tobacco had been bought from Pwllheli Market and that, unbeknown to them, it was illegal. The tobacco was not sold on and that selling cigarettes and tobacco in the shop was not an intention at the moment because of high costs. This would be reviewed in the future.

In response to the comments, the Trading Officer noted that their investigation was ongoing because the Trading Standards Enforcement Act was different from the Police Acts. It was highlighted that a meeting was arranged with Mr Hughes and that a decision was likely to be made within the next few weeks.

- d) In summarising the application, the applicant noted
- That she was happy with the observations

- That they intended to keep the area outside the shop clean and tidy
 - Their hope was to build a successful business
- dd) Members of the Sub-committee discussed the amended application, considered all the evidence submitted, and gave particular attention to the principles of the Licensing Act 2003, namely;

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

along with the Home Office guidelines and the Council's licensing policy.

RESOLVED to approve the amended application for selling alcohol only and to include CCTV conditions as recommended by the Police.

The observations of the Trading Standards Services for an investigation was taking place into allegations that the applicant had been selling counterfeit tobacco and that the tobacco was sold without a warning in English on the packets were considered. Whilst the Sub-committee accepted that these issues might be relevant to the objectives of preventing crime and disorder and protecting public safety, they were no more than allegations at this time. The Sub-committee was of the opinion that if the applicant was found guilty of such allegations, this would not necessarily be relevant to the sale of alcohol. Under these circumstances, the Sub-committee was not of the opinion that the investigation that was ongoing for crimes of selling counterfeit tobacco justified refusing the application to sell alcohol. It was noted, however, that if there was such a conviction against the applicant by the Court, anyone would be able to apply to revise the licence.

The Solicitor reported that everyone present would receive formal confirmation of the decision by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

It was noted that appeal provisions did not apply to Trading Standards because they are part of the same body with the licensing authority.

The meeting commenced at 10:00am and concluded at 10:50am.

CENTRAL LICENSING SUB-COMMITTEE 07.09.16

Present: **Councillors:** Eryl Jones Williams (Chairman), Annwen Daniels and Annwen Hughes

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

An apology was received from Councillor Linda Morgan (Local Member).

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION TO VARY A PREMISES LICENCE - Brynffynnon, Love Lane, Dolgellau LL40 1RR

The panel and the officers were introduced to everyone that was present and it was announced that everyone had up to 10 minutes to share their observations on the application. In highlighting the absence on the objectors of the application, the Chairman asked the Licensing Manager to confirm that the objectors had received a letter noting the date and time of the hearing. In response, the Licensing Manager confirmed that a letter had been sent to all objectors with evidence to support this.

On behalf of the premises: Mr Steven Holt
 Ms Debra Harries
 Mrs Angela Lienz
 Mr Bernhard Lienz

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Brynffynnon, Love Lane, Dolgellau in relation to the supply of alcohol, and the showing of films to individuals who would be non-residents of the bed and breakfast who would be staying on the premises, along with the right to serve late night refreshments to non-residents between 23:00 and 01:00 in special events. Attention was drawn to the proposed hours in the report.

It was explained that the premises currently held a premises licence for the sale of alcohol and showing of films to residents of the premises only. It was highlighted that the application was submitted in order to attract customers who are non-residents to the restaurant, and to enable alcoholic drinks to be available for them.

It was noted that the Licensing Authority had sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period. It was noted that Dolgellau Town Council was supportive of the application and that six letters had been received objecting to the application on the basis of preventing public nuisance, preventing crime and disorder and public safety. It was highlighted that all of the objectors referred their concerns to the unsuitability of the narrow access road to accommodate an increase in traffic: concern that an increase in visitor numbers to the premises would create a situation where emergency vehicles would not be able to gain access to the premises; that the premises is within a quiet residential area and that approving the licence would increase noise; that there would be a potential in an increase in crime and disorder

- b) 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 submit 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.
- c) In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- The main objective of the application was to sell alcohol to non-residents
 - The room's capacity was 20
 - That there was sufficient parking spaces in the town along with space for up to 10 cars on the site
 - In terms of monitoring noise, it was noted that there would be a request for visitors to leave the hotel orderly and quietly. Food would be served between 6:30pm and 8:30pm with people generally leaving around 10:00pm. This could be later on special events, such as New Year's Eve
 - The hotel would not be a cheap place to drink and eat and so an increase in crime would not be predicted - there was no intention to create disorder - the residents, their staff and their own neighbours would have to be considered
 - The application for a films licence had been raised due to applications from organisations such as Merched y Wawr and Gwynedd Council to rent meeting rooms / show short films
 - That the hotel provided good holiday accommodation and local jobs
 - That the provision of late night refreshments would be an additional service in response to requests from other B&B guests
 - The possible total of residents would therefore be 16, room for an additional 4 would be possible
- ch) In response to a question, it was confirmed that one responsible, designated person would be on duty on the site at all times. It was added that there would not be an official bar available - the intention would be drinks with food with an honesty box in the lounge for residents only. There would not be any sale of alcohol after 11pm. Staff under 18 years of age would not be selling alcohol.

- d) The letters received from the consultation period were acknowledged

Disappointment was expressed in that the objectors were not present to express their observations and to respond to questions from the Sub-committee

- dd) In summarising the application, the applicant noted
- The intention would be not to open an establishment that would sell food late at night with a bar, but to extend the present licence to serve good food of high standard for non-residents.
 - They were acknowledged on the www.visitwales.com website; they had won a number of awards and honours - with all of this promoting the local economy
 - They would not be endangering their reputation
- e) The Sub-committee members retired from the Chamber to discuss the application, considering all the evidence submitted. Specific attention was given to the Licensing Act 2003
- Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

along with the guidelines of the Home Office and the Council's licensing policy.

RESOLVED to approve the application

The Sub-committee considered all of the applicant's comments that confirmed that the intention of the application was to allow the premises to provide alcohol with meals, instead of from a bar, for non-residents. The Sub-committee received confirmation that entrance into the honesty bar on the premises was limited to residents only. The Sub-committee also considered the applicant's certainty that a member of staff would be present when non-residents would be present on site. Therefore, the Sub-committee was satisfied that the site would be appropriately supervised.

In addition, the Sub-committee gave appropriate consideration to the comments of the interested parties that raised concerns about the possible impact of allowing the approving on anti-social behaviour, noise and traffic/parking problems. Whilst the Sub-committee accepted that such concerns could possibly be related to the licensing objectives of preventing crime and disorder, preventing public nuisance and ensuring public safety, no evidence of previous incidents were provided and the interested parties were not present in the hearing to elaborate on their concerns. Under the circumstances, the Sub-committee was of the opinion that very little weight could be attributed on these comments, if at all.

The Sub-committee disregarded some observations on the basis that they were not relevant, for example that there were enough licensed establishments in the catchment area.

The Solicitor reported that everyone present would receive formal confirmation of the decision by letter. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2:00pm and concluded at 3:15pm.

CENTRAL LICENSING SUB-COMMITTEE 31.10.16

Present: **Councillors:** Eryl Jones Williams (Chair), Angela Russell and Elfed Williams

Officers: Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note

4. APPLICATION FOR PREMISES LICENCE - Y Llangollen, High Street, Bethesda

The panel and the officers were introduced to everyone that was present and it was announced that everyone had up to 10 minutes to share their observations on the application.

On behalf of the premises: Mr Joseph Barrett (applicant)

Local Member: Councillor Ann Williams (Ogwen)

a) The report and recommendation of the Licensing Section

Submitted – the report of the Licensing Manager giving details of the application for a premises licence for Y Llangollen, Bethesda in relation to the supply of alcohol and playing recorded music on the premises.

It was highlighted that the premises had a licence in the past, and the licence was surrendered by Punch Taverns (the owners at the time) in November 2015. Previously, the licensed activities included live music as well as recorded music.

Attention was drawn to details of the proposed hours noted in the report along with the difference in the licensable activities compared to the previous licence.

It was noted that the Licensing Authority had sufficient evidence for the application to be submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses that were received during the consultation period.

It was noted that the Local Member and Bethesda Town Council was supportive of the application, but that 18 letters had been received objecting to the application based on the licence objectives of preventing public nuisance and preventing crime and disorder. It was highlighted that all objectors referred the basis of their concerns to anti-social behaviour of the customers and public nuisance matters such as noise and litter, noting that a number of problems had arisen in the past when the premises was under other ownership and management.

- b)** 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 submit 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
- c)** In expanding on the application, the applicant noted that he was happy with what had been submitted and reiterated the following observations:
- There had been historical problems with the establishment over the past five years
 - He had invested and focused on changing the establishment's outlook by refurbishing the tavern and moving the pool tables, the dart board and the juke box from the premises in order to create a restaurant
 - 10 members of staff would be employed (local)
 - The closing hours would allow the premises to control orderly departures of people so that crowds would not gather on the street at the end of the night
 - It was intended to create eight bedrooms with a bathroom each above the premises as a hotel - this would create four additional part-time jobs
- ch) In response to a question, the applicant confirmed that he had agreed to the recommendations of the Police and that CCTV along with appropriate recording equipment had been installed on the premises. With regards to the smoking area, he noted that a hallway was being built to the rear of the building to decrease noise when going in and out of the smoking area. It was also noted that the ashtrays had been upgraded and there were no plans to extend the smoking area.
- d)** Taking advantage of the right to speak, Councillor Ann Williams (Local Member and Bethesda Community Council representative) made the following comments:
- The intention was to create a restaurant aimed at a different customer to a tavern customer
 - There was no intention to play live music - background music only (less noise)
 - Real need for businesses on Bethesda High Street
 - Y Llangollen was an asset to the High Street
 - No complaints had been received from the Local Member or Community Council
 - A substantial investment was made to the enterprise
 - Very supportive of the enterprise
- dd) The letters received from the consultation period were acknowledged

In highlighting the absence on the objectors of the application, the Chairman asked the Licensing Manager to confirm that the objectors had received a letter noting the date and

time of the hearing. In response, the Licensing Manager confirmed that a letter had been sent to all objectors with evidence to support this.

Disappointment was expressed in that the objectors were not present to express their observations and to respond to questions from the Sub-committee. In response to a question regarding the form of the objections, that is, that the content and form of every letter was consistent, the Solicitor highlighted there were no restrictions to submit a petition, but that the Sub-Committee had to consider the substance of the evidence that was being presented.

In response to a question, the Local Member noted that he had read the objections and she had confirmed that one of the objectors had phoned her, concerned about the closing hours. In regards to the comment about beer cans, it was highlighted that beer cans were not sold at Y Llangollen.

- e) In summarising his application, the applicant noted that keeping a restaurant was the main aim - running the premises as a rural tavern with a restaurant and residential rooms, and not encourage people to come there to drink. He also confirmed that he was the owner of the tavern next door.
- f) In considering the application, all of the evidence submitted was considered. Specific attention was given to the Licensing Act 2003
 - Crime and Disorder
 - Public Safety
 - Preventing Public Nuisance
 - Protection of Children from Harm

along with the guidelines of the Home Office and the Council's licensing policy.

RESOLVED - to approve the application subject to recommendations by the Police

The licence was given as follows:

1. Licenced activities and hours in accordance with the application
2. That the issues included in section M of the application were included as conditions on the licence.
3. That the conditions recommended by the Police in relation to CCTV should be incorporated in the licence.

The Sub-committee gave appropriate consideration to the comments of the interested parties that lived in Glanrafon Street and Bethesda High Street. The local residents raised concerns about possible impact of allowing the licence, on drunk and anti-social behaviour, litter and noise. It was accepted that such concerns were relevant to all of the four licensing objectives, but the Sub-committee did not receive any details of incidents / problems in the past in terms of dates, times, nature, frequency etc. of the period that the premises had a licence. Without such information, there was no means for the Sub-committee to decide whether allowing the licence would likely lead to more problems that would undermine the licensing objectives.

The sub-committee noted that the comments of the objectors followed the same forms, raising doubts whether the comments were valid ones or a campaign tailored into a series of comments. As the interested parties were not present in the hearing to elaborate on their concerns, the Sub-committee felt that very little pressure could be attributed to these comments.

Briefly, the Sub-committee was satisfied that the application, along with the CCTV conditions recommended by the Police, was in accordance with the licensing objectives.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2:00pm and concluded at 3:15pm.