



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

CENTRAL LICENSING SUB COMMITTEE

Date and Time

1.00 pm, THURSDAY, 21ST JULY, 2016

Location

Siambr y Cyngor, Council Offices, Cae Penarlâg, Dolgellau, LL40 2YB

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(DISTRIBUTED 13/07/16)

CENTRAL LICENSING SUB COMMITTEE

MEMBERSHIP (3)

Councillors

Annwen Daniels

Louise Hughes

Eryl Jones-Williams (Chair)

Angela Russell (Substitute)

Local Member

John Pughe Roberts

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. APPLICATION FOR A PREMISES LICENCE

5 - 8

The Firecat Country House, Camlan Uchaf, Mallwyd, SY20 9EP

To consider the above application

PROCEDURES FOR LICENSING VARIATION HEARINGS

1. A written report will be presented by the Licensing Section (with recommendation).
2. Members of the Sub-committee may ask questions of the Council's representative.
3. At the Chairman's discretion the applicant and/or his representative may ask questions of the Council's representative.
4. The applicant and/or his representative may expand upon the application and call witnesses
5. Members of the Sub-committee may ask questions of the applicant and/or his representative
6. There will be an invitation for each consultee to support any written observations
7. Members of the Sub-committee may ask questions of the consultees.
8. At the Chairman's discretion the Council's representative and the applicant or his representative may summarise their case.

All are reminded of the four principles of the Licensing Act 2003 to be considered in all deliberations, namely:

- 1) Crime and Disorder Prevention;**
- 2) Public Safety;**
- 3) Public Nuisance Prevention; and**
- 4) Protection of Children from Harm.**

Agenda Item 4

COMMITTEE:	CENTRAL LICENSING SUB-COMMITTEE
DATE:	21 JULY 2016
TITLE:	APPLICATION FOR PREMISES LICENCE - FIRECAT COUNTRY HOUSE B&B AND LAND, CAMLAN UCHAF, CAMLAN, MALLWYD SY20 9EP
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

APPLICATION RECEIVED

An application is appended for a premises licence for The Firecat Country House B&B, Camlan Uchaf, Camlan, Mallwyd, SY20 by Mr Robin Worgan of the same address.

The application is in respect of the supply of alcohol, recorded music, live music, the performance of dance, the showing of films and dramas, any other entertainment and the provision of late night refreshments. The right is sought to supply alcohol inside and outside the premises until 01.00am, seven days a week.

A request is also made for the right to hold entertainment inside and outside the premises until 01:00am, seven days a week.

The premises is run as a small bed and breakfast hotel, with three bedrooms let to guests.

It is noted in the application that licensable activities are likely be held more frequently seasonally; within the premises or outside in a Gazebo/Marquee.

See the attached table for details of the proposed hours.

LICENSABLE ACTIVITIES	PROPOSED LICENCE
Supply of alcohol - On and Off the Premises	Mon - Sun 08:00 – 01:00
Live music - indoors and outdoors	Mon - Sun 08:00 – 01:00
Recorded Music - indoors and outdoors	Mon - Sun 08:00 – 01:00
Performances of Dance - indoors and outdoors	Mon - Sun 08:00 – 01:00
Dramas - indoors and outdoors	Mon - Sun 08:00 – 01:00
Films - indoors and outdoors	Mon - Sun 08:00 – 01:00
Other Entertainment - indoors and outdoors	Mon - Sun 08:00 – 01:00
Provision of late night refreshments - indoors and outdoors	Mon - Sun 23:00 – 05:00
Opening and closing hours for the public	Mon - Sun 00:00-23:59

Measures recommended by the applicant to promote the licensing objectives - as part of the original application

- Information about 'Challenge 25' age restriction
- It is proposed to operate a strict policy which will mean zero-tolerance towards individuals involved with drugs or antisocial or violent behaviour
- Staff training
- Regular monitoring by staff to ensure that customers do not create noise nuisance or behave uncontrollably or drunk
- Monitoring by staff to ensure that drugs are not taken or sold.
- Comply with fire safety regulations.
- Provision of First Aid
- Noise Control

Full details of the recommended measures can be found in section M of the application (page 18).

CONSULTATION

RESPONSES	OBSERVATIONS
Local member	Objection
Community Council	Objection
Police	Observations - no objection
Fire and Rescue Service	Observations - no objection
Gwynedd Council – Environmental Health	Observations - no objection following the submission of an amended application
Neighbouring residents	Five letters of objection

Objection - Local member

The local member objects to the application for a licence to hold licensable activities for those who are not residents at the hotel. He does not object to permission to sell alcohol to residents only.

The objections are made on the grounds that there are plenty of other licensed premises; and that activities are likely to disturb neighbouring residents.

The member is of the opinion that the premises is not suitable for use as a licensed premises.

Objection - Community Council

An e-mail was received conveying the Community Council's objection to a licence for licensable activities for non-residents. There was no objection to a licence for residents only.

Details of the grounds of the Council's objection are given; noting that the premises is in the National Park; that there is agricultural stock on the premises and that there are concerns regarding the suitability of the access to the premises.

It is important to note that these matters are not directly linked to the licensing objectives.

Observations and Recommendations of the Police

The Police has no grounds to object to the application; and following a visit to the premises the applicant agreed to operate the 'Challenge 25' Policy. The applicant also agreed to have a condition on his licence that 14 days' notice must be given to the Police if any event is held on the premises for more than 50 people.

Observations of the Fire and Rescue Service

It was noted that the Fire and Rescue Service did not object to the application but a recommendation was given in terms of total numbers which should be allowed in the public rooms of the building.

Gwynedd Council's Environmental Health Officer's Observations and Recommendations

As the application was not explicit regarding the type of events and frequency of events intended to be held outside the premises - the applicant was contacted in order to seek further details. The details on the application were inadequate to determine whether the correct precautions were likely to be implemented to ensure that the licensing objective of preventing public nuisance is not undermined. Concerns were expressed to the applicant that there is potential for recorded and live music, indoors and outdoors, 7 days a week until 01:00am to create noise and affect neighbouring residents. It was also stated that the Environmental Health Unit was likely to object to the application as it stood.

A response was received from the applicant noting that it was intended to arrange small celebrations such as weddings very occasionally only according to demand - with the intention of using a marquee on the property.

Further discussions were held with the applicant regarding noise precautions - with the outcome that the applicant has decided to amend his application and not seek regulated entertainment indoors and outdoors after 11pm. The Live Music Act 2012 permits live and recorded music under specific circumstances until 11pm.

The e-mail from the Environmental Health Officer noted that there was no objection to the proposed elements of the sale of alcohol and provision of late night refreshment. The full details of the discussion between the Officer and the applicant can be seen in pages 37 to 42 of the appendix to the report.

Objection - neighbouring residents

Objections were received from five individuals who reside or farm land nearby.

The objections are generally made on the grounds of the licensing objections of

- Prevention of Public Nuisance
- Public Safety.

The following specific concerns are noted in relation to these licensing objectives namely -

- The premises is located in a quiet rural area and noise from events such as weddings in a marquee would affect neighbouring residents and frighten livestock.
- The location is dangerous

The following concerns are also noted -

- The narrow private road is unsuitable for increased traffic
- Nowhere to park vehicles on the property
- Premises unsuitable as a licensed premises

Some of the residents note that there is no objection to the provision of licensable activities for residents only, and propose limiting the proposed times for the licensable activities.

The full details of the representations received are attached to the report, pages 46 to 57 of the appendix.

AMENDED APPLICATION

Written confirmation was received from the applicant via e-mail that he was amending his application following discussions to include alcohol and late night refreshments only. It was noted that he would wish to take advantage of the exemptions of the Live Music Act 2012 to show films, dance performances, live and recorded music until 11pm only. See page 1 of the appendix for full details.

RECOMMENDATION

The Committee is requested to consider the amended application in accordance with the requirements of the Licensing Act 2003.