



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**CENTRAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 14TH SEPTEMBER, 2015**

Location

**Siambwr Hywel Dda, Council Offices,  
Caernarfon, Gwynedd. LL55 1SH**

Contact Point

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(DISTRIBUTED Tuesday, 8 September 2015)

# **CENTRAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (7)**

Councillors

Craig ab Iago  
Annwen Hughes  
W. Tudor Owen

Christopher Hughes  
Ann Williams  
2 Vacant seats

### **Independent (4)**

Councillors

John Brynmor Hughes  
Angela Russell

Eryl Jones-Williams  
Elfed Williams

### **Llais Gwynedd (3)**

Councillors

Llywarch Bowen Jones  
Peter Read

I. Dilwyn Lloyd

### **Individual Member (1)**

Councillor Louise Hughes

### **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**

1 - 2

The Chairman shall propose that the minutes of the meeting of this Committee, held on 22nd of June 2015 be signed as a true record.

## **5. LICENSING SUB - COMMITTEE MINUTES**

3 - 6

To submit, for information, minutes of the Licensing Sub-committee meeting held on the following date:-

a) 16.7.15

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## CENTRAL LICENSING COMMITTEE, 22.06.15

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**Present:** Councillors Craig ab Iago, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Dilwyn Lloyd, W. Tudor Owen, Peter Read, Angela Russell, Elfed W. Williams, Eryl Jones-Williams.

**Also in attendance:** Gareth Jones (Senior Planning and Environment Manager), Sheryl Le Bon (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer)

### 1. ELECTION OF CHAIRMAN

Resolved to elect Councillor Eryl Jones-Williams as Chairman of the Committee for 2015 - 2016.

### 2. ELECTION OF VICE-CHAIRMAN

Resolved to elect Councillor Tudor Owen as Vice-chairman for the year 2015 - 2016.

### 3. WELCOME AND APOLOGIES

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. Apologies were received from Councillors Eddie Dogan, Llywarch Bowen Jones and Ann Williams.

Gareth Jones, Senior Planning and Environment Manager, was welcomed to the Committee. It was noted that Gareth Jones had taken on temporary responsibility for the Public Protection Department following the retirement of Mr John Reynolds, Senior Public Protection Manager. A message had been sent on behalf of the committee to thank Mr John Reynolds for his service and support for the Licensing Committees over the years.

### 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 Chairman signed the minutes of the previous meeting of this committee, held on 9 March 2015, as a true record.

## **7. MINUTES OF THE CENTRAL LICENSING SUB-COMMITTEES**

Submitted - for information, the minutes of meetings of the Central Licensing Sub-committee held on 09.02.15 and 12.05. 2015.

## **8. AMENDMENT TO THE LICENSING ACT 2003: THE DEREGULATION ACT 2015**

Submitted – for information, the report of the Head of Regulatory Department to raise Members' awareness of amendments to the Licensing Act 2003: The Deregulation Act 2015. It was noted that the Deregulation Act 2015 had received Royal Assent on 26 March 2015 which would provide for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals. It was highlighted that the Deregulation Act 2015 dealt with a wide variety of measures and included measures that affect 'alcohol, sport and entertainment' and specifically the Licensing Act 2003. It was noted that amendments would be introduced gradually.

Attention was drawn to the main measures that would affect the Licensing Act 2003 -

- A68 – Temporary event notices: increase in maximum number of events per year (comes into force on 26.5.15)
- A69 – Personal licence: no requirement to renew (comes into force on 1.4.15)
- S70 – Sale of liqueur confectionery to children under 16: abolition of offence (comes into force on 26.5.15)
- A72 – Removal of requirement to report loss or theft of licence etc. to police (Comes into force on 26.5.15)
- A76 – Exhibition of films in community premises (comes into force on 6.4.15).

Despite this, there was no commencement order detailing which days the provisions below would come into force. It was added that the amendments below would be likely to have an impact on the workload of the Licensing Unit.

- A67 Sale of Alcohol: community events etc. and ancillary business sales
- A71 - Provision of late night refreshments

In response to an observation, in the context of the Sale of Alcohol (A67), it was noted that the organiser of any event would have to provide evidence of the need in an application to sell alcohol in any community event. A Part 5A notice would continue to be effective for a period of three years and would be a notice for the premises only. The cost of the notice would be determined nationally. The purpose of this change was to create a lighter touch authorisation to reduce burdens on our communities. In addition, it was noted that the format of the notice, along with the enforcement element, had not been introduced thus far.

The intention was to simplify processes of creating community events and not to remove business from other local businesses. The principle was welcomed but it was highlighted that insufficient information had come to hand. Concern was expressed regarding the additional workload element and lack of resources in the Licensing Unit that would arise as a consequence of the changes.

**RESOLVED to accept the recommendation of the Head of the Regulatory Department.**

The meeting commenced at 10.00a.m and concluded at 10.55am

## CENTRAL LICENSING SUB-COMMITTEE 16.07.15

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**Present:** Cllr. Tudor Owen, Cllr. Ann Williams, Cllr. Dilwyn Lloyd

**Also in attendance:** Geraint B Edwards (Solicitor), Sheryl Le Bon Jones (Public Protection Manager) and Lowri H Evans (Member Support and Scrutiny Officer)

**1. WELCOME**

Everyone was welcomed to the meeting by the Chairman, Cllr. Tudor Owen. The panel and the officers were introduced to everyone present.

**2. DECLARATION OF PERSONAL INTEREST**

Nothing to note

**3. APPLICATION TO VARY A PREMISES LICENCE - PANT YR ARDD, TREGARTH, BANGOR**

**On behalf of the premises:** Mr Kenneth Richard Williams (the applicant) and Mr Robert Williams

**Local Member:** Cllr. Gwen Griffith

**Others in attendance:** Mr Huw Jones (Llandygai Community Council), Mr P and Mrs H Jones (local residents)

**Apologies:** None to note

**The report and recommendation of the Licensing Section.**

- a) Submitted – the report of the Licensing Manager providing details about Mr Kenneth Richard Williams's application for a premises licence for Pant yr Ardd, Tregarth, Bangor. Although it was an application for a public house with a beer garden, attention was drawn to the fact that the plan of the premises received with the application form did not include the location of the beer garden. In terms of background information, it was noted that a premises licence had existed for the property since 24.11.2005 but it was surrendered on 20.05.15. Reference was also made to the fact that the applicant had included appropriate steps to promote the four licensing objectives as part of his application and, following discussions with the Environmental Health Service and the Licensing Authority, has agreed to the noise conditions and to CCTV conditions.
- b) It was noted that, following a consultation period, the Environmental Health Service and the Licensing Authority had objected to the application. No observations had been received from North Wales Police and there was no objection from the Fire and Rescue Service. In addition, five objections had been received from other parties based on the licensing objective of Prevention of Crime and Disorder and the Prevention of Public Nuisance. The objectors' main concerns were increase in noise, disorder, litter and licensable activities provided in the beer garden.
- c) 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.

It was announced that everybody had up to 10 minutes to share their observations. It was also noted that the Members had visited the site.

- ch) In elaborating on the application, the applicant noted that he was happy with what had been submitted and that he had already agreed to the noise and CCTV conditions and had reduced some opening hours. He noted that music would not be played outside the premises, in the car park/beer garden, and should he wish to hold licensable activities in the car park/beer garden in the future, he was aware of the need to apply for an additional licence. The applicant was willing to co-operate with the community's requirements by considering reducing opening hours and closing doors and windows to try to prevent noise escaping.
- d) A letter received from Mr Brazier was acknowledged.
- dd) In response to the application, the Local Member – Councillor Gwen Griffith, noted that she welcomed a public house in the village as it and the Community Centre were the only public buildings in the village. Nevertheless, she highlighted the fact that Tregarth was a quiet village and that there was a need to ensure fairness for neighbouring residents. She also highlighted her concerns in relation to safety and that a busy road ran between the public house and the beer garden / play area / car park and that there was no control over smoking locations. Following complaints about noise from the public house in recent years she expressed that she welcomed the fact that the hours were to be reduced and that music would not be played outside the premises. She asked for assurances that the site would be kept clean and tidy.
- e) In response to the application, Mr Huw Jones, Chair of Llandygai Community Council, expressed the Council's opinion on the application which had been discussed at its meeting in June 2015. It was noted that the Council accepted the importance of the public house for the local community; however, concerns were highlighted about the opening hours and the public nuisance for local residents when events would be held in the car park/beer garden. In terms of noise emanating from people talking and smoking outside the premises, it was accepted that this was probably a general comment since the smoking ban. The need to strike a balance within the community was acknowledged - it was noted that the village was supportive of the public house but that fair consideration must be given to the needs and requirements of local residents and to the community using the public house. He noted that no formal complaints had been received by the Council, but he was aware of the concerns of local residents as a result of informal conversations. He noted that the Council was supportive of the application should the conditions be accepted by the applicant.
- f) A letter received from Mr Roberts was acknowledged.
- ff) In response to the application, Mr and Mrs Jones, local residents, noted their objection to the application due to the changes to the opening hours, the intention to play live music outside the premises and the intention to sell alcohol off the premises. Mrs Jones noted that, as a family, they had had bad experiences in the past with the former landlord and they were concerned that they would have to face the same concerns/difficulties again. Mrs Jones noted that she and her husband were aware that the premises existed as a public house before they bought their house and therefore they had obviously expected some noise and music. Despite this, loud music would be played outside the licensed hours and a noise assessment was requested. The applicant was asked to comply with the requirements of the community and seek to satisfy the noise requirements, control what would happen in the car park and respect



the environment by clearing up after public events. In response to a question, Mrs Jones noted that she had contacted the Police once regarding noise coming from a car in the car park.

- g) In summarising his application, the applicant noted that he was grateful to the objectors for coming forward with their observations and that he would make every effort to comply with the requirements.
- h) The amended hours and the changes to the application were confirmed.
- i) The relevant parties left the meeting.

The members of the Sub-committee discussed the application, considered 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

Based on the written and verbal observations, the Sub-committee was satisfied that the application as amended, along with the licence provided, was adequate to promote the licensing objectives. The applicant was wished well with running the premises as a public house and it was hoped that he would work effectively with the community and the neighbouring residents.

**The Sub-committee resolved to grant the licence in accordance with the application as amended during the hearing. Under the circumstances, the licence granted is as follows:**

- i. Opening Hours: in accordance with your original application form.**
- ii. Indoor sporting events: in accordance with your original application form.**
- iii. Live music: indoors, Fridays 18:00-00:00, Saturdays 18:00-01:00, Sundays 12:00-00:00.**
- iv. Recorded music: indoors, Mondays-Thursdays 12:00-23:00, Fridays-Sundays 12:00-00:00.**
- v. Other entertainment: indoors, Mondays-Fridays 12:00-00:00, Saturdays 12:00-01:00, Sundays 12:00-00:00.**
- vi. Supply of alcohol: for consumption on and off the premises, Mondays-Fridays 12:00-01:00, Saturdays 11:00-01:00, Sundays 11:00-00:00.**
- vii. Section M of your application form (operating schedule) will be incorporated as conditions on the licence.**
- viii. The conditions recommended by Gwynedd Council in relation to noise control, light and CCTV will be incorporated as conditions on the licence.**

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.

#### **4. Application to Vary the Licence of 'The Royal', Barmouth.**

- a) The Licensing Manager reported that officers had held a meeting between the relevant parties and that agreement had been reached to approve the application. Consequently, this discussion avoided the need to hold a hearing. The solicitor noted that should an application be discussed through mediation that a further determination was not required by a Sub-committee.

**It was resolved to submit a record of discussions / mediation meetings as information to the relevant Licensing Committees in future.**

The meeting commenced at 2.30pm and concluded at 3.50pm.